



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Washington State Department of Ecology AO# 15-04

<input checked="" type="checkbox"/> <b>Preproposal Statement of Inquiry</b> was filed as WSR <u>15-15-176</u> ; or	<input checked="" type="checkbox"/> <b>Original Notice</b>
<input type="checkbox"/> <b>Expedited Rule Making--Proposed notice</b> was filed as WSR _____ ; or	<input type="checkbox"/> <b>Supplemental Notice to WSR</b> _____
<input type="checkbox"/> <b>Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).</b>	<input type="checkbox"/> <b>Continuance of WSR</b> _____

**Title of rule and other identifying information:** Chapter 173-910 - Mercury-Containing Lights Product Stewardship Program. The purpose of this rulemaking, consistent with the authorizing statute in Chapter 270.275 RCW, is to achieve a statewide goal of recycling all end-of-life mercury-containing lights by 2020 through expanded public education, a uniform statewide requirement to recycle all mercury-containing lights, and the development of a comprehensive, safe, and convenient collection system that includes use of residential curbside collection programs, mail-back containers, increased support for household hazardous waste facilities, and a network of additional collection locations.

**Hearing location(s):**  
Department of Ecology -Headquarters  
300 Desmond Dr SE  
Lacey, WA 98503

Date: April 27, 2016 Time: 2:00 PM

**Submit written comments to:**

Name: Joanne Neugebauer-Rex  
Address:  
Department of Ecology Waste 2 Resources Program  
300 Desmond Dr SE  
Lacey, WA 98503

e-mail [w2rrulemaking@ecy.wa.gov](mailto:w2rrulemaking@ecy.wa.gov)  
fax (360)407-6102 by (date) May 4, 2016

**Assistance for persons with disabilities:** Contact  
Waste 2 Resources Program Reception at 360-407-6900 by  
April 25, 2016

TTY (877) 833-6341 or (711) Relay Service

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** We are proposing to revise the rule to reflect and incorporate changes made to the underlying statute by the 2014 State Legislature. Revisions do not affect the way mercury-containing lights are managed. Proposed changes include the requirement to fund the program through an environmental handling charge, revised requirements for stewardship plans and annual reports including independent financial audits, changes in the number of lights that can be recycled per day, changes in definitions, sunset provisions, and other changes as directed by the Legislature.

**Reasons supporting proposal:** Chapter 173-910 WAC establishes the framework for a stewardship program to collect and properly dispose of mercurycontaining lights. The current rule reflects an approach to stewardship that was significantly altered by the 2014 Legislature. We need to update our rules to reflect changes made to the law, and to properly describe how the current program is operating per the statute.

**Statutory authority for adoption:** RCW 70.275.040, 70.275.110, 70.275.140

**Statute being implemented:** Chapter 70.275 RCW

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, CITATION:		

**DATE** 3/10/2016

**NAME** (type or print)  
Polly Zehm

**SIGNATURE**

**TITLE**  
Deputy Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** March 10, 2016

**TIME:** 12:14 PM

**WSR 16-07-035**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

N/A

**Name of proponent:** Washington State Department of Ecology

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Joanne Neugebauer-Rex	Ecology Headquarters, Lacey	(360) 407-7602
Implementation....Joanne Neugebauer-Rex	Ecology Headquarters, Lacey	(360) 407-7602
Enforcement..... Laurie G. Davies	Ecology Headquarters, Lacey	(360) 407-6103

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

Per RCW 19.85.025 of the Regulatory Fairness Act, a Small Business Economic Impact Statement is not required for rules being proposed in compliance with RCW 34.05.310(4). The provisions of RCW 34.05.310(4) that exempt Ecology from preparing a Small Business Economic Impact Statement (SBEIS) for this rulemaking include (c) the amendments adopting without material change state laws and/or (d) the amendments correct typographical errors or make changes that only clarify language of the rule without changing its effect.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: Per Chapter 34.05 RCW - the Administrative Procedure Act, a Cost Benefit Analysis is not required for this rulemaking. The provisions of RCW 34.05.328(5) that exempt Ecology from the requirement to prepare a Cost Benefit Analysis include (iii) amendments adopting without material change state laws and/or (iv) amendments correcting typographical errors or making changes that only clarify language of the rule without changing its effect.