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SENATE FILE

2167

BY HAHN

NAT. RES. & ENVIRONMENT

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the removal, replacement, collection, and
2 recovery of mercury-added vehicle components.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

NAT. RES. & ENVIRONMENT

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1 Section 1. FINDINGS AND DECLARATIONS.

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

3 a. Mercury-added switches have been used for convenience
4 lighting in vehicles sold in this state.

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

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

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

16 e. Pollution prevention is the preferred strategy to
17 reduce mercury in the environment and is a more desirable
18 strategy than waste management and pollution control.
19 Preventing mercury or mercury-containing components from
20 entering thermal combustion units is an effective way to
21 reduce mercury emissions into the environment.

22 f. Vehicle mercury-added switch collection programs are
23 being established across the United States to protect human
24 health and the environment.

25 2. The general assembly declares that the purpose of this
26 division is to reduce the quantity of mercury in the
27 environment by doing all of the following:

28 a. Removing mercury from vehicles in commerce and end-of-
29 life vehicles in Iowa.

30 b. Creating a collection and recovery program for mercury
31 switches removed from vehicles in Iowa.

32 c. Establishing a system to store the mercury collected
33 and recovered from vehicle components in the event that
34 environmentally appropriate management technologies are not
35 available.

1 d. Promoting the design of future vehicles for maximum
2 environmental protection and recyclability at the end of their
3 useful lives by implementing a design for a recycling program
4 which includes phasing out the use of mercury in future
5 vehicle models.

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

7 This division shall be known and may be cited as the
8 "Mercury-Free Vehicle Act".

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

10 As used in this division, unless the context otherwise
11 requires:

12 1. "Capture rate" means the amount of mercury removed,
13 collected, and recovered from vehicles in commerce and end-
14 of-life vehicles, expressed as a percentage of the total
15 mercury available from vehicles in commerce and end-of-life
16 vehicles annually.

17 2. "Closed loop recycling system" means a system whereby
18 materials or components are routinely collected and handled
19 within a process or managed system that controls the materials
20 or components for reuse, remanufacturing, recycling, or
21 otherwise prevents the materials or components from entering
22 the waste stream.

23 3. "End-of-life vehicle" means any vehicle that does not
24 exceed ten thousand pounds gross vehicle weight which is sold,
25 given, or otherwise conveyed to a vehicle recycler or scrap
26 recycling facility for the purpose of recycling.

27 4. "Manufacturer" means any person which is the last
28 person to produce or assemble a new vehicle that utilizes
29 mercury-added components, or in the case of an imported
30 vehicle, the importer or domestic distributor of such vehicle.

31 5. "Manufacturer-dealer warranty program" means an
32 arrangement between a manufacturer and a franchisee of the
33 manufacturer, whereby the manufacturer agrees to reimburse the
34 franchisee, at an established rate, for labor or parts
35 necessary to repair a vehicle pursuant to the manufacturer's

1 original equipment warranty to the original purchaser of the
2 vehicle.

3 6. "Mercury-added component" means a component that
4 contains mercury which was intentionally added in order to
5 provide a specific characteristic, appearance, or quality or
6 to perform a specific function, or for any other reason. Such
7 components may include, but are not limited to, switches,
8 sensors, lights, and navigational systems used in vehicles.

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

12 8. "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 9. "Service replacement part" means a part that is
18 identical to an original equipment part and that is used
19 exclusively in the repair or service of original equipment
20 components.

21 10. "Vehicle in commerce" means any vehicle that does not
22 exceed ten thousand pounds gross vehicle weight offered for
23 sale by a motor vehicle dealer or registered in this state to
24 be operated on public roads and highways.

25 11. "Vehicle recycler" means any person engaged in the
26 business of acquiring, dismantling, or destroying six or more
27 vehicles in a calendar year for the primary purpose of resale
28 of the vehicles' parts.

29 Sec. 4. NEW SECTION. 455B.803 PLANS FOR REMOVAL,
30 REPLACEMENT, COLLECTION, AND RECOVERY OF VEHICLE MERCURY
31 SWITCHES.

32 1. Within ninety days of the effective date of this Act,
33 each manufacturer of vehicles sold in this state shall,
34 individually or as part of a group, submit to the department
35 for review and approval a plan for a system to remove,

1 replace, collect, and recover mercury-added switches in
2 vehicles manufactured by the manufacturer.

3 2. a. Upon approval of the plan, the manufacturer shall
4 implement a system to remove; replace, when possible; collect;
5 and recover mercury-added switches from vehicles in commerce
6 and end-of-life vehicles. For vehicles in commerce, the
7 system shall provide for the removal, collection, and recovery
8 of mercury-added switches, and when possible replace the
9 mercury-added switches with mercury-free alternatives. The
10 system shall also provide for the removal, collection, and
11 recovery of mercury-added switches from end-of-life vehicles.

12 b. The system developed and implemented pursuant to this
13 section shall include, at a minimum, all of the following:

14 (1) An education program to inform the public and other
15 stakeholders about the purpose of the collection program and
16 how to participate in the program.

17 (2) A plan for implementing and financing the system, in
18 accordance with subsection 3.

19 (3) Documentation of the willingness of all necessary
20 parties to implement the proposed system.

21 (4) Information identifying the make, model, and year of
22 vehicles containing mercury-added switches, a description of
23 the component, the location of these components, and the safe,
24 cost-effective, and environmentally sound methods for the
25 removal of the mercury-added switches from vehicles in
26 commerce and end-of-life vehicles.

27 (5) A target mercury-added switch capture rate for
28 vehicles manufactured by the manufacturer of at least ninety
29 percent, consistent with the principle that mercury-added
30 switches shall be recovered unless the part is inaccessible
31 due to significant damage to the vehicle in the area
32 surrounding where the mercury-added switch is located.

33 (6) A description of the performance measures to be
34 utilized and reported on by the manufacturer to demonstrate
35 that the system is meeting the capture rate identified in

1 subparagraph (5) and other measures of program effectiveness,
2 including, but not limited to, the number of switches
3 collected from both end-of-life and vehicles in commerce, the
4 amount of mercury collected, the number of vehicles
5 manufactured by the manufacturer containing mercury-added
6 switches, and the number of vehicles manufactured by the
7 manufacturer processed for recycling by vehicle recyclers.

8 (7) A description of additional or alternative actions
9 that shall be implemented by the manufacturer to improve the
10 system and its operation in the event that the program capture
11 rate targets established under subparagraph (5) are not met.

12 (8) A plan to store the mercury collected and recovered
13 from vehicle components in the event that environmentally
14 appropriate management technologies are not available.

15 c. In developing a removal, replacement, collection, and
16 recovery system for vehicles in commerce, a manufacturer,
17 shall, to the extent practicable, utilize existing
18 dealerships, service stations, inspection stations, repair
19 shops, and other facilities which regularly service vehicles
20 in commerce. If a manufacturer does not utilize such
21 infrastructure, the manufacturer shall include in its plan the
22 reasons for establishing a separate removal, replacement,
23 collection, and recovery infrastructure.

24 d. In developing a removal, collection, and recovery
25 system for end-of-life vehicles, a manufacturer shall, to the
26 extent practicable, utilize the existing end-of-life vehicle
27 recycling infrastructure. If a manufacturer does not utilize
28 such infrastructure, the manufacturer shall include in its
29 plan the reasons for establishing a separate removal,
30 collection, and recovery infrastructure.

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

35 a. Labor to remove, and replace where possible, mercury-

1 added switches. Labor shall be reimbursed at a rate of four
2 dollars per mercury-added switch removed.

3 b. Training.

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

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

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

10 f. Public education materials and presentations.

11 g. Maintenance of all appropriate systems and procedures
12 to protect the environment from mercury contamination.

13 4. The department shall do all of the following:

14 a. Within thirty days of receipt of a manufacturer's plan,
15 issue public notice and solicit public comment on the
16 manufacturer's plan.

17 b. Within ninety days after receipt of a manufacturer's
18 plan, the department shall do one of the following:

19 (1) Determine whether the plan complies with this section.
20 If the entire plan complies with this section, the department
21 shall approve the plan and the manufacturer shall begin
22 implementation as soon as is practicable. If the entire plan
23 does not comply with this section, the department shall reject
24 the plan and inform the manufacturer of the reasons for the
25 rejection. A manufacturer that has had a plan rejected shall
26 have thirty days after receiving notice of the rejection to
27 submit a new plan.

28 (2) If any part of the plan meets the requirements of this
29 section, the department shall approve that part of the plan
30 and disapprove any part of the plan that does not comply with
31 this section. The manufacturer shall immediately implement
32 all approved parts of a plan as soon as is practicable and
33 shall submit a revised plan addressing the rejected parts of
34 the plan within thirty days after receipt of notification of
35 the department's partial rejection. The department shall

1 review a manufacturer's revised plan within thirty days of
2 receipt of the revised plan.

3 c. Two hundred forty days after the date of enactment of
4 this Act, the department shall complete, on behalf of a
5 manufacturer, any portion of the plan that has not been
6 approved and the manufacturer shall implement the plan as soon
7 as is practicable.

8 d. The department shall review a manufacturer's plan three
9 years after the original date of approval of the plan and
10 every three years thereafter. The department shall require
11 modifications to the plan as appropriate at the conclusion of
12 the review and may recommend cessation of activities pursuant
13 to this division if the department determines that mercury
14 reduction targets have been met.

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

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

24 2. Notwithstanding subsection 1, a scrap recycling
25 facility may agree to accept an end-of-life vehicle, which has
26 not been intentionally flattened, crushed, or baled, with
27 mercury-added switches. If a scrap recycling facility enters
28 into such an agreement, the scrap recycling facility shall be
29 responsible for removing such switches.

30 3. A person shall not represent that mercury-added
31 switches have been removed from a vehicle or vehicle hulk
32 being sold, given, or otherwise conveyed for recycling if that
33 person has not removed such mercury-added switches or arranged
34 with another person to remove such switches.

35 Sec. 6. NEW SECTION. 455B.805 PHASEOUT OF MERCURY-ADDED

1 VEHICLE COMPONENTS AND EXEMPTIONS.

2 1. After June 30, 2008, to prevent emissions or other
3 releases of mercury from vehicles, a manufacturer shall ensure
4 that a mercury-added component shall not be included as part
5 of a new vehicle manufactured by the manufacturer and offered
6 for sale in this state except as specified in subsection 2.

7 2. All of the following components shall be exempt from
8 subsection 1 under the specified conditions:

9 a. Electronic display screens, including but not limited
10 to navigation systems, computer screens, and entertainment
11 systems where mercury is present at concentrations of less
12 than twenty milligrams per screen, provided that both of the
13 following criteria are met:

14 (1) A technically and economically feasible alternative
15 does not exist that does not contain mercury.

16 (2) By January 1, 2007, the manufacturer has established a
17 closed loop recycling system that encourages vehicle recyclers
18 to routinely transport such components to dealerships or other
19 designated places of business.

20 b. Until January 1, 2012, mercury-added headlamps,
21 including but not limited to high-intensity discharge lamps,
22 for any manufacturer that demonstrates as of January 1, 2008,
23 that at least fifty percent of that manufacturer's vehicles
24 with high-intensity discharge lamps for sale in this state do
25 not contain mercury.

26 c. A mercury-added component in a vehicle that is
27 necessary in order to comply with federal or state health or
28 safety requirements, or for purposes of national security,
29 upon demonstration by the manufacturer that a technically
30 feasible alternative does not exist that does not contain
31 mercury, and that such component will substantially improve
32 public health and safety considering any impacts the component
33 may have on overall public safety on the roads, and the life-
34 cycle impacts of the mercury use.

35 3. Effective two years after the effective date of this

1 Act, a mercury-added component shall not be offered for sale
2 for use in a vehicle after the vehicle's initial sale, except
3 service replacement parts may be sold if either of the
4 following requirements are satisfied:

5 a. In the case of electronic display screens, mercury is
6 present at concentrations of less than twenty milligrams per
7 component and the manufacturer has established a closed loop
8 recycling system for the screens.

9 b. In all other cases, mercury is present at
10 concentrations of less than ten milligrams per component.

11 4. A manufacturer must apply, or reapply, to the
12 department for an exemption under subsection 2 or 3.

13 a. An application for an exemption must be in writing, in
14 a form acceptable to the department, stating the need for an
15 exemption and the legal basis for an exemption. Subject to
16 the issuance of public notice and solicitation of public
17 comment, the department shall, within ninety days of receiving
18 the application, accept or reject the application for an
19 exemption. Specific documentation in the application must
20 include the quantity of mercury in the component and all of
21 following, as applicable:

22 (1) In the case of electronic display screens, whether
23 original equipment or a service replacement part,
24 documentation that a technically and economically feasible
25 alternative is not available that does not contain mercury,
26 and a description of how the manufacturer will establish and
27 maintain a closed loop recycling system.

28 (2) In the case of mercury-added headlamps, the estimated
29 number of vehicles that will be produced with such component,
30 as well as the manufacturer's plans to meet the phaseout
31 requirements specified in subsection 2, paragraph "b".

32 (3) In the case of components necessary to meet health and
33 safety requirements, or for national security, documentation
34 that a technically feasible alternative that does not contain
35 mercury is not available, and the impact of such components on

1 VEHICLE COMPONENTS AND EXEMPTIONS.

2 1. After June 30, 2008, to prevent emissions or other
3 releases of mercury from vehicles, a manufacturer shall ensure
4 that a mercury-added component shall not be included as part
5 of a new vehicle manufactured by the manufacturer and offered
6 for sale in this state except as specified in subsection 2.

7 2. All of the following components shall be exempt from
8 subsection 1 under the specified conditions:

9 a. Electronic display screens, including but not limited
10 to navigation systems, computer screens, and entertainment
11 systems where mercury is present at concentrations of less
12 than twenty milligrams per screen, provided that both of the
13 following criteria are met:

14 (1) A technically and economically feasible alternative
15 does not exist that does not contain mercury.

16 (2) By January 1, 2007, the manufacturer has established a
17 closed loop recycling system that encourages vehicle recyclers
18 to routinely transport such components to dealerships or other
19 designated places of business.

20 b. Until January 1, 2012, mercury-added headlamps,
21 including but not limited to high-intensity discharge lamps,
22 for any manufacturer that demonstrates as of January 1, 2008,
23 that at least fifty percent of that manufacturer's vehicles
24 with high-intensity discharge lamps for sale in this state do
25 not contain mercury.

26 c. A mercury-added component in a vehicle that is
27 necessary in order to comply with federal or state health or
28 safety requirements, or for purposes of national security,
29 upon demonstration by the manufacturer that a technically
30 feasible alternative does not exist that does not contain
31 mercury, and that such component will substantially improve
32 public health and safety considering any impacts the component
33 may have on overall public safety on the roads, and the life-
34 cycle impacts of the mercury use.

35 3. Effective two years after the effective date of this

1 Act, a mercury-added component shall not be offered for sale
2 for use in a vehicle after the vehicle's initial sale, except
3 service replacement parts may be sold if either of the
4 following requirements are satisfied:

5 a. In the case of electronic display screens, mercury is
6 present at concentrations of less than twenty milligrams per
7 component and the manufacturer has established a closed loop
8 recycling system for the screens.

9 b. In all other cases, mercury is present at
10 concentrations of less than ten milligrams per component.

11 4. A manufacturer must apply, or reapply, to the
12 department for an exemption under subsection 2 or 3.

13 a. An application for an exemption must be in writing, in
14 a form acceptable to the department, stating the need for an
15 exemption and the legal basis for an exemption. Subject to
16 the issuance of public notice and solicitation of public
17 comment, the department shall, within ninety days of receiving
18 the application, accept or reject the application for an
19 exemption. Specific documentation in the application must
20 include the quantity of mercury in the component and all of
21 following, as applicable:

22 (1) In the case of electronic display screens, whether
23 original equipment or a service replacement part,
24 documentation that a technically and economically feasible
25 alternative is not available that does not contain mercury,
26 and a description of how the manufacturer will establish and
27 maintain a closed loop recycling system.

28 (2) In the case of mercury-added headlamps, the estimated
29 number of vehicles that will be produced with such component,
30 as well as the manufacturer's plans to meet the phaseout
31 requirements specified in subsection 2, paragraph "b".

32 (3) In the case of components necessary to meet health and
33 safety requirements, or for national security, documentation
34 that a technically feasible alternative that does not contain
35 mercury is not available, and the impact of such components on

1 public health and safety considering any impacts the
2 components may have on overall public safety on the roads, and
3 the life-cycle impacts of the mercury use.

4 (4) In the case of service replacement parts,
5 documentation that the part is identical to an original
6 equipment part and used exclusively in the repair or service
7 of original equipment components.

8 b. An exemption granted under this subsection by the
9 department shall be valid for a period of two years except
10 where the provisions of subsection 2, paragraph "b", specify a
11 different time period. An exemption granted under this
12 subsection shall be renewable for periods not to exceed four
13 years, as determined by the department.

14 c. If granted an exemption, any vehicle that may contain a
15 mercury-added component shall be labeled by the manufacturer
16 in a manner to clearly inform purchasers and dismantlers that
17 mercury is present in the vehicle, and that the component may
18 not be disposed of or placed in a waste stream destined for
19 disposal until the mercury is removed or reused, recovered, or
20 properly disposed of as a hazardous waste or otherwise managed
21 to ensure that the mercury does not become mixed with other
22 solid waste. The label shall identify the component with
23 sufficient detail so that it may be readily located for
24 removal. The label shall be placed on the doorpost of each
25 vehicle that may contain a mercury-added component and be
26 constructed of materials that are sufficiently durable to
27 remain legible for the useful life of the vehicle.

28 5. Manufacturers, when designing vehicles and their
29 components for sale in this state, shall do all of the
30 following:

31 a. To the maximum extent practicable, reduce or eliminate
32 hazardous substances like mercury from the manufacturer's
33 vehicles.

34 b. Ensure that the manufacturer's vehicles are designed to
35 be recycled in a safe, cost-effective, and environmentally

1 sound manner, using existing technologies and infrastructures.

2 c. Where a vehicle is found to present environmental risks
3 that make it uneconomical to recycle, the manufacturer shall
4 make appropriate design or manufacturing changes.

5 Sec. 7. NEW SECTION. 455B.806 GENERAL COMPLIANCE WITH
6 OTHER PROVISIONS.

7 Except as expressly provided in this division, compliance
8 with this division shall not exempt a person from compliance
9 with any other law.

10 Sec. 8. NEW SECTION. 455B.807 REGULATIONS.

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

13 Sec. 9. NEW SECTION. 455B.808 PUBLIC NOTIFICATION AND
14 COMMENT.

15 1. The department shall issue public notice and solicit
16 public comment on both of the following:

17 a. The removal, replacement, collection, and recovery
18 plans submitted by a manufacturer pursuant to section
19 455B.803.

20 b. An application or reapplication for an exemption from
21 the phaseout provisions of section 455B.805.

22 2. A notification and solicitation of public comment shall
23 be issued within thirty days of receiving a plan or an
24 application or reapplication for an exemption from the
25 manufacturer. The department shall give the general public
26 adequate time to comment on the proposals.

27 3. Public comments received within the ninety-day review
28 period of these provisions shall be considered by the
29 department when making its decision to accept or reject either
30 a plan or an application or reapplication for an exemption.

31 Sec. 10. NEW SECTION. 455B.809 REPORTING.

32 One year after the implementation of a removal,
33 replacement, collection, and recovery system, and annually
34 thereafter, a manufacturer subject to section 455B.803 shall
35 report to the department concerning the performance under the

1 manufacturer's plan. The report shall include, but not be
2 limited to, all of the following:

3 1. A detailed description and documentation of the capture
4 rate achieved.

5 2. A plan to implement additional or alternative actions,
6 if necessary to improve the capture rate.

7 3. A listing of the public educational initiatives
8 implemented, including size of audience reached.

9 4. Any changes in the participation of the necessary
10 parties for the plan to be effectively implemented.

11 Sec. 11. NEW SECTION. 455B.810 PUBLIC EDUCATION AND
12 OUTREACH.

13 1. A manufacturer shall implement a comprehensive
14 education and outreach program for the general public and the
15 parties willingly participating in the manufacturer's removal,
16 replacement, collection, recovery, and disposal system
17 established under this division. The education and outreach
18 program shall focus on the hazards related to, and the proper
19 handling of, mercury; the requirements and obligations of
20 individuals, manufacturers, and agencies under this division;
21 and the details of the system established under this division.

22 2. In collaboration with manufacturers, the department
23 shall supplement this education and outreach program with an
24 assistance program for businesses that might participate in
25 the removal, replacement, collection, recovery, and disposal
26 system established under this division.

27 3. Willingly participating parties in a removal,
28 replacement, collection, recovery, and disposal system shall
29 implement a public education and outreach program focused on
30 their participation in the system.

31 Sec. 12. NEW SECTION. 455B.811 STATE PROCUREMENT.

32 Notwithstanding other policies and guidelines for the
33 procurement of vehicles, the state shall, within one year of
34 the effective date of this Act, revise its policies, rules,
35 and procedures to give priority and preference to the purchase

1 of vehicles free of mercury-added components taking into
2 consideration competition, price, availability, and
3 performance.

4 Sec. 13. NEW SECTION. 455B.812 UNIVERSAL WASTE.

5 The department shall adopt rules pursuant to chapter 17A
6 governing universal hazardous waste, as defined by the federal
7 environmental protection agency, as appropriate to promote the
8 collection, transport, recovery, and proper management of
9 mercury-added vehicle components.

10 EXPLANATION

11 This bill relates to the removal, replacement, collection,
12 and recovery of mercury-added vehicle components.

13 The bill provides that, within 90 days of the effective
14 date of the bill, each manufacturer of vehicles sold in this
15 state shall, individually or as part of a group, submit to the
16 department of natural resources, for review and approval, a
17 plan for a system to remove, replace, collect, and recover
18 mercury-added switches in vehicles. The bill provides that,
19 upon approval, a manufacturer shall implement the system. The
20 bill provides that the system developed and implemented shall
21 include, at a minimum, an education program, a plan for
22 implementing and financing the system, documentation of the
23 willingness of all necessary parties to implement the proposed
24 system, information identifying the make, model, and year of
25 vehicles containing mercury-added switches, a description of
26 the components, the location of these components, and the
27 safe, cost-effective, and environmentally sound methods for
28 the removal of the mercury-added switches from vehicles in
29 commerce and end-of-life vehicles, a target mercury-added
30 switch capture rate of at least 90 percent, a description of
31 the performance measures to be utilized and reported on by the
32 manufacturer, a description of additional or alternative
33 actions that shall be implemented by the manufacturer to
34 improve the system and its operation, and a plan to store the
35 mercury collected and recovered from vehicle components in the

1 event that environmentally appropriate management technologies
2 are not available.

3 The bill provides that the total cost of the removal,
4 replacement, collection, and recovery system for mercury-added
5 switches shall be paid by the manufacturer.

6 The bill provides that the department shall, within 30 days
7 of receipt of a manufacturer's plan, issue public notice and
8 solicit public comment on the manufacturer's plan. The bill
9 provides that within 90 days after receipt of a manufacturer's
10 plan, the department shall either approve the entire plan,
11 reject the entire plan and inform the manufacturer of the
12 reasons for the rejection, or approve a portion of the plan.
13 If an entire plan is rejected, a manufacturer shall have 30
14 days after receiving notice of the rejection to submit a new
15 plan. If part of a plan is approved, the manufacturer shall
16 implement all approved parts of a plan as soon as is
17 practicable and submit a revised plan addressing the rejected
18 parts of the plan within 30 days after receipt of notification
19 of the department's partial rejection. The bill requires the
20 department to review a manufacturer's revised plan within 30
21 days of receipt of the revised plan. The bill provides that
22 240 days after the date of enactment of the bill, the
23 department shall complete, on behalf of a manufacturer, any
24 portion of the plan that has not been approved and the
25 manufacturer shall implement the plan as soon as is
26 practicable.

27 The bill provides that the department shall review a
28 manufacturer's plan three years after the original date of
29 approval of the plan and every three years thereafter. The
30 bill requires the department to modify a plan as appropriate
31 at the conclusion of the review and may recommend cessation of
32 activities under the bill if the department determines that
33 mercury reduction targets have been met.

34 The bill requires, prior to delivery to a scrap recycling
35 facility, a person who sells, gives, or otherwise conveys

1 ownership of an end-of-life vehicle to the scrap recycling
2 facility for recycling to remove all mercury-added switches
3 from such end-of-life vehicle unless the mercury-added
4 component is inaccessible due to significant damage to the
5 end-of-life vehicle in the area where the mercury-added
6 component is located, unless the scrap recycling facility
7 agrees to accept responsibility for removing the mercury-
8 added switches.

9 The bill provides that, after June 30, 2008, to prevent
10 emissions or other releases of mercury from vehicles, a
11 manufacturer shall ensure that a mercury-added component shall
12 not be included as part of a new vehicle offered for sale in
13 this state except as allowed under certain exemptions. The
14 bill provides that effective two years after the effective
15 date of the bill, a mercury-added component shall not be
16 offered for sale for use in vehicles after their initial sale,
17 except service replacement parts may be sold under limited
18 conditions. The bill provides a process for a manufacturer to
19 follow to receive an exemption. The bill also provides
20 requirements for manufacturers in designing vehicles and their
21 components for sale in this state in regard to the use of
22 mercury.

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 procedures for the department in issuing
29 public notice and soliciting public comment for the removal,
30 replacement, collection, and recovery plans submitted by a
31 vehicle manufacturer and for an application or reapplication
32 for an exemption from the phaseout provisions.

33 The bill requires that, one year after the implementation
34 of a removal, replacement, collection, and recovery system,
35 and annually thereafter, a manufacturer implementing such a

1 system shall report to the department concerning the
2 performance under the manufacturer's plan.

3 The bill requires a manufacturer to implement a
4 comprehensive education and outreach program for the general
5 public and the parties willingly participating in the removal,
6 replacement, collection, recovery, and disposal system. The
7 bill provides that, in collaboration with automobile
8 manufacturers, the department shall supplement this education
9 and outreach program with an assistance program for businesses
10 that might participate in the removal, replacement,
11 collection, recovery, and disposal system. The bill provides
12 that willingly participating parties in a removal,
13 replacement, collection, recovery, and disposal system shall
14 implement a public education and outreach program focused on
15 their participation in the system.

16 The bill provides that, notwithstanding other policies and
17 guidelines for the procurement of vehicles, the state shall,
18 within one year of the effective date of the bill, revise its
19 policies, rules, and procedures to give priority and
20 preference to the purchase of vehicles free of mercury-added
21 components taking into consideration competition, price,
22 availability, and performance.

23 The bill requires the department to adopt rules governing
24 universal hazardous waste as appropriate to promote the
25 collection, transport, recovery, and proper management of
26 mercury-added vehicle components.

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