

3408

2011-2012 Regular Sessions

I N S E N A T E

February 18, 2011

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Environmental Conser-
vation

AN ACT to amend the environmental conservation law, in relation to the
disposal and removal of mercury switches from automobiles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 27-2101 of the environmental conservation law is
2 amended by adding three new subdivisions 30, 31 and 32 to read as
3 follows:
4 30. "MOTOR VEHICLE MERCURY SWITCH" MEANS A LIGHT SWITCH OR AN ANTILOCK
5 BRAKING SYSTEM SWITCH THAT CONTAINS MERCURY AND WAS INSTALLED BY THE
6 MANUFACTURER IN A MOTOR VEHICLE.
7 31. "END OF LIFE VEHICLE" MEANS ANY IDENTIFIABLE MOTOR VEHICLE, WITH
8 OR WITHOUT ALL COMPONENT PARTS, WHICH IS IN SUCH CONDITION THAT ITS
9 HIGHEST OR PRIMARY VALUE IS EITHER IN ITS SALE FOR REUSABLE COMPONENTS
10 OR RECYCLABLE MATERIALS.
11 32. "AUTOMOTIVE RECYCLER" MEANS AN INDIVIDUAL OR BUSINESS THAT IS
12 ENGAGED IN THE ACT OF BUYING OR ACQUIRING MOTOR VEHICLES FOR THE PURPOSE
13 OF DISMANTLING, SELLING, OR OTHERWISE PROCESSING COMPONENTS AND RECYCLA-
14 BLE MATERIALS, AND IS LICENSED BY THE DEPARTMENT OF MOTOR VEHICLES AS A
15 VEHICLE DISMANTLER.
16 S 2. The environmental conservation law is amended by adding a new
17 section 27-2119 to read as follows:
18 S 27-2119. REMOVAL, COLLECTION AND RECOVERY OF MOTOR VEHICLE MERCURY
19 SWITCHES.
20 1. MANUFACTURERS OF MOTOR VEHICLES SOLD AT RETAIL IN THIS STATE THAT
21 CONTAIN "MOTOR VEHICLE MERCURY SWITCHES" SHALL, INDIVIDUALLY OR COLLEC-
22 TIVELY, ESTABLISH AND IMPLEMENT A COLLECTION AND RECOVERY PROGRAM FOR
23 SUCH SWITCHES. ALL MANUFACTURERS OF MOTOR VEHICLES SOLD AT RETAIL IN
24 THIS STATE SHALL SUBMIT TO THE DEPARTMENT FOR REVIEW AND APPROVAL, A

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 PROPOSED PLAN TO REMOVE, COLLECT AND RECOVER MOTOR VEHICLE MERCURY
2 SWITCHES FROM END OF LIFE VEHICLES. SUCH COLLECTION AND RECOVERY SYSTEM
3 SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:

4 (A) INFORMATION IDENTIFYING THE MAKE, MODEL AND YEAR OF MOTOR VEHICLES
5 EQUIPPED WITH MOTOR VEHICLE MERCURY SWITCHES;

6 (B) A DESCRIPTION OF THE ACCEPTABLE METHODS OF REMOVAL OF SUCH SWITCH-
7 ES; AND

8 (C) A METHOD TO COLLECT AND STORE SWITCHES AND THE MERCURY RECOVERED
9 FROM THEM.

10 2. MANUFACTURERS SHALL BEAR THE TOTAL COST OF IMPLEMENTING THE SYSTEM
11 AND THE REMOVAL, AND COLLECTION OF SWITCHES. SUCH COSTS SHALL INCLUDE,
12 BUT NOT BE LIMITED TO, THE FOLLOWING:

13 (A) THE PROVISION OF AN APPROPRIATE CONTAINER OR CONTAINERS FOR USE BY
14 AUTOMOTIVE RECYCLERS FOR THE SAFE STORAGE OF AND TRANSPORT OF MERCURY
15 SWITCHES EXTRACTED FROM END OF LIFE VEHICLES;

16 (B) ACCEPTANCE, STORAGE AND TRANSPORT OF ANY APPROVED CONTAINER
17 CONTAINING MERCURY SWITCHES ALONG WITH THE PAYMENT OF A FEE OF FOUR
18 DOLLARS FOR EACH MOTOR VEHICLE MERCURY SWITCH REMOVED BY AN AUTOMOTIVE
19 RECYCLER AND DELIVERED TO SUCH MANUFACTURER. THE FEE SHALL SERVE AS
20 PARTIAL COMPENSATION FOR SUCH RECYCLER'S LABOR AND ANY OTHER COSTS ASSO-
21 CIATED WITH SUCH MERCURY SWITCH REMOVAL;

22 (C) THE PACKAGING AND CONTAINER NECESSARY FOR COLLECTION AND SHIPMENT
23 OF MERCURY SWITCHES TO RECYCLING, STORAGE OR DISPOSAL FACILITIES;

24 (D) THE COST OF SHIPPING MOTOR VEHICLE MERCURY SWITCHES TO RECYCLING,
25 STORAGE OR DISPOSAL FACILITIES; AND

26 (E) THE COST OF RECYCLING, STORAGE OR DISPOSAL OF MOTOR VEHICLE MERCU-
27 RY ADDED SWITCHES.

28 3. WITHIN NINETY DAYS OF THE RECEIPT OF A MANUFACTURER'S PLAN, THE
29 DEPARTMENT SHALL DETERMINE WHETHER THE PLAN COMPLIES WITH THE PROVISIONS
30 OF THIS SECTION, AND APPROVE OR DISAPPROVE THE PLAN. IF SUCH PLAN IS
31 APPROVED, THE MANUFACTURER SHALL BEGIN IMPLEMENTATION OF THE PLAN WITHIN
32 THIRTY DAYS OF RECEIPT OF THE APPROVAL FROM THE DEPARTMENT. IF SUCH PLAN
33 IS DISAPPROVED, THE DEPARTMENT SHALL INFORM THE MANUFACTURER AS TO THE
34 REASONS THE PLAN WAS DISAPPROVED. THE MANUFACTURER SHALL SUBMIT A
35 REVISED PLAN WITHIN THIRTY DAYS OF RECEIPT OF A NOTICE OF DISAPPROVAL.

36 4. (A) EVERY AUTOMOTIVE RECYCLER SHALL REMOVE ANY MERCURY SWITCH IN AN
37 END OF LIFE VEHICLE PRIOR TO DISMANTLING THE VEHICLE OR SENDING IT TO BE
38 SHREDDED, CRUSHED OR OTHERWISE DESTROYED. AFTER REMOVING THE MERCURY
39 SWITCH THE AUTOMOTIVE RECYCLER SHALL PLACE THE SWITCH IN A CONTAINER
40 PROVIDED BY THE MANUFACTURER. WHEN THE CONTAINER IS FULL THE AUTOMOTIVE
41 RECYCLER SHALL RETURN THE CONTAINER TO THE MANUFACTURER WHO SHALL
42 DISPOSE OF THE SWITCHES IN ACCORDANCE WITH STATE AND FEDERAL LAW.

43 (B) THE AUTOMOTIVE RECYCLER SHALL CERTIFY THAT ANY AND ALL SWITCHES
44 HAVE BEEN REMOVED FROM AN END OF LIFE VEHICLE PRIOR TO SHREDDING, CRUSH-
45 ING OR OTHERWISE DESTROYING THE VEHICLE. NO PERSON SHALL REPRESENT THAT
46 MOTOR VEHICLE MERCURY SWITCHES HAVE BEEN REMOVED FROM AN END OF LIFE
47 VEHICLE, SOLD, GIVEN OR OTHERWISE CONVEYED FOR RECYCLING WHEN SUCH
48 PERSON KNOWS OR HAS REASON TO KNOW, THAT SUCH SWITCHES HAVE NOT BEEN
49 REMOVED.

50 S 3. This act shall take effect on the first of January next succeed-
51 ing the date on which it shall have become a law; provided that effec-
52 tive immediately any rules, regulations and actions necessary to imple-
53 ment the provisions of this act on its effective date are authorized to
54 be commenced and completed prior to such date.