



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO #11-09

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 11-22-013 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)
Ecology is proposing to adopt a new chapter: Chapter 173-910 WAC, Mercury-Containing Lights Product Stewardship Program.

Hearing location(s): Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008-5452

Submit written comments to:
Name: Kara J. Steward, Department of Ecology
Address: PO Box 47600
Olympia, WA 98504-7600
e-mail kara.steward@ecy.wa.gov
fax (360)407-6102 by (date) August 14, 2012

Date: August 7, 2012 Time: 1:00 PM

Assistance for persons with disabilities: Contact
Michelle Payne 360-407-6129 by July 25, 2012
TTY (711) or (877)833-6341

Date of intended adoption: November 16, 2012
(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

As signed into law, Mercury-Containing Lights – proper disposal (Chapter 70.275 RCW) requires producers of mercury-containing lights to establish a product stewardship program for residential lighting. The purpose of this rule is to clarify the following :

- Responsibilities of producers, wholesalers, retailers, distributors, and electric utilities to safely recycle residential mercury-containing lights sold in or into Washington State.
- How producers will fund Ecology’s administration, enforcement, and oversight costs.
- Program requirements, such as product stewardship plan, outreach and education efforts, and annual reporting requirements.
- Requirements for collecting, transporting, processing and recycling of mercury-containing lights.
- Enforcement process.
- Other requirements necessary to implement the law, such as definitions.

Reasons supporting proposal: Discarded mercury-containing lights can release toxic mercury vapors. This rule contains requirements and responsibilities for establishing safe recycling of discarded lights through a product stewardship program in Washington, in accordance with Chapter 70.275 RCW.

Statutory authority for adoption:
Mercury-Containing Lights – proper disposal (Chapter 70.275 RCW)

Statute being implemented:
Mercury-Containing Lights – proper disposal (Chapter 70.275 RCW)

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE
6/25/12

NAME (type or print)
Polly Zehm

SIGNATURE *Polly Zehm*

TITLE
Deputy Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 26, 2012
TIME: 12:44 PM

WSR 12-14-036

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Washington State Department of Ecology

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Kara J. Steward	Waste 2 Resources, Headquarters	(360) 407-6250
Implementation.... Kara J. Steward	Waste 2 Resources, Headquarters	(360) 407-6250
Enforcement..... Kara J. Steward	Waste 2 Resources, Headquarters	(360) 407-6250

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

No. Explain why no statement was prepared.

A Small Business Economic Impact Statement is not required because the proposed rule will not impose more than minor costs (RCW 19.85.020(2)) on an industry (RCW 19.85.020(1)).

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Kara Steward
Address: PO Box 47600
Olympia, WA 98504-7600

phone (360) 407-6250
fax (360) 407-6102
e-mail kara.steward@ecy.wa.gov

No: Please explain: