

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

A N A C T

**RELATING TO HEALTH AND SAFETY - - MERCURY REDUCTION AND EDUCATION
ACT**

Introduced By: Representatives Ginaitt, Long, Fox, McNamara, and Sullivan

Date Introduced: February 28, 2006

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-24.9 of the General Laws entitled "Mercury Reduction and
2 Education Act" is hereby amended by adding thereto the following sections:

3 **23-24.9-9.1. Legislative findings. -- (a) The general assembly further finds:**

4 (1) In 1998, the Conference of New England Governors and Eastern Canadian Premiers
5 (NEG/ECP) established a landmark goal to "virtually eliminate" mercury emissions in the region.

6 (2) The Governors' Mercury Task Force has set a goal of having seventy-five percent
7 (75%) of dentists in the region install dental amalgam separators by the end of 2007 and ninety-
8 five percent (95%) of dentists have them in place by the end of 2010.

9 (3) The Rhode Island Dental Association, the professional association representing the
10 majority of the State's dentists has been pro-active in adopting best management practices in
11 handling disposal of dental amalgam.

12 (4) On Earth Day 2003 the United States Environmental Protection Agency awarded to
13 the Rhode Island Dental Association the New England Region Environmental Merit Award for its
14 mercury reduction efforts.

15 (5) In 2004 the Rhode Island Dental Association in cooperation with the Narragansett
16 Bay Commission began a pilot program to adopt dental office best management practices.

17 (6) In 2004 the Narragansett Bay Commission awarded to the Rhode Island Dental
18 Association its Environmental Merit Award for Pollution Prevention.

1 (7) By the end of 2005, all Rhode Island dental offices within the Narragansett Bay
2 Commission's jurisdiction had adopted Best Management Practices to prevent wastewater
3 pollution.

4 (8) The department of environmental management is concerned about the contribution of
5 mercury to the environment from amalgam waste disposed of into all wastewater discharges,
6 including septic systems.

7 (9) Beginning in 2005, the Rhode Island Dental Association, working with the
8 wastewater treatment facility operators in the Pawtuxet River basin have begun to adopt a
9 uniform set of Best Management Practices to include all dental offices within the jurisdiction of
10 those facilities.

11 **23-24.9-9.2. Best management practices.** -- Rhode Island dental offices and vocational
12 dental education programs shall use and instruct on the use of best management practices to
13 minimize the presence of elemental mercury, unused amalgam, and waste amalgam in their
14 wastewater discharge and in their solid waste. The department shall develop best management
15 practices that include a requirement for an amalgam removal efficiency of at least ninety-nine
16 percent (99%). The department shall define the required best management practices by January 1,
17 2007. DEM shall consult with the Narragansett Bay Commission, the Rhode Island Dental
18 Association and other interested parties during the development of the best management
19 practices. Dental offices shall comply with the best management practices.

20 **23-24.9-9.3. Amalgam separators.** -- No later than July 1, 2008, a dental office that, in
21 the course of treating its patients, places or removes dental amalgam must install an amalgam
22 separator system in the wastewater discharge line. For the purposes of this section, an amalgam
23 separator system means a device that removes dental amalgam from the waste stream prior to
24 discharge into either the local public wastewater system or a private septic system located at the
25 dental facility and that has been certified as conforming to the standards of ISO 11143, Dental
26 Equipment – Amalgam Separators. A dental office must demonstrate proper installation,
27 operation, maintenance, and amalgam waste recycling or disposal in accordance with the
28 manufacturer's recommendations by maintaining and submitting as necessary annual records on
29 waste shipment and maintenance of the system and any other reporting required in this section.
30 Records of the previous three (3) years shall be maintained at all times. Methods or technologies
31 other than amalgam separators that achieve equivalent or greater dental amalgam discharge
32 reductions and that are approved by the agency shall be deemed to comply with the requirements
33 of this subsection.

34 **23-24.9-9.4 Exemptions.** -- (1) The following categories of dental offices are exempt

1 from the requirement to install an amalgam separator; provided, that they do not place or remove
2 amalgam:

3 (a) Orthodontists;

4 (b) Periodontists;

5 (c) Endodontists;

6 (d) Oral and maxillofacial surgeons; and

7 (e) A dental office that is scheduled to no longer be used as a dental office after January
8 1, 2008.

9 SECTION 2. Section 23-24.9-9 of the General Laws in Chapter 23-24.9 entitled
10 "Mercury Reduction and Education Act" is hereby amended to read as follows:

11 **23-24.9-9. Disposal ban.** -- (a) Except as otherwise provided for in this chapter, after
12 July 1, 2006, no person shall dispose of mercury-added products in a manner other than by
13 recycling or disposal as hazardous waste. Mercury from mercury-added products may not be
14 discharged to water, wastewater treatment, and wastewater disposal systems except when it is
15 done in compliance with local, state, and federal applicable requirements.

16 (b) If a formulated mercury-added product is a cosmetic or pharmaceutical product
17 subject to the regulatory requirements relating to mercury of the federal food and drug
18 administration, then the product is exempt from the requirements of this section.

19 (c) This section shall not apply to: (1) anyone who disposes of a mercury-added button
20 cell battery; or (2) mercury-added components as contained in motor vehicles except as provided
21 in subdivision 23-24.9-10(b)(2) and in accordance with such regulations as may be adopted by
22 the department in order to achieve the purposes of subdivision 23-24.9-10(b)(2); and (3)
23 households disposing of lamps and products containing lamps.

24 (d) The restrictions on the disposal of mercury-added components in motor vehicles shall
25 be as set forth in subsection (a) of this section effective January 1, 2006, and shall be
26 implemented as provided for in subdivision (c)(2) of this section and subdivision 23-24.9-
27 10(b)(2).

28 (e) The restrictions on amalgam waste recycling and disposal shall be implemented as
29 provided for in section 23-24.9-9.3.

30 SECTION 3. This act shall take effect upon passage.

=====
LC02475/SUB A/2
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY - - MERCURY REDUCTION AND EDUCATION
ACT

- 1 This act would require dental offices to use best practices to minimize the presence of
- 2 elemental mercury in their wastewater discharge.
- 3 This act would take effect upon passage.

=====
LC02475/SUB A/
=====