

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1921

S.P. 719

In Senate, December 17, 2001

**An Act to Prevent Mercury Emissions when Recycling and Disposing of
Motor Vehicles.**

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Received by the Secretary of the Senate on December 17, 2001. Referred to the Committee
on Natural Resources and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in cursive script, reading "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.
Cosponsored by Representative COWGER of Hallowell and
Senator SAWYER of Penobscot, Representatives: ANNIS of Dover-Foxcroft, DUPLESSIE of
Westbrook.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1661, as amended by PL 2001, c. 373, §2, is repealed and the following enacted in its place:

§1661. Definitions

For the purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Mercury-added product. "Mercury-added product" means any of the following items if it contains mercury added during manufacture:

A. A thermostat or thermometer;

B. A switch or other device, individually or as part of another product, used to measure, control or regulate gas, other fluids or electricity;

C. A medical or scientific instrument;

D. An electric relay or other electrical device; and

E. A lamp.

2. Mercury headlamp. "Mercury headlamp" is a mercury-added lamp that is mounted on the front of a motor vehicle to illuminate the roadway.

3. Mercury light switch. "Mercury light switch" means a mercury switch used for the purpose of turning a light bulb or lamp on and off.

4. Mercury switch. "Mercury switch" means a mercury-added product that uses a liquid pool of mercury to measure, control or regulate the flow of gas, other fluids or electricity.

5. Motor vehicle component. "Motor vehicle component" means a mercury-added product that is a component in a motor vehicle. "Motor vehicle component" includes, but is not limited to, a mercury headlamp, a mercury light switch and a mercury switch in antilock braking systems.

Sec. 2. 38 MRSA §1665, as amended by PL 2001, c. 373, §4, is repealed.

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

§1665-A. Motor vehicle components

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

6 1. Prohibition on sale of new motor vehicles with mercury
8 switches. A person may not sell a motor vehicle manufactured on
10 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:

12 A. Use of the mercury switch is necessary to protect public
14 health or safety;

16 B. There are no technically feasible alternatives to the
 mercury switch at comparable cost; and

18 C. The manufacturer has provided assurance that a system
20 exists for the proper removal and recycling of the mercury
 switch.

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

26 3. Removal of mercury light switches prior to motor vehicle
28 resale. Effective January 1, 2003, a person may not sell a used
30 motor vehicle at retail without first removing any mercury light
 switch. This prohibition applies to a person who sells 20 or
 more used motor vehicles in calendar year 2002 or any calendar
 year thereafter.

32 4. Removal of certain mercury components prior to motor
34 vehicle recycling. Effective January 1, 2003, a person may not
36 send a motor vehicle to a scrap recycling facility without first
38 removing any mercury switch or mercury headlamp that is a
40 component of the motor vehicle, except that a scrap recycling
42 facility may agree to accept a motor vehicle that has not been
44 flattened, crushed or baled knowing it contains a mercury switch
 or mercury headlamp, in which case the scrap recycling facility
 is responsible for removing that component. Upon removal, the
 components must be collected, stored, transported and otherwise
 handled in accordance with the universal waste rules adopted by
 the board under subsection 9.

46 5. Motor vehicle manufacturer responsibility. By January
48 1, 2003, manufacturers of motor vehicles sold or distributed in
 the State shall, individually or collectively, do the following.

2 A. Manufacturers of motor vehicles that contain mercury
4 light switches shall establish, maintain and publicize the
6 availability of a source separation program by which a motor
8 vehicle owner may have the mercury light switches removed or
10 replaced with nonmercury light switches at no direct charge
12 to the owner when the vehicle is brought to a
14 manufacturer-affiliated dealership.

16 B. Manufacturers of motor vehicles that contain mercury
18 switches shall:

20 (1) Establish and maintain business arrangements with
22 persons subject to the requirements of subsections 3
24 and 4 necessary to create and implement an effective
26 source separation program to remove and collect the
28 mercury switches; and

30 (2) Establish and maintain a system by which switches
32 removed pursuant to the requirements of subsections 3
34 and 4 may, at no cost to the person responsible for
36 removal, be consolidated and transported for recycling
38 in accordance with the universal waste rules adopted by
40 the board under subsection 9.

42 C. Manufacturers of motor vehicles that contain mercury
44 switches or mercury headlamps shall provide the department
46 and persons subject to the requirements of subsections 3 and
48 4 with information, training and other technical assistance
50 required to facilitate removal and recycling of these
components, including, but not limited to, information
identifying the motor vehicle models that contain or may
contain mercury switches or mercury headlamps.

6. Department responsibility. The department shall:

A. Assist used car dealers, motor vehicle manufacturers and
others subject to the source separation requirements of this
section by providing training on the universal waste rules
adopted by the board under subsection 9 and by taking other
steps as determined appropriate to provide for the safe
removal and proper handling of motor vehicle components;

B. Design and distribute the stickers required under
subsection 8; and

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

7. Labeling. Effective July 15, 2002, the labeling
requirements of section 1662 apply to motor vehicle components.

2 In approving an alternative compliance plan for labeling for
3 motor vehicles under section 1662, the commissioner shall require
4 a motor vehicle manufacturer to apply a doorpost label listing
5 the mercury-added products that may be components in the motor
6 vehicle. The commissioner may not require a manufacturer to
7 affix a label to each mercury-added component.

8 **8. Removal sticker.** Any person who removes a mercury light
9 switch from a motor vehicle before the motor vehicle is removed
10 from service shall affix an official sticker to the motor vehicle
11 to indicate that the switch has been removed. The stickers may
12 be obtained from the department and must be affixed to the
13 doorpost or other location specified by the department. A person
14 may not install a mercury light switch into a motor vehicle to
15 which the sticker is affixed.

16 **9. Rulemaking.** The board shall revise the universal waste
17 rules adopted pursuant to section 1319-O, subsection 1, paragraph
18 F as necessary to establish standards by which mercury switches
19 in motor vehicles may be handled as universal waste.

20 **10. Reporting.** Before July 1, 2004 and annually
21 thereafter, motor vehicle manufacturers shall report in writing
22 to the department on the results of the source separation program
23 required under this section. The report must include, at a
24 minimum, the numbers of mercury switches and mercury headlamps
25 removed and recycled from motor vehicles during the previous
26 calendar year compared to the estimated number of these
27 components potentially available for collection under subsections
28 3, 4 and 5; the estimated total amount of mercury contained in
29 the components; and any recommendations to improve the future
30 collection and recycling of motor vehicle components. Before
31 January 1, 2005 and annually thereafter, the department shall
32 report to the Mercury Products Advisory Committee on the
33 effectiveness of the source separation program required under
34 this section, whether other motor vehicle components should be
35 added to the source separation program and whether the program
36 should be terminated and, if so, when.

40 SUMMARY

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43 This bill provides for the safe removal and recycling of
44 certain mercury-added products that are components in motor
45 vehicles. Under the bill, automobile manufacturers bear primary
46 responsibility for establishing and maintaining a statewide
47 system to collect and consolidate the components for recycling.
48 Used motor vehicle dealers and persons engaged in recycling motor
49 vehicles share responsibility for removing the components and
50 storing them for recycling. The Department of Environmental

2 Protection is responsible for providing technical assistance and
conducting public education activities to maximize the
effectiveness of the collection system.

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