



Rep. Karen May

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LRB094 02848 RSP 44470 a

1 AMENDMENT TO HOUSE BILL 1628

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1628 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-Free Vehicle Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds:

8 (1) That mercury is a persistent and toxic pollutant  
9 that bioaccumulates in the environment.

10 (2) That 41 states, including Illinois, have issued  
11 fish advisories that warn certain individuals to restrict  
12 or avoid consuming fish from bodies of water contaminated  
13 with mercury.

14 (3) That the United States Food and Drug Administration  
15 has advised pregnant women and women of childbearing age  
16 who may become pregnant not to eat shark, swordfish, king  
17 mackerel, and tilefish due to methyl mercury  
18 contamination.

19 (4) That according to estimates of the National  
20 Research Council, over 600,000 babies are born annually at  
21 risk for adverse neurodevelopment effects from in utero  
22 exposure to methyl mercury resulting from the consumption  
23 of mercury contaminated fish. These children will have to  
24 struggle to keep up in school and might require remedial

1 classes or special education.

2 (5) That automobile manufacturers ended their use of  
3 mercury switches in new vehicles with the model year 2003,  
4 but that a significant number of mercury switches still  
5 exist in U. S. motor vehicles currently on the road.

6 (6) That mercury switches in vehicles are vaporized and  
7 released into the environment when scrap metal, which  
8 includes shredded end-of-life vehicles, is melted in  
9 furnaces to make new steel. Recent findings show that  
10 current use of mercury in automobiles can cause the release  
11 of as much as 10 tons of mercury into the environment each  
12 year.

13 (7) That pollution prevention is more desirable than  
14 controlling pollution after the fact, and that removing  
15 mercury switches from vehicles before they are crushed or  
16 shredded is an effective way of preventing mercury from  
17 entering steel making furnaces, thereby reducing emissions  
18 into the environment.

19 (8) That manufacturers of mercury-added products  
20 appear to be in the best position to ensure that  
21 appropriate, practical, and cost-effective systems are  
22 available for end-of-life management of their products.

23 (9) That statewide mercury switch collection programs,  
24 in which mercury switches are removed before discarded  
25 vehicles are reused as scrap metal, are being established  
26 across the country to protect human health and the  
27 environment.

28 (10) That auto recyclers and dismantling facilities  
29 exist because many parts and other items have resale value,  
30 but that such facilities have limited ability to pass on  
31 the costs of removing mercury switches because the switches  
32 have no resale value. Monetary incentives are therefore  
33 needed to ensure significant recycling of mercury  
34 switches.

1           (11) That it is in the public interest of the residents  
2           of Illinois to reduce the quantity of mercury in the  
3           environment by removing switches from vehicles before they  
4           are scrapped.

5           Section 10. Purpose. The purpose of this Act is to reduce  
6           the quantity of mercury in the environment by (i) removing  
7           mercury from end-of-life vehicles in Illinois; (ii) creating a  
8           collection and recovery program for mercury switches removed  
9           from vehicles in Illinois; (iii) establishing a system to store  
10          the mercury collected and recovered from vehicle components in  
11          the event that environmentally appropriate management  
12          technologies are not available; and (iv) designing future  
13          vehicles for maximum environmental protection and  
14          recyclability at the end of their useful lives by implementing  
15          a design for recycling that includes phasing out the use of  
16          mercury in future vehicle models.

17          Section 15. Definitions. For the purposes of this Act:

18          "Agency" means the Illinois Environmental Protection  
19          Agency.

20          "Mercury-added component" means a component that contains  
21          mercury that was intentionally added to a vehicle in order to  
22          provide a specific characteristic, appearance, or quality, to  
23          perform a specific function, or for any other reason. Such  
24          components may include, but are not limited to, switches,  
25          sensors, lights, and navigational systems.

26          "Manufacturer" means any person, firm, association,  
27          partnership, corporation, governmental entity, organization,  
28          combination, or joint venture that is the last person to  
29          produce or assemble a new vehicle that uses mercury-added  
30          components or, in the case of an imported vehicle, the importer  
31          or domestic distributor of such vehicle.

32          "Mercury-added switch" means a light switch or an ABS brake

1 system switch installed by an automotive manufacturer in a  
2 motor vehicle.

3 "Scrap recycling facility" means a fixed location where  
4 machinery and equipment are used for processing and  
5 manufacturing scrap metal into prepared grades and whose  
6 principal product is scrap iron, scrap steel, or nonferrous  
7 metallic scrap that is for sale for remelting purposes.

8 "Vehicle recycler" means any individual or entity engaged  
9 in the business of acquiring, dismantling, or destroying 6 or  
10 more vehicles in a calendar year for the primary purpose of  
11 resale of the parts.

12 "End-of-life vehicle" means any vehicle that is sold,  
13 given, or otherwise conveyed to a vehicle recycler or scrap  
14 recycling facility for the purpose of recycling.

15 "Capture rate" means removal, collection, and recovery of  
16 mercury switches as a percentage of the total number of mercury  
17 switches available for removal from end-of-life vehicles  
18 annually.

19 "Manufacturer-dealer warranty program" means an  
20 arrangement between a manufacturer and its franchisee, whereby  
21 the manufacturer agrees to reimburse the franchisee at  
22 established rates for labor or parts necessary to repair a  
23 vehicle pursuant to the manufacturer's original equipment  
24 warranty to the original purchaser of the vehicle.

25 "Voluntary incentivized recycling program" means a  
26 recycling program for the collection of mercury-added  
27 components that provides compensation for the removal and  
28 collection of these components from end-of-life vehicles. The  
29 program shall provide a minimum compensation of \$3 for each  
30 mercury switch and \$15 for each ABS brake system switch  
31 removed.

32 Section 20. Removal, replacement, collection, and  
33 recovery.

1 (a) Within 180 days after the effective date of this Act,  
2 every manufacturer of vehicles sold in Illinois shall,  
3 individually or as part of a group, submit to the Agency for  
4 review and approval a plan to remove, collect, and recover  
5 mercury switches in end-of-life vehicles.

6 (b) Vehicle manufacturers shall be financially responsible  
7 for the development and implementation of a voluntary  
8 incentivized recycling program, as defined in Section 15, to  
9 remove, collect, and recover mercury switches from end-of-life  
10 vehicles and to provide for the removal, collection, and  
11 recovery of mercury switches from end-of-life vehicles. The  
12 removal, collection, and recovery system for end-of-life  
13 vehicles shall include, at a minimum, the following:

14 (1) an education program to inform the public and other  
15 stakeholders about the purposes of the collection program  
16 and how to participate in it;

17 (2) a plan for implementing the system in accordance  
18 with Section 25 of this Act;

19 (3) documentation of the willingness of all necessary  
20 parties to implement the proposed system;

21 (4) information identifying the make, model, and year  
22 of vehicles containing mercury switches, a description of  
23 the component, the location of the component, and a safe,  
24 cost-effective, and environmentally sound method for their  
25 removal from vehicles in commerce and from end-of-life  
26 vehicles;

27 (5) a mercury switch capture rate of at least 90%,  
28 which is consistent with the principle that mercury  
29 switches shall be recovered unless the part is inaccessible  
30 due to significant damage to the vehicle in the area  
31 surrounding the location of the mercury switch;

32 (6) a description of the performance measurers to be  
33 used and reported upon by the manufacturer to demonstrate  
34 that the system is meeting the capture rate identified in

1 paragraph (5) of this subsection (b) and other measures of  
2 program effectiveness, including, but not limited to, the  
3 number of switches collected from end-of-life vehicles,  
4 the amount of mercury collected, the number of vehicles  
5 containing mercury switches, and the number of vehicles  
6 processed for recycling;

7 (7) a description of additional or alternative actions  
8 that shall be implemented to improve the system and its  
9 operation in the event that the program targets established  
10 under paragraph (5) of this subsection (b) are not met;

11 (8) a proposal for the storage of the mercury collected  
12 and recovered from vehicle components in the event that  
13 environmentally appropriate management technologies are  
14 not available; and

15 (9) Educational materials to assist a facility in  
16 undertaking a safe and environmentally sound method for the  
17 removal of the mercury switches from end-of-life vehicles,  
18 including information on the hazards related to mercury and  
19 the proper handling of mercury.

20 (c) In developing a removal, collection, and recovery  
21 program for end-of-life vehicles manufacturers shall, to the  
22 extent practicable, use the existing recycling infrastructure  
23 available for end-of-life vehicles including, but not limited  
24 to, vehicle recyclers and scrap metal recyclers.

25 Section 25. Cost of removal, replacement, collection, and  
26 recovery. The total cost of the removal, replacement,  
27 collection, and recovery system for mercury switches shall be  
28 borne by the manufacturer. This cost shall include, but not be  
29 limited to, the following:

30 (1) training;

31 (2) packaging of mercury switches for the purpose of  
32 transportation to recycling, storage, or disposal  
33 facilities;

1           (3) shipping of mercury switches to recycling,  
2 storage, or disposal facilities;

3           (4) recycling, storage, or disposal of the mercury  
4 switches;

5           (5) public education materials and presentations; and

6           (6) maintenance of all appropriate systems and  
7 procedures to protect the environment from mercury  
8 contamination.

9           Section 30. Plan approval.

10          (a) Within 30 days after receipt of a manufacturer's plan,  
11 the Agency shall issue public notice and solicit public comment  
12 on the manufacturer's plan.

13          (b) Within 120 days after receipt of a manufacturer's plan,  
14 the Agency shall do either of the following:

15           (1) Determine whether the entire plan complies with  
16 this Section. If the entire plan is approved, the  
17 manufacturer shall begin implementation within 30 days  
18 after receipt of approval. If the entire plan is rejected,  
19 the Agency shall inform the manufacturer as to the reasons  
20 for the rejection. The manufacturer shall have 30 days  
21 thereafter to submit a new plan.

22           (2) Determine whether any part of the plan meets the  
23 requirements of this Section and approve such compliant  
24 parts and disapprove such others that do not comply with  
25 the requirements of this Section. The manufacturer shall  
26 immediately implement the approved parts and submit a  
27 revised plan respecting the remaining parts within 30 days  
28 after receipt of notification of the Agency's disapproval.  
29 The Agency shall review a manufacturer's revised plan  
30 within 30 days after receipt.

31          (c) Two hundred and forty days after the effective date of  
32 this Act, the Agency shall prescribe any portion of the plan  
33 that has not been approved and the manufacturers shall

1 immediately implement the parts of the plan prescribed by the  
2 Agency.

3 (d) The Agency shall review the plan 3 years after the  
4 original date of approval of the plan and every 3 years  
5 thereafter, and shall require modifications to the plan as  
6 appropriate.

7 Section 55. General compliance with other provisions.  
8 Except as expressly provided in this Act, compliance with this  
9 Act shall not exempt a person from compliance with any other  
10 law.

11 Section 60. Rulemaking. The Agency may adopt rules  
12 concerning this Act.

13 Section 70. Reporting. One year after the implementation of  
14 the removal, replacement, collection, and recovery system, and  
15 annually thereafter, a manufacturer subject to Section 20 of  
16 this Act shall report to the Agency concerning the performance  
17 of the manufacturer's plan. The report shall include, but not  
18 be limited to, the following:

19 (1) a detailed description and documentation of the  
20 capture rate achieved, including, but not limited to, the  
21 number of mercury switches collected, the number of  
22 end-of-life vehicles containing mercury switches, the  
23 number of end-of-life vehicles processed for recycling,  
24 and a description of how the mercury switches were managed;

25 (2) a plan to implement additional or alternative  
26 actions, if necessary, to improve the capture rate;

27 (3) a listing of the public educational initiative  
28 implemented, including the size of the audience reached;

29 (4) any changes in the participation of the necessary  
30 parties for the plan to be effectively implemented; and

31 (5) A description of the amounts paid to cover the



1 removal, collection, replacement, and recovery of mercury  
2 switches.

3 Section 75. Civil enforcement. Any person required to  
4 submit a plan pursuant to Section 20 of this Act who violates  
5 any provision of this Act or rule thereunder shall be liable  
6 and subject to a civil penalty of not more than \$10,000 for the  
7 violation and an additional civil penalty of not more than  
8 \$1,000 for each day during which the violation continues.

9 Section 80. Universal waste. The Agency shall modify its  
10 rules governing universal hazardous waste as appropriate to  
11 promote the collection, transport, recovery, and proper  
12 management of mercury-added vehicle components.".