



BOARD OF HEALTH
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TOWN OF GRAFTON

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MERCURY DISPOSAL REGULATIONS

A. Purpose

The Grafton Board of Health passes these rules and regulations for the disposal of mercury containing products in the Town of Grafton as part of our mission to protect the health, safety and welfare of the public, whereas:

- Mercury is an element that can be toxic to humans and wildlife
- The 'Massachusetts Zero Mercury Strategy' adopted in the summer of 2000 by the Secretary of Environmental Affairs calls for the elimination of the use and discharge of mercury
- Mercury is a persistent and toxic pollutant that bio-accumulates in the environment and the food chain
- The Massachusetts Department of Public Health has issued a statewide native fish advisory warning pregnant women, women of childbearing age and children not to consume any fish
- Exposure to mercury can damage the nervous system, brain, kidneys, liver and immune system
- Mercury can enter the body either through skin absorption or through inhalation of mercury vapors
- Incineration of medical and municipal waste that contains mercury is a major source of atmospheric deposition of mercury in the Northeast resulting in mercury contamination of the air and water
- There are accurate and safe alternatives to many mercury-containing devices that are readily available and comparable in cost

B. Authority

These regulations are promulgated under the authority granted to the Board of Health under Massachusetts General Law, Chapter 111, Section 31.

C. Definitions

Mercury Containing Products shall mean any product that contains the element mercury, either naturally or by means of intentional addition during its formulation or manufacture and in which the continued presence of mercury is desired to provide a specific characteristic or to permit a special function. These common products include but are not limited to: thermometers (fever, candy, oven, indoor, outdoor, etc.), thermostats, fluorescent bulbs and switches, barometers, sphygmomanometers (blood pressure apparatus), button cell batteries and dental amalgam.

Individuals shall mean any person or persons that may be responsible for the removal or replacement of mercury containing products. The individual may be the property owner, contractor, plumber, electrician, or any other person responsible for the ultimate disposal of mercury containing products including employees and owners of retail, hardware and electronic stores as well as administrators and employees of health care facilities or any other establishment where mercury containing products may be found, including residences, industrial, commercial or recreational buildings or facilities.

Building shall mean any residential, commercial, industrial or recreation building or facility.

Health Care Facility shall mean any hospital, nursing home, extended care facility, long-term facility, clinic or medical laboratory, state or private health or mental institution, clinic, physicians office or health maintenance organization.

Manufacturer shall mean any person, firm, association, partnership, corporation, governmental entity, organization, combination or joint venture that produces a product. If the product is produced in a foreign country, the manufacturer is the importer or domestic distributor.

D. Regulations

1. Mercury Containing Products shall not be disposed of through any waste stream that results in their incineration, landfilling, discharge into the environment or any other method of disposal not approved by the Department of Environmental Protection and the Grafton Board of Health.
2. It shall be the responsibility of the individual(s) removing or replacing such mercury containing products to properly dispose of this product in accordance with these regulations and any state regulation regarding proper mercury disposal.
3. Mercury Containing Products 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 transfer each product.

E. Enforcement

1. Any member of the Board of Health or its agent, the Grafton Building Department including the Building Inspector, Electrical Inspector and Plumbing Inspector or any other person designated by the Board of Health that may oversee the removal, replacement or disposal of mercury containing products shall enforce the provisions of this regulation.
2. Any violation (non-compliance) of any section of these regulations shall be subject to non-compliance fee of \$100 per violation. Each day or portion thereof during which a violation continues shall constitute a separate offense.

F. Severability

Each provision of this regulation shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

G. Effective Date

These rules and regulations shall be effective as of February 15, 2006.

A TRUE COPY, ATTEST:

Shawn P. McAvey, Chairman

Dorothea L. Frederico, Vice-Chairman

Richard J. Kirejczyk, Clerk