



## Board of Health

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### **ARTICLE 13**            **MERCURY DISPOSAL REGULATIONS**

#### **SECTION 13.1**        **AUTHORITY AND PURPOSE**

These regulations shall be effective on or after June 19, 2003 and shall remain in effect until modified or amended by the Needham Board of Health. They are enacted under the authority of Massachusetts General Laws Chapter 111, Section 31. Board of Health regulations are an exercise of power under which levels of government are responsible for protection of public health, safety, welfare and the environment.

These regulations of the Needham Board of Health have been enacted for the purpose of protection of the citizens of the town of Needham by reducing the amount of mercury entering the environment via the disposal of solid waste. Mercury is toxic to the human nervous system, as well as fish and animals. Mercury can enter the body through skin absorption, inhalation of mercury vapors, or ingestion of food which is contaminated with mercury.

These regulations are made to prevent mercury from mercury containing devices from entering the environment.

Thermostats, thermometers, switches, fluorescent tubes, and other mercury containing devices contain several grams of mercury in fragile glass bulbs or ampoules. These ampoules may break, releasing droplets of toxic mercury.

#### **SECTION 13.2**        **DEFINITIONS**

**Individuals:** Person or persons that are removing or replacing any mercury-containing device from a property. The individual may be the property owner or hired contractor such as, but not limited to, a carpenter, plumber or electrician. This does not apply to town staff who are operating in the performance of their duties.

**Mercury Device:** Any product that contains the element mercury. These common products include but are not limited to thermostats, fluorescent bulbs, switches, barometers, sphygmomanometers, button cell batteries and thermometers.

**Building:** This definition includes residential, commercial, industrial or recreational buildings or facilities.

#### **SECTION 13.3**        **REGULATIONS**

(1) Mercury devices shall not be disposed of through any waste stream that results in their incineration, landfilling, discharge into the general environment or any other method of disposal not approved by the Department of Environmental Protection and local Board of Health.

(2) It shall be the responsibility of the individual(s) removing or replacing such mercury devices to properly dispose of this mercury device in accordance with these regulations and any state regulation regarding proper mercury disposal.

(3) Used devices containing mercury must be disposed of through an approved Massachusetts Department of Environmental Protection (DEP) collection and disposal program. Approved programs shall, at a minimum, document how they will accept, store, recycle and/or transfer each mercury device. In addition, the programs yearly approval will be contingent on providing evidence to the Board of Health, through properly documented manifests, that all devices have been disposed of in accordance with Massachusetts DEP's Universal Waste Regulations.

**SECTION 13.4            EFFECTIVE DATE AND ENFORCEMENT**

The effective date of this regulation is the date posted on the front page of this regulation, which shall be identical to the date of adoption of these regulations.

(1) As of the effective date of this regulation, any individual that removes, replaces, or engages any activity that would result in the removal or replacement of a mercury device shall comply with the provisions of this regulation.

(2) The Building Department or any other department that would oversee the removal, replacement or installation of mercury devices must notify the individual removing, replacing or installing the mercury device, of these regulations and notify the Board of Health upon issuance of a permit to do so.

**SECTION 13.5            PENALTIES**

Failure to comply with provisions of these regulations will result in a levy of fines no less than \$100, but no more than \$300 per incident by the Board of Health.

**SECTION 13.6            SEVERABILITY**

Each provision of this regulation shall be constructed as separate to the end that if any provision, sentence, clause, or phase thereof, shall be held invalid for any reason, that remainder of that section and all other sections shall continue in full force and effect.

Effective Date: June 19, 2003 by vote of the Needham Board of Health.

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