

By: Representative Rogers (14th) (By Request)

To: Conservation and Water Resources

HOUSE BILL NO. 1456

1 AN ACT TO CLARIFY THE IMPORTANCE OF THE REUSE AND RECYCLING
2 OF SCRAP MATERIAL; TO PROVIDE THAT ANY PERSON WHO ARRANGED FOR
3 RECYCLING OR RECYCLABLE MATERIALS OR THE TRANSPORT OF SUCH
4 MATERIALS IN RESPONSE TO DECLARED STATE OF EMERGENCY SHALL BE
5 EXEMPT FROM LIABILITY; TO REQUIRE THE DEPARTMENT OF ENVIRONMENTAL
6 QUALITY TO CREATE RULES AND REGULATIONS FOR THE RECYCLING OF
7 RECYCLABLE MATERIALS AND SCRAP METAL WHEN THE GOVERNOR DECLARES A
8 STATE OF EMERGENCY; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 SECTION 1. The State of Mississippi finds that recycling is
11 important for the following reasons:

12 (a) To promote the reuse and recycling of scrap
13 material in this state while protecting human health and the
14 environment;

15 (b) To create greater equity in the statutory treatment
16 of recycled versus virgin materials; and

17 (c) To remove the disincentives and impediments to
18 recycling.

19 SECTION 2. The following words and phrases shall have the
20 meanings as defined in this section unless the context clearly
21 indicates otherwise:

22 (a) "Arranging for recycling of recyclable materials"
23 means transactions involving scrap paper, scrap plastic, scrap
24 glass, scrap textiles, or scrap rubber other than whole tires
25 shall be deemed to be if the person who arranged for
26 the transaction by selling recyclable material or otherwise
27 arranging for the recycling of recyclable material can demonstrate
28 by a preponderance of the evidence that all of the following
29 criteria were met at the time of the transaction.

30           (b) (i) "Recyclable material" means scrap paper, scrap  
31 plastic, scrap glass, scrap textiles, scrap rubber other than  
32 whole tires, scrap metal, or spent lead-acid, spent  
33 nickel-cadmium, and other spent batteries, as well as minor  
34 amounts of material incident to or adhering to the scrap material  
35 as a result of its normal and customary use prior to becoming  
36 scrap.

37           (ii) "Recyclable material" does not include:  
38 Shipping containers of a capacity from thirty (30) liters to three  
39 thousand (3,000) liters, whether intact or not, having any  
40 hazardous substance, but not metal bits and pieces or hazardous  
41 substances that form an integral part of the container, contained  
42 on or adhering thereto, or any item of material that contained  
43 polychlorinated biphenyls at a concentration in excess of fifty  
44 (50) parts per million or any new standard promulgated pursuant to  
45 applicable federal laws.

46           (c) "Scrap metal" means bits and pieces of metal parts,  
47 bars, turnings, rods, sheets, wire, or metal pieces that may be  
48 combined together with bolts or soldering, radiators, scrap  
49 automobiles, railroad box cars, which when worn or superfluous can  
50 be recycled, except for scrap metals that the Federal  
51 Environmental Protection Agency excludes from this definition by  
52 regulation. Melting of scrap metal does not include the thermal  
53 separation of two (2) or more materials due to differences in  
54 their melting points.

55           **SECTION 3.** Any person who arranged for recycling or  
56 recyclable materials or the transport of such materials during a  
57 declared state of emergency shall be exempt from liability.

58           **SECTION 4.** The Department of Environmental Quality shall  
59 create rules and regulations for the recycling and transport of  
60 recyclable materials and scrap metal during a declared state of  
61 emergency.

62           **SECTION 5.** This act shall take effect and be in force from  
63 and after July 1, 2006.