

By: Senator(s) Dawkins

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2318

1 AN ACT TO PROVIDE FOR THE REMOVAL AND RECYCLING OF CERTAIN
2 MERCURY-ADDED COMPONENTS IN MOTOR VEHICLES; TO AUTHORIZE THE MOTOR
3 VEHICLE COMMISSION TO DEVISE A SYSTEM FOR LISTING MERCURY-ADDED
4 COMPONENTS IN MOTOR VEHICLES; TO AUTHORIZE THE MOTOR VEHICLE
5 COMMISSION TO GRANT CERTAIN EXEMPTIONS; TO REQUIRE MOTOR VEHICLE
6 MANUFACTURERS TO ESTABLISH A STATEWIDE SYSTEM FOR COLLECTING AND
7 RECYCLING MERCURY-ADDED COMPONENTS; TO REQUIRE THE COMMISSION ON
8 ENVIRONMENTAL QUALITY AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY
9 TO PROVIDE TECHNICAL ASSISTANCE AND PUBLIC OUTREACH PROGRAMS
10 RELATED TO THE COLLECTION AND DISPOSAL OF MERCURY-ADDED
11 COMPONENTS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** For the purposes of this act, unless the context
14 otherwise indicates, these terms have the following meaning:

15 (a) "Commission" means the Mississippi Motor Vehicle
16 Commission.

17 (b) "Department" means the Mississippi Department of
18 Environmental Quality.

19 (c) "Mercury-added product" means any of the following
20 items if it contains mercury-added components during manufacture:

21 (i) A thermostat or thermometer;

22 (ii) A switch or other device, individually or as
23 part of another product, used to measure, control or regulate gas,
24 other fluids or electricity;

25 (iii) A medical or scientific instrument;

26 (iv) An electric relay or other electrical device;

27 and

28 (v) A lamp.

29 (d) "Mercury headlamp" is a mercury-added lamp that is
30 mounted on the front of a motor vehicle to illuminate the roadway.

31 (e) "Mercury light switch" means a mercury switch used
32 for the purpose of turning a light bulb or lamp on and off.

33 (f) "Mercury switch" means a mercury-added product that
34 uses a liquid pool of mercury to measure, control or regulate the
35 flow of gas, other fluids or electricity.

36 (g) "Motor vehicle component" means a mercury-added
37 product that is a component in a motor vehicle, including, but not
38 limited to, a mercury headlamp, a mercury light switch and a
39 mercury switch in antilock braking systems.

40 **SECTION 2.** (1) A person may not sell a motor vehicle
41 manufactured on or after January 1, 2008, if it contains a mercury
42 switch. A motor vehicle manufacturer may apply to the
43 commissioner for an exemption from this prohibition. The
44 commission may grant an exemption upon finding that:

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

47 (b) There are no technically feasible alternatives to
48 the mercury switch at comparable cost; and

49 (c) The manufacturer has provided assurance that a
50 system exists for the proper removal and recycling of the mercury
51 switch.

52 (2) Effective January 1, 2008, a person may not sell or
53 distribute a mercury light switch for installation in a motor
54 vehicle.

55 (3) Effective January 1, 2008, a person may not sell a used
56 motor vehicle at retail without first removing any mercury light
57 switch. This prohibition applies to a person who sells twenty
58 (20) or more used motor vehicles in calendar year 2007 or any
59 calendar year thereafter.

60 (4) Effective January 1, 2008, a person may not send a motor
61 vehicle to a scrap recycling facility without first removing any
62 mercury switch or mercury headlamp that is a component of the
63 motor vehicle, except that a scrap recycling facility may agree to

64 accept a motor vehicle that has not been flattened, crushed or
65 baled knowing it contains a mercury switch or mercury headlamp, in
66 which case the scrap recycling facility is responsible for
67 removing that component. Upon removal, the components must be
68 collected, stored, transported and otherwise handled in accordance
69 with the universal waste rules adopted by the Commission on
70 Environmental Quality.

71 (5) By January 1, 2008, manufacturers of motor vehicles sold
72 or distributed in the state shall, individually or collectively,
73 do the following:

74 (a) Manufacturers of motor vehicles that contain
75 mercury light switches shall establish, maintain and publicize the
76 availability of a source separation program by which a motor
77 vehicle owner may have the mercury light switches removed or
78 replaced with nonmercury light switches at no direct charge to the
79 owner when the vehicle is brought to a manufacturer-affiliated
80 dealership.

81 (b) Manufacturers of motor vehicles that contain
82 mercury switches shall:

83 (i) Establish and maintain a program necessary to
84 create and implement an effective source separation program to
85 remove and collect the mercury switches; and

86 (ii) Establish and maintain a system by which
87 switches removed pursuant to the requirements of this section may,
88 at no cost to the person responsible for removal, be consolidated
89 and transported for recycling in accordance with the universal
90 waste rules adopted by the Commission on Environmental Quality.

91 (c) Manufacturers of motor vehicles that contain
92 mercury switches or mercury headlamps shall provide the department
93 and persons subject to the requirements of subsections (3) and (4)
94 with information, training and other technical assistance required
95 to facilitate removal and recycling of these components,
96 including, but not limited to, information identifying the motor

97 vehicle models that contain or may contain mercury switches or
98 mercury headlamps.

99 (6) The department shall:

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

106 (b) Distribute the stickers required under subsection
107 (8); and

108 (c) Make available to the public information concerning
109 services to remove mercury light switches in motor vehicles.

110 (7) In approving a compliance plan for labeling for motor
111 vehicles, the commission shall require a motor vehicle
112 manufacturer to apply a doorpost label listing the mercury-added
113 products that may be components in the motor vehicle. The
114 commission may not require a manufacturer to affix a label to each
115 mercury-added component.

116 (8) Any person who removes a mercury light switch from a
117 motor vehicle before the motor vehicle is removed from service
118 shall affix an official sticker to the motor vehicle to indicate
119 that the switch has been removed. The stickers may be obtained
120 from the department and must be affixed to the doorpost or other
121 location specified by the commission. A person may not install a
122 mercury light switch into a motor vehicle to which the sticker is
123 affixed.

124 (9) The Commission on Environmental Quality shall adopt
125 universal waste rules as necessary to establish standards by which
126 mercury switches in motor vehicles may be handled as universal
127 waste.

128 (10) Before July 1, 2008, and annually thereafter, motor
129 vehicle manufacturers shall report in writing to the department on

130 the results of the source separation program required under this
131 section. The report must include, at a minimum, the numbers of
132 mercury switches and mercury headlamps removed and recycled from
133 motor vehicles during the previous calendar year compared to the
134 estimated number of these components potentially available for
135 collection under subsections (3), (4) and (5); the estimated total
136 amount of mercury contained in the components; and any
137 recommendations to improve the future collection and recycling of
138 motor vehicle components. Before January 1, 2009, and annually
139 thereafter, the department shall report to the Legislature on the
140 effectiveness of the source separation program required under this
141 section whether other motor vehicle components should be added to
142 the source separation program and whether the program should be
143 terminated and, if so, when.

144 **SECTION 3.** This act shall take effect and be in force from
145 and after July 1, 2006.