

# House Study Bill 722

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:  
4 TLSB 6478HC 81  
5 tm/gg/14

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1 1 Section 1. LEGISLATIVE FINDINGS AND PURPOSES.  
1 2 1. The general assembly finds all of the following:  
1 3 a. That switches containing mercury have been used for  
1 4 convenience lighting in vehicles sold in Iowa.  
1 5 b. That mercury from vehicle light switches may be  
1 6 released into the environment when end-of-life vehicles are  
1 7 flattened, crushed, shredded, melted, or otherwise processed  
1 8 for recycling.  
1 9 c. That removing mercury-added switches from end-of-life  
1 10 vehicles is an effective method to prevent mercury from being  
1 11 released into the environment.  
1 12 d. That it is in the public interest of the residents of  
1 13 this state to reduce the quantity of mercury entering the  
1 14 environment by removing mercury-added switches from end-of-  
1 15 life vehicles.  
1 16 2. The general assembly declares that the purpose of this  
1 17 Act is to reduce the quantity of mercury in the environment by  
1 18 doing all of the following:  
1 19 a. Removing mercury-added switches from end-of-life  
1 20 vehicles in Iowa.  
1 21 b. Creating a collection, recovery, and incentive program  
1 22 for mercury-added switches removed from vehicles in Iowa.  
1 23 Sec. 2. NEW SECTION. 455B.801 SHORT TITLE.  
1 24 This division shall be known and may be cited as the  
1 25 "Mercury-Free Recycling Act".  
1 26 Sec. 3. NEW SECTION. 455B.802 DEFINITIONS.  
1 27 As used in this division, unless the context otherwise  
1 28 requires:  
1 29 1. "Capture rate" means the amount of mercury removed,  
1 30 collected, and recovered from end-of-life vehicles, expressed  
1 31 as a percentage of the mercury available from mercury-added  
1 32 switches in end-of-life vehicles annually.  
1 33 2. "End-of-life vehicle" means any vehicle which is sold,  
1 34 given, or otherwise conveyed to a vehicle recycler or scrap  
1 35 recycling facility for the purpose of recycling and that does  
2 1 not exceed ten thousand pounds gross vehicle weight.  
2 2 3. "Manufacturer" means any person that is the last person  
2 3 to produce or assemble a new vehicle that utilizes mercury=  
2 4 added switches, or in the case of an imported vehicle, the  
2 5 importer or domestic distributor of such vehicle.  
2 6 4. "Mercury-added switch" means a light switch that  
2 7 contains mercury which was installed by a manufacturer in a  
2 8 motor vehicle.  
2 9 5. "Scrap recycling facility" means a fixed location where  
2 10 machinery and equipment are utilized for processing and  
2 11 manufacturing scrap metal into prepared grades and whose  
2 12 principal product is scrap iron, scrap steel, or nonferrous  
2 13 metallic scrap for sale for remelting purposes.  
2 14 6. "Vehicle recycler" means any person engaged in the  
2 15 business of acquiring, dismantling, or destroying six or more  
2 16 vehicles in a calendar year for the primary purpose of resale  
2 17 of the vehicles' parts.  
2 18 Sec. 4. NEW SECTION. 455B.803 PLANS FOR REMOVAL,

2 19 COLLECTION, AND RECOVERY OF VEHICLE MERCURY=ADDED SWITCHES.

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

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

2 31 b. The system developed and implemented pursuant to this  
2 32 section shall provide, at a minimum, all of the following:

2 33 (1) Educational materials about the program to inform the  
2 34 public and other stakeholders about the purpose of the  
2 35 collection program and how to participate in the program.

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

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

3 7 (a) The make, model, and year of vehicles potentially  
3 8 containing mercury=added switches.

3 9 (b) A description of the mercury=added switches.

3 10 (c) The location of the mercury=added switches.

3 11 (d) The safe, cost=effective, and environmentally sound  
3 12 methods for the removal of the mercury=added switches from  
3 13 end=of=life vehicles.

3 14 (4) A method to arrange and pay for the transportation of  
3 15 the collected mercury=added switches to permitted facilities.

3 16 (5) A method to arrange and pay for the recycling of the  
3 17 mercury=added switches.

3 18 (6) A method to track participation and publish the  
3 19 progress of the mercury=added switch collection in accordance  
3 20 with section 455B.807, subsection 2.

3 21 (7) A database of participating vehicle recyclers,  
3 22 including all of the following:

3 23 (a) Documentation that the vehicle recycler joined the  
3 24 program.

3 25 (b) Records of all submissions by a vehicle recycler of  
3 26 any information required pursuant to subparagraph (6).

3 27 (c) Confirmation that the vehicle recycler has submitted  
3 28 switches at least every twelve months since joining the  
3 29 program.

3 30 (8) A target mercury=added switch capture rate for  
3 31 vehicles manufactured by the manufacturer of ninety percent.  
3 32 A description of additional or alternative actions that shall  
3 33 be implemented by the manufacturer to improve the system and  
3 34 its operation in the event that the target capture rate is not  
3 35 met shall be published with the required tracking information  
4 1 no less than annually.

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

4 8 c. In developing a removal, collection, and recovery  
4 9 system for end=of=life vehicles, a manufacturer shall, to the  
4 10 extent practicable, utilize the existing end=of=life vehicle  
4 11 recycling infrastructure.

4 12 d. If the commission determines that the manufacturer's  
4 13 plan for a system to remove, collect, and recover mercury=  
4 14 added switches from end=of=life vehicles does not comply with  
4 15 this section, the commission may require the manufacturer to  
4 16 make any necessary modification to the plan.

4 17 e. On or after July 1, 2020, the commission may, at its  
4 18 discretion, elect to review the mercury=added switch  
4 19 collection portion of this division and may cease enforcement  
4 20 of the removal, collection, and recovery plans under this  
4 21 section.

4 22 3. The total cost of the removal, collection, and recovery  
4 23 system for mercury=added switches shall be paid by the  
4 24 manufacturer. Costs shall include but not be limited to all  
4 25 of the following:

4 26 a. Labor to remove mercury=added switches. Labor shall be  
4 27 reimbursed at a minimum rate of four dollars per mercury=  
4 28 added switch removed, or if the vehicle identification number  
4 29 of the source vehicle is required for reimbursement, at a

4 30 minimum rate of five dollars.  
4 31 b. Training.  
4 32 c. Packaging in which to transport mercury-added switches  
4 33 to recycling, storage, or disposal facilities.  
4 34 d. Shipping of mercury-added switches to recycling,  
4 35 storage, or disposal facilities.  
5 1 e. Recycling, storage, or disposal of the mercury-added  
5 2 switches.  
5 3 f. Public education materials and presentations.  
5 4 g. Maintenance of all appropriate systems and procedures  
5 5 to protect the environment from mercury contamination from  
5 6 collected mercury-added switches.

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

5 9 1. Prior to delivery to a scrap recycling facility, a  
5 10 person who sells, gives, or otherwise conveys ownership of an  
5 11 end-of-life vehicle to the scrap recycling facility for  
5 12 recycling shall remove all mercury-added switches from such  
5 13 end-of-life vehicle unless the mercury-added switch is  
5 14 inaccessible due to significant damage to the end-of-life  
5 15 vehicle in the area where the mercury-added switch is located.

5 16 2. A person shall not represent that mercury-added  
5 17 switches have been removed from a vehicle or vehicle hulk  
5 18 being sold, given, or otherwise conveyed for recycling if that  
5 19 person has not removed such mercury-added switches or arranged  
5 20 with another person to remove such switches.

5 21 Sec. 6. NEW SECTION. 455B.805 GENERAL COMPLIANCE WITH  
5 22 OTHER PROVISIONS.

5 23 Except as expressly provided in this division, compliance  
5 24 with this division shall not exempt a person from compliance  
5 25 with any other law.

5 26 Sec. 7. NEW SECTION. 455B.806 REGULATIONS.

5 27 The commission shall adopt rules pursuant to chapter 17A as  
5 28 necessary to implement the provisions of this division.

5 29 Sec. 8. NEW SECTION. 455B.807 PUBLIC NOTIFICATION.

5 30 1. The department shall make available to the general  
5 31 public in an electronic format the plan of a manufacturer for  
5 32 a system to remove, collect, and recover mercury-added  
5 33 switches from end-of-life vehicles and any report required  
5 34 under section 455B.808.

5 35 2. Publication of all required plans, information,  
6 1 reports, and educational materials under this division shall  
6 2 be through no less than two types of media available to the  
6 3 general public. One medium must be available twenty-four  
6 4 hours per day, seven days per week, and maintained with  
6 5 current information. Acceptable types of media include but  
6 6 are not limited to internet websites, periodicals, journals,  
6 7 and other publicly available media in the state.

6 8 Sec. 9. NEW SECTION. 455B.808 REPORTING.

6 9 One year after the implementation of a removal, collection,  
6 10 and recovery system, and annually thereafter, a manufacturer  
6 11 subject to section 455B.803 shall report to the department  
6 12 concerning the performance under the manufacturer's plan. The  
6 13 report shall include statistical information received under  
6 14 section 455B.803. The report shall also include but not be  
6 15 limited to all of the following:

6 16 1. The number of mercury-added switches collected.

6 17 2. An estimate of the amount of mercury contained in the  
6 18 collected switches.

6 19 3. The capture rate as defined in section 455B.802.

6 20 4. The estimated number of vehicles manufactured by the  
6 21 manufacturer containing mercury-added switches.

6 22 5. The estimated number of vehicles manufactured by the  
6 23 manufacturer that have been processed for recycling by vehicle  
6 24 recyclers.

6 25 Sec. 10. NEW SECTION. 455B.809 STATE PROCUREMENT.

6 26 Notwithstanding other policies and guidelines for the  
6 27 procurement of vehicles, the state shall, within one year of  
6 28 the effective date of this Act, revise its policies, rules,  
6 29 and procedures to give priority and preference to the purchase  
6 30 of vehicles free of mercury-added components taking into  
6 31 consideration competition, price, availability, and  
6 32 performance.

6 33 EXPLANATION

6 34 This bill relates to the removal, collection, and recovery  
6 35 of mercury-added vehicle switches.

7 1 The bill provides that within 90 days of the effective date  
7 2 of the bill, each manufacturer of vehicles sold in this state  
7 3 shall, individually, or as part of a group, develop and  
7 4 publish a plan for a system to remove, collect, and recover  
7 5 mercury-added switches from end-of-life vehicles that were

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

7 27 The bill provides that the total cost of the removal,  
7 28 collection, and recovery system for mercury-added switches  
7 29 shall be borne by the manufacturer. The bill requires that  
7 30 labor to remove mercury-added switches shall be reimbursed at  
7 31 a minimum rate of \$4 per mercury-added switch, or \$5 per  
7 32 switch if the vehicle identification number is required for  
7 33 reimbursement.

7 34 The bill requires a person who sells, gives, or otherwise  
7 35 conveys ownership of an end-of-life vehicle to the scrap  
8 1 recycling facility for recycling to remove all mercury-added  
8 2 switches from such end-of-life vehicle prior to delivery of  
8 3 the vehicle to a scrap recycling facility unless the mercury=  
8 4 added switch is inaccessible due to significant damage to the  
8 5 end-of-life vehicle in the area where the mercury-added switch  
8 6 is located.

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

8 10 The bill requires the environmental protection commission  
8 11 to adopt rules.

8 12 The bill provides for public notification of the  
8 13 manufacturers' plan or plans for a system to remove, collect,  
8 14 and recover mercury-added switches from an end-of-life vehicle  
8 15 in an electronic format and by publication of all related  
8 16 plans, information, reports, and educational materials in at  
8 17 least two different types of media.

8 18 The bill requires that one year after the implementation of  
8 19 a removal, collection, and recovery system, and annually  
8 20 thereafter, a manufacturer implementing such a system shall  
8 21 report to the department concerning the performance under the  
8 22 manufacturer's plan.

8 23 The bill provides that, notwithstanding other policies and  
8 24 guidelines for the procurement of vehicles, the state shall,  
8 25 within one year of the effective date of the bill, revise its  
8 26 policies, rules, and procedures to give priority and  
8 27 preference to the purchase of vehicles free of mercury-added  
8 28 components taking into consideration competition, price,  
8 29 availability, and performance.

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