

JAN 3 1 2006  
ENVIRONMENTAL PROTECTION

HOUSE FILE 2182  
BY KAUFMANN

(COMPANION TO LSB 5137SS  
BY HAHN)

Passed House, Date \_\_\_\_\_ Passed Senate, 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:

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HF-2182

1 Section 1. FINDINGS AND DECLARATIONS.

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

3 a. Mercury is a persistent and toxic pollutant that  
4 bioaccumulates in the environment.

5 b. A majority of the states have issued fish advisories  
6 that warn certain individuals to restrict or avoid consuming  
7 fish from bodies of water contaminated with mercury.

8 c. The United States food and drug administration and the  
9 United States environmental protection agency have advised  
10 pregnant women, women who might become pregnant, nursing  
11 mothers, and young children not to eat shark, swordfish, king  
12 mackerel, and tilefish due to methyl mercury contamination.

13 d. The United States environmental protection agency  
14 estimates that one in every six women of childbearing age has  
15 enough mercury in her blood to pose a risk to her child,  
16 resulting in over six hundred thirty thousand children being  
17 born each year overexposed to mercury. These children are at  
18 risk for adverse neurodevelopmental effects from in utero  
19 exposure to methyl mercury resulting from the consumption of  
20 mercury-contaminated fish.

21 e. Historic and current use of mercury in automobiles can  
22 cause the release of as much as ten tons of mercury to the  
23 environment each year. There is estimated to be between one  
24 hundred fifty and two hundred tons of mercury contained in the  
25 vehicles currently on the road in North America.

26 f. Pollution prevention is the preferred strategy to  
27 reduce mercury in the environment and is a more desirable  
28 strategy than waste management and pollution control.  
29 Preventing mercury or mercury-containing components from  
30 entering thermal combustion units is an effective way to  
31 reduce mercury emissions into the environment.

32 g. Vehicle mercury switch collection programs are being  
33 established across the United States to protect human health  
34 and the environment.

35 2. The general assembly declares that the purpose of this

1 division is to reduce the quantity of mercury in the  
2 environment by doing all of the following:

3 a. Removing mercury from vehicles in commerce and end-of-  
4 life vehicles in Iowa.

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

7 c. Establishing a system to store the mercury collected  
8 and recovered from vehicle components in the event that  
9 environmentally appropriate management technologies are not  
10 available.

11 d. Promoting the design of future vehicles for maximum  
12 environmental protection and recyclability at the end of their  
13 useful lives by implementing a design for a recycling program  
14 which includes phasing out the use of mercury in future  
15 vehicle models.

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

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

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

20 As used in this division, unless the context otherwise  
21 requires:

22 1. "Capture rate" means the amount of mercury removed,  
23 collected, and recovered from vehicles in commerce and end-  
24 of-life vehicles, expressed as a percentage of the total  
25 mercury available from vehicles in commerce and end-of-life  
26 vehicles annually.

27 2. "Closed loop recycling system" means a system whereby  
28 materials or components are routinely collected and handled  
29 within a process or managed system that controls the materials  
30 or components for reuse, remanufacturing, recycling, or  
31 otherwise prevents the materials or components from entering  
32 the waste stream.

33 3. "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.

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

5 5. "Manufacturer-dealer warranty program" means an  
6 arrangement between a manufacturer and a franchisee of the  
7 manufacturer, whereby the manufacturer agrees to reimburse the  
8 franchisee, at an established rate, for labor or parts  
9 necessary to repair a vehicle pursuant to the manufacturer's  
10 original equipment warranty to the original purchaser of the  
11 vehicle.

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

18 7. "Mercury-added switch" means a light switch or a brake  
19 system switch that contains mercury which was installed by an  
20 automotive manufacturer in a motor vehicle.

21 8. "Scrap recycling facility" means a fixed location where  
22 machinery and equipment are utilized for processing and  
23 manufacturing scrap metal into prepared grades and whose  
24 principal product is scrap iron, scrap steel, or nonferrous  
25 metallic scrap for sale for remelting purposes.

26 9. "Service replacement part" means a part that is  
27 identical to an original equipment part and that is used  
28 exclusively in the repair or service of original equipment  
29 components.

30 10. "Vehicle in commerce" means any vehicle offered for  
31 sale by a motor vehicle dealer or registered in this state to  
32 be operated on public roads and highways.

33 11. "Vehicle recycler" means any person engaged in the  
34 business of acquiring, dismantling, or destroying six or more  
35 vehicles in a calendar year for the primary purpose of resale

1 of the vehicles' parts.

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

5 1. Within ninety days of the effective date of this Act,  
6 each manufacturer of vehicles sold in this state shall,  
7 individually or as part of a group, submit to the department  
8 for review and approval a plan for a system to remove,  
9 replace, collect, and recover mercury-added switches in  
10 vehicles manufactured by the manufacturer.

11 2. a. Upon approval of the plan, the manufacturer shall  
12 implement a system to remove; replace, when possible; collect;  
13 and recover mercury-added switches from vehicles in commerce  
14 and end-of-life vehicles. For vehicles in commerce, the  
15 system shall provide for the removal, collection, and recovery  
16 of mercury-added switches, and when possible replace the  
17 mercury-added switches with mercury-free alternatives. The  
18 system shall also provide for the removal, collection, and  
19 recovery of mercury-added switches from end-of-life vehicles.

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

22 (1) An education program to inform the public and other  
23 stakeholders about the purpose of the collection program and  
24 how to participate in the program.

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

27 (3) Documentation of the willingness of all necessary  
28 parties to implement the proposed system.

29 (4) Information identifying the make, model, and year of  
30 vehicles containing mercury-added switches, a description of  
31 the component, the location of these components, and the safe,  
32 cost-effective, and environmentally sound methods for the  
33 removal of the mercury-added switches from vehicles in  
34 commerce and end-of-life vehicles.

35 (5) A target mercury-added switch capture rate for

1 vehicles manufactured by the manufacturer of at least ninety  
2 percent, consistent with the principle that mercury-added  
3 switches shall be recovered unless the part is inaccessible  
4 due to significant damage to the vehicle in the area  
5 surrounding where the mercury-added switch is located.

6 (6) A description of the performance measures to be  
7 utilized and reported on by the manufacturer to demonstrate  
8 that the system is meeting the capture rate identified in  
9 subparagraph (5) and other measures of program effectiveness,  
10 including, but not limited to, the number of switches  
11 collected from both end-of-life and vehicles in commerce, the  
12 amount of mercury collected, the number of vehicles  
13 manufactured by the manufacturer containing mercury-added  
14 switches, and the number of vehicles manufactured by the  
15 manufacturer processed for recycling by vehicle recyclers.

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

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

23 c. In developing a removal, replacement, collection, and  
24 recovery system for vehicles in commerce, a manufacturer  
25 shall, to the extent practicable, utilize existing  
26 dealerships, service stations, inspection stations, repair  
27 shops, and other facilities which regularly service vehicles  
28 in commerce. If a manufacturer does not utilize such  
29 infrastructure, the manufacturer shall include in its plan the  
30 reasons for establishing a separate removal, replacement,  
31 collection, and recovery infrastructure.

32 d. In developing a removal, collection, and recovery  
33 system for end-of-life vehicles, a manufacturer shall, to the  
34 extent practicable, utilize the existing end-of-life vehicle  
35 recycling infrastructure. If a manufacturer does not utilize

1 such infrastructure, the manufacturer shall include in its  
2 plan the reasons for establishing a separate removal,  
3 collection, and recovery infrastructure.

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

8 a. Labor to remove, and replace where possible, mercury-  
9 added switches. Labor shall be reimbursed at a rate of four  
10 dollars per mercury-added switch removed.

11 b. Training.

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

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

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

18 f. Public education materials and presentations.

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

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

22 a. Within thirty days of receipt of a manufacturer's plan,  
23 issue public notice and solicit public comment on the  
24 manufacturer's plan.

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

27 (1) Determine whether the plan complies with this section.

28 If the entire plan complies with this section, the department  
29 shall approve the plan and the manufacturer shall begin  
30 implementation as soon as is practicable. If the entire plan  
31 does not comply with this section, the department shall reject  
32 the plan and inform the manufacturer of the reasons for the  
33 rejection. A manufacturer that has had a plan rejected shall  
34 have thirty days after receiving notice of the rejection to  
35 submit a new plan.

1 (2) If any part of the plan meets the requirements of this  
2 section, the department shall approve that part of the plan  
3 and disapprove any part of the plan that does not comply with  
4 this section. The manufacturer shall immediately implement  
5 all approved parts of a plan as soon as is practicable and  
6 shall submit a revised plan addressing the rejected parts of  
7 the plan within thirty days after receipt of notification of  
8 the department's partial rejection. The department shall  
9 review a manufacturer's revised plan within thirty days of  
10 receipt of the revised plan.

11 c. Two hundred forty days after the date of enactment of  
12 this Act, the department shall complete, on behalf of a  
13 manufacturer, any portion of the plan that has not been  
14 approved and the manufacturer shall implement the plan as soon  
15 as is practicable.

16 d. The department shall review a manufacturer's plan three  
17 years after the original date of approval of the plan and  
18 every three years thereafter. The department shall require  
19 modifications to the plan as appropriate at the conclusion of  
20 the review.

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

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

30 2. Notwithstanding subsection 1, a scrap recycling  
31 facility may agree to accept an end-of-life vehicle, which has  
32 not been intentionally flattened, crushed, or baled, with  
33 mercury-added switches. If a scrap recycling facility enters  
34 into such an agreement, the scrap recycling facility shall be  
35 responsible for removing such switches.

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

6 Sec. 6. NEW SECTION. 455B.805 PHASEOUT OF MERCURY-ADDED  
7 VEHICLE COMPONENTS AND EXEMPTIONS.

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

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

15 a. Electronic display screens, including but not limited  
16 to navigation systems, computer screens, and entertainment  
17 systems where mercury is present at concentrations of less  
18 than twenty milligrams per screen, provided that both of the  
19 following criteria are met:

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

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

26 b. Until January 1, 2012, mercury-added headlamps,  
27 including but not limited to high-intensity discharge lamps,  
28 for any manufacturer that demonstrates as of January 1, 2008,  
29 that at least fifty percent of that manufacturer's vehicles  
30 with high-intensity discharge lamps for sale in this state do  
31 not contain mercury.

32 c. A mercury-added component in a vehicle that is  
33 necessary in order to comply with federal or state health or  
34 safety requirements, or for purposes of national security,  
35 upon demonstration by the manufacturer that a technically

1 feasible alternative does not exist that does not contain  
2 mercury, and that such component will substantially improve  
3 public health and safety considering any impacts the component  
4 may have on overall public safety on the roads, and the life-  
5 cycle impacts of the mercury use.

6 3. Effective two years after the effective date of this  
7 Act, a mercury-added component shall not be offered for sale  
8 for use in a vehicle after the vehicle's initial sale, except  
9 service replacement parts may be sold if either of the  
10 following requirements are satisfied:

11 a. In the case of electronic display screens, mercury is  
12 present at concentrations of less than twenty milligrams per  
13 component and the manufacturer has established a closed loop  
14 recycling system for the screens.

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

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

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

28 (1) In the case of electronic display screens, whether  
29 original equipment or a service replacement part,  
30 documentation that a technically and economically feasible  
31 alternative is not available that does not contain mercury,  
32 and a description of how the manufacturer will establish and  
33 maintain a closed loop recycling system.

34 (2) In the case of mercury-added headlamps, the estimated  
35 number of vehicles that will be produced with such component,

1 as well as the manufacturer's plans to meet the phaseout  
2 requirements specified in subsection 2, paragraph "b".

3 (3) In the case of components necessary to meet health and  
4 safety requirements, or for national security, documentation  
5 that a technically feasible alternative that does not contain  
6 mercury is not available, and the impact of such components on  
7 public health and safety considering any impacts the  
8 components may have on overall public safety on the roads, and  
9 the life-cycle impacts of the mercury use.

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

14 b. An exemption granted under this subsection by the  
15 department shall be valid for a period of two years except  
16 where the provisions of subsection 2, paragraph "b", specify a  
17 different time period. An exemption granted under this  
18 subsection shall be renewable for periods not to exceed four  
19 years, as determined by the department.

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

34 5. Manufacturers, when designing vehicles and their  
35 components for sale in this state, shall do all of the

1 following:

2 a. To the maximum extent practicable, reduce or eliminate  
3 hazardous substances like mercury from the manufacturer's  
4 vehicles.

5 b. Ensure that the manufacturer's vehicles are designed to  
6 be recycled in a safe, cost-effective, and environmentally  
7 sound manner, using existing technologies and infrastructures.

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

11 Sec. 7. NEW SECTION. 455B.806 GENERAL COMPLIANCE WITH  
12 OTHER PROVISIONS.

13 Except as expressly provided in this division, compliance  
14 with this division shall not exempt a person from compliance  
15 with any other law.

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

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

19 Sec. 9. NEW SECTION. 455B.808 PUBLIC NOTIFICATION AND  
20 COMMENT.

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

23 a. The removal, replacement, collection, and recovery  
24 plans submitted by a manufacturer submitted pursuant to  
25 section 455B.803.

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

28 2. A notification and solicitation of public comment shall  
29 be issued within thirty days of receiving a plan or an  
30 application or reapplication for an exemption from the  
31 manufacturer. The department shall give the general public  
32 adequate time to comment on the proposals.

33 3. Public comments received within the ninety-day review  
34 period of these provisions shall be considered by the  
35 department when making its decision to accept or reject either

1 a plan or an application or reapplication for an exemption.

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

3 One year after the implementation of a removal,  
4 replacement, collection, and recovery system, and annually  
5 thereafter, a manufacturer subject to section 455B.803 shall  
6 report to the department concerning the performance under the  
7 manufacturer's plan. The report shall include, but not be  
8 limited to, all of the following:

9 1. A detailed description and documentation of the capture  
10 rate achieved.

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

13 3. A listing of the public educational initiatives  
14 implemented, including size of audience reached.

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

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

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

28 2. In collaboration with manufacturers, the department  
29 shall supplement this education and outreach program with an  
30 assistance program for businesses that might participate in  
31 the removal, replacement, collection, recovery, and disposal  
32 system established under this division.

33 3. Willingly participating parties in a removal,  
34 replacement, collection, recovery, and disposal system shall  
35 implement a public education and outreach program focused on

1 their participation in the system.

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

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

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

11 The department shall adopt rules pursuant to chapter 17A  
12 governing universal hazardous waste, as defined by the federal  
13 environmental protection agency, as appropriate to promote the  
14 collection, transport, recovery, and proper management of  
15 mercury-added vehicle components.

16 EXPLANATION

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

19 The bill provides that, within 90 days of the effective  
20 date of the bill, each manufacturer of vehicles sold in this  
21 state shall, individually or as part of a group, submit to the  
22 department of natural resources, for review and approval, a  
23 plan for a system to remove, replace, collect, and recover  
24 mercury-added switches in vehicles. The bill provides that,  
25 upon approval, a manufacturer shall implement the system. The  
26 bill provides that the system developed and implemented shall  
27 include, at a minimum, an education program, a plan for  
28 implementing and financing the system, documentation of the  
29 willingness of all necessary parties to implement the proposed  
30 system, information identifying the make, model, and year of  
31 vehicles containing mercury-added switches, a description of  
32 the components, the location of these components, and the  
33 safe, cost-effective, and environmentally sound methods for  
34 the removal of the mercury-added switches from vehicles in  
35 commerce and end-of-life vehicles, a target mercury-added

1 switch capture rate of at least 90 percent, a description of  
2 the performance measures to be utilized and reported on by the  
3 manufacturer, a description of additional or alternative  
4 actions that shall be implemented by the manufacturer to  
5 improve the system and its operation, and a plan to store the  
6 mercury collected and recovered from vehicle components in the  
7 event that environmentally appropriate management technologies  
8 are not available.

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

12 The bill provides that the department shall, within 30 days  
13 of receipt of a manufacturer's plan, issue public notice and  
14 solicit public comment on the manufacturer's plan. The bill  
15 provides that within 90 days after receipt of a manufacturer's  
16 plan, the department shall either approve the entire plan,  
17 reject the entire plan and inform the manufacturer of the  
18 reasons for the rejection, or approve a portion of the plan.  
19 If an entire plan is rejected, a manufacturer shall have 30  
20 days after receiving notice of the rejection to submit a new  
21 plan. If part of a plan is approved, the manufacturer shall  
22 implement all approved parts of a plan as soon as is  
23 practicable and submit a revised plan addressing the rejected  
24 parts of the plan within 30 days after receipt of notification  
25 of the department's partial rejection. The bill requires the  
26 department to review a manufacturer's revised plan within 30  
27 days of receipt of the revised plan. The bill provides that  
28 240 days after the date of enactment of the bill, the  
29 department shall complete, on behalf of a manufacturer, any  
30 portion of the plan that has not been approved and the  
31 manufacturer shall implement the plan as soon as is  
32 practicable.

33 The bill provides that the department shall review a  
34 manufacturer's plan three years after the original date of  
35 approval of the plan and every three years thereafter. The

1 bill requires the department to modify a plan as appropriate  
2 at the conclusion of the review.

3 The bill requires, prior to delivery to a scrap recycling  
4 facility, a person who sells, gives, or otherwise conveys  
5 ownership of an end-of-life vehicle to the scrap recycling  
6 facility for recycling to remove all mercury-added switches  
7 from such end-of-life vehicle unless the mercury-added  
8 component is inaccessible due to significant damage to the  
9 end-of-life vehicle in the area where the mercury-added  
10 component is located, unless the scrap recycling facility  
11 agrees to accept responsibility for removing the mercury-  
12 added switches.

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

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

30 The bill requires the environmental protection commission  
31 to adopt rules.

32 The bill provides procedures for the department in issuing  
33 public notice and soliciting public comment for the removal,  
34 replacement, collection, and recovery plans submitted by a  
35 vehicle manufacturer and for an application or reapplication

1 for an exemption from the phaseout provisions.

2 The bill requires that, one year after the implementation  
3 of a removal, replacement, collection, and recovery system,  
4 and annually thereafter, a manufacturer implementing such a  
5 system shall report to the department concerning the  
6 performance under the manufacturer's plan.

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

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

27 The bill requires the department to adopt rules governing  
28 universal hazardous waste as appropriate to promote the  
29 collection, transport, recovery, and proper management of  
30 mercury-added vehicle components.

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