

FEB 22 2006  
ENVIRONMENTAL PROTECTION

HOUSE FILE 2466  
BY REICHERT

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 2466

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. That switches containing mercury have been used for  
22 convenience lighting in vehicles sold in Iowa. There is  
23 estimated to be between one hundred fifty and two hundred tons  
24 of mercury contained in the vehicles currently on the road in  
25 North America.

26 f. That mercury from vehicle light switches may be  
27 released into the environment when end-of-life vehicles are  
28 flattened, crushed, shredded, melted, or otherwise processed  
29 for recycling. Pollution prevention is the preferred strategy  
30 to reduce mercury in the environment and is a more desirable  
31 strategy than waste management and pollution control.  
32 Preventing mercury or mercury-containing components from  
33 entering thermal combustion units is an effective way to  
34 reduce mercury emissions into the environment.

35 g. That it is in the public interest of the residents of

1 this state to reduce the quantity of mercury entering the  
2 environment by establishing a mechanism and incentives to  
3 remove mercury switches from end-of-life vehicles. Vehicle  
4 mercury switch collection programs are being established  
5 across the United States to protect human health and the  
6 environment.

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

10 a. Removing mercury switches from end-of-life vehicles in  
11 Iowa.

12 b. Creating a collection, recovery, and incentive program  
13 for mercury switches removed from vehicles in Iowa.

14 c. Establishing a system to store the mercury collected  
15 and recovered from vehicle components in the event that  
16 environmentally appropriate management technologies are not  
17 available.

18 d. Promoting the design of future vehicles for  
19 environmental protection and recyclability at the end of their  
20 useful lives by implementing a design for a recycling program  
21 which includes phasing out the use of mercury where other  
22 equally effective alternatives are available for future  
23 vehicle models.

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

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

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

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

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

34 2. "End-of-life vehicle" means any vehicle which is sold,  
35 given, or otherwise conveyed to a vehicle recycler or scrap

1 recycling facility for the purpose of recycling and that does  
2 not exceed ten thousand pounds gross vehicle weight.

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

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

13 5. "Mercury-added switch" means a light switch that  
14 contains mercury which was installed by an automotive  
15 manufacturer in a motor vehicle.

16 6. "Scrap recycling facility" means a fixed location where  
17 machinery and equipment are utilized for processing and  
18 manufacturing scrap metal into prepared grades and whose  
19 principal product is scrap iron, scrap steel, or nonferrous  
20 metallic scrap for sale for remelting purposes.

21 7. "Vehicle recycler" means any person engaged in the  
22 business of acquiring, dismantling, or destroying six or more  
23 vehicles in a calendar year for the primary purpose of resale  
24 of the vehicles' parts.

25 Sec. 4. NEW SECTION. 455B.803 PLANS FOR REMOVAL,  
26 COLLECTION, AND RECOVERY OF VEHICLE MERCURY SWITCHES.

27 1. Within ninety days of the effective date of this Act,  
28 each manufacturer of vehicles sold in this state shall,  
29 individually or as part of a group, develop and publish a plan  
30 for a system to remove, collect, and recover mercury-added  
31 switches from end-of-life vehicles that were manufactured by  
32 the manufacturer. Publication shall be in accordance with  
33 section 455B.808, subsection 2.

34 2. a. Upon publication of the plan, the manufacturer  
35 shall immediately implement a system to remove, collect, and

1 recover mercury-added switches from end-of-life vehicles.

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

4 (1) Educational materials about the program to inform the  
5 public and other stakeholders about the purpose of the  
6 collection program and how to participate in the program.

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

11 (3) Information about mercury-added switches identifying  
12 all of the following:

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

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

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

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

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

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

24 (6) A method to track participation and publish the  
25 progress of the mercury-added switch collection in accordance  
26 with section 455B.808, subsection 2. The information required  
27 by this subparagraph shall include at a minimum the following:

28 (a) The number of mercury-added switches collected.

29 (b) An estimate of the amount of mercury contained in the  
30 collected switches.

31 (c) The capture rate.

32 (d) The estimated number of vehicles manufactured by the  
33 manufacturer containing mercury-added switches.

34 (e) The estimated number of vehicles manufactured by the  
35 manufacturer that have been processed for recycling by vehicle

1 recyclers.

2 (7) A database of participating vehicle recyclers,  
3 including the following:

4 (a) Documentation that the vehicle recycler joined the  
5 program.

6 (b) Records of all submissions by the vehicle recycler of  
7 information required pursuant to subparagraph (6).

8 (c) Confirmation that the vehicle recycler has submitted  
9 switches at least every twelve months since joining the  
10 program.

11 (8) A target mercury-added switch capture rate for  
12 vehicles manufactured by the manufacturer of ninety percent.  
13 A description of additional or alternative actions that shall  
14 be implemented by the manufacturer to improve the system and  
15 its operation in the event that the target capture rate is not  
16 met shall be published with the required tracking information  
17 no less than annually.

18 (9) The program shall not include inaccessible mercury-  
19 added switches from end-of-life vehicles with significant  
20 damage to the vehicle in the area surrounding the mercury-  
21 added switch location. All accessible mercury-added switches  
22 are expected to be collected under the provisions of this  
23 division.

24 (10) A method for storing the mercury collected and  
25 recovered from mercury-added switches in the event that  
26 environmentally appropriate management technologies are not  
27 available.

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

35 3. The total cost of the removal, collection, and recovery

1 system for mercury-added switches shall be paid by the  
2 manufacturer. Costs shall include, but not be limited to, all  
3 of the following:

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

9 b. Training.

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

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

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

16 f. Public education materials and presentations.

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

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

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

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

35 3. A person shall not represent that mercury-added

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

5 Sec. 6. NEW SECTION. 455B.805 DESIGN FOR RECYCLING.

6 1. One year after the implementation of a mercury-added  
7 switch collection plan and annually thereafter, a manufacturer  
8 subject to this division shall report individually or as part  
9 of a group to the commission concerning the steps being taken  
10 by manufacturers to design vehicles and their components for  
11 recycling. The report shall also be published in accordance  
12 with section 455B.808, subsection 2. The report shall include  
13 but need not be limited to the following:

14 a. A list of all vehicle components included in the  
15 manufacturer's vehicles in each of the previous three model  
16 years, the current model year, and the next upcoming model  
17 year that contain mercury.

18 b. Design changes that each manufacturer has implemented  
19 or is implementing to reduce or eliminate all sources of  
20 mercury from its vehicles, the amount of any reductions, and  
21 the year in which mercury will be eliminated from each of the  
22 vehicle components.

23 c. Policies which each manufacturer has implemented to  
24 ensure that its vehicles are designed to be recycled in a  
25 safe, cost-effective, and environmentally sound manner using  
26 existing technologies and infrastructures.

27 d. A listing of all:

28 (1) Complaints and reports that the manufacturer has  
29 received within the last twelve months from vehicle recyclers,  
30 scrap recycling facilities, government entities, or  
31 organizations representing any of the persons.

32 (2) Other facts and circumstances which have made the  
33 manufacturer aware that the manufacturer's vehicles contain  
34 vehicle components or are designed in a way that presents  
35 environmental risks which make it uneconomical to recycle the

1 vehicles or components.

2 e. The design or manufacturing changes that the  
3 manufacturer has implemented or is implementing to reduce or  
4 remove environmental risks associated with mercury and the  
5 year in which design changes will eliminate the environmental  
6 risk associated with mercury.

7 2. The commission may conduct hearings from time to time  
8 as the director deems appropriate to evaluate the steps  
9 manufacturers are taking to design for recycling, and to  
10 recommend additional legislative action as may be appropriate  
11 in order to promote vehicle recycling for the purpose of  
12 preserving scarce resources and the safe and efficient  
13 reduction of solid waste.

14 3. On or after July 1, 2020, the commission may review the  
15 performance of mercury-added switch removal, collection, and  
16 recovery systems and, in its discretion, notify the  
17 manufacturers that operation of a mercury-switch removal,  
18 collection, and recovery system or systems is no longer  
19 required if, in the course of such review, it can be  
20 objectively demonstrated that the mercury recovery goals of  
21 this division have been met.

22 Sec. 7. NEW SECTION. 455B.806 GENERAL COMPLIANCE WITH  
23 OTHER PROVISIONS.

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

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

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

30 Sec. 9. NEW SECTION. 455B.808 PUBLIC NOTIFICATION.

31 1. The department shall submit to the administrative code  
32 editor for publication in the Iowa administrative bulletin  
33 pursuant to chapter 17A the manufacturers' plan or plans for a  
34 system to remove, collect, and recover mercury-added switches  
35 from end-of-life vehicles.

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

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

10 One year after the implementation of a removal, collection,  
11 and recovery system, and annually thereafter, a manufacturer  
12 subject to section 455B.803 shall report to the department  
13 concerning the performance under the manufacturer's plan. The  
14 report shall be published in accordance with section 455B.808,  
15 subsection 2. The report shall include, but not be limited  
16 to, all of the following:

17 1. A detailed description and documentation of the capture  
18 rate achieved.

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

21 3. A listing of the public educational initiatives  
22 implemented, including size of audience reached.

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

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

27 A manufacturer shall implement a comprehensive education  
28 and outreach program for the general public and the parties  
29 willingly participating in the manufacturer's removal,  
30 collection, and recovery system established under this  
31 division. The education and outreach program shall focus on  
32 the hazards related to, and the proper handling of, mercury;  
33 the requirements and obligations of individuals,  
34 manufacturers, and agencies under this division; and the  
35 details of the system established under this division.



1 Otherwise, all accessible mercury added switches are expected  
2 to be recovered. The system shall include a method for  
3 storage of recovered mercury in the event that environmentally  
4 appropriate management technologies are not available.

5 The bill provides that the total cost of the removal,  
6 collection, and recovery system for mercury-added switches  
7 shall be borne by the manufacturer. The bill requires that  
8 labor to remove mercury-added switches shall be reimbursed at  
9 a minimum rate of \$5 per mercury-added switch, or \$6 per  
10 switch if the vehicle identification number is required for  
11 reimbursement.

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

22 The bill requires a manufacturer to report individually or  
23 as part of a group on an annual basis to the environmental  
24 protection commission concerning steps taken by manufacturers  
25 to design vehicles and their components to facilitate  
26 recycling. The bill provides that the commission may conduct  
27 hearings as it deems appropriate to evaluate steps taken by  
28 manufacturers and to recommend legislative action to promote  
29 vehicle recycling.

30 The bill provides for a sunset process at the discretion of  
31 the commission for the mercury-added switch removal,  
32 collection, and recovery systems after a 14-year period.

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

1 The bill requires the environmental protection commission  
2 to adopt rules.

3 The bill provides for public notification of the  
4 manufacturers' plan or plans for a system to remove, collect,  
5 and recover mercury-added switches from end-of-life vehicles  
6 by publication in the Iowa administrative bulletin and by  
7 publication of all related plans, information, reports, and  
8 educational materials in at least two different types of  
9 media.

10 The bill requires that, one year after the implementation  
11 of a removal, collection, and recovery system, and annually  
12 thereafter, a manufacturer implementing such a system shall  
13 report to the department concerning the performance under the  
14 manufacturer's plan.

15 The bill requires a manufacturer to implement a  
16 comprehensive education and outreach program for the general  
17 public and the parties willingly participating in the removal,  
18 collection, recovery, and disposal system.

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

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