



Adopted in House Comm. on Apr 22, 2004

09300SB2551ham001

LRB093 20824 MKM 49808 a

1 AMENDMENT TO SENATE BILL 2551

2 AMENDMENT NO. _____. Amend Senate Bill 2551 by replacing
3 everything after the enacting clause with the following:

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

6 (415 ILCS 5/3.283 new)

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

14 (415 ILCS 5/3.284 new)

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

1 (415 ILCS 5/22.23b new)

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

3 (a) Beginning July 1, 2005, no person shall purchase or
4 accept, for use in a primary or secondary school classroom,
5 bulk elemental mercury, chemicals containing mercury
6 compounds, or instructional equipment or materials containing
7 mercury added during their manufacture. This subsection (a)
8 does not apply to: (i) other products containing mercury added
9 during their manufacture that are used in schools and (ii)
10 measuring devices used as teaching aids, including, but not
11 limited to, barometers, manometers, and thermometers, if no
12 adequate mercury-free substitute exists.

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

20 (1) Mercury switches and mercury relays used in medical
21 diagnostic equipment regulated under the federal Food,
22 Drug, and Cosmetic Act.

23 (2) Mercury switches and mercury relays used at
24 electric generating facilities.

25 (3) Mercury switches in thermostats used to sense and
26 control room temperature.

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

29 (5) A mercury switch or mercury relay used to replace a
30 mercury switch or mercury relay that is a component in a
31 larger product in use prior to July 1, 2007, and one of the
32 following applies:

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

1 (B) The mercury switch or mercury relay is
2 integrated and not physically separate from other
3 components of the larger product.

4 (c) No later than July 1, 2006, the manufacturer of a
5 mercury switch or mercury relay, or a scientific instrument or
6 piece of instructional equipment containing mercury added
7 during its manufacture, may apply to the Agency for an
8 exemption from the provisions of this Section for one or more
9 specific uses of the switch, relay, instrument, or piece of
10 equipment by filing a written petition with the Agency. The
11 Agency may grant an exemption, with or without conditions, if
12 the manufacturer demonstrates the following:

13 (1) A convenient and widely available system exists for
14 the proper collection, transportation, and processing of
15 the switch, relay, instrument, or piece of equipment at the
16 end of its useful life; and

17 (2) The specific use or uses of the switch, relay,
18 instrument, or piece of equipment provides a net benefit to
19 the environment, public health, or public safety when
20 compared to available nonmercury alternatives.

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

33 The Agency must adopt rules for processing petitions
34 submitted pursuant to this subsection (c). The rules shall

1 include, but shall not be limited to, provisions allowing for
2 the submission of written public comments on the petitions.

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

6 (1) An evaluation of programs to reduce and recycle
7 mercury from mercury thermostats and mercury vehicle
8 components; and

9 (2) Recommendations for altering the programs to make
10 them more effective.

11 In preparing the report the Agency may seek information
12 from and consult with, businesses, trade associations,
13 environmental organizations, and other government agencies.

14 (e) Mercury switches and mercury relays, and scientific
15 instruments and instructional equipment containing mercury
16 added during their manufacture, are hereby designated as
17 categories of universal waste subject to the streamlined
18 hazardous waste rules set forth in Title 35 of the Illinois
19 Administrative Code, Subtitle G, Chapter I, Subchapter c, Part
20 733 ("Part 733"). Within 60 days of the effective date of this
21 amendatory Act of the 93rd General Assembly, the Agency shall
22 propose, and within 180 days of receipt of the Agency's
23 proposal the Board shall adopt, rules that reflect this
24 designation and that prescribe procedures and standards for the
25 management of such items as universal waste.

26 If the United States Environmental Protection Agency
27 adopts streamlined hazardous waste regulations pertaining to
28 the management of mercury switches or mercury relays, or
29 scientific instruments or instructional equipment containing
30 mercury added during their manufacture, or otherwise exempts
31 such items from regulation as hazardous waste, the Board shall
32 adopt equivalent rules in accordance with Section 7.2 of this
33 Act within 180 days of adoption of the federal regulations. The
34 equivalent Board rules may serve as an alternative to the rules

1 adopted under subsection (1) of this subsection (e).

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".