

DRAFT
Product Stewardship Legislation
for Mercury-Containing Lights

1 AN ACT Relating to product stewardship programs, financed and provided
2 by product producers that include reuse or recycling of unwanted
3 products; addressing mercury-containing lights, and adding a new
4 chapter to Title 70 RCW.

5

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7

8 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and
9 cited as the product stewardship act for mercury-containing lights.

10

11 NEW SECTION. **Sec. 2.** INTENT. The legislature finds that:

12 (1) Convenient and environmentally sound product stewardship
13 programs that include collecting, transporting and reusing or recycling
14 unwanted products will help protect Washington's environment and the
15 health of state residents;

16 (2) Product producers should finance and provide these programs
17 which are intended to encourage producers to design products that have
18 a lower carbon footprint, are less toxic and energy and material
19 intensive, and are easier to recycle.

20

21 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions in this
22 section apply throughout this act unless the context clearly requires
23 otherwise.

24 (1) Brand means a name, symbol, word, or mark that identifies a
25 product, rather than its components, and attributes the product to the
26 owner of the brand as the producer.

27 (2) Covered entity means an entity, such as a resident or small
28 business, that can use a product stewardship program to discard an
29 unwanted product.

30 (3) Covered product means a product designated by this act, either
31 individually or as an item within a covered product category. "Covered
32 product" includes all materials that make up a covered product.

1 (4) Covered product category means a group of similar products
2 covered by this act.

3 (5) Department means the department of ecology.

4 (6) Final disposition means the point beyond which no further
5 processing takes place and materials from an unwanted product are
6 either in a form capable of direct use as a feedstock in producing new
7 products or disposed of or managed in permitted facilities.

8 (7) Mercury-containing lights means lamps, bulbs, tubes, or other
9 devices that contain mercury that provide functional illumination in
10 homes, offices, and outdoors.

11 (8) "Hazardous substances" or "hazardous materials" means those
12 substances or materials identified under regulations and rules adopted
13 pursuant to:

14 (a) The state hazardous waste management act, chapter 70.105 RCW,
15 and

16 (b) The state children's safe products act, chapter 70.240 RCW.

17 (8) Organization means a sole proprietorship, partnership,
18 corporation, nonprofit corporation or organization, limited liability
19 company, firm, association, cooperative, or other legal entity located
20 within or outside Washington state.

21 (9) Orphan product means a covered product that lacks a producer's
22 brand, or for which the producer is no longer in business and has no
23 successor in interest, or that bears a brand for which the department
24 cannot identify an owner.

25 (10) Processing means recovering materials from unwanted products
26 for use as feedstock in new products.

27 (11) Producer means a person that:

28 (a) Has legal ownership of the brand, brand-name or cobrand of a
29 covered product sold in or into Washington state;

30 (b) Imports a covered product branded by a producer that meets (a)
31 of this subsection and where that producer has no physical presence in
32 the United States; or

33 (c) If subsections a and b do not apply, a person who makes
34 an unbranded product that is sold in or into Washington state; or

Comment [11]: Jay, is mercury sufficiently covered by these laws?

1 (d) Sells at wholesale or retail a covered product, does not have
2 legal ownership of the brand, and elects to fulfill the
3 responsibilities of the producer for that product.

4 (12) Product stewardship means a requirement for a producer of a
5 covered product to manage and reduce adverse safety, health and
6 environmental impacts of the covered product throughout its life cycle.

7 (13) Product stewardship plan or plan means a detailed plan
8 describing the manner in which a product stewardship program will be
9 implemented.

10 (14) Product stewardship program or program means a program
11 financed and provided by producers of covered products that addresses
12 product stewardship and includes collecting, transporting, reuse,
13 processing, and final disposition of unwanted products, including a
14 fair share of orphan products.

15 (15) Recycling means transforming or remanufacturing unwanted
16 products into usable or marketable materials for use other than
17 landfill disposal or incineration. Recycling does not include energy
18 recovery or energy generation by means of combusting unwanted products
19 with or without other waste. (16) Reporting period means the period
20 commencing January 1 and ending December 31 in the same calendar year.

21 (17) Residuals mean non-recyclable materials left over from
22 processing an unwanted product.

23 (18) Reuse means a change in ownership of a covered product or its
24 components and parts for use in the same manner and purpose for which
25 it was originally purchased.

Comment [12]: should we delete all references to reuse?

26 (19) Stakeholder means a person who may have an interest in or be
27 affected by a product stewardship program.

28 (20) Stewardship organization means an organization designated by a
29 producer to act as an agent on behalf of the producer to operate a
30 product stewardship program.

31 (21) Unwanted product means a covered product no longer wanted by
32 its owner or that has been abandoned, discarded, or is intended to be
33 discarded by its owner.

34

1 NEW SECTION. **Sec. 4.** COVERED PRODUCTS AND COVERED PRODUCT CATEGORIES.

2 (1) Covered product and product categories designated under this
3 act include:

4 (a) Mercury-containing lights.

5 (i) "mercury-containing lights" means lamps, bulbs, tubes, or other
6 devices that contain mercury and that provide functional illumination
7 in homes, offices, and outdoors.

8 (ii) covered entities shall be residents and **small businesses**.

Comment [13]: Lauren prefer's
residents only.

9 (iii) mercury-containing lights that have been collected by product
10 stewardship programs shall be recycled. Mercury and mercury bearing
11 residuals from recycling of mercury-containing lights must be retorted
12 in properly permitted facilities. Mercury recovered from retorting must
13 be recycled or placed in a properly permitted, monitored hazardous
14 waste landfill, storage or disposal repository to avoid reintroduction
15 into the marketplace. When available, mercury recovered from retorting
16 must be placed in a properly permitted, monitored permanent mercury
17 repository to avoid reintroduction into the marketplace and it shall
18 not be recycled.

19 (iv) product stewardship programs for mercury-containing lights
20 must be fully implemented by January 1, 2011.

21 (3) The department may adopt rules to implement this section and to
22 determine:

23 (a) Any unique management requirements, including, without
24 limitation, special collection, processing and final disposition
25 requirements for general purpose lights containing hazardous
26 materials.;

27 (b) Labeling requirements for producers, if any, such as brand,
28 toxicity, or carbon footprint;

29 (c) Any other issues the Department deems necessary for
30 implementing this section.

31
32 NEW SECTION. **Sec. 5** PARTICIPATION IN PRODUCT STEWARDSHIP PROGRAM
33 REQUIRED--TERMS. (1) Every producer of a covered product sold in or
34 into Washington state must participate in a product stewardship program
35 for that product. Every such producer must:

1 (a) Operate, either individually or collectively with other
2 producers, a product stewardship program approved by the department; or

3 (b) Enter into an agreement with a stewardship organization to
4 operate, on the producer's behalf, a product stewardship program
5 approved by the department.

6 (2) Product stewardship programs shall collect, free of charge,
7 unwanted products from covered entities for reuse or final disposition
8 as appropriate.

9 (3) A producer, group of producers, or stewardship organization
10 operating a product stewardship program shall:

11 (a) Comply with a product stewardship plan approved by the
12 department and this act, any rules adopted by the department to
13 implement this act, and all other applicable laws and rules; and

14 (b) Pay all administrative and operational costs associated with
15 their program.

16
17 NEW SECTION. **Sec. 6.** RESTRICTION ON SALE OF COVERED PRODUCTS. As
18 of the implementation date established for the covered product no
19 producer, wholesaler, retailer or other person may sell or offer for
20 sale that product to any person in this state unless the producer is
21 participating in a product stewardship program approved by the
22 department. A person selling or offering for sale a covered product in
23 the state shall consult the department's website for a list of producers
24 of that product participating in approved programs prior to selling the
25 product in or into the state. A person is considered to have complied
26 with this section if, on the date the person ordered a covered product
27 from a producer or its agent, the producer was listed as having an
28 approved program on the department's website.

29
30 NEW SECTION. **Sec. 7** REQUIREMENTS OF PRODUCT STEWARDSHIP PLAN. (1)
31 A producer, group of producers, or stewardship organization operating
32 or intending to operate a product stewardship program must, at least 60
33 days prior to submitting a product stewardship plan to the department
34 pursuant to subsection (2) of this section, provide public notice of
35 the plan it is considering for submittal. The producer, group of
36 producers, or stewardship organization must consult with stakeholders

1 during development of the plan, solicit stakeholder comments, and
2 attempt to address any stakeholder concerns regarding the plan prior to
3 submittal.

4 (2) A producer, group of producers, or stewardship organization
5 operating or intending to operate a product stewardship program must
6 submit a product stewardship plan to the department specifying:

7 (a) Information, including contact information, regarding:

8 (i) the organization submitting the plan;

9 (ii) a list of all participating producers; and

10 (iii) if the program is to be operated by a stewardship
11 organization, a description of management, administration and tasks to
12 be performed by the stewardship organization;

13 (b) Recovery goals, including:

14 (i) recovery goals for the first, second, and third years of the
15 program, expressed as pounds per capita, and an explanation of how
16 these goals reflect a significant percentage of an unwanted product
17 relative to the quantity of the unwanted product that may be available
18 for reuse or recycling; and

19 (ii) plans to maximize recycling of packaging that may be
20 collected;

21 (c) A collection system, including:

22 (i) location of collection sites and other collection services to
23 be used by the program;

24 (ii) how unwanted products from all covered entities will be
25 collected for all cities in the state with populations greater than
26 10,000 and in all counties of the state;

27 (iii) how the collection system will be convenient and adequate to
28 serve the needs of all covered entities in both urban and rural areas;
29 and

30 (iv) how collected unwanted products will be transported to
31 processing facilities;

32 (d) A processing and disposal system, including:

33 (i) locations, permit status, and records of any penalties,
34 violations, or regulatory orders received in the previous five years by
35 processing and disposal facilities proposed to be used by the program;

1 (ii) a third-party audit of each processing and disposal facility
2 proposed to be used by the program for any unwanted product or
3 residuals containing hazardous substances or hazardous materials,
4 documenting compliance with all applicable laws, regulations and rules;

5 (iii) policies and procedures to be followed by persons collecting,
6 transporting, processing and disposing unwanted products, including how
7 the program will ensure compliance with all applicable laws,
8 regulations and rules;

9 (iv) a description of how unwanted products will be processed at
10 each processing facility;

11 (vi) how all residuals will be disposed of or managed in permitted
12 facilities, including disposal or management of all hazardous
13 substances and hazardous materials in permitted hazardous waste
14 facilities;

15 (vii) how hazardous substances and hazardous materials will be
16 safely and securely tracked and handled from collection to final
17 disposition in compliance with this act, any rules adopted by the
18 department to implement this act, and all other applicable laws and
19 rules;

20 (viii) best management practices that will be used by first
21 processors and their downstream vendors to assure that hazardous
22 substances and hazardous materials are not released into the
23 environment and will not adversely impact human health;

24 (e) How the program will seek to use businesses within the state,
25 including retailers, processing facilities, and collection and
26 transportation services;

27 (f) Greenhouse gas reductions anticipated from implementing the
28 collection, transportation and recycling system;

29 (g) A financing system, including:

30 (i) how the entire product stewardship program will be financed,
31 including how costs will be apportioned among and assessed upon
32 producers participating in the program;

33 (ii) financial incentives to reward product design that result in
34 improved reuse or recycling and less toxicity where feasible;

35 (iii) a plan to withhold a percentage of funds to be managed by the
36 product stewardship program to increase markets for recyclable

1 materials or other financial incentives to encourage market development
2 for recyclable materials contained in covered products;

3 (iv) how those providing services for the collection, transportation
4 and processing systems will be fairly compensated for their services.

5 (h) Strategies to manage and reduce life-cycle impacts of products
6 and packaging, from product design to end-of-life management, including
7 ways to improve designing, packaging and distributing products to:

8 (i) reduce waste, energy, toxicity, carbon footprints and other
9 environmental and health impacts;

10 (ii) increase recycled content and product longevity; and

11 (iii) make products more easily reusable or recyclable;

12 (i) How the producers participating in the program will communicate
13 with processors used by the program to encourage sustainable design of
14 products and packaging;

15 (j) Education and outreach activities, including:

16 (i) an educational campaign promoting the use of the program to
17 covered entities that includes a toll free telephone number and website
18 and that is sufficient to meet required recovery rates.

19 (ii) a plan for working with and providing information about the
20 program to retailers, wholesalers, collectors and other interested
21 parties to disseminate to covered entities; and

22 (iii) the methodology for determining how the effectiveness of the
23 outreach activities will be measured.

24 (k) Pursuant to subsection (1) of this section, the consultation
25 process, including:

26 (i) a description of the process used to consult with stakeholders
27 during development of the plan; and

28 (ii) a summary of stakeholder comments, and how any stakeholder
29 concerns were addressed.

30 (3) The product stewardship plan shall be approved by the
31 department when all requirements have been met in compliance with this
32 act and any rules adopted by the department to implement this act.

33 (4) All plans submitted to the department must be made available to
34 the public on the department's website. Proprietary information
35 submitted to the department under this chapter is exempt from public
36 disclosure under RCW 42.56.270.

1
2 NEW SECTION. **Sec. 8** REVIEW OF PRODUCT STEWARDSHIP PLAN. (1) A
3 producer of a covered product, a group of producers, or a stewardship
4 organization must submit a proposed product stewardship plan to the
5 department at least one year prior to a covered product's
6 implementation date.

7 (2) Within ninety days after receiving a proposed product
8 stewardship plan, the department shall determine whether the plan
9 complies with this act and any rules adopted to implement this act. If
10 it approves a plan, the department shall notify the applicant of its
11 approval. If it rejects a plan, the department shall notify the
12 applicant of its decision and its reasons for rejecting the plan. An
13 applicant whose plan has been rejected by the department may submit a
14 revised plan to the department within sixty days after receiving notice
15 of the rejection.

16 (3) At least once every four years, a producer, group of producers
17 or stewardship organization operating a product stewardship program must
18 update its product stewardship plan and submit the updated plan to the
19 department for review. The department must determine the status of an
20 updated plan within 90 days of its submittal. If the department rejects
21 an updated plan, the producer of a covered product participating in the
22 product stewardship program described in the plan will be deemed to be
23 out of compliance with this act.

Comment [14]: Cheri's comment:
Ecology gets 3 months to approve a
new plan, but 6 months to review a
updated plan. Should we decrease
the review time for the updated
plans?

24
25 NEW SECTION. **Sec. 9** CHANGES TO PRODUCT STEWARDSHIP PLAN. (1)
26 Except as provided in subsections (2) and (3) of this section, the
27 department must grant prior approval, in writing, to any proposed change
28 to a product stewardship plan.

29 (2) Additions or changes to collection locations for unwanted
30 products may be made without the department's prior written approval.
31 The product stewardship program must inform the department of such
32 additions or changes within fifteen days of the occurrence.

33 (3) Additional producers may join a product stewardship program
34 approved by the department without the department's prior written
35 approval. The product stewardship program must inform the department of
36 such additions within fifteen days of the occurrence.

1
2 NEW SECTION. **Sec. 10** SUSPENSION OR CANCELLATION OF APPROVAL. (1)
3 If the department determines that a product stewardship program is not
4 being operated in compliance with the requirements of this act, any
5 rules adopted by the department to implement this act, or any other
6 applicable laws, regulations, or rules, or if the department determines
7 that there is an imminent danger to the public, the department may:

8 (a) Amend its approval of the program's product stewardship plan by
9 clarifying terms or conditions to ensure full implementation of the
10 plan; or

11 (b) Suspend or cancel its approval of the plan.

12 (2) At least 30 days prior to amending, suspending or canceling its
13 approval of a product stewardship plan, the department shall inform the
14 producer, group of producers, or stewardship organization operating the
15 product stewardship program of its intended action and provide them an
16 opportunity to respond. The department may extend this period for good
17 cause.

18 (3) Notwithstanding subsection (2) of this section, if the
19 department determines that it is necessary to protect the public from
20 imminent danger, it may immediately amend, suspend or cancel approval of
21 a product stewardship program's product stewardship plan without giving
22 the producer, group of producers, or stewardship organization operating
23 the program an opportunity to be heard, but the department shall give
24 the operator an opportunity to be heard through proceedings consistent
25 with the administrative procedure act, chapter 34.05 RCW, within fifteen
26 days after the date on which the department takes any of those actions.

27
28 NEW SECTION. **Sec. 11** REPORTING. (1) On or before June 30 of each
29 year, every producer, group or producers, or stewardship organization
30 operating a product stewardship program must prepare and submit to the
31 department an annual report describing:

32 (a) Information, including contact information, regarding:

33 (i) the organization submitting the report; and

34 (ii) a list of all participating producers;

35 (b) Recovery rates, including:

1 (i) the amount, by weight, of unwanted products collected from
2 covered entities in each county in the state, including documented
3 collection and recycling or disposal of that material;

4 (ii) how the program attained recovery rates established in the
5 product stewardship plan or set by the department, and, if the program
6 did not attain those recovery rates, what actions it will take during
7 the next reporting period to do so, including how it will increase and
8 improve effective, measurable outreach and education efforts;

9 (c) The collection system, including collection locations and
10 services provided for all cities in the state with populations greater
11 than 10,000 and in all counties in the state;

12 (d) The processing and disposal system, including:

13 (i) a list of processing and disposal facilities used and locations,
14 the weight of unwanted products processed at each processing facility
15 and disposed at each disposal facility, and a description of the methods
16 used at each processing facility;

17 (ii) a list of subcontractors used through final disposition that
18 processed or disposed of unwanted products containing hazardous
19 substances or hazardous materials, and subcontractor facility locations;

20 (iii) documentation and summary results of annual third-party audits
21 conducted on each processing facility and disposal facility as required
22 in section 7 of this act;

23 (v) final disposition of residuals;

24 (vi) any penalties, violations, or regulatory orders received during
25 the reporting period by each processing facility or disposal facility
26 that was used;

27 (vii) whether policies and procedures in the product stewardship
28 plan for collecting, transporting, processing and final disposition of
29 unwanted products were followed during the reporting period, and a
30 description of any noncompliance;

31 (e) The financing system, including a description of how the system
32 met the requirements in section 7 of this act;

33 (f) The education and outreach activities implemented during the
34 reporting period, including an analysis of the effectiveness of the
35 education and outreach activities;

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1 (g) Results of any actions taken to manage and reduce life cycle
2 impacts of products and package, as described in subsection (2) (f) of
3 section 7 of this act;

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4 (h) How the product stewardship program complied with any other
5 elements in the plan approved by the department; and

6 (i) any other information that the department may reasonably
7 require.

8 (2) A producer, group of producers, or stewardship organization
9 operating a product stewardship program meeting the following conditions
10 is only required to report to the department information specified in
11 subsections (1) (a), (b), (c), (g) and (i) of this section:

Comment [15]: check to make sure these are correct.

12 (a) The product stewardship program attained a ninety percent
13 recovery rate of all unwanted products that were produced by producers
14 participating in the program and a recycling rate of eighty percent of
15 materials contained in such products; and

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Comment [16]: this isn't relevant anymore if the covered product is defined as "general purpose lights that contain hazardous materials".

16 (b) All unwanted products collected by the product stewardship
17 program were carbon neutral in production and use.

18 (3) All reports submitted to the department must be made available
19 to the public on the department's website. Proprietary information
20 submitted to the department under this act is exempt from public
21 disclosure under RCW 42.56.270.

22
23 NEW SECTION. **Sec. 12 ENFORCEMENT.** (1) The department shall
24 provide, on its website, a list of all producers participating in
25 product stewardship programs it has approved and a list of all producers
26 it has identified as noncompliant with this act and any rules adopted to
27 implement this act.

28 (2) Wholesalers, retailers, and other persons shall check the
29 department's website to determine if producers of covered products they
30 are selling in or into the state are compliant with this act and any
31 rules adopted to implement this act. If a wholesaler, retailer, or
32 other person is unsure of the status of a producer or believes that a
33 producer is not compliant, they shall contact the department to
34 determine the producer's status.

35 (3) The department shall send a written warning and copies of this
36 act and any rules adopted to implement this act to a producer who is not

1 participating in a product stewardship program approved by the
2 department and whose covered product is being sold in or into the state.

3 The department shall also send a written warning and a copy of this act
4 and any rules adopted to implement this act to a wholesaler, retailer or
5 other person known to be selling the covered product in or into the
6 state.

7 (4) A producer not participating in a product stewardship program
8 approved by the department whose covered product continues to be sold in
9 or into the state sixty days after receiving a written warning from the
10 department, and a wholesaler, retailer, or other person who continues to
11 sell a covered product from a producer not participating in an approved
12 product stewardship program sixty days after receiving a written warning
13 from the department, will be assessed a ten thousand dollar penalty.
14 The department may waive or reduce the penalty if the producer,
15 wholesaler, retailer, or other person complies with this act and any
16 rules adopted to implement this act, or for any other reason the
17 department determines to be justified.

18 (5) The department shall send a written warning to a producer, group
19 of producers, or stewardship organization operating a product
20 stewardship program that fails to submit a product stewardship plan,
21 updated plan, proposed change to a plan, or annual report as required in
22 this act. The written warning must include compliance requirements and
23 notification that the requirements must be met within sixty days. If
24 compliance requirements are not met within sixty days, the producer,
25 group of producers, or stewardship organization will be assessed a ten
26 thousand dollar penalty. The department may waive or reduce the penalty
27 if the producer, group of producers, or stewardship organization
28 complies with this act and any rules adopted to implement this act, or
29 for any other reason the department determines to be justified.

30 (6) Each calendar day of a violation is a separate and distinct
31 offense.

32
33 NEW SECTION. **Sec. 13** RECOVERY RATES AND EVALUATION. (1) By June
34 of the third program year for each product or product category, the
35 department shall establish required recovery rates for the fourth and
36 subsequent program operating years, and must establish a system of

1 penalties for producers and product stewardship programs that do not
2 attain the required recovery rates.

3 (2) By December 31, 2014, the department shall report to appropriate
4 committees of the legislature concerning status of the program
5 administered under this act and, if necessary, recommend legislation.

6 (3) The department, or its designee, may inspect, audit, or review
7 audits of processing and disposal facilities used to fulfill the
8 requirements of a product stewardship program.

9 (4) No product stewardship program required under this act may use
10 federal or state prison labor for processing unwanted products.

11 (5) The department shall annually invite comments from local
12 governments, communities, and citizens to report their satisfaction with
13 services provided by product stewardship programs. This information
14 must be used by the department in reviewing proposed updates or changes
15 to product stewardship plans.

16
17 NEW SECTION. **Sec. 14** ADMINISTRATIVE COSTS AND FEES. The
18 department may establish fees for administering this act. Fees may be
19 charged to the producers and must be paid annually by January 1 of each
20 year. Fees may be established in amounts to fully recover and not to
21 exceed expenses incurred by the department in administering this act.

22
23 NEW SECTION. **Sec. 15** PRODUCT STEWARDSHIP PROGRAMS ACCOUNT. The
24 product stewardship programs account is created in the custody of the
25 state treasurer. All receipts from fees and penalties collected
26 pursuant to this act must be deposited in the account. Expenditures
27 from the account may be used only for administering this act. Only the
28 director of the department or the director's designee may authorize
29 expenditures from the account. The account is subject to the allotment
30 procedures under chapter 43.88 RCW, but an appropriation is not required
31 for expenditures.

32
33 NEW SECTION. **Sec. 16** RULEMAKING AUTHORITY. (1) The department
34 shall adopt rules under the administrative procedure act, chapter 34.05
35 RCW, to implement this act, including, at a minimum:

36 (a) Program operating rules;

Comment [17]: do these dates work with the new dates for implementing the program on January 1, 2011?

1 (b) A process for determining whether reduced reporting requirements
2 in section 11 of this act apply;

3 (c) A process for setting recovery rates for the fourth and
4 subsequent operating years of a program and for adjusting recovery
5 rates; and

6 (d) An enforcement process.
7

8 NEW SECTION. **Sec. 17** NO LIMITATION ON AUTHORITY. Nothing in this
9 act changes or limits the authority of the Washington utilities and
10 transportation commission to regulate collection of solid waste,
11 including curbside collection of residential recyclable materials, nor
12 does this act change or limit the authority of a city or town to provide
13 such service itself or by contract under RCW 81.77.020.
14

15 NEW SECTION. **Sec. 18** ANTICOMPETITIVE CONDUCT. A producer, group
16 of producers or stewardship organization and its officers, members,
17 employees, and agents that organize a product stewardship program
18 required under this act are authorized to engage in anticompetitive
19 conduct to the extent necessary to plan and implement a program, and are
20 immune from liability under state laws regarding antitrust, restraint of
21 trade, unfair trade practices, and other regulation of trade and
22 commerce.
23

24 NEW SECTION. **Sec. 19** LIBERAL CONSTRUCTION. This chapter must be
25 liberally construed to carry out its purposes and objectives.
26

27 NEW SECTION. **Sec. 20.** As used in this act, captions constitute no
28 part of the law.
29

30 NEW SECTION. **Sec. 21** Sections 1 through 22 of this act constitute
31 a new chapter in Title 70 RCW.
32

33 NEW SECTION. **Sec. 22** If any provision of this act or its
34 application to any person or circumstance is held invalid, the remainder
35 of the act or the application of the provision to other persons or
36 circumstances is not affected.

1
2 NEW SECTION. **Sec. 23** This act is necessary for the immediate
3 preservation of the public peace, health, or safety, or support of the
4 state government and its existing institutions, and takes effect July 1,
5 2009.

6 NEW SECTION. **Sec. 24** A new section is added to chapter 70.95M RCW
7 to read as follows:

8 (1) The department shall participate in national and global mercury
9 forums to advocate reduction of global emissions and permanent isolation
10 of elemental mercury.

11 (2) By July 1, 2011, the department, in consultation with the
12 United States environmental protection agency, shall study the
13 feasibility of the development of a national permanent repository for
14 mercury. The department shall develop recommendations and provide its
15 findings to the appropriate committees of the legislature by December 1,
16 2011.

17