

ARTICLE XX

PROVISION OF MERCURY FREE LIVING AND WORKING SPACE

20.1.0 – Declaration of Policy

It is hereby declared to be the policy of the Rockland County Health District to protect the health and safety of Rockland County residents by prohibiting the presence of unconfined elemental mercury within the confines of any building in Rockland County.

20.2.0 - Purpose

It is hereby declared to be the purpose of this Article to establish, implement, and enforce procedures which will reduce the serious adverse health affects of high levels of mercury vapor in confined spaces.

20.3.0 –Definitions

20.3.1 Enclosed Space

The term “**enclosed space**” means a space having a roof, floor, and walls so as to be capable of being completely isolated from outside elements.

20.3.2 Occupied Space

The term “**occupied space**” means an enclosed public or private space normally occupied at least part of the time by one or more persons.

20.3.3 Commercial Space

The term “**commercial space**” means an enclosed public or private space normally occupied by one or more individuals during the normal hours of business which is not to exceed 70 hours per week.

20.3.4 Residential Space

The term “**residential space**” means an enclosed public or private space occupied by one or more individuals for more than 70 hours per week.

20.3.5 Person

The term “**person**” means any individual, firm, corporation, association, partnership, institution, public body, joint stock association or any other group of individuals, and includes the plural as well as the singular.

20.2.6 Mercury-Containing Manometer or Mercury Gauge

The term “**mercury-containing manometer**” or “**mercury gauge**” shall mean an instrument containing mercury used to measure the pressure of liquids or gases.

20.2.7 Mercury Fever Thermometer

The term “**mercury fever thermometer**” shall mean a mercury-containing temperature measuring device that is used to measure body temperature.

20.2.8 Mercury-Containing Indoor/Outdoor Thermometer

The term “**mercury-containing indoor/outdoor thermometer**” shall mean an instrument that is used to measure indoor and outdoor air temperature.

20.2.9 Mercury Containing Thermostat

The term “**mercury containing thermostat**” shall mean an instrument containing mercury that is used to control room temperature in a residential dwelling or commercial structure.

20.2.10 Scientific Use

The term “**scientific use**” shall mean use relating to the study and practice of science or medicine by individual(s) trained or acting under the direct supervision of someone trained in one of the generally recognized fields of science or medicine.

20.2.11 Laboratory

The term “**laboratory**” shall mean a room or building used for scientific or medical research and/or testing in one of the generally recognized fields of science or medicine.

20.4.0 - Exemptions

Scientific laboratories, businesses, and educational institutions that require the use of elemental mercury as part of a research project, manufacturing process, or teaching program are exempt from this part. The persons working with the unconfined mercury must be informed of the information contained in the material safety data sheet, which identifies the hazards of mercury vapor and must follow the proper safety precautions when working with the material. The use of mercury in a dentist or doctors office for the preparation of fillings or other medical uses is also exempt provided proper safety precautions are observed and followed.

20.5.0 – Sales and Distribution

- 20.5.1 Any elemental mercury sold in Rockland County must be sold in a container marked with the following label printed in English, Spanish, and French.

The material in this container is a toxic chemical. When exposed to air this chemical releases a vapor which when inhaled will result in serious long term damage to the brain, nervous system, and other organs of the human body. Particularly affected are the unborn, infants, and children.

El material quimico contenido en este envase es toxico. Cuando esta expuesto al aire este compuesto quimico svelta un vapor que, al ser inhalado, resultara en dano serio y prolongado al cerebro, sistema nervioso y otros organos del cuerpo humano. Particularmente seran afectados el feto, infantes y ninos.

Le produit dans ce contenainer est un produit chimic. Dans l'air ce produit degage une vapeur qui peut causer severe damages au cerveau si on le respire, il peut aussi causer des dommages au systeme nerveux et autres organes du corps. Specialement ce produit peut affecter le foetus, les bebes, et les enfants.

- 20.5.2 Any elemental mercury sold in Rockland County must be sold in an air tight break resistant container. The use of any glass container for the storage, containment, or display of mercury is specifically prohibited.
- 20.5.3 Prior to a sale the seller must read the contents of the warning label to the buyer in a language that the buyer can understand.
- 20.5.4 Sale of elemental mercury to any person younger than 21 years of age is prohibited.
- 20.5.5 The owner and/or manager of any business that sells or distributes elemental mercury to the general public within the Rockland County Health District must register and be licensed by the Health Department.
- 20.5.6 It shall be unlawful for any person in Rockland County to sell or cause to be sold any mercury fever thermometer.
- 20.5.7 As a condition of licensure any seller of elemental mercury must pass a written test which demonstrates a knowledge of the contents of the material safety data sheet which describes the health hazards associated with unconfined elemental mercury vapor.
- 20.5.8 It shall be unlawful for any person in Rockland County to sell or cause to be sold any mercury-containing indoor or outdoor thermometer.

20.6.0 – Prohibited Use

- 20.6.1 The use or possession of unconfined elemental mercury within any occupied residential, commercial, or public building in Rockland County is prohibited.
- 20.6.2 The use or presence of unconfined elemental mercury in any type of motor vehicle is prohibited.
- 20.6.3 The use of elemental mercury as a purgative is prohibited.
- 20.6.4 The storage of elemental mercury by any resident, institution, or business in any container that is not break resistant and air tight is prohibited.
- 20.6.5 The sale of necklaces or other forms of jewelry containing glass or other breakable containers of mercury are prohibited.
- 20.6.6 Any person responsible for the spillage of unconfined elemental mercury into an enclosed space shall immediately implement appropriate clean up procedures at each space contaminated. Persons unfamiliar with proper clean up procedures must immediately seek the assistance of one knowledgeable in the clean up process.
- 20.6.7 Except as provided by 20.4.0 of this Article, the use of a mercury gauge or mercury-containing manometer for the measurement or testing of liquid or gas pressure in Rockland County is prohibited.
- 20.6.8 It shall be unlawful for any person to install a mercury-containing thermostat in any new residential dwelling or commercial structure in Rockland County.
- 20.6.9 It shall be unlawful for the owner or occupant of a residential dwelling or commercial structure in Rockland County to replace an existing thermostat within that dwelling or structure with a mercury-containing thermostat.
- 20.6.10 It shall be unlawful for any person in Rockland County to sell or cause to be sold within the Rockland County Health District any mercury-containing thermostat.

20.7.0 – Clean Up Procedures

- 20.7.1 Any spillage of elemental mercury must be reported immediately by phone to the Rockland County Health Department(845-364-2608). A written notice identifying the location, time, and date of the spill and the approximate amount of the spill shall be sent to the Health Department within five (5) business days. The party cleaning up the spill must notify the Health Department in writing within five(5) business days that the clean up has been completed.
- 20.7.2 Any occupied space having an elemental mercury vapor concentration greater than .100 mg/m³ as determined by a calibrated mercury vapor analyzer or similar methodology of equal or greater sensitivity, shall be deemed to be uninhabitable. Any commercial space should not be reoccupied until no visible mercury is

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present and the mercury vapor concentration is reduced on a sustained basis below .003 mg/m³ as determined by a mercury vapor analyzer or similar methodology of equal or greater sensitivity. A residential space should not be reoccupied until no visible mercury is present and the mercury vapor concentration is reduced for a period of at least three days below .001 mg/m³ as determined by a mercury vapor analyzer or similar methodology of equal or greater sensitivity.

20.7.3 Spillage of more than five (5) grams(one teaspoon) of elemental mercury must be cleaned up by personnel trained in the proper clean up procedures.

20.7.4 Within two weeks of the notification of the completion of a clean up of spilled mercury, the Health Department or its duly authorized representative, may return to the site of the spill to re-evaluate the space to verify that the clean up has achieved the recommended levels of remediation.

20.8.0 – Access to Records and Facilities

20.8.1 Upon reasonable notice and during normal business hours, any person licensed to sell elemental mercury in Rockland County shall allow any designated representative or employee of this Department to review and copy any papers, documents, or records relating to the sale, transfer, and distribution of elemental mercury.

20.8.2 Any designated employee or representative of this Department may at a reasonable time and with proper identification, enter, inspect, and test any premises, which contains or for which there is probable cause to believe contains unconfined elemental mercury.

20.9.0 - Severability

If any part of this Article is found to be invalid by a court of competent jurisdiction, the remaining section shall remain in full force and effect.

20.10.0 – Effective Date

The effective date of this Article is March 16, 2005