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## POLICY

### MERCURY EDUCATION AND REDUCATION CAMPAIGN

#### Background

Chapter 164 of title 10 of the Vermont Statutes Annotated (V.S.A.) contains the provisions of Vermont's Comprehensive Mercury Management law. This chapter was adopted by the State of Vermont to reduce mercury emissions in a manner that is consistent with mercury product legislation developed jointly by other northeast states. Section 7105(f) of the mercury law contains a prohibition on the sale and use of certain mercury-added products (mercury switches and relays) in the State of Vermont. Despite the prohibition on sale, qualifying manufacturer may still sell a mercury switch or relay in Vermont by satisfying § 7105(g) or (h) that allow for an exemption from the prohibition of sale.

Currently, there is no definition of "mercury switch" or "mercury relay" in the Vermont legislation or otherwise adopted by the Agency. States with similar mercury product legislation have recognized that it is necessary to define "mercury switch" given the broad spectrum of uses for various types of mercury switches and devices that provide the same function but may not otherwise be called switches. Currently, there are 11 other states besides Vermont that have restrictions on the sale of mercury switches; many of these states also have an exemption provision permitting sale of these products under certain circumstances. Some of these states ban the sale based on mercury content amounts and not by product and therefore do not have need for specific product definitions. The remaining states that ban the sale of certain mercury products have definitions that are almost identical.

#### Purpose

The Mercury Education and Reduction Campaign administered under the Vermont Department of Environmental Conservation's Solid Waste Program ("Program") has developed definitions consistent with definitions adopted by other states with mercury legislation that ban the sale of certain mercury products for the Program's implementation of 10 V.S.A. § 7105(f)-(h). These definitions are intended to define mercury switches and relays that will be restricted from sale in the State of Vermont under § 7105(f). Mercury switches and relays that meet these definitions may also be eligible for any exclusions or exemptions under § 7-105(g) and (h) of the law under qualifying circumstances:

**"Mercury switch"** means a mercury-added product or device for measuring, controlling or regulating the flow of gas, other fluids or electricity. "Mercury switch" includes 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, mercury flame sensors and mercury connectors for making, breaking or changing the connection in an electrical circuit. "Mercury switch" does not include a mercury-containing thermostat as defined in 10 V.S.A. § 7102(16).

**"Mercury relay"** means a mercury-added 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.