

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 136

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “providing” and substitute “requiring”; in line 7, strike “the” and substitute “a certain”; in the same line, after the semicolon insert “providing that a certain label that conforms to another state’s label requirements for certain products satisfies certain label requirements of this Act; providing that a manufacturer of certain products is responsible for affixing a certain label; providing that a manufacturer that labels certain products in compliance with another state’s labeling requirements for certain products satisfies certain labeling requirements of this Act; providing that a vehicle manufacturer may comply with the labeling requirements of this Act by placing a certain label in a certain place;”; strike beginning with “prohibiting” in line 7 down through “persons” in line 10 and substitute “requiring, on or after a certain date, a person who discards a certain number or more of certain mercury-added fluorescent lamps a year to arrange for the final disposition of the lamps at certain facilities; authorizing the Department to delay the imposition of certain requirements under certain circumstances; authorizing an owner or operator of a commercial or industrial property to assign the responsibility for compliance with certain final disposition requirements to certain tenants under certain circumstances; providing certain owners and operators with certain liability protection under certain circumstances”; and in line 13, after the semicolon insert “defining certain terms;”.

AMENDMENT NO. 2

On page 2, after line 4, insert:

“(B) “MANUFACTURER” MEANS A PERSON THAT:

(1) PRODUCES A PRODUCT;

(2) FOR A MULTICOMPONENT PRODUCT, PRODUCES OR ASSEMBLES THE FINAL PRODUCT; OR

(Over)

(3) SERVES AS AN IMPORTER OR DOMESTIC DISTRIBUTOR OF A PRODUCT PRODUCED OUTSIDE OF THE UNITED STATES.”;

in lines 5 and 14, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively; and after line 20, insert:

“(E) “MOTOR VEHICLE” HAS THE MEANING STATED IN § 11-135 OF THE TRANSPORTATION ARTICLE.

(F) “RECLAMATION FACILITY” MEANS A SITE:

(1) WHERE EQUIPMENT IS USED TO RECAPTURE MERCURY FROM MERCURY-ADDED FLUORESCENT LAMPS FOR THE PURPOSE OF RECYCLING OR REUSING THE MERCURY; OR

(2) THAT COLLECTS MERCURY CONTAINING COMPONENTS FROM MERCURY-ADDED FLUORESCENT LAMPS FOR THE EVENTUAL RECAPTURE AND RECYCLING OR REUSE OF THE MERCURY.”.

AMENDMENT NO. 3

On page 3, in line 3, strike “OR”; in line 5, after “ACT” insert “;

(4) MEDICAL EQUIPMENT NOT INTENDED FOR USE BY NONMEDICAL PERSONNEL; OR

(5) PRODUCTS THAT CONTAIN MERCURY-ADDED PRODUCTS THAT ARE LABELED IN ACCORDANCE WITH THIS SECTION”;

in line 10, after the semicolon, insert “OR”; strike beginning with “; OR” in line 11 down through “STATE” in line 12; in line 17, after “(C)” insert “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,”; in line 16, after “A” insert “NEW”; in lines 19 and 20, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; strike beginning with “MAY” in line 20 down through “WASTEWATER” in line 23 and substitute “MUST BE MANAGED IN ACCORDANCE WITH FEDERAL AND STATE DISPOSAL LAWS TO MINIMIZE THE RELEASE OF MERCURY INTO THE ENVIRONMENT”; after line 23, insert:

“(2) A LABEL THAT CONFORMS TO ANOTHER STATE’S LABEL REQUIREMENTS FOR MERCURY-ADDED PRODUCTS SATISFIES THE REQUIREMENTS

OF THIS SUBSECTION.”;

in line 24, after “(D)” insert “(1)”; in line 25, after “SECTION” insert “ON MERCURY-ADDED PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2006”; after line 25, insert:

“(2) (I) A MANUFACTURER OF A MOTOR VEHICLE MAY MEET THE LABELING REQUIREMENTS OF THIS SECTION BY PLACING THE LABEL ON THE VEHICLE’S DOORPOST.

(II) A MANUFACTURER THAT LABELS A MERCURY-ADDED PRODUCT IN COMPLIANCE WITH ANOTHER STATE’S LABELING REQUIREMENTS FOR THE SAME OR A SIMILAR MERCURY-ADDED PRODUCT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION.”;

and in line 26, after “(E)” insert “(1) IN THIS SUBSECTION, “MERCURY-ADDED FLUORESCENT LAMP” MEANS A FLUORESCENT LAMP THAT EXHIBITS THE TOXICITY CHARACTERISTIC FOR MERCURY UNDER TITLE 26, SUBTITLE 13, CHAPTER 2 OF THE CODE OF MARYLAND REGULATIONS.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.”.

AMENDMENT NO. 4

On page 3, strike beginning with “A” in line 26 down through “SECTION” in line 36 and substitute “A PERSON WHO DISCARDS 360 OR MORE MERCURY-ADDED FLUORESCENT LAMPS IN A CALENDAR YEAR SHALL ARRANGE FOR THE FINAL DISPOSITION OF THE LAMPS AT A:

(I) RECLAMATION FACILITY; OR

(II) DESTINATION FACILITY, AS DEFINED BY THE DEPARTMENT IN REGULATION.

(3) THE DEPARTMENT MAY DELAY THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION IF IT DETERMINES THAT IT WILL NOT BE

(Over)

FEASIBLE FOR A PERSON TO ARRANGE FOR THE FINAL DISPOSITION OF LAMPS AT RECLAMATION FACILITIES ON THE DATE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.

(4) (I) AN OWNER OR OPERATOR OF AN INDUSTRIAL OR COMMERCIAL PROPERTY MAY ASSIGN THE RESPONSIBILITY FOR ENSURING COMPLIANCE WITH THIS SUBSECTION TO A TENANT WHO IS OTHERWISE RESPONSIBLE FOR MAINTAINING THE PROPERTY.

(II) IF A TENANT IS RESPONSIBLE FOR ENSURING COMPLIANCE AND FAILS TO COMPLY WITH THIS SUBSECTION, THE OWNER OR OPERATOR OF THE PROPERTY IS NOT LIABLE FOR THE FAILURE TO COMPLY”.

AMENDMENT NO. 5

On page 4, in line 1, strike “OCTOBER” and substitute “JUNE”.