



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Ecology AO #11-09

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

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:

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

Citation of existing rules affected by this order:

Repealed:

Amended:

Suspended:

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

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 12-14-036 on June 26, 2012.

Describe any changes other than editing from proposed to adopted version:

- Clarified that the department approved Standard Plan for the mercury-containing lights product stewardship program is the department-contracted program. The Standard Plan will be implemented by a stewardship organization contracted by the department.
- Provided clarification that the program (either Standard or Independent Plan) is to be fully funded using market share or other equitable funding structure.
- The collection system will handle all collected lights as universal waste.
- The requirements for content in the plan were streamlined by reducing the amount of information in the plan and annual reports. Detailed processor information will be provided in annual compliance audits.
- Removal of service provider violation, warning and penalties; noncompliance with rule or plan requirements will result in removal of the service provider from the program.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Date adopted: November 16, 2012

NAME (TYPE OR PRINT)

Ted Sturdevant

SIGNATURE

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 16, 2012

TIME: 11:16 AM

WSR 12-23-049

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>23</u>	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____