

By: Senator(s) Dawkins

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2733

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 THE COMMISSION
6 ON ENVIRONMENTAL QUALITY AND THE DEPARTMENT OF ENVIRONMENTAL
7 QUALITY TO PROVIDE TECHNICAL ASSISTANCE AND PUBLIC OUTREACH
8 PROGRAMS RELATED TO THE COLLECTION AND DISPOSAL OF MERCURY-ADDED
9 COMPONENTS; AND FOR RELATED PURPOSES.

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

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

13 (a) "Commission" means the Mississippi Motor Vehicle
14 Commission.

15 (b) "Department" means the Mississippi Department of
16 Environmental Quality.

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

19 (i) A thermostat or thermometer;

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

23 (iii) A medical or scientific instrument;

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

25 and

26 (v) A lamp.

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

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

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

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

38 **SECTION 2.** (1) After January 1, 2008, a motor vehicle
39 manufacturer in the state shall comply with federal guidelines for
40 the fuse of mercury-added products. A motor vehicle manufacturer
41 may apply to the commissioner for an exemption from this
42 prohibition. The commission may grant an exemption upon finding
43 that:

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

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

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

51 (2) Effective January 1, 2009, a person may not sell or
52 distribute a mercury light switch for installation in a motor
53 vehicle.

54 (3) Effective January 1, 2009, a person may not sell a used
55 motor vehicle at retail without first removing any mercury light
56 switch. This prohibition applies to a person who sells twenty
57 (20) or more used motor vehicles in calendar year 2008 or any
58 calendar year thereafter.

59 (4) Effective January 1, 2009, a person may not send a motor
60 vehicle to a scrap recycling facility without first removing any
61 mercury switch or mercury headlamp that is a component of the
62 motor vehicle, except that a scrap recycling facility may agree to
63 accept a motor vehicle that has not been flattened, crushed or

64 baled knowing it contains a mercury switch or mercury headlamp, in
65 which case the scrap recycling facility is responsible for
66 removing that component. Upon removal, the components must be
67 collected, stored, transported and otherwise handled in accordance
68 with the universal waste rules adopted by the Commission on
69 Environmental Quality.

70 (5) The department shall:

71 (a) Assist used car dealers, motor vehicle
72 manufacturers and others subject to the source separation
73 requirements of this section by providing training on the
74 universal waste rules adopted by the board under subsection (8)
75 and by taking other steps as determined appropriate to provide for
76 the safe removal and proper handling of motor vehicle components;

77 (b) Distribute the stickers required under subsection
78 (7); and

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

81 (6) In approving a compliance plan for labeling for motor
82 vehicles, the commission shall require a motor vehicle
83 manufacturer to apply a doorpost label listing the mercury-added
84 products that may be components in the motor vehicle. The
85 commission may not require a manufacturer to affix a label to each
86 mercury-added component.

87 (7) Any person who removes a mercury light switch from a
88 motor vehicle before the motor vehicle is removed from service
89 shall affix an official sticker to the motor vehicle to indicate
90 that the switch has been removed. The stickers may be obtained
91 from the department and must be affixed to the doorpost or other
92 location specified by the commission. A person may not install a
93 mercury light switch into a motor vehicle to which the sticker is
94 affixed.

95 (8) The Commission on Environmental Quality shall adopt
96 universal waste rules as necessary to establish standards by which

97 mercury switches in motor vehicles may be handled as universal
98 waste.

99 (9) Before January 1, 2010, and annually thereafter, the
100 department shall report to the Legislature on the effectiveness of
101 the source separation program required under this section whether
102 other motor vehicle components should be added to the source
103 separation program and whether the program should be terminated
104 and, if so, when.

105 **SECTION 3.** This act shall take effect and be in force from
106 and after July 1, 2007.