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Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division

Advanced Notice of Rulemaking and  
Solicitation of Comments—Mercury Risk Reduction  
(LAC 33:I.2701, 2703, 2705, 2707, 2709, 2711, 2713, 2715, 2717, 2719, and 2721) (OS077)  
(0712Pot1)

The Louisiana Department of Environmental Quality is requesting comments on the draft proposed regulations, LAC 33:I.2701, 2703, 2705, 2707, 2709, 2711, 2713, 2715, 2717, 2719, and 2721 (OS077), that will implement Act 126 of the 2006 Regular Session of the Legislature (R.S. 30:2571 et seq.) regarding the control of mercury releases to the environment.

This rule creates a comprehensive system for control of mercury-containing products; requires notification to the DEQ by manufacturers of mercury-containing products; phases out mercury-containing products with increasingly stringent restrictions on sales; requires manufacturers to provide collection plans for discarded mercury-containing products; provides for labeling of mercury-containing products and public outreach on the danger of mercury; bans certain methods of disposal of mercury-containing products; bans certain uses of mercury-containing products; and provides for exemptions to the requirements. Specific language is included to provide for the continued use of dental amalgam.

The Department requests comments on the technical content of the draft rule. The Department also requests comments on the estimated cost of implementation of this rule to the public, and other interested parties who could be affected by this rule, for the purpose of preparing a Fiscal and Economic Impact Statement as required by law.

Written comments concerning the draft rule are due no later than 4:30 p.m., February 20, 2008, and should be submitted to Sharon Parker, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to [sharon.parker@la.gov](mailto:sharon.parker@la.gov). Persons commenting should reference this document as OS077. Copies of the draft rule can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS077. This draft rule is available on the Internet at <http://www.deq.louisiana.gov/portal/tabid/2644/Default.aspx>.

The draft rule is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

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**Title 33**  
**ENVIRONMENTAL QUALITY**

**Part I. Office of the Secretary**

**Subpart 1. Departmental Administrative Procedures**

**Chapter 27. Mercury Risk Reduction**

**Subchapter A. Requirements Related to the Sale of Mercury-Added Products**

**§2701. Authority**

A. Regulations for the purpose of mercury risk reduction in the state of Louisiana are hereby established by the department pursuant to R.S. 30:2571-2588.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2571-2588.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

**§2703. Purpose**

A. The purpose of this Chapter is to supplement procedures and requirements set forth in the Mercury Risk Reduction Act, R.S. 30:2571 et seq., for manufacturers of mercury-added products offered for sale, users of mercury-added products in drinking water and waste water treatment systems, and dismantlers of end-of-life products that contain mercury-added products within the state of Louisiana. This Chapter is in addition to any other requirements to provide notice, and nothing in this Chapter shall be construed to relieve the department or any other person from any other requirement set forth in the *Louisiana Administrative Code*, Title 33. Furthermore, nothing in this Chapter shall prevent a manufacturer of mercury-added products, or the department, from providing additional means for public information and participation consistent with this Chapter or any other Chapter of the *Louisiana Administrative Code*, Title 33.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2571.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

**§2705. Definitions**

A. The following terms are used in these regulations and, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

*Amalgam*—any of various alloys of mercury and other metals, as with tin or silver.

*Amalgam Sludge*—the mixture of liquid and solid material collected within vacuum pump filters or other amalgam capture devices.

*Chair Side Traps*—devices that capture amalgam waste during amalgam placement or removal procedures.

*Contact Amalgam*—amalgam that has been in contact with a patient. Examples include extracted teeth with amalgam restorations, carving scrap collected at chair side, and amalgam captured by chair side traps, filters, or screens.

*Empty Amalgam Capsules*—individually-dosed containers left over after mixing pre-capsulated dental amalgam.

*Fabricated Mercury-Added Product*—a product that consists of a combination of individual components that combine to make a single unit, including but not limited to mercury-added measuring devices, lamps, and switches.

*Formulated Mercury-Added Product*—a chemical product, including, but not limited to, laboratory chemicals, cleaning products, cosmetics, pharmaceuticals, and coating materials, that are sold as a consistent mixture of chemicals.

*Health Care Facility*—any hospital, nursing home, extended care facility, long-term care facility, clinical or medical laboratory, state or private health or mental institution, clinic, physician's office, or health maintenance organization.

*Manufacturer*—any person, firm, association, partnership, corporation, governmental entity, organization, or combination or joint venture that produces a mercury-added product, or an importer or domestic distributor of a mercury-added product produced in a foreign country. In the case of a multi-component mercury-added product, the *manufacturer* is the last manufacturer to produce or assemble the product. If the multi-component product is produced in a foreign country, the *manufacturer* is the importer or domestic distributor.

*Mercury-Added Novelty*—a mercury-added product intended mainly for personal or household enjoyment or adornment. *Mercury-added novelties* include, but are not limited to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations, items of apparel including footwear, and similar products.

*Mercury-Added Product*—a product, commodity, chemical, or product with a component that contains mercury or a mercury compound intentionally added to the product, commodity, chemical, or component in order to provide a specific characteristic, appearance, or quality or to perform a specific function or for any other reason. These products include *formulated mercury-added products* and *fabricated mercury-added products*, as defined in this Subsection. The presence of mercury as a contaminant does not of itself make a product a *mercury-added product*.

*Mercury Fever Thermometer*—a mercury-added product that is used for measuring body temperature.

*Non-Contact Amalgam (Scrap)*—excess mix left over at the end of a dental procedure.

*Vacuum Pump Filters*—devices that may contain amalgam sludge and water by filtering solids from vacuum lines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2571.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

### **§2707. Notifications**

A. Effective January 1, 2007, no mercury-added product shall be offered for final sale or use or distributed for promotional purposes in Louisiana without prior notification in writing by the manufacturer of the product to the Office of the Secretary in accordance with the requirements of this Section. The Interstate Mercury Education and Reduction Clearinghouse (IMERC) report may be used for notification purpose; a form can be obtained from IMERC, the department, or the department's website.

1. The notification to the department shall, at a minimum, include:

a. a brief description of the product to be offered for sale, use, or distribution;

b. the amount of, and purpose for, mercury in each unit of the product;

c. the total amount of mercury contained in all products manufactured by the manufacturer; and

d. the name and address of the manufacturer, and the name, address and phone number of a contact at the manufacturer.

2. For purposes of complying with this Section, the manufacturer may submit to the department a copy of the report sent by the manufacturer to the Interstate Mercury Education and Reduction Clearinghouse (IMERC). At a minimum, the copy of the report shall contain the information listed in Subparagraphs A.1.a-d of this Section.

B. Any mercury-added product for which federal law governs notice in a manner that preempts state authority shall be exempt from the requirements of this Section.

C. With the approval of the department, the manufacturer may supply the information required in this Section for a product category rather than an individual product. The manufacturer shall update and revise the information in the notification whenever there is a change in the information, or when requested by the department, within 90 days of the change. A notification pursuant to this Subsection is to be mailed to the Office of the Secretary.

D. A manufacturer may request confidentiality for certain submitted information by following the procedures in LAC 33:I.Chapter 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2571.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

#### **§2709. Notification of Certain Mercury-Added Products Restricted for Sale**

A. The final sale, use, and distribution of certain mercury-added products have been restricted in R.S. 30:2575(A)-(D).

B. Manufacturers that produce and sell such materials shall notify retailers about these restrictions in writing. The notification shall contain the following information:

1. the date of restriction;
2. proper handling and disposal instructions;
3. recycling options; and
4. proper clean-up instructions in case of spills.

C. Manufacturers shall keep records documenting this notification and immediately available for the department's inspection upon request. These records shall be maintained for at least three years after the notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2571.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

#### **§2711. Petitions for Exemptions from Phase Outs**

A. The manufacturer of a mercury-added product subject to the phase-out provisions of R.S. 30:2576 may petition the administrative authority for an exemption.

B. Applications for exemption from mercury-added product sale phase-out must contain the following information:

1. documentation of the basis for the requested exemption or renewal of exemption;
2. a description of how the manufacturer will ensure that a system exists for the proper collection, transportation, and processing of the products at the end of their useful life;
3. documentation of the readiness of all necessary parties to perform as intended in the planned system; and
4. a statement of the consistency of the exemption request with the practices of other IMERC states;
5. criteria considering whether use of the product is beneficial to the environment or protective of public health or protective of public safety, and if so, how;
6. criteria considering whether there exist any technically feasible alternatives to the use of mercury in the product, and if so, a description of such alternatives;
7. criteria considering whether any comparable non-mercury added products are available at a reasonable cost, and if so, a description of such products and their costs.

C. A mercury-added product shall be exempt from the limits on total mercury content set forth in R.S. 30:2576(A), if the level of mercury or mercury compounds contained in the product is required in order to comply with federal or state health, safety, or homeland security requirements. In order to claim exemption under this provision the manufacturer must notify, in writing, the Office of the Secretary and provide the legal justification for the claim of exemption.

D. The administrative authority may provide exemptions from this Section or any portion thereof when petitions for such are deemed appropriate after consideration of the factors enumerated in Paragraphs B.1-7 of this Section, as well as any other pertinent factors.

E. The administrative authority shall decide whether or not to grant the exemption requested within 180 days from the date on which the request for exemption was filed, unless a longer time period is agreed upon by mutual consent of the applicant and the administrative authority.

F. Exemptions may be renewed upon reapplication by the manufacturer and findings by the department of continued eligibility under the criteria of this Section and of compliance by the manufacturer with the conditions of its original approval. Exemptions may be renewed one or more times, and each renewal may be for a period of no longer than two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2571.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

### **§2713. Labeling of Mercury-Added Products**

A. The responsibility for product and package labels required by this Section and R.S. 30:2577 shall be on the manufacturer and not on the wholesaler or retailer unless the wholesaler or retailer agrees with the manufacturer to accept responsibility in conjunction with implementation of an alternative to the labeling requirements of this Section approved under R.S. 30:2578. In the case of a multi-component product that is produced in a foreign country, the responsible manufacturer is the importer or domestic distributor.

B. Mercury-added products manufactured after July 1, 2008, shall be labeled in accordance with this Section.

C. The following labeling standards shall apply to all mercury-added consumer products. The label shall:

1. be clearly visible to the product user;
2. be printed in English using a 10 point font or larger;
3. be mounted, engraved, molded, embossed, or otherwise affixed to the product using materials that are sufficiently durable to remain legible throughout the life of the product;
4. bear the wording "Contains Mercury" or equivalent wording;
5. state that the product cannot be placed in trash and must be recycled, handled as a universal waste, or disposed of as a hazardous waste. This requirement can be satisfied by any of the following wording, or other wording that is substantially equivalent.

"Contains Mercury. Don't Put In Trash. Recycle or Dispose as Hazardous Waste."

"Contains Mercury. Dispose of According to Local, State, and Federal Laws."



"Contains Mercury. Dispose of Properly."

D. If the product incorporates a mercury-added component that is not visibly labeled in accordance with Paragraphs C.1-5 of this Section, the label on the larger product must clearly identify the internal component. This requirement can be satisfied by the following wording, or other wording that is substantially equivalent.

"The [describe component] in this product contains mercury. Dispose of according to local, state, and federal laws."

E. If the product is sold in packaging that obscures the label, the packaging also must be labeled such that the label:

1. is visible at the time of purchase;
2. bears the wording "Contains Mercury" in a 10 point or larger font;
3. identifies the mercury-added component within the package (e.g., "Lamp Contains Mercury" if the product is a light fixture that includes a fluorescent lamp); and
4. bears the wording "Dispose of according to local, state, and federal laws." or "Do not place in trash. Dispose of as a hazardous waste." or some equivalent wording.

F. If the product is offered for sale by catalog, telephone, or Internet such that the label on the product or packaging is not visible at the time of purchase, the consumer must be made aware prior to purchase that there is intentionally-added mercury in the product by placing a label or providing other information in sales literature, on website pages, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2571.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

### **§2715. Alternative Methods of Public Notification**

A. A manufacturer may apply to the department for an alternative to the requirements of LAC 33:I.2713 where strict compliance with the requirements is not feasible, or the proposed alternative would be at least as effective in providing pre-sale notification of

mercury content and in providing instructions on proper disposal, or federal law governs labeling in a manner that preempts state authority.

B. The manufacturer of a mercury-added product subject to the labeling provisions of LAC 33:I.2713 may apply to the department for approval of an alternative labeling plan. Applications for approval of an alternative labeling plan must contain the following information:

1. documentation of the justification for the requested alternative, which shall include, but not be limited to, any claim that strict compliance with the requirements of R.S. 30:2577 is not feasible, and any claim that federal law governs labeling in a manner that preempts state authority;
2. a description of how the alternative ensures that purchasers or recipients of mercury-added products are made aware of mercury content prior to purchase or receipt;
3. a description of how a person discarding the product will be made aware of the need for proper handling to ensure that the product is not disposed of with trash or garbage or in a sewer system;
4. documentation of the readiness of all necessary parties to implement the proposed alternative; and
5. a description of the performance measures to be utilized by the manufacturer to demonstrate that the alternative is providing effective pre-sale notification and pre-disposal notification.

C. The department may grant, deny, modify, or condition a request for an alternative to the requirements of LAC 33:I.2713 and approval of such alternative. The grant of the application for the alternative method of public notification shall be for a period of no more than two years and may, upon continued eligibility under the criteria of this Section and compliance with the conditions of its prior approval, be renewed for two-year intervals. Prior to approving an alternative, the department shall consult with neighboring states and regional and national organizations to ensure that the alternative labeling requirements are consistent with those of other governments in the region.

D. Requests for renewals of alternative labeling plans shall be submitted to the Office of the Secretary in writing six months prior to the renewal anniversary date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2571.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

### **§2717. Collection of Mercury-Added Products**

A. A manufacturer of any mercury-added product that is offered for sale or distributed for promotional purposes in the state must implement a collection system plan that has been approved by the department. R.S. 30:2581 allows a manufacturer to develop a collection system plan either on its own or in concert with others.

B. The collection system plan must provide for the removal and collection of the mercury-added component or the collection of both the mercury-added component and the product containing it.

C. Prior to offering any mercury-added product containing more than 10 milligrams of mercury for final sale or use or distribution for promotional purposes in Louisiana, the manufacturer shall submit a written collection system plan to the Office of the Secretary and receive the department's approval. The proposed plan shall include the following information:

1. the manufacturer's name, mailing address, and if available, Internet address;
2. the contact person's name and phone number;
3. documentation describing a public education program, including implementation dates, that will inform the public about the purpose of the collection system program and how to participate in it;
4. identification of the targeted capture rate for the mercury-added product, product category, or component;
5. a plan for implementation of the proposed collection system, including documentation demonstrating the financing thereof;
6. documentation of the willingness of all necessary parties to implement and participate in the program and their contact information;
7. a description of the performance measures to be used to demonstrate that the collection system is meeting capture rate targets;
8. a description of additional or alternative actions that will be implemented to improve the collection system and its operation in the event that the program targets are not met;
9. a description of a recycling or disposal plan;
10. a signed certification stating that the person signing:
  - a. has personally examined and is familiar with the information submitted within the collection system plan and all attachments; and
  - b. is authorized to sign the certification by the entity on whose behalf he is signing.

D. Within a year of the department's approval of the collection system plan, the manufacturer, or the entity that submitted the plan on behalf of the manufacturer, shall ensure that a convenient and accessible recovery system for the users of those products is in full operation. Two years following the implementation of the collection system plan required under this Section, and every two years thereafter, the manufacturer, or the entity that submitted the plan on behalf of the manufacturer, shall submit a report on the effectiveness of the collection system. The report shall be submitted to the Office of the Secretary by July 1 of each reporting year. The report shall include the following information:

1. an estimate of the amount of mercury that was collected;
2. the capture rate for the mercury-added products or components;
3. the results of the other performance measures included in the manufacturer's collection system plan; and
4. such other information as the department may require.

E. Mercury-added formulated products intended to be totally consumed in use, such as cosmetics, pharmaceuticals, and reagents and other laboratory chemicals, shall be exempt from the requirements of this Section.

F. The manufacturer of a mercury-added product subject to the collection system requirements of this Section may apply to the department for an exemption from this Section for a product or category of products. An exemption request shall contain, at a minimum, the following information:

1. the amount of mercury in the mercury-added product;
2. the total amount of the mercury-added product sold in Louisiana;
3. the total amount of mercury-added product disposed of in Louisiana;
4. the feasibility of a collection system; and

5. the overall risk to human health and the environment posed by the mercury-added product.

E. The administrative authority shall decide whether to grant the exemption requested within 180 days from the date on which the request for exemption was filed, unless a longer time period is agreed upon by mutual consent of the applicant and the administrative authority.

F. Exemptions may be renewed upon reapplication by the manufacturer and findings by the department of continued eligibility under the criteria of this Section and of compliance by the manufacturer with the conditions of its original approval. Exemptions may be renewed one or more times, and each renewal may be for a period of no longer than two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2571.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

### **§2719. Disposal Ban and Proper Management of Mercury in Scrap Metal Facilities**

A. On and after January 1, 2007, mercury shall not be discharged to water, wastewater treatment, and wastewater disposal systems except when it is done in compliance with applicable local, state, and federal requirements.

B. No person shall crush or shred a motor vehicle unless the person has made a reasonable effort to remove, or verify the removal of, the mercury contained within convenience lighting switches and antilock braking system components.

1. Verification that the mercury contained within convenience lighting switches and antilock braking system components has been removed may be accomplished by:

a. obtaining a certification by a duly authorized representative of the person delivering the scrap that the mercury contained within convenience lighting switches and antilock braking system components required to be removed has been removed and is not included with the scrap delivered; and

b. conducting a visual inspection as practicable of the scrap delivered.

2. The person crushing the vehicle shall document the visual inspection and retain the documentation along with the certification from the duly authorized representative of the person delivering the scrap.

C. No person shall shred an appliance unless the person has made a reasonable effort to remove, or verify the removal of, the component mercury-added products. Obtaining a written certification by a duly authorized representative of the person delivering the scrap that mercury-added products required to be removed have been removed and are not included with the scrap delivered, and conducting a visual inspection as practicable of the scrap delivered, shall constitute verification that all of the component mercury-added products have been removed. The person who shreds an appliance shall retain the written certification required by this Subsection for a period of three years and shall allow the department to inspect and copy the certification upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2571.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.

### **§2721. Best Management Practices for Health Care Facilities**

A. On and after July 1, 2007, any person using a formulated mercury-added product, a fabricated mercury-added product, or a mercury-added product must maintain a current and appropriate Material Safety Data Sheet, meeting the requirements of 29 CFR 1910.1200(g), for any elemental mercury used.

B. On and after July 1, 2007, any person using a formulated mercury-added product, a fabricated mercury-added product, or a mercury-added product must maintain a statement signed by him/her that certifies that his/her employees and other persons acting under his/her direction or control:

1. will use the mercury only for medical, dental, research, or manufacturing purposes;
2. understand that mercury is toxic, and will store, use, and otherwise handle such mercury in accordance with Subsection C of this Section; and
3. will dispose of the elemental mercury, formulated mercury-added product, fabricated mercury-added product, or mercury-added product in accordance with Subsection C or H of this Section.

C. Within 180 days of the effective date of these regulations, any person using a formulated mercury-added product, a fabricated mercury-added product, or a mercury-added product shall develop, maintain, and comply with a Mercury Management Plan (MMP) that is designed to eliminate or capture mercury in waste. The MMP shall meet the following minimum requirements.

1. A timeline for the reduction and eventual elimination of mercury-containing equipment and chemicals, with the exception of dental amalgam, shall be established.
2. A baseline inventory of mercury-containing devices and substances at the facility shall be listed.
3. Mercury management protocols for safe handling, mercury spill cleanup procedures, disposal procedures, and education and training of employees shall be established.
4. Discarded mercury-containing devices and substances shall be recycled to the maximum extent practicable, and records associated with such recycling shall be maintained at the facility for at least three years. Discarded mercury-containing devices and substances:
  - a. shall only be offered for recycling to treatment, storage, or disposal facilities that, if located in the United States, are either:
    - i. permitted under 40 CFR 270, LAC 33:V.Chapters 3, 4, 5, and 7, or a RCRA-approved hazardous waste program of any other state; or
    - ii. authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR 271; and
  - b. shall not be offered for disposal by incineration.
5. Management and storage of discarded mercury-containing devices and substances waste shall be protective of human health and the environment. Storage shall be in structurally sound, leak proof, sealed, labeled containers that are impervious to mercury vapors. An example of a container meeting these criteria would be a clear glass container. Glass containers shall be secured inside a sturdy, padded box in order to prevent breakage of the glass and subsequent release of mercury.
6. An environmentally preferable purchasing (EPP) policy for mercury products and a process to regularly review mercury use reduction and elimination progress shall be established.
7. All other aspects of the MMP shall, at a minimum, conform to any best management practices (BMP) developed by the American Hospital Association or the American

Medical Association or by Hospitals for a Healthy Environment (H2E). The H2E BMP is known as the Mercury Waste Virtual Elimination Model Plan.

E. Use of Dental Amalgam. Within 180 days of the effective date of these regulations, any person using dental amalgam shall develop, maintain, and comply with a Dental Amalgam Management Plan that is designed to capture mercury in dental amalgam waste and excess. This management plan shall meet the following requirements.

1. Chair-side traps and vacuum pump filters shall be used for the purpose of waste amalgam capture. Such devices shall be operated according to the manufacturer's recommendations.

2. Disposal of elemental mercury, dental amalgam, and used, disposable amalgam capsules shall be minimized by implementing practices that reduce mercury in waste, such as use of a variety of amalgam capsule sizes to minimize non-contact amalgam waste.

3. Waste amalgam (amalgam sludge and contact and non-contact amalgam) shall be recycled to the maximum extent practicable, and records associated with such recycling shall be maintained at the facility for at least three years. Waste amalgam shall be disposed of pursuant to Paragraph C.4 of this Section.

4. Management and storage of amalgam waste shall be pursuant to Paragraph C.5 of this Section.

5. Line cleaners shall be of a type that will minimize dissolution of amalgam. Only pH neutral, non-bleach, non-chlorine-containing suction line cleaners shall be used. Lines shall be cleaned daily on chairs where restorative dentistry is performed and as necessary, or according to the vacuum pump manufacturer's recommendations, on other chairs.

6. All other aspects of the Dental Amalgam Management Plan shall, at a minimum, conform to the BMP for amalgam waste as developed by the American Dental Association and published in October 2007. The American Dental Association (ADA) publishes BMPs for the disposal of dental amalgam waste. The ADA may be contacted through their website or at American Dental Association, 211 East Chicago Ave., Chicago, IL 60611-2678; phone 312-440-2500.

G. Pursuant to LAC 33:I.2717, manufacturers of mercury-containing devices and substances shall establish a convenient and accessible collection system for formulated mercury-added products, fabricated mercury-added products, or mercury-added products from medical facilities.

H. Mercury-containing devices and substances may contain mercury in sufficient quantities to be considered a hazardous waste as defined in LAC 33:V.Subpart 1, Hazardous Waste Regulations. The storage and disposal of such waste shall be subject to LAC 33:V.Subpart 1 if such waste cannot be recycled in accordance with Subsection C of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular, 2571.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:\*\*.