

April 18, 2007

H 1758. MERCURY SWITCH REMOVAL PRGM AMENDS. Filed 4/18/07. *TO AMEND THE LAWS GOVERNING THE REMOVAL OF MERCURY SWITCHES FROM VEHICLES.*

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Allen, Gibson.

GS 130A

April 19, 2007

H 1758. MERCURY SWITCH REMOVAL PRGM AMENDS. Filed 4/18/07. *TO AMEND THE LAWS GOVERNING THE REMOVAL OF MERCURY SWITCHES FROM VEHICLES.*

Amends GS 130A-310.50 to amend and add various definitions. Effective July 1, 2007, amends GS 130A-310.53 to require vehicle crushers, dismantlers, recyclers, and scrap vehicle processing facilities to remove all accessible mercury switches from vehicles before the vehicle is flattened, crushed, baled, or shredded or before transferring the vehicle on to another crusher, dismantler, recycler, or scrap vehicle processing facility. If the mercury switch is not removed before the vehicle is transferred, the receiving facility assumes the responsibility for removal. Current law requires a vehicle recycler conveying ownership of a vehicle to a scrap metal recycling facility to remove all mercury switches identified in the mercury minimization plan before delivering the vehicle, and to note any switch that remains in the vehicle on the invoice. The bill also amends the statute to require vehicles to be marked to indicate whether the mercury switch has been removed and to indicate on an invoice the fact that the vehicle contains an inaccessible switch. Current law requires a scrap metal recycling facility accepting a vehicle that has not been flattened, crushed, etc., that contains mercury switches, to remove the switches unless they are inaccessible. This bill also amends the statute to require vehicle manufacturers to develop and bear the costs of a mercury switch collection system. Removes quarterly reporting requirements. Repeals GS 130A-310.52, requiring the Department of Environment and Natural Resources (DENR) to develop a mercury minimization plan.

Effective July 1, 2007, amends GS 130A-310.24 to rename the Mercury Pollution Prevention Account as the Mercury Switch Removal Account, in which funds are to be used to reimburse costs for implementing the switch removal program (was, minimization plan). Provides that reimbursements are made based on reimbursement requests listing the number of switches sent in for recycling or disposal (was, based on quarterly reports). Makes conforming changes.

Effective July 1, 2007, amends GS 130A-310.55 to provide that altering a vehicle that contains an accessible mercury switch in a way that prevents removal or willfully failing to remove a switch is punishable as provided in GS 14-3 (punishment of misdemeanors, infamous offenses, offenses committed in secrecy and malice, or with deceit and intent to defraud, or with ethnic animosity). Knowingly making a false report that a switch has been removed or obtaining a switch from another source and falsely reporting that it was removed from a recycled vehicle is a Class 2 misdemeanor, punishable as provided in GS 130A-26.2 (Penalty for false reporting under Article 9, Solid Waste Management).

Amends GS 130A-310.57 requiring DENR to submit an annual report on the removal program to the Environmental Review Commission and the Senate and House of Representatives Appropriations Subcommittees on Natural and Economic Resources on or before October 1, beginning with October 1, 2008 (current law requires the publishing of the mercury minimization plan by November 1). Amends items that must be included in the report and adds the requirement of a detailed description of the mercury switch collection system developed by manufacturers. Repeals GS 130A-310.56, requiring manufacturers to report vehicle design changes intended to facilitate the recycling of components containing mercury.

Expires December 31, 2017.

Intro. by Allen, Gibson.

GS 130A

May 7, 2007

H 1758. MERCURY SWITCH REMOVAL PRGM. AMENDS. Filed 4/18/07. House committee substitute makes the following changes to 1st edition. Removes the term *mercury recovery performance* ratio and replaces it with *mercury switch removal performance rate*, and sets out the formula for calculating the rate. Makes conforming changes to GS 130A-310.57 concerning

information required to be reported in the annual report on the mercury switch removal program. Amends GS 20-85(a1) to require \$1 of the fee imposed for an application for certificate of title to be credited to the Mercury Switch Removal Account (was, the Mercury Pollution Prevention Account). States that the provision regarding violations of the article and enforcement applies to violations occurring on or after July 1, 2007. Makes stylistic and technical changes.

May 17, 2007

H 1758. MERCURY SWITCH REMOVAL PRGM. AMENDS. Filed 4/18/07. House committee substitute makes the following changes to 2nd edition. Amends GS 130A-310.50 as follows: (1) replaces the term *mercury switch removal performance rate* with *mercury recovery performance ratio*, (2) adds a definition of *national mercury recovery performance ratio*, and (3) modifies the definition of *vehicle crusher* to provide that it is not limited to a person who uses equipment to flatten or crush end-of-life vehicles for a vehicle recycler or a scrap vehicle processing facility. Amends GS 130A-310.53(b) to require the vehicle crusher, dismantler, or recycler, or scrap vehicle processing facility to certify to the person to whom the vehicle is conveyed that all accessible mercury switches have been removed (was, if an end-of-life vehicle contains an inaccessible mercury switch, the vehicle must be marked and the fact that the vehicle contains an inaccessible mercury switch must be noted on an invoice provided to a person to whom the vehicle is conveyed). Amends GS 130A-310.54(c) to provide that reimbursement requests may also be verified against information that verifies the reimbursement to the satisfaction of the Department of Environment and Natural Resources. Amends GS 130A-310.57 as follows: (1) replaces the required reporting of the mercury minimization plan with the mercury switch removal program, (2) replaces the mercury capture rate with the mercury recovery performance ratio, and (3) provides that if the mercury recovery performance ratio of at least 0.90 of the national mercury recovery performance ratio as reported by the NVMSRP is not achieved, a description of alternative actions may be implemented (was, in the event that a mercury switch removal performance rate of 0.90 or greater is not achieved). Makes technical changes.

July 2, 2007

SL 2007-142 (H 1758). MERCURY SWITCH REMOVAL PROGRAM AMENDMENTS. AN ACT TO AMEND THE LAWS GOVERNING THE REMOVAL OF MERCURY SWITCHES FROM VEHICLES. Summarized in *Daily Bulletin* 4/19/07, 5/7/07, and 5/17/07. Enacted June 29, 2007. Sections 1, 2, 6, 7, and 9 are effective June 29, 2007. The remainder is effective July 1, 2007. Act expires December 31, 2017.