

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1136
Committee Substitute Favorable 4/20/05
Committee Substitute #2 Favorable 5/10/05
Committee Substitute #3 Favorable 5/19/05
Senate Agriculture/Environment/Natural Resources Committee Substitute
Adopted 8/12/05
Senate Finance Committee Substitute Adopted 8/12/05
Seventh Edition Engrossed 8/13/05

Short Title: Mercury Switch Removal-2.

(Public)

Sponsors:

Referred to:

April 6, 2005

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE RELEASE OF MERCURY INTO THE ENVIRONMENT BY THE REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES FROM CERTAIN MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 9 of Chapter 130A of the General Statutes is amended by adding a new Part to read:

"Part 6. Mercury Switch Removal.

"§ 130A-310.50. Definitions.

As used in this Part:

- (1) "Capture rate" means the annual removal, collection, and recovery of mercury switches as a percentage of the total number of mercury switches available for removal from end-of-life vehicles.
- (2) "End-of-life vehicle" means a vehicle that is sold, given, or otherwise conveyed to a vehicle recycler or scrap metal recycling facility for the purpose of recycling.
- (3) "Manufacturer" means a person, firm, association, partnership, corporation, governmental entity, organization, combination, or joint venture that is the last person in the production or assembly process of a new vehicle that utilizes mercury switches, or in the case of an imported vehicle, the importer or domestic distributor of the vehicle.

- 1 (4) "Mercury minimization plan" means a plan for removing, collecting,
2 and recovering mercury switches from end-of-life vehicles that is
3 prepared as provided in G.S. 130A-310.53.
- 4 (5) "Mercury switch" means each mercury-containing capsule, commonly
5 known as a "bullet", that is part of a convenience light switch assembly
6 installed in a vehicle.
- 7 (6) "Scrap metal recycling facility" means a fixed location where
8 machinery and equipment are used to process scrap metal into specific
9 grades of scrap metal for sale and whose primary product is scrap iron,
10 scrap steel, or nonferrous metallic scrap.
- 11 (7) "Vehicle" means any passenger automobile or passenger car, station
12 wagon, truck, van, or sport utility vehicle with a gross vehicle weight
13 rating of less than 12,000 pounds.
- 14 (8) "Vehicle recycler" means an individual or entity engaged in the
15 business of acquiring, dismantling, or destroying six or more
16 end-of-life vehicles in a calendar year for the primary purpose of resale
17 of parts of the vehicle.

18 **"§ 130A-310.51. Purpose.**

19 The purpose of this Part is to reduce the quantity of mercury that is released into the
20 environment by removing mercury switches from end-of-life vehicles and by creating a
21 removal, collection, and recovery program for mercury switches that are removed from
22 end-of-life vehicles in this State.

23 **"§ 130A-310.52. Mercury minimization plan.**

24 (a) The Department shall develop and administer a mercury minimization plan to
25 achieve the goal of having a capture rate of at least ninety percent (90%). In preparing
26 the plan, the Department shall consult with manufacturers of vehicles, who shall
27 participate in the development of the plan on an advisory basis. To the extent
28 practicable, the mercury minimization plan shall utilize the currently available
29 end-of-life vehicle recycling infrastructure. To the extent adequate, affordable, and
30 environmentally sound end-of-life vehicle recycling infrastructure is unavailable, the
31 plan shall provide for the development of this infrastructure.

32 (b) A plan developed under subsection (a) of this section shall include the
33 following:

- 34 (1) A compilation of the make, model, and year of any vehicle that was
35 sold or offered for sale by the vehicle manufacturer and contains one
36 or more mercury switches and a description and the location of each
37 mercury switch in the vehicle. A vehicle manufacturer shall report to
38 the Department the information needed to make the compilation.
- 39 (2) A description of all safe and environmentally sound methods for
40 removal of mercury switches from end-of-life vehicles. A vehicle
41 manufacturer shall report to the Department the information needed to
42 make the description.

- 1 (3) A presumption that if the manufacturer does not know or is uncertain
2 as to whether or not a switch contains mercury, the switch does contain
3 mercury.
- 4 (4) A system to mark end-of-life vehicles that are to be shredded or
5 crushed to indicate the presence or absence of a mercury switch.
- 6 (5) Educational materials to assist a vehicle recycler or a scrap metal
7 recycling facility in undertaking a safe and environmentally sound
8 method for the removal of the mercury switches from end-of-life
9 vehicles. The materials shall include information on hazards related to
10 mercury and on the proper handling of mercury.
- 11 (6) A method for storage and disposal of the mercury switches, including
12 packaging and shipping of mercury switches to permitted recycling,
13 storage, or disposal facilities. To the extent adequate, affordable, and
14 environmentally sound mercury switch disposal technology is
15 unavailable, a method for the temporary storage of mercury switches.

16 **"§ 130A-310.53. Removal of mercury switches from end-of-life vehicles.**

17 (a) A vehicle recycler that conveys ownership of an end-of-life vehicle to a scrap
18 metal recycling facility shall remove all mercury switches identified in the mercury
19 minimization plan prior to delivery of the vehicle to the scrap metal recycling facility. If
20 a mercury switch is inaccessible, the fact that the mercury switch remains in the vehicle
21 shall be noted on the vehicle recycler's invoice.

22 (b) A scrap metal recycling facility that accepts an end-of-life vehicle that has not
23 been flattened, crushed, baled, or shredded and that contains mercury switches shall
24 remove the mercury switches before the end-of-life vehicle is flattened, crushed, baled,
25 or shredded unless the mercury switch is inaccessible.

26 (c) A mercury switch is inaccessible if, due to the condition of the vehicle, the
27 switch cannot be removed in accordance with the mercury minimization plan and
28 removal of the switch would significantly increase the risk of a release of mercury into
29 the environment.

30 (d) A vehicle recycler or scrap metal recycling facility that removes mercury
31 switches pursuant to subsection (a) or (b) of this section shall make quarterly reports to
32 the Department on the following:

33 (1) The number of vehicles that it processed for recycling.

34 (2) The number of vehicles from which it removed a mercury switch by
35 make.

36 (3) The number of vehicles for which it could not remove the mercury
37 switch because the switch was inaccessible.

38 (e) Mercury switches that are removed from end-of-life vehicles are considered
39 'universal waste' as defined in 40 Code of Federal Regulations § 273.9 (1 July 2004
40 Edition). Mercury switches that are removed from end-of-life vehicles shall be
41 collected, transported, treated, stored, disposed of, and otherwise handled in accordance
42 with rules adopted by the Commission governing universal waste.

43 **"§ 130A-310.54. Funds to implement plan.**

1 (a) The Mercury Pollution Prevention Account is established in the Department.
2 Revenue is credited to the Account from the certificate of title fee under G.S. 20-85.

3 (b) Revenue in the Mercury Pollution Prevention Account shall be used to
4 reimburse the Department and others for costs incurred in implementing the mercury
5 minimization plan. The reimbursable costs are:

6 (1) Five dollars (\$5.00) for each mercury switch removed by a vehicle
7 recycler or scrap metal recycling facility pursuant to this Article.

8 (2) Costs incurred by the Department in administering the plan.

9 (c) The Department shall reimburse vehicle recyclers and scrap metal recycling
10 facilities based on the quarterly reports submitted under G.S. 130A-310.53. The
11 Department may request any information needed to determine the accuracy of the
12 reports.

13 **"§ 130A-310.55. Violations of Article; enforcement.**

14 (a) It is unlawful for a person to do any of the following:

15 (1) Knowingly flatten, crush, bale, shred, or otherwise alter the condition
16 of a vehicle from which accessible mercury switches have not been
17 removed, in any manner that would prevent or significantly hinder the
18 removal of a mercury switch.

19 (2) Willfully fail to remove a mercury switch when the person is required
20 to do so.

21 (3) Knowingly make a false report that a mercury switch has been
22 removed from an end-of-life vehicle.

23 (4) Obtain a mercury switch from another source and falsely report that it
24 was removed from a vehicle processed for recycling.

25 (b) This Part may be enforced as provided in Part 2 of Article 1 of this Chapter.

26 **"§ 130A-310.56. Evaluation of vehicle design changes that affect mercury**
27 **recyclability; reporting requirements.**

28 (a) Each vehicle manufacturer shall, either individually or as part of a group,
29 submit an annual report to the Department that describes in detail the status of vehicle
30 design changes that are intended to facilitate recycling of vehicle components that
31 contain mercury. The report is due on or before 1 July. At a minimum, the report shall
32 include all of the following:

33 (1) For each make and model for the upcoming model year, a list of all
34 vehicle components that contain mercury.

35 (2) A description of all design changes that each manufacturer has
36 implemented for the upcoming model year or plans to implement in
37 future model years to reduce or eliminate vehicle components that
38 contain mercury, the achieved or anticipated amount of each reduction.

39 (3) A summary of all policies that each manufacturer has implemented or
40 will implement to ensure that the manufacturers' vehicles are designed
41 to be recycled in a safe, cost-effective, and environmentally sound
42 manner.

43 (4) A summary of any recommendations, complaints, or reports that the
44 manufacturer has received within the previous calendar year from

1 vehicle recyclers, scrap metal recycling facilities, government entities,
2 or other persons, as well as any other information available to the
3 manufacturer, regarding vehicle design features that adversely affect
4 the recyclability of vehicle components that contain mercury.

5 (b) A vehicle manufacturer or group of vehicle manufacturers that submits the
6 report required by subsection (a) of this section may designate any information in the
7 report that constitutes a trade secret, as defined in G.S. 66-152, as confidential
8 information in accordance with G.S. 132-1.2. Information so designated shall be
9 protected as provided in G.S. 130A-304.

10 (c) The Department may evaluate the extent to which vehicle design promotes or
11 impedes recycling of vehicle components that contain mercury. The Department may
12 conduct hearings from time to time to receive public comment regarding vehicle design
13 changes that affect recycling of vehicle components that contain mercury. The
14 Department may develop recommendations as to changes in vehicle design that would
15 further promote the recyclability of these components. If the Department develops
16 recommendations pursuant to this subsection, it shall report these recommendations,
17 together with its findings and any legislative proposals, to the Environmental Review
18 Commission.

19 **"§ 130A-310.57. Report on plan.**

20 The Department shall publish an annual report on the mercury minimization plan on
21 or before November 1. The report shall include, at a minimum, all of the following:

- 22 (1) A detailed description and documentation of the capture rate achieved.
- 23 (2) In the event that a capture rate of at least ninety percent (90%) is not
24 achieved, a description of additional or alternative actions that may be
25 implemented to improve the mercury minimization plan and its
26 implementation.
- 27 (3) The number of mercury switches collected, the number of end-of-life
28 vehicles containing mercury switches, the number of end-of-life
29 vehicles processed for recycling, and a description of how the mercury
30 switches were managed.
- 31 (4) A statement that details the costs required to implement the mercury
32 minimization plan.

33 **"§ 130A-310.58. Adoption of rules; administrative procedure.**

34 (a) The Department may adopt rules to implement this Part.

35 (b) Chapter 150B of the General Statutes governs implementation of this Part."

36 **SECTION 2.** If Senate Bill 622, 2005 General Assembly, becomes law, then
37 G.S. 20-85, as amended by Section 44.1 of that act, reads as rewritten:

38 **"§ 20-85. Schedule of fees.**

39 (a) The following fees are imposed concerning a certificate of title, a registration
40 card, or a registration plate for a motor vehicle. These fees are payable to the Division
41 and are in addition to the tax imposed by Article 5A of Chapter 105 of the General
42 Statutes.

- 43 (1) Each application for certificate of title ~~\$39.00~~\$40.00

- 1 information required by G.S. 130A-310.52(b), either individually or as a group of
2 manufacturers, on or before 1 January 2006. This act expires on 1 July 2026.