



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Ecology AO # 15-04

Subject of possible rule making: Chapter 173-910 WAC – *Mercury-Containing Lights Product Stewardship Program*

Statutes authorizing the agency to adopt rules on this subject: RCW 70.275.040(2), RCW 70.275.110(6), RCW 70.275.140(1), RCW 70.275.140(2)

Reasons why rules on this subject may be needed and what they might accomplish: Chapter 173-910 WAC implements *Mercury-containing lights - proper disposal*, chapter 70.275 RCW, which established a stewardship program to collect and properly dispose of mercury-containing lights. The Legislature amended the enabling statute in 2014. We need to update the rule to reflect changes made to the law.

Changes will include the requirement to fund the program through an environmental handling charge, and revised requirements for stewardship plans and annual reports including an independent financial audit. Additional revisions will include a sunset provision, changes in definitions, other changes as directed by the Legislature, and revisions for clarification.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The United States Environmental Protection Agency (EPA) and the Washington State Department of Health both have programs that are concerned with the impact of mercury on public health. The state program is complimentary to those efforts, but other agencies do not oversee the stewardship program and there is no need for organized coordination.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) We will communicate with stakeholders through the agency WAC Track ListServ, a program-specific ListServ, e-mail, regular mail, and by updates to our web pages. The rule process will include an informal informational meeting, followed by a formal public hearing.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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Visit the Waste 2 Resources Program web page for rules under development at <http://www.ecy.wa.gov/programs/swfa/rules/ruleDev.html>.

Learn more about mercury-containing lights at <http://www.ecy.wa.gov/programs/swfa/mercurylights/>.

Join our ListServ for periodic updates on program activities at <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-MERCURY-CONTAINING-LIGHT>.

DATE
July 22, 2015

NAME (TYPE OR PRINT)
Laurie G. Davies

SIGNATURE

TITLE
Waste 2 Resources Program Manager

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