

CITY OF PEABODY MERCURY DISPOSAL REGULATIONS

A. Purpose

Whereas mercury is an element that can be toxic to humans and wildlife; and whereas exposure to mercury can damage the nervous system, brain, kidneys, liver and immune system; and whereas mercury can enter the body either through skin absorption or through inhalation of mercury vapors; now therefore, the Board of Health of the City of Peabody passes these rules and regulations for the disposal of mercury containing products in the City of Peabody as part of our mission to protect the health, safety and welfare of the public.

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. These common products include but are not limited to thermometers (i.e. fever, candy, oven, indoor & outdoor), thermostats, fluorescent bulbs and switches, barometers, sphygmomanometers (blood pressure cuffs), and button cell batteries.

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.

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 Protections and the Peabody 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. Disposal of all Mercury Containing Products shall occur at the Peabody Department of Human Services, Lower Level, Peabody City Hall.

E. Enforcement and Penalties

1. Any member of the Board of Health or its agents, the Peabody 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. For the purposes of non criminal disposition under MGL Ch. 40 § 21D, any violation of any section of these regulations shall be subject to a penalty in the amount of \$50.00 for the first offense, \$150.00 for the second offense and \$300.00 for the third and subsequent offenses in the same calendar year.

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 August 1, 2003.