



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

SB2551

Introduced 2/3/2004, by Mattie Hunter

SYNOPSIS AS INTRODUCED:

New Act
415 ILCS 5/22.28a

Creates the Mercury Reduction Act. Provides that the Environmental Protection Agency may participate in the establishment and implementation of a multi-state clearinghouse to assist in carrying out the purpose of mercury reduction. Provides that beginning July 1, 2005, no mercury-added product may be offered for final sale or use or distributed for promotional purposes in the State without the prior written notification to the Environmental Protection Agency by the manufacturer of the product. Sets forth the requirements for this notification. Set forth restrictions on the purchase or sale of certain mercury-added products. Provides that beginning July 1, 2006, no person may crush, shred, flatten, or otherwise process a motor vehicle for scrap metal without first making a good faith effort to remove any mercury light switches and mercury headlights. Provides that, on or before January 1, 2006, the Pollution Control Board must modify its rules governing universal hazardous waste as appropriate to promote the recycling, recovery, and proper management of elemental mercury and mercury-added products on a statewide basis. Sets forth penalties for violations of this Act. Amends the Environmental Protection Act. Adds "vehicle recycler" to the list of persons who may not knowingly shred, scrap, dismantle, recycle, incinerate, handle, store, or otherwise manage any white good that contains any white components. Provides that no owner, operator, agent, employee of a junkyard or scrap dealership, or vehicle recycler may knowingly shred, scrap, dismantle, recycle, incinerate, handle, store, or otherwise manage any end-of-life motor vehicle that contains any mercury-added component. Defines "vehicle recycler", "end-of-life motor vehicle", and "mercury-added component". Effective immediately.

LRB093 20824 MKM 46749 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to public health and environmental
2 protection.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 1. Short title. This Act may be cited as the
6 Mercury Reduction Act.

7 Section 5. Findings. The General Assembly finds the
8 following:

9 (1) Mercury is a potent neurotoxin that can cause
10 long-lasting health problems.

11 (2) High levels of mercury in our State's waterways
12 have forced officials to issue advisories warning people to
13 restrict eating predator fish caught from lakes and
14 streams.

15 (3) Mercury can be found in thousands of products and
16 applications, including dental amalgams, scientific
17 instruments, electrical components, batteries, lamps, and
18 medical devices.

19 (4) Mercury from consumer products may make its way
20 into waterways if the products are discharged down the
21 drain, incinerated, or dumped in a landfill.

22 (5) The most effective way to minimize future mercury
23 releases is to eliminate mercury threats in products where
24 there are cost-effective alternatives.

25 Section 10. Definitions. As used in this Act:

26 "Agency" means the Environmental Protection Agency.

27 "Board" means the Pollution Control Board.

28 "Manufacturer" means any person who produces a
29 mercury-added product and means an importer or domestic
30 distributor of a mercury-added product produced in a foreign
31 country. In the case of a multicomponent, mercury-added

1 product, the manufacturer is the last manufacturer to produce
2 or assemble the product. If the mercury-added product is
3 produced in a foreign country, then the manufacturer is the
4 first importer or domestic distributor of that product.

5 "Mercury-added product" means a product, commodity, or
6 chemical that contains mercury or a mercury compound that has
7 been intentionally added to the product, commodity, or
8 chemical. Mercury-added products include, but are not limited
9 to, mercury thermometers, mercury thermostats, and mercury
10 switches in motor vehicles.

11 "Mercury relay" means a mercury-added product that opens or
12 closes electrical contacts to operate other devices in the same
13 or another electrical circuit. "Mercury relay" includes
14 mercury displacement relays, mercury wetted reed relays, and
15 mercury contact relays.

16 "Mercury switch" means a mercury-added product that opens
17 or closes an electrical circuit or gas valve. "Mercury switch"
18 includes (i) mercury float switches actuated by rising or
19 falling liquid levels, (ii) mercury tilt switches actuated by a
20 change in the switch position, (iii) mercury pressure switches
21 actuated by a change in pressure, (iv) mercury temperature
22 switches actuated by a change in temperature, and (v) mercury
23 flame sensors. "Mercury switch" does not include a
24 mercury-added thermostat.

25 "Mercury thermostat" means a mercury-added product
26 commonly used to sense and, through electrical communication
27 with heating, cooling or ventilation equipment, control room
28 temperature.

29 "Person" includes an individual, a firm, an association, a
30 partnership, a corporation, a governmental entity, an
31 organization, a joint venture, and any other legal entity.

32 Section 15. Interstate clearinghouse. The Agency may
33 participate in the establishment and implementation of a
34 multi-state clearinghouse to assist in carrying out the
35 requirements of this Act, including designating the

1 clearinghouse to help design notification forms, receive
2 notification and submission of information, to coordinate
3 reviews and to assist in education and outreach activities. The
4 clearinghouse may also maintain a list of all products
5 containing mercury, including mercury-added products.

6 Section 20. Notification.

7 (a) Beginning July 1, 2005, no mercury-added product may be
8 offered for final sale or use or distributed for promotional
9 purposes in the State without prior written notification to the
10 Agency by the manufacturer of the product in accordance with
11 the requirements of this Section.

12 Importers of mercury-added products from foreign countries
13 must ensure that the manufacturer has complied with this
14 Section before the sale, use, or distribution of the product in
15 Illinois. This duty upon importers does not apply to retailers
16 for whom importing is not their primary business or to
17 importers who distribute products to manufacturers for
18 inclusion in the manufacturers' mercury-added products.

19 (b) The notification must, at a minimum, include all of the
20 following:

21 (1) A brief description of the mercury-added product.

22 (2) For each individual product, or where appropriate,
23 for each category of product, an identification of the
24 mercury content in one of the following ranges: greater
25 than 0 to 5 mg, greater than 5 mg to 10 mg, greater than 10
26 mg to 50 mg, greater than 50 mg to 100 mg, greater than 100
27 mg to 1,000 mg, or greater than 1,000 mg.

28 (3) For each individual product or category of
29 products, a description of the purpose that mercury serves
30 in the product.

31 (4) The name and address of the manufacturer, and the
32 name, address and phone number of a contact person who has
33 knowledge of the product.

34 (c) This Section does not apply to any mercury-added
35 product for which federal law governs notice in a manner that

1 preempts State authority.

2 (d) With the approval of the Agency, the manufacturer may
3 supply the information required above for a product category
4 rather than an individual product. The manufacturer must update
5 and revise the information in the notification whenever there
6 is a significant change in the information or when requested to
7 do so by the Agency.

8 (e) The Agency must adopt rules concerning the content,
9 form, and submission of the required notification.

10 (f) Public disclosure of confidential business information
11 submitted to the Agency under this Section is governed by the
12 provisions of the Freedom of Information Act. The State may
13 provide the interstate clearinghouse with copies of business
14 information and the Agency and the interstate clearinghouse may
15 compile or publish analyses or summaries of this business
16 information if the analyses or summaries do not identify any
17 manufacturer and do not reveal any confidential information.

18 Section 25. Sales restrictions.

19 (a) Beginning July 1, 2005, a school may not purchase for
20 use in a primary or secondary classroom, bulk elemental
21 mercury, chemicals containing mercury compounds, or
22 mercury-added instructional equipment and materials, except
23 mercury-added measuring devices and thermometers for which no
24 adequate substitute exists for use as teaching aids. Other
25 mercury-added products that are used by schools are not subject
26 to this prohibition.

27 (b) After July 1, 2006, a person may not sell, offer to
28 sell, or distribute for promotional purposes a mercury-added
29 thermostat except for a thermostat used for manufacturing or
30 industrial purposes and except for a thermostat to be used by a
31 blind or visually impaired person.

32 (c) Beginning July 1, 2006, a person may not sell or offer
33 to sell or distribute a mercury switch or mercury relay
34 individually or as a product component. This prohibition does
35 not apply if the switch or relay is used to replace a switch or

1 relay that is a component in a larger product in use prior to
2 July 1, 2006 and one of the following applies:

3 (1) the larger product is used in manufacturing; or

4 (2) the switch or relay is integrated and not
5 physically separate from other components of the larger
6 product.

7 This subsection does not apply to the sale of a mercury
8 switch or mercury relay if the use of the switch or relay is
9 required under federal law or federal contract specifications.

10 Section 30. Exemptions.

11 (a) A manufacturer or user of a mercury-added product may
12 apply to the Agency on or before July 1, 2005 for an exemption
13 from the provisions of this Act for one or more specific uses
14 of a mercury-added product by filing a written petition with
15 the Agency. The Agency may grant an exemption with or without
16 conditions upon finding that:

17 (1) the manufacturer has demonstrated that a
18 convenient and widely-available system exists for the
19 proper collection, transportation, and processing of the
20 mercury-added thermostat at the end of its useful life; and

21 (2) the specific use or uses of the mercury-added
22 thermostat provide a net benefit to the environment, public
23 health, or public safety when compared to available
24 nonmercury alternatives.

25 (b) Before approving any exemption allowed under this Act,
26 the Agency must consult with neighboring states, by means of
27 the interstate clearinghouse or otherwise, to promote
28 consistency in the regulation of mercury-added products.
29 Exemptions may be granted for a term not to exceed 5 years and
30 may be renewed upon written application if the Agency finds
31 that the mercury-added product continues to meet the criteria
32 for the original approval of the exemption.

33 The Agency must adopt rules for processing exemption
34 applications. These rules must provide for public
35 participation and take into account the role of the interstate

1 clearinghouse.

2 Section 35. Universal waste rule. On or before January 1,
3 2006, the Board must modify its rules governing universal
4 hazardous waste as appropriate to promote the recycling,
5 recovery, and proper management of elemental mercury and
6 mercury-added products on a statewide basis.

7 Section 40. Penalties. A violation of this Act is
8 punishable by a civil penalty not to exceed \$1,000 for each
9 violation in the case of a first violation. Repeat violations
10 are punishable by a civil penalty not to exceed \$5,000 for each
11 repeat violation.

12 Section 90. The Environmental Protection Act is amended by
13 changing Section 22.28a as follows:

14 (415 ILCS 5/22.28a)

15 Sec. 22.28a. White goods and end-of-life motor vehicles
16 handled by scrap dealership, ~~or~~ junkyard, or vehicle recycler.

17 (a) No owner, operator, agent, ~~or~~ employee of a junkyard or
18 scrap dealership, or vehicle recycler may knowingly shred,
19 scrap, dismantle, recycle, incinerate, handle, store, or
20 otherwise manage any white good that contains any white good
21 components, or any end-of-life motor vehicle that contains any
22 mercury-added component in violation of this Act or any other
23 applicable State or federal law.

24 (b) For the purposes of this Section: 7

25 (1) The ~~the~~ terms "white goods" and "white goods
26 components" have the same meaning as in Section 22.28.

27 (2) "Vehicle recycler" means any owner, operator,
28 agent, or employee of a business engaged in the business of
29 acquiring, dismantling, or crushing 6 or more motor
30 vehicles in a calendar year for the primary purpose of
31 resale of their parts or materials.

32 (3) "End-of-life motor vehicle" means any motor

1 vehicle that is sold, given, or otherwise conveyed to a
2 motor vehicle crusher, recycler, or scrap recycling
3 facility for the purpose of recycling.

4 (4) "Mercury-added component" means a component that
5 contains mercury and that was intentionally added to the
6 vehicle. Such components include, but are not limited to,
7 switches, sensors, lights, and navigational systems.

8 (Source: P.A. 92-447, eff. 8-21-01.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.