

A Local Law adding Article XX to Chapter 863 of the Laws of Westchester County to ban the use and sale of certain products containing mercury.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Article XX to Chapter 863 of the Laws of Westchester County is hereby added to read as follows:

**ARTICLE XX**

**BAN OF THE USE AND SALE OF CERTAIN PRODUCTS  
CONTAINING MERCURY**

- § 863.701. Legislative Intent.**
- § 863.702. Definitions.**
- § 863.703. Ban of the Use of Mercury Gauges or Manometers.**
- § 863.704. Sale of Mercury Thermometers Prohibited.**
- § 863.705. Civil Penalties.**
- § 863.706. Severability.**

**§ 863.701. Legislative Intent.**

The intent of this Article is to address the serious health risks posed to Westchester County residents by the use of mercury gauges or manometers for the testing of gas pressure and by the use of mercury fever thermometers. Given the fragility of these devices, mercury spills can easily occur, exposing residents to the harmful effects of mercury.

Although elemental mercury, a silvery-white metal, which is liquid at room temperature, is not easily absorbed by the skin, spilled mercury can be easily vaporized and inhaled, causing a range of effects, from tremors and nausea at low levels of exposure to irreversible brain and kidney damage at high levels. The amount of mercury found in one commercially available

manometer is about 88 grams, or approximately three ounces, and the amount of mercury found in one mercury fever thermometer is about 0.7 grams, or just under one gram, amounts sufficient to overexpose people to the deadly toxin. This toxin is especially dangerous to children and pregnant women, because even small amounts of mercury can cause serious developmental problems.

Additionally, mercury, a bioaccumulative toxic compound recognized as a global pollutant, accumulates in the food chain, so that a very small amount of mercury in a lake can lead to dangerous levels of mercury in fish. Just one gram of mercury, the amount found in one mercury thermometer, is enough to contaminate all of the fish in a lake with a surface area of 20 acres. People who consume large amounts of fish are at risk of adverse effects of mercury on the nervous system. Because the developing nervous system is vulnerable to mercury toxicity, fetuses exposed to mercury through their mother's consumption of fish are particularly at risk of adverse effects.

Given the serious danger posed by mercury gauges or manometers and mercury fever thermometers to Westchester County residents, their property, and to the environment, this law bans the use by any person or plumber of mercury gauges or manometers for the testing of gas pressure and further bans the sale by any person of mercury fever thermometers.

#### **§ 863.702. Definitions.**

For purposes of this Chapter, the meaning of terms used in this article shall be as follows:

1. “Manometer” or “mercury gauge” shall mean an instrument containing mercury used to measure the pressure of gas.

2. "Mercury fever thermometer" means a mercury-containing product encased in glass that is used to measure human body temperature.

3. "Person" shall mean any natural person, corporation, unincorporated association, firm, partnership, joint venture, joint stock association or other entity or business organization of any kind, including any Master plumber or Journey level plumber licensed or certified to engage in the business of plumbing pursuant to Article XV of the Laws of Westchester County.

**§ 863.703. Ban of the Use of Mercury Gauges or Manometers.**

It shall be unlawful for any person to use a mercury gauge or manometer for the measurement or testing of gas pressure in Westchester County, except where the use of a mercury gauge or manometer is specifically required by local law, regulation or ordinance of a city, village or town within Westchester County.

**§ 863.704. Sale of Mercury Fever Thermometers Prohibited.**

It shall be unlawful for any person in Westchester County to sell or cause to be sold any mercury fever thermometer.

**§ 863.705. Civil Penalties.**

Any person who violates the provisions of this Chapter shall be subject to the imposition of a civil penalty not exceeding one hundred and fifty dollars (\$150.) for each single violation. No civil penalty shall be imposed as provided for herein unless the alleged violator has received notice of the charge against him or her and has had an opportunity to be heard.

**§ 863.706. Severability.**

If any clause, sentence, paragraph or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 2. This local law shall take effect on March 31, 2002.