

CHAPTER 215
MERCURY-ADDED SWITCH RECOVERY FROM END-OF-LIFE VEHICLES

567—215.1(455B) Purpose. The purpose of this chapter is to implement 2006 Iowa Acts, House File 2362, to reduce the quantity of mercury in the environment by removing mercury-added switches from end-of-life vehicles in Iowa and by creating a collection, recovery, and incentive program for mercury-added switches removed from vehicles in Iowa.

567—215.2(455B) Compliance. Except as expressly provided in this chapter, compliance with this chapter shall not exempt a person from compliance with any other law.

567—215.3(455B) Definitions. As used in this chapter:

“*Capture rate*” means the amount of mercury removed, collected, and recovered from end-of-life vehicles, expressed as a percentage of the mercury available from mercury-added switches in end-of-life vehicles annually.

“*End-of-life vehicle*” means any vehicle which is sold, given, or otherwise conveyed to a vehicle recycler or scrap recycling facility for the purpose of recycling and that does not exceed 10,000 pounds gross vehicle weight.

“*Manufacturer*” means any person that is the last person to produce or assemble a new vehicle that utilizes mercury-added switches, or in the case of an imported vehicle, the importer or domestic distributor of such vehicle. “Manufacturer” does not include a person that has never utilized a mercury-added switch in the production or assembly of a new vehicle.

“*Mercury-added switch*” means a light switch that contains mercury which was installed in a motor vehicle by a manufacturer.

“*Scrap recycling facility*” means a fixed location where machinery and equipment are utilized for processing and manufacturing scrap metal into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for remelting purposes.

“*Vehicle recycler*” means any person engaged in the business of acquiring, dismantling, or destroying six or more vehicles in a calendar year for the primary purpose of resale of the vehicles’ parts.

567—215.4(455B) Plans for removal, collection, and recovery of mercury-added vehicle switches.

215.4(1) By September 30, 2006, each manufacturer of vehicles sold in this state shall, individually or as part of a group, develop and publish a plan for a system to remove, collect, and recover mercury-added switches from end-of-life vehicles that were manufactured by the manufacturer. Publication shall be in accordance with 2006 Iowa Acts, House File 2362, section 8(2), and subrule 215.6(2).

215.4(2) The manufacturer shall implement a system to remove, collect, and recover mercury-added switches from end-of-life vehicles within 90 days of publication of the plan. The system developed and implemented pursuant to this rule shall provide, at a minimum, all of the following:

a. Educational materials to inform the public and other stakeholders about the purpose of the collection program and how to participate in the program.

b. A method for implementing, operating, maintaining, and monitoring the system, in accordance with subrule 215.4(6). This may include the use of third-party contractors that are qualified and fully insured to perform these tasks.

c. Information about mercury-added switches identifying all of the following:

- (1) The make, model, and year of vehicles potentially containing mercury-added switches.
- (2) A description of the mercury-added switches.
- (3) The location of the mercury-added switches.

(4) Safe, cost-effective, and environmentally sound methods for the removal of mercury-added switches from end-of-life vehicles.

d. A method to arrange and pay for the transportation of the collected mercury-added switches to permitted facilities.

e. A method to arrange and pay for the recycling of the mercury-added switches.

f. A method to track participation and publish the progress of the mercury-added switch collection in accordance with subrule 215.6(2).

g. A database of participating vehicle recyclers, including all of the following:

(1) Documentation that the vehicle recycler joined the program.

(2) Records of all submissions by a vehicle recycler of any information required pursuant to 215.4(2)“*f.*”

(3) Confirmation that the vehicle recycler has submitted mercury-added switches at least every 12 months since joining the program.

h. A target mercury-added switch capture rate for vehicles manufactured by the manufacturer of 90 percent. A description of additional or alternative actions that shall be implemented by the manufacturer to improve the system and its operation in the event that the target capture rate is not met shall be published with the required tracking information no less than annually.

i. The system shall not include inaccessible mercury-added switches from end-of-life vehicles with significant damage to the vehicle in the area surrounding the mercury-added switch location. All accessible mercury-added switches are expected to be collected under the provisions of this division.

215.4(3) In developing a removal, collection, and recovery system for end-of-life vehicles, a manufacturer shall, to the extent practicable, utilize the existing end-of-life vehicle recycling infrastructure.

215.4(4) If the commission determines that the manufacturer’s plan for a system to remove, collect, and recover mercury-added switches from end-of-life vehicles does not comply with this chapter, the commission may require the manufacturer to make any necessary modification to the plan.

215.4(5) On July 1, 2020, the commission shall cease enforcement of the removal, collection, and recovery plans under this chapter. On or before July 1, 2020, the commission shall review the mercury-added switch removal, collection, and recovery provisions and submit a recommendation to the general assembly regarding the necessity of continuing the enforcement of the removal, collection, and recovery plans.

215.4(6) The total cost of the removal, collection, and recovery system for mercury-added switches shall be paid by the manufacturer. Costs shall include but not be limited to all of the following:

a. Labor to remove mercury-added switches. Labor shall be reimbursed at a minimum rate of \$4 per mercury-added switch removed or, if the vehicle identification number of the source vehicle is required for reimbursement, at a minimum rate of \$5.

b. Training.

c. Packaging in which to transport mercury-added switches to recycling, storage, or disposal facilities.

d. Shipping of mercury-added switches to recycling, storage, or disposal facilities.

e. Recycling, storage, or disposal of mercury-added switches.

f. Public education materials and presentations.

g. Maintenance of all appropriate systems and procedures to protect the environment from mercury contamination from collected mercury-added switches.

215.4(7) A vehicle recycler that performs as required under a removal, collection, and recovery plan shall be afforded the protections provided in Iowa Code section 613.18.

567—215.5(455B) Proper management of mercury-added vehicle switches.

215.5(1) Prior to delivery to a scrap recycling facility, a person who sells, gives, or otherwise conveys ownership of an end-of-life vehicle to the scrap recycling facility for recycling shall remove all mercury-added switches from such end-of-life vehicle unless the mercury-added switch is inaccessible due to significant damage to the end-of-life vehicle in the area where the mercury-added switch is located.

215.5(2) A person shall not represent that mercury-added switches have been removed from a vehicle or vehicle hulk being sold, given, or otherwise conveyed for recycling if that person has not removed such mercury-added switches or arranged with another person to remove such switches.

567—215.6(455B) Public notification.

215.6(1) The department shall make available to the general public in an electronic format the plan of a manufacturer for a system to remove, collect, and recover mercury-added switches from end-of-life vehicles and any report required under 567—215.7(455B).

215.6(2) Publication of all required plans, information, reports, and educational materials under this chapter shall be through no less than two types of media available to the general public. One medium must be available 24 hours per day, seven days per week, and must be maintained with current information. Acceptable types of media include but are not limited to Internet Web sites, periodicals, journals, and other publicly available media in the state.

567—215.7(455B) Reporting. One year after the implementation of a removal, collection, and recovery system, and annually thereafter, a manufacturer subject to rule 567—215.4(455B) shall report to the department concerning the manufacturer's performance under the manufacturer's plan. The report shall include statistical information received under rule 567—215.4(455B). The report shall also include but not be limited to all of the following:

1. The number of mercury-added switches collected.
2. An estimate of the amount of mercury contained in the collected switches.
3. The capture rate as defined in rule 567—215.3(455B).
4. The estimated number of vehicles manufactured by the manufacturer that contain mercury-added switches.
5. The estimated number of vehicles manufactured by the manufacturer that have been processed for recycling by vehicle recyclers.

567—215.8(455B) State procurement. Notwithstanding other policies and guidelines for the procurement of vehicles, the state shall, by July 1, 2007, revise its policies, rules, and procedures to give priority and preference to the purchase of vehicles free of mercury-added components, taking into consideration competition, price, availability, and performance.

567—215.9(455B) Future repeal of mercury-free recycling Act—implementation of national program.

215.9(1) If a national mercury-added switch recovery program is developed and implemented with the cooperation and approval of the United States Environmental Protection Agency, the provisions of these rules shall be superseded by the provisions of the national program, and this chapter shall be rescinded, provided the following conditions are met:

- a.* The national program includes a target mercury-added switch capture rate for this state that meets or exceeds the target capture rate established in paragraph 215.4(2)“*h.*”
- b.* The national program includes a funding mechanism that provides for the total costs of the national mercury-added switch recovery program implemented in this state to be paid for by program participants or with federal moneys.

215.9(2) The director of the department of natural resources shall notify the Iowa Code editor of the date when the national mercury-added switch recovery program is implemented.

These rules are intended to implement 2006 Iowa Acts, House File 2362.

[Filed 11/15/06, Notice 9/27/06—published 12/6/06, effective 1/10/07]