

13:1E-99.82

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 54

NJSA: 13:1E-99.82 (Establishes program for removal of mercury switches from end-of-life vehicles)

BILL NO: A2482 (Substituted for S1292)

SPONSOR(S): Burzichelli and others

DATE INTRODUCED: March 11, 2004

COMMITTEE: **ASSEMBLY:** Environment and Solid Waste; Appropriations
SENATE: Environment; Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** October 25, 2004

SENATE: February 14, 2005

DATE OF APPROVAL: March 24, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) 1st reprint enacted

A2482

[SPONSOR'S STATEMENT:](#) (Begins on page 10 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [9-30-2004 \(Env. & SW\)](#)
[10-21-2004 \(Approp.\)](#)

SENATE: Yes [11-15-2004 \(Environ.\)](#)
[2-7-2005 \(Bud & App.\)](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

S1292

[SPONSOR'S STATEMENT:](#) (Begins on page 10 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes [11-15-2004 \(Environ.\)](#)
[2-7-2005 \(Bud & App.\)](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 4/11/07

P.L. 2005, CHAPTER 54, *approved March 24, 2005*
Assembly, No. 2482 (*First Reprint*)

1 **AN ACT** concerning mercury in certain vehicles, and supplementing
2 Title 13 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. This act shall be known and may be cited as the "Mercury
8 Switch Removal Act of 2004."

9
10 2. The Legislature finds and declares that mercury is a persistent
11 and toxic pollutant that bioaccumulates in the environment and that 41
12 states, including New Jersey, have issued fish advisories that warn
13 certain individuals to restrict or avoid consuming fish from bodies of
14 water contaminated with mercury.

15 The Legislature further finds and declares that the United States
16 Food and Drug Administration has advised pregnant women and
17 women of childbearing age who may become pregnant not to eat
18 shark, swordfish, king mackerel, and tilefish due to methyl mercury
19 contamination, and that according to estimates of the United States
20 Environmental Protection Agency, over 600,000 babies are born
21 annually at risk for adverse neuro-developmental effects from in-utero
22 exposure to methyl mercury resulting from the consumption of
23 mercury contaminated fish.

24 The Legislature further finds and declares that recent findings show
25 that historic and current use of mercury in vehicles can cause the
26 release of as much as 10 tons of mercury to the nation's environment
27 each year.

28 The Legislature further finds and declares that the vehicle recycling
29 industry, consisting primarily of small business operators, is a vital
30 component of the State's overall recycling efforts; that iron and steel
31 manufacturers provide a valuable scrap metal recycling service; that
32 reliable estimates indicate that iron and steel manufacturing plants are
33 the largest in-State source of mercury emissions; that the main feed
34 stock for these plants is scrap metal which includes shredded
35 end-of-life vehicles, some of which contain mercury in switches that
36 can be emitted to the atmosphere when the scrap metal is melted in
37 high-temperature processes to convert it into new iron and steel

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AEN committee amendments adopted September 30, 2004.

1 products; that mercury provides no benefit to iron and steel
2 manufacturing plants and has no role in the manufacture of iron and
3 steel; and that the federal Environmental Protection Agency recently
4 finalized regulations that would require certain iron and steel foundries
5 to implement work practice standards to exclude mercury switches
6 from the scrap metal feed materials of these foundries.

7 The Legislature further finds and declares that, with regard to
8 mercury emissions, pollution prevention is more desirable than waste
9 management and pollution control; and that removing mercury
10 switches from end-of-life vehicles before they are crushed or shredded
11 and preventing mercury from entering high temperature processes is
12 an effective way to reduce mercury emissions into the environment.

13 The Legislature further finds and declares that a majority of vehicle
14 manufacturers have responsibly ceased using mercury switches in
15 currently-manufactured vehicles; that over the next decade and beyond
16 millions of vehicles containing mercury switches will be recycled; that
17 vehicle mercury switch collection programs are being established
18 across the country to protect human health and the environment; and
19 that iron and steel foundries, vehicle recyclers and the residents of this
20 State would benefit from a Statewide program that removes mercury
21 switches from end-of-life vehicles.

22 The Legislative therefore determines that it is in the public interest
23 of the residents of New Jersey to reduce the quantity of mercury in the
24 environment by removing mercury switches from end-of-life vehicles
25 in New Jersey, by creating a collection and recovery program for
26 mercury switches removed from end-of-life vehicles in New Jersey,
27 and by establishing a system to store the mercury collected and
28 recovered from vehicle mercury switches in the event that
29 environmentally appropriate management technologies are not
30 available.

31

32 3. As used in this act:

33 "Capture rate" means the annual removal, collection, and recovery
34 of mercury switches as a percentage of the total number of mercury
35 switches available for removal from end-of-life vehicles;

36 "Commissioner" means the Commissioner of Environmental
37 Protection;

38 "Department" means the Department of Environmental Protection;

39 "End-of-life vehicle" means a vehicle that is sold, given or
40 otherwise conveyed to a vehicle recycler or scrap recycling facility for
41 the purpose of recycling;

42 "Manufacturer" means a person, firm, association, partnership,
43 corporation, governmental entity, organization, combination, or joint
44 venture which is the last person in the production or assembly process
45 of a new vehicle that utilizes mercury switches, or in the case of an
46 imported vehicle, the importer or domestic distributor of the vehicle;

1 "Mercury minimization plan" means a plan for removing, collecting
2 and recovering mercury switches from end-of-life vehicles and
3 prepared pursuant to section 4 of this act;

4 "Mercury switch" means ¹[any light switch or an anti-lock braking
5 system switch that contains mercury and that is installed by a
6 manufacturer in a vehicle] each mercury-containing capsule,
7 commonly known as a "bullet," that is part of a convenience light
8 switch assembly or part of an anti-lock braking system assembly
9 installed in a vehicle. An anti-lock braking system assembly may
10 contain more than one mercury switch¹;

11 "Scrap recycling facility" means a fixed location where machinery
12 and equipment are utilized for processing and manufacturing scrap
13 metal into prepared grades and whose principal product is scrap iron,
14 scrap steel or nonferrous metallic scrap for sale for remelting
15 purposes;

16 "Vehicle" means any passenger ¹[automobile or passenger
17 automobile derivative capable of seating 15 or fewer passengers, or
18 any motor vehicle rated at 6,000 pounds gross vehicle weight or less
19 and a loaded vehicle weight of 5,750 pounds or less, which is designed
20 primarily for purposes of transportation of property, or is a derivative
21 of such motor vehicle including, but not limited to, pick-ups, vans, and
22 window vans] car, station wagon, truck, van, or sport utility vehicle
23 with a gross vehicle weight rating of less than 12,000 pounds¹; and

24 "Vehicle recycler" means an individual or entity engaged in the
25 business of acquiring, dismantling or destroying six or more end-of-life
26 vehicles in a calendar year for the primary purpose of resale of their
27 parts.

28
29 4. a. Within 90 days after the effective date of this act, every
30 manufacturer of vehicles sold within the State, individually or as part
31 of a group, shall develop, in consultation with the department, a
32 mercury minimization plan prepared pursuant to this section and
33 submit the mercury minimization plan to the commissioner for review
34 and approval pursuant to section 5 of this act.

35 b. The mercury minimization plan prepared and submitted pursuant
36 to this section shall include, at a minimum, the following:

37 (1) information identifying the make, model, and year of vehicles
38 ¹, including current or anticipated future production models,¹ that may
39 contain ¹[a] one or more¹ mercury ¹[switch] switches¹; a description
40 of the mercury ¹[switch] switches¹; the location of these mercury
41 switches; and the safe and environmentally sound methods for their
42 removal from end-of-life vehicles. To the extent a manufacturer is
43 uncertain as to the content of a switch installed during the manufacture
44 of a vehicle, the mercury minimization plan shall presume that the
45 switch is a mercury switch;

46 (2) educational materials to assist a vehicle recycler or a scrap

1 recycling facility in undertaking a safe and environmentally sound
2 method for the removal of the mercury switches from end-of-life
3 vehicles, including information on the hazards related to, and the
4 proper handling of, mercury;

5 (3) a proposal for the method of storage or disposal of the mercury
6 switches, including the method of packaging and shipping mercury
7 switches to authorized recycling, storage, or disposal facilities;
8 ¹[and]¹

9 (4) a proposal for the storage of mercury switches collected and
10 recovered from end-of-life vehicles in the event that environmentally
11 appropriate management technologies are not available; and

12 (5) a plan for implementing and financing the system, in accordance
13 with subsection d. of this section.

14 c. A mercury minimization plan shall, to the extent practicable,
15 utilize the existing end-of-life vehicle recycling infrastructure. Where
16 the existing end-of-life vehicle recycling infrastructure is not utilized,
17 the mercury minimization plan shall include the reasons for establishing
18 a separate infrastructure.

19 d. A mercury minimization plan must provide for the financing of
20 the removal, collection, and recovery system for mercury switches as
21 provided in this subsection. These costs shall be borne by the
22 manufacturers of vehicles sold in the State, and the manufacturers shall
23 develop a method that ensures the prompt payment to vehicle
24 recyclers, scrap recycling facilities and the department, for costs
25 associated with mercury switch removal and disposal. Costs shall
26 include, but not be limited to, the following:

27 (1) a minimum of ¹[\$1] ~~\$2~~¹ for each mercury switch removed by
28 a vehicle recycler pursuant to subsection a. of section 6 of this act as
29 partial compensation for the labor and other costs incurred by a
30 vehicle recycler in the removal of the mercury switch;

31 (2) a minimum of ¹[\$1] ~~\$2~~¹ for each mercury switch removed by
32 a scrap recycling facility pursuant to subsection b. of section 6 of this
33 act as partial compensation for the labor and other costs incurred by
34 a scrap recycling facility in the removal of the mercury switch;

35 (3) \$0.25 for each mercury switch removed by a vehicle recycler
36 pursuant to subsection a. of section 6 of this act or by a scrap
37 recycling facility pursuant to subsection b. of section 6 of this act as
38 partial compensation for the department for costs incurred in
39 administering and enforcing the provisions of this act;

40 (4) packaging in which to transport mercury switches to recycling,
41 storage or disposal facilities;

42 (5) shipping of mercury switches to recycling, storage or disposal
43 facilities;

44 (6) recycling, storage or disposal of the mercury switches;

45 (7) the preparation and distribution to vehicle recyclers and scrap
46 recycling facilities of the educational materials required pursuant to

1 paragraph (2) of subsection b. of this section; and

2 (8) maintenance of all appropriate record-keeping systems.

3 ¹e. Within 30 days after the effective date of this act, every
4 manufacturer of vehicles sold within the State, individually or as part
5 of a group, shall provide to vehicle recyclers and scrap recycling
6 facilities containers suitable for storing mercury switches until such
7 time that vehicle recyclers and scrap recycling facilities can be
8 reimbursed pursuant to this section.

9 f. Manufacturers of vehicles sold within the State shall provide
10 recyclers or scrap recycling facilities with reimbursement for each
11 mercury switch in the amount set pursuant to this section regardless
12 of when these switches were removed from the vehicles, provided that
13 the vehicle recyclers or scrap recycling facilities record and provide
14 the Vehicle Identification Number (VIN) associated with each mercury
15 switch as required pursuant to section 6 of this act.¹

16

17 5. a. Within 120 days after receipt of a mercury minimization plan,
18 the commissioner shall approve, disapprove, or conditionally approve
19 the entire mercury minimization plan. The commissioner may solicit
20 input from representatives of vehicle recyclers, scrap recycling
21 facilities, and other stakeholders as the commissioner deems
22 appropriate.

23 (1) If the entire mercury minimization plan is approved, the
24 manufacturer shall begin implementation within 30 days after receipt
25 of approval or as otherwise agreed to by the commissioner. If the
26 entire mercury minimization plan is disapproved, the commissioner
27 shall inform the manufacturer as to the reasons for the disapproval.
28 The manufacturer shall have 30 days thereafter to submit a new
29 mercury minimization plan.

30 (2) The commissioner may approve those parts of a mercury
31 minimization plan that meet the requirements of section 4 of this act
32 and disapprove the parts that do not comply with the requirements of
33 section 4 of this act. The manufacturer shall implement the approved
34 parts within 30 days after receipt of approval or as otherwise agreed
35 to by the commissioner, and submit a revised mercury minimization
36 plan for the disapproved parts within 30 days after receipt of
37 notification of the disapproval of the commissioner. The
38 commissioner shall review, and approve, conditionally approve, or
39 disapprove a revised mercury minimization plan within 30 days after
40 receipt.

41 (3) If, at the conclusion of the time period of 120 days after receipt
42 of a mercury minimization plan, the commissioner has neither
43 approved nor disapproved the mercury minimization plan pursuant to
44 paragraphs (1) or (2) of this subsection, the mercury minimization plan
45 shall be considered to be conditionally approved. A manufacturer,
46 subject to any modifications required by the commissioner, shall

1 implement a conditionally ¹[effective] approved¹ mercury
2 minimization plan within 30 days after receipt of approval or as
3 otherwise agreed to by the commissioner.

4 b. The commissioner shall reserve the right to complete, at the
5 conclusion of a time period 240 days after the date of enactment of
6 this act, on behalf of a manufacturer, any portion of a mercury
7 minimization plan that has not been approved pursuant to this section.

8 c. The commissioner may review a mercury minimization plan
9 approved pursuant to this section and recommend modifications
10 thereto at any time upon a finding that the approved mercury
11 minimization plan is deficient.

12

13 6. a. Commencing 30 days after the approval or conditional
14 approval of a mercury minimization plan pursuant to section 5 of this
15 act, a vehicle recycler who sells, gives or otherwise conveys ownership
16 of an end-of-life vehicle to a scrap recycling facility for recycling shall
17 remove all mercury switches identified in the approved mercury
18 minimization plan from the end-of-life vehicle prior to delivery to a
19 scrap recycling facility, unless a mercury switch is inaccessible due to
20 significant damage to the vehicle in the area surrounding the location
21 of the mercury switch, in which case such damage shall be noted on
22 the normal business records of the vehicle recycler who delivered the
23 end-of-life vehicle to the scrap recycling facility.

24 b. Notwithstanding subsection a. of this section, a scrap recycling
25 facility may agree to accept an end-of-life vehicle, which has not been
26 intentionally flattened, crushed or baled, containing mercury switches,
27 in which case the scrap recycling facility shall be responsible for
28 removing the mercury switches identified in the mercury minimization
29 plan approved pursuant to section 5 of this act before the end-of-life
30 vehicle is intentionally flattened, crushed, baled, or shredded.

31 c. A vehicle recycler or scrap recycling facility who removes
32 mercury switches pursuant to subsection a. or subsection b. of this
33 section shall maintain records documenting the number of mercury
34 switches collected, the number of end-of-life vehicles containing
35 mercury switches, and the number of end-of-life vehicles processed for
36 recycling. ¹The records shall include the Vehicle Identification
37 Number (VIN) of each vehicle from which one or more mercury
38 switches were removed, and the number of mercury switches removed
39 from that vehicle.¹ These records shall be made available for review
40 by the department upon the request of the department.

41 d. No person shall represent that mercury switches have been
42 removed from an end-of-life vehicle being sold, given or otherwise
43 conveyed for recycling if that person has not removed the mercury
44 switches, or arranged with another person to remove the mercury
45 switches.

46 e. Upon removal, mercury switches shall be collected, stored,
47 transported, and otherwise handled in accordance with the mercury

1 minimization plan approved pursuant to section 5 of this act.

2 f. Upon removal, mercury switches shall be collected, stored,
3 transported, and otherwise handled in accordance with the provisions
4 of the rules and regulations concerning universal waste adopted by the
5 department pursuant to the "Solid Waste Management Act," P.L.1970,
6 c.39 (C.13:1E-1 et seq.) and the "New Jersey Statewide Mandatory
7 Source Separation and Recycling Act," P.L.1987, c.102
8 (C.13:1E-99.11 et al.), as applicable.

9

10 7. a. One year after the implementation of a mercury minimization
11 plan approved pursuant to section 5 of this act, and annually
12 thereafter, a manufacturer subject to section 4 of this act shall,
13 individually or as part of a group, report to the commissioner
14 concerning the implementation of the mercury minimization plan. The
15 report shall include, but need not be limited to, the following: (1) a
16 detailed description and documentation of the capture rate achieved,
17 with the goal of achieving a mercury switch capture rate of at least 90
18 percent, consistent with the principle that mercury switches shall be
19 recovered unless the mercury switch is inaccessible due to significant
20 damage to the end-of-life vehicle in the area surrounding where the
21 mercury switch is located; (2) a description of additional or
22 alternative actions that may be implemented to improve the mercury
23 minimization plan and its implementation in the event that a mercury
24 switch capture rate of at least 90 percent is not achieved; (3) the
25 number of mercury switches collected, the number of end-of-life
26 vehicles containing mercury switches, the number of end-of-life
27 vehicles processed for recycling, and a description of how the mercury
28 switches were managed; and (4) a description of the amounts paid to
29 cover the costs of implementing the mercury minimization plan.

30 b. The commissioner may discontinue the requirement for the
31 annual report pursuant to subsection a. of this section upon a finding
32 that mercury switches in end-of-life vehicles no longer pose a
33 significant threat to the environment or to public health.

34

35 8. a. Whenever the commissioner finds that a person has violated
36 any provision of this act, or any rule or regulation adopted pursuant
37 thereto, the commissioner may:

38 (1) issue an order requiring the person found to be in violation to
39 comply in accordance with subsection b. of this section;

40 (2) bring a civil action in accordance with subsection c. of this
41 section;

42 (3) levy a civil administrative penalty in accordance with subsection
43 d. of this section;

44 (4) bring an action for a civil penalty in accordance with subsection
45 e. of this section; or

46 (5) petition the Attorney General to bring a criminal action in

1 accordance with subsection f. of this section.

2 Pursuit of any of the remedies specified under this section shall not
3 preclude the seeking of any other remedy specified.

4 b. Whenever the commissioner finds that a person has violated this
5 act, or any rule or regulation adopted pursuant thereto, the
6 commissioner may issue an order specifying the provision or
7 provisions of this act, or the rule or regulation adopted pursuant
8 thereto, of which the person is in violation, citing the action that
9 constituted the violation, ordering abatement of the violation, and
10 giving notice to the person of the person's right to a hearing on the
11 matters contained in the order. The ordered person shall have 20
12 calendar days from receipt of the order within which to deliver to the
13 commissioner a written request for a hearing. After the hearing and
14 upon finding that a violation has occurred, the commissioner may issue
15 a final order. If no hearing is requested, the order shall become final
16 after the expiration of the 20-day period. A request for hearing shall
17 not automatically stay the effect of the order.

18 c. The commissioner may institute an action or proceeding in the
19 Superior Court for injunctive and other relief to enforce the provisions
20 of this act and to prohibit and prevent a violation of this act, or of any
21 rule or regulation adopted pursuant thereto, and the court may
22 proceed in the action in a summary manner. In any such proceeding
23 the court may grant temporary or interlocutory relief.

24 Such relief may include, singly or in combination:

- 25 (1) a temporary or permanent injunction;
26 (2) assessment of the violator for the reasonable costs of any
27 inspection that led to the establishment of the violation, and for the
28 reasonable costs of preparing and litigating the case under this
29 subsection.

30 d. The commissioner may assess a civil administrative penalty of
31 not more than \$7,500 for a first offense, not more than \$10,000 for a
32 second offense and not more than \$25,000 for a third and every
33 subsequent offense. Each day that a violation continues shall
34 constitute an additional, separate, and distinct offense.

35 No assessment may be levied pursuant to this section until after the
36 violator has been notified by certified mail or personal service. The
37 notice shall include a reference to the section of the statute, rule,
38 regulation, or order violated, a concise statement of the facts alleged
39 to constitute a violation, a statement of the amount of the civil
40 administrative penalties to be imposed, and a statement of the person's
41 right to a hearing. The ordered person shall have 20 calendar days
42 from receipt of the notice within which to deliver to the commissioner
43 a written request for a hearing.

44 After the hearing and upon finding that a violation has occurred, the
45 commissioner may issue a final order after assessing the amount of the
46 fine specified in the notice. If no hearing is requested, the notice shall

1 become a final order after the expiration of the 20-day period.
2 Payment of the assessment is due when a final order is issued or the
3 notice becomes a final order. The authority to levy a civil
4 administrative penalty is in addition to all other enforcement provisions
5 in this act, and the payment of any assessment shall not be deemed to
6 affect the availability of any other enforcement provisions in
7 connection with the violation for which the assessment is levied. The
8 commissioner may compromise any civil administrative penalty
9 assessed under this section in an amount the commissioner determines
10 appropriate.

11 e. A person who violates this act, or any rule or regulation adopted
12 pursuant thereto, shall be liable for a penalty of not more than \$7,500
13 per day, to be collected in a civil action commenced by the
14 commissioner.

15 A person who violates an administrative order issued pursuant to
16 subsection b. of this section, or a court order issued pursuant to
17 subsection c. of this section, or who fails to pay an administrative
18 assessment in full pursuant to subsection d. of this section is subject
19 upon order of a court to a civil penalty not to exceed \$50,000 per day
20 of each violation.

21 Any penalty imposed pursuant to this subsection may be collected,
22 with costs, in a summary proceeding pursuant to the "Penalty
23 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
24 The Superior Court and the municipal court shall have jurisdiction to
25 enforce the provisions of the "Penalty Enforcement Law of 1999" in
26 connection with this act.

27 f. A person who willfully or negligently violates this act shall be
28 guilty, upon conviction, of a crime of the fourth degree and shall be
29 subject to a fine of not less than \$2,500 nor more than \$25,000 per day
30 of violation. A second offense under this subsection shall subject the
31 violator to a fine of not less than \$5,000 nor more than \$50,000 per
32 day of violation. A person who knowingly makes a false statement,
33 representation, or certification in any application, record, or other
34 document filed or required to be maintained under this act, or who
35 falsifies, tampers with or knowingly renders inaccurate, any monitoring
36 device or method required to be maintained pursuant to this act, shall,
37 upon conviction, be subject to a fine of not more than \$10,000.

38

39 9. Notwithstanding any other policies and guidelines for the
40 procurement of vehicles to the contrary, the Department of the
41 Treasury shall, within one year after the effective date of this act,
42 revise its policies, rules and procedures to give priority and preference
43 to the purchase of vehicles that do not contain mercury, taking into
44 consideration competition, price, availability and performance.

45

46 10. This act shall take effect immediately.

1

2

3 Establishes program for removal of mercury switches from end-of-life

4 vehicles.

ASSEMBLY, No. 2482

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MARCH 11, 2004

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Co-Sponsored by:

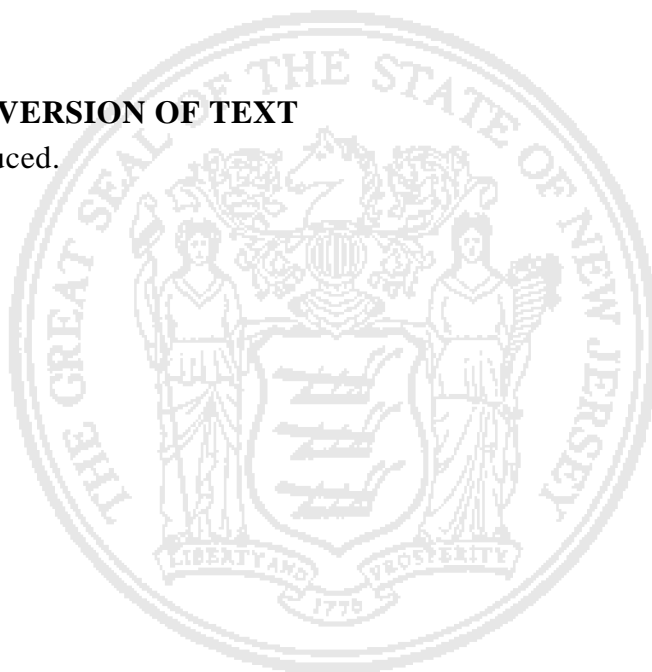
Assemblywoman Weinberg

SYNOPSIS

Establishes program for removal of mercury switches from scrapped vehicles.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/4/2004)

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17 women of childbearing age who may become pregnant not to eat
18 shark, swordfish, king mackerel, and tilefish due to methyl mercury
19 contamination, and that according to estimates of the United States
20 Environmental Protection Agency, over 600,000 babies are born
21 annually at risk for adverse neuro-developmental effects from in-utero
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26 release of as much as 10 tons of mercury to the nation's environment
27 each year.

28 The Legislature further finds and declares that the vehicle recycling
29 industry, consisting primarily of small business operators, is a vital
30 component of the State's overall recycling efforts; that iron and steel
31 manufacturers provide a valuable scrap metal recycling service; that
32 reliable estimates indicate that iron and steel manufacturing plants are
33 the largest in-State source of mercury emissions; that the main feed
34 stock for these plants is scrap metal which includes shredded
35 end-of-life vehicles, some of which contain mercury in switches that
36 can be emitted to the atmosphere when the scrap metal is melted in
37 high-temperature processes to convert it into new iron and steel
38 products; that mercury provides no benefit to iron and steel
39 manufacturing plants and has no role in the manufacture of iron and
40 steel; and that the federal Environmental Protection Agency recently
41 finalized regulations that would require certain iron and steel foundries
42 to implement work practice standards to exclude mercury switches
43 from the scrap metal feed materials of these foundries.

44 The Legislature further finds and declares that, with regard to
45 mercury emissions, pollution prevention is more desirable than waste
46 management and pollution control; and that removing mercury

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2 and preventing mercury from entering high temperature processes is
3 an effective way to reduce mercury emissions into the environment.

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5 manufacturers have responsibly ceased using mercury switches in
6 currently-manufactured vehicles; that over the next decade and beyond
7 millions of vehicles containing mercury switches will be recycled; that
8 vehicle mercury switch collection programs are being established
9 across the country to protect human health and the environment; and
10 that iron and steel foundries, vehicle recyclers and the residents of this
11 State would benefit from a Statewide program that removes mercury
12 switches from end-of-life vehicles.

13 The Legislative therefore determines that it is in the public interest
14 of the residents of New Jersey to reduce the quantity of mercury in the
15 environment by removing mercury switches from end-of-life vehicles
16 in New Jersey, by creating a collection and recovery program for
17 mercury switches removed from end-of-life vehicles in New Jersey,
18 and by establishing a system to store the mercury collected and
19 recovered from vehicle mercury switches in the event that
20 environmentally appropriate management technologies are not
21 available.

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23 3. As used in this act:

24 "Capture rate" means the annual removal, collection, and recovery
25 of mercury switches as a percentage of the total number of mercury
26 switches available for removal from end-of-life vehicles;

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28 Protection;

29 "Department" means the Department of Environmental Protection;

30 "End-of-life vehicle" means a vehicle that is sold, given or
31 otherwise conveyed to a vehicle recycler or scrap recycling facility for
32 the purpose of recycling;

33 "Manufacturer" means a person, firm, association, partnership,
34 corporation, governmental entity, organization, combination, or joint
35 venture which is the last person in the production or assembly process
36 of a new vehicle that utilizes mercury switches, or in the case of an
37 imported vehicle, the importer or domestic distributor of the vehicle;

38 "Mercury minimization plan" means a plan for removing, collecting
39 and recovering mercury switches from end-of-life vehicles and
40 prepared pursuant to section 4 of this act;

41 "Mercury switch" means any light switch or an anti-lock braking
42 system switch that contains mercury and that is installed by a
43 manufacturer in a vehicle;

44 "Scrap recycling facility" means a fixed location where machinery
45 and equipment are utilized for processing and manufacturing scrap
46 metal into prepared grades and whose principal product is scrap iron,

1 scrap steel or nonferrous metallic scrap for sale for remelting
2 purposes;

3 "Vehicle" means any passenger automobile or passenger automobile
4 derivative capable of seating 15 or fewer passengers, or any motor
5 vehicle rated at 6,000 pounds gross vehicle weight or less and a loaded
6 vehicle weight of 5,750 pounds or less, which is designed primarily for
7 purposes of transportation of property, or is a derivative of such motor
8 vehicle including, but not limited to, pick-ups, vans, and window vans;
9 and

10 "Vehicle recycler" means an individual or entity engaged in the
11 business of acquiring, dismantling or destroying six or more end-of-life
12 vehicles in a calendar year for the primary purpose of resale of their
13 parts.

14

15 4. a. Within 90 days after the effective date of this act, every
16 manufacturer of vehicles sold within the State, individually or as part
17 of a group, shall develop, in consultation with the department, a
18 mercury minimization plan prepared pursuant to this section and
19 submit the mercury minimization plan to the commissioner for review
20 and approval pursuant to section 5 of this act.

21 b. The mercury minimization plan prepared and submitted pursuant
22 to this section shall include, at a minimum, the following:

23 (1) information identifying the make, model, and year of vehicles
24 that may contain a mercury switch; a description of the mercury
25 switch; the location of these mercury switches; and the safe and
26 environmentally sound methods for their removal from end-of-life
27 vehicles. To the extent a manufacturer is uncertain as to the content
28 of a switch installed during the manufacture of a vehicle, the mercury
29 minimization plan shall presume that the switch is a mercury switch;

30 (2) educational materials to assist a vehicle recycler or a scrap
31 recycling facility in undertaking a safe and environmentally sound
32 method for the removal of the mercury switches from end-of-life
33 vehicles, including information on the hazards related to, and the
34 proper handling of, mercury;

35 (3) a proposal for the method of storage or disposal of the mercury
36 switches, including the method of packaging and shipping mercury
37 switches to authorized recycling, storage, or disposal facilities; and

38 (4) a proposal for the storage of mercury switches collected and
39 recovered from end-of-life vehicles in the event that environmentally
40 appropriate management technologies are not available; and

41 (5) a plan for implementing and financing the system, in accordance
42 with subsection d. of this section.

43 c. A mercury minimization plan shall, to the extent practicable,
44 utilize the existing end-of-life vehicle recycling infrastructure. Where
45 the existing end-of-life vehicle recycling infrastructure is not utilized,
46 the mercury minimization plan shall include the reasons for establishing

1 a separate infrastructure.

2 d. A mercury minimization plan must provide for the financing of
3 the removal, collection, and recovery system for mercury switches as
4 provided in this subsection. These costs shall be borne by the
5 manufacturers of vehicles sold in the State, and the manufacturers shall
6 develop a method that ensures the prompt payment to vehicle
7 recyclers, scrap recycling facilities and the department, for costs
8 associated with mercury switch removal and disposal. Costs shall
9 include, but not be limited to, the following:

10 (1) a minimum of \$1 for each mercury switch removed by a vehicle
11 recycler pursuant to subsection a. of section 6 of this act as partial
12 compensation for the labor and other costs incurred by a vehicle
13 recycler in the removal of the mercury switch;

14 (2) a minimum of \$1 for each mercury switch removed by a scrap
15 recycling facility pursuant to subsection b. of section 6 of this act as
16 partial compensation for the labor and other costs incurred by a scrap
17 recycling facility in the removal of the mercury switch;

18 (3) \$0.25 for each mercury switch removed by a vehicle recycler
19 pursuant to subsection a. of section 6 of this act or by a scrap
20 recycling facility pursuant to subsection b. of section 6 of this act as
21 partial compensation for the department for costs incurred in
22 administering and enforcing the provisions of this act;

23 (4) packaging in which to transport mercury switches to recycling,
24 storage or disposal facilities;

25 (5) shipping of mercury switches to recycling, storage or disposal
26 facilities;

27 (6) recycling, storage or disposal of the mercury switches;

28 (7) the preparation and distribution to vehicle recyclers and scrap
29 recycling facilities of the educational materials required pursuant to
30 paragraph (2) of subsection b. of this section; and

31 (8) maintenance of all appropriate record-keeping systems.

32

33 5. a. Within 120 days after receipt of a mercury minimization plan,
34 the commissioner shall approve, disapprove, or conditionally approve
35 the entire mercury minimization plan. The commissioner may solicit
36 input from representatives of vehicle recyclers, scrap recycling
37 facilities, and other stakeholders as the commissioner deems
38 appropriate.

39 (1) If the entire mercury minimization plan is approved, the
40 manufacturer shall begin implementation within 30 days after receipt
41 of approval or as otherwise agreed to by the commissioner. If the
42 entire mercury minimization plan is disapproved, the commissioner
43 shall inform the manufacturer as to the reasons for the disapproval.
44 The manufacturer shall have 30 days thereafter to submit a new
45 mercury minimization plan.

46 (2) The commissioner may approve those parts of a mercury

1 minimization plan that meet the requirements of section 4 of this act
2 and disapprove the parts that do not comply with the requirements of
3 section 4 of this act. The manufacturer shall implement the approved
4 parts within 30 days after receipt of approval or as otherwise agreed
5 to by the commissioner, and submit a revised mercury minimization
6 plan for the disapproved parts within 30 days after receipt of
7 notification of the disapproval of the commissioner. The
8 commissioner shall review, and approve, conditionally approve, or
9 disapprove a revised mercury minimization plan within 30 days after
10 receipt.

11 (3) If, at the conclusion of the time period of 120 days after receipt
12 of a mercury minimization plan, the commissioner has neither
13 approved nor disapproved the mercury minimization plan pursuant to
14 paragraphs (1) or (2) of this subsection, the mercury minimization plan
15 shall be considered to be conditionally approved. A manufacturer,
16 subject to any modifications required by the commissioner, shall
17 implement a conditionally effective mercury minimization plan within
18 30 days after receipt of approval or as otherwise agreed to by the
19 commissioner.

20 b. The commissioner shall reserve the right to complete, at the
21 conclusion of a time period 240 days after the date of enactment of
22 this act, on behalf of a manufacturer, any portion of a mercury
23 minimization plan that has not been approved pursuant to this section.

24 c. The commissioner may review a mercury minimization plan
25 approved pursuant to this section and recommend modifications
26 thereto at any time upon a finding that the approved mercury
27 minimization plan is deficient.

28

29 6. a. Commencing 30 days after the approval or conditional
30 approval of a mercury minimization plan pursuant to section 5 of this
31 act, a vehicle recycler who sells, gives or otherwise conveys ownership
32 of an end-of-life vehicle to a scrap recycling facility for recycling shall
33 remove all mercury switches identified in the approved mercury
34 minimization plan from the end-of-life vehicle prior to delivery to a
35 scrap recycling facility, unless a mercury switch is inaccessible due to
36 significant damage to the vehicle in the area surrounding the location
37 of the mercury switch, in which case such damage shall be noted on
38 the normal business records of the vehicle recycler who delivered the
39 end-of-life vehicle to the scrap recycling facility.

40 b. Notwithstanding subsection a. of this section, a scrap recycling
41 facility may agree to accept an end-of-life vehicle, which has not been
42 intentionally flattened, crushed or baled, containing mercury switches,
43 in which case the scrap recycling facility shall be responsible for
44 removing the mercury switches identified in the mercury minimization
45 plan approved pursuant to section 5 of this act before the end-of-life
46 vehicle is intentionally flattened, crushed, baled, or shredded.

1 c. A vehicle recycler or scrap recycling facility who removes
2 mercury switches pursuant to subsection a. or subsection b. of this
3 section shall maintain records documenting the number of mercury
4 switches collected, the number of end-of-life vehicles containing
5 mercury switches, and the number of end-of-life vehicles processed for
6 recycling. These records shall be made available for review by the
7 department upon the request of the department.

8 d. No person shall represent that mercury switches have been
9 removed from an end-of-life vehicle being sold, given or otherwise
10 conveyed for recycling if that person has not removed the mercury
11 switches, or arranged with another person to remove the mercury
12 switches.

13 e. Upon removal, mercury switches shall be collected, stored,
14 transported, and otherwise handled in accordance with the mercury
15 minimization plan approved pursuant to section 5 of this act.

16 f. Upon removal, mercury switches shall be collected, stored,
17 transported, and otherwise handled in accordance with the provisions
18 of the rules and regulations concerning universal waste adopted by the
19 department pursuant to the "Solid Waste Management Act," P.L.1970,
20 c.39 (C.13:1E-1 et seq.) and the "New Jersey Statewide Mandatory
21 Source Separation and Recycling Act," P.L.1987, c.102
22 (C.13:1E-99.11 et al.), as applicable.

23

24 7. a. One year after the implementation of a mercury minimization
25 plan approved pursuant to section 5 of this act, and annually
26 thereafter, a manufacturer subject to section 4 of this act shall,
27 individually or as part of a group, report to the commissioner
28 concerning the implementation of the mercury minimization plan. The
29 report shall include, but need not be limited to, the following: (1) a
30 detailed description and documentation of the capture rate achieved,
31 with the goal of achieving a mercury switch capture rate of at least 90
32 percent, consistent with the principle that mercury switches shall be
33 recovered unless the mercury switch is inaccessible due to significant
34 damage to the end-of-life vehicle in the area surrounding where the
35 mercury switch is located; (2) a description of additional or
36 alternative actions that may be implemented to improve the mercury
37 minimization plan and its implementation in the event that a mercury
38 switch capture rate of at least 90 percent is not achieved; (3) the
39 number of mercury switches collected, the number of end-of-life
40 vehicles containing mercury switches, the number of end-of-life
41 vehicles processed for recycling, and a description of how the mercury
42 switches were managed; and (4) a description of the amounts paid to
43 cover the costs of implementing the mercury minimization plan.

44 b. The commissioner may discontinue the requirement for the
45 annual report pursuant to subsection a. of this section upon a finding
46 that mercury switches in end-of-life vehicles no longer pose a
47 significant threat to the environment or to public health.

1 8. a. Whenever the commissioner finds that a person has violated
2 any provision of this act, or any rule or regulation adopted pursuant
3 thereto, the commissioner may:

4 (1) issue an order requiring the person found to be in violation to
5 comply in accordance with subsection b. of this section;

6 (2) bring a civil action in accordance with subsection c. of this
7 section;

8 (3) levy a civil administrative penalty in accordance with subsection
9 d. of this section;

10 (4) bring an action for a civil penalty in accordance with subsection
11 e. of this section; or

12 (5) petition the Attorney General to bring a criminal action in
13 accordance with subsection f. of this section.

14 Pursuit of any of the remedies specified under this section shall not
15 preclude the seeking of any other remedy specified.

16 b. Whenever the commissioner finds that a person has violated this
17 act, or any rule or regulation adopted pursuant thereto, the
18 commissioner may issue an order specifying the provision or
19 provisions of this act, or the rule or regulation adopted pursuant
20 thereto, of which the person is in violation, citing the action that
21 constituted the violation, ordering abatement of the violation, and
22 giving notice to the person of the person's right to a hearing on the
23 matters contained in the order. The ordered person shall have 20
24 calendar days from receipt of the order within which to deliver to the
25 commissioner a written request for a hearing. After the hearing and
26 upon finding that a violation has occurred, the commissioner may issue
27 a final order. If no hearing is requested, the order shall become final
28 after the expiration of the 20-day period. A request for hearing shall
29 not automatically stay the effect of the order.

30 c. The commissioner may institute an action or proceeding in the
31 Superior Court for injunctive and other relief to enforce the provisions
32 of this act and to prohibit and prevent a violation of this act, or of any
33 rule or regulation adopted pursuant thereto, and the court may
34 proceed in the action in a summary manner. In any such proceeding
35 the court may grant temporary or interlocutory relief.

36 Such relief may include, singly or in combination:

37 (1) a temporary or permanent injunction;

38 (2) assessment of the violator for the reasonable costs of any
39 inspection that led to the establishment of the violation, and for the
40 reasonable costs of preparing and litigating the case under this
41 subsection.

42 d. The commissioner may assess a civil administrative penalty of
43 not more than \$7,500 for a first offense, not more than \$10,000 for a
44 second offense and not more than \$25,000 for a third and every
45 subsequent offense. Each day that a violation continues shall
46 constitute an additional, separate, and distinct offense.

1 No assessment may be levied pursuant to this section until after the
2 violator has been notified by certified mail or personal service. The
3 notice shall include a reference to the section of the statute, rule,
4 regulation, or order violated, a concise statement of the facts alleged
5 to constitute a violation, a statement of the amount of the civil
6 administrative penalties to be imposed, and a statement of the person's
7 right to a hearing. The ordered person shall have 20 calendar days
8 from receipt of the notice within which to deliver to the commissioner
9 a written request for a hearing.

10 After the hearing and upon finding that a violation has occurred, the
11 commissioner may issue a final order after assessing the amount of the
12 fine specified in the notice. If no hearing is requested, the notice shall
13 become a final order after the expiration of the 20-day period.
14 Payment of the assessment is due when a final order is issued or the
15 notice becomes a final order. The authority to levy a civil
16 administrative penalty is in addition to all other enforcement provisions
17 in this act, and the payment of any assessment shall not be deemed to
18 affect the availability of any other enforcement provisions in
19 connection with the violation for which the assessment is levied. The
20 commissioner may compromise any civil administrative penalty
21 assessed under this section in an amount the commissioner determines
22 appropriate.

23 e. A person who violates this act, or any rule or regulation adopted
24 pursuant thereto, shall be liable for a penalty of not more than \$7,500
25 per day, to be collected in a civil action commenced by the
26 commissioner.

27 A person who violates an administrative order issued pursuant to
28 subsection b. of this section, or a court order issued pursuant to
29 subsection c. of this section, or who fails to pay an administrative
30 assessment in full pursuant to subsection d. of this section is subject
31 upon order of a court to a civil penalty not to exceed \$50,000 per day
32 of each violation.

33 Any penalty imposed pursuant to this subsection may be collected,
34 with costs, in a summary proceeding pursuant to the "Penalty
35 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
36 The Superior Court and the municipal court shall have jurisdiction to
37 enforce the provisions of the "Penalty Enforcement Law of 1999" in
38 connection with this act.

39 f. A person who willfully or negligently violates this act shall be
40 guilty, upon conviction, of a crime of the fourth degree and shall be
41 subject to a fine of not less than \$2,500 nor more than \$25,000 per day
42 of violation. A second offense under this subsection shall subject the
43 violator to a fine of not less than \$5,000 nor more than \$50,000 per
44 day of violation. A person who knowingly makes a false statement,
45 representation, or certification in any application, record, or other
46 document filed or required to be maintained under this act, or who

1 falsifies, tampers with or knowingly renders inaccurate, any monitoring
2 device or method required to be maintained pursuant to this act, shall,
3 upon conviction, be subject to a fine of not more than \$10,000.

4
5 9. Notwithstanding any other policies and guidelines for the
6 procurement of vehicles to the contrary, the Department of the
7 Treasury shall, within one year after the effective date of this act,
8 revise its policies, rules and procedures to give priority and preference
9 to the purchase of vehicles that do not contain mercury, taking into
10 consideration competition, price, availability and performance.

11
12 10. This act shall take effect immediately.

13 14 15 STATEMENT

16
17 This bill would create a collection and recovery program for
18 mercury switches removed from scrapped vehicles in New Jersey, and
19 require vehicle manufacturers, either individually or as part of a group,
20 to develop and submit to the Department of Environmental Protection
21 (DEP) mercury minimization plans within 90 days of the effective date
22 of this bill.

23 The mercury minimization plan would address the removal of
24 mercury switches, i.e., any light switch or an anti-lock braking system
25 switch that contains mercury and that is installed by a manufacturer in
26 a vehicle, by vehicle recyclers prior to vehicles being melted down. As
27 part of the plan, manufacturers would provide information on the
28 makes, models and years of vehicles that may have mercury switches,
29 and implement an education and outreach program to assist vehicle
30 recyclers and scrap recycling facilities in undertaking a safe and
31 environmentally sound method for the removal of the mercury
32 switches from end-of-life vehicles. The bill would also require
33 manufacturers to pay a minimum of \$1 for each mercury switch
34 removed by a vehicle recycler or a scrap recycling facility as partial
35 compensation for the labor and other costs incurred by the vehicle
36 recycler or the scrap recycling facility in the removal of mercury
37 switch, and \$0.25 to the DEP for each mercury switch removed as
38 partial compensation for the DEP's administrative and enforcement
39 costs. Manufacturers would also be responsible for the costs of
40 packaging to transport, and shipping of, mercury switches to recycling,
41 storage or disposal facilities, and the recycling, storage or disposal of
42 the mercury switches;

43 This bill would require vehicle recyclers who sell, give or otherwise
44 convey ownership of end-of-life vehicles to scrap recycling facilities
45 for recycling to remove all mercury switches identified in the mercury
46 minimization plan from end-of-life vehicles prior to delivery to a scrap

1 recycling facility, unless a mercury switch is inaccessible due to
2 significant damage to the vehicle in the area surrounding the location
3 of the mercury switch.

4 The bill would further provide that a scrap recycling facility may
5 agree to accept an end-of-life vehicle, which has not been intentionally
6 flattened, crushed or baled, containing mercury switches, in which case
7 the scrap recycling facility would be responsible for removing the
8 mercury switches.

9 Lastly, this bill, notwithstanding any other policies and guidelines
10 for the procurement of vehicles to the contrary, would require the
11 Department of the Treasury to revise its policies, rules and procedures
12 to give priority and preference to the purchase of mercury-free
13 vehicles, taking into consideration competition, price, availability and
14 performance.

15 This bill is modeled on legislation enacted by the State of Maine in
16 2001.

17 Mercury is a persistent and toxic pollutant that bioaccumulates in
18 the environment. Forty-one states, including New Jersey, have issued
19 fish advisories that warn certain individuals to restrict or avoid
20 consuming fish from bodies of water contaminated with mercury.

21 Iron and steel manufacturing plants provide a valuable scrap metal
22 recycling service. A primary feed stock of such plants is scrap metal
23 from recycled end-of-life vehicles and other recycled products that
24 may contain mercury. Mercury provides no benefit to iron and steel
25 manufacturing plants and has no role in the manufacture of iron and
26 steel. Mercury that is not removed from end-of-life vehicles prior to
27 crushing and shredding contaminates the scrap metal and may be
28 released to the environment when the scrap metal is melted during the
29 steel manufacturing process. As a result, iron and steel manufacturing
30 plants are a significant in-State source of mercury emissions.
31 Removing mercury switches from end-of-life vehicles prior to crushing
32 and shredding and thus preventing mercury from entering high
33 temperature processes is an effective way to reduce mercury emissions
34 into the environment.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2482

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 2004

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 2482.

As amended by the committee, this bill would create a collection and recovery program for mercury switches removed from end-of-life vehicles in New Jersey, and require vehicle manufacturers, either individually or as part of a group, to develop and submit to the Department of Environmental Protection (DEP) mercury minimization plans within 90 days after enactment of the bill into law.

The mercury minimization plan would address the removal of mercury switches by vehicle recyclers and scrap recycling facilities prior to vehicles being melted down. As amended, the bill defines "mercury switch" as each mercury-containing capsule, commonly known as a "bullet," that is part of a convenience light switch assembly or part of an anti-lock braking system assembly installed in a vehicle, and provides that an anti-lock braking system assembly may contain more than one mercury switch. As part of the plan, manufacturers would provide information on the makes, models and years of vehicles that may have mercury switches, and implement an education and outreach program to assist vehicle recyclers and scrap recycling facilities in undertaking a safe and environmentally sound method for the removal of the mercury switches from end-of-life vehicles. The bill as amended would also require manufacturers to pay a minimum of \$2 for each mercury switch removed by a vehicle recycler or a scrap recycling facility as partial compensation for the labor and other costs incurred by the vehicle recycler or the scrap recycling facility in the removal of mercury switch, and \$0.25 to the DEP for each mercury switch removed as partial compensation for the DEP's administrative and enforcement costs. Manufacturers would also be responsible for the costs of packaging to transport, and shipping of, mercury switches to recycling, storage or disposal facilities, and the recycling, storage or disposal of the mercury switches.

This bill would require vehicle recyclers who sell, give or otherwise convey ownership of end-of-life vehicles to scrap recycling

facilities for recycling to remove all mercury switches identified in the mercury minimization plan from end-of-life vehicles prior to delivery to a scrap recycling facility, unless a mercury switch is inaccessible due to significant damage to the vehicle in the area surrounding the location of the mercury switch.

The bill would further provide that a scrap recycling facility may agree to accept an end-of-life vehicle, which has not been intentionally flattened, crushed or baled, containing mercury switches, in which case the scrap recycling facility would be responsible for removing the mercury switches.

Lastly, this bill, notwithstanding any other policies and guidelines for the procurement of vehicles to the contrary, would require the Department of the Treasury to revise its policies, rules and procedures to give priority and preference to the purchase of mercury-free vehicles, taking into consideration competition, price, availability and performance.

COMMITTEE AMENDMENTS

Committee amendments to the bill:

- 1) clarify the definition of the term "mercury switch";
- 2) define "vehicle" to mean any passenger car, station wagon, truck, van, or sport utility vehicle with a gross vehicle weight rating of less than 12,000 pounds;
- 3) clarify the type of information required in a mercury minimization plan;
- 4) increase from \$1 to \$2 the minimum amount required to be paid by a manufacturer for each mercury switch removed by a vehicle recycler or scrap recycling facility;
- 5) require every manufacturer of vehicles sold within the State, individually or as part of a group, to provide to vehicle recyclers and scrap recycling facilities containers suitable for storing mercury switches until such time that vehicle recyclers and scrap recycling facilities can be reimbursed;
- 6) require manufacturers of vehicles sold within the State to provide recyclers or scrap recycling facilities with reimbursement for each mercury switch regardless of when these switches were removed from the vehicles, provided that the vehicle recyclers or scrap recycling facilities record and provide the Vehicle Identification Number (VIN) associated with each mercury switch;
- 7) require vehicle recyclers and scrap recycling facilities to record the Vehicle Identification Number (VIN) of each vehicle from which mercury switches were removed and record the number of mercury switches removed from each vehicle; and
- 8) make technical corrections to the bill.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2482

STATE OF NEW JERSEY

DATED: OCTOBER 21, 2004

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2482 (1R)

Assembly Bill No. 2482 (1R) creates a collection and recovery program for mercury switches removed from end-of-life vehicles in New Jersey, and requires vehicle manufacturers, either individually or as part of a group, to develop and submit to the Department of Environmental Protection (DEP) mercury minimization plans within 90 days after enactment.

The mercury minimization plan addresses the removal of mercury switches by vehicle recyclers and scrap recycling facilities prior to vehicles being melted down.

Manufacturers must provide information on the makes, models and years of vehicles that may have mercury switches, and implement an education and outreach program to assist vehicle recyclers and scrap recycling facilities in undertaking a safe and environmentally sound method for the removal of the mercury switches. The bill also requires manufacturers to pay a minimum of \$2 to a vehicle recycler or a scrap recycling facility for each mercury switch removed and \$0.25 to the DEP for each mercury switch removed to support administrative and enforcement costs. Manufacturers will also be responsible for the costs of packaging to transport, and shipping of, mercury switches to recycling, storage or disposal facilities, and the recycling, storage or disposal of the mercury switches.

FISCAL IMPACT:

It has been estimated that existing DEP staff and resources would be able to carry out implementation and monitoring of this program. The DEP would receive funding from the \$0.25 partial fee and is estimated to be approximately \$125,000 annually paid by manufacturers in total for all switches removed.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2482

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2004

The Senate Environment Committee reports favorably Assembly Bill No. 2482 (1R).

This bill would create a collection and recovery program for mercury switches removed from end-of-life vehicles in New Jersey, and require vehicle manufacturers, either individually or as part of a group, to develop and submit to the Department of Environmental Protection (DEP) mercury minimization plans within 90 days after enactment of the bill into law.

The mercury minimization plan would address the removal of mercury switches by vehicle recyclers and scrap recycling facilities prior to vehicles being melted down. The bill defines "mercury switch" as each mercury-containing capsule, commonly known as a "bullet," that is part of a convenience light switch assembly or part of an anti-lock braking system assembly installed in a vehicle, and provides that an anti-lock braking system assembly may contain more than one mercury switch. As part of the plan, manufacturers would provide information on the makes, models and years of vehicles that may have mercury switches, and implement an education and outreach program to assist vehicle recyclers and scrap recycling facilities in undertaking a safe and environmentally sound method for the removal of the mercury switches from end-of-life vehicles. The bill would also require manufacturers to pay a minimum of \$2 for each mercury switch removed by a vehicle recycler or a scrap recycling facility as partial compensation for the labor and other costs incurred by the vehicle recycler or the scrap recycling facility in the removal of mercury switch, and \$0.25 to the DEP for each mercury switch removed as partial compensation for the DEP's administrative and enforcement costs. Manufacturers would also be responsible for the costs of packaging to transport, and shipping of, mercury switches to recycling, storage or disposal facilities, and the recycling, storage or disposal of the mercury switches.

This bill would require vehicle recyclers who sell, give or otherwise convey ownership of end-of-life vehicles to scrap recycling facilities for recycling to remove all mercury switches identified in the mercury minimization plan from end-of-life vehicles prior to delivery

to a scrap recycling facility, unless a mercury switch is inaccessible due to significant damage to the vehicle in the area surrounding the location of the mercury switch.

The bill would further provide that a scrap recycling facility may agree to accept an end-of-life vehicle, which has not been intentionally flattened, crushed or baled, containing mercury switches, in which case the scrap recycling facility would be responsible for removing the mercury switches.

Lastly, this bill, notwithstanding any other policies and guidelines for the procurement of vehicles to the contrary, would require the Department of the Treasury to revise its policies, rules and procedures to give priority and preference to the purchase of mercury-free vehicles, taking into consideration competition, price, availability and performance.

This bill is identical to Senate Bill No. 1292, as amended by the committee.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2482

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2005

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2482 (1R).

This bill would create a collection and recovery program for mercury switches removed from end-of-life vehicles in New Jersey, and require vehicle manufacturers, either individually or as part of a group, to develop and submit to the Department of Environmental Protection (DEP) mercury minimization plans within 90 days after enactment of the bill into law.

The mercury minimization plan would address the removal of mercury switches by vehicle recyclers and scrap recycling facilities prior to vehicles being melted down. The bill defines "mercury switch" as each mercury-containing capsule, commonly known as a "bullet," that is part of a convenience light switch assembly or part of an anti-lock braking system assembly installed in a vehicle, and provides that an anti-lock braking system assembly may contain more than one mercury switch. As part of the plan, manufacturers would provide information on the makes, models and years of vehicles that may have mercury switches, and implement an education and outreach program to assist vehicle recyclers and scrap recycling facilities in undertaking a safe and environmentally sound method for the removal of the mercury switches from end-of-life vehicles. The bill would also require manufacturers to pay a minimum of \$2 for each mercury switch removed by a vehicle recycler or a scrap recycling facility as partial compensation for the labor and other costs incurred by the vehicle recycler or the scrap recycling facility in the removal of mercury switch, and \$0.25 to the DEP for each mercury switch removed as partial compensation for the DEP's administrative and enforcement costs. Manufacturers would also be responsible for the costs of packaging to transport, and shipping of, mercury switches to recycling, storage or disposal facilities, and the recycling, storage or disposal of the mercury switches.

This bill would require vehicle recyclers who sell, give or otherwise convey ownership of end-of-life vehicles to scrap recycling facilities for recycling to remove all mercury switches identified in the mercury minimization plan from end-of-life vehicles prior to delivery

to a scrap recycling facility, unless a mercury switch is inaccessible due to significant damage to the vehicle in the area surrounding the location of the mercury switch.

The bill would further provide that a scrap recycling facility may agree to accept an end-of-life vehicle, which has not been intentionally flattened, crushed or baled, containing mercury switches, in which case the scrap recycling facility would be responsible for removing the mercury switches.

Finally, this bill would require the Department of the Treasury, notwithstanding any other policies and guidelines for the procurement of vehicles to the contrary, to revise its policies, rules and procedures to give priority and preference to the purchase of mercury-free vehicles, taking into consideration competition, price, availability and performance.

The provisions of this bill are identical to those of Senate Bill No. 1292 (1R), which the committee also reports this day.

FISCAL IMPACT

It has been estimated that existing DEP staff and resources would be able to carry out implementation and monitoring of this program. The DEP would receive funding from the \$0.25 partial fee and is estimated to be approximately \$125,000 annually paid to the State by manufacturers in total for all switches removed.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2482

STATE OF NEW JERSEY

211th LEGISLATURE

DATED: NOVEMBER 5, 2004

SUMMARY

Synopsis: Establishes program for removal of mercury switches from scrapped vehicles.
Type of Impact: Offsetting expenditure increase and revenue gain in the General Fund.
Agencies Affected: Department of Environmental Protection

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		\$125,000 annually	
State Revenue		\$125,000 annually	

- ! The bill creates a collection and recovery program for mercury switches removed from end-of-life vehicles in New Jersey. Such switches are generally found in light switch assemblies or anti-lock braking systems.
- ! The bill requires vehicle manufacturers to develop a plan to remove mercury switches by vehicle recyclers and scrap recycling facilities prior to vehicles being melted down.
- ! Vehicle manufacturers would be required to compensate vehicle recyclers or scrap recycling facilities for removing mercury switches, and to compensate the Department of Environmental Protection (DEP) for its program costs.
- ! The Office of Legislative Services (OLS) estimates that the annual revenue received by the DEP from vehicle manufacturers under the bill should be sufficient to cover the estimated costs incurred by the department in managing the program.

BILL DESCRIPTION

Assembly Bill No. 2482 (1R) of 2004 creates a collection and recovery program for mercury switches removed from end-of-life vehicles in New Jersey. Vehicle manufacturers are required to develop and submit to the DEP mercury minimization plans within 90 days after the bill's enactment. These plans must

address the removal of mercury switches by vehicle recyclers and scrap recycling facilities prior to vehicles being melted down. Manufacturers must provide information on the makes, models and years of vehicles that may have mercury switches, and implement an education and outreach program to assist vehicle recyclers and scrap recycling facilities in undertaking a safe and environmentally sound method for removing them.

The bill also requires manufacturers to pay a minimum of \$2 for each mercury switch removed by a vehicle recycler or a scrap recycling facility, and \$0.25 to the DEP for each mercury switch removed to support the administrative and enforcement costs of this program. Last, the bill requires manufacturers to be responsible for the costs of packaging and shipping mercury switches to recycling, storage or disposal facilities, and for the recycling, storage or disposal of the mercury switches.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates that existing DEP staff and resources will probably be able to carry out many of the program's implementation and monitoring duties. However, the OLS also estimates that the DEP may require up to \$125,000 to fully administer the program as prescribed under the bill. Although this amount conveniently matches the revenue estimate, as described below, it nevertheless should provide the department with adequate funding to meet additional costs that will likely be incurred. The OLS further notes that enforcement efforts under the bill could probably be met by existing department staff and the Attorney General's Office, if necessary.

The revenue estimate of \$125,000 is based on findings collected from a mercury switch data collection pilot program conducted by the department in 2003. The pilot report found that approximately 500,000 vehicles are recycled or shredded in the state annually. It also found that an average of one mercury light switch was removed from each vehicle. Accordingly, if \$0.25 per switch was paid by vehicle manufacturers to the DEP as provided under the bill, then \$125,000 would be accrued annually if one switch per vehicle was removed from 500,000 vehicles each year.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*
Senior Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 1292

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 1, 2004

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator BARBARA BUONO

District 18 (Middlesex)

Co-Sponsored by:

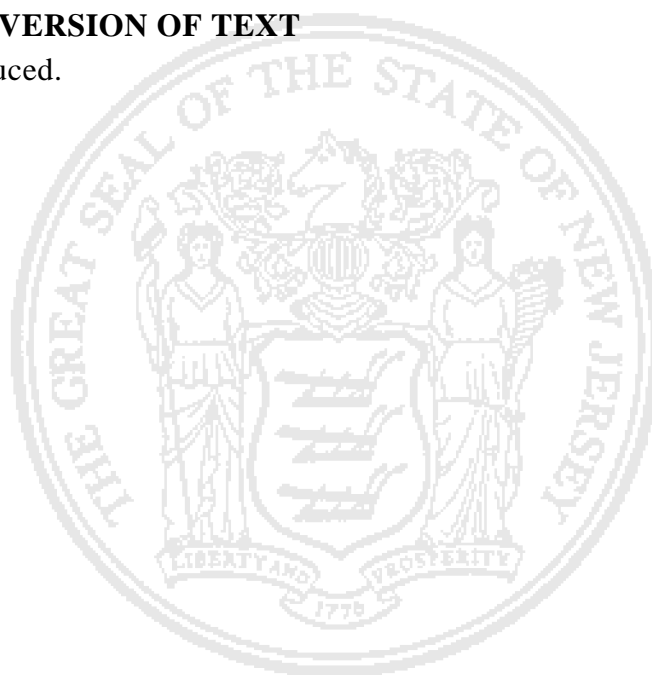
Senators Adler, Coniglio and Madden

SYNOPSIS

Establishes program for removal of mercury switches from scrapped vehicles.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/26/2004)

1 AN ACT concerning mercury in certain vehicles, and supplementing
2 Title 13 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the "Mercury
8 Switch Removal Act of 2004."

9

10 2. The Legislature finds and declares that mercury is a persistent
11 and toxic pollutant that bioaccumulates in the environment and that 41
12 states, including New Jersey, have issued fish advisories that warn
13 certain individuals to restrict or avoid consuming fish from bodies of
14 water contaminated with mercury.

15 The Legislature further finds and declares that the United States
16 Food and Drug Administration has advised pregnant women and
17 women of childbearing age who may become pregnant not to eat
18 shark, swordfish, king mackerel, and tilefish due to methyl mercury
19 contamination, and that according to estimates of the United States
20 Environmental Protection Agency, over 600,000 babies are born
21 annually at risk for adverse neuro-developmental effects from in-utero
22 exposure to methyl mercury resulting from the consumption of
23 mercury contaminated fish.

24 The Legislature further finds and declares that recent findings show
25 that historic and current use of mercury in vehicles can cause the
26 release of as much as 10 tons of mercury to the nation's environment
27 each year.

28 The Legislature further finds and declares that the vehicle recycling
29 industry, consisting primarily of small business operators, is a vital
30 component of the State's overall recycling efforts; that iron and steel
31 manufacturers provide a valuable scrap metal recycling service; that
32 reliable estimates indicate that iron and steel manufacturing plants are
33 the largest in-State source of mercury emissions; that the main feed
34 stock for these plants is scrap metal which includes shredded
35 end-of-life vehicles, some of which contain mercury in switches that
36 can be emitted to the atmosphere when the scrap metal is melted in
37 high-temperature processes to convert it into new iron and steel
38 products; that mercury provides no benefit to iron and steel
39 manufacturing plants and has no role in the manufacture of iron and
40 steel; and that the federal Environmental Protection Agency recently
41 finalized regulations that would require certain iron and steel foundries
42 to implement work practice standards to exclude mercury switches
43 from the scrap metal feed materials of these foundries.

44 The Legislature further finds and declares that, with regard to
45 mercury emissions, pollution prevention is more desirable than waste
46 management and pollution control; and that removing mercury

1 switches from end-of-life vehicles before they are crushed or shredded
2 and preventing mercury from entering high temperature processes is
3 an effective way to reduce mercury emissions into the environment.

4 The Legislature further finds and declares that a majority of vehicle
5 manufacturers have responsibly ceased using mercury switches in
6 currently-manufactured vehicles; that over the next decade and beyond
7 millions of vehicles containing mercury switches will be recycled; that
8 vehicle mercury switch collection programs are being established
9 across the country to protect human health and the environment; and
10 that iron and steel foundries, vehicle recyclers and the residents of this
11 State would benefit from a Statewide program that removes mercury
12 switches from end-of-life vehicles.

13 The Legislative therefore determines that it is in the public interest
14 of the residents of New Jersey to reduce the quantity of mercury in the
15 environment by removing mercury switches from end-of-life vehicles
16 in New Jersey, by creating a collection and recovery program for
17 mercury switches removed from end-of-life vehicles in New Jersey,
18 and by establishing a system to store the mercury collected and
19 recovered from vehicle mercury switches in the event that
20 environmentally appropriate management technologies are not
21 available.

22

23 3. As used in this act:

24 "Capture rate" means the annual removal, collection, and recovery
25 of mercury switches as a percentage of the total number of mercury
26 switches available for removal from end-of-life vehicles;

27 "Commissioner" means the Commissioner of Environmental
28 Protection;

29 "Department" means the Department of Environmental Protection;

30 "End-of-life vehicle" means a vehicle that is sold, given or
31 otherwise conveyed to a vehicle recycler or scrap recycling facility for
32 the purpose of recycling;

33 "Manufacturer" means a person, firm, association, partnership,
34 corporation, governmental entity, organization, combination, or joint
35 venture which is the last person in the production or assembly process
36 of a new vehicle that utilizes mercury switches, or in the case of an
37 imported vehicle, the importer or domestic distributor of the vehicle;

38 "Mercury minimization plan" means a plan for removing, collecting
39 and recovering mercury switches from end-of-life vehicles and
40 prepared pursuant to section 4 of this act;

41 "Mercury switch" means any light switch or an anti-lock braking
42 system switch that contains mercury and that is installed by a
43 manufacturer in a vehicle;

44 "Scrap recycling facility" means a fixed location where machinery
45 and equipment are utilized for processing and manufacturing scrap
46 metal into prepared grades and whose principal product is scrap iron,

1 scrap steel or nonferrous metallic scrap for sale for remelting
2 purposes;

3 "Vehicle" means any passenger automobile or passenger automobile
4 derivative capable of seating 15 or fewer passengers, or any motor
5 vehicle rated at 6,000 pounds gross vehicle weight or less and a loaded
6 vehicle weight of 5,750 pounds or less, which is designed primarily for
7 purposes of transportation of property, or is a derivative of such motor
8 vehicle including, but not limited to, pick-ups, vans, and window vans;
9 and

10 "Vehicle recycler" means an individual or entity engaged in the
11 business of acquiring, dismantling or destroying six or more end-of-life
12 vehicles in a calendar year for the primary purpose of resale of their
13 parts.

14

15 4. a. Within 90 days after the effective date of this act, every
16 manufacturer of vehicles sold within the State, individually or as part
17 of a group, shall develop, in consultation with the department, a
18 mercury minimization plan prepared pursuant to this section and
19 submit the mercury minimization plan to the commissioner for review
20 and approval pursuant to section 5 of this act.

21 b. The mercury minimization plan prepared and submitted pursuant
22 to this section shall include, at a minimum, the following:

23 (1) information identifying the make, model, and year of vehicles
24 that may contain a mercury switch; a description of the mercury
25 switch; the location of these mercury switches; and the safe and
26 environmentally sound methods for their removal from end-of-life
27 vehicles. To the extent a manufacturer is uncertain as to the content
28 of a switch installed during the manufacture of a vehicle, the mercury
29 minimization plan shall presume that the switch is a mercury switch;

30 (2) educational materials to assist a vehicle recycler or a scrap
31 recycling facility in undertaking a safe and environmentally sound
32 method for the removal of the mercury switches from end-of-life
33 vehicles, including information on the hazards related to, and the
34 proper handling of, mercury;

35 (3) a proposal for the method of storage or disposal of the mercury
36 switches, including the method of packaging and shipping mercury
37 switches to authorized recycling, storage, or disposal facilities; and

38 (4) a proposal for the storage of mercury switches collected and
39 recovered from end-of-life vehicles in the event that environmentally
40 appropriate management technologies are not available; and

41 (5) a plan for implementing and financing the system, in accordance
42 with subsection d. of this section.

43 c. A mercury minimization plan shall, to the extent practicable,
44 utilize the existing end-of-life vehicle recycling infrastructure. Where
45 the existing end-of-life vehicle recycling infrastructure is not utilized,
46 the mercury minimization plan shall include the reasons for establishing

1 a separate infrastructure.

2 d. A mercury minimization plan must provide for the financing of
3 the removal, collection, and recovery system for mercury switches as
4 provided in this subsection. These costs shall be borne by the
5 manufacturers of vehicles sold in the State, and the manufacturers shall
6 develop a method that ensures the prompt payment to vehicle
7 recyclers, scrap recycling facilities and the department, for costs
8 associated with mercury switch removal and disposal. Costs shall
9 include, but not be limited to, the following:

10 (1) a minimum of \$1 for each mercury switch removed by a vehicle
11 recycler pursuant to subsection a. of section 6 of this act as partial
12 compensation for the labor and other costs incurred by a vehicle
13 recycler in the removal of the mercury switch;

14 (2) a minimum of \$1 for each mercury switch removed by a scrap
15 recycling facility pursuant to subsection b. of section 6 of this act as
16 partial compensation for the labor and other costs incurred by a scrap
17 recycling facility in the removal of the mercury switch;

18 (3) \$0.25 for each mercury switch removed by a vehicle recycler
19 pursuant to subsection a. of section 6 of this act or by a scrap
20 recycling facility pursuant to subsection b. of section 6 of this act as
21 partial compensation for the department for costs incurred in
22 administering and enforcing the provisions of this act;

23 (4) packaging in which to transport mercury switches to recycling,
24 storage or disposal facilities;

25 (5) shipping of mercury switches to recycling, storage or disposal
26 facilities;

27 (6) recycling, storage or disposal of the mercury switches;

28 (7) the preparation and distribution to vehicle recyclers and scrap
29 recycling facilities of the educational materials required pursuant to
30 paragraph (2) of subsection b. of this section; and

31 (8) maintenance of all appropriate record-keeping systems.

32

33 5. a. Within 120 days after receipt of a mercury minimization plan,
34 the commissioner shall approve, disapprove, or conditionally approve
35 the entire mercury minimization plan. The commissioner may solicit
36 input from representatives of vehicle recyclers, scrap recycling
37 facilities, and other stakeholders as the commissioner deems
38 appropriate.

39 (1) If the entire mercury minimization plan is approved, the
40 manufacturer shall begin implementation within 30 days after receipt
41 of approval or as otherwise agreed to by the commissioner. If the
42 entire mercury minimization plan is disapproved, the commissioner
43 shall inform the manufacturer as to the reasons for the disapproval.
44 The manufacturer shall have 30 days thereafter to submit a new
45 mercury minimization plan.

46 (2) The commissioner may approve those parts of a mercury

1 minimization plan that meet the requirements of section 4 of this act
2 and disapprove the parts that do not comply with the requirements of
3 section 4 of this act. The manufacturer shall implement the approved
4 parts within 30 days after receipt of approval or as otherwise agreed
5 to by the commissioner, and submit a revised mercury minimization
6 plan for the disapproved parts within 30 days after receipt of
7 notification of the disapproval of the commissioner. The
8 commissioner shall review, and approve, conditionally approve, or
9 disapprove a revised mercury minimization plan within 30 days after
10 receipt.

11 (3) If, at the conclusion of the time period of 120 days after receipt
12 of a mercury minimization plan, the commissioner has neither
13 approved nor disapproved the mercury minimization plan pursuant to
14 paragraphs (1) or (2) of this subsection, the mercury minimization plan
15 shall be considered to be conditionally approved. A manufacturer,
16 subject to any modifications required by the commissioner, shall
17 implement a conditionally effective mercury minimization plan within
18 30 days after receipt of approval or as otherwise agreed to by the
19 commissioner.

20 b. The commissioner shall reserve the right to complete, at the
21 conclusion of a time period 240 days after the date of enactment of
22 this act, on behalf of a manufacturer, any portion of a mercury
23 minimization plan that has not been approved pursuant to this section.

24 c. The commissioner may review a mercury minimization plan
25 approved pursuant to this section and recommend modifications
26 thereto at any time upon a finding that the approved mercury
27 minimization plan is deficient.

28

29 6. a. Commencing 30 days after the approval or conditional
30 approval of a mercury minimization plan pursuant to section 5 of this
31 act, a vehicle recycler who sells, gives or otherwise conveys ownership
32 of an end-of-life vehicle to a scrap recycling facility for recycling shall
33 remove all mercury switches identified in the approved mercury
34 minimization plan from the end-of-life vehicle prior to delivery to a
35 scrap recycling facility, unless a mercury switch is inaccessible due to
36 significant damage to the vehicle in the area surrounding the location
37 of the mercury switch, in which case such damage shall be noted on
38 the normal business records of the vehicle recycler who delivered the
39 end-of-life vehicle to the scrap recycling facility.

40 b. Notwithstanding subsection a. of this section, a scrap recycling
41 facility may agree to accept an end-of-life vehicle, which has not been
42 intentionally flattened, crushed or baled, containing mercury switches,
43 in which case the scrap recycling facility shall be responsible for
44 removing the mercury switches identified in the mercury minimization
45 plan approved pursuant to section 5 of this act before the end-of-life
46 vehicle is intentionally flattened, crushed, baled, or shredded.

1 c. A vehicle recycler or scrap recycling facility who removes
2 mercury switches pursuant to subsection a. or subsection b. of this
3 section shall maintain records documenting the number of mercury
4 switches collected, the number of end-of-life vehicles containing
5 mercury switches, and the number of end-of-life vehicles processed for
6 recycling. These records shall be made available for review by the
7 department upon the request of the department.

8 d. No person shall represent that mercury switches have been
9 removed from an end-of-life vehicle being sold, given or otherwise
10 conveyed for recycling if that person has not removed the mercury
11 switches, or arranged with another person to remove the mercury
12 switches.

13 e. Upon removal, mercury switches shall be collected, stored,
14 transported, and otherwise handled in accordance with the mercury
15 minimization plan approved pursuant to section 5 of this act.

16 f. Upon removal, mercury switches shall be collected, stored,
17 transported, and otherwise handled in accordance with the provisions
18 of the rules and regulations concerning universal waste adopted by the
19 department pursuant to the "Solid Waste Management Act," P.L.1970,
20 c.39 (C.13:1E-1 et seq.) and the "New Jersey Statewide Mandatory
21 Source Separation and Recycling Act," P.L.1987, c.102
22 (C.13:1E-99.11 et al.), as applicable.

23

24 7. a. One year after the implementation of a mercury minimization
25 plan approved pursuant to section 5 of this act, and annually
26 thereafter, a manufacturer subject to section 4 of this act shall,
27 individually or as part of a group, report to the commissioner
28 concerning the implementation of the mercury minimization plan. The
29 report shall include, but need not be limited to, the following: (1) a
30 detailed description and documentation of the capture rate achieved,
31 with the goal of achieving a mercury switch capture rate of at least 90
32 percent, consistent with the principle that mercury switches shall be
33 recovered unless the mercury switch is inaccessible due to significant
34 damage to the end-of-life vehicle in the area surrounding where the
35 mercury switch is located; (2) a description of additional or alternative
36 actions that may be implemented to improve the mercury minimization
37 plan and its implementation in the event that a mercury switch capture
38 rate of at least 90 percent is not achieved; (3) the number of mercury
39 switches collected, the number of end-of-life vehicles containing
40 mercury switches, the number of end-of-life vehicles processed for
41 recycling, and a description of how the mercury switches were
42 managed; and (4) a description of the amounts paid to cover the costs
43 of implementing the mercury minimization plan.

44 b. The commissioner may discontinue the requirement for the
45 annual report pursuant to subsection a. of this section upon a finding
46 that mercury switches in end-of-life vehicles no longer pose a

1 significant threat to the environment or to public health.

2

3 8. a. Whenever the commissioner finds that a person has violated
4 any provision of this act, or any rule or regulation adopted pursuant
5 thereto, the commissioner may:

6 (1) issue an order requiring the person found to be in violation to
7 comply in accordance with subsection b. of this section;

8 (2) bring a civil action in accordance with subsection c. of this
9 section;

10 (3) levy a civil administrative penalty in accordance with subsection
11 d. of this section;

12 (4) bring an action for a civil penalty in accordance with subsection
13 e. of this section; or

14 (5) petition the Attorney General to bring a criminal action in
15 accordance with subsection f. of this section.

16 Pursuit of any of the remedies specified under this section shall not
17 preclude the seeking of any other remedy specified.

18 b. Whenever the commissioner finds that a person has violated this
19 act, or any rule or regulation adopted pursuant thereto, the
20 commissioner may issue an order specifying the provision or
21 provisions of this act, or the rule or regulation adopted pursuant
22 thereto, of which the person is in violation, citing the action that
23 constituted the violation, ordering abatement of the violation, and
24 giving notice to the person of the person's right to a hearing on the
25 matters contained in the order. The ordered person shall have 20
26 calendar days from receipt of the order within which to deliver to the
27 commissioner a written request for a hearing. After the hearing and
28 upon finding that a violation has occurred, the commissioner may issue
29 a final order. If no hearing is requested, the order shall become final
30 after the expiration of the 20-day period. A request for hearing shall
31 not automatically stay the effect of the order.

32 c. The commissioner may institute an action or proceeding in the
33 Superior Court for injunctive and other relief to enforce the provisions
34 of this act and to prohibit and prevent a violation of this act, or of any
35 rule or regulation adopted pursuant thereto, and the court may
36 proceed in the action in a summary manner. In any such proceeding
37 the court may grant temporary or interlocutory relief.

38 Such relief may include, singly or in combination:

39 (1) a temporary or permanent injunction;

40 (2) assessment of the violator for the reasonable costs of any
41 inspection that led to the establishment of the violation, and for the
42 reasonable costs of preparing and litigating the case under this
43 subsection.

44 d. The commissioner may assess a civil administrative penalty of
45 not more than \$7,500 for a first offense, not more than \$10,000 for a
46 second offense and not more than \$25,000 for a third and every

1 subsequent offense. Each day that a violation continues shall
2 constitute an additional, separate, and distinct offense.

3 No assessment may be levied pursuant to this section until after the
4 violator has been notified by certified mail or personal service. The
5 notice shall include a reference to the section of the statute, rule,
6 regulation, or order violated, a concise statement of the facts alleged
7 to constitute a violation, a statement of the amount of the civil
8 administrative penalties to be imposed, and a statement of the person's
9 right to a hearing. The ordered person shall have 20 calendar days
10 from receipt of the notice within which to deliver to the commissioner
11 a written request for a hearing.

12 After the hearing and upon finding that a violation has occurred, the
13 commissioner may issue a final order after assessing the amount of the
14 fine specified in the notice. If no hearing is requested, the notice shall
15 become a final order after the expiration of the 20-day period.
16 Payment of the assessment is due when a final order is issued or the
17 notice becomes a final order. The authority to levy a civil
18 administrative penalty is in addition to all other enforcement provisions
19 in this act, and the payment of any assessment shall not be deemed to
20 affect the availability of any other enforcement provisions in
21 connection with the violation for which the assessment is levied. The
22 commissioner may compromise any civil administrative penalty
23 assessed under this section in an amount the commissioner determines
24 appropriate.

25 e. A person who violates this act, or any rule or regulation adopted
26 pursuant thereto, shall be liable for a penalty of not more than \$7,500
27 per day, to be collected in a civil action commenced by the
28 commissioner.

29 A person who violates an administrative order issued pursuant to
30 subsection b. of this section, or a court order issued pursuant to
31 subsection c. of this section, or who fails to pay an administrative
32 assessment in full pursuant to subsection d. of this section is subject
33 upon order of a court to a civil penalty not to exceed \$50,000 per day
34 of each violation.

35 Any penalty imposed pursuant to this subsection may be collected,
36 with costs, in a summary proceeding pursuant to the "Penalty
37 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
38 The Superior Court and the municipal court shall have jurisdiction to
39 enforce the provisions of the "Penalty Enforcement Law of 1999" in
40 connection with this act.

41 f. A person who willfully or negligently violates this act shall be
42 guilty, upon conviction, of a crime of the fourth degree and shall be
43 subject to a fine of not less than \$2,500 nor more than \$25,000 per day
44 of violation. A second offense under this subsection shall subject the
45 violator to a fine of not less than \$5,000 nor more than \$50,000 per
46 day of violation. A person who knowingly makes a false statement,

1 representation, or certification in any application, record, or other
2 document filed or required to be maintained under this act, or who
3 falsifies, tampers with or knowingly renders inaccurate, any monitoring
4 device or method required to be maintained pursuant to this act, shall,
5 upon conviction, be subject to a fine of not more than \$10,000.

6
7 9. Notwithstanding any other policies and guidelines for the
8 procurement of vehicles to the contrary, the Department of the
9 Treasury shall, within one year after the effective date of this act,
10 revise its policies, rules and procedures to give priority and preference
11 to the purchase of vehicles that do not contain mercury, taking into
12 consideration competition, price, availability and performance.

13
14 10. This act shall take effect immediately.

15
16
17 STATEMENT

18
19 This bill would create a collection and recovery program for
20 mercury switches removed from scrapped vehicles in New Jersey, and
21 require vehicle manufacturers, either individually or as part of a group,
22 to develop and submit to the Department of Environmental Protection
23 (DEP) mercury minimization plans within 90 days of the effective date
24 of this bill.

25 The mercury minimization plan would address the removal of
26 mercury switches, i.e., any light switch or an anti-lock braking system
27 switch that contains mercury and that is installed by a manufacturer in
28 a vehicle, by vehicle recyclers prior to vehicles being melted down. As
29 part of the plan, manufacturers would provide information on the
30 makes, models and years of vehicles that may have mercury switches,
31 and implement an education and outreach program to assist vehicle
32 recyclers and scrap recycling facilities in undertaking a safe and
33 environmentally sound method for the removal of the mercury
34 switches from end-of-life vehicles. The bill would also require
35 manufacturers to pay a minimum of \$1 for each mercury switch
36 removed by a vehicle recycler or a scrap recycling facility as partial
37 compensation for the labor and other costs incurred by the vehicle
38 recycler or the scrap recycling facility in the removal of mercury
39 switch, and \$0.25 to the DEP for each mercury switch removed as
40 partial compensation for the DEP's administrative and enforcement
41 costs. Manufacturers would also be responsible for the costs of
42 packaging to transport, and shipping of, mercury switches to recycling,
43 storage or disposal facilities, and the recycling, storage or disposal of
44 the mercury switches;

45 This bill would require vehicle recyclers who sell, give or otherwise
46 convey ownership of end-of-life vehicles to scrap recycling facilities

1 for recycling to remove all mercury switches identified in the mercury
2 minimization plan from end-of-life vehicles prior to delivery to a scrap
3 recycling facility, unless a mercury switch is inaccessible due to
4 significant damage to the vehicle in the area surrounding the location
5 of the mercury switch.

6 The bill would further provide that a scrap recycling facility may
7 agree to accept an end-of-life vehicle, which has not been intentionally
8 flattened, crushed or baled, containing mercury switches, in which case
9 the scrap recycling facility would be responsible for removing the
10 mercury switches.

11 Lastly, this bill, notwithstanding any other policies and guidelines
12 for the procurement of vehicles to the contrary, would require the
13 Department of the Treasury to revise its policies, rules and procedures
14 to give priority and preference to the purchase of mercury-free
15 vehicles, taking into consideration competition, price, availability and
16 performance.

17 This bill is modeled on legislation enacted by the State of Maine in
18 2001.

19 Mercury is a persistent and toxic pollutant that bioaccumulates in
20 the environment. Forty-one states, including New Jersey, have issued
21 fish advisories that warn certain individuals to restrict or avoid
22 consuming fish from bodies of water contaminated with mercury.

23 Iron and steel manufacturing plants provide a valuable scrap metal
24 recycling service. A primary feed stock of such plants is scrap metal
25 from recycled end-of-life vehicles and other recycled products that
26 may contain mercury. Mercury provides no benefit to iron and steel
27 manufacturing plants and has no role in the manufacture of iron and
28 steel. Mercury that is not removed from end-of-life vehicles prior to
29 crushing and shredding contaminates the scrap metal and may be
30 released to the environment when the scrap metal is melted during the
31 steel manufacturing process. As a result, iron and steel manufacturing
32 plants are a significant in-State source of mercury emissions.
33 Removing mercury switches from end-of-life vehicles prior to crushing
34 and shredding and thus preventing mercury from entering high
35 temperature processes is an effective way to reduce mercury emissions
36 into the environment.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1292

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2004

The Senate Environment Committee reports favorably and with committee amendments Senate Bill No. 1292.

As amended by the committee, this bill would create a collection and recovery program for mercury switches removed from end-of-life vehicles in New Jersey, and require vehicle manufacturers, either individually or as part of a group, to develop and submit to the Department of Environmental Protection (DEP) mercury minimization plans within 90 days after enactment of the bill into law.

The mercury minimization plan would address the removal of mercury switches by vehicle recyclers and scrap recycling facilities prior to vehicles being melted down. As amended, the bill defines "mercury switch" as each mercury-containing capsule, commonly known as a "bullet," that is part of a convenience light switch assembly or part of an anti-lock braking system assembly installed in a vehicle, and provides that an anti-lock braking system assembly may contain more than one mercury switch. As part of the plan, manufacturers would provide information on the makes, models and years of vehicles that may have mercury switches, and implement an education and outreach program to assist vehicle recyclers and scrap recycling facilities in undertaking a safe and environmentally sound method for the removal of the mercury switches from end-of-life vehicles. The bill as amended would also require manufacturers to pay a minimum of \$2 for each mercury switch removed by a vehicle recycler or a scrap recycling facility as partial compensation for the labor and other costs incurred by the vehicle recycler or the scrap recycling facility in the removal of mercury switch, and \$0.25 to the DEP for each mercury switch removed as partial compensation for the DEP's administrative and enforcement costs. Manufacturers would also be responsible for the costs of packaging to transport, and shipping of, mercury switches to recycling, storage or disposal facilities, and the recycling, storage or disposal of the mercury switches.

This bill would require vehicle recyclers who sell, give or otherwise convey ownership of end-of-life vehicles to scrap recycling facilities for recycling to remove all mercury switches identified in the

mercury minimization plan from end-of-life vehicles prior to delivery to a scrap recycling facility, unless a mercury switch is inaccessible due to significant damage to the vehicle in the area surrounding the location of the mercury switch.

The bill would further provide that a scrap recycling facility may agree to accept an end-of-life vehicle, which has not been intentionally flattened, crushed or baled, containing mercury switches, in which case the scrap recycling facility would be responsible for removing the mercury switches.

Lastly, this bill, notwithstanding any other policies and guidelines for the procurement of vehicles to the contrary, would require the Department of the Treasury to revise its policies, rules and procedures to give priority and preference to the purchase of mercury-free vehicles, taking into consideration competition, price, availability and performance.

COMMITTEE AMENDMENTS

Committee amendments to the bill:

- 1) clarify the definition of the term "mercury switch";
- 2) define "vehicle" to mean any passenger car, station wagon, truck, van, or sport utility vehicle with a gross vehicle weight rating of less than 12,000 pounds;
- 3) clarify the type of information required in a mercury minimization plan;
- 4) increase from \$1 to \$2 the minimum amount required to be paid by a manufacturer for each mercury switch removed by a vehicle recycler or scrap recycling facility;
- 5) require every manufacturer of vehicles sold within the State, individually or as part of a group, to provide to vehicle recyclers and scrap recycling facilities containers suitable for storing mercury switches until such time that vehicle recyclers and scrap recycling facilities can be reimbursed;
- 6) require manufacturers of vehicles sold within the State to provide recyclers or scrap recycling facilities with reimbursement for each mercury switch regardless of when these switches were removed from the vehicles, provided that the vehicle recyclers or scrap recycling facilities record and provide the Vehicle Identification Number (VIN) associated with each mercury switch;
- 7) require vehicle recyclers and scrap recycling facilities to record the VIN of each vehicle from which mercury switches were removed and record the number of mercury switches removed from each vehicle; and
- 8) make technical corrections to the bill.

The Committee amendments make this bill identical to Assembly Bill No. 2482 (1R).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1292

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2005

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1292 (1R).

This bill would create a collection and recovery program for mercury switches removed from end-of-life vehicles in New Jersey, and require vehicle manufacturers, either individually or as part of a group, to develop and submit to the Department of Environmental Protection (DEP) mercury minimization plans within 90 days after enactment of the bill into law.

The mercury minimization plan would address the removal of mercury switches by vehicle recyclers and scrap recycling facilities prior to vehicles being melted down. The bill defines "mercury switch" as each mercury-containing capsule, commonly known as a "bullet," that is part of a convenience light switch assembly or part of an anti-lock braking system assembly installed in a vehicle, and provides that an anti-lock braking system assembly may contain more than one mercury switch. As part of the plan, manufacturers would provide information on the makes, models and years of vehicles that may have mercury switches, and implement an education and outreach program to assist vehicle recyclers and scrap recycling facilities in undertaking a safe and environmentally sound method for the removal of the mercury switches from end-of-life vehicles. The bill would also require manufacturers to pay a minimum of \$2 for each mercury switch removed by a vehicle recycler or a scrap recycling facility as partial compensation for the labor and other costs incurred by the vehicle recycler or the scrap recycling facility in the removal of mercury switch, and \$0.25 to the DEP for each mercury switch removed as partial compensation for the DEP's administrative and enforcement costs. Manufacturers would also be responsible for the costs of packaging to transport, and shipping of, mercury switches to recycling, storage or disposal facilities, and the recycling, storage or disposal of the mercury switches.

This bill would require vehicle recyclers who sell, give or otherwise convey ownership of end-of-life vehicles to scrap recycling facilities for recycling to remove all mercury switches identified in the mercury minimization plan from end-of-life vehicles prior to delivery

to a scrap recycling facility, unless a mercury switch is inaccessible due to significant damage to the vehicle in the area surrounding the location of the mercury switch.

The bill would further provide that a scrap recycling facility may agree to accept an end-of-life vehicle, which has not been intentionally flattened, crushed or baled, containing mercury switches, in which case the scrap recycling facility would be responsible for removing the mercury switches.

Finally, this bill would require the Department of the Treasury, notwithstanding any other policies and guidelines for the procurement of vehicles to the contrary, to revise its policies, rules and procedures to give priority and preference to the purchase of mercury-free vehicles, taking into consideration competition, price, availability and performance.

The provisions of this bill are identical to those of Assembly Bill No. 2482 (1R), which the committee also reports this day.

FISCAL IMPACT

It has been estimated that existing DEP staff and resources would be able to carry out implementation and monitoring of this program. The DEP would receive funding from the \$0.25 partial fee and is estimated to be approximately \$125,000 annually paid to the State by manufacturers in total for all switches removed.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1292

STATE OF NEW JERSEY

211th LEGISLATURE

DATED: FEBRUARY 18, 2005

SUMMARY

Synopsis: Establishes program for removal of mercury switches from scrapped vehicles.

Type of Impact: Offsetting expenditure increase and revenue gain in the General Fund.

Agencies Affected: Department of Environmental Protection

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		\$125,000 annually	
State Revenue		\$125,000 annually	

- ! The bill creates a collection and recovery program for mercury switches removed from end-of-life vehicles in New Jersey. Such switches are generally found in light switch assemblies or anti-lock braking systems.
- ! The bill requires vehicle manufacturers to develop a plan to remove mercury switches by vehicle recyclers and scrap recycling facilities prior to vehicles being melted down.
- ! Vehicle manufacturers would be required to compensate vehicle recyclers or scrap recycling facilities for removing mercury switches, and to compensate the Department of Environmental Protection (DEP) for its program costs.
- ! The Office of Legislative Services (OLS) estimates that the annual revenue received by the DEP from vehicle manufacturers under the bill should be sufficient to cover the estimated costs incurred by the department in managing the program.

BILL DESCRIPTION

Senate Bill No. 1292 (1R) of 2004 creates a collection and recovery program for mercury switches removed from end-of-life vehicles in New Jersey. Vehicle manufacturers are required to develop and submit to the DEP mercury minimization plans within 90 days after the bill's enactment. These plans must address the removal of mercury switches by vehicle recyclers and

scrap recycling facilities prior to vehicles being melted down. Manufacturers must provide information on the makes, models and years of vehicles that may have mercury switches, and implement an education and outreach program to assist vehicle recyclers and scrap recycling facilities in undertaking a safe and environmentally sound method for removing them.

The bill also requires manufacturers to pay a minimum of \$2 for each mercury switch removed by a vehicle recycler or a scrap recycling facility, and \$0.25 to the DEP for each mercury switch removed to support the administrative and enforcement costs of this program. Last, the bill requires manufacturers to be responsible for the costs of packaging and shipping mercury switches to recycling, storage or disposal facilities, and for the recycling, storage or disposal of the mercury switches.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that existing DEP staff and resources will probably be able to carry out many of the program's implementation and monitoring duties. However, the OLS also estimates that the DEP may require up to \$125,000 to fully administer the program as prescribed under the bill. Although this amount conveniently matches the revenue estimate, as described below, it nevertheless should provide the department with adequate funding to meet additional costs that will likely be incurred. The OLS further notes that enforcement efforts under the bill could probably be met by existing department staff and the Attorney General's Office, if necessary.

The revenue estimate of \$125,000 is based on findings collected from a mercury switch data collection pilot program conducted by the department in 2003. The pilot report found that approximately 500,000 vehicles are recycled or shredded in the state annually. It also found that an average of one mercury light switch was removed from each vehicle. Accordingly, if \$0.25 per switch was paid by vehicle manufacturers to the DEP as provided under the bill, then \$125,000 would be accrued annually if one switch per vehicle was removed from 500,000 vehicles each year.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*
Senior Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

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RELEASE: March 23, 2005

Acting Governor Codey Signs Bill Reducing Mercury Emissions

Rules Call for Program to Remove Mercury Switches from Vehicles

(BURLINGTON CITY) – Acting Governor Richard J. Codey today signed A2482, legislation that helps reduce in-state mercury emissions by establishing a program to remove mercury switches from vehicles prior to melting them for scrap metal. This new program will address one of New Jersey's largest remaining sources of mercury contamination.

“Today, New Jersey takes another important step to improve the health of our citizens and protect our environment from mercury,” said Codey. “The switch removal program will lower the exposure of pregnant women and children to harmful mercury emissions, reduce the levels of mercury that build up in fish caught by our local fishermen, and aid the state's iron and steel melters in complying with New Jersey's mercury regulations.”

Despite ceasing to use mercury switches in cars sold in Europe as early as 1992, auto manufacturers continued to install switches containing mercury in convenience lights and anti-lock braking systems in vehicles sold in the United States prior to 2003.

The bill requires all scrap yards to remove mercury switches from vehicles before sending the scrap metal to iron and steel mills, where the mercury would otherwise be released into the air when the vehicles are melted down and recycled. New Jersey joins Maine and Arkansas to become only the third state in the nation to have mandatory collection and recovery programs for mercury switches.

Today's bill signing took place at U.S. Pipe Company in Burlington City, one of the state's oldest iron and steel melters. Joining Codey for the event were Senator Stephen M. Sweeney and Assemblyman John J. Burzichelli, leading sponsors of the bill and Department of Environmental Protection (DEP) Commissioner Bradley M. Campbell.

The new law was sponsored by Assemblymen Burzichelli, Reed Gusciora, John F. McKeon, and Senators Sweeney and Barbara Buono. It was co-sponsored by Assemblyman Robert M. Gordon and Assemblywoman Loretta Weinberg and Senators John H. Adler, Joseph Coniglio and Fred H. Madden. The bill also received significant support from a coalition of business leaders, environmental groups, public health advocates, and fishing groups.

“Mercury poisoning can cause serious health problems, especially in pregnant women and their unborn children,” said Senator Sweeney (D-Gloucester, Cumberland and Salem). “Removing these switches from scrapped vehicles will help prevent mercury from leaking into local water supplies and damaging the health of New Jersey's residents.”

“When a car is retired to the junkyard, it is stripped of its parts and melted down to recycle the steel,” said Assemblyman Burzichelli (D-Gloucester). “But its batteries, gasoline, freon, oil and transmission fluid are extracted before it is melted to ensure that these environmental hazards are not released into the air. It is just common sense to require that any mercury in a vehicle also gets removed.”

Under the legislation, the vehicle recyclers or scrap yards will receive a minimum of \$2 from the major auto manufacturers for each switch they remove. The auto manufacturers also are responsible for establishing a program for the safe final disposal of the switches.

The approximately 500,000 vehicles that are scrapped per year in New Jersey may contain as much as 1000 pounds of mercury, much of which is likely to be released to the environment when the shredded vehicles are melted down. Since auto manufacturers stopped using mercury switches in the U.S. in 2003, the number of switches to be removed will gradually decline over the next ten years.

This new legislation further bolsters New Jersey’s national leadership in reducing mercury emissions. Last year, New Jersey adopted some of the most comprehensive regulations in the nation for limiting mercury emissions from coal-fired power plants, iron and steel melters, and municipal solid waste incinerators. Those rules will reduce in-state mercury emissions by over 1,500 pounds annually.

“Once again, New Jersey has taken a national leadership role in protecting the health of our residents and reducing contamination in our environment,” said Commissioner Campbell. “New Jersey’s proactive approach stands in marked contrast to the federal government’s failure to protect the public, as evidenced by the EPA’s recent mercury rules that delay by more than a generation reductions in nationwide mercury emissions.”

Mercury is a highly toxic pollutant. Exposure to the most toxic form of mercury comes primarily from eating contaminated fish and shellfish. Children and pregnant women are especially susceptible to mercury contamination, which can cause permanent brain damage to the fetus, infants, and young children. Mercury exposure has been shown to affect the ability of children to concentrate and to remember.

Even exposure to low levels of mercury can permanently damage the brain and nervous system and cause behavioral changes. At least one in 10 pregnant women in New Jersey have concentrations of mercury in their hair samples that exceed safe levels.