



Sen. Mattie Hunter

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LRB095 03430 CMK 32736 a

1 AMENDMENT TO SENATE BILL 1241

2 AMENDMENT NO. _____. Amend Senate Bill 1241 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 22.23b and by adding Section 3.284a as
6 follows:

7 (415 ILCS 5/3.284a new)

8 Sec. 3.284a. Mercury thermostat. "Mercury thermostat"
9 means a product or device that uses a mercury switch to sense
10 and control room temperature through communication with
11 heating, ventilating, or air conditioning equipment. "Mercury
12 thermostat" includes thermostats used to sense and control room
13 temperature in residential, commercial, industrial, and other
14 buildings, but does not include thermostats used to sense and
15 control temperature as a part of a manufacturing or industrial
16 process.

1 (415 ILCS 5/22.23b)

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

1 control room temperature.

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

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

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

9 (B) The mercury switch or mercury relay is
10 integrated and not physically separate from other
11 components of the larger product.

12 (c) ~~The No later than July 1, 2006,~~ the manufacturer of a
13 mercury switch or mercury relay, or a scientific instrument or
14 piece of instructional equipment containing mercury added
15 during its manufacture, may apply to the Agency for an
16 exemption from the provisions of subsection (a) or (b) of this
17 Section for one or more specific uses of the switch, relay,
18 instrument, or piece of equipment by filing a written petition
19 with the Agency. The Agency may grant an exemption, with or
20 without conditions, if the manufacturer demonstrates the
21 following:

22 (1) A convenient and widely available system exists for
23 the proper collection, transportation, and processing of
24 the switch, relay, instrument, or piece of equipment at the
25 end of its useful life; and

26 (2) The specific use or uses of the switch, relay,

1 instrument, or piece of equipment provides a net benefit to
2 the environment, public health, or public safety when
3 compared to available nonmercury alternatives.

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

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

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

23 (1) An evaluation of programs to reduce and recycle
24 mercury from mercury thermostats and mercury vehicle
25 components; and

26 (2) Recommendations for altering the programs to make

1 them more effective.

2 In preparing the report the Agency may seek information
3 from and consult with, businesses, trade associations,
4 environmental organizations, and other government agencies.

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

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

1 (Source: P.A. 93-964, eff. 8-20-04.)".