

Requirements for Contractor and Demolition Professionals

THE Mercury Thermostat Collection Act OF 2008

The Mercury Thermostat Collection Act of 2008 requires construction and demolition professionals to properly remove and dispose of out-of-service mercury-added thermostats.

Effective July 1, 2009, the law requires the following:

Contractors who install heating, ventilation, and air-conditioning components are required to:

- Handle and transport out-of-service mercury-added thermostats in accordance with the Universal Waste Regulations found in CA Code of Regulations, Title 22, Chapter 23.
- Take out-of-service mercury-added thermostats to a collection location that is operated in accordance with Universal Waste Regulations.

Persons engaged in building demolition are required to:

- Remove out-of-service mercury-added thermostats prior to demolition in accordance with all applicable California regulations.
- Handle and transport out-of-service mercury-added thermostats in accordance with the Universal Waste Regulations found in CA Code of Regulations, Title 22, Chapter 23.
- Take out-of-service mercury-added thermostats to a collection location that is operated in accordance with Universal Waste Regulations.

Collection bins for out-of-service mercury-added thermostats are required by law to be provided at HVAC wholesaler locations in California. To find a HVAC wholesaler near you, visit <http://www.thermostat-recycle.org>¹.

Collection bins may also be found at local government agency household hazardous waste (HHW) collection facilities. To find a HHW collection facility near you, visit <http://www.dtsc.ca.gov/HazardousWaste/UniversalWaste/HHW.cfm>

Failure to comply with this law may result in penalties of up to twenty-five thousand dollars (\$25,000) for each separate violation or, for continuing violations, for each day that a violation continues.

Learn more about the law and the obligations for contractors and building demolition at: http://www.dtsc.ca.gov/HazardousWaste/Mercury_Therm_Act.cfm

For questions/concerns, contact DTSC at thermostats@dtsc.ca.gov or DTSC's Regulatory Assistance Officers at **800-72-TOXIC (800-728-6942)**.

¹ The link provides additional information that may be useful or interesting and is being provided consistent with the intended purpose of the Mercury Thermostat Collection Act. However, DTSC cannot attest to the accuracy of information provided by this link or any other linked site. Providing links to a non-DTSC Web site does not constitute an endorsement by DTSC or any of its employees of the sponsors of the site or the information or products presented on the site.



Department of
Toxic Substances
Control



Fact Sheet, June 2009

Mercury Thermostat Collection Act of 2008

Thermostats are used in heating, ventilation and air conditioning (HVAC) devices and in temperature controls for heat pumps. On January 1, 2006, the State of California banned the sale of new mercury-added thermostats. California's Mercury Thermostat Collection Act of 2008, Assembly Bill 2347 (Ruskin), requires manufacturers to establish a collection and recycling program for out-of-service mercury-added thermostats, either individually or with other manufacturers. This law provides a convenient, cost-free opportunity for consumers, contractors, and technicians to collect, recycle, and ensure the safe and environmentally-sound management of mercury-added thermostats. You can find the complete text of the new law online at:

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2301-2350/ab_2347_bill_20080929_chaptered.pdf

Examples of mercury-added thermostats:

Other styles may vary.



Why is it important to collect and recycle mercury-added thermostats?

In the past, thermostats contained the hazardous metal mercury. Mercury that is released into the atmosphere can be transported long distances and deposited in aquatic ecosystems, where it can be converted into methylmercury, an especially toxic form. Methylmercury can accumulate in fish and humans.

Who must comply with this law?

The Mercury Thermostat Collection Act of 2008 requires manufacturers to establish a collection and recycling program. The bill defines "manufacturer" as "a business concern that owns or owned a name brand of mercury-added thermostats sold in this state before January 1, 2006."

What are the requirements of this law?

The requirements for all who are affected by the new law can be found on the California Department of Toxic Substances Control (DTSC) Web site at:

http://www.dtsc.ca.gov/HazardousWaste/Mercury_Therm_Act.cfm





Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Manufacturer requirements:

http://www.dtsc.ca.gov/HazardousWaste/upload/Mercury_Thermostat_Manufacturer.pdf

Wholesaler requirements:

http://www.dtsc.ca.gov/HazardousWaste/upload/Mercury_Thermostat_Wholesaler.pdf

Retailer requirements:

http://www.dtsc.ca.gov/HazardousWaste/upload/Mercury_Thermostat_Retailer.pdf

Contractor and demolition requirements:

http://www.dtsc.ca.gov/HazardousWaste/upload/Mercury_Thermostat_Contractors.pdf

How will DTSC determine if the law is working?

Beginning July 1, 2009, and every January 1 and July 1 thereafter, DTSC is required to post on its Web site a list of all manufacturers that fail to comply with this law.

On or before April 1, 2010, and annually thereafter, DTSC will receive an annual report from the manufacturer covering the one-year period ending December 31 of the previous calendar year.

The report will include all of the following:

- (1) The number of out-of-service mercury-added thermostats collected in California during the previous calendar year.
- (2) The estimated total amount of mercury contained in the collected out-of-service mercury-added thermostats.
- (3) From April 1, 2013, onward, a comparison to the performance requirements for collection established according to regulations developed.

What can I do to collect thermostats and ensure they are properly recycled?

Mercury thermostats are regulated as universal waste in California, which means collecting, consolidating, and transporting them is subject to simple rules.

- A local government that operates a household hazardous waste collection program can obtain a free collection bin from thermostat manufacturers.
- A wholesaler of HVAC equipment can also obtain a collection bin from manufacturers for a nominal \$25 fee.
- Contractors, service technicians and demolishers can contact appropriate collection center.
- Consumers can contact local household hazardous waste programs. A list, by county, is available at: <http://ccelearn.csus.edu/mercury/lamp/content/resources5.htm>.

For more information about regulatory requirements, please contact DTSC's Regulatory Assistance Officers at 800-72-TOXIC (800-728-6942), or visit DTSC's Web site at www.dtsc.ca.gov

