



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

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FILED

DATE: August 14, 2025

TIME: 8:09 AM

WSR 25-17-041

Agency: Department of Ecology AO # 25-05

Subject of possible rule making: This rulemaking will update chapter 173-910 WAC Mercury-Containing Lights Product Stewardship Program to align the rule with new program requirements in the law, clarify certain elements of the program, and modernize the program.

Statutes authorizing the agency to adopt rules on this subject: **RCW 70A.505.040** Submission of proposed product stewardship plans—Department to establish rules—Public review—Plan update—Annual report.

RCW 70A.505.110 Department's website to list producers participating in product stewardship plan—Required participation in a product stewardship plan—Written warning—Review of plans—Rules—Exemptions.

RCW 70A.505.130 Adoption of rules—Report to the legislature—Invitation to entities to comment on issues—Estimate of statewide recycling rate for mercury-containing lights—Mercury vapor barrier packaging;

RCW 70A.230.020 Fluorescent lamps—Labeling requirements—Prohibition on sale—Exceptions—Penalty—Rule making—Definitions.

Reasons why rules on this subject may be needed and what they might accomplish: The revised law bans the sale of certain mercury-containing lights beginning January 1, 2029, adds new requirements for product stewardship plans, and makes legacy producers fully responsible for funding the program from 2030 through the end date of the program. This rulemaking is needed to update chapter 173-910 WAC to align the rule with the new program requirements, update the agency fee, and clarify certain elements of the program such funding and roles and responsibilities. This rulemaking will modernize the program to ensure that it continues to function. The program will end January 1, 2035, or an earlier date determined by Ecology.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

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

Negotiated rule making

Pilot rule making

Agency study

Other (describe) Ecology will follow the standard process for adopting rules under the Administrative Procedure Act (chapter 34.05 RCW)

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Chris Fredley

Address: Department of Ecology
Solid Waste Management Program
PO Box 47600
Olympia, WA 98504-7600

Phone: 564-233-1615

Fax: N/A

TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.

Email: mercurylights@ecy.wa.gov

Web site: <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-910>

Other: Sign up to receive email notices:

https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_54

(If necessary)

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

Additional comments: Interested parties can stay informed about the rulemaking and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development. Ecology will complete an Environmental Justice Assessment in compliance with RCW 70A.02.060 as a part of this rulemaking.

Date: 8/14/2025

Name: Peter Lyon

Title: Program Manager, Solid Waste Management Program

Signature:

