**Section 190.120 Definitions**

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part will be the same as those applied to the same words or terms in the Mercury Thermostat Collection Act.

"Act" means the Mercury Thermostat Collection Act [415 ILCS 98].

"Agency" means *the Illinois Environmental Protection Agency.* [415 ILCS 98/10]

"Collection location" means a permanent or temporary physical location at which mercury thermostats are collected for transportation, recycling, and disposal as part of a collection program.

"Collection Program" means *a system for collection, transportation, recycling, and disposal of out-of-service mercury thermostats that is financed and managed or provided by a thermostat manufacturer individually or collectively with other thermostat manufacturers in accordance with the Act.* [415 ILCS 98/10]

*"Contractor" means a person engaged in the business of installation, service, or removal of heating, ventilation and air-conditioning components.* [415 ILCS 98/10]

"Mercury Thermostat" means *a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilating, or air conditioning equipment, including those products or devices used to sense and control room temperature in residential, commercial, industrial, and other buildings. "Mercury thermostat" does not mean thermostats used to sense and control temperature as part of a manufacturing or industrial process.* [415 ILCS 5/22.23b(f)]

"Out-of-service Mercury Thermostat" means *a mercury thermostat that is removed, replaced, or otherwise taken out of service.* [415 ILCS 98/10]

"Person" means *any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity or its legal representatives, agents, or assigns.* [415 ILCS 98/10]

"Thermostat Manufacturer" means *a person who owns or owned a name brand of one or more mercury thermostats sold in Illinois.* [415 ILCS 98/10]

"Thermostat retailer" means *a person who sells* in Illinois *thermostats of any kind primarily to homeowners or other nonprofessionals through any sale or distribution mechanism. A thermostat retailer that meets the definition of thermostat wholesaler* will *be considered a thermostat wholesaler.* [415 ILCS 98/10]

"Thermostat wholesaler" means *a person who is engaged in the distribution and wholesale selling of heating, ventilation, and air-conditioning components, including, but not limited to, thermostats, to contractors, and whose total wholesale sales account for 80% or more of its total sales. A thermostat manufacturer, as defined in this Section, is not a thermostat wholesaler.* [415 ILCS 98/10]

(Source: Amended at 42 Ill. Reg. 24897, effective December 11, 2018)