



February 14, 2014

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Maine Department of Environmental Protection
17 State House Station
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Comments on the Maine Department of Environmental Protection's 2014 Report to the Legislature, *Implementation of Product Stewardship in Maine*

Dear Mr. MacDonald,

Thank you for the opportunity to submit comments on the Department of Environmental Protection's 2014 Report to the Legislature, *Implementation of Product Stewardship in Maine*. The Natural Resources Council of Maine is the state's leading environmental advocacy organization. Over the past decade, NRCM has worked with the DEP, Maine State Legislature, businesses, trade associations, and other interested parties to help craft, monitor, and promote product stewardship programs that have helped reduce mercury pollution to Maine's environment, divert millions of pounds of waste from Maine's landfills and incinerators, save money for taxpayers and municipalities, and create jobs here in Maine. We have worked with the DEP and many of these same parties to identify ways to continually improve implementation of Maine's nationally recognized product stewardship programs, and we have monitored product stewardship laws across the nation to determine whether additional product categories deserve consideration for possible new product stewardship programs here in Maine.

It is with this knowledge and experience relevant to the laws and programs referred to in this report that we submit these comments. Our comments address DEP's analysis of each of Maine's existing product stewardship programs. They also provide a detailed analysis of the mercury thermostat program, identifying areas of concern and opportunities for improvement.

Specifically, the mercury thermostat collections in 2013 fell precipitously to less than 15% of the current statutory goal. We are providing suggested statutory language that we believe would result in a substantial increase in the removal of mercury-containing thermostats from the waste stream—and thus from Maine's environment—and we will be encouraging the Committee on Environment and Natural Resources to enact those changes this year.

Overall Program:

Overall, we are pleased by the positive trends in each of Maine's five existing product stewardship programs: dry mercuric oxide and rechargeable batteries; mercury auto switches; electronic waste; mercury thermostats; and mercury lamps. In the future, we urge DEP to include the beverage container program in their annual product stewardship report. This program was Maine's first product-specific law and has resulted in recycling 90% of Maine's beverage

containers, which is more than double Maine's average recycling rate for other materials.¹ If DEP requires legislative authority to include the bottle bill in this report, then we would hope that the Environment and Natural Resources Committee would provide the necessary directive. Unlike last year's report, DEP has not recommended repealing the cellular phone recycling law. We appreciate this change, and also appreciate the report's thorough description of the success of the cellular telephone collection program. We commend DEP for highlighting Maine's product stewardship programs as *"effective tools to encourage the diversion of materials from disposal to recycling,"* and for stating that product stewardship *"...supports the State's solid waste management hierarchy. This hierarchy prioritizes the management of solid waste, through various actions, the highest being the reduction in volume and toxicity of waste at the source to the lowest being land disposal of waste."*

We also appreciate DEP's statement in the report that product stewardship programs *"encourage manufacturers to alter product design to support the recovery of materials from the products and to invest in management systems to ensure the recycling of their products at end of life."*

In addition to reducing the volume of materials destined for landfilling or incineration, and encouraging product re-design and re-capture, each of the existing programs has achieved significant and meaningful results in reducing risks to human health and the environment in Maine. These programs have removed hundreds of pounds of mercury, and large volumes of other toxic heavy metals from entering our environment. When mercury is improperly disposed of in landfills or incinerators, it can be released into the environment where it makes its way into our lakes, rivers, and streams, and contaminates the fish we eat. Even in very small quantities, mercury can cause severe health problems such as cardiovascular disease and neurological damage, and endanger the development of the human fetus and young children.

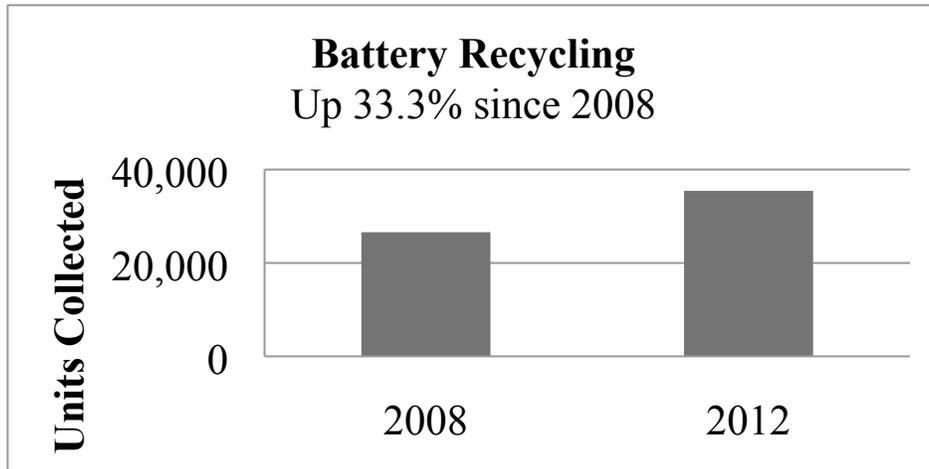
We highlight the significance and the success of each program, and provide recommendations for future improvement, below. NRCM has generated the charts in each section using DEP data, to help illustrate the performance of each program.

Maine's Product Stewardship Programs:

Dry Mercuric Oxide and Rechargeable Batteries

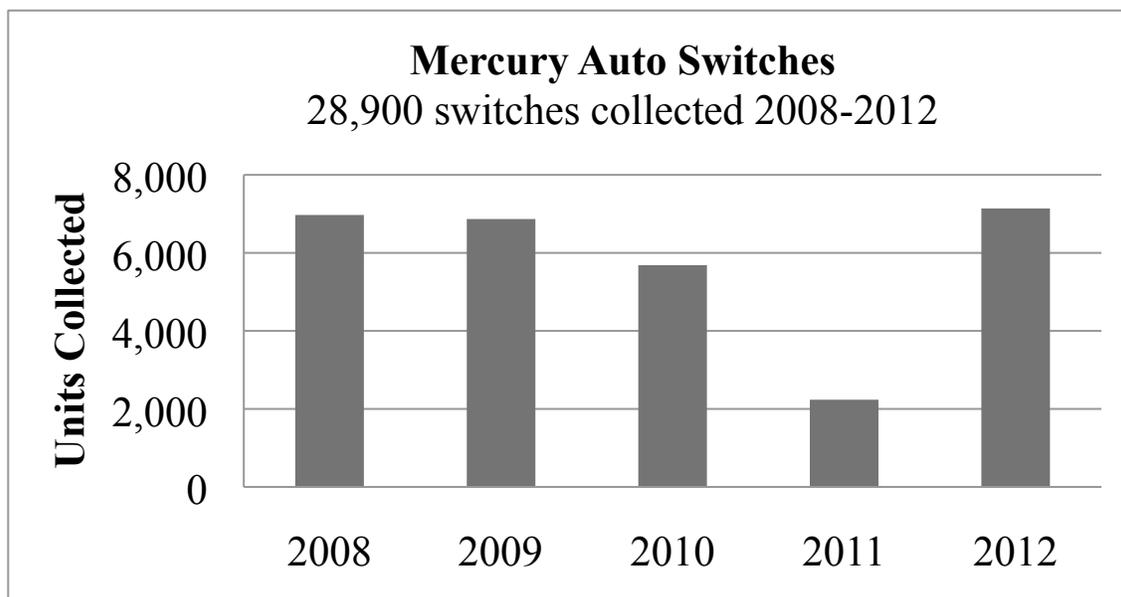
Call2Recycle, the non-profit established by the rechargeable battery manufacturers, voluntarily report their collections data to the state. They report a 33% increase in the total weight of batteries collected in 2012 as compared with 2008. The total number of collection sites has not increased, but has shown a shift away from government or retail locations and more toward other businesses. This overall increase is good news for Maine, but we lack sufficient data to measure program effectiveness such as the ability to compare the number of batteries available for collection with the number of batteries collected for recycling. If the Legislature decides that additional program performance standards are needed, we recommend requiring Call2Recycle to provide this information on an annual basis.

¹ Visit NRCM's website to view our case studies on four of Maine's product stewardship programs, including the bottle bill: <http://www.nrcm.org/projects-hot-issues/toxics-and-sustainability/recycling-and-product-stewardship/>



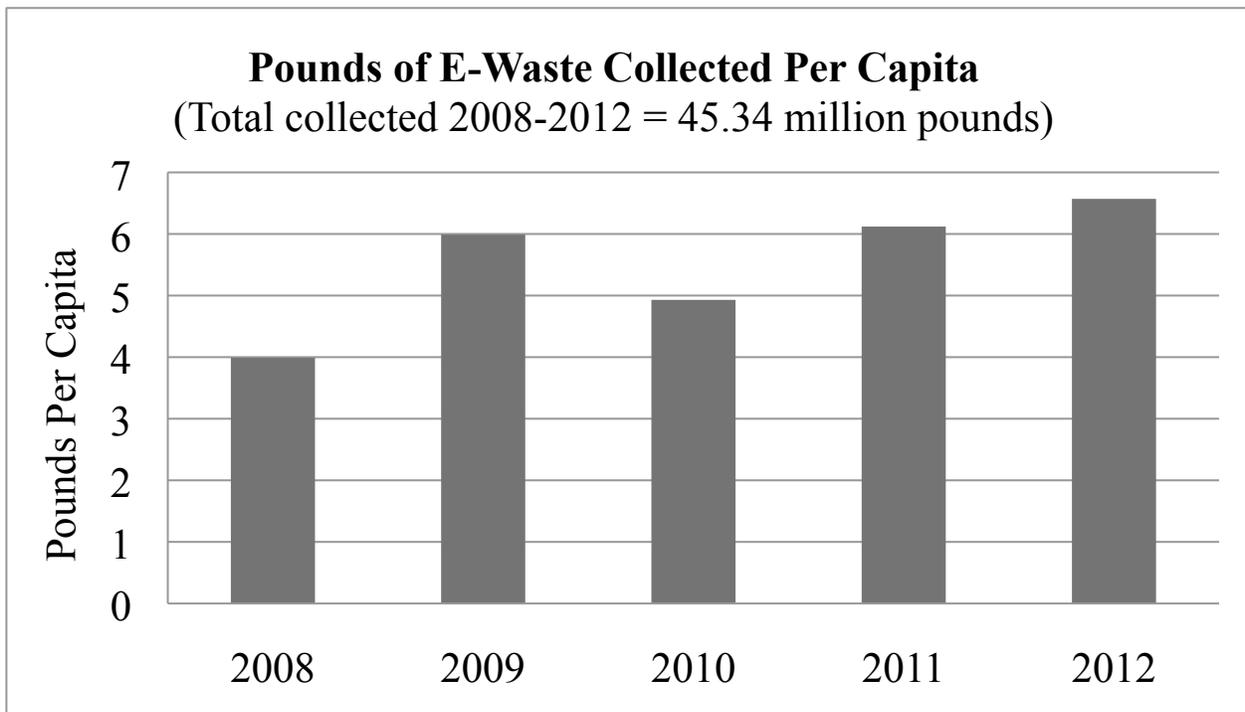
Mercury Auto Switches

2012 was the first year that the automobile manufacturers’ National Vehicle Mercury Switch Recovery Program was fully implemented in Maine. With this convenient program, Maine has recycled 40% of the estimated switches available, which is the highest recycling rate since 2006. A total of 28,900 switches have been collected since 2008. Program performance also has improved through the work of End-of Life Vehicle Solutions (ELVS), the non-profit tasked with managing collection of these devices, which actively encourages vehicle dismantlers to responsibly handle the mercury switches by providing training videos and guidance documents. Further, DEP has been reminding vehicle dismantlers about the collection program through direct mail and site visits. We are pleased by the accomplishment of ELVS and the DEP in promoting and encouraging the success of this collection program. We were disappointed, however, that DEP’s 2014 product stewardship report fails to mention the \$4 bounty paid by ELVS to end-of-life vehicle handlers for each returned switch. We feel that this financial incentive is also one of the primary factors that have led to the success of this program.



Electronic Waste

In most states, e-waste recycling program effectiveness is measured by pounds collected per capita, and we are pleased to see that Maine is doing the same this year. In Maine, we compare very favorably with the data reported by other states and are among the top e-waste recyclers in the nation. Maine has experienced a relatively steady increase in collections since 2008, with 2012 reporting our highest collection rate yet at 6.57 lbs. of e-waste per capita. More than 46 million pounds of e-waste have been collected in Maine since January 2006 through this manufacturer-funded product stewardship program, saving money for Maine taxpayers and communities, while keeping a large volume of waste and toxic metals out of our landfills and waste-to-energy facilities. We applaud all of the collection sites in the state for removing a record amount of toxic heavy metals from our waste stream in 2012, and hope that through continued education and outreach strategies we can reach even higher levels in years to come.



Mercury Lamps

Based on historic sales data provided by the National Electrical Manufacturers Association (NEMA), there were an estimated 708,889 residential mercury-added lamps available for recycling in Maine in 2012. NEMA is responsible for providing containers and shipping and recycling services to voluntary retail and municipal collection sites. NEMA reported collecting 7.1% of all available lamps, while municipal waste collection sites received 21.9% of the lamps estimated to be available for recycling. Combined, these collections amount to a 29% recycling rate. This is a strong collection rate in only the second year of NEMA's program. We look forward to providing specific recommendations for program efficiency next year, when we will be better

able to assess the efforts by DEP and NEMA to promote consumer awareness of recycling opportunities and establish additional convenient collection sites throughout the state.

Cellular Telephones

Maine law requires that cellular phones be recycled by retailers and telephone services providers, rather than by producers. Partially due to this requirement, and also because used cellular phones have market value, consumers have access to a widespread collection network of more than 775 collection sites in Maine, in addition to many web-based out-of-state collection services. This robust collection network and the nature of the cell phone industry make it difficult to measure Maine's program effectiveness because the data needed to measure program performance does not exist. However, our general sense is that a high percentage of used cell phones are, in fact, being collected for recycling, resale, or reuse. Keeping Maine's law in place helps reinforce this retailer-led recycling system.

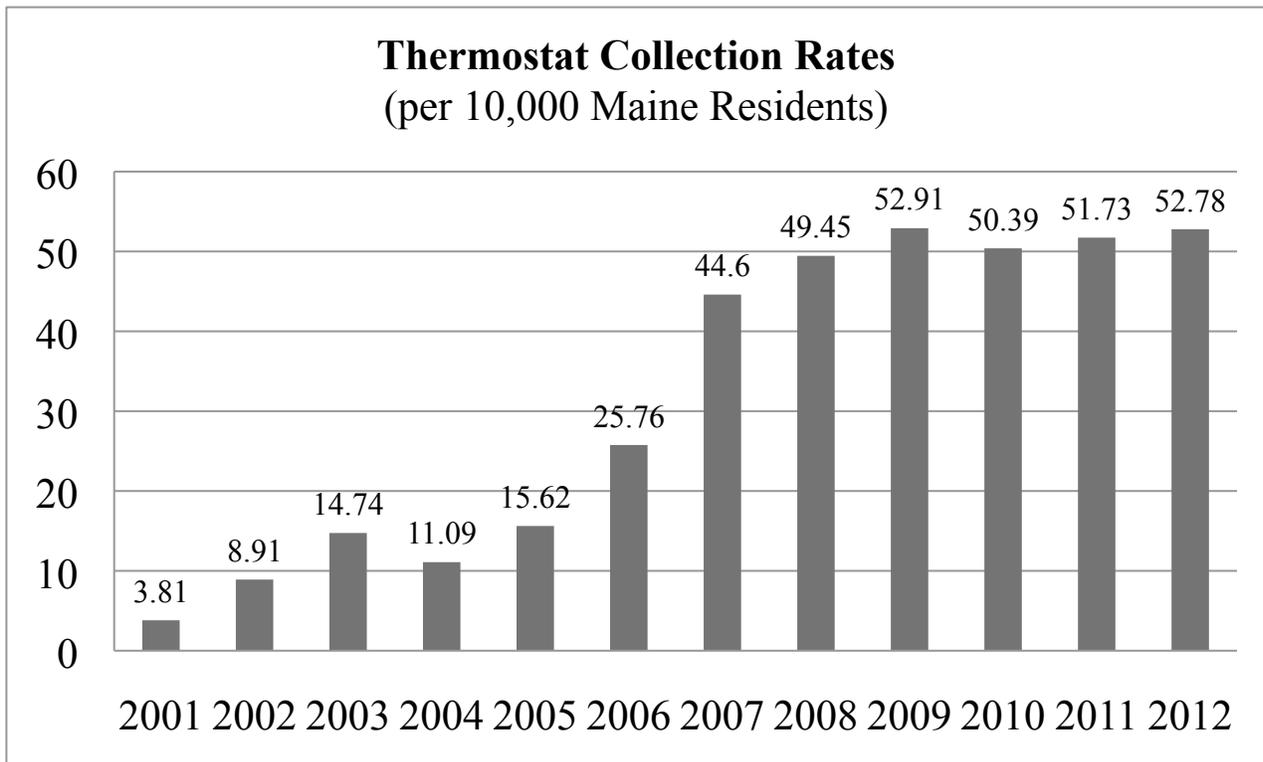
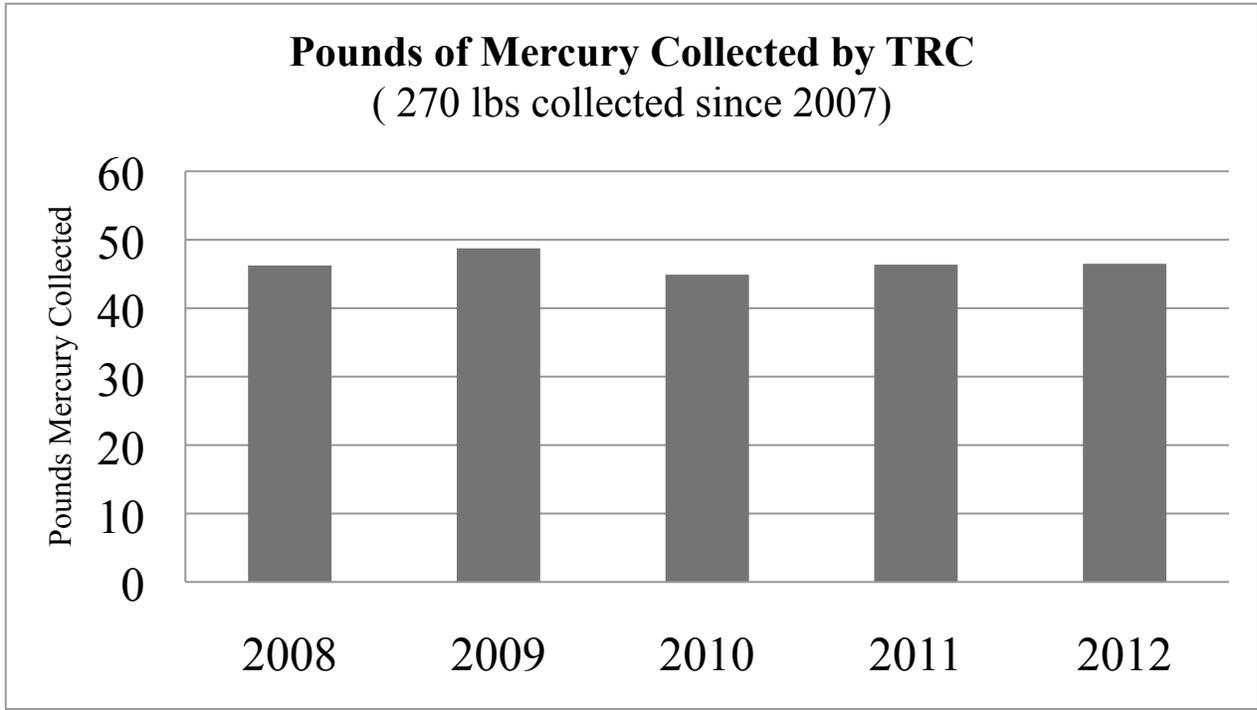
Future Product Strategies for Carpets and Mattresses

We are pleased that the 2014 *Implementation of Product Stewardship* report identifies two product categories—carpets and mattresses—as being potential candidates for future product stewardship programs. Solid waste facility operators in Maine frequently identify these products as difficult to manage, and we believe that product stewardship programs for these materials could be effective. Currently there are limited carpet and mattress recycling facilities in the Northeast, none of which are located in Maine or New Hampshire, so we would support the idea of an integrated regional approach for these materials. California, Rhode Island, and Connecticut have enacted programs for carpets and mattresses, in some cases with the expectation that the programs will create in-state jobs for recycling these products. We support the idea of continued analysis to determine whether the volume of carpets and mattresses being disposed of in Maine is large enough to support economically feasible collection and recycling programs for these materials in hopes of relieving municipalities of the costs of managing them alone.

Mercury Thermostats

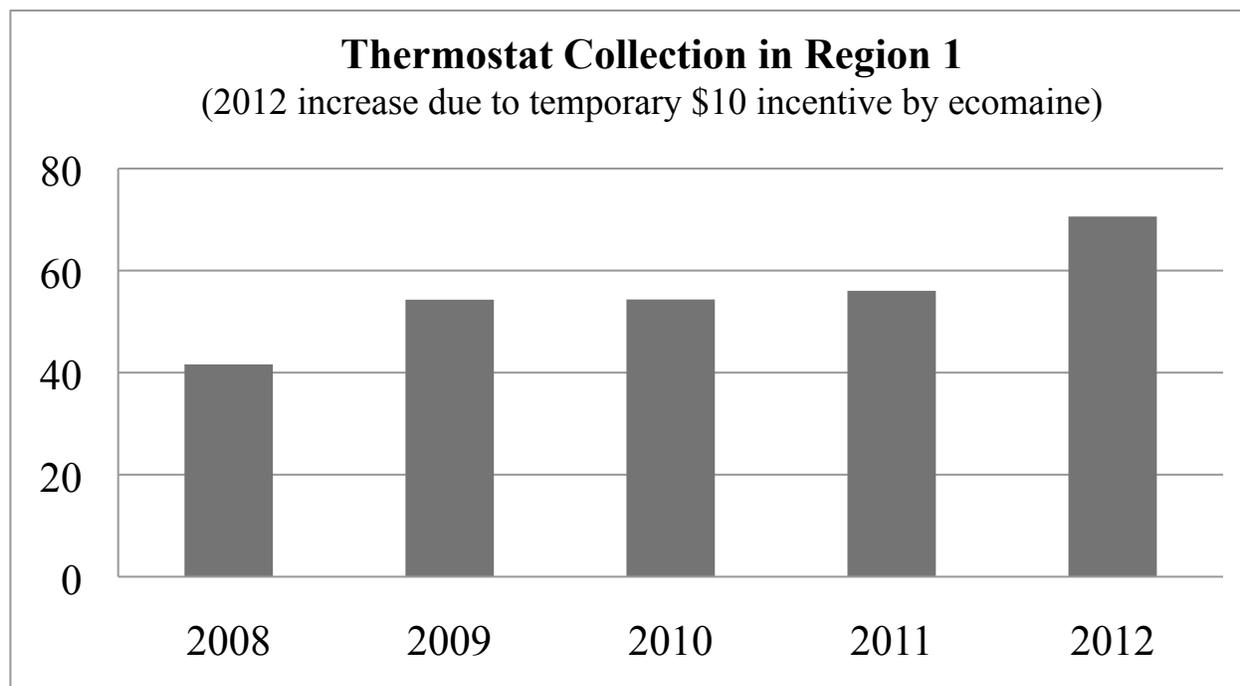
The mercury thermostat collection program has established Maine as a national leader in reducing mercury pollution. Maine has one of the highest per capita mercury thermostat collection rates in the country, well above the national average. Between 2008 and 2012, mercury thermostat recycling remained relatively stable, ranging between 49.45 and 52.91 thermostats returned per 10,000 people. Using DEP's current estimate that 27,200 mercury thermostats are removed from walls annually, we are capturing about 25% of all thermostats available for recycling. We are pleased that Maine's incentive-based thermostat collection program is preventing 45-50 lbs of mercury from entering the waste stream each year, for a total of more than 270 lbs collected from 2008-2012, **but we still are failing to collect the vast majority of mercury thermostats coming out of service each year.** Maine's thermostat collection rate greatly exceeds most other states in the country (see Appendix A), but we are falling far short of the statutory goal of collecting 160 pounds of mercury annually. Additional

work is needed, particularly in the area of education and outreach, to capture more of the mercury that still is ending up in landfills and incinerators.



One of the driving reasons why the Maine program is so successful is because in 2007 Maine began requiring that the Thermostat Recycling Corporation (TRC) provide a \$5 incentive for each thermostat returned for recycling. TRC is a non-profit organization created by the three major thermostat manufacturers to facilitate and manage the collection and disposal of mercury-containing thermostats. We know this financial incentive works because thermostat returns in Maine more than doubled after the incentive program replaced TRC's voluntary, non-incentive-based program. Also, collection data from across the country shows that the two states with incentive programs (Vermont and Maine) have the highest collection rates, far outpacing states with only TRC voluntary program (see Appendix A).²

DEP's 2014 report provides data that further substantiates the positive role of a financial incentive in boosting collection rates of mercury thermostats. Specifically, the report documents a significant increase in thermostat collections in response to a temporary program in which ecomaine (a non-profit waste management and waste-to-energy facility) supplemented the TRC's \$5 incentive with an additional \$5 (for a total \$10 incentive).³ This led to a significant increase in the number of thermostats turned in through municipal household hazardous waste collections in that region, as seen in the chart below, which shows the collection rate per 10,000 in Region 1 (York and Cumberland counties). Ecomaine's increased incentive program operated in this area, further demonstrating the significant positive effect that a financial incentive has had on the rate of return of mercury thermostats in Maine.



While we highlight the success of Region 1 (York and Cumberland counties), we also want to draw attention to the relative shortcomings of thermostat collection rates in some of Maine's

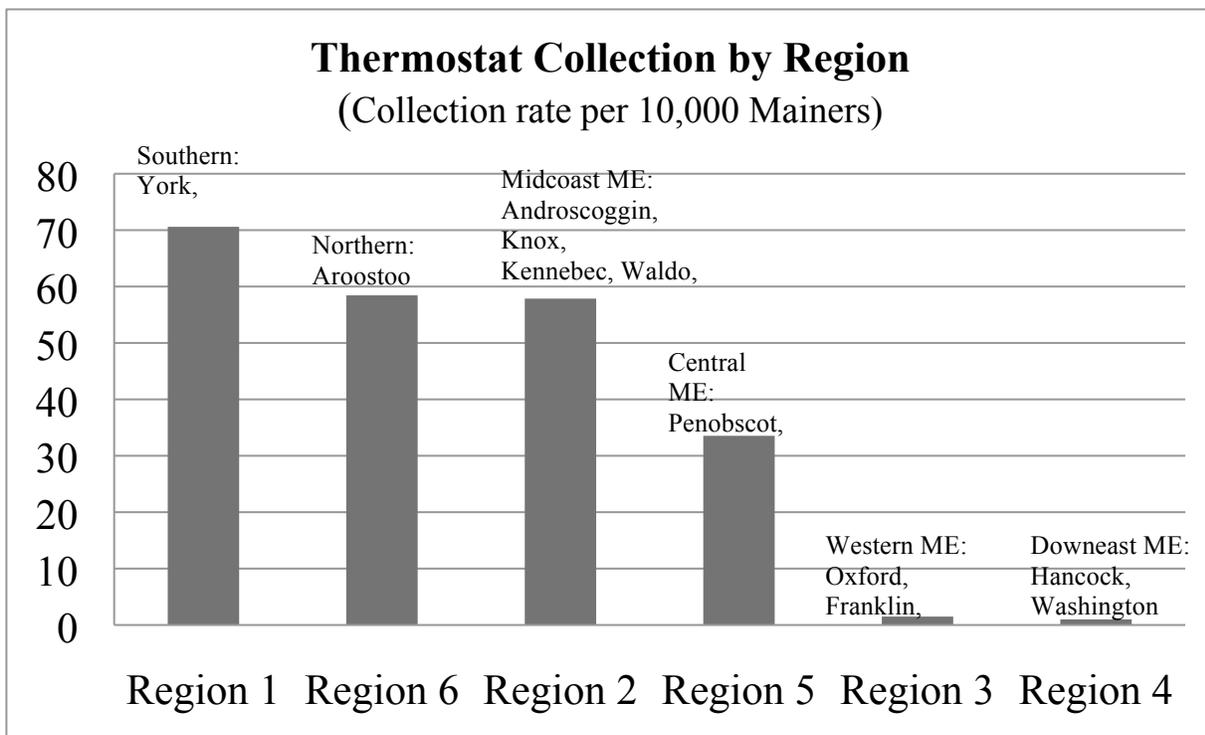
² Data from *Turning up the Heat II*, p. 10-11.

³ The additional incentive was provided by ecomaine pursuant to a Supplemental Environmental Project agreed to with DEP in response to an air emission violation by ecomaine.

other regions (As demonstrated in the figure below, Regions 3 (Oxford, Franklin, and Somerset counties) and 6 (Hancock and Washington counties) have experienced very low rates of collection when compared with other parts of the state. These regional collection data demonstrate a continuing failure by TRC to provide the type of education and outreach program necessary to capture mercury-containing thermostats statewide. DEP has raised this issue repeatedly with TRC, to no avail, as noted in DEP’s 2013 product stewardship report:

In 2012, the DEP urged TRC to do more targeted education and outreach in Maine, noting that no thermostats had been collected from Washington, Somerset and Piscataquis Counties, and only one shipment was received from each of four other counties (Lincoln, Sagadahoc, Hancock and Waldo). Combined, these seven counties represent approximately 20% of Maine’s population. Despite repeated requests, TRC has yet to submit an education and outreach plan, as required, for 2012.⁴

Clearly, mercury thermostats are being removed from homes and businesses statewide, but TRC’s education program is not reaching the HVAC contractors, electrical wholesalers, homeowners, and other target audiences that DEP has felt is necessary to achieve higher collection rates.



NRCM is concerned that TRC’s failure to provide an education and outreach program specific to Maine’s incentive-based thermostat collection program is beginning to undermine the effectiveness of the entire program. Data in TRC’s 2014 Maine Thermostat Recycling Program Annual Report, submitted to DEP on January 30, 2014 (after DEP’s 2014 product stewardship

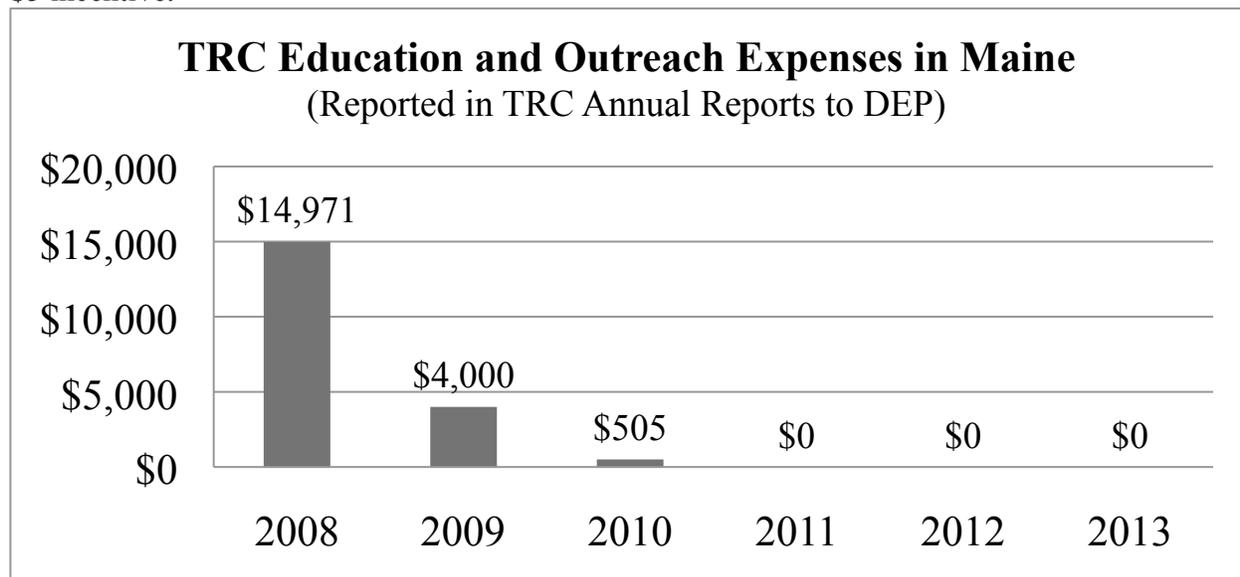
⁴ Implementing Product Stewardship in Maine, Report to the Joint Standing Committee on Environment and Natural Resources, Department of Environmental Protection, p.13.

report was finalized and posted for comment) shows a substantial and sudden 40% decrease in the total number of thermostats collected by TRC, translating to a significant drop in the recycling rate from 24.56% in 2012 to 14.83% in 2013.

TRC has had a long history of working against Maine’s incentive-based thermostat program. TRC opposed the original Maine law, has spent substantial sums in other states lobbying against proposed laws similar to Maine’s⁵, advocated with DEP in 2011 to repeal Maine’s incentive based program,⁶ and made it difficult for contractors who return thermostats to wholesalers from getting their incentive payments. And even now, in their 2013 annual report, TRC claims that Maine’s program is ineffective – completely ignoring data showing that the two states in the U.S. with incentive-based collection programs (Maine and Vermont) have the highest collection rates in the country.

In contrast, TRC’s exclusively voluntary recycling program, implemented in most other states, continues to report anemic collection rates. As an example, in 2011, TRC’s program in Texas (a state with 20 times Maine’s population) collected less than 5,000 thermostats total, compared with 6,700 thermostats collected in Maine that year due to our more successful \$5 incentive.⁷

The TRC’s annual reports to the DEP since 2008 show that TRC is not providing the education and outreach that is needed for Maine. For the past three years, TRC reported spending \$0 (or very close to that) on Maine-specific outreach and education. TRC claims that their national education campaign is sufficient for Maine’s needs, but this is not the case. The \$5 incentive that is a primary feature for Maine’s program, and which demonstrably is the reason why we have such high collection rates, is barely mentioned in any of TRC’s educational materials. Out of 14 exhibits of education and outreach materials in TRC’s 2013 annual report, only two reference the \$5 incentive.



⁵ Honeywell, for example, spent more than \$90,000 in New York State alone to defeat legislation similar to Maine’s. http://www.nypirg.org/pubs/enviro/toxics/2011.12.21_NYPIRG_Honeywell_Report.pdf

⁶ See: <http://www.nrcm.org/news/nrcm-news-releases/nrcm-report-internal-documents-reveal-excessive-industry-influence-on-dep-report/>

⁷ Turning Up the Heat II, April 2013.

After waiting for TRC to deliver a Maine-specific education and outreach program for more than five years, the Legislature should wait no longer. The mercury-added thermostat collection law, §1665-B., outlines the manufacturer's responsibility with regards to the product stewardship program. We are concerned that the statute does not set adequate standards for education and outreach by the manufacturers, but merely states that they must provide in their annual report: "*a description of the education and outreach strategies employed during the previous calendar year to increase participation and collection rates and examples of education and outreach materials used.*" Experience has shown that this provision allows TRC to do very little in the way of working to increase participation and collection rates in Maine's incentive-based program. The message in Maine needs to be specific to Maine's program, particularly to those collection methods (e.g., through retail collection sites) where the 2013 data shows a decline. We believe that the only way that TRC will change its education and outreach strategy in a fashion that ensures a higher level of mercury thermostat collection in Maine is if they are required to do so through a statutory directive. **As such, we recommend that the Legislature require TRC to conduct a campaign that is unique to the needs of the State of Maine. Our proposed amendment is contained in Appendix B.**

NRCM also recommends that the Legislature amend the thermostat recycling law to require TRC to finance a study aimed at estimating both the number of mercury-containing thermostats that remain in homes and businesses, and the number being removed annually. Both DEP and TRC seem to recognize the importance of such a study. DEP's 2014 product stewardship report identifies the need to improve data so that the department understands whether the statutory performance goal of removing 160 lbs. of mercury per year is appropriate. At present, we are falling far short of this goal. Similarly, TRC's 2013 annual report states that they would welcome the opportunity to discuss ways of better understanding how well the program is doing, although they offer no proposal for doing so.

California addressed this issue by statutorily requiring TRC to complete a third-party study that would result in a statistical assessment of the number of mercury thermostats remaining in homes and businesses, and the number being removed annually. The California study was completed in 2009, with a conclusion that California still had an estimated 7.2 million mercury-containing thermostats statewide.⁸ The same consulting firm that did the California assessment recently completed a privately funded analysis for Illinois, which estimated that 1.86 million mercury-containing thermostats are still on the walls of homes and businesses in Illinois. Both of these studies include estimated levels of retirement (outflow) of mercury-containing thermostats, declining over time. For example, the Illinois study concluded that about 100,000 mercury-containing thermostats would be removed from buildings annually in the five-year period 2014 through 2019, while only about 12,000 would be removed annually in the period 2045 to 2049.

Data such as this would be extremely useful for setting performance goals for Maine's thermostat collection program. Indeed, without such a study, it is difficult to know where we are in relation to the statutory objective in Maine's thermostat recycling law, which requires that "A maximum rate of mercury thermostat collection is achieved"⁹ and that "The capture rate of out of

⁸ http://www.dtsc.ca.gov/HazardousWaste/upload/TRC_SERA_123009.pdf

⁹ §1665-B .2.A (1)

service mercury added thermostats is maximized.”¹⁰ Once a study is completed that estimates the standing stock of mercury-containing thermostats, and how many are being retired annually, then the Legislature and DEP will be in a position to revisit and update the performance goals currently in Maine’s thermostat collection law. Our proposed amendment is provided in Appendix C.

Concluding Remarks:

Overall, NRCM believes that DEP’s 2014 product stewardship report to the Legislature strongly validates Maine’s product stewardship programs, demonstrating that these laws are succeeding and providing substantial benefits to Maine people and our environment. We look forward to the implementation of the Architectural Paint program over the next year and a half, and also hope that the Legislature will consider including the Beverage Container program (aka “bottle bill”) in the list of existing product stewardship programs covered by this report. In so doing, future reports would include seven product stewardship programs that Maine can be proud of. Although Maine’s thermostat collection program has been a national leader in removing mercury from the waste stream, we are concerned that collection rates during 2013 are declining due to TRC’s inadequate education and outreach program. NRCM’s proposed legislative changes will help restore strong collection rates for mercury thermostats in future years, while also providing information that enables lawmakers to set appropriate performance goals based on a clear understanding of the baseline of thermostats still in Maine buildings and the number being removed annually. Thank you for the opportunity to provide these comments. We request that these comments be submitted to the Legislature with the 2014 report.

Sincerely,



Sarah Lakeman
Sustainable Maine Policy Advocate
Natural Resources Council of Maine

¹⁰ §1665-B.4.A.

Appendix A – Incentive-Based Programs in Vermont and Maine are Top Thermostat Recycling Performers, Significantly Outpacing TRC’s Voluntary Program

State	2011		
	Rank	Estimated Thermostats Collected	Rate Per 10,000 Residents
Vermont	1	3,579	57.2
Maine	2	6,638	50.0
Maryland	3	24,668	42.7
Minnesota	4	12,507	23.6
Wisconsin	5	10,146	17.8
Michigan	6	16,650	16.8
New Hampshire	7	2,146	16.3
Iowa	8	3,975	13.0
Rhode Island	9	1,238	11.8
Pennsylvania	10	14,715	11.6
Nebraska	11	1,880	10.3
North Dakota	12	685	10.2
Delaware	13	838	9.3
Oregon	14	3,474	9.1
Indiana	15	5,494	8.5
Kansas	16	2,082	7.3
Florida	17	12,295	6.5
Missouri	18	3,845	6.4
Illinois	19	7,749	6.0
Virginia	20	4,409	5.5
North Carolina	21	5,191	5.4
New Jersey	22	4,715	5.4
California	23	19,927	5.3
Ohio	24	5,720	5.0
Idaho	25	777	5.0
Connecticut	26	1,767	4.9
Massachusetts	27	2,830	4.3
South Carolina	28	1,880	4.1
Montana	29	388	3.9
Kentucky	30	1,701	3.9
Arizona	31	2,076	3.2
Washington	32	2,155	3.2
Colorado	33	1,227	2.4
West Virginia	34	444	2.4
South Dakota	35	191	2.4
Texas	36	4,902	1.9
New York	37	3,422	1.8
Georgia	38	1,655	1.7
Nevada	39	382	1.4
Tennessee	40	892	1.4
Louisiana	41	611	1.3
Utah	42	293	1.1
Alabama	43	403	0.8
Oklahoma	44	234	0.6
Arkansas	45	163	0.6
New Mexico	46	80	0.4

APPENDIX B

Amendment Requiring TRC to Implement Maine-Specific Education and Outreach Program

38 MSRS §1665-B. Mercury-added thermostats. Amend 2B and 2G to read as follows:

2. Manufacturer responsibility. Each manufacturer of mercury-added thermostats that have been sold in this state shall, individually or collectively:

B. Implement a comprehensive education and outreach program that prominently informs the public about the specific financial incentive provided when mercury-added thermostats are returned for recycling, the importance of properly managing out-of-service mercury thermostats, and opportunities for the collection of those thermostats. Education and outreach efforts shall annually include, but not be limited to, the following:

- 1) Signage, such as posters that can be prominently displayed to promote the collection of out-of-service mercury thermostats to contractors and consumers;
- 2) Public service announcements distributed to radio and television media throughout Maine promoting collection and proper management of out-of-service mercury thermostats, copies of which shall be provided to the Department;
- 3) Written materials or templates of materials for reproduction by thermostat wholesalers and thermostat retailers to be provided to customers at the time of purchase or delivery of a thermostat.
- 4) A publicly accessible website for the dissemination of educational materials to promote the collection of out-of-service mercury thermostats. This website shall include templates of the educational materials in a form and format that can be easily downloaded and printed, and a short video showing how to turn in mercury thermostats and receive the \$5 incentive. The link to this website shall be provided to the Department;
- 5) Communications at least four times a year to thermostat wholesalers to encourage their support and participation in educating their customers on the importance of and statutory requirements for the collection and proper management of out-of-service mercury thermostats;
- 6) Strategies to encourage participating thermostat retailers to educate their customers on the importance of and opportunities for collecting and recycling out-of-service mercury thermostats;
- 7) Creation and maintenance of a web-based program that allows contractors and consumers to identify collection sites for out-of-service mercury thermostats by zip code in the state;
- 8) Preparation and semi-annual mailing to licensed HVAC technicians of a postcard or other notice that provides information on the collection program for out-of-service mercury thermostats; and
- 9) Informational articles, press releases, and news stories pertaining to the importance of and opportunities for collecting and recycling out-of-service mercury thermostats and distribution of those materials to trade publications, local media including weekly publications throughout Maine, and stakeholder groups.

Manufacturers shall consult with the Department on the content of these materials prior to finalizing and distribution.

G. Beginning in 2008, submit an annual report to the Department by January 30th of each year. The report must be submitted on a form provided by the Department and must include at a minimum:

(1) The number of mercury-added thermostats collected and recycled by that manufacturer pursuant to this section during the previous calendar year;

(2) The estimated total amount of mercury contained in the thermostat components collected by that manufacturer pursuant to this section;

(3) An evaluation of the effectiveness of the manufacturer's collection and recycling program and the financial incentive provided pursuant to paragraphs E and F;

(4) An accounting of the Maine specific administrative costs incurred in the course of administering the collection and recycling program and the financial incentive plan developed pursuant to subsection 4;

(5) A description of the education and outreach strategies employed during the previous calendar year, and changes to the program design and education and outreach planned for the current year to increase participation and collection rates and examples of education and outreach materials used to inform potential program participants of the financial incentive provided when mercury-added thermostats are returned for recycling, the importance of properly managing out-of-service mercury thermostats and opportunities for the collection of those thermostats.

APPENDIX C

Amendment Requiring TRC to Fund a Study to Estimate the Baseline Number of Mercury Thermostats in Maine and the Number Being Retired Annually

38 MSRS §1665

We recommend that the Legislature require TRC to fund a study in Maine that is similar to the ones completed in California, Illinois, and Rhode Island. This can be accomplished by adding a new provision to 38 MSRS §1665-B that would require a study and provide a process for the Legislature to establish new performance goals that would replace the current goals in the law, as follows:

6. Assessments **and Establishment of New Performance Goals.** On or before July 1, 2014, a manufacturer, or a group of manufacturers operating a program, shall develop and present to the Department for approval after an opportunity for stakeholder comment a survey plan, and methodology for a survey, to provide statistically valid data on the number of mercury-added thermostats that become waste annually in Maine each year until 2036. The manufacturer or group of manufacturers shall complete the survey by January 1, 2015 and present the results of the data to the Department by January 15, 2015. After reviewing these data, the Department shall by March 15, 2015 provide to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommendations for annual performance goals, and program changes that it deems necessary to meet the proposed performance goals, that could be included in statute to help achieve the collection and recycling of the maximum feasible number of out-of-service mercury-added thermostats. The joint standing committee of the Legislature having jurisdiction over natural resources is authorized to report out legislation to establish such goals.