



Facts About...

Maryland's Mercury Vehicle Switch Removal Law

HOUSE BILL 1263 – MERCURY SWITCH REMOVAL FROM VEHICLES

On May 19, 2009, Maryland Governor Martin O'Malley signed House Bill 1263, Chapter 713 – Mercury Switch Removal from Vehicles. The law requires motor vehicle manufacturers, individually or as a group, to develop and submit to the Maryland Department of the Environment (MDE) a mercury minimization plan that includes information on mercury switch removal from motor vehicles. The law also requires manufacturers to pay costs associated with mercury switch removal.

Other provisions of the law include:

- ▶ Requiring a vehicle recycler to remove mercury switches from end-of-life vehicle inventory and vehicles processed into the vehicles recycler's inventory within a certain period of time;
- ▶ Providing that certain fees, fines, and penalties resulting from violations of the law be deposited in the State Recycling Trust Fund; and
- ▶ Requiring that the Maryland Department of the Environment (MDE) submit a report to the General Assembly annually.

MANUFACTURER'S MERCURY MINIMAZATION PLAN CONTENTS

1. Information identifying the make, model, and year of vehicles that may contain a mercury switch, including:
 - a. The location of the switch
 - b. The location of a mercury switch assembly
 - c. Information regarding the safe and environmentally sound method for removing the switch from EOL vehicles.
2. Educational material and training materials to assist a vehicle recycler or scrap processing facility undertaking a safe method for removal of mercury switches and assemblies, including information on the hazards and proper handling of mercury.
3. A proposal for the method of storage or disposal of mercury switches and assemblies, including the method of packaging and shipping.
4. A proposal for the storage of mercury switches and mercury switch assemblies collected and recovered in the event that appropriate management technologies are not available to manage them.
5. A plan for implementing and financing the removal, collection, and recovery system.
6. Information that establishes the financing of the removal, collection, and recovery system for the proper management of mercury switches, including:
 - a. Payment by a vehicle manufacturer for the costs associated with the removal, collection, and recovery for the proper management of mercury switches
 - b. Establishment by a vehicle manufacturer of a method to ensure the prompt payment to a vehicle recycler, a scrap processing facility, and MDE
 - c. Payment by a manufacturer of a minimum of \$4 for each mercury light switch and \$6 for each ABS switch assembly to vehicle recyclers and scrap processing facilities and \$1 for each switch or switch assembly to MDE

- d. Packaging for transporting mercury switches and assemblies to recycling, storage, or disposal facilities
- e. Shipping of mercury switches and assemblies to recycling, storage or disposal facilities
- f. Recycling, storage, or disposal of mercury switches to recycling, storage or disposal facilities
- g. Preparation and distribution to vehicle recyclers and scrap processing facilities of the educational materials
- h. Maintenance of all appropriate recordkeeping systems.

MANUFACTURER'S ANNUAL REPORT CONTENTS

1. A detailed description and documentation of the capture rate achieved.
2. A description of additional or alternative actions that may be implemented to improve the mercury minimization plan and its implementation in the event that a mercury switch or mercury switch assembly capture rate of at least 90% for the previous calendar year is not achieved.
3. The numbers of mercury switches and mercury switch assemblies collected, EOL vehicles containing mercury switches, and mercury switches and mercury switch assemblies processed for recycling.
4. A description of how the mercury switches and mercury switch assemblies were managed.
5. A description of the amounts paid to cover the costs of implementing the mercury minimization plan.

DATES TO REMEMBER

- ▶ *July 1, 2009* – Effective date of legislation.
- ▶ *September 30, 2009* – Deadline for manufacturers, individually or as a group, to submit mercury minimization plans. If manufacturers already have processes and procedures in place that meet or exceed the requirements in State law, they may propose to use those processes and procedures in their mercury minimization plans. MDE has 90 days to approve, disapprove, or conditionally approve any mercury minimization plans received.
- ▶ *October 1, 2009* – First year MDE must produce an annual report to the General Assembly on the implementation of the law.
- ▶ *December 1, 2009* – On or after this date, a vehicle recycler that sells, gives, or otherwise conveys ownership of an EOL vehicle to a scrap processing facility for processing must remove all mercury switches and switch assemblies before delivery to a scrap processing facility. Switch removal must be within 180 days after receipt of the EOL vehicle.
- ▶ *January 1, 2010* – Deadline for MDE to complete, on behalf of a vehicle manufacturer, any portion of a mercury minimization plan that has not been approved by January 1, 2010.
- ▶ *January 31, 2010* – Due date of the first year annual report by vehicle manufacturers.

- ▶ *December 31, 2010* – Date by which a vehicle recycler must remove switches that were in their inventory as of September 30, 2009.
- ▶ *December 1, 2011* – If after this date, MDE determines that an insufficient number of mercury switches have been recycled, MDE may propose new strategies to increase switch removal and recycling, including additional funding sources.
- ▶ *December 31, 2020* – If mercury switches in EOL vehicles no longer pose a significant threat to the environment or public health, MDE can determine to discontinue the requirement for the manufacturers’ annual report.

ENFORCEMENT

Misdemeanor on Conviction; Civil Penalty; Fine for each Violation:

- 1st offense – fine not exceeding \$1,000
- 2nd offense – fine not exceeding \$2,500
- 3rd and subsequent offenses – fine not exceeding \$5,000

Factors Considered When Issuing Fines:

1. Willfulness of the violation.
2. Extent to which the violation was known, but uncorrected, by the violator.
3. Extent to which the violation resulted in actual harm to human health or the environment.
4. Nature and degree of injury to, or interference with general welfare and health.
5. Extent to which current violation is part of a pattern of the same or similar type of violation by the violator.

Each day a violation continues is a separate offense.

MDE’s ANNUAL REPORT CONTENTS

1. The number of mercury switches and mercury switch assemblies recovered from vehicles.
2. The capture rate of switch recovery achieved.
3. The number of switches projected to be recovered.
4. The amount and use of funds paid into the State Recycling Trust Fund for the administration of this Act.
5. Any recommendations to improve the provisions of this Act or to increase the capture rate of mercury switches from vehicles.
6. Determination if mercury switches in EOL vehicles no longer pose a significant risk to the environment or public health.

Additional information concerning the Mercury Switch Removal from Vehicles law may be found on MDE’s Reducing Mercury in Maryland’s Environment web page at www.mde.state.md.us/Programs/LandPrograms/Hazardous_Waste/mercury/index.asp. The Maryland Department of the Environment may also be contacted directly at 410-537-3314, 800-633-6101 x3314, or by email dave.mrgich@maryland.gov with questions concerning the law.