

By: Senator(s) Dawkins

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2569

1 AN ACT TO PROHIBIT USE OF CERTAIN PRODUCTS CONTAINING
2 MERCURY; TO PROVIDE FOR EXEMPTIONS; TO REQUIRE THE DEPARTMENT OF
3 ENVIRONMENTAL QUALITY TO EVALUATE AND REPORT ON PROGRAMS TO REDUCE
4 OR RECYCLE MERCURY; TO PROVIDE THAT STATE REGULATIONS FOR
5 EXEMPTIONS SHALL BE EQUIVALENT TO FEDERAL REGULATIONS; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** The following terms are defined as follows:

9 (a) "Mercury relay" means a product or device,
10 containing mercury added during its manufacture, that opens or
11 closes electrical contacts to effect the operation of other
12 devices in the same or another electrical circuit. Mercury relay
13 includes, but is not limited to, mercury displacement relays,
14 mercury wetted reed relays and mercury contact relays.

15 (b) "Mercury switch" means a product or device,
16 containing mercury added during its manufacture, that opens or
17 closes an electrical circuit or gas valve, including, but not
18 limited to, mercury float switches actuated by rising or falling
19 liquid levels, mercury tilt switches actuated by a change in the
20 switch position, mercury pressure switches actuated by a change in
21 pressure, mercury temperature switches actuated by a change in
22 temperature and mercury flame sensors.

23 **SECTION 2.** Beginning July 1, 2005, no person shall purchase
24 or accept, for use in a primary or secondary school classroom,
25 bulk elemental mercury, chemicals containing mercury or
26 instructional equipment or materials containing mercury added
27 during their manufacturer. This subsection does not apply to:

28 (a) other products containing mercury added during their
29 manufacture that are used in schools; and (b) measuring devices

30 used as teaching aids, including, but not limited to, barometers,
31 manometers and thermometers, if no adequate mercury-free
32 substitute exists.

33 (2) Beginning January 1, 2007, no person shall sell, offer
34 to sell, distribute or offer to distribute a mercury switch or
35 mercury relay individually or as a product component. For a
36 product that contains one or more mercury switches or mercury
37 relays as a component, this subsection is applicable to each
38 component part or parts and not the entire product. This
39 subsection does not apply to the following:

40 (a) Mercury switches and mercury relays used in medical
41 diagnostic equipment regulated under the federal Food, Drug and
42 Cosmetic Act.

43 (b) Mercury switches and mercury relays used at
44 electric generating facilities.

45 (c) Mercury switches in thermostats used to sense and
46 control room temperature.

47 (d) Mercury switches and mercury relays require to be
48 used under federal law or federal contract specifications.

49 (e) A mercury switch or mercury relay used to replace a
50 mercury switch or mercury relay that is a component in a larger
51 product in use prior to July 1, 2007, and one (1) of the following
52 applies:

53 (i) The larger product is used in manufacturing;
54 or

55 (ii) The mercury switch or mercury relay is
56 integrated and not physically separate from other components of
57 the larger product.

58 (3) No later than July 1, 2006, the manufacturer of a
59 mercury switch or mercury relay, or a scientific instrument or
60 piece of instructional equipment containing mercury added during
61 its manufacture, may apply to the Department of Environmental
62 Quality for an exemption from this section for one or more

63 specific uses of the switch, relay, instruction or piece of
64 equipment by filing a written petition with the department. The
65 Department of Environmental Quality may grant an exemption, with
66 or without conditions, if the manufacturer demonstrates the
67 following:

68 (a) A convenient and widely available system exists for
69 the proper collection, transportation and processing of the
70 switch, relay, instrument or piece of equipment at the end of its
71 useful life; and

72 (b) The specific use or uses of the switch, relay,
73 instrument or piece of equipment provides a net benefit to the
74 environment, public health or public safety when compared to
75 available nonmercury alternatives.

76 Before approving any exemption under this subsection, the
77 department must consult with other states to promote consistency
78 in the regulation of products containing mercury added during
79 their manufacture. Exemptions shall be granted for a period of
80 five (5) years. The manufacturer may request renewals of the
81 exemption for additional five-year periods by filing additional
82 written petitions with the department. The department may renew
83 an exemption if the manufacturer demonstrates that the criteria
84 set forth in paragraphs (a) and (b) of this subsection continue to
85 be satisfied. All petitions for an exemption or exemption renewal
86 shall be submitted on forms prescribed by the department.

87 The department must adopt rules for processing petitions
88 submitted pursuant to this subsection. The rules shall include,
89 but shall not be limited to, provisions allowing for the
90 submission of written public comments on the petitions.

91 (4) No later than January 1, 2006, the department must
92 submit to the Governor and the Legislature a report that includes
93 the following:

94 (a) An evaluation of programs to reduce and recycle
95 mercury from mercury thermostats and mercury vehicle components;
96 and

97 (b) Recommendations for altering the programs to make
98 them more effective.

99 In preparing the report, the department may seek information
100 from and consult with businesses, trade associations,
101 environmental organizations and other government agencies.

102 (5) If the United States Environmental Protection Agency
103 adopts streamlined hazardous waste regulations pertaining to the
104 management of mercury switches or mercury relays, or scientific
105 instruments or instructional equipment containing mercury added
106 during their manufacture, or otherwise exempts such items from
107 regulation as hazardous waste, the Commission on Environmental
108 Quality shall adopt equivalent rules within one hundred eighty
109 (180) days of adoption of the federal regulations.

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