



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

**Mercury-Containing Lights Product
Stewardship Program**

Chapter 173-910 WAC

August 2016
Publication no. 16-07-023

Publication and Contact Information

This report is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1607023.html>.

For more information contact:

Publications Coordinator
Waste 2 Resources Program
P.O. Box 47600
Olympia, WA 98504-7600

E-mail: W2Rpublications@ecy.wa.gov
Phone: 360-407-6707

Washington State Department of Ecology - www.ecy.wa.gov

Headquarters, Olympia	360-407-6000
Northwest Regional Office, Bellevue	425-649-7000
Southwest Regional Office, Olympia	360-407-6300
Central Regional Office, Union Gap	509-575-2490
Eastern Regional Office, Spokane	509-329-3400

Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

If you need this document in a version for the visually impaired, call the Waste 2 Resources Program at (360) 407-6900.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Table of Contents

TABLE OF CONTENTS.....	i
PURPOSE	1
INTRODUCTION	1
IMPLEMENTATION AND ENFORCEMENT.....	1
INFORMING AND EDUCATING PERSONS AFFECTED BY THE RULE	2
PROMOTING AND ASSISTING VOLUNTARY COMPLIANCE	2
EVALUATING THE RULE.....	2
TRAINING AND INFORMING ECOLOGY STAFF	3
LIST OF SUPPORTING DOCUMENTS THAT MAY NEED TO BE WRITTEN OR REVISED	3
MORE INFORMATION	3
CONTACT INFORMATION	3

~This page is intentionally left blank.~

Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On August 23, 2016, Ecology adopted amendments to Chapter 173-910 WAC - Mercury-Containing Lights Product Stewardship Program (AO # 15-04). The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-910 about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

Waste 2 Resources (W2R) staff, specifically the one position currently working on the Mercury-Containing Lights Product Stewardship Program, will implement and enforce the amendments to Chapter 173-910 WAC. None of the changes will be new to the regulated community or the public because the program, which began in January 2015, has been implemented consistent with the statute that was amended in 2014.

W2R staff routinely work with the product stewardship organization on implementation issues as they arise. Staff also make sure that producers, distributors, collectors, and retailers are meeting their requirements to remain in compliance with the rules. Staff have written guidance documents, updated web pages, and conducted site visits with collectors and retailers to provide technical assistance. We will continue to communicate with producers, distributors, collectors, and retailers directly and through the product stewardship organization so that they understand what is needed to meet their requirements and remain in compliance with the rule.

Implementing and enforcing these changes will be part of our ongoing interactions with program participants. Implementation will take place through responding to phone calls and emails, making site visits to retailers and collectors, updating guidance documents, sending ListServ messages, holding regular meetings with the product stewardship organization, responding to

questions on the 1800RECYCLE Hotline, and posting information on Ecology's Mercury-Containing Lights Product Stewardship Program web site. We have enforcement authority with this program, but our goal is to work with all stakeholders on voluntary compliance.

Informing and Educating Persons Affected by the Rule

We will inform stakeholders about rule adoption through the agency WACTrack ListServ, the Mercury-Containing Light ListServ, and by notifying organizations that publish newsletters. We will increase the number of visits to collection sites in the next few months to make sure that they understand their requirements and manage mercury lights safely. Separate letters will be sent to tribes following adoption, per agency standard practices. We will also work through the stewardship organization to make sure they communicate with producers, distributors, collectors, and retailers about the updated rule.

Promoting and Assisting Voluntary Compliance

Since the launch of the Mercury-Containing Lights Product Stewardship Program, W2R staff have been working with the stewardship organization, producers, distributors, collectors, and retailers of mercury lights to make sure they understand their requirements with a goal of voluntary compliance with the requirements of this program. We have been successful through regular phone updates with the stewardship organization and through site visits to collection sites. W2R staff will continue to work with the product stewardship organization to ensure that all producers selling mercury-containing lights in or into Washington State are participating and meeting all program requirements, and are financially responsible for supporting it.

Evaluating the Rule

Revisions to the rule were a direct result of changes to the underlying statute by the 2014 Legislature. Consequently there is not as much opportunity to evaluate our approach since little agency discretion was exercised. As noted above, the program has been implemented consistent with the statute that was amended in 2014, so these requirements will not be any different than what program participants have been expected to meet. The stewardship organization is required to submit an annual report each June for Ecology's approval. Their 2015 annual report contained all requirements included in the amended rule, so this is not anticipated to be a problem.

We will continue to visit collection sites and coordinate with the product stewardship organization to make sure that producers, distributors, collectors, and retailers are meeting their requirements. We will make sure that all stakeholders have access to the amended rule so they don't refer to a previous version. We will use information from phone calls, email correspondence, site visits, and interactions with the stewardship organization to determine if further education and interactions are needed to make sure all participants understand program requirements.

Training and Informing Ecology Staff

The Mercury-Containing Lights Product Stewardship Program is implemented by one staff person so no program-wide training is needed. However the 1800RECYCLE Team, who help the public find convenient collection sites, was trained and other program staff will be informed through our section newsletter. The W2R Program Management Team will be briefed on the changes following adoption.

List of Supporting Documents that May Need to be Written or Revised

The Mercury-Containing Lights Product Stewardship website will be updated to reflect the changes in the rule. There are no other guidance documents related to the amended rule that need to be revised.

More Information

Mercury-Containing Lights Product Stewardship Program home page:
<http://www.ecy.wa.gov/programs/swfa/mercurylights/>

Ecology's Open Rulemaking page:
<http://www.ecy.wa.gov/programs/swfa/rules/wac173910/1504time.html>

Contact Information

Joanne Neugebauer-Rex
Mercury Product Stewardship Specialist
Waste 2 Resources Program
Washington State Department of Ecology
PO Box 4-7600
Olympia, WA 98503

jneu461@ecy.wa.gov
360-407-7602