COUNCIL AGENDA: 05-20-08
ITEM: 3.7

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

SUBJECT: **AB 2347 (RUSKIN) – MERCURY THERMOSTAT COLLECTION ACT OF 2008**

DATE: 05-15-08

RECOMMENDATION

As recommended by the Rules and Open Government Committee of May 14, 2008 and outlined in the attached memo previously submitted to and approved by the Rules and Open Government Committee, adopt a position of support for AB 2347 (Ruskin) – Mercury Thermostat Collection Act of 2008.

RULES COMMITTEE: 05-14-08
ITEM: C1b

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE

FROM: John Stufflebean

SUBJECT: SEE BELOW

DATE: 05-09-08

Approved

Date 5/9/08

SUBJECT: AB 2347 (RUSKIN) MERCURY THERMOSTAT COLLECTION ACT OF 2008

RECOMMENDATION

1. The City support AB 2347 (Ruskin).

2. The Committee approve a one-week turnaround for Mayor and City Council review.

OUTCOME

The City supports passage of this legislation to provide convenient options for consumers to recycle their waste thermostats in an environmentally-responsible manner that would remove a source of mercury from the environment.

BACKGROUND

In 1998, the largest thermostat makers, General Electric, Honeywell, and White Rodgers, established the Thermostat Recycling Corporation to implement a program for collecting used mercury-added thermostats. Under the Thermostat Recycling program, thermostat wholesalers and contractors as well as Household Hazardous Waste facilities volunteer to collect thermostats from Heating and Air Conditioning contractors and the general public. However, fewer than 5 percent of the mercury-added thermostats removed from buildings in the state are turned in to the Thermostat Recycling collection program.

State law banned the sale of new mercury-added thermostats for most uses effective January 2006, but the long lifetime of thermostats means that many of them are still in use. State law also bans disposal of mercury-added thermostats in solid waste landfills, but did not establish a performance-based and accountable system for collecting and recycling out-of-service mercury-added thermostats.

Mercury-added thermostats, on average, contain over 3,000 milligrams of mercury.

Although classified as hazardous waste, most are usually discarded into the solid waste stream, as recycling options are inconvenient and poorly publicized at present.

This bill would enact the Mercury Thermostat Collection Act of 2008 and would require, beginning January 1, 2010, that any manufacturer that sold mercury-added thermostats in California establish and maintain a collection and recycling program for out-of-service mercury-added thermostats.

ANALYSIS

A fact sheet analysis of AB 2347 is attached.

COORDINATION

This memorandum was coordinated with the City Attorney's Office, Intergovernmental Relations Director in the City Manager's Office, and the City's Legislative Representative in Sacramento.

POLICY ALIGNMENT

The attached fact sheet and analysis show that the proposed legislation is consistent with the Council-adopted 2008 Legislative Guiding Principles, and the Council-adopted guidelines.

JOHN STUFFLEBEAN
Director, Environmental Services

For questions please contact Roberta Dunlap, Environmental Services Specialist, at (408) 277-5364.

Attachment: AB 2347 Mercury Thermostat Collection Act of 2008

AB 2347 Mercury Thermostat Collection Act of 2008

What issue would the legislation try to address?

Most Californians have no idea how to recycle old mercury-containing thermostats, even though state law bans mercury waste from being thrown in the trash. In 1998, the largest thermostat makers, General Electric, Honeywell, and White Rodgers, established the Thermostat Recycling Corporation to implement a program for collecting used mercury-add thermostats. Under the Thermostat Recycling program, thermostat wholesalers and contractors as well as Household Hazardous Waste facilities volunteer to collect thermostats for Heating, Venting, and Air Conditioning contractors and the general public. However, currently fewer than 5% of the mercury-added thermostats removed from buildings in the state are turned in to the Thermostat Recycling collection program.

Mercury deposited in aquatic ecosystems, either through air dispensation or waste water treatment plant discharge, changes to methylmercury, the organic and most toxic form of mercury. A known neurotoxin, methylmercury bioaccumulates (builds up in fatty tissue as one animal eats another) and biomagnifies in animals, including fish and humans. The San Francisco Bay currently has a fish consumption advisory due to mercury contamination. More than 10 percent of the estimated mercury currently in use in the United States resides in mercury-added thermostats. This legislation would help reduce mercury deposition in landfills and increase the collection of old mercury containing thermostats.

How would this legislation resolve the issue?

This legislation would allow Californians to return their waste thermostats to any location that sells new thermostats, giving consumers a convenient option for recycling them in an environmentally-responsible manner.

Beginning January 1, 2010, manufacturers will be required to establish and maintain a collection and recycling program for out-of-service mercury-added thermostats that includes, but is not limited to, authorized bins for collection, an educational program and other outreach materials aimed at contractors and homeowners, and adequate incentives and education to contractors, service technicians, and homeowners to encourage return of thermostats to established recycling collection points.

How would the passage of this bill affect San José?

Without this legislation, the City may, in the future, be required to expend additional staff time and resources to address the proper collection and disposal of mercury-containing thermostats as part of its efforts to remove mercury from the environment in a safe and environmentally-responsible manner. These efforts may include:

- Increased funding to the County run Household Hazardous Waste program for the proper collection and disposal of mercury-containing thermostats from the general public.
- Education to businesses to encourage participation in the existing Thermostat Recycling program.

Staff's Recommended Position

Support AB 2347 and direct staff to send letters of support to Assemblyman Ruskin. This legislation is consistent with the 2008 Guiding Principal to support legislation and policies that promote livability, sustainable development, and environmental protection.

Also supported by:

California Product Stewardship Council (co-sponsor)
Sierra Club (co-sponsor)
Clean Water Action
City of Sunnyvale
City of Santa Monica
Napa County
Planning and Conservation League
California Association of Environmental Health Administrators
Regional Council of Rural Counties
AFSCME
California Retailers Association

Against:

None received

What is the current status of the measure?

Active. The bill has passed out of its second committee. May 1, 2008: referred to Committee on Environmental Quality.