



Sen. Mattie Hunter

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LRB095 03430 CMK 34363 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 as follows:

6 (415 ILCS 5/22.23b)

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

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

1 adequate mercury-free substitute exists.

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

9 (1) Mercury switches and mercury relays used in medical
10 diagnostic equipment regulated under the federal Food,
11 Drug, and Cosmetic Act.

12 (2) Mercury switches and mercury relays used at
13 electric generating facilities.

14 (3) Mercury switches in thermostats used to sense and
15 control room temperature.

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

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

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

23 (B) The mercury switch or mercury relay is
24 integrated and not physically separate from other
25 components of the larger product.

26 (c) ~~The No later than July 1, 2006, the~~ manufacturer of a

1 mercury switch or mercury relay, or a scientific instrument or
2 piece of instructional equipment containing mercury added
3 during its manufacture, may apply to the Agency for an
4 exemption from the provisions of subsection (a) or (b) of this
5 Section for one or more specific uses of the switch, relay,
6 instrument, or piece of equipment by filing a written petition
7 with the Agency. The Agency may grant an exemption, with or
8 without conditions, if the manufacturer demonstrates the
9 following:

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

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

18 Before approving any exemption under this subsection (c)
19 the Agency must consult with other states to promote
20 consistency in the regulation of products containing mercury
21 added during their manufacture. Exemptions shall be granted for
22 a period of 5 years. The manufacturer may request renewals of
23 the exemption for additional 5-year periods by filing
24 additional written petitions with the Agency. The Agency may
25 renew an exemption if the manufacturer demonstrates that the
26 criteria set forth in paragraphs (1) and (2) of this subsection

1 (c) continue to be satisfied. All petitions for an exemption or
2 exemption renewal shall be submitted on forms prescribed by the
3 Agency.

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

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

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

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

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

19 (e) Mercury switches and mercury relays, and scientific
20 instruments and instructional equipment containing mercury
21 added during their manufacture, are hereby designated as
22 categories of universal waste subject to the streamlined
23 hazardous waste rules set forth in Title 35 of the Illinois
24 Administrative Code, Subtitle G, Chapter I, Subchapter c, Part
25 733 ("Part 733"). Within 60 days of the effective date of this
26 amendatory Act of the 93rd General Assembly, the Agency shall

1 propose, and within 180 days of receipt of the Agency's
2 proposal the Board shall adopt, rules that reflect this
3 designation and that prescribe procedures and standards for the
4 management of such items as universal waste.

5 If the United States Environmental Protection Agency
6 adopts streamlined hazardous waste regulations pertaining to
7 the management of mercury switches or mercury relays, or
8 scientific instruments or instructional equipment containing
9 mercury added during their manufacture, or otherwise exempts
10 such items from regulation as hazardous waste, the Board shall
11 adopt equivalent rules in accordance with Section 7.2 of this
12 Act within 180 days of adoption of the federal regulations. The
13 equivalent Board rules may serve as an alternative to the rules
14 adopted under subsection (1) of this subsection (e).

15 (f) Beginning July 1, 2008, no person shall install, sell,
16 offer to sell, distribute, or offer to distribute a mercury
17 thermostat in this State. For purposes of this subsection (f),
18 "mercury thermostat" means a product or device that uses a
19 mercury switch to sense and control room temperature through
20 communication with heating, ventilating, or air conditioning
21 equipment. "Mercury thermostat" includes thermostats used to
22 sense and control room temperature in residential, commercial,
23 industrial, and other buildings, but does not include
24 thermostats used to sense and control temperature as a part of
25 a manufacturing or industrial process.

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

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