



Massachusetts
Department
of
ENVIRONMENTAL
PROTECTION

fact sheet

Summary: Massachusetts Mercury Management Act

Signed into law in July 2006, an Act Relative to Mercury Management (Chapter 190 of the Acts of 2006, also known as the “Massachusetts Mercury Management Act”) is designed to keep mercury out of our trash and wastewater, where it is released into the environment. The law requires manufacturers of products containing mercury to collect “end of life” products and to recycle the mercury, and bans the sale of certain products containing mercury. The law also establishes specific requirements for mercury switches in vehicles, and for lamps that contain mercury.

Why is mercury a problem?

Mercury is a toxic metal. When it is released into the air (by trash incinerators, landfills, and wastewater discharges) it can accumulate in people and wildlife. Children and fetuses are particularly vulnerable, because it can damage their developing nervous systems.

Massachusetts public health officials have issued advisories warning people to limit their consumption of certain types of fish caught in our lakes, streams and ponds, with particular cautions for pregnant women, nursing mothers, women of child-bearing years, and young children.

General Requirements

- **Notify MassDEP of Mercury Content in Products Sold or Distributed in Massachusetts**

Starting on October 1, 2006, manufacturers of products offered for sale in Massachusetts to which mercury has intentionally been added must identify the components of their products that contain mercury, and the amount of mercury in them.

Notifications must be submitted to the Interstate Mercury Education and Reduction Clearinghouse (IMERC), which receives them on behalf of a number of states that have adopted similar provisions, and provides the required information to participating states.

Manufacturers wishing to protect trade secrets should contact MassDEP directly to request confidentiality of submitted information

- **Establish Collection/Recycling Systems for “End of Life” Products Containing Mercury**

Manufacturers of products to which mercury has been intentionally added and that are sold in Massachusetts must establish a system for collecting them at the end of their useful lives, and for recycling their mercury contents.

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Produced by the
Bureau of Waste Prevention
April 2008
Printed on recycled paper.

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- **Phase Out the Sale of Specific Products Containing Mercury**

Specific measuring devices that contain mercury cannot be sold in Massachusetts after May 1, 2008:

- ⇒ Thermostats
- ⇒ Barometers
- ⇒ Esophageal dilators, bourgie tubes, and gastrointestinal tubes
- ⇒ Flow meters
- ⇒ Hydrometers
- ⇒ Hygrometers and psychrometers
- ⇒ Manometers
- ⇒ Pyrometers
- ⇒ Sphygmomanometers
- ⇒ Basal thermometers

Switches and relays that contain mercury cannot be sold in Massachusetts after May 1, 2009.

The sales ban does not apply if the use of a product is a federal requirement or if a specific exemption is obtained from MassDEP.

To obtain an exemption, a manufacturer must demonstrate:

- ⇒ The product benefits the environment or protects public health or safety,
- ⇒ There is no technically feasible alternative to the use of mercury in the product,
- ⇒ A “non-mercury” alternative is not available at a reasonable cost, *and*
- ⇒ There is a system in place to collect the “end of life” mercury product and recycle the mercury content.

Mercury thermometers that are determined to be medically necessary may also continue to be sold in Massachusetts. Please note: Chapter 39 of the Acts of 2002 banned the sale of mercury fever thermometers in Massachusetts unless specifically prescribed by a physician.

- **Prohibit Disposal of Mercury-Containing Products in Trash and Wastewater**

The law bans the disposal of products containing mercury in trash, starting May 1, 2008. The law also establishes that, starting October 26, 2006, mercury from these products cannot be discharged into water or wastewater unless the discharge complies with federal, state and local requirements.

- **Label Mercury-Containing Products**

Starting on May 1, 2008, manufacturers of products that contain mercury must label them, so that users will know that the products need to be recycled at the end of their useful life or disposed of as hazardous waste. This requirement does not apply to refurbished medical equipment or products in which the only mercury component is a removable mercury-added lamp or button cell battery.

Requirements for Specific Products Containing Mercury

- **Vehicle Switches**

The Massachusetts Mercury Management Act:

- ⇒ Bans the sale of cars made after January 1, 2007, with mercury-containing switches,
- ⇒ Bans the use of mercury switches when replacing switches (starting October 26, 2006),
- ⇒ Requires that mercury-added components be removed from vehicles before they are crushed and/or shredded (starting October 26, 2006),
- ⇒ Prohibits vehicle shredding facilities from accepting vehicles that contain mercury switches unless the shredder removes the switches (starting October 26, 2006), and
- ⇒ Requires auto manufacturers to implement plans for collecting and recycling mercury switches. These plans must capture at least 90% of the mercury switches from “end of life” vehicles, and must include financial incentives for vehicle recyclers to remove the switches.

The law allows vehicle manufacturers to implement “alternative” collection plans that do not include financial incentives for vehicles recyclers, provided that these plans start implementation by January 1, 2007, and capture 50 percent of the mercury switches in “end of life” vehicles in the Commonwealth by December 2007, and 90 percent by December 2008. If the alternative programs fall short of these targets, manufacturers must implement programs that pay \$3 for each switch removed by vehicle recyclers.

- **Lamps**

By January 1, 2007, manufacturers of lamps that contain mercury must implement a plan for educating users about recycling “end of life” lamps. The law establishes recycling targets for mercury-containing lamps:

- ⇒ 30 percent by December 2008,
- ⇒ 40 percent by December 2009,
- ⇒ 50 percent by December 2010, and
- ⇒ 70 percent by December 2011 and each year thereafter.

If recycling efforts do not meet these targets, the law requires lamp manufacturers to provide up to \$1 million per year to MassDEP for grants to municipalities and/or regional authorities that are collecting and recycling mercury-containing lamps.

Additional Requirements

- **Schools Cannot Purchase Mercury-Containing Products for Classroom Use**

Starting on October 1, 2006, Massachusetts schools cannot purchase mercury-added instructional equipment and materials. The law allows an exemption for measuring devices for which there are no adequate mercury-free alternatives.

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- **Healthcare Facilities May Request Information About Mercury Content in Products**

To help healthcare facilities comply with the law's ban on discharging mercury in wastewater and disposing of mercury-containing products in trash, the law requires manufacturers of mercury-added formulated products to disclose their products' mercury content in response to a written request for this information from a health care facility.

Implementation Status, Spring 2008

- **Regulations**

Regulations promulgated in December 2007 established requirements and performance standards for mandatory vehicle switch collection/recycling programs, and for collection/recycling programs for other products containing mercury. The regulations also require manufacturers and other businesses with compliance responsibilities to file annual certifications with MassDEP, describing their regulated activities. Draft regulations projected to be issued for public comment in Spring 2008 will establish product labeling requirements, a prohibition on disposal of mercury-containing products in solid waste, and a process for obtaining exemptions from the law's sale bans.

- **Outreach**

MassDEP has informed manufacturers, distributors and retailers of products that contain mercury about the requirements of this law, through direct mail and its web site, and by working with trade associations and IMERC. MassDEP has also notified vehicle recyclers, scrap recycling facilities, vehicle manufacturers, manufacturers of mercury-added products that are sold or distributed in Massachusetts, and lamp manufacturers of their specific requirements. MassDEP is reaching out to municipal officials, trash haulers, disposal facilities and recyclers about the mercury disposal prohibition.

For More Information

- **Mercury, health effects, and Massachusetts programs**

Massachusetts Department of Environmental Protection (MassDEP)

Mercury home page:

<http://www.mass.gov/dep/toxics/stypes/hgres.htm>

Municipal Waste Combustor material separation plans:

<http://www.mass.gov/dep/recycle/solid/mspcomp.htm>

Compliance Certification forms:

<http://www.mass.gov/dep/service/online/erpforms.htm>

- **Mercury in products, and programs developed by other states**

Northeast Waste Management Officials Association (NEWMOA)

<http://www.newmoa.org>

- **Product notification information (including forms)**

Interstate Mercury Education and Reduction Clearinghouse (IMERC)

<http://www.newmoa.org/prevention/mercury/imerc/plnotification.cfm>