



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 1213

2 AMENDMENT NO. _____. Amend Senate Bill 1213 by replacing
3 everything after the enacting clause with the following:

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

6 (415 ILCS 5/3.284)

7 Sec. 3.284. Mercury switch. "Mercury switch" means a
8 product or device, containing mercury added during its
9 manufacture, that opens or closes an electrical circuit or gas
10 valve, or makes, breaks, or changes the connection in an
11 electrical circuit, including, but not limited to, mercury
12 float switches actuated by rising or falling liquid levels,
13 mercury tilt switches actuated by a change in the switch
14 position, mercury pressure switches actuated by a change in
15 pressure, mercury temperature switches actuated by a change in
16 temperature, and mercury flame sensors.

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

2 (415 ILCS 5/22.23b)

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

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

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

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

25 (2) Mercury switches and mercury relays used at

1 electric generating facilities.

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

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

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

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

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

14 (c) The manufacturer of a mercury switch or mercury relay,
15 or a scientific instrument or piece of instructional equipment
16 containing mercury added during its manufacture, may apply to
17 the Agency for an exemption from the provisions of subsection
18 (a) or (b) of this Section for one or more specific uses of the
19 switch, relay, instrument, or piece of equipment by filing a
20 written petition with the Agency. The Agency may grant an
21 exemption, with or without conditions, if the manufacturer
22 demonstrates the following:

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

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

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

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

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

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

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

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

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

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

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

2 (f) Beginning July 1, 2008, no person shall install, sell,
3 offer to sell, distribute, or offer to distribute a mercury
4 thermostat in this State. For purposes of this subsection (f),
5 "mercury thermostat" means a product or device that uses a
6 mercury switch to sense and control room temperature through
7 communication with heating, ventilating, or air conditioning
8 equipment. "Mercury thermostat" includes thermostats used to
9 sense and control room temperature in residential, commercial,
10 industrial, and other buildings, but does not include
11 thermostats used to sense and control temperature as a part of
12 a manufacturing or industrial process.

13 (Source: P.A. 95-452, eff. 8-27-07.)

14 Section 10. The Mercury Switch Removal Act is amended by
15 changing Section 15 as follows:

16 (415 ILCS 97/15)

17 (Section scheduled to be repealed on January 1, 2017)

18 Sec. 15. Mercury switch collection programs.

19 (a) Within 60 days of the effective date of this Act,
20 manufacturers of vehicles in Illinois that contain mercury
21 switches must begin to implement a mercury switch collection
22 program that facilitates the removal of mercury switches from
23 end-of-life vehicles before ~~prior to~~ the vehicles are ~~being~~
24 flattened, crushed, shredded, or otherwise processed for

1 recycling and to collect and properly manage mercury switches
2 in accordance with the Environmental Protection Act and
3 regulations adopted thereunder. In order to ensure that the
4 mercury switches are removed and collected in a safe and
5 consistent manner, manufacturers must, to the extent
6 practicable, use the currently available end-of-life vehicle
7 recycling infrastructure. The collection program must be
8 designed to achieve capture rates of not less than (i) 35% for
9 the period of July 1, 2006, through June 30, 2007; (ii) 50% for
10 the period of July 1, 2007, through June 30, 2008; and (iii)
11 70% for the period of July 1, 2008, through June 30, 2009 and
12 for each subsequent period of July 1 through June 30. At a
13 minimum, the collection program must:

14 (1) Develop and provide educational materials that
15 include guidance as to which vehicles may contain mercury
16 switches and procedures for locating and removing mercury
17 switches. The materials may include, but are not limited
18 to, brochures, fact sheets, and videos.

19 (2) Conduct outreach activities to encourage vehicle
20 recyclers and vehicle crushers to participate in the
21 mercury switch collection program. The activities may
22 include, but are not limited to, direct mailings,
23 workshops, and site visits.

24 (3) Provide storage containers to participating
25 vehicle recyclers and vehicle crushers for mercury
26 switches removed under the program.

1 (4) Provide a collection and transportation system to
2 periodically collect and replace filled storage containers
3 from vehicle recyclers, vehicle crushers, and scrap metal
4 recyclers, either upon notification that a storage
5 container is full or on a schedule predetermined by the
6 manufacturers.

7 (5) Establish an entity that will serve as a point of
8 contact for the collection program and that will establish,
9 implement, and oversee the collection program on behalf of
10 the manufacturers.

11 (6) Track participation in the collection program and
12 the progress of mercury switch removals and collections.

13 (b) Within 90 days of the effective date of this Act,
14 manufacturers of vehicles in Illinois that contain mercury
15 switches must submit to the Agency an implementation plan that
16 describes how the collection program under subsection (a) of
17 this Section will be carried out for the duration of the
18 program and how the program will achieve the capture rates set
19 forth in subsection (a) of this Section. At a minimum, the
20 implementation plan must:

21 (A) Identify the educational materials that will
22 assist vehicle recyclers, vehicle crushers, and scrap
23 metal processors in identifying, removing, and properly
24 managing mercury switches removed from end-of-life
25 vehicles.

26 (B) Describe the outreach program that will be

1 undertaken to encourage vehicle recyclers and vehicle
2 crushers to participate in the mercury switch collection
3 program.

4 (C) Describe how the manufacturers will ensure that
5 mercury switches removed from end-of-life vehicles are
6 managed in accordance with the Illinois Environmental
7 Protection Act and regulations adopted thereunder.

8 (D) Describe how the manufacturers will collect and
9 document the information required in the quarterly reports
10 submitted pursuant to subsection (e) of this Section.

11 (E) Describe how the collection program will be
12 financed and implemented.

13 (F) Identify the manufacturer's address to which the
14 Agency should send the notice required under subsection (f)
15 of this Section.

16 The Agency shall review the collection program plans it
17 receives for completeness and shall notify the manufacturer in
18 writing if a plan is incomplete. Within 30 days after receiving
19 a notification of incompleteness from the Agency the
20 manufacturer shall submit to the Agency a plan that contains
21 all of the required information.

22 (c) The Agency must provide assistance to manufacturers in
23 their implementation of the collection program required under
24 this Section. The assistance shall include providing
25 manufacturers with information about businesses likely to be
26 engaged in vehicle recycling or vehicle crushing, conducting

1 site visits to promote participation in the collection program,
2 and assisting with the scheduling, locating, and staffing of
3 workshops conducted to encourage vehicle recyclers and vehicle
4 crushers to participate in the collection program.

5 (d) Manufacturers subject to the collection program
6 requirements of this Section shall provide, to the extent
7 practicable, the opportunity for trade associations of vehicle
8 recyclers, vehicle crushers, and scrap metal recyclers to be
9 involved in the delivery and dissemination of educational
10 materials regarding the identification, removal, collection,
11 and proper management of mercury switches in end-of-life
12 vehicles.

13 (e) For the calendar quarter ending March 31, 2007, and for
14 each calendar quarter thereafter, not later than 45 days
15 following the close of the calendar quarter manufacturers
16 subject to the collection program requirements of this Section
17 must submit to the Agency a quarterly report that contains the
18 following information: (i) the number of vehicle recyclers,
19 vehicle crushers, and scrap metal recyclers participating in
20 the manufacturer's collection program during the reported
21 quarter, (ii) the number of mercury switches removed from
22 end-of-life vehicles during the reported quarter by the vehicle
23 recyclers, vehicle crushers, and scrap metal recyclers
24 participating in the program, and (iii) the amount of mercury
25 collected and recycled through the manufacturer's collection
26 program during the reported calendar quarter.

1 (f) If the reports required under this Act indicate that
2 the capture rates set forth in subsection (a) of this Section
3 for the period of July 1, 2007, through June 30, 2008, or for
4 any subsequent period have not been met the Agency shall
5 provide notice that the capture rate was not met; provided,
6 however, that the Agency is not required to provide notice if
7 it determines that the capture rate was not met due to a force
8 majeure. The Agency shall provide the notice by posting a
9 statement on its website and by sending a written notice via
10 certified mail to the manufacturers subject to the collection
11 program requirement of this Section at the addresses provided
12 in the manufacturers' collection plans. Once the Agency
13 provides notice pursuant to this subsection (f) it is not
14 required to provide notice in subsequent periods in which the
15 capture rate is not met.

16 (g) Beginning 30 days after the Agency first provides
17 notice pursuant to subsection (f) of this Section, the
18 following shall apply:

19 (1) Vehicle recyclers must remove all mercury switches
20 from each end-of-life vehicle before ~~vehicles prior to~~
21 delivering the vehicle ~~vehicles~~ to an on-site or off-site
22 vehicle crusher or to a scrap metal recycler, provided that
23 a vehicle recycler is not required to remove a mercury
24 switch that is inaccessible due to significant damage to
25 the vehicle in the area surrounding the mercury switch that
26 occurred before ~~prior to~~ the vehicle recycler's receipt of

1 the vehicle in which case the damage must be noted in the
2 records the vehicle recycler is required to maintain under
3 subsection (c) of Section 10 ~~Section 10(e)~~ of this Act.

4 (2) No vehicle recycler, vehicle crusher, or scrap
5 metal recycler shall flatten, crush, or otherwise process
6 an end-of-life vehicle for recycling unless all mercury
7 switches have been removed from the vehicle, provided that
8 a mercury switch that is inaccessible due to significant
9 damage to the vehicle in the area surrounding the mercury
10 switch that occurred before ~~prior to~~ the vehicle
11 recycler's, ~~or the~~ vehicle crusher's, or scrap metal
12 recycler's receipt of the vehicle is not required to be
13 removed. The damage must be noted in the records the
14 vehicle recycler or vehicle crusher is required to maintain
15 under subsection (c) of Section 10 ~~Section 10(e)~~ of this
16 Act.

17 (3) Notwithstanding paragraphs (1) through (2) of this
18 subsection (g) ~~subsection (g)(1) of this Section~~, a scrap
19 metal recycler may agree to accept an end-of-life vehicle
20 that contains one or more mercury switches and that has not
21 been flattened, crushed, shredded, or otherwise processed
22 for recycling provided the scrap metal recycler removes all
23 mercury switches from the vehicle within 14 days after
24 receipt of the vehicle, or before the vehicle is flattened,
25 crushed, shredded, or otherwise processed for recycling,
26 whichever occurs first. Scrap metal recyclers are not

1 required to remove a mercury switch that is inaccessible
2 due to significant damage to the vehicle in the area
3 surrounding the mercury switch that occurred before ~~prior~~
4 ~~to~~ the scrap metal recycler's receipt of the vehicle. The
5 damage must be noted in the records the scrap metal
6 recycler is required to maintain under subsection (c) of
7 Section 10 ~~Section 10(e)~~ of this Act.

8 (4) Manufacturers subject to the collection program
9 requirements of this Section must provide to vehicle
10 recyclers, vehicle crushers, and scrap metal recyclers the
11 following compensation for all mercury switches removed
12 from end-of-life vehicles on or after the date of the
13 notice: \$2.00 for each mercury switch removed by the
14 vehicle recycler, vehicle crusher, or the scrap metal
15 recycler, the costs of the containers in which the mercury
16 switches are collected, and the costs of packaging and
17 transporting the mercury switches off-site. Payment of
18 this compensation must be provided in a prompt manner.

19 (h) In meeting the requirements of this Section
20 manufacturers may work individually or as part of a group of 2
21 or more manufacturers.

22 (Source: P.A. 94-732, eff. 4-24-06.)

23 Section 15. The Mercury-added Product Prohibition Act is
24 amended by changing Section 27 as follows:

1 (410 ILCS 46/27)

2 Sec. 27. Sale and distribution of certain mercury-added
3 products prohibited.

4 (a) On and after July 1, 2008, no person shall sell, offer
5 to sell, or distribute the following mercury-added products in
6 this State:

7 (1) barometers;

8 (2) esophageal dilators, bougie tubes, or
9 gastrointestinal tubes;

10 (3) flow meters;

11 (4) hydrometers;

12 (5) hygrometers;

13 (6) manometers;

14 (7) pyrometers;

15 (8) sphygmomanometers;

16 (9) thermometers; ~~or~~

17 (10) psychrometers; ~~or~~

18 (11) pressure transducers;

19 (12) seals; or

20 (13) rings.

21 (b) This Section does not apply to the sale of a
22 mercury-added product listed in paragraphs (1) through (13)
23 ~~(10)~~ of subsection (a) if use of the product is a federal
24 requirement or if the only mercury-added component in the
25 product is a button cell battery.

26 (c) This Section does not apply to the sale of a

1 mercury-added product listed in paragraphs (1) through (13)
2 ~~(10)~~ of subsection (a) for which an exemption is obtained under
3 this subsection (c). The manufacturer of the product may apply
4 for an exemption for one or more uses of the product by filing
5 a written petition with the Agency. The Agency may grant an
6 exemption, with or without conditions, if the manufacturer
7 demonstrates the following:

8 (1) a system exists for the proper collection,
9 transportation, and processing of the product at the end of
10 its useful life; and

11 (2) one of the following applies:

12 (i) use of the product provides a net benefit to
13 the environment, public health, or public safety when
14 compared to available nonmercury alternatives; or

15 (ii) technically feasible nonmercury alternatives
16 are not available at comparable cost.

17 Before ~~Prior to~~ approving an exemption, the Agency may
18 consult with other states to promote consistency in the
19 regulation of the product for which the exemption is requested.
20 The Agency may also publish notice of its receipt of petitions
21 for exemptions on its website and consider public comments
22 submitted in response to the petitions. Exemptions shall be
23 granted for a term of 5 years and may be renewed for additional
24 5-year terms upon written application by the manufacturer if
25 the manufacturer demonstrates that the criteria of this
26 subsection (c) and the conditions of the product's original

1 exemption approval continue to be met. All petitions for
2 exemptions and exemption renewals shall be submitted on forms
3 prescribed by the Agency.

4 (Source: P.A. 95-87, eff. 8-13-07.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".