

MAINE STATE LEGISLATURE

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L.D. 1921

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NATURAL RESOURCES

Reported by:

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 719, L.D. 1921, Bill, "An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles"

Amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 38 MRSA §1665-A is enacted to read:

§1665-A. Motor vehicle components

Notwithstanding sections 1663 and 1664, this section applies to a mercury-added product that is a motor vehicle component.

1. Prohibition on sale of new motor vehicles with mercury switches. A person may not sell a motor vehicle manufactured on or after January 1, 2003 if it contains a mercury switch. A motor vehicle manufacturer may apply to the commissioner for an exemption from this prohibition. The commissioner may grant an exemption upon finding that:

A. The manufacturer has provided assurance that a system exists for the proper removal and recycling of the mercury switch; and

B. Either of the following applies:

(1) Use of the mercury switch is necessary to protect public health or safety; or

2 (2) There are no technically feasible alternatives to
3 the mercury switch at comparable cost.

4 2. Prohibition on replacement mercury light switches.
5 Effective January 1, 2003, a person may not sell or distribute a
6 mercury light switch for installation in a motor vehicle.

8 3. Removal of certain mercury components when vehicle use
9 ends. Effective January 1, 2003, a person may not send a motor
10 vehicle to a scrap recycling facility without first removing any
11 mercury switch or mercury headlamp that is a component of the
12 motor vehicle, except that a scrap recycling facility may agree
13 to accept a motor vehicle that has not been flattened, crushed or
14 baled knowing it contains a mercury switch or mercury headlamp,
15 in which case the scrap recycling facility is responsible for
16 removing that component. Upon removal, the components must be
17 collected, stored, transported and otherwise handled in
18 accordance with the universal waste rules adopted by the board
19 under subsection 8.

20 4. Voluntary removal of mercury light switches prior to end
21 of vehicle use. A motor vehicle dealer or any person engaged in
22 motor vehicle repair or maintenance may participate in the
23 mercury light switch removal and collection effort pursuant to
24 subsection 5, as long as the person notifies the department
25 before commencing removal and receives such training as may be
26 required by the department. Any person who removes a mercury
27 light switch from a motor vehicle before the motor vehicle is
28 removed from service shall affix an official sticker to the motor
29 vehicle to indicate that the switch has been removed. The
30 stickers may be obtained from the department and must be affixed
31 to the doorpost or other location specified by the department. A
32 person may not install a mercury light switch into a motor
33 vehicle to which the sticker is affixed.

34 5. Motor vehicle manufacturer responsibility.
35 Manufacturers of motor vehicles sold in this State that contain
36 mercury switches or mercury headlamps shall, individually or
37 collectively, do the following.

38 A. By January 1, 2003, establish and maintain consolidation
39 facilities geographically located to serve all areas of the
40 State to which mercury switches removed pursuant to this
41 section may be transported by the persons performing the
42 removal;

43 B. Pay a minimum of \$1 for each mercury switch brought to
44 the consolidation facilities as partial compensation for the
45 removal, storage and transport of the switches;

50

2 C. Ensure that mercury switches redeemed at the
3 consolidation centers are managed in accordance with the
4 universal waste rules adopted by the board under subsection
5 8; and

6 D. Provide the department and persons who remove motor
7 vehicle components under this section with information,
8 training and other technical assistance required to
9 facilitate removal and recycling of the components in
10 accordance with the universal waste rules adopted by the
11 board under subsection 8, including, but not limited to,
12 information identifying the motor vehicle models that
13 contain or may contain mercury switches or mercury headlamps.

14 The goal of this collection and recycling effort is to collect
15 and recycle at least 90 pounds of mercury per year from mercury
16 switches removed from motor vehicles. By September 30, 2002,
17 motor vehicle manufacturers shall provide the department with a
18 plan as to how they intend to comply with the requirements of
19 this subsection.

20 6. Department responsibility. The department shall:

21 A. Assist those subject to the source separation
22 requirements of this section by providing training on the
23 universal waste rules adopted by the board under subsection
24 8 and by taking other steps as determined appropriate to
25 provide for the safe removal and proper handling of motor
26 vehicle components;

27 B. Design and distribute the stickers required under
28 subsection 4; and

29 C. Make available to the public information concerning
30 services to remove mercury light switches in motor vehicles.

31 7. Labeling. Effective July 15, 2002, the labeling
32 requirements of section 1662 apply to motor vehicle components.
33 In approving an alternative compliance plan for labeling for
34 motor vehicles under section 1662, the commissioner shall require
35 a motor vehicle manufacturer to apply a doorpost label listing
36 the mercury-added products that may be components in the motor
37 vehicle. The commissioner may not require a manufacturer to
38 affix a label to each mercury-added component.

39 8. Rulemaking. The board shall revise the universal waste
40 rules adopted pursuant to section 1319-O, subsection 1, paragraph
41 F as necessary to establish standards by which mercury switches
42 in motor vehicles may be handled as universal waste.

43

2 9. Reporting. Before July 1, 2004 and annually thereafter,
3 motor vehicle manufacturers shall report in writing to the
4 department on the results of the source separation required under
5 this section. The report must include, at a minimum, the number
6 of mercury switches removed and recycled from motor vehicles
7 during the previous calendar year; the estimated total amount of
8 mercury contained in the components; and any recommendations to
9 improve the future collection and recycling of motor vehicle
10 components. Before January 1, 2005 and annually thereafter, the
11 department shall report to the Mercury Products Advisory
12 Committee on the effectiveness of the source separation required
13 under this section, whether the partial reimbursement payment
14 under subsection 5, paragraph B, should be adjusted to increase
15 the number of switches brought to consolidation facilities,
16 whether other motor vehicle components should be added to the
17 source separation efforts and whether the program should be
18 terminated and, if so, when.

19 **Sec. 4. Appropriations and allocations.** The following
20 appropriations and allocations are made.

21 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

22 **Remediation and Waste Management**

23 Initiative: Allocates funds for the costs of establishing and
24 administering a program to remove mercury-added components from
25 automobiles.

26	Other Special Revenue funds	2001-02	2002-03
27	All Other	\$0	\$35,000'

28 Further amend the bill by inserting at the end before the
29 summary the following:

30 **FISCAL NOTE**

31		2002-03
32	APPROPRIATIONS/ALLOCATIONS	
33	Other Funds	\$35,000

34 The Department of Environmental Protection will require an
35 Other Special Revenue funds allocation of \$35,000 in fiscal year
36 2002-03 for the costs of establishing and administering a program
37 to remove mercury-added components from automobiles. It is
38 estimated that the cost for this program will decrease to \$25,000

in fiscal year 2003-04 and further decrease to \$10,000 in fiscal year 2004-05 and remain at that level for each year thereafter.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

SUMMARY

This amendment is the majority report of the committee.

This amendment requires automobile manufacturers to establish a statewide system to collect, consolidate and recycle the mercury switches removed from motor vehicles with the goal of collecting and recycling at least 90 pounds of mercury per year from mercury switches removed from motor vehicles. Under this amendment, persons who handle motor vehicles at the end of the vehicles use are responsible for removing mercury switches and headlamps before the vehicles are crushed for recycling. The program allows for the voluntary removal of switches from a vehicle still in use by persons trained by the Department of Environmental Protection. Persons who bring mercury switches to a consolidation facility are entitled to receive \$1 for each switch, funded by the automobile manufacturers. The Department of Environmental Protection is responsible for providing training on universal waste rules as necessary to ensure the safe removal and proper handling of mercury switches, to design and distribute stickers required to be affixed to a motor vehicle if the switches are removed from a vehicle still in use and to provide public education materials.

The amendment allows the Board of Environmental Protection to revise universal waste rules as necessary to establish standards for handling mercury switches as universal waste and requires the Department of Environmental Protection to report to the Legislature's Mercury Products Advisory Committee on the program, beginning on January 1, 2005.

The amendment also adds a fiscal note to the bill.