



General Assembly

February Session, 2006

Raised Bill No. 5794

LCO No. 3074

03074_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING A MERCURY SWITCH REMOVAL PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) As used in sections 2 to 4,
2 inclusive, of this act:

3 (1) "Capture rate" means the annual removal, collection and
4 recovery of mercury switches as a percentage of the total number of
5 mercury switches available for removal from end-of-life vehicles;

6 (2) "End-of-life vehicle" means a vehicle that is sold, given or
7 otherwise conveyed to a vehicle recycler or scrap recycling facility for
8 the purpose of recycling;

9 (3) "Manufacturer" means (A) a person that is the last person in the
10 production or assembly process of a new vehicle that utilizes mercury
11 switches, or, in the case of an imported vehicle, the importer or
12 domestic distributor of the vehicle, and (B) its predecessors or
13 affiliates;

14 (4) "Mercury switch" means each mercury-containing capsule that is
15 part of a convenience light switch assembly or part of an antilock

16 braking system assembly installed in a vehicle;

17 (5) "Person" means any individual, corporation, company, firm,
18 partnership, association, trust, joint-stock company or trust, venture or
19 municipal, state or federal government or agency, or any other legal
20 entity;

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

25 (7) "Vehicle" means any passenger automobile or passenger car,
26 station wagon, truck van or sport utility vehicle with a gross vehicle
27 weight rating of less than twelve thousand pounds; and

28 (8) "Vehicle recycler" means a person engaged in the business of
29 acquiring, dismantling or destroying six or more end-of-life vehicles in
30 a calendar year for the primary purpose of resale of their parts.

31 Sec. 2. (NEW) (*Effective October 1, 2006*) (a) Not later than January 1,
32 2007, every manufacturer of vehicles sold in this state, individually or
33 part of a group, shall develop, in consultation with the Commissioner
34 of Environmental Protection, a mercury minimization plan.

35 (b) The mercury minimization plan shall have a goal of a capture
36 rate of not less than ninety per cent and shall contain:

37 (1) Information identifying the make, model and year of vehicles,
38 including current or anticipated future production models that may
39 contain one or more mercury switches;

40 (2) A description of the mercury switches in the particular model
41 and their location;

42 (3) A system to mark vehicles to be processed for shredding or
43 crushing to indicate the presence or absence of mercury switches;

44 (4) A method for removing mercury switches from end-of-life
45 vehicles;

46 (5) Educational materials to assist a vehicle recycler or a scrap
47 recycling facility in removing the mercury switches from end-of-life
48 vehicles, including information on the hazards related to mercury and
49 the proper handling of mercury;

50 (6) A proposal for the method of storage or disposal of the mercury
51 switches, including the method of packaging and shipping mercury
52 switches to authorized recycling, storage or disposal facilities;

53 (7) A proposal for the storage of mercury switches collected and
54 recovered from end-of-life vehicles if environmentally appropriate
55 management technologies are not available;

56 (8) A plan for conformance with the treatment of universal waste
57 requirements pursuant to 40 CFR 273.13 or 40 CFR 273.33;

58 (9) A plan for utilizing the existing end-of-life vehicle recycling
59 infrastructure, or, if not, the reasons for establishing a separate
60 infrastructure; and

61 (10) A plan for the manufacturer to finance the following costs: (A)
62 Compensation to a vehicle recycler or scrap recycling facility for the
63 labor and other costs incurred in the removal of the mercury switch;
64 (B) packaging and shipping fees for the vehicle recycler or scrap
65 recycling facility to transport mercury switches to recycling, storage or
66 disposal facilities; (C) the recycling, storage or disposal of the mercury
67 switches; (D) the preparation and distribution to vehicle recyclers and
68 scrap recycling facilities the educational materials required by the
69 mercury minimization plan; (E) containers for the vehicle recycler or
70 scrap recycling facility suitable for storing mercury switches; and (F)
71 maintenance of all appropriate record-keeping systems.

72 (c) Manufacturers shall indemnify, defend and hold harmless
73 vehicle recyclers and scrap recycling facilities for any liabilities arising

74 from the release of the mercury from the mercury-added components
75 after the components are transferred to the manufacturer.

76 (d) Not later than one hundred twenty days after receipt of a
77 mercury minimization plan, the commissioner shall approve, approve
78 with revisions or disapprove the mercury minimization plan. If the
79 commissioner has not acted on the plan after the one hundred twenty
80 days, the plan shall be deemed approved.

81 (e) If the commissioner approves a mercury minimization plan, or
82 approves a mercury minimization plan with revisions, the
83 manufacturer shall implement the plan not later than thirty days after
84 receipt of the approval.

85 (f) If the commissioner disapproves the mercury minimization plan,
86 the commissioner shall state, in writing, his or her reasons for the
87 disapproval. The manufacturer shall submit a new mercury
88 minimization plan not later than thirty days after receipt of the
89 disapproval. Not later than thirty days after receipt of a new mercury
90 minimization plan, the commissioner shall approve, approve with
91 revisions or disapprove the mercury minimization plan. If the
92 commissioner has not acted on the new mercury plan after the thirty
93 days, the plan shall be deemed approved.

94 (g) If, after July 1, 2007, the commissioner has not approved a
95 manufacturer's mercury minimization plan, the commissioner shall
96 complete a mercury minimization plan on behalf of the manufacturer.

97 (h) If the commissioner finds that a manufacturer's mercury
98 minimization plan is, in practice, deficient the commissioner shall
99 notify the manufacturer and require the manufacturer to submit a new
100 mercury minimization not later than thirty days after the manufacturer
101 receives the notice. Not later than thirty days after receipt of a new
102 mercury minimization plan, the commissioner shall approve, approve
103 with revisions or disapprove the mercury minimization plan. If the
104 commissioner has not acted on the new mercury plan after the thirty

105 days, the plan shall be deemed approved.

106 Sec. 3. (NEW) (*Effective October 1, 2006*) (a) Not more than thirty
107 days after the approval of a mercury minimization plan pursuant to
108 section 2 of this act, a vehicle recycler that sells, gives or otherwise
109 conveys ownership of an end-of-life vehicle to a scrap recycling facility
110 for recycling shall remove all mercury switches identified in the
111 approved mercury minimization plan from the end-of-life vehicle
112 prior to delivery to a scrap recycling facility. The provisions of this
113 subsection shall not apply if the mercury switch is inaccessible due to
114 prior significant damage to the vehicle in the area surrounding the
115 location of the mercury switch, provided the damage is noted in the
116 normal business records of the vehicle recycler who delivered the end-
117 of-life vehicle to the scrap recycling facility.

118 (b) Notwithstanding subsection (a) of this section, a scrap recycling
119 facility may agree to accept an end-of-life vehicle that contains
120 mercury switches and that has not been intentionally flattened,
121 crushed or baled, provided the scrap recycling facility removes the
122 mercury switches identified in the mercury minimization plan before
123 the end-of-life vehicle is intentionally flattened, crushed, baled or
124 shredded.

125 (c) The vehicle recycler or scrap recycling facility that removes
126 mercury switches pursuant to this section shall maintain records
127 documenting the number of (1) mercury switches collected, (2) end-of-
128 life vehicles containing mercury switches, (3) end-of-life vehicles
129 processed for recycling, (4) makes and models of vehicles from which
130 mercury switches were removed, and (5) switches collected from each
131 make. Said records shall be made available for review by the
132 Commissioner of Environmental Protection, upon request of the
133 commissioner.

134 (d) No person shall represent that mercury switches have been
135 removed from an end-of-life vehicle being sold, given or otherwise
136 conveyed for recycling if that person has not removed the mercury

137 switches or arranged with another person to remove the mercury
138 switches.

139 (e) Upon removal, a vehicle recycler or a scrap recycling facility, in
140 coordination with the manufacturer, shall collect, store, transport and
141 otherwise handle the mercury switches in accordance with the
142 mercury minimization plan.

143 (f) No scrap recycling facility or other person that receives an
144 intentionally flattened, crushed or baled end-of-life vehicle shall be
145 deemed in violation of sections 2 to 4, inclusive, of this act if a mercury
146 switch is found in the vehicle after its acquisition.

147 Sec. 4. (NEW) (*Effective October 1, 2006*) (a) One year after the
148 implementation of a mercury minimization plan approved pursuant to
149 section 2 of this act, and annually thereafter, a manufacturer shall
150 report individually or as part of the group to the Commissioner of
151 Environmental Protection regarding the implementation of the
152 mercury minimization plan. The report shall contain:

153 (1) A detailed description and documentation of the capture rate
154 achieved;

155 (2) A description of additional or alternative actions that may be
156 implemented to improve the mercury minimization plan;

157 (3) The number of mercury switches collected, the number of end-
158 of-life vehicles containing mercury switches, the number of end-of-life
159 vehicles processed for recycling and a description of how the mercury
160 switches were managed;

161 (4) A description of the amounts paid to cover the costs of
162 implementing the mercury minimization plan; and

163 (5) The steps being taken by the manufacturer to design vehicles
164 and their components for recycling.

165 (b) The commissioner may waive the requirement for the annual
166 report pursuant to this section if the commissioner finds that mercury
167 switches in end-of-life vehicles manufactured by a particular
168 manufacturer no longer pose a significant threat to the environment or
169 to public health.

170 Sec. 5. (NEW) (*Effective October 1, 2006*) (a) The Commissioner of
171 Environmental Protection may adopt regulations, in accordance with
172 the provisions of chapter 54 of the general statutes, to carry out the
173 purpose of sections 2 to 4, inclusive, of this act.

174 (b) Any person who violates the provisions of sections 2 to 4,
175 inclusive, of this act shall pay a civil penalty of not more than five
176 thousand dollars for each offense and, in the case of a continuing
177 violation, each day's continuance thereof shall be a separate and
178 distinct offense. The Attorney General, upon complaint of the
179 commissioner, shall institute an action in superior court for the judicial
180 district of Hartford to recover such penalty.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>October 1, 2006</i>	New section
Sec. 4	<i>October 1, 2006</i>	New section
Sec. 5	<i>October 1, 2006</i>	New section

Statement of Purpose:

To create a collection and recovery program for mercury switches removed from automobiles.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]