

Number 115
March 2007

Ohio School and Consumer Mercury Product Bans

To protect public health and the environment, a new Ohio law establishes bans on the purchase of mercury by schools. It also bans the sale of thermostats, thermometers and novelty items that contain mercury. House Bill 443 became law on January 4, 2007.

Although there is a sales ban, there are no requirements for reporting or removal of existing mercury, mercury compounds or any measuring devices. Ohio EPA recommends voluntarily removing mercury-containing items as soon as possible through free services like the Bowling Green State University elemental mercury collection program or through other recycling services

(www.epa.state.oh.us/ocapp/p2/mercury_pbt/mercury/collect.html).

Why is mercury a problem?

Mercury is a metal element that is widely used in many products. Once mercury is released into the environment, it does not break down and can travel up the food chain. Mercury accumulates in human, fish and wildlife tissue, and can be inhaled, absorbed through skin or ingested. It is a neurotoxin that can affect the developing nervous systems in fetuses and children, which could result in learning disabilities. Exposure to high doses of mercury can also cause vision, speech and hearing impairment, or respiratory problems.

Ban on purchasing mercury items by K-12 schools (ORC 3734.62)

Beginning April 6, 2007, no school district, educational service center, public school, private school, or community school through the 12th grade may purchase mercury, mercury compounds, or measuring devices that contain mercury for classroom use.

Ban on the sale of mercury thermometers (ORC 3734.63)

Beginning October 6, 2007, a manufacturer of thermometers cannot may not (1) sell; or (2) distribute for promotional purposes mercury-containing thermometers in Ohio (if the manufacturer is outside of the United States, the distributor may not sell the thermometers in Ohio). There are some exceptions to the ban that allow the sale and distribution of mercury-containing thermometers under the following circumstances:

- when use of a mercury-containing thermometer is required in order to comply with federal law;
- when it is demonstrated to be the only temperature measuring device feasible for a research, quality control, or manufacturing application;

Effective dates of mercury bans

- **April 6, 2007** - Mercury, mercury-compounds, and mercury measuring devices cannot be purchased by K-12 schools for classroom use.
- **October 6, 2007**- Mercury thermometers cannot be sold in Ohio.
- **October 6, 2007**- Novelty items that contain mercury (except the mercury contained in button cell batteries) cannot be sold in Ohio.
- **April 6, 2008** - Thermostats that contain mercury cannot be sold or installed in Ohio.
- **January 1, 2011** - Novelty items with mercury containing button cell batteries cannot be sold in Ohio.

Ohio School and Consumer Mercury Product Bans

- when a button cell battery is the only component of the thermometer containing mercury; or
- when it is required in a valid medical prescription.

Manufacturers or distributors who fall into any of the exception categories must:

- clearly label the packaging of the thermometer, indicating that it contains mercury; and
- provide clear instructions with the thermometer on how to (1) handle it to avoid breakage; (2) clean up a mercury spill from the thermometer; and (3) manage and dispose of the thermometer at the end of its life.

Ban on mercury novelty items (ORC 3734.64)

Beginning October 6, 2007, the new law bans the sale or distribution of novelty items in Ohio, such as games, figurines, toys, cards, ornaments, yard statues, candles, jewelry, decorations, footwear and other apparel. This excludes items that only contain the mercury found in a button-cell battery. Novelty items with button cell batteries are added to the ban on January 1, 2011. Mercury-added novelty items whose only source of mercury is a fluorescent lamp, such as a hand-held game console, are excluded from the ban.

Ban on mercury thermostats (ORC 3734.65)

Beginning April 6, 2008, mercury-containing thermostats cannot be sold, installed, or reinstalled in Ohio unless the mercury-containing thermostat is installed in the residence of a visually-impaired person, or the thermostat is used to sense and control temperatures as a part of a manufacturing process.

Enforcement and Penalties

Ohio EPA is responsible for enforcing the bans. The law authorizes the Agency to assess penalties for non-compliance, specifically:

- Penalties on schools that fail to comply can be up to \$100 for each violation;
- Penalties for violating the thermometer, novelty item, or thermostat bans can be up to \$5,000 for each day of violation, with a total penalty not exceeding \$25,000.

If a school violates the law, the Ohio EPA can choose not to pursue penalties if the school:

1. Properly recycles or disposes of the mercury, mercury compounds or mercury measuring device; and
2. Develops and implements a mercury reduction plan.

For more information

The text of the legislation is available at www.epa.state.oh.us/ocapp/p2/mercury_pbt/substitute%20bill%20443.pdf and House Bill 443 in its entirety is available at www.legislature.state.oh.us/bills.cfm?ID=126_HB_0443.

If you have any questions or would like more information about Ohio's mercury product bans, contact the Office of Compliance Assistance and Pollution Prevention at (800) 329-7518.