

NO. 117. AN ACT RELATING TO MANAGEMENT OF EXPOSURE
TO MERCURY.

(H.876)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 7102 is amended to read:

§ 7102. DEFINITIONS

As used in this chapter:

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(12) “End-of-life motor vehicle” means a motor vehicle that has not been intentionally flattened, crushed, shredded, or baled if sold, given, or otherwise conveyed to a motor vehicle recycler or scrap metal recycling facility for the purpose of recycling.

(13) “Mercury-added vehicle switch” means a capsule, commonly known as a bullet, containing mercury, that is part of a convenience light switch assembly for motor vehicle trunks and hoods or is part of the anti-lock brake system.

(14) “Motor vehicle recycler” means an individual or entity engaged in the business of acquiring, dismantling, parts recycling, or destroying six or more end-of-life motor vehicles in a year.

(15) “Scrap metal recycling facility” means a facility at a fixed location that uses equipment to process and refabricate scrap metal into prepared grades and principally produces scrap iron, steel, or nonferrous metallic scrap for sale.

Sec. 2. 10 V.S.A. § 7104 is amended to read:

§ 7104. NOTIFICATION

(a) Effective July 1, 2006, no mercury-added product may be offered for final sale, sold at a final sale, or distributed in Vermont, unless the manufacturer or its designated industrial trade group gives prior notification in writing to the agency or the multistate clearinghouse described in section 7103 of this chapter, as provided in this section. This notification, in a form approved by the agency, at a minimum shall include:

- (1) A brief description of the product or category of products to be offered for sale or distributed;
- (2) The purpose for which mercury is used in each individual product or category of products;
- (3) The amount of mercury in each unit of the product or product component, reported as an exact number, ~~as an average per product or per component with an upper or lower limit~~, or as falling within a range approved by the agency;
- (4) The name and address of the manufacturer, or manufacturers, and the name, address, and telephone number of a contact person for the manufacturer; and
- (5) The total amount of mercury in all units of the product or product components sold in the United States during the most recent calendar year for which sales figures are available, reported either for the units or components

sold by the manufacturer or as aggregated by a manufacturer trade association for all units of the product or components made by the industry.

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~~(e) Notwithstanding subdivision (a)(3) of this section, the manufacturer of a product containing one or more mercury-added components is not required to include information on the amount of mercury in the component in the notice to the agency or multistate clearinghouse if the component manufacturer has provided that information to the agency or clearinghouse and the manufacturer of the product that contains the component identifies the component and component manufacturer in the notice.~~

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Sec. 3. 10 V.S.A. § 7105 is amended to read:

§ 7105. RESTRICTIONS ON THE SALE AND USE OF CERTAIN
MERCURY-ADDED PRODUCTS

* * *

(d) Elemental mercury.

(1) Effective July 1, 2006, no person may sell or provide elemental mercury to another person in Vermont, except for ~~manufacturing or recycling~~ or disposal purposes, without providing a “material safety data sheet,” as defined in 42 U.S.C. § 11049, and requiring the purchaser or recipient to sign a statement that the purchaser:

(A) Will use the mercury only for medical, manufacturing, or research purposes;

(B) Understands that mercury is toxic, and the purchaser or recipient will store and use it appropriately so that no person is exposed to the mercury; and

(C) Will not place the mercury in solid waste for disposal or in a wastewater treatment and disposal system, and will not allow anyone under the purchaser's or recipient's control to place or cause mercury to be placed in such a location.

Sec. 4. 10 V.S.A. § 7106(h) is amended to read:

(h) Alternative methods of labeling are as follows:

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(3) The agency may grant, deny, or approve with modifications or conditions a request for an alternative to the requirements of subsections (a) through (f) and ~~(j)~~(i) of this section. This approval of an alternative shall be for a period, specified by the agency, of no less than two years. The agency may review alternatives and modify or condition a previously approved alternative after providing notice to the affected parties. Modifications shall be implemented within a time frame approved by the agency, which shall not exceed two years. Requests for renewals shall be submitted 90 days before the expiration of the approval. Prior to approving an alternative, the agency may

consult with states, provinces, and regional organizations to review consistency with other states that have similar legislation.

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Sec. 5. 10 V.S.A. § 7107(d) is amended to read:

(d) Removal of mercury-added components. The agency shall conduct a study and make recommendations for requirements to remove effectively and feasibly mercury-added components in products prior to disposal or recycling processes. This report shall identify removal and collection systems at public and private solid waste management facilities and salvage businesses, manufacturer-sponsored or operated collection and take-back programs; and other feasible programs. The agency will identify costs mechanisms for financing such programs. The study shall address removal and collection of mercury-added components in automobiles and the collection of switches, relays, and gauges in home appliances, heating devices, and other equipment. The agency shall report to the general assembly no later than January 15, 2006. The agency shall conduct a study, and in consultation with the advisory committee on mercury pollution, make recommendations on methods to increase recycling of mercury thermostats. The study shall identify incentive-based programs and other feasible programs, including costs and mechanisms for financing such programs. The agency shall report to the general assembly no later than January 15, 2008.

Sec. 6. 10 V.S.A. § 7108 is added to read:

§ 7108. MERCURY-ADDED MOTOR VEHICLE COMPONENTS

(a) Applicability. This section applies to:

(1) a motor vehicle recycler or scrap metal recycling facility in the state;

and

(2) a manufacturer of motor vehicles sold in this state.

(b) Mercury-added switch removal requirements. Effective January 1, 2007, a motor vehicle recycler that accepts end-of-life motor vehicles shall remove mercury-added vehicle switches prior to crushing, shredding, or other scrap metal processing and prior to conveying for crushing, shredding, or other scrap metal processing.

(1) Motor vehicle recyclers shall maintain a log sheet of switches removed from end-of-life motor vehicles and shall provide such log to the agency annually or upon request of the agency.

(2) Switches, including switches encased in light or brake assemblies, shall be collected, stored, transported, and handled in accordance with all applicable state and federal laws.

(c) Manufacturer mercury-added switch recovery program. No later than January 1, 2007, a manufacturer of vehicles sold in this state, individually or as part of a group, shall implement a mercury-added vehicle switch recovery program that includes the following:

(1) Educational material to assist motor vehicle recyclers in identifying mercury-added vehicle switches and safely removing, properly handling, and storing such switches;

(2) Storage containers provided at no cost to all motor vehicle recyclers identified by the agency, suitable for the safe storage of switches, including switches encased in light or brake assemblies;

(3) Collection, packaging, shipping, and recycling of mercury-added switches, including switches encased in light or brake assemblies, provided to all motor vehicles recyclers at no cost and that comply with all applicable state and federal regulations;

(4) A plan submitted by September 1, 2006 to the secretary of natural resources for approval that discusses how the manufacturer will implement subdivisions (1)–(3) of this subsection and shall not require removal of mercury-added vehicle switches from lighting or brake assemblies; and

(5) A report to the agency, on or before December 1, 2007, and each year thereafter, that includes the total number of mercury-added switches recovered in the program, the names of the motor vehicle recyclers and the number of switches removed from each, and the total amount of mercury collected during the previous 12-month period.

(d) Agency responsibility.

(1) The agency shall provide workshops and other training to motor vehicle recyclers to inform them of the requirements of this section.

(2) The agency may develop, by procedure, exemptions of certain mercury-added vehicle switches and other components from the requirements of this section, including mercury-added switches that are inaccessible due to motor vehicle damage and anti-lock brake switches in certain motor vehicle types which are difficult or labor-intensive to remove.

(3) The agency shall report to the general assembly, no later than January 15, 2008, and each year thereafter, on the effectiveness of the mercury-added switch recovery program, including the amount of mercury removed and recycled and the status of compliance by motor vehicle recyclers and auto manufacturers with this section. In consultation with the advisory committee on mercury pollution, the agency shall make recommendations for other actions, including a defined incentive-based system, if the program does not succeed in achieving high participation rates and switch capture rates sufficient to assure that a majority of switches is collected.

Sec. 7. EFFECTIVE DATE AND SUNSET

10 V.S.A. § 7108 (mercury-added motor vehicle components) is repealed December 31, 2017.

Approved: April 26, 2006