STATE OF NEW YORK

3807

2017-2018 Regular Sessions

IN ASSEMBLY

January 30, 2017

Introduced by M. of A. COLTON, SALADINO -- Multi-Sponsored by -- M. of A. RIVERA -- read once and referred to the Committee on Environmental Conservation

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 Assembly, do enact as follows:

Section 1. Section 27-2101 of the environmental conservation law is amended by adding three new subdivisions 30, 31 and 32 to read as follows:

30. "Motor vehicle mercury switch" means a light switch or an antilock braking system switch that contains mercury and was installed by the manufacturer in a motor vehicle.

31. "End of life vehicle" means any identifiable motor vehicle, with or without all component parts, which is in such condition that its highest or primary value is either in its sale for reusable components or recyclable materials.

32. "Automotive recycler" means an individual or business that is engaged in the act of buying or acquiring motor vehicles for the purpose of dismantling, selling, or otherwise processing components and recyclable materials, and is licensed by the department of motor vehicles as a vehicle dismantler.

§ 2. The environmental conservation law is amended by adding a new section 27-2119 to read as follows:

§ 27-2119. Removal, collection and recovery of motor vehicle mercury switches.

1. Manufacturers of motor vehicles sold at retail in this state that contain "motor vehicle mercury switches" shall, individually or collectively, establish and implement a collection and recovery program for such switches. All manufacturers of motor vehicles sold at retail in 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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proposed plan to remove, collect and recover motor vehicle mercury switches from end of life vehicles. Such collection and recovery system shall include, but not be limited to the following:

(a) information identifying the make, model and year of motor vehicles equipped with motor vehicle mercury switches;

(b) a description of the acceptable methods of removal of such switches; and

(c) a method to collect and store switches and the mercury recovered from them.

2. Manufacturers shall bear the total cost of implementing the system and the removal, and collection of switches. Such costs shall include, but not be limited to, the following:

(a) the provision of an appropriate container or containers for use by automotive recyclers for the safe storage of and transport of mercury switches extracted from end of life vehicles;

(b) acceptance, storage and transport of any approved container containing mercury switches along with the payment of a fee of four dollars for each motor vehicle mercury switch removed by an automotive recycler and delivered to such manufacturer. The fee shall serve as partial compensation for such recycler's labor and any other costs associated with such mercury switch removal;

(c) the packaging and container necessary for collection and shipment of mercury switches to recycling, storage or disposal facilities;

(d) the cost of shipping motor vehicle mercury switches to recycling, storage or disposal facilities; and

(e) the cost of recycling, storage or disposal of motor vehicle mercury added switches.

3. Within ninety days of the receipt of a manufacturer's plan, the department shall determine whether the plan complies with the provisions of this section, and approve or disapprove the plan. If such plan is approved, the manufacturer shall begin implementation of the plan within thirty days of receipt of the approval from the department. If such plan is disapproved, the department shall inform the manufacturer as to the reasons the plan was disapproved. The manufacturer shall submit a revised plan within thirty days of receipt of a notice of disapproval.

4. (a) Every automotive recycler shall remove any mercury switch in an end of life vehicle prior to dismantling the vehicle or sending it to be shredded, crushed or otherwise destroyed. After removing the mercury switch the automotive recycler shall place the switch in a container provided by the manufacturer. When the container is full the automotive recycler shall return the container to the manufacturer who shall dispose of the switches in accordance with state and federal law.

(b) The automotive recycler shall certify that any and all switches have been removed from an end of life vehicle prior to shredding, crushing or otherwise destroying the vehicle. No person shall represent that motor vehicle mercury switches have been removed from an end of life vehicle, sold, given or otherwise conveyed for recycling when such person knows or has reason to know, that such switches have not been removed.

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided that effective immediately any rules, regulations and actions necessary to implement the provisions of this act on its effective date are authorized to be commenced and completed prior to such date.