

**Minnesota Waste Management Act: Mercury laws as amended through the 2007 legislative session**

**§ 115A.932 MERCURY PROHIBITION.**

**Subd. 1. Prohibitions and recycling requirements.**

(a) A person may not place mercury or a thermostat, thermometer, electric switch, appliance, gauge, medical or scientific instrument, fluorescent or high-intensity discharge lamp, electric relay, or other electrical device from which the mercury has not been removed for reuse or recycling:

- (1) in solid waste; or
- (2) in a wastewater disposal system.

(b) A person may not knowingly place mercury or a thermostat, thermometer, electric switch, appliance, gauge, medical or scientific instrument, fluorescent or high-intensity discharge lamp, electric relay, or other electrical device from which the mercury has not been removed for reuse or recycling:

- (1) in a solid waste processing facility; or
- (2) in a solid waste disposal facility, as defined in section 115.01, subdivision 4.

(c) A fluorescent or high-intensity discharge lamp must be recycled by delivery of the lamp to a lamp recycling facility, as defined in section 116.93, subdivision 1, or to a facility that collects and stores lamps for the purpose of delivering them to a lamp recycling facility, including, but not limited to, a household hazardous waste collection or recycling facility, retailer take-back and utility provider program sites, or other sites designated by an electric utility under section 216B.241, subdivisions 2 and 4.

**Subd. 2. Enforcement.**

(a) Except as provided in paragraph (b), a violation of subdivision 1 is subject to enforcement under sections 115.071 and 116.072.

(b) A violation of subdivision 1 by a generator of household hazardous waste, as defined in section 115A.96, is not subject to enforcement under section 115.071, subdivision 3.

(c) An administrative penalty imposed under section 116.072 for a violation of subdivision 1 by a generator of household hazardous waste, as defined in section 115A.96, may not exceed \$700.

HIST: 1992 c 560 s 1; 1993 c 249 s 19; 1997 c 62; 1997 c 216 s 98; 2007 c 109 s 1.

*Note: Most flat panel video displays (e.g., laptop displays, LCDs) are illuminated by one or mercury-containing lamps. These lamps are covered by the state's solid waste disposal prohibition for mercury-containing lamps and must be removed and recycled for mercury recovery. See Minn. Stat. §§ 115A.932 and 116.92 for details.*

**§ 116.915 MERCURY REDUCTION.**

**Subd. 1. Goal.** It is the goal of the state to reduce mercury contamination by reducing the release of mercury into the air and water of the state by 60 percent from 1990 levels by December 31, 2000, and by 70 percent from 1990 levels by December 31, 2005. The goal applies to the statewide total of releases from existing and new sources of mercury. The commissioner shall publish updated estimates of 1990 releases in the State Register.

**Subd. 2. Reduction strategies.** The commissioner shall implement the strategies recommended by the mercury contamination reduction initiative advisory council and identified on pages 31 to 42 of the Minnesota pollution control agency's report entitled "Report on the Mercury Contamination Reduction Initiative Advisory Council's Results and Recommendations" as transmitted to the legislature by the commissioner's letter dated March 15, 1999. The commissioner shall solicit, by July 1, 1999, voluntary reduction agreements from sources that emit more than 50 pounds of mercury per year.

**Subd. 3. Progress reports.** The commissioner, in cooperation with the director of the office of environmental assistance, shall submit progress reports to the legislature on October 15, 2001, and October 15, 2005. The reports shall address the state's success in meeting the mercury release reduction goals of subdivision 1, and discuss whether different voluntary or mandatory reduction strategies are needed. The reports shall also discuss whether the reduction goals are still appropriate given the most recent information regarding mercury risks.



HIST: 1999 c 231 s 150 (biennial funding for reduction strategy implementation is provided in c 231 sec. 2, subd. 3; “\$181,000 the first year [FY00] and \$142,000 the second year [FY01] are for mercury reduction strategies other than education programs.”)

**§ 116.92 MERCURY EMISSIONS REDUCTION.**

Subd. 1. **Sales.** A person may not sell mercury to another person in this state without providing a material safety data sheet, as defined in United States Code, title 42, section 11049, and requiring the purchaser to sign a statement that the purchaser:

(1) will use the mercury only for a medical, dental, instructional, research, or manufacturing purpose; and

(2) understands the toxicity of mercury and will appropriately store and use it and will not place, or allow anyone under the purchaser's control to place, the mercury in the solid waste stream or in a wastewater disposal system, as defined in section 115.01, subdivision 4.

Subd. 2. **Use of mercury.** A person who uses mercury in any application may not place, or deliver the mercury to another person who places residues, particles, scrapings, or other materials that contain mercury in solid waste or wastewater, except for traces of materials that may inadvertently pass through a filtration system during a dental procedure.

Subd. 3. **Labeling; products containing mercury.**

(a) A manufacturer or wholesaler may not sell and a retailer may not knowingly sell any of the following items in this state that contain mercury unless the item is labeled in a manner to clearly inform a purchaser or consumer that mercury is present in the item and that the item may not be placed in the garbage until the mercury is removed and reused, recycled, or otherwise managed to ensure that it does not become part of solid waste or wastewater:

- (1) a thermostat or thermometer;
- (2) an electric switch, individually or as part of another product, other than a motor vehicle;
- (3) an appliance;
- (4) a medical or scientific instrument;
- (5) an electric relay or other electrical device;
- (6) a fluorescent or high-intensity discharge lamp, individually or as part of another product; and
- (7) laboratory chemicals, reagents, fixatives, and electrodes.

(b) Labeling of items in accordance with mercury product labeling plans approved by another state that is a member of the Interstate Mercury Education and Reduction Clearinghouse (IMERC) shall be considered to be in compliance with this section. The manufacturer shall provide a copy of the labeling plan to the agency and shall notify the agency if the approval is modified.

(c) Manufacturers of products that contain a mercury-containing lamp not intended to be replaceable by the user or consumer shall meet the product labeling requirements of this section by placing the label on the product or in the care and use manual or product instructions.

Subd. 4. **Removal from service; products containing mercury.**

(a) When an item listed in subdivision 3 is removed from service the mercury in the item must be reused, recycled, or otherwise managed to ensure compliance with section 115A.932.

(b) A person who is in the business of replacing or repairing an item listed in subdivision 3 in households shall ensure, or deliver the item to a facility that will ensure, that the mercury contained in an item that is replaced or repaired is reused or recycled or otherwise managed in compliance with section 115A.932.

(c) A person may not crush a motor vehicle unless the person has first made a good faith effort to remove all of the mercury switches in the motor vehicle.

Subd. 5. **Thermostats.** A manufacturer of thermostats that contain mercury or that may replace thermostats that contain mercury shall, in addition to the requirements of subdivision 3, provide incentives for and sufficient information to purchasers and consumers of the thermostats for the purchasers or consumers to ensure that mercury in thermostats being removed from service is reused or



recycled or otherwise managed in compliance with section 115A.932. A manufacturer that has complied with this subdivision is not liable for improper disposal by purchasers or consumers of thermostats.

**Subd. 5a. Displacement relays.**

(a) A manufacturer of a displacement relay containing mercury is responsible for the costs of collecting and managing its displacement relays to ensure that the relays do not become part of the solid waste stream.

(b) A manufacturer of a displacement relay that contains mercury shall, in addition to the requirements of subdivision 3, provide incentives for, and sufficient information to, purchasers and consumers of the relay to ensure that the relay does not become part of the waste stream. A manufacturer that has complied with this subdivision is not liable for improper disposal by purchasers or consumers of its relays.

(c) A manufacturer subject to this subdivision, or an organization of such manufacturers and its officers, members, employees, and agents, may participate in projects or programs to collect and properly manage waste displacement relays. Any person who participates in such a project or program is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce for activities related to the collection and management of the relays under this subdivision.

(d) For the purposes of this subdivision, a “displacement relay” means an electrical flow control device having one or more poles that contain metallic mercury and a plunger which, when energized by a magnetic field, moves into a pool of mercury, displacing the mercury sufficiently to create a closed electrical circuit.

**Subd. 6. Mercury thermometers prohibited.**

(a) A manufacturer, wholesaler, or retailer may not sell or distribute at no cost a thermometer containing mercury that was manufactured after June 1, 2001.

(b) Paragraph (a) does not apply to:

(1) an electronic thermometer with a battery containing mercury if the battery is in compliance with section 325E.125;

(2) a mercury thermometer used for food research and development or food processing, including meat, dairy products, and pet food processing;

(3) a mercury thermometer that is a component of an animal agriculture climate control system or industrial measurement system until such time as the system is replaced or a nonmercury component for the system is available; or

(4) a mercury thermometer used for calibration of other thermometers, apparatus, or equipment, unless a nonmercury calibration standard is approved for the application by the National Institute of Standards and Technology.

**Subd. 7. Fluorescent and high intensity discharge lamps; large use applications.**

(a) A person who sells fluorescent or high intensity discharge lamps that contain mercury to the owner or manager of an industrial, commercial, office, or multiunit residential building, or to any person who replaces or removes from service outdoor lamps that contain mercury, shall clearly inform the purchaser in writing on the invoice for the lamps, or in a separate writing, that the lamps contain mercury, a hazardous substance that is regulated by federal or state law and that they may not be placed in solid waste. This paragraph does not apply to a person who incidentally sells fluorescent or high intensity discharge lamps at retail to the specified purchasers.

(b) A person who contracts with the owner or manager of an industrial, commercial, office, or multiunit residential building, or with a person responsible for outdoor lighting, to remove from service fluorescent or high intensity discharge lamps that contain mercury shall clearly inform, in writing, the person for whom the work is being done that the lamps being removed from service contain mercury and what the contractor's arrangements are for the management of the mercury in the removed lamps.



Subd. 7a. **Fluorescent and high-intensity discharge lamps; residential applications.**

(a) Any information regarding fluorescent and high-intensity discharge lamps containing mercury that is sent by a utility to a customer, present on a utility's Web site, or contained in a utility's print, radio, or video advertisement, must:

- (1) state that the lamps contain mercury;
- (2) state that mercury is harmful to the environment;
- (3) state that placing the lamps in garbage is illegal; and
- (4) provide a toll-free telephone number or Web site that customers can access to learn how to lawfully dispose of the lamps.

(b) The information under paragraph (a) must be:

- (1) provided in a minimum of 12-point type in print or online media; and
- (2) provided in a manner that the ordinary consumer will understand that fluorescent and high-intensity discharge lamps contain mercury and must not be placed in garbage in Minnesota.

(c) A television or radio advertisement regarding fluorescent and high-intensity discharge lamps containing mercury must prominently convey the information that the lamps contain mercury and must be recycled.

Subd. 8. **Ban; toys, games, and apparel.** A person may not sell for resale or at retail in this state a toy or game that contains mercury, or an item of clothing or wearing apparel that is exempt from sales tax under section 297A.25, subdivision 8, that contains an electric switch that contains mercury.

Subd. 8a. **Ban; mercury manometers.** After June 30, 1997, mercury manometers for use on dairy farms may not be sold or installed, nor may mercury manometers in use on dairy farms be repaired. After December 31, 2000, all mercury manometers on dairy farms must be removed from use.

Subd. 8b. **Ban; mercury-containing sphygmomanometers.** After August 1, 2007, a person may not sell, offer for sale, distribute, install, or reinstall in the state a sphygmomanometer containing mercury.

Subd. 8c. **Ban; mercury-containing gastrointestinal devices.** After August 1, 2007, a person may not sell, offer for sale, distribute, or use in the state an esophageal dilator, bougie tube, gastrointestinal tube, feeding tube, or similar device containing mercury.

Subd. 8d. **Ban; mercury-containing thermostats.** After August 1, 2007, a person may not sell, offer for sale, distribute, install, or reinstall in the state a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilating, or air-conditioning equipment. This subdivision does not apply to a thermostat used to sense and control temperature as part of a manufacturing process.

Subd. 8e. **Ban; mercury-containing switches and relays.**

(a) After August 1, 2007, a person may not sell, offer for sale, or distribute in the state a mercury switch or mercury relay individually or as part of another product.

(b) For the purposes of this subdivision:

(1) "mercury relay" means a mercury-containing product or device that opens or closes electrical contacts to affect the operation of other devices in the same or another electrical circuit and includes, but is not limited to, mercury displacement relays, mercury wetted reed relays, and mercury contact relays; and

(2) "mercury switch" means a mercury-containing product or device that opens or closes an electrical circuit or gas valve and includes, but is not limited to, mercury float switches actuated by rising or falling liquid levels, mercury tilt switches actuated by a change in the switch position, mercury pressure switches actuated by a change in pressure, mercury temperature switches actuated by a change in temperature, and mercury flame sensors. A mercury switch does not include a mercury-added thermostat or a mercury diostat.

(c) A manufacturer shall be in compliance with this subdivision if:

(1) it has received an exclusion or exemption from a state that is a member of the Interstate Mercury Education and Reduction Clearinghouse (IMERC) for replacement parts or for a use where no feasible alternative is available;

(2) it submits a copy of the approved exclusion or exemption to the commissioner; and



(3) it meets all of the requirements in the approved exclusion or exemption for its activities within the state.

Subd. 8f. **Ban; mercury diostats.** After January 1, 2008, a person may not sell, offer for sale, or distribute a new gas oven, range, or stove containing a mercury-containing switch that controls a gas valve in an oven or oven portion of a gas range or stove.

Subd. 8g. **Ban; mercury-containing barometers, manometers, and pyrometers.** After January 1, 2008, a person may not sell, offer for sale, or distribute in the state a mercury-containing device used for measuring atmospheric pressure or for measuring pressure of liquids and gases or a mercury-containing device used for measuring the temperature of extremely hot materials, individually or as part of another product.

Subd. 8h. **Ban; mercury in over-the-counter pharmaceuticals.** After January 1, 2008, a person may not sell, offer for sale, or distribute in the state for human use an over-the-counter pharmaceutical product containing mercury.

Subd. 8i. **Ban; mercury in cosmetics, toiletries, and fragrances.** After January 1, 2008, a person may not sell, offer for sale, or distribute in the state a cosmetic, toiletry, or fragrance product containing mercury.

Subd. 8j. **Exclusion for existing equipment.** The prohibitions in subdivisions 8b to 8g of this section do not apply if a switch, relay, or measuring device is used to replace a switch, relay, or measuring device that is a component of a larger product in use prior to January 1, 2008, provided the owner of that equipment has made every reasonable effort to determine that no compatible nonmercury replacement component exists.

Subd. 9. **Enforcement; generators of household hazardous waste.**

(a) A violation of subdivision 2 or 4, paragraph (a), by a generator of household hazardous waste, as defined in section 115A.96, or a violation of subdivision 8 by a person selling at retail, is not subject to enforcement under section 115.071, subdivision 3.

(b) An administrative penalty imposed under section 116.072 for a violation of subdivision 2 or 4, paragraph (a), by a generator of household hazardous waste, as defined in section 115A.96, or for a violation of subdivision 8 by a person selling at retail, may not exceed \$700.

Subd. 10. **Definition of mercury-containing.** For the purposes of this section, “mercury-containing” or “containing mercury” means that the product, component of a product, or chemical formulation contains intentionally added mercury.

HIST: 1992 c 560 s 3; 1992 c 603 s 37; 1993 c 249 s 28; 1994 c 585 s 38; 1995 c 247 art 1 s 43; 1997 c 62; 1997 c 216 s 116; 2001 c 47; 2006 c 201 s 2; 2007 c 109 s 2-13. *NOTE: Subdivision 4, paragraph (b), as added by Laws 1992, c 560, s 3, is effective July 1, 1993. See Laws 1992, c 560, s 5. Subdivision 5a, as added by Laws 1997, c 62, is effective July 1, 1998. Subdivision 6, as amended by Laws 2001, c 47, is effective January 1, 2002. Subdivision 7a, as added by Laws 2006, is effective October 1, 2006. Subdivision 3, paragraphs (b) and (c), as added by Laws 2007, c 109, s 2, apply to products manufactured on or after January 1, 2008.*

**Note:** Most flat panel video displays (e.g., laptop displays, LCDs) are illuminated by one or mercury-containing lamps. These lamps are covered by the state’s solid waste disposal prohibition for mercury-containing lamps and must be removed and recycled for mercury recovery. See Minn. Stat. §§ 115A.932 and 116.92 for details.

#### § 116.921 MULTISTATE CLEARINGHOUSE.

The agency is authorized to participate in the Interstate Mercury Education and Reduction Clearinghouse (IMERC) to assist in carrying out the requirements and coordinating any other activities related to the administration of statutes governing the purchase, sale, use, labeling, disposal, and management of mercury and mercury-containing products.

HIST: 2007 c 109 s 14.



**§ 116.93 LAMP RECYCLING FACILITIES.**

Subdivision 1. **Definition.** For the purposes of this section, “lamp recycling facility” means a facility operated to remove, recover, and recycle for reuse mercury or other hazardous materials from fluorescent or high intensity discharge lamps.

Subd. 2. **Lamp recycling facility; permits or licenses; reporting.**

(a) A person may not operate a lamp recycling facility without obtaining a permit or license for the facility from the agency. The permit or license must require:

- (1) a plan for response to releases, including emergency response;
- (2) proof of financial responsibility for closure and any necessary postclosure care at the facility which may include a performance bond or other insurance; and
- (3) liability insurance or another financial mechanism that provides proof of financial responsibility for response actions required under chapter 115B; and
- (4) by March 1 each year, beginning in 2008, an annual report to the agency on the number and type of lamps received from businesses and households in the state and total number of lamps received from all generators outside of the state.

The agency shall specify the format for the report under clause (4) and make the reported information available on the agency's Web site.

(b) A lamp recycling facility that is licensed or permitted by a county under section 473.811, subdivision 5b, complies with this subdivision if the license or permit held by the facility contains at least all the terms and conditions required by the agency for a license or permit issued under this subdivision.

(c) A lamp recycling facility with a demonstrated capability for recycling that is in operation prior to adoption of rules for a licensing or permitting process for the facility by the agency may continue to operate in accordance with a compliance agreement or other approval by the commissioner until a license or permit is issued by the agency under this subdivision.

HIST: 1993 c 249 s 29; 2007 c 109 s 15.

**§ 17.861 REPLACEMENT OF MERCURY MANOMETERS.**

The commissioner, in cooperation with the pollution control agency, the office of environmental assistance, dairy equipment manufacturers and suppliers, and other interested parties, shall develop a program to provide replacement nonmercury manometers for a \$50 fee and to arrange for the acceptance, disposal, and recycling of the mercury, apparatus, and manometers at no cost to the dairy farmer. The mercury, manometers, and apparatus shall be managed in accordance with sections 115A.932 and 116.92.

HIST: 1997 c 216 s 26. *NOTE: 1997 Laws, Chapter 216, subdivision 7f appropriates \$250,000 from the future resources fund to the commissioner of agriculture to fund this program through June 30, 1999.*

**§ 121A.33 CERTAIN MERCURY USE IN SCHOOLS PROHIBITED.**

(a) For the purposes of this section, “school” has the meaning given under section 120A.22, subdivision 4, excluding home schools.

(b) After December 31, 2007, a school shall not:

- (1) purchase or use elemental mercury for any purpose; and
- (2) purchase or use an instrument of measurement that contains mercury, including, but not limited to, a thermometer, barometer, or sphygmomanometer, or a manometer containing mercury.

(c) After December 31, 2009, a school shall not:

- (1) store elemental mercury for any purpose; and
- (2) store an instrument of measurement that contains mercury, including, but not limited to, a thermometer, barometer, sphygmomanometer, or a manometer containing mercury.

(d) This section does not apply to thermostats for heating, ventilation, and air conditioning in the school.

HIST: 2007 c 109 s 16.



ENERGY CONSERVATION/EFFICIENT LIGHTING/UTILITY LAMP COLLECTION PROGRAMS

**§ 216B.241 ENERGY CONSERVATION IMPROVEMENT.**

Subd. 5. Efficient lighting program. (a) Each public utility, cooperative electric association, and municipal utility that provides electric service to retail customers shall include as part of its conservation improvement activities a program to strongly encourage the use of fluorescent and high intensity discharge lamps. The program must include at least a public information campaign to encourage use of the lamps and proper management of spent lamps by all customer classifications.

(b) A public utility that provides electric service at retail to 200,000 or more customers shall establish, either directly or through contracts with other persons, including lamp manufacturers, distributors, wholesalers, and retailers and local government units, a system to collect for delivery to a reclamation or recycling facility spent fluorescent and high intensity discharge lamps from households and from small businesses as defined in section 645.445 that generate an average of fewer than ten spent lamps per year.

(c) A collection system must include establishing reasonably convenient locations for collecting spent lamps from households and financial incentives sufficient to encourage spent lamp generators to take the lamps to the collection locations. Financial incentives may include coupons for purchase of new fluorescent or high intensity discharge lamps, a cash back system, or any other financial incentive or group of incentives designed to collect the maximum number of spent lamps from households and small businesses that is reasonably feasible.

(d) A public utility that provides electric service at retail to fewer than 200,000 customers, a cooperative electric association, or a municipal utility that provides electric service at retail to customers may establish a collection system under paragraphs (b) and (c) as part of conservation improvement activities required under this section.

(e) The commissioner of the pollution control agency may not, unless clearly required by federal law, require a public utility, cooperative electric association, or municipality that establishes a household fluorescent and high intensity discharge lamp collection system under this section to manage the lamps as hazardous waste as long as the lamps are managed to avoid breakage and are delivered to a recycling or reclamation facility that removes mercury and other toxic materials contained in the lamps prior to placement of the lamps in solid waste.

(f) If a public utility, cooperative electric association, or municipal utility contracts with a local government unit to provide a collection system under this subdivision, the contract must provide for payment to the local government unit of all the unit's incremental costs of collecting and managing spent lamps.

(g) All the costs incurred by a public utility, cooperative electric association, or municipal utility for promotion and collection of fluorescent and high intensity discharge lamps under this subdivision are conservation improvement spending under this section.

HIST: 1993 c 249 s 31

**§ 325E.127 NOTICE FOR FLUORESCENT LAMPS CONTAINING MERCURY.**

(a) A person who sells fluorescent lamps at retail must post the notice in paragraph (b) in a manner clearly visible to a consumer examining fluorescent lamps offered for sale.

(b) The notice must be in 36-point type or larger and state:

“Fluorescent bulbs save energy and reduce environmental pollution. Note: Fluorescent bulbs contain a small amount of mercury and must be recycled at the end of their use. Contact your county or utility for recycling options.”

(c) A retailer may include additional language in the notice in order to promote the sale of fluorescent lamps, provided that the language in paragraph (b) is present.

HIST: 2007 c 109 s 17. *NOTE: This section is effective July 1, 2008.*



**Other Minnesota statutes that address mercury:**

**MS § 115A.9155** Disposal of certain dry cell batteries: prohibition; manufacturer responsibility (Prohibits disposal of mercuric oxide batteries generated by a government agency or communications, industrial, or medical facility; requires battery manufacturers to ensure availability of a management system for waste batteries, publicize it, internalize its costs in sales transactions, and other related provisions. Passed 1990, amended 1991. Also covers silver oxide, nickel-cadmium, and sealed lead acid batteries.)

**MS § 115A.956** Solid waste disposal problem materials (Passed 1989, amended 1991.)

**MS § 115A.9561** Major appliances (Requires removal and recycling of mercury components from household appliances. Passed 1989, amended 1991, 1992, 1994. Major appliances are defined in MS § 115A.03, subd. 17a.)

**MS § 115A.961** Household batteries; collection, processing, and disposal (Passed 1989, amended 1994.)

**MS § 115A.965** Prohibitions on selected toxics in packaging (Establishes limits on the content of lead, cadmium, mercury, and hexavalent chromium in packaging. Passed 1991, amended 1993-1997.)

**MS § 115A.9651** Listed metals in specified products; enforcement (Prohibits sale in state of any ink, dye, pigment, paint, or fungicide into which lead, cadmium, mercury, or hexavalent chromium has been introduced. Establishes temporary exemption process to allow development of alternative products. Passed 1991, amended 1993-1997.)

**MS § 116.85** Monitors required for incinerators (Subd. 1 requires emission monitoring systems for mercury for any incinerator whose permit contains an emission limit for mercury. Subd. 1a establishes mercury testing requirements, schedules, and various permit and notification requirements. Passed 1989, amended 1990, 1997.)

**MS § 116.925** Mercury Emissions Consumer Information Act of 1997. Electric energy; Mercury emissions report (Requires persons or utilities who generate or sell power in Minnesota to report to the MPCA the amount of mercury emitted in generating that electricity. The MPCA commissioner shall report mercury emissions at least biennially. Passed 1997.)

**MS §§ 216B.105, 216B.68-216B.688** Mercury Emissions Reduction Act of 2006 (Establishes the framework for reduction in emissions of mercury from six coal-fired electric generating units that collectively account for more than 75 percent of the mercury emissions of all such plants in Minnesota. Passed 2006.)

**MS § 325E.125** General and special purpose battery requirements (Establishes timeline for reduction and elimination of mercury in dry cell and button batteries. Prohibits sale of mercuric oxide batteries. First state law to establish these standards, enacted in federal battery law in 1996. Passed 1990, amended 1991-1993.)

1992 NON-CODIFIED PROVISIONS

**Chapter 560, section 4. Fluorescent and high-intensity discharge lamps; report.**

The office of waste management, in consultation with the pollution control agency and manufacturers of fluorescent or high intensity discharge lamps that contain mercury, shall study and report to the legislative commission on waste management by January 1, 1993, with recommendations for fully implementing, by January 1, 1996, a system for ensuring that the toxic materials contained in lamps that are replaced are reused, recycled, or otherwise managed to ensure they are not placed in the solid waste stream or a wastewater disposal system, as defined in Minnesota Statutes, section 115.01, subdivision 8. The director of the office of waste management shall submit a preliminary report to the commission by October 1, 1992. (1992 c 560 s 4) [The recommendations of this report resulted in passage of the lamp disposal ban in Minn. Stat. § 115A.932, subd. 1(c), by the 1993 Legislature.]



#### 1993 NON-CODIFIED PROVISIONS

##### **Chapter 249, section 53. Fluorescent and high-intensity discharge lamps; collection study.**

The director of the office of waste management, in consultation with representatives of public utilities, electric cooperative associations, and municipal utilities that provide electric service to retail customers, the commissioners of the pollution control agency and the department of public service, the Minnesota technical assistance program, the director of the legislative commission on waste management, residential, commercial, and industrial electric power consumers, local government units, representatives of manufacturers, wholesalers, distributors, retailers, and recyclers of fluorescent and high intensity discharge lamps, and other interested persons, shall examine and evaluate the potential for collection systems for spent fluorescent and high intensity discharge lamps from households and small businesses. The director shall identify barriers to an effective collection system and approaches to reduce and remove those barriers.

By November 1, 1993, the director shall submit a report to the legislative commission on waste management that, at a minimum, recommends:

(1) collection and management systems for spent lamps that are generated within the service areas of public utilities not governed by Minnesota Statutes, section 216B.241, subdivision 5, paragraph (b), cooperative electric associations, and municipal utilities that provide electric service to retail customers; and

(2) an implementation plan that includes provisions for technical assistance to public utilities, electric cooperative associations, municipal utilities, lamp manufacturers, wholesalers, distributors, and retailers, and local government units that establish fluorescent and high intensity discharge lamp promotion programs and collection systems.

Any person may establish or participate in pilot projects to encourage the use and proper management of spent lamps as part of the study required under this section. All the costs incurred by a public utility, cooperative electric association, or municipal utility related to a pilot project are conservation improvement spending for the purposes of Minnesota Statutes 1992, section 216B.241. (1993 c 249 s 53) [The recommendations of this report did not result in the passage of any legislation by the 1994 Legislature.]

#### 2007 NON-CODIFIED PROVISIONS

##### **Chapter 109, section 18. Consumer education regarding fluorescent bulbs.**

Before July 1, 2008, the legislature shall examine and consider alternative methods to those established in Minnesota Statutes, section 325E.127, to educate consumers about the presence of mercury in fluorescent lamps and the requirement that they be recycled, and shall proceed to enact methods deemed to be effective. (2007 c 109 s 18)



## Minnesota Mercury Laws as Amended through the 2007 Legislative Session

### **Minnesota Rules pertaining to air quality and waste:**

Minnesota Air Quality Rules for waste combustors (Chapter 7011.1211-1290), part 7011.1255, requires waste combustor permittees to prepare, submit, and implement a “plan to separate solid wastes which contain mercury.”

In mid-1992, the MPCA adopted Lamp Management Guidelines, a Universal Waste-like framework governing collection, transport, storage, and recycling of used mercury-containing lamps. Similar coverage continues under the state’s Universal Waste Rule (Chapter 7045.1400), which took effect August 12, 2005. Minnesota does not allow the use of drumtop crushers for fluorescent lamps under the Universal Waste Rule.

The Minnesota Pollution Control Agency’s (MPCA) Special Waste Pilot Project, initiated in September 1993, established a Universal Waste-like regulatory framework for wastes containing elemental mercury. The state Universal Waste Rule includes the same wastes as the federal rule, including elemental mercury, mercury thermostats, mercury-containing lamps (including flat panel displays), and mercury-containing equipment.

“**HIST: c x art y s z**” refers to Chapter x, Article y and Section z of Legislative Session Laws of the year noted for each citation.

**Statutes (MS §) and Session Laws** can be viewed on the Minnesota Legislature Web site:

<http://www.leg.state.mn.us/>

**Air Quality Rules** can be viewed on the MPCA Web site:

[http://www.pca.state.mn.us/air/air\\_mnrules.html](http://www.pca.state.mn.us/air/air_mnrules.html)

**Hazardous Waste/Universal Waste Rules** can be viewed on the MPCA Web site:

[http://www.pca.state.mn.us/waste/hw\\_mnrules.html](http://www.pca.state.mn.us/waste/hw_mnrules.html)

**No mercury-related legislation was enacted by the 2002, 2003, 2004, or 2005 Legislatures. This compilation does not include the full language of 2006 Session Laws Ch. 201, sections 3-14 regarding mercury emissions reductions from coal-fired electric generating units.**

**For additional information on Minnesota mercury statutes and rules, or on state agency mercury programs, you may contact:**

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