



Sen. Mattie Hunter

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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 1. Short title. This Act may be cited as the
5 Mercury-Containing Products Act.

6 Section 5. Findings. The General Assembly finds:

7 (1) That mercury is a potent neurotoxin that can cause
8 long-lasting health problems;

9 (2) That high mercury levels in our State's waterways
10 have forced officials to issue advisories warning certain
11 people to restrict eating predator fish caught from lakes
12 and streams;

13 (3) That mercury can be found in thousands of products
14 and applications;

15 (4) That mercury from consumer products may make its
16 way into waterways when discharged down the drain,
17 incinerated, or landfilled;

18 (5) That accidental mercury spills, breakages, and
19 releases have occurred at schools throughout the country
20 and that these spills have proven costly to clean up and
21 have exposed students, teachers, and administrators to
22 potentially harmful mercury emissions; and

23 (6) That in some cases, reduction or removal of
24 mercury-containing products from the waste stream prior to

1 disposal can be a cost-effective way to reduce mercury from
2 waste management or treatment facilities.

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

4 "Agency" means the Environmental Protection Agency.

5 "Board" means the Illinois Pollution Control Board.

6 "Manufacturer" includes any person that produces a
7 mercury-added product or an importer or domestic distributor of
8 a mercury-added product produced in a foreign country. In the
9 case of a multicomponent product containing mercury, the
10 manufacturer is the last manufacturer to produce or assemble
11 the product. If the mercury-added product is produced in a
12 foreign country, then the manufacturer is the first importer or
13 domestic distributor of that product.

14 "Mercury-added product" means any of the following items if
15 it contains mercury added during manufacture:

16 (A) A switch or other device, individually or as part
17 of another product; used to measure, control, or regulate
18 gas, other fluids, or electricity;

19 (B) A scientific instrument or instructional
20 equipment; and

21 (C) An electric relay or other electrical device.

22 For the purposes of this Act, "mercury-added product" does not
23 include any formulated mercury-added products, including, but
24 not limited to, pharmaceutical products, animal vaccines,
25 biologics, and reagents.

26 "Mercury relay" means a mercury-added product or device
27 that opens or closes electrical contacts to effect the
28 operation of other devices in the same or another electrical
29 circuit. "Mercury relay" includes mercury displacement relays,
30 mercury wetted reed relays, and mercury contact relays.

31 "Mercury switch" means a mercury-added product or device
32 that opens or closes an electrical circuit or gas valve,
33 including mercury float switches actuated by rising or falling

1 liquid levels, mercury tilt switches actuated by a change in
2 the switch position, mercury pressure switches actuated by a
3 change in pressure, mercury temperature switches actuated by a
4 change in temperature, and mercury flame sensors. "Mercury
5 switch" does not include a mercury-added thermostat or switch
6 used in medical diagnostic equipment regulated under the
7 federal Food, Drug, and Cosmetic Act.

8 "Motor vehicle component" means a mercury-added product
9 that is a component in a motor vehicle, including, but not
10 limited to, a mercury headlamp and a mercury light switch.

11 "Mercury thermostat" means a mercury-added product
12 commonly used to sense and, through electrical communication
13 with heating, cooling, or ventilation equipment, control room
14 temperature.

15 "Person" includes an individual, a firm, an association, a
16 partnership, a corporation, a governmental entity, an
17 organization, a joint venture, and any other legal entity.

18 Section 15. Sales and use 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) Beginning July 1, 2007, a person may not sell or
28 distribute or offer to sell or distribute a mercury switch or
29 mercury relay individually or as a product component. This
30 prohibition does not apply if the switch or relay is used to
31 replace a switch or relay that is a component in a larger
32 product in use prior to July 1, 2007, and one of the following
33 applies:

- 1 (1) the larger product is used in manufacturing; or
2 (2) the switch or relay is integrated and not
3 physically separate from other components of the larger
4 product.

5 This subsection (b) does not apply to the sale of a mercury
6 switch or mercury relay if use of the switch or relay is
7 required under federal law or federal contract specifications.
8 For a product that contains one or more mercury-added products
9 subject to this Act, this Section is applicable to each
10 component part or parts, and not to the entire product.

11 Section 20. Exemptions.

12 (a) A manufacturer of a mercury-added product subject to
13 this Act may apply to the Agency on or before July 1, 2006 for
14 an exemption from the provisions of this Act for one or more
15 specific uses of a mercury-added product by filing a written
16 petition with the Agency. The Agency may grant an exemption
17 with or without conditions upon finding that:

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

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

26 (b) Before approving any exemption under this Act, the
27 Agency must consult with other states and regional
28 organizations to promote consistency in the regulation of
29 mercury-added products. Exemptions may be granted for a term
30 not to exceed 5 years and may be renewed upon written
31 application if the Agency finds that the mercury-containing
32 product continues to meet the criteria for the original
33 approval of the exemption. The Agency must adopt rules for

1 processing exemption applications. These rules must provide
2 for public participation.

3 Section 25. Universal waste rules. On or before July 1,
4 2006, the Board must modify its rules governing universal
5 hazardous waste as appropriate to promote the recycling,
6 recovery, and proper management of elemental mercury and
7 mercury-added products on a statewide basis.

8 Section 30. Report. The Agency must submit a report by
9 January 1, 2005, to the Governor and members of the General
10 Assembly. The report must include:

11 (A) An evaluation of programs to reduce and recycle
12 mercury from mercury thermostats and mercury vehicle
13 components; and

14 (B) Recommendations for altering the programs to make
15 them more effective.

16 In preparing the report, the Agency may seek information from
17 and consult with businesses, trade associations, environmental
18 organizations, and other government agencies.

19 Section 40. Penalties. A violation of this Act is
20 punishable by a civil penalty not to exceed \$1,000 for each
21 violation in the case of a first violation. Repeat violations
22 are liable for a civil penalty not to exceed \$5,000 for each
23 repeat violation.

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

26 (415 ILCS 5/22.28a)

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

29 (a) No owner, operator, agent, or employee of a junkyard or

1 scrap dealership may knowingly shred, scrap, dismantle,
2 recycle, incinerate, handle, store, or otherwise manage any
3 white good that contains any white good components in violation
4 of this Act or any other applicable State or federal law.
5 Beginning January 1, 2006, no vehicle recycler may knowingly
6 shred, scrap, dismantle, recycle, incinerate, handle, store,
7 or otherwise manage any end-of-life motor vehicle that contains
8 any mercury light switches or mercury headlamps in violation of
9 this Act or any other applicable State or federal law.

10 (b) For the purposes of this Section:

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

13 (2) "Vehicle recycler" means any owner, operator,
14 agent, or employee of a business engaged in the business of
15 acquiring, dismantling, or crushing 6 or more motor
16 vehicles in a calendar year for the primary purpose of
17 resale of their parts or materials.

18 (3) "end-of-life motor vehicle" means any motor
19 vehicle that is sold, given, or otherwise conveyed to a
20 motor vehicle crusher, recycler, or scrap recycling
21 facility for the purposes of recycling.

22 (4) "Mercury light switch" means a mercury switch used
23 for the purpose of turning a light bulb or lamp on and off.

24 (5) "Mercury headlamp" means a mercury-added lamp that
25 is mounted on the front of a motor vehicle to illuminate
26 the roadway.

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

28 Section 99. Effective date. This Act takes effect upon
29 becoming law."