

## **IC 13-20-17.7**

### **Chapter 17.7. Mercury Switches in End of Life Vehicles**

#### **IC 13-20-17.7-0.5**

##### **Goal of mercury switch removal program; implementation meets national standards**

Sec. 0.5. (a) The goal of the program established under this chapter is to remove at least eighty percent (80%) of all mercury switches from end of life vehicles processed in Indiana by motor vehicle recyclers.

(b) Implementing the program established under this chapter addresses the mercury national emission standards for hazardous air pollutants for facilities using recycled steel.

*As added by P.L.114-2008, SEC.19.*

#### **IC 13-20-17.7-1**

##### **Development of mercury switch plan**

Sec. 1. (a) Except as provided in subsection (b), motor vehicle manufacturers engaged on July 1, 2006, in the business of offering motor vehicles for sale in Indiana shall, individually or collectively:

- (1) develop a plan to:
  - (A) remove;
  - (B) collect;
  - (C) recover; and
  - (D) recycle or dispose of;mercury switches from end of life vehicles;
- (2) submit the plan to the commissioner before October 1, 2006; and
- (3) implement the plan as required under section 4(b) of this chapter.

(b) Subsection (a) does not apply to a motor vehicle manufacturer that has never installed mercury switches in the manufacturer's motor vehicles.

*As added by P.L.170-2006, SEC.15.*

#### **IC 13-20-17.7-2**

##### **Information to be included in plan; annual report by the department**

Sec. 2. (a) A plan described in section 1 of this chapter must include the following:

- (1) An education program concerning the purposes of the mercury switch collection program and how to participate in the program, including the following:
  - (A) Educational materials about the program.
  - (B) Information identifying which end of life vehicles might contain mercury switches by make, model, and year of manufacture.
  - (C) Instructions on safe and environmentally sound methods to remove mercury switches.
- (2) The provision of containers for collecting and storing

mercury switches.

(3) Procedures for the transportation of mercury switches to recycling, storage, or disposal facilities.

(4) Procedures for the recycling, storage, and disposal of mercury.

(5) Procedures to track the progress of the program, including a description of performance measures to be used and reported to demonstrate that the program is meeting measures of the effectiveness of the program, including the following:

(A) The number of mercury switches collected from end of life vehicles.

(B) The amount of mercury collected.

(6) Procedures for implementing the plan.

(b) The department shall:

(1) prepare an annual report that includes the information tracked under subsection (a)(5); and

(2) provide the report to:

(A) the legislative council in an electronic format under IC 5-14-6; and

(B) the environmental quality service council.

*As added by P.L.170-2006, SEC.15.*

### **IC 13-20-17.7-3**

#### **Costs to be paid by motor vehicle manufacturers**

Sec. 3. Motor vehicle manufacturers that submit plans, individually or collectively, under this chapter shall pay the following costs incurred for implementing the plans:

(1) Educational materials.

(2) Training.

(3) Packaging for transporting mercury switches to recycling, storage, or disposal facilities.

(4) Shipping of mercury switches to recycling, storage, or disposal facilities.

(5) Recycling, storage, or disposal of mercury switches.

(6) Maintenance of all appropriate systems and procedures to protect the environment from mercury contamination.

*As added by P.L.170-2006, SEC.15.*

### **IC 13-20-17.7-4**

#### **Procedure for approval of mercury switch plan; review and modifications**

Sec. 4. (a) The commissioner shall do the following:

(1) Not more than thirty (30) days after receiving a plan developed by a motor vehicle manufacturer or a group of motor vehicle manufacturers under section 1 of this chapter, issue a public notice of a period of at least thirty (30) days during which the public may submit written comments on the plan to the commissioner.

(2) Not more than one hundred twenty (120) days after receiving a plan, determine whether the entire plan complies

with this chapter and:

(A) if the entire plan complies with this chapter, approve the plan in its entirety;

(B) if no part of the plan complies with this chapter, reject the plan in its entirety; or

(C) if only part of the plan complies with this chapter, approve that part and reject the rest of the plan.

(b) If a plan is approved in its entirety under subsection (a)(2)(A), the motor vehicle manufacturers shall begin implementing the plan not more than thirty (30) days after the date the plan is approved. If an entire plan is rejected under subsection (a)(2)(B), the commissioner shall inform the motor vehicle manufacturers why the plan was rejected, and the manufacturers shall submit a new plan not more than thirty (30) days after the commissioner informs the manufacturers that the entire plan was rejected. If a plan is approved in part and rejected in part under subsection (a)(2)(C), the manufacturers shall immediately implement the approved part of the plan and submit a revision of the rejected part of the plan not more than thirty (30) days after the commissioner informs the manufacturers of the commissioner's partial approval. The commissioner shall make a determination on a revised plan not more than thirty (30) days after receiving the revised plan.

(c) Not more than two hundred forty (240) days after receiving a plan developed by motor vehicle manufacturers under section 1 of this chapter, the commissioner shall complete, on behalf of the manufacturer, any part of the plan that has not yet been approved.

(d) After a plan has been approved under this section, the commissioner shall:

(1) review the plan three (3) years after the original date of approval of the plan and every three (3) years thereafter; and

(2) work with the motor vehicle manufacturers to agree with the manufacturers on appropriate modifications to the plan.

(e) Motor vehicle manufacturers are not required to resubmit a plan modified under subsection (d) to the commissioner for approval.

*As added by P.L.170-2006, SEC.15.*

#### **IC 13-20-17.7-5**

##### **Requirement for removal from vehicles of mercury switches, ABS sensors, and other mercury components; exceptions; acceptance of vehicles by recyclers; records; representation of removal**

Sec. 5. (a) Beginning thirty (30) days after the earliest date the commissioner approves a plan under section 4 of this chapter, except as provided in subsection (f), a motor vehicle recycler is required to remove all mercury switches from each end of life vehicle the motor vehicle recycler receives upon receipt of the vehicle.

(b) A mercury switch that is removed from a vehicle shall be collected, stored, transported, and recycled or properly disposed of in accordance with the plan approved under section 4 of this chapter. Either of the following that is removed from a vehicle shall be collected, stored, transported, and recycled or properly disposed of

in the same manner as a mercury switch:

- (1) An ABS sensor.
- (2) Any other component containing more than ten (10) milligrams of mercury.

(c) Notwithstanding subsection (a), a motor vehicle recycler may accept an end of life vehicle containing mercury switches that has not been intentionally flattened, crushed, or baled if the motor vehicle recycler assumes responsibility for removing the mercury switches.

(d) A motor vehicle recycler or any other person that removes mercury switches, ABS sensors, or any other components containing more than ten (10) milligrams of mercury in accordance with this section shall maintain records that document the number of:

- (1) end of life vehicles the person processed for recycling;
- (2) end of life vehicles the person processed that contained mercury switches, ABS sensors, or any other components containing more than ten (10) milligrams of mercury; and
- (3) mercury switches, ABS sensors, and any other components containing more than ten (10) milligrams of mercury the person collected.

A person that maintains records under this section shall retain the records for at least three (3) years.

(e) A person may not represent that mercury switches, ABS sensors, or any other components containing more than ten (10) milligrams of mercury have been removed from a motor vehicle being sold or otherwise conveyed for recycling if the person has not removed the mercury switches, sensors, or other components from the vehicle.

(f) Subsection (a) does not apply to a mercury switch in an end of life vehicle that is:

- (1) intentionally flattened, crushed, or baled; or
- (2) damaged to the extent that the mercury switch cannot be removed without dismantling the vehicle.

*As added by P.L.170-2006, SEC.15. Amended by P.L.114-2008, SEC.20.*

#### **IC 13-20-17.7-6**

##### **Payment by department for mercury items; amount established by commissioner; payments from solid waste management fund**

Sec. 6. (a) Subject to subsections (b), (c), and (d), a person is entitled to payment from the department for each of the following the person removes from an end of life vehicle under section 5 of this chapter:

- (1) A mercury switch.
- (2) An ABS sensor.
- (3) Any other component containing more than ten (10) milligrams of mercury.

(b) The commissioner shall establish:

- (1) the amount of the payment under subsection (a), which must be:
  - (A) at least one dollar (\$1); and

(B) not more than five dollars (\$5);  
per mercury switch, ABS sensor, or other component containing  
more than ten (10) milligrams of mercury; and  
(2) a procedure for claims for payment under this section.

(c) The commissioner shall determine:

(1) whether to use money in the state solid waste management  
fund; and  
(2) if the commissioner determines under subdivision (1) to use  
money in that fund, the amount of money from the fund to be  
used;

to make payments under this section.

(d) The department is required to make payments under this  
section only to the extent of the amount of money determined by the  
commissioner under subsection (c)(2).

*As added by P.L.170-2006, SEC.15. Amended by P.L.114-2008,  
SEC.21.*

#### **IC 13-20-17.7-7**

##### **Adoption of rules**

Sec. 7. The board may adopt rules under IC 4-22-2 and IC 13-14-9  
to implement this chapter.

*As added by P.L.170-2006, SEC.15.*

#### **IC 13-20-17.7-8**

##### **Enforcement; penalties**

Sec. 8. (a) This chapter shall be enforced under IC 13-30-3.

(b) A violation of this chapter or a rule adopted under this chapter  
is subject to the penalties set forth in the following:

(1) IC 13-30-4.  
(2) IC 13-30-5.  
(3) IC 13-30-8.

In addition, a violation of this chapter may lead to criminal  
prosecution under IC 13-30-10.

*As added by P.L.170-2006, SEC.15. Amended by P.L.137-2007,  
SEC.20.*

#### **IC 13-20-17.7-9**

##### **Expiration**

Sec. 9. This chapter expires on the earlier of:

(1) the date on which a national mercury switch recovery  
program takes effect, as determined by the commissioner; or  
(2) July 1, 2016.

*As added by P.L.170-2006, SEC.15.*