

By: Senator(s) Dawkins

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2386

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, the following terms have the following
15 meaning:

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

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

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

22 (i) A thermostat or thermometer;

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

26 (iii) A medical or scientific instrument;

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

28 and

29 (v) A lamp.

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

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

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

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

41 **SECTION 2.** (1) A person may not sell a motor vehicle
42 manufactured on or after January 1, 2007, if it contains a mercury
43 switch. A motor vehicle manufacturer may apply to the
44 commissioner for an exemption from this prohibition. The
45 commission may grant an exemption upon finding that:

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

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

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

53 (2) Effective January 1, 2007, a person may not sell or
54 distribute a mercury light switch for installation in a motor
55 vehicle.

56 (3) Effective January 1, 2007, a person may not sell a used
57 motor vehicle at retail without first removing any mercury light
58 switch. This prohibition applies to a person who sells twenty
59 (20) or more used motor vehicles in calendar year 2006 or any
60 calendar year thereafter.

61 (4) Effective January 1, 2007, a person may not send a motor
62 vehicle to a scrap recycling facility without first removing any
63 mercury switch or mercury headlamp that is a component of the
64 motor vehicle, except that a scrap recycling facility may agree to

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

72 (5) By January 1, 2007, manufacturers of motor vehicles sold
73 or distributed in the state shall, individually or collectively,
74 do the following:

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

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

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

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

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

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

100 (6) The department shall:

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

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

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

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

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

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

129 (10) Before July 1, 2007, and annually thereafter, motor
130 vehicle manufacturers shall report in writing to the department on

131 the results of the source separation program required under this
132 section. The report must include, at a minimum, the numbers of
133 mercury switches and mercury headlamps removed and recycled from
134 motor vehicles during the previous calendar year compared to the
135 estimated number of these components potentially available for
136 collection under subsections (3), (4) and (5); the estimated total
137 amount of mercury contained in the components; and any
138 recommendations to improve the future collection and recycling of
139 motor vehicle components. Before January 1, 2008, and annually
140 thereafter, the department shall report to the Legislature on the
141 effectiveness of the source separation program required under this
142 section whether other motor vehicle components should be added to
143 the source separation program and whether the program should be
144 terminated and, if so, when.

145 **SECTION 3.** This act shall take effect and be in force from
146 and after July 1, 2005.