



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:** Department of Ecology AO# 11-09

**Subject of possible rule making:** The Mercury-Containing Lights Product Stewardship Program rule making implements state law (RCW 70.275) passed by lawmakers in the 2010 legislative session (SSB 5543). This new rule will:

- Establish the responsibilities of producers, wholesalers, retailers, distributors, and electric utilities to safely manage mercury-containing lights sold in or into Washington State.
- Establish program requirements, such as developing a product stewardship plan, outreach and education efforts, and annual reporting requirements.
- Establish requirements for collecting, transporting, processing and recycling mercury-containing lights.
- Establish the enforcement process.
- Establish how producers will fully fund the product stewardship program.
- Include other requirements necessary to implement the program such as definitions.

**Statutes authorizing the agency to adopt rules on this subject:** Chapter 70.275 RCW authorizes the Department of Ecology to establish rules on this subject.

**Reasons why rules on this subject may be needed and what they might accomplish:** Chapter 70.275 RCW requires Ecology to establish rules to implement this program. This rule is needed to clarify the product stewardship program requirements and funding structure.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Ecology will coordinate rule-making activities with Washington Utilities and Transportation Commission, Department of Health, Department of Labor and Industries, and Environmental Protection Agency (EPA) along with other agencies.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

During rule making Ecology will seek input and expert advice from stakeholders. This input and advice will inform and help shape an informal draft rule. Ecology will then seek comments from the public and stakeholders on this informal draft prior to issuing the proposed rule. After the proposed rule has been released Ecology will hold at least one (1) public hearing.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

Ecology intends to involve stakeholders through an open and collaborative process. Ecology will host a public workshop November 14, 2011. Ecology will seek comments from stakeholders and the public and will host at least one (1) public hearing on the proposed rule language. Ecology has established an email notification Listserv and rule-development website that will be used to provide interested parties with updates on the process.

Website: <http://www.ecy.wa.gov/programs/swfa/mercurylights/>

Listserv: <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-MERCURY-CONTAINING-LIGHT>

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**DATE**  
October 21, 2011

**NAME (TYPE OR PRINT)**  
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**TITLE**  
Program Manager

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