

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 5. The Environmental Protection Act is amended by  
6 adding Sections 3.283, 3.284, and 22.23b as follows:

7 (415 ILCS 5/3.283 new)

8 Sec. 3.283. Mercury relay. "Mercury relay" means a product  
9 or device, containing mercury added during its manufacture,  
10 that opens or closes electrical contacts to effect the  
11 operation of other devices in the same or another electrical  
12 circuit. "Mercury relay" includes, but is not limited to,  
13 mercury displacement relays, mercury wetted reed relays, and  
14 mercury contact relays.

15 (415 ILCS 5/3.284 new)

16 Sec. 3.284. Mercury switch. "Mercury switch" means a  
17 product or device, containing mercury added during its  
18 manufacture, that opens or closes an electrical circuit or gas  
19 valve, including, but not limited to, mercury float switches  
20 actuated by rising or falling liquid levels, mercury tilt  
21 switches actuated by a change in the switch position, mercury  
22 pressure switches actuated by a change in pressure, mercury  
23 temperature switches actuated by a change in temperature, and  
24 mercury flame sensors.

25 (415 ILCS 5/22.23b new)

26 Sec. 22.23b. Mercury and mercury-added products.

27 (a) Beginning July 1, 2005, no person shall purchase or  
28 accept, for use in a primary or secondary school classroom,  
29 bulk elemental mercury, chemicals containing mercury  
30 compounds, or instructional equipment or materials containing

1 mercury added during their manufacture. This subsection (a)  
2 does not apply to: (i) other products containing mercury added  
3 during their manufacture that are used in schools and (ii)  
4 measuring devices used as teaching aids, including, but not  
5 limited to, barometers, manometers, and thermometers, if no  
6 adequate mercury-free substitute exists.

7 (b) Beginning July 1, 2007, no person shall sell, offer to  
8 sell, distribute, or offer to distribute a mercury switch or  
9 mercury relay individually or as a product component. For a  
10 product that contains one or more mercury switches or mercury  
11 relays as a component, this subsection (b) is applicable to  
12 each component part or parts and not the entire product. This  
13 subsection (b) does not apply to the following:

14 (1) Mercury switches and mercury relays used in medical  
15 diagnostic equipment regulated under the federal Food,  
16 Drug, and Cosmetic Act.

17 (2) Mercury switches and mercury relays used at  
18 electric generating facilities.

19 (3) Mercury switches in thermostats used to sense and  
20 control room temperature.

21 (4) Mercury switches and mercury relays required to be  
22 used under federal law or federal contract specifications.

23 (5) A mercury switch or mercury relay used to replace a  
24 mercury switch or mercury relay that is a component in a  
25 larger product in use prior to July 1, 2007, and one of the  
26 following applies:

27 (A) The larger product is used in manufacturing; or

28 (B) The mercury switch or mercury relay is  
29 integrated and not physically separate from other  
30 components of the larger product.

31 (c) No later than July 1, 2006, the manufacturer of a  
32 mercury switch or mercury relay, or a scientific instrument or  
33 piece of instructional equipment containing mercury added  
34 during its manufacture, may apply to the Agency for an  
35 exemption from the provisions of this Section for one or more  
36 specific uses of the switch, relay, instrument, or piece of

1 equipment by filing a written petition with the Agency. The  
2 Agency may grant an exemption, with or without conditions, if  
3 the manufacturer demonstrates the following:

4 (1) A convenient and widely available system exists for  
5 the proper collection, transportation, and processing of  
6 the switch, relay, instrument, or piece of equipment at the  
7 end of its useful life; and

8 (2) The specific use or uses of the switch, relay,  
9 instrument, or piece of equipment provides a net benefit to  
10 the environment, public health, or public safety when  
11 compared to available nonmercury alternatives.

12 Before approving any exemption under this subsection (c)  
13 the Agency must consult with other states to promote  
14 consistency in the regulation of products containing mercury  
15 added during their manufacture. Exemptions shall be granted for  
16 a period of 5 years. The manufacturer may request renewals of  
17 the exemption for additional 5-year periods by filing  
18 additional written petitions with the Agency. The Agency may  
19 renew an exemption if the manufacturer demonstrates that the  
20 criteria set forth in paragraphs (1) and (2) of this subsection  
21 (c) continue to be satisfied. All petitions for an exemption or  
22 exemption renewal shall be submitted on forms prescribed by the  
23 Agency.

24 The Agency must adopt rules for processing petitions  
25 submitted pursuant to this subsection (c). The rules shall  
26 include, but shall not be limited to, provisions allowing for  
27 the submission of written public comments on the petitions.

28 (d) No later than January 1, 2005, the Agency must submit  
29 to the Governor and the General Assembly a report that includes  
30 the following:

31 (1) An evaluation of programs to reduce and recycle  
32 mercury from mercury thermostats and mercury vehicle  
33 components; and

34 (2) Recommendations for altering the programs to make  
35 them more effective.

36 In preparing the report the Agency may seek information

1 from and consult with, businesses, trade associations,  
2 environmental organizations, and other government agencies.

3 (e) Mercury switches and mercury relays, and scientific  
4 instruments and instructional equipment containing mercury  
5 added during their manufacture, are hereby designated as  
6 categories of universal waste subject to the streamlined  
7 hazardous waste rules set forth in Title 35 of the Illinois  
8 Administrative Code, Subtitle G, Chapter I, Subchapter c, Part  
9 733 ("Part 733"). Within 60 days of the effective date of this  
10 amendatory Act of the 93rd General Assembly, the Agency shall  
11 propose, and within 180 days of receipt of the Agency's  
12 proposal the Board shall adopt, rules that reflect this  
13 designation and that prescribe procedures and standards for the  
14 management of such items as universal waste.

15 If the United States Environmental Protection Agency  
16 adopts streamlined hazardous waste regulations pertaining to  
17 the management of mercury switches or mercury relays, or  
18 scientific instruments or instructional equipment containing  
19 mercury added during their manufacture, or otherwise exempts  
20 such items from regulation as hazardous waste, the Board shall  
21 adopt equivalent rules in accordance with Section 7.2 of this  
22 Act within 180 days of adoption of the federal regulations. The  
23 equivalent Board rules may serve as an alternative to the rules  
24 adopted under subsection (1) of this subsection (e).

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.