

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4599 (Substitute H-1 as reported without amendment)
Sponsor: Representative Jack Minore
House Committee: Commerce
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 5-30-02

RATIONALE

Mercury is a toxic substance that can harm both humans and wildlife. Many different products, including thermometers, contain mercury. Mercury from broken thermometers can evaporate and create a risk of dangerous exposure to mercury vapor in indoor air. Mercury that volatilizes when thermometers break in the home or in the waste disposal system can enter the environment and be deposited in lakes and rivers, where it can transform into highly toxic methylmercury.

While the amount of mercury in a thermometer may seem small, the United States Environmental Protection Agency estimates that one mercury thermometer could contaminate up to 25,000 gallons of water to beyond the drinking water standard. Further, one gram of mercury per year is enough to contaminate all the fish in a lake with surface area of 20 acres. While thermometers are not the major source of mercury pollution to the environment, they are a meaningful small source that can be reduced relatively easily. Therefore, it has been suggested that the sale of mercury thermometers and mercury fever thermometers be limited to help prevent mercury pollution.

CONTENT

The bill would add Part 172 (Mercury Thermometers) to the Natural Resources and Environmental Protection Act to prohibit the sale, offer for sale, or offer for promotional purposes of a mercury thermometer in the State or for use in the State, beginning January 1, 2003. The bill, however, would permit the sale of a mercury thermometer if it were sold or offered for a use for which a mercury thermometer was required by State

or Federal statute, regulation, or administrative rule.

The bill also would prohibit the sale, offer for sale, or offer for promotional purposes of a mercury fever thermometer in the State or for use in the State, except by prescription, beginning on January 1, 2003. With each mercury fever thermometer sold by prescription, the manufacturer would have to supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur.

The Department of Environmental Quality (DEQ) would have to enforce the bill. A person who violated Part 172 would be guilty of a misdemeanor punishable by up to 60 days' imprisonment and/or a maximum fine of \$1,000, plus the costs of prosecution.

(Under the bill, "mercury thermometer" would mean a product or component, other than a dry cell battery, of a product used for measuring temperature that contained mercury or a mercury compound intentionally added to the product or component. "Mercury fever thermometer" would mean a mercury thermometer used for measuring body temperature. "Manufacturer" would mean a person who produced, imported, or distributed mercury thermometers in the State.)

Proposed MCL 324.17201

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By limiting the sale of mercury thermometers, the bill would help reduce the threat of mercury pollution and help protect public health and the environment. Retailers still sell mercury thermometers to consumers who are not aware of the risks of mercury pollution. Each year, mercury is released into the environment when thermometers are broken or inappropriately discarded, particularly if the waste is burned in an incinerator. Combustion of various mercury-containing products in municipal solid waste is the second largest source of mercury in the environment in the United States. While the amount of mercury in thermometers is minimal, it is a source that can be relatively easily reduced. Currently, mercury-free thermometer alternatives such as digital electronic thermometers and glass alcohol thermometers are readily available and are adequate diagnostic tools.

Supporting Argument

Michigan already has taken steps to protect schoolchildren from mercury poisoning, through the enactment of Public Act 376 of 2000. That Act amended the Revised School Code to require public and nonpublic schools to ensure that they do not purchase, store, or use instruments containing mercury after December 31, 2004 (unless no reasonably acceptable alternative exists). This bill would continue the State's efforts to limit citizens' exposure to mercury, and would contribute to other jurisdictions' efforts to reduce the source of mercury in the environment. According to the National Wildlife Federation, eight states and 15 municipalities across the country have enacted mercury thermometer bans.

Legislative Analyst: Nobuko Nagata

FISCAL IMPACT

The bill would result in a nominal increase in DEQ enforcement costs as well as revenue to libraries from fines paid.

Fiscal Analyst: Pam Graham

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.