

To whom letters will be sent:

Primary Recipient: Pennsylvania State Representative of the Environmental Resources and Energy Committee

The Honorable Camille George
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Maura Nowalk
4594 Doverdell Drive
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April 4, 2007

April 19, 2007

The Honorable Camille George
38B East Wing
PO Box 202074
Harrisburg, PA 17120-2074

Dear Representative George:

As a resident of Pennsylvania, I became very concerned when I discovered that about 30,000 pounds of mercury are released into our Commonwealth each year. Mercury release is an issue of concern because as a heavy metal, it can cause significant damage to neurological, respiratory, and gastrointestinal systems when consumed even in small quantities. Mercury has especially harmful effects in children and developing fetuses who are exposed to it prenatally (Appendix A).

Although the 2007-2008 legislative session in the Pennsylvania State Legislature has brought forth a proliferation of proposed legislation regarding mercury, no proposed legislation exists regarding car switches, a major source of environmental mercury input. Removing and recycling car switches would reduce mercury emissions in Pennsylvania without creating a large economic burden to the state government (Appendix B).

I ask that you consider proposing a piece of legislation in the Pennsylvania House of Representatives requiring the removal and recycling of mercury-containing car switches in junked automobiles. Although at least twelve states have passed legislation regarding this issue, I believe that Maine's legislation might be the best after which to model legislation for Pennsylvania. I have attached a copy of Maine's statute (Appendix C).

Thank you for your consideration of my request in this matter.

Sincerely,

Maura Nowalk

Appendix A

1. The United States Environmental Protection Agency, in its 2001 Toxic Release Inventory for Pennsylvania, reported that a total of 31,108 pounds of mercury were released that year into the environment (2001 Toxic Release Inventory, US Environmental Protection Agency, <http://www.dep.state.pa.us/dep/deputate/pollprev/tri/PA2001.pdf>).
2. The United States Environmental Protection Agency provides information on the health effects of consuming any of the three forms of mercury present in the environment. Among the mentioned effects are reduced neurological, cognitive, gastrointestinal, respiratory, and kidney function (“Health Effects: Mercury.” United States Environmental Protection Agency. 1 April 2007. <http://www.epa.gov/mercury/effects.htm>).
3. In 2005, a study was published in *Environmental Toxicology and Pharmacology* regarding low-dose mercury toxicity. The study found that in adults, low-dose mercury levels result in memory loss, disruption of motor function and decreased muscle strength, increase in plasma creatinine levels, alteration of normal cardiovascular homeostasis, decrease in immunity, and a decrease in fertility in both men and women (Zahir F., Rizwi S.J., Haq S.K., Khan R.H. 2005. Low dose mercury toxicity and human health. *Environmental Toxicology and Pharmacology*. 20:351-360.
4. A study published in the *American Journal of Industrial Medicine* on methylmercury and mental retardation found that 3.2% of annual cases of mental retardation result from prenatal exposure to mercury (Transande L., Schechter C.B., Haynes K.A., Landigan P.J. 2006. Mental retardation and prenatal methylmercury toxicity. *Am Journal of Industrial Medicine*. 49:153-158.

Appendix B

1. A study conducted by the Michigan DEP found that each mercury-containing switch contains about 0.8 grams of mercury (“Michigan Mercury Switch Study.” 2 Dec. 2002. Department of Environmental Quality. 9 Feb 2007. <http://www.deq.state.mi.us/documents/deq-ess-p2-mercury-michiganswitchstudy.pdf>). This is a significant finding because:
 - The Pennsylvania DEP calculated that vehicles across the nation contain about 700 tons of mercury (“Mercury Switch.” Pennsylvania Department of Environmental Protection. 2 April 2007. <http://www.dep.state.pa.us/dep/deputate/pollprev/mercury/mercuryswitch.htm>).
 - The Clean Car Campaign used ORNL’s Transportation Energy Book Edition 21 and Ward’s Automotive Sales data, along with the Michigan switch study to calculate the amount of mercury released annually in Pennsylvania due to mercury-containing switches. Their total estimate was 780 pounds of mercury released (“Mercury in Vehicles Update: Automotive Mercury Releases to the Environment Reaches Record Level.” Clean Car Campaign. 9 Feb. 2007. http://www.cleancarcampaign.org/Mercury_April_2004.pdf).
 - The Pennsylvania DEP states that the amount of mercury in one switch (about 1 gram) can contaminate an entire lake, ultimately affecting citizens who consume water and fish from it (“Mercury Switch.” Pennsylvania Department of Environmental Protection. 2 April 2007. <http://www.dep.state.pa.us/dep/deputate/pollprev/mercury/mercuryswitch.htm>).
2. The Michigan Mercury Switch Study also recorded the average time for each vehicle switch removal. Although it is a two-step process, the average total time of removal was less than 95 seconds (“Michigan Mercury Switch Study.” 2 Dec. 2002. Department of Environmental Quality. 9 Feb 2007. <http://www.deq.state.mi.us/documents/deq-ess-p2-mercury-michiganswitchstudy.pdf>).
3. In the mercury switch removal statutes of other states, such as Maine, vehicle manufacturers are required to provide financial compensation to the automobile recycling firms for taking the additional time to recycle mercury-containing switches (Maine State. 1999. Maine Revised Statutes Annotated [38 MRSA 1665-A]). This type of legislation is agreeable to most parties involved because:
 - The state environmental agency would not be responsible for providing the funds to compensate automotive recyclers and used parts dealers, and therefore it would not need to raise taxes or reallocate current funds.
 - Both the Alliance of Automotive Manufacturers and the Automotive Recyclers Associations have committed themselves to helping with the mercury switch removal process. It is therefore likely that the auto manufacturers will be willing to provide compensation to automobile recyclers who remove mercury switches, and these recyclers will likely accept this compensation (“Automakers implement Michigan Mercury Switch Program.” 5 Mar. 2005. Alliance of Automotive Manufacturers. 10 Feb. 2007.
<http://www.autoalliance.org/archives/archive.php?id=187&cat=Press%20Releases>, “Waste Management: National Vehicle Mercury Switch Removal Program.” Automotive Recyclers Association. 2 April 2007.
<http://ara.timberlakepublishing.com/content.asp?contentid=497>.)
 - Citizens of the state will benefit from legislation requiring the removal of mercury-containing switches because their environmental mercury consumption will be reduced due to decreased mercury inputs.

APPENDIX C

38 § 1664

WATERS AND NAVIGATION

Title 38

- (1) A wholesaler may meet the requirements of this paragraph by participating as a collection site in a manufacturer collection program as described under paragraph A or by collecting thermostats that contain mercury and disposing of the collected thermostats in accordance with universal waste rules adopted by the department.
- (2) For purposes of this paragraph, "wholesaler" means a business that the department determines is primarily engaged in the distribution and wholesale selling of large quantities of heating, ventilation and air conditioning components to contractors who install heating, ventilation and air conditioning components.

1999, c. 779, § 2; 2003, c. 640, § 1.

Historical and Statutory Notes

2003 Legislation

Laws 2003, c. 640, § 1, rewrote subsec. 2, which prior thereto read:

"**2. Thermostats.** A manufacturer of thermostats that contain mercury or a manufacturer of thermostats that may replace thermostats that contain mercury shall, in addition to the requirements of section 1662, provide incentives for and sufficient information to purchasers and consumers of the thermostats for the

purchasers or consumers to ensure that mercury in thermostats being removed from service is reused, recycled or otherwise managed in compliance with section 1663. A manufacturer that has complied with this subsection is not liable for improper disposal by purchasers or consumers of thermostats. Manufacturer collection programs conducted in accordance with universal waste rules adopted by the department meet the requirements of this subsection."

§ 1665. Repealed. Laws 2001, c. 656, § 2

Historical and Statutory Notes

See, now, 38 M.R.S.A. § 1665-A

§ 1665-A. Motor vehicle components

Notwithstanding sections 1663 and 1664, this section applies to a mercury-added product that is a motor vehicle component.

1. Prohibition on sale of new motor vehicles with mercury switches. A person may not sell a motor vehicle manufactured on or after January 1, 2003 if it contains a mercury switch. A motor vehicle manufacturer may apply to the commissioner for an exemption from this prohibition. The commissioner may grant an exemption upon finding that:

- The manufacturer has provided assurance that a system exists for the proper removal and recycling of the mercury switch; and
- Either of the following applies:
 - Use of the mercury switch is necessary to protect public health or safety; or
 - There are no technically feasible alternatives to the mercury switch at comparable cost.

2. Prohibition on replacement mercury light switches. Effective January 1, 2003, a person may not sell or distribute a mercury light switch for installation in a motor vehicle.

3. Removal of certain mercury components when vehicle use ends. Effective January 1, 2003, a person may not send a motor vehicle to a scrap recycling facility without first removing any mercury switch or mercury headlamp that is a component of the motor vehicle, except that a scrap recycling facility may agree to accept a motor vehicle that has not been flattened, crushed or baled knowing it contains a mercury switch or mercury headlamp, in which case the scrap recycling facility is responsible for removing that component. Upon removal, the components must be collected, stored, transported and otherwise handled in accordance with the universal waste rules adopted by the board under subsection 8.

4. Voluntary removal of mercury light switches prior to end of vehicle use. A motor vehicle dealer or any person engaged in motor vehicle repair or maintenance may participate in the mercury light switch removal and collection effort pursuant to subsection 5, as long as the person notifies the department before commencing removal and receives such training as may be required by the department. Any person who removes a mercury light switch from a

MERCURY-ADDED PRODUCTS AND SERVICES
Ch. 16-B

38 § 1665-A

motor vehicle before the motor vehicle is removed from service shall affix an official sticker to the motor vehicle to indicate that the switch has been removed. The stickers may be obtained from the department and must be affixed to the doorpost or other location specified by the department. A person may not install a mercury light switch into a motor vehicle to which the sticker is affixed.

5. Motor vehicle manufacturer responsibility. Manufacturers of motor vehicles sold in this State that contain mercury switches or mercury headlamps shall, individually or collectively, do the following:

- By January 1, 2003, establish and maintain consolidation facilities geographically located to serve all areas of the State to which mercury switches removed pursuant to this section may be transported by the persons performing the removal. A consolidation facility may not be a facility that is licensed in the State as a new or used automobile dealership;
- Pay a minimum of \$1 for each mercury switch brought to the consolidation facilities as partial compensation for the removal, storage and transport of the switches;
- Ensure that mercury switches redeemed at the consolidation centers are managed in accordance with the universal waste rules adopted by the board under subsection 8; and
- Provide the department and persons who remove motor vehicle components under this section with information, training and other technical assistance required to facilitate removal and recycling of the components in accordance with the universal waste rules adopted by the board under subsection 8, including, but not limited to, information identifying the motor vehicle models that contain or may contain mercury switches or mercury headlamps.

The goal of this collection and recycling effort is to collect and recycle at least 90 pounds of mercury per year from mercury switches removed from motor vehicles. By September 30, 2002, motor vehicle manufacturers shall provide the department with a plan as to how they intend to comply with the requirements of this subsection.

In complying with the requirements of this subsection, manufacturers of motor vehicles shall establish a system that does not require a person who removes a mercury switch to segregate switches separately according to each manufacturer of motor vehicles from which the switches are removed.

6. Department responsibility. The department shall:

- Assist those subject to the source separation requirements of this section by providing training on the universal waste rules adopted by the board under subsection 8 and by taking other steps as determined appropriate to provide for the safe removal and proper handling of motor vehicle components;
- Design and distribute the stickers required under subsection 4; and
- Make available to the public information concerning services to remove mercury light switches in motor vehicles.

7. Labeling. Effective July 15, 2002, the labeling requirements of section 1662 apply to motor vehicle components. In approving an alternative compliance plan for labeling for motor vehicles under section 1662, the commissioner shall require a motor vehicle manufacturer to apply a doorpost label listing the mercury-added products that may be components in the motor vehicle. The commissioner may not require a manufacturer to affix a label to each mercury-added component.

8. Rulemaking. The board shall revise the universal waste rules adopted pursuant to section 1319-O, subsection 1, paragraph F as necessary to establish standards by which mercury switches in motor vehicles may be handled as universal waste.

9. Reporting. Before January 1, 2003 and annually thereafter, motor vehicle manufacturers doing business in the State shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee or other charge collected on the sale of new motor vehicles for the purpose of paying the cost of carrying out the manufacturer responsibilities under subsection 5. The report must specify the amount of the fee or charge collected and how the amount of the fee or charge was determined. Before July 1, 2004 and annually thereafter, motor vehicle manufacturers shall report in writing to the department on

38 § 1665-A**WATERS AND NAVIGATION
Title 38**

the results of the source separation required under this section. The report must include, at a minimum, the number of mercury switches removed and recycled from motor vehicles during the previous calendar year; the estimated total amount of mercury contained in the components; and any recommendations to improve the future collection and recycling of motor vehicle components. Before January 1, 2004 and annually thereafter, the department shall report to the Mercury Products Advisory Committee on the effectiveness of the source separation required under this section, whether the partial reimbursement payment under subsection 5, paragraph B should be adjusted to increase the number of switches brought to consolidation facilities, whether other motor vehicle components should be added to the source separation efforts and whether the program should be terminated and, if so, when. 2001, c. 656, § 3; 2003, c. 6, § 1.

Historical and Statutory Notes**2003 Legislation**

Laws 2003, c. 6, § 1, in subsec. 9, in the fifth sentence, substituted "January 1, 2004" for "January 1, 2005".

§ 1667. Dental procedures

1. Prevention plan. By July 15, 2002, the department shall work with dentists and other interested parties to develop a pollution prevention plan for mercury from dental procedures that provides for reasonable measures to reduce mercury pollution from dental procedures and related sources. The plan must include options and strategies for implementing source reduction.

2. Dental office defined. For purposes of this section, 'dental office' means any dental clinic, dental office or dental practice, but does not include the practice of oral and maxillofacial surgery.

3. Amalgam separator system required. No later than December 31, 2004, a dental office that, in the course of treating its patients, adds, removes or modifies dental amalgam must install an amalgam separator system in the wastewater line in accordance with the following:

A. Wastewater containing dental amalgam particles must pass through the amalgam separator system prior to discharge to either a publicly owned treatment works or a private septic or waste disposal system, and waste containing dental amalgam must be collected from the amalgam separator system and disposed of in a manner satisfactory to the department;

B. Once the amalgam separator system has been installed, the dental office must notify the department in writing:

- (1) Of the type of system installed;
- (2) That the system is certified as meeting the standards required in accordance with section 1661, subsection 1-A;
- (3) Of the date upon which the system became operational; and
- (4) Of the method of disposing of the material after removal from the separator system.

If the amalgam separator system is connected to a publicly owned treatment works, the dental office shall provide the same notification to the director or chief engineer of that facility;

C. Installation, operation and maintenance of an approved amalgam separator system by a dentist in accordance with manufacturer's recommendations must fulfill the requirements of this section. A dentist must demonstrate proper operation and maintenance by maintaining, for a period of 3 years, all shipping records for replacement filters sent to licensed recyclers and written documentation that demonstrates that the system has been properly inspected and maintained; and

D. The department, after receiving proper notification of the installation of the amal-

**ARSENIC-TREATED WOOD PRODUCTS
Ch. 16-C**

section, must provide the dentist or the dental practice with written confirmation of receipt of evidence of compliance with this section in a format suitable for display by the dental office.
1999, c. 779, § 2; 2003, c. 301, § 2.

Historical and Statutory Notes**2003 Legislation**

Laws 2003, c. 301, § 2, rewrote this section, which prior thereto read:

"§ 1667. Dental procedures

"By July 15, 2002, the department shall work with dentists and other interested parties to

develop a pollution prevention plan for mercury from dental procedures that provides for reasonable measures to reduce mercury pollution from dental procedures and related sources. The plan must include options and strategies for implementing source reduction."

§ 1670. Mercury Products Advisory Committee

[See main volume for 1 to 5]

6. Meetings. The committee shall meet at least 2 times per year and at any time at the call of the chairs or upon written request to the chairs by 4 of the voting members.
[See main volume for 7]

8. Duties; powers. The committee shall:

[See main volume for A to D]

D-1. Include in its 2002 or 2003 annual report recommendations as to whether and how manufacturers should be required to reduce or phase out the use of mercury in consumer products;

[See main volume for E, 9]

1999, c. 779, § 2; 2001, c. 373, § 5; 2003, c. 551, § 19.

Historical and Statutory Notes**2001 Legislation**

Laws 2001, c. 373, § 5, in subsec. 8, inserted par. D-1.

Laws 2003, c. 551, § 19, in subsec. 6, substituted "at least 2 times" for "at least 4 times".

§ 1671. Interstate clearinghouse

The department may participate in the establishment and implementation of a regional multistate clearinghouse to assist in carrying out the requirements of this chapter and to help coordinate reviews of the manufacturer notifications under section 1661-B, applications for alternative labeling under section 1662, education and outreach activities and any other activities related to the administration of this chapter. Notwithstanding section 1310-B, subsection 2, the department may provide the interstate clearinghouse with produced information submitted to the department under section 1661-A and the department and the interstate clearinghouse may compile or publish analyses or summaries of such information provided the analyses or summaries do not identify any manufacturer or reveal any confidential information.

2001, c. 373, § 6.

CHAPTER 16-C**ARSENIC-TREATED WOOD PRODUCTS**

Section
1681. Definitions.

Section
1682. Restriction on sale.
1683. Statute not applicable.