

FEB 24 2006
Place On Calendar

HOUSE FILE 2542
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 722)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to require manufacturers' systems for the removal,
2 collection, and recovery of mercury-added vehicle switches.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2542

1 Section 1. LEGISLATIVE FINDINGS AND PURPOSES.

2 1. The general assembly finds all of the following:

3 a. That switches containing mercury have been used for
4 convenience lighting in vehicles sold in Iowa.

5 b. That mercury from vehicle light switches may be
6 released into the environment when end-of-life vehicles are
7 flattened, crushed, shredded, melted, or otherwise processed
8 for recycling.

9 c. That removing mercury-added switches from end-of-life
10 vehicles is an effective method to prevent mercury from being
11 released into the environment.

12 d. That it is in the public interest of the residents of
13 this state to reduce the quantity of mercury entering the
14 environment by removing mercury-added switches from end-of-
15 life vehicles.

16 2. The general assembly declares that the purpose of this
17 Act is to reduce the quantity of mercury in the environment by
18 doing all of the following:

19 a. Removing mercury-added switches from end-of-life
20 vehicles in Iowa.

21 b. Creating a collection, recovery, and incentive program
22 for mercury-added switches removed from vehicles in Iowa.

23 Sec. 2. NEW SECTION. 455B.801 SHORT TITLE.

24 This division shall be known and may be cited as the
25 "Mercury-Free Recycling Act".

26 Sec. 3. NEW SECTION. 455B.802 DEFINITIONS.

27 As used in this division, unless the context otherwise
28 requires:

29 1. "Capture rate" means the amount of mercury removed,
30 collected, and recovered from end-of-life vehicles, expressed
31 as a percentage of the mercury available from mercury-added
32 switches in end-of-life vehicles annually.

33 2. "End-of-life vehicle" means any vehicle which is sold,
34 given, or otherwise conveyed to a vehicle recycler or scrap
35 recycling facility for the purpose of recycling and that does

1 not exceed ten thousand pounds gross vehicle weight.

2 3. "Manufacturer" means any person that is the last person
3 to produce or assemble a new vehicle that utilizes mercury-
4 added switches, or in the case of an imported vehicle, the
5 importer or domestic distributor of such vehicle.

6 "Manufacturer" does not include a person that has never
7 utilized a mercury-added switch in the production or assembly
8 of a new vehicle.

9 4. "Mercury-added switch" means a light switch that
10 contains mercury which was installed by a manufacturer in a
11 motor vehicle.

12 5. "Scrap recycling facility" means a fixed location where
13 machinery and equipment are utilized for processing and
14 manufacturing scrap metal into prepared grades and whose
15 principal product is scrap iron, scrap steel, or nonferrous
16 metallic scrap for sale for remelting purposes.

17 6. "Vehicle recycler" means any person engaged in the
18 business of acquiring, dismantling, or destroying six or more
19 vehicles in a calendar year for the primary purpose of resale
20 of the vehicles' parts.

21 Sec. 4. NEW SECTION. 455B.803 PLANS FOR REMOVAL,
22 COLLECTION, AND RECOVERY OF VEHICLE MERCURY-ADDED SWITCHES.

23 1. Within ninety days of the effective date of this Act,
24 each manufacturer of vehicles sold in this state shall,
25 individually or as part of a group, develop and publish a plan
26 for a system to remove, collect, and recover mercury-added
27 switches from end-of-life vehicles that were manufactured by
28 the manufacturer. Publication shall be in accordance with
29 section 455B.807, subsection 2.

30 2. a. The manufacturer shall implement a system to
31 remove, collect, and recover mercury-added switches from end-
32 of-life vehicles within ninety days of publication of the
33 plan.

34 b. The system developed and implemented pursuant to this
35 section shall provide, at a minimum, all of the following:

- 1 (1) Educational materials about the program to inform the
2 public and other stakeholders about the purpose of the
3 collection program and how to participate in the program.
- 4 (2) A method for implementing, operating, maintaining, and
5 monitoring the system, in accordance with subsection 3. This
6 may include the use of third-party contractors that are
7 qualified and fully insured to perform these tasks.
- 8 (3) Information about mercury-added switches identifying
9 all of the following:
 - 10 (a) The make, model, and year of vehicles potentially
11 containing mercury-added switches.
 - 12 (b) A description of the mercury-added switches.
 - 13 (c) The location of the mercury-added switches.
 - 14 (d) The safe, cost-effective, and environmentally sound
15 methods for the removal of the mercury-added switches from
16 end-of-life vehicles.
- 17 (4) A method to arrange and pay for the transportation of
18 the collected mercury-added switches to permitted facilities.
- 19 (5) A method to arrange and pay for the recycling of the
20 mercury-added switches.
- 21 (6) A method to track participation and publish the
22 progress of the mercury-added switch collection in accordance
23 with section 455B.807, subsection 2.
- 24 (7) A database of participating vehicle recyclers,
25 including all of the following:
 - 26 (a) Documentation that the vehicle recycler joined the
27 program.
 - 28 (b) Records of all submissions by a vehicle recycler of
29 any information required pursuant to subparagraph (6).
 - 30 (c) Confirmation that the vehicle recycler has submitted
31 switches at least every twelve months since joining the
32 program.
- 33 (8) A target mercury-added switch capture rate for
34 vehicles manufactured by the manufacturer of ninety percent.
35 A description of additional or alternative actions that shall

1 be implemented by the manufacturer to improve the system and
2 its operation in the event that the target capture rate is not
3 met shall be published with the required tracking information
4 no less than annually.

5 (9) The program shall not include inaccessible mercury-
6 added switches from end-of-life vehicles with significant
7 damage to the vehicle in the area surrounding the mercury-
8 added switch location. All accessible mercury-added switches
9 are expected to be collected under the provisions of this
10 division.

11 c. In developing a removal, collection, and recovery
12 system for end-of-life vehicles, a manufacturer shall, to the
13 extent practicable, utilize the existing end-of-life vehicle
14 recycling infrastructure.

15 d. If the commission determines that the manufacturer's
16 plan for a system to remove, collect, and recover mercury-
17 added switches from end-of-life vehicles does not comply with
18 this section, the commission may require the manufacturer to
19 make any necessary modification to the plan.

20 e. On July 1, 2020, the commission shall cease enforcement
21 of the removal, collection, and recovery plans under this
22 section. On or before July 1, 2020, the commission shall
23 review the mercury-added switch removal, collection, and
24 recovery portion of this division and submit a recommendation
25 to the general assembly regarding the necessity of continuing
26 the enforcement of the removal, collection, and recovery plans
27 under this section.

28 3. The total cost of the removal, collection, and recovery
29 system for mercury-added switches shall be paid by the
30 manufacturer. Costs shall include but not be limited to all
31 of the following:

32 a. Labor to remove mercury-added switches. Labor shall be
33 reimbursed at a minimum rate of four dollars per mercury-
34 added switch removed, or if the vehicle identification number
35 of the source vehicle is required for reimbursement, at a

1 minimum rate of five dollars.

2 b. Training.

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

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

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

9 f. Public education materials and presentations.

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

13 4. A vehicle recycler that performs as required under a
14 removal, collection, and recovery plan shall be afforded the
15 protections provided in section 613.18.

16 Sec. 5. NEW SECTION. 455B.804 PROHIBITION AND PROPER
17 MANAGEMENT OF MERCURY-ADDED VEHICLE SWITCHES.

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

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

30 Sec. 6. NEW SECTION. 455B.805 GENERAL COMPLIANCE WITH
31 OTHER PROVISIONS.

32 Except as expressly provided in this division, compliance
33 with this division shall not exempt a person from compliance
34 with any other law.

35 Sec. 7. NEW SECTION. 455B.806 REGULATIONS.

1 The commission shall adopt rules pursuant to chapter 17A as
2 necessary to implement the provisions of this division.

3 Sec. 8. NEW SECTION. 455B.807 PUBLIC NOTIFICATION.

4 1. The department shall make available to the general
5 public in an electronic format the plan of a manufacturer for
6 a system to remove, collect, and recover mercury-added
7 switches from end-of-life vehicles and any report required
8 under section 455B.808.

9 2. Publication of all required plans, information,
10 reports, and educational materials under this division shall
11 be through no less than two types of media available to the
12 general public. One medium must be available twenty-four
13 hours per day, seven days per week, and maintained with
14 current information. Acceptable types of media include but
15 are not limited to internet websites, periodicals, journals,
16 and other publicly available media in the state.

17 Sec. 9. NEW SECTION. 455B.808 REPORTING.

18 One year after the implementation of a removal, collection,
19 and recovery system, and annually thereafter, a manufacturer
20 subject to section 455B.803 shall report to the department
21 concerning the performance under the manufacturer's plan. The
22 report shall include statistical information received under
23 section 455B.803. The report shall also include but not be
24 limited to all of the following:

25 1. The number of mercury-added switches collected.

26 2. An estimate of the amount of mercury contained in the
27 collected switches.

28 3. The capture rate as defined in section 455B.802.

29 4. The estimated number of vehicles manufactured by the
30 manufacturer containing mercury-added switches.

31 5. The estimated number of vehicles manufactured by the
32 manufacturer that have been processed for recycling by vehicle
33 recyclers.

34 Sec. 10. NEW SECTION. 455B.809 STATE PROCUREMENT.

35 Notwithstanding other policies and guidelines for the

1 procurement of vehicles, the state shall, within one year of
2 the effective date of this Act, revise its policies, rules,
3 and procedures to give priority and preference to the purchase
4 of vehicles free of mercury-added components taking into
5 consideration competition, price, availability, and
6 performance.

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EXPLANATION

8 This bill relates to the removal, collection, and recovery
9 of mercury-added vehicle switches.

10 The bill provides that within 90 days of the effective date
11 of the bill, each manufacturer of vehicles sold in this state
12 shall, individually, or as part of a group, develop and
13 publish a plan for a system to remove, collect, and recover
14 mercury-added switches from end-of-life vehicles that were
15 manufactured by the manufacturer. The bill provides that a
16 manufacturer shall implement the system within ninety days of
17 publication of the plan. The system shall include, at a
18 minimum, educational materials; a method for implementing,
19 operating, maintaining, and monitoring the system, including
20 the possible use of third-party contractors; information about
21 the manufacturer's vehicles containing mercury-added switches
22 and the location, description, and methods for removal of the
23 switches; methods for transportation of mercury-added switches
24 to permitted facilities, for recycling of the switches, and
25 for payment of the related costs; a method for tracking
26 participation and for publishing information about the
27 progress of the mercury-added switch collection; and a
28 database of participating recyclers. The manufacturer's
29 system shall include publication of a description of actions
30 to be taken in the event the target capture rate of 90 percent
31 is not met. The bill specifies that the program shall not
32 include inaccessible mercury-added switches from end-of-life
33 vehicles with significant damage in the area of the vehicle
34 surrounding the switch location. Otherwise, all accessible
35 mercury-added switches are expected to be recovered.

1 The bill provides that, on July 1, 2020, the environmental
2 protection commission shall cease enforcement of the removal,
3 collection, and recovery portion of the bill. On or before
4 July 1, 2020, the commission is required to review the
5 removal, collection, and recovery provisions of the bill and
6 submit a recommendation to the general assembly regarding the
7 necessity of continuing the enforcement of such provisions.

8 The bill provides that the total cost of the removal,
9 collection, and recovery system for mercury-added switches
10 shall be borne by the manufacturer. The bill requires that
11 labor to remove mercury-added switches shall be reimbursed at
12 a minimum rate of \$4 per mercury-added switch, or \$5 per
13 switch if the vehicle identification number is required for
14 reimbursement.

15 The bill requires a person who sells, gives, or otherwise
16 conveys ownership of an end-of-life vehicle to the scrap
17 recycling facility for recycling to remove all mercury-added
18 switches from such end-of-life vehicle prior to delivery of
19 the vehicle to a scrap recycling facility unless the mercury-
20 added switch is inaccessible due to significant damage to the
21 end-of-life vehicle in the area where the mercury-added switch
22 is located.

23 The bill provides that, except as expressly provided in the
24 bill, compliance with this bill shall not exempt a person from
25 compliance with any other law.

26 The bill requires the environmental protection commission
27 to adopt rules.

28 The bill provides for public notification of the
29 manufacturers' plan or plans for a system to remove, collect,
30 and recover mercury-added switches from an end-of-life vehicle
31 in an electronic format and by publication of all related
32 plans, information, reports, and educational materials in at
33 least two different types of media.

34 The bill requires that one year after the implementation of
35 a removal, collection, and recovery system, and annually

1 thereafter, a manufacturer implementing such a system shall
2 report to the department concerning the performance under the
3 manufacturer's plan.

4 The bill provides that, notwithstanding other policies and
5 guidelines for the procurement of vehicles, the state shall,
6 within one year of the effective date of the bill, revise its
7 policies, rules, and procedures to give priority and
8 preference to the purchase of vehicles free of mercury-added
9 components taking into consideration competition, price,
10 availability, and performance.

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Greiner, Ch.
Kurtenbach
Shoultz

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INF 2542

HSB 722

ENVIRONMENTAL PROTECTION

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON GREINER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to require manufacturers' systems for the removal,
2 collection, and recovery of mercury-added vehicle switches.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. LEGISLATIVE FINDINGS AND PURPOSES.

2 1. The general assembly finds all of the following:

3 a. That switches containing mercury have been used for
4 convenience lighting in vehicles sold in Iowa.

5 b. That mercury from vehicle light switches may be
6 released into the environment when end-of-life vehicles are
7 flattened, crushed, shredded, melted, or otherwise processed
8 for recycling.

9 c. That removing mercury-added switches from end-of-life
10 vehicles is an effective method to prevent mercury from being
11 released into the environment.

12 d. That it is in the public interest of the residents of
13 this state to reduce the quantity of mercury entering the
14 environment by removing mercury-added switches from end-of-
15 life vehicles.

16 2. The general assembly declares that the purpose of this
17 Act is to reduce the quantity of mercury in the environment by
18 doing all of the following:

19 a. Removing mercury-added switches from end-of-life
20 vehicles in Iowa.

21 b. Creating a collection, recovery, and incentive program
22 for mercury-added switches removed from vehicles in Iowa.

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24 This division shall be known and may be cited as the
25 "Mercury-Free Recycling Act".

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27 As used in this division, unless the context otherwise
28 requires:

29 1. "Capture rate" means the amount of mercury removed,
30 collected, and recovered from end-of-life vehicles, expressed
31 as a percentage of the mercury available from mercury-added
32 switches in end-of-life vehicles annually.

33 2. "End-of-life vehicle" means any vehicle which is sold,
34 given, or otherwise conveyed to a vehicle recycler or scrap
35 recycling facility for the purpose of recycling and that does

1 not exceed ten thousand pounds gross vehicle weight.

2 3. "Manufacturer" means any person that is the last person
3 to produce or assemble a new vehicle that utilizes mercury-
4 added switches, or in the case of an imported vehicle, the
5 importer or domestic distributor of such vehicle.

6 4. "Mercury-added switch" means a light switch that
7 contains mercury which was installed by a manufacturer in a
8 motor vehicle.

9 5. "Scrap recycling facility" means a fixed location where
10 machinery and equipment are utilized for processing and
11 manufacturing scrap metal into prepared grades and whose
12 principal product is scrap iron, scrap steel, or nonferrous
13 metallic scrap for sale for remelting purposes.

14 6. "Vehicle recycler" means any person engaged in the
15 business of acquiring, dismantling, or destroying six or more
16 vehicles in a calendar year for the primary purpose of resale
17 of the vehicles' parts.

18 Sec. 4. NEW SECTION. 455B.803 PLANS FOR REMOVAL,
19 COLLECTION, AND RECOVERY OF VEHICLE MERCURY-ADDED SWITCHES.

20 1. Within ninety days of the effective date of this Act,
21 each manufacturer of vehicles sold in this state shall,
22 individually or as part of a group, develop and publish a plan
23 for a system to remove, collect, and recover mercury-added
24 switches from end-of-life vehicles that were manufactured by
25 the manufacturer. Publication shall be in accordance with
26 section 455B.807, subsection 2.

27 2. a. The manufacturer shall implement a system to
28 remove, collect, and recover mercury-added switches from end-
29 of-life vehicles within ninety days of publication of the
30 plan.

31 b. The system developed and implemented pursuant to this
32 section shall provide, at a minimum, all of the following:

33 (1) Educational materials about the program to inform the
34 public and other stakeholders about the purpose of the
35 collection program and how to participate in the program.

1 (2) A method for implementing, operating, maintaining, and
2 monitoring the system, in accordance with subsection 3. This
3 may include the use of third-party contractors that are
4 qualified and fully insured to perform these tasks.

5 (3) Information about mercury-added switches identifying
6 all of the following:

7 (a) The make, model, and year of vehicles potentially
8 containing mercury-added switches.

9 (b) A description of the mercury-added switches.

10 (c) The location of the mercury-added switches.

11 (d) The safe, cost-effective, and environmentally sound
12 methods for the removal of the mercury-added switches from
13 end-of-life vehicles.

14 (4) A method to arrange and pay for the transportation of
15 the collected mercury-added switches to permitted facilities.

16 (5) A method to arrange and pay for the recycling of the
17 mercury-added switches.

18 (6) A method to track participation and publish the
19 progress of the mercury-added switch collection in accordance
20 with section 455B.807, subsection 2.

21 (7) A database of participating vehicle recyclers,
22 including all of the following:

23 (a) Documentation that the vehicle recycler joined the
24 program.

25 (b) Records of all submissions by a vehicle recycler of
26 any information required pursuant to subparagraph (6).

27 (c) Confirmation that the vehicle recycler has submitted
28 switches at least every twelve months since joining the
29 program.

30 (8) A target mercury-added switch capture rate for
31 vehicles manufactured by the manufacturer of ninety percent.
32 A description of additional or alternative actions that shall
33 be implemented by the manufacturer to improve the system and
34 its operation in the event that the target capture rate is not
35 met shall be published with the required tracking information

1 no less than annually.

2 (9) The program shall not include inaccessible mercury-
3 added switches from end-of-life vehicles with significant
4 damage to the vehicle in the area surrounding the mercury-
5 added switch location. All accessible mercury-added switches
6 are expected to be collected under the provisions of this
7 division.

8 c. In developing a removal, collection, and recovery
9 system for end-of-life vehicles, a manufacturer shall, to the
10 extent practicable, utilize the existing end-of-life vehicle
11 recycling infrastructure.

12 d. If the commission determines that the manufacturer's
13 plan for a system to remove, collect, and recover mercury-
14 added switches from end-of-life vehicles does not comply with
15 this section, the commission may require the manufacturer to
16 make any necessary modification to the plan.

17 e. On or after July 1, 2020, the commission may, at its
18 discretion, elect to review the mercury-added switch
19 collection portion of this division and may cease enforcement
20 of the removal, collection, and recovery plans under this
21 section.

22 3. The total cost of the removal, collection, and recovery
23 system for mercury-added switches shall be paid by the
24 manufacturer. Costs shall include but not be limited to all
25 of the following:

26 a. Labor to remove mercury-added switches. Labor shall be
27 reimbursed at a minimum rate of four dollars per mercury-
28 added switch removed, or if the vehicle identification number
29 of the source vehicle is required for reimbursement, at a
30 minimum rate of five dollars.

31 b. Training.

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

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

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

3 f. Public education materials and presentations.

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

7 Sec. 5. NEW SECTION. 455B.804 PROHIBITION AND PROPER
8 MANAGEMENT OF MERCURY-ADDED VEHICLE SWITCHES.

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

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

21 Sec. 6. NEW SECTION. 455B.805 GENERAL COMPLIANCE WITH
22 OTHER PROVISIONS.

23 Except as expressly provided in this division, compliance
24 with this division shall not exempt a person from compliance
25 with any other law.

26 Sec. 7. NEW SECTION. 455B.806 REGULATIONS.

27 The commission shall adopt rules pursuant to chapter 17A as
28 necessary to implement the provisions of this division.

29 Sec. 8. NEW SECTION. 455B.807 PUBLIC NOTIFICATION.

30 1. The department shall make available to the general
31 public in an electronic format the plan of a manufacturer for
32 a system to remove, collect, and recover mercury-added
33 switches from end-of-life vehicles and any report required
34 under section 455B.808.

35 2. Publication of all required plans, information,

1 reports, and educational materials under this division shall
2 be through no less than two types of media available to the
3 general public. One medium must be available twenty-four
4 hours per day, seven days per week, and maintained with
5 current information. Acceptable types of media include but
6 are not limited to internet websites, periodicals, journals,
7 and other publicly available media in the state.

8 Sec. 9. NEW SECTION. 455B.808 REPORTING.

9 One year after the implementation of a removal, collection,
10 and recovery system, and annually thereafter, a manufacturer
11 subject to section 455B.803 shall report to the department
12 concerning the performance under the manufacturer's plan. The
13 report shall include statistical information received under
14 section 455B.803. The report shall also include but not be
15 limited to all of the following:

- 16 1. The number of mercury-added switches collected.
- 17 2. An estimate of the amount of mercury contained in the
18 collected switches.
- 19 3. The capture rate as defined in section 455B.802.
- 20 4. The estimated number of vehicles manufactured by the
21 manufacturer containing mercury-added switches.
- 22 5. The estimated number of vehicles manufactured by the
23 manufacturer that have been processed for recycling by vehicle
24 recyclers.

25 Sec. 10. NEW SECTION. 455B.809 STATE PROCUREMENT.

26 Notwithstanding other policies and guidelines for the
27 procurement of vehicles, the state shall, within one year of
28 the effective date of this Act, revise its policies, rules,
29 and procedures to give priority and preference to the purchase
30 of vehicles free of mercury-added components taking into
31 consideration competition, price, availability, and
32 performance.

33 EXPLANATION

34 This bill relates to the removal, collection, and recovery
35 of mercury-added vehicle switches.

1 The bill provides that within 90 days of the effective date
2 of the bill, each manufacturer of vehicles sold in this state
3 shall, individually, or as part of a group, develop and
4 publish a plan for a system to remove, collect, and recover
5 mercury-added switches from end-of-life vehicles that were
6 manufactured by the manufacturer. The bill provides that a
7 manufacturer shall implement the system within ninety days of
8 publication of the plan. The system shall include, at a
9 minimum, educational materials; a method for implementing,
10 operating, maintaining, and monitoring the system, including
11 the possible use of third-party contractors; information about
12 the manufacturer's vehicles containing mercury-added switches
13 and the location, description, and methods for removal of the
14 switches; methods for transportation of mercury-added switches
15 to permitted facilities, for recycling of the switches, and
16 for payment of the related costs; a method for tracking
17 participation and for publishing information about the
18 progress of the mercury-added switch collection; and a
19 database of participating recyclers. The manufacturer's
20 system shall include publication of a description of actions
21 to be taken in the event the target capture rate of 90 percent
22 is not met. The bill specifies that the program shall not
23 include inaccessible mercury-added switches from end-of-life
24 vehicles with significant damage in the area of the vehicle
25 surrounding the switch location. Otherwise, all accessible
26 mercury-added switches are expected to be recovered.

27 The bill provides that the total cost of the removal,
28 collection, and recovery system for mercury-added switches
29 shall be borne by the manufacturer. The bill requires that
30 labor to remove mercury-added switches shall be reimbursed at
31 a minimum rate of \$4 per mercury-added switch, or \$5 per
32 switch if the vehicle identification number is required for
33 reimbursement.

34 The bill requires a person who sells, gives, or otherwise
35 conveys ownership of an end-of-life vehicle to the scrap

1 recycling facility for recycling to remove all mercury-added
2 switches from such end-of-life vehicle prior to delivery of
3 the vehicle to a scrap recycling facility unless the mercury-
4 added switch is inaccessible due to significant damage to the
5 end-of-life vehicle in the area where the mercury-added switch
6 is located.

7 The bill provides that, except as expressly provided in the
8 bill, compliance with this bill shall not exempt a person from
9 compliance with any other law.

10 The bill requires the environmental protection commission
11 to adopt rules.

12 The bill provides for public notification of the
13 manufacturers' plan or plans for a system to remove, collect,
14 and recover mercury-added switches from an end-of-life vehicle
15 in an electronic format and by publication of all related
16 plans, information, reports, and educational materials in at
17 least two different types of media.

18 The bill requires that one year after the implementation of
19 a removal, collection, and recovery system, and annually
20 thereafter, a manufacturer implementing such a system shall
21 report to the department concerning the performance under the
22 manufacturer's plan.

23 The bill provides that, notwithstanding other policies and
24 guidelines for the procurement of vehicles, the state shall,
25 within one year of the effective date of the bill, revise its
26 policies, rules, and procedures to give priority and
27 preference to the purchase of vehicles free of mercury-added
28 components taking into consideration competition, price,
29 availability, and performance.

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