



FY03-72302

TOWN OF WEST NEWBURY MASSACHUSETTS

01985

Town Office Building, 381 Main Street

BOARD OF HEALTH

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Mercury Disposal Thermostat Regulations July 23, 2002

Section I: Authority and Purpose

These regulations shall be effective on or after July 23, 2002 and shall remain in effect until modified or amended by the West Newbury 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.

The regulation of the West Newbury Board of Health have been enacted for the purpose of protection of the citizens of the town West Newbury 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 either through skin absorption or through inhalation of mercury vapors.

These regulations are made to prevent mercury from used thermostats from entering the environment.

Thermo stats and switches contain several grams of mercury in fragile glass bulbs or ampoules, these ampoules may break, releasing droplets of toxic mercury.

Section II: Definitions

Individuals - Person, or persons that are removing or replacing any mercury thermostat from a property. The individual may be the property owner or hired contractor such as but not limited to a carpenter, plumber or electrician.

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

Section III: Regulations

1. Mercury thermostats shall not be disposed of through any waste stream that results in their incineration, land filling, 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 thermostat to properly dispose of this mercury thermostat in accordance with these regulations and any state regulation regarding proper mercury disposal.
3. Used thermostats containing mercury must be disposed of through an approved Board of Health recycling program. Approved programs shall at a minimum document how they will accept, store, recycle and/or transfer each thermostat. In addition, the programs yearly approval will be contingent on providing evidence to the Board, through properly documented manifest, that all thermostats have had their mercury successfully recycled.

Section IV: 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 thermostat shall comply with the provisions of this regulation.
2. The Building Department or any other department that would oversee the removal or replacement or installation of mercury thermostats must notify the individual removing, replacing the mercury thermostat, of these regulations and notify the Board of Health upon issuance of a permit to do so.

Section V: Penalties


Failure to comply with provisions of these regulations will result in a levy of fines no less than \$50.00, but no more than \$300 per incident.

Section VI: Severability

Each provision of this regulation shall be construed 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 section shall continue in full force and effect.

Effective Date: July 23, 2002 by vote of the West Newbury Board of Health.


Robert James, Chairman


Carol Cena


Blake Seale