To whom letters will be sent:

Primary Recipient: Pennsylvania State Representative of the Environmental Resources and Energy Committee
The Honorable Camille George
38B East Wing
PO Box 202074
Harrisburg, PA 17120-2074

Secondary Recipients
Pennsylvania State Representative from my district
Hon. Harry Readshaw
122 Irvis Office Building
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Harrisburg, PA 17120-2036

Pennsylvania State Senator and Chairperson of the Senate Environmental Resources and Energy Committee
Hon. Mary Jo White
1140 Liberty Street
Franklin, PA 16323

Pennsylvania State Senator and Member of the Senate Environmental Resources and Energy Committee
Hon. Andrew E. Dinniman
One North Church Street
West Chester, PA 19380

Pennsylvania State Representative on the Environmental Resource and Energy Committee
Hon. H. Scott Conklin
101B East Wing
PO Box 202077
Harrisburg, PA 17120-2077
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


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).

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 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).


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.
   - 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.
WATERS AND NAVIGATION
Title 38

38 § 1664

(1) A wholesaler may meet the requirements of this paragraph by participating in 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.


Historical and Statutory Notes

2001 Legislation
Laws 2001, c. 640, § 1, note subch. 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 purchase or disposal to ensure that mercury in thermostats being removed from service is reused, recycled or otherwise managed in compliance with section 1665. A manufacturer that has complied with this subsection is not liable for improper disposal by purchasers or consumers of thermostats. Manufacturer compliance 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, new, 38 M.R.I.A. § 1665-A

§ 1665-A. Motor vehicle components

Notwithstanding sections 1665 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, offer for sale, 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:

A. The manufacturer has provided assurance that a system exists for the proper removal and recycling of the mercury switch; and
B. Either of the following applies:
   (1) Use of the mercury switch is necessary to protect public health or safety; or
   (2) 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 use 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 accept a motor vehicle that has not been flattened, crushed or baled knowing it contains a mercury switch or mercury headlamp, and the state does not require mercury switches to be removed.

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 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:

A. By January 1, 2003, establish and maintain collection facilities geographically located to serve all areas of the State to which mercury switches removed pursuant to this section may be transported by the person performing the removal. A collection facility may not be a facility that is licensed in the State as a new or used automobile dealership;

B. Pay a minimum of $1 for each mercury switch brought to the collection facilities as partial compensation for the removal, storage and transport of the switches;

C. Ensure that mercury switches redeemed at the collection centers are managed in accordance with the universal waste rules adopted by the board under subsection 8; and

D. 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 10, 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:

A. 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;

B. Design and distribute the stickers required under subsection 5; and

C. Make available to the public information concerning services to remove mercury light switches in motor vehicles.

7. Labeling. Effective July 1, 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 review the universal waste rules adopted pursuant to section 1662 and subsection 5, 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 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...
§ 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 shall 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 shall 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 system 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 1021, subsection 1-d-5;

(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 of the separator to an inspector who is licensed by the department to inspect separators and writes documentation that demonstrates that the system has been properly installed and maintained;

D. The department, after receiving proper notification of the installation of the amalgam separator system, may conduct inspections to ensure the proper operation and maintenance of the system.

§ 1570. Mercury Products Advisory Committee

6. Meetings. The committee shall meet at least 2 times per year and at any time at the call of the chair or upon written request to the chair by 2 of the voting members.

8. Duties, powers. The committee shall:

[see main volume for 8]

D-4. 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 D-4]

§ 1671. Interstate clearinghouse

The department may participate in the establishment and implementation of a regional, interstate clearinghouse to assist in carrying out the requirements of this chapter and to help manufacturers and importers of mercury-containing products understand the requirements of this chapter. For the purposes of this section, "mercury-containing products" means any product containing mercury that is manufactured, distributed, or imported into Wisconsin.

[see main volume for 1671]