

# HOUSE BILL 1263

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HB 835/08 – ENV

9lr2785

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By: **Delegates Huckler, O'Donnell, and Shewell**  
Introduced and read first time: February 13, 2009  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Mercury Switch Removal from Vehicles**

3 FOR the purpose of requiring motor vehicle manufacturers to develop a mercury  
4 minimization plan that includes information on mercury switch removal from  
5 motor vehicles; requiring certain manufacturers to submit a certain plan to the  
6 Department of the Environment within a certain number of days after the  
7 enactment date of this Act; establishing certain requirements for a mercury  
8 minimization plan; requiring vehicle manufacturers to pay certain costs  
9 associated with mercury switch removal; requiring the Department to review  
10 the plan and make a determination about the status of the plan within a certain  
11 number of days; authorizing the Department to impose certain penalties for  
12 violators of a mercury minimization plan; authorizing a scrap recycling facility  
13 to accept end-of-life vehicles that contain mercury switches under certain  
14 circumstances; defining certain terms; authorizing the Department to adopt  
15 rules and regulations to administer the plan; requiring an annual report  
16 containing certain information to be submitted to the Department; requiring  
17 certain vehicle manufacturers to report certain information to the Department  
18 on or before a certain date; requiring the Department to make a certain  
19 determination; making this Act subject to a certain contingency; requiring the  
20 Department to forward a copy of a certain determination to the Department of  
21 Legislative Services; providing for the termination of this Act under certain  
22 circumstances; and generally relating to mercury switch removal from motor  
23 vehicles.

24 BY repealing and reenacting, with amendments,  
25 Article – Environment  
26 Section 6–904 and 6–905  
27 Annotated Code of Maryland  
28 (2007 Replacement Volume and 2008 Supplement)

29 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 Article – Environment  
2 Section 6–905.4 through 6–905.6  
3 Annotated Code of Maryland  
4 (2007 Replacement Volume and 2008 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Environment**

8 6–904.

9 The General Assembly finds that:

10 (1) Mercury is a persistent and toxic pollutant that bioaccumulates in  
11 the environment;

12 (2) Consumption of mercury–contaminated fish poses a significant  
13 health threat;

14 (3) Combustion of municipal and other solid waste is a source of  
15 mercury pollution;

16 (4) **MANUFACTURE OF NEW STEEL FROM MERCURY–CONTAINING**  
17 **SCRAP STEEL IS A SIGNIFICANT SOURCE OF MERCURY POLLUTION;**

18 ~~[(4)]~~ (5) Both industry and government are working to reduce the  
19 content of mercury in products and to control the release of mercury into the  
20 environment;

21 ~~[(5)]~~ (6) Accidental mercury spills, breakages, and releases have  
22 occurred at schools in the United States, exposing students, teachers, and  
23 administrators to mercury emissions; ~~[and]~~

24 ~~[(6)]~~ (7) Removal of mercury and mercury containing products from  
25 the waste stream prior to combustion or disposal is an effective way to reduce mercury  
26 pollution; **AND**

27 (8) **THE VOLUNTARY NATIONAL VEHICLE MERCURY SWITCH**  
28 **REMOVAL PROGRAM HAS NOT REMOVED A SUFFICIENT PERCENTAGE OF**  
29 **MERCURY–CONTAINING SWITCHES IN THE STATE TO PROTECT THE**  
30 **ENVIRONMENT.**

31 6–905.

32 (a) In this part the following words have the meanings indicated.

1           **(B) “CAPTURE RATE” MEANS THE ANNUAL REMOVAL, COLLECTION,**  
2 **AND RECOVERY OF MERCURY SWITCHES AS A PERCENTAGE OF TOTAL NUMBER**  
3 **OF MERCURY SWITCHES AVAILABLE FROM END-OF-LIFE VEHICLES.**

4           **(C) “END-OF-LIFE VEHICLE” MEANS A MOTOR VEHICLE THAT IS SOLD,**  
5 **GIVEN, OR OTHERWISE CONVEYED TO A VEHICLE RECYCLER OR SCRAP**  
6 **RECYCLING FACILITY FOR THE PURPOSE OF RECYCLING.**

7           **[(b)] (D) “Manufacturer” means a person that:**

8                   (1) Produces a product;

9                   (2) For a multicomponent product, produces or assembles the final  
10 product; or

11                   (3) Serves as an importer or domestic distributor of a product  
12 produced outside of the United States.

13           **[(c)] (E) “Marketer” means a person that manufactures, assembles, sells,**  
14 **distributes, affixes a brand name or private label to, or licenses the use of a brand**  
15 **name on:**

16                   (1) A fever thermometer containing mercury; or

17                   (2) A thermostat containing mercury.

18           **[(d)] (F) “Mercury-added product” means any of the following products if**  
19 **containing elemental mercury or a mercury compound that has been added to the**  
20 **product for any reason:**

21                   (1) Dyes or pigments;

22                   (2) Electric switches; and

23                   (3) Fluorescent lamps.

24           **(G) “MERCURY MINIMIZATION PLAN” MEANS A PLAN FOR REMOVING,**  
25 **COLLECTING, AND RECOVERING MERCURY SWITCHES FROM AN END-OF-LIFE**  
26 **VEHICLE.**

27           **(H) “MERCURY SWITCH” MEANS ANY LIGHT SWITCH OR ANTILOCK**  
28 **BRAKING SYSTEM SWITCH THAT CONTAINS MERCURY AND THAT IS INSTALLED**  
29 **BY A MANUFACTURER IN A MOTOR VEHICLE.**

1           **(I) “MERCURY SWITCH ASSEMBLY” MEANS A LIGHT, ANTILOCK**  
2 **BRAKING SYSTEM, OR OTHER SWITCH ASSEMBLY THAT CONTAINS A MERCURY**  
3 **SWITCH.**

4           **[(e)] (J) “Motor vehicle”** has the meaning stated in § 11–135 of the  
5 **Transportation Article.**

6           **[(f)] (K) “Reclamation facility”** means a site:

7                   (1) Where equipment is used to recapture mercury from  
8 mercury–added fluorescent lamps for the purpose of recycling or reusing the mercury;  
9 or

10                   (2) That collects mercury containing components from mercury–added  
11 fluorescent lamps for the eventual recapture and recycling or reuse of the mercury.

12           **(L) “SCRAP RECYCLING FACILITY” MEANS A FIXED LOCATION WHERE**  
13 **MACHINERY AND EQUIPMENT ARE USED FOR PROCESSING AND**  
14 **MANUFACTURING SCRAP METAL INTO PREPARED GRADES AND THE PRINCIPAL**  
15 **PRODUCT IS SCRAP IRON, STEEL, OR NONFERROUS METALLIC SCRAP FOR SALE**  
16 **AND REMELTING PURPOSES.**

17           **[(g)] (M) “Thermostat”** means a device that regulates temperature in an  
18 enclosed area by controlling heating, cooling, or ventilation equipment.

19           **(N) “VEHICLE MANUFACTURER” MEANS A PERSON THAT:**

20                   (1) **IS THE LAST PERSON IN THE PRODUCTION OR ASSEMBLY**  
21 **PROCESS OF A NEW MOTOR VEHICLE THAT USES MERCURY SWITCHES; OR**

22                   (2) **SERVES AS AN IMPORTER OR DOMESTIC DISTRIBUTOR OF A**  
23 **MOTOR VEHICLE THAT USES MERCURY SWITCHES PRODUCED OUTSIDE OF THE**  
24 **UNITED STATES.**

25           **(O) “VEHICLE RECYCLER” MEANS A PERSON ENGAGED IN THE**  
26 **BUSINESS OF ACQUIRING, DISMANTLING, OR DESTROYING SIX OR MORE**  
27 **END–OF–LIFE VEHICLES IN A CALENDAR YEAR FOR THE PRIMARY PURPOSE OF**  
28 **RESALE AND PARTS.**

29 **6–905.4.**

30           **(A) THIS SECTION APPLIES TO A VEHICLE MANUFACTURER THAT SELLS**  
31 **MOTOR VEHICLES WITHIN THE STATE.**

1           **(B) ON OR BEFORE SEPTEMBER 30, 2009, A VEHICLE MANUFACTURER**  
2 **SHALL DEVELOP A MERCURY MINIMIZATION PLAN AND SUBMIT IT TO THE**  
3 **DEPARTMENT FOR REVIEW AND APPROVAL.**

4           **(C) THE PLAN SHALL CONTAIN:**

5                   **(1) INFORMATION IDENTIFYING THE MAKE, MODEL, AND YEAR OF**  
6 **VEHICLES THAT MAY CONTAIN A MERCURY SWITCH, INCLUDING:**

7                           **(I) THE LOCATION OF THE SWITCH;**

8                           **(II) THE LOCATION OF A MERCURY SWITCH ASSEMBLY; AND**

9                           **(III) INFORMATION REGARDING THE SAFE AND**  
10 **ENVIRONMENTALLY SOUND METHOD FOR REMOVING THE SWITCH FROM**  
11 **END-OF-LIFE VEHICLES;**

12                   **(2) EDUCATIONAL MATERIAL TO ASSIST A VEHICLE RECYCLER OR**  
13 **A SCRAP RECYCLING FACILITY UNDERTAKING A SAFE METHOD FOR REMOVAL**  
14 **OF MERCURY SWITCHES AND ASSEMBLIES, INCLUDING INFORMATION ON THE**  
15 **HAZARDS AND PROPER HANDLING OF MERCURY;**

16                   **(3) A PROPOSAL FOR THE METHOD OF STORAGE OR DISPOSAL OF**  
17 **MERCURY SWITCHES AND ASSEMBLIES, INCLUDING THE METHOD OF**  
18 **PACKAGING AND SHIPPING;**

19                   **(4) A PROPOSAL FOR THE STORAGE OF MERCURY SWITCHES AND**  
20 **MERCURY SWITCH ASSEMBLIES COLLECTED AND RECOVERED IN THE EVENT**  
21 **THAT APPROPRIATE MANAGEMENT TECHNOLOGIES ARE NOT AVAILABLE;**

22                   **(5) A PLAN FOR IMPLEMENTING AND FINANCING THE REMOVAL,**  
23 **COLLECTION, AND RECOVERY SYSTEM, IN ACCORDANCE WITH ITEM (6) OF THIS**  
24 **SUBSECTION; AND**

25                   **(6) INFORMATION THAT ESTABLISHES THE FINANCING OF THE**  
26 **REMOVAL, COLLECTION, AND RECOVERY SYSTEM FOR MERCURY SWITCHES,**  
27 **INCLUDING:**

28                           **(I) PAYMENT BY A VEHICLE MANUFACTURER FOR THE**  
29 **COSTS ASSOCIATED WITH THE REMOVAL, COLLECTION, AND RECOVERY FOR**  
30 **MERCURY SWITCHES;**

31                           **(II) ESTABLISHMENT BY A VEHICLE MANUFACTURER OF A**  
32 **METHOD TO ENSURE THE PROMPT PAYMENT TO A VEHICLE RECYCLER, A SCRAP**  
33 **RECYCLING FACILITY, AND THE DEPARTMENT;**

1 (III) PAYMENT BY A MANUFACTURER OF THE FOLLOWING  
2 COSTS:

3 1. A MINIMUM OF \$3 FOR EACH MERCURY SWITCH  
4 OR MERCURY SWITCH ASSEMBLY REMOVED BY A VEHICLE RECYCLER IN  
5 ACCORDANCE WITH § 6-905.5 OF THIS SUBTITLE AS PARTIAL COMPENSATION  
6 FOR THE LABOR AND OTHER COSTS INCURRED BY A VEHICLE RECYCLER IN THE  
7 REMOVAL OF THE MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY;

8 2. A MINIMUM OF \$3 FOR EACH MERCURY SWITCH  
9 OR MERCURY SWITCH ASSEMBLY REMOVED BY A SCRAP RECYCLING FACILITY IN  
10 ACCORDANCE WITH § 6-905.5 OF THIS SUBTITLE AS PARTIAL COMPENSATION  
11 FOR THE LABOR AND OTHER COSTS INCURRED BY A SCRAP RECYCLING  
12 FACILITY IN THE REMOVAL OF THE MERCURY SWITCH OR MERCURY SWITCH  
13 ASSEMBLY; AND

14 3. \$1 FOR EACH MERCURY SWITCH OR MERCURY  
15 SWITCH ASSEMBLY REMOVED BY A VEHICLE RECYCLER OR BY A SCRAP  
16 RECYCLING FACILITY IN ACCORDANCE WITH § 6-905.5 OF THIS SUBTITLE AS  
17 PARTIAL COMPENSATION FOR THE DEPARTMENT FOR COSTS INCURRED IN  
18 ADMINISTERING AND ENFORCING THE PROVISIONS OF THIS SUBTITLE;

19 (IV) PACKAGING FOR TRANSPORTING MERCURY SWITCHES  
20 AND MERCURY SWITCH ASSEMBLIES TO RECYCLING, STORAGE, OR DISPOSAL  
21 FACILITIES;

22 (V) SHIPPING OF MERCURY SWITCHES AND MERCURY  
23 SWITCH ASSEMBLIES TO RECYCLING, STORAGE, OR DISPOSAL FACILITIES;

24 (VI) RECYCLING, STORAGE, OR DISPOSAL OF THE MERCURY  
25 SWITCH ASSEMBLIES TO RECYCLING, STORAGE, OR DISPOSAL FACILITIES;

26 (VII) PREPARATION AND DISTRIBUTION TO VEHICLE  
27 RECYCLERS AND SCRAP RECYCLING FACILITIES OF THE EDUCATIONAL  
28 MATERIALS REQUIRED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS  
29 SUBSECTION; AND

30 (VIII) MAINTENANCE OF ALL APPROPRIATE  
31 RECORD KEEPING SYSTEMS.

32 (D) (1) WITHIN 60 DAYS AFTER RECEIVING A MERCURY  
33 MINIMIZATION PLAN, THE DEPARTMENT SHALL APPROVE, DISAPPROVE, OR  
34 CONDITIONALLY APPROVE THE ENTIRE MERCURY MINIMIZATION PLAN.

1           **(2) THE DEPARTMENT MAY RECEIVE INPUT FROM A**  
2 **REPRESENTATIVE OF A VEHICLE RECYCLER, SCRAP RECYCLING FACILITY, OR**  
3 **ANY OTHER STAKEHOLDER AS THE DEPARTMENT DETERMINES NECESSARY.**

4           **(3) IF THE ENTIRE MERCURY MINIMIZATION PLAN IS APPROVED,**  
5 **THE VEHICLE MANUFACTURER SHALL BEGIN IMPLEMENTATION WITHIN 30**  
6 **DAYS AFTER APPROVAL, OR AS OTHERWISE DETERMINED BY THE DEPARTMENT.**

7           **(4) (I) IF THE ENTIRE MERCURY MINIMIZATION PLAN IS**  
8 **DISAPPROVED, THE DEPARTMENT SHALL INFORM THE VEHICLE**  
9 **MANUFACTURER OF THE REASONS FOR THE DISAPPROVAL.**

10           **(II) THE MANUFACTURER HAS 30 DAYS AFTER RECEIVING**  
11 **NOTICE OF THE DISAPPROVED PLAN TO SUBMIT A NEW MERCURY MINIMIZATION**  
12 **PLAN.**

13           **(5) (I) THE DEPARTMENT MAY APPROVE THOSE PARTS OF A**  
14 **MERCURY MINIMIZATION PLAN THAT MEET THE REQUIREMENTS OF**  
15 **SUBSECTION (C) OF THIS SECTION AND DISAPPROVE ANY PARTS THAT DO NOT**  
16 **COMPLY WITH THE REQUIREMENTS.**

17           **(II) A MANUFACTURER SHALL:**

18                   **1. IMPLEMENT THE APPROVED PARTS OF A PLAN**  
19 **WITHIN 30 DAYS AFTER APPROVAL OR AS OTHERWISE DETERMINED BY THE**  
20 **DEPARTMENT; AND**

21                   **2. SUBMIT A REVISED MERCURY MINIMIZATION**  
22 **PLAN FOR THE DISAPPROVED PARTS WITHIN 30 DAYS AFTER RECEIVING**  
23 **NOTIFICATION OF THE DISAPPROVAL FROM THE DEPARTMENT.**

24           **(III) THE DEPARTMENT SHALL REVIEW AND APPROVE,**  
25 **CONDITIONALLY APPROVE, OR DISAPPROVE A REVISED MERCURY**  
26 **MINIMIZATION PLAN WITHIN 30 DAYS AFTER RECEIVING THE PLAN.**

27           **(6) (I) ON OR AFTER 90 DAYS FROM THE DATE THE**  
28 **DEPARTMENT RECEIVES A MERCURY MINIMIZATION PLAN, IF THE**  
29 **DEPARTMENT HAS NEITHER APPROVED NOR DISAPPROVED THE MERCURY**  
30 **MINIMIZATION PLAN IN ACCORDANCE WITH THIS SUBSECTION, THE MERCURY**  
31 **MINIMIZATION PLAN SHALL BE CONSIDERED CONDITIONALLY APPROVED.**

32           **(II) A VEHICLE MANUFACTURER SHALL IMPLEMENT A**  
33 **CONDITIONALLY EFFECTIVE MERCURY MINIMIZATION PLAN WITHIN 30 DAYS**  
34 **AFTER RECEIVING APPROVAL OR AS OTHERWISE DETERMINED BY THE**  
35 **DEPARTMENT.**

1           **(E) THE DEPARTMENT MAY COMPLETE, ON BEHALF OF A VEHICLE**  
2 **MANUFACTURER, ANY PORTION OF A MERCURY MINIMIZATION PLAN THAT HAS**  
3 **NOT BEEN APPROVED BY JANUARY 1, 2010.**

4           **(F) THE DEPARTMENT MAY REVIEW A MERCURY MINIMIZATION PLAN**  
5 **APPROVED IN ACCORDANCE WITH THIS SECTION AND RECOMMEND**  
6 **MODIFICATIONS IT CONSIDERS NECESSARY AT ANY TIME IF THE DEPARTMENT**  
7 **DETERMINES THAT THE APPROVED MERCURY MINIMIZATION PLAN IS**  
8 **DEFICIENT.**

9           **(G) THE DEPARTMENT MAY ADOPT REGULATIONS TO ADMINISTER THE**  
10 **PROVISIONS OF THIS SECTION.**

11 **6-905.5.**

12           **(A) THIS SECTION APPLIES TO ANY PERSON THAT HAS ANY PART OF**  
13 **THE IMPLEMENTATION OF A MERCURY MINIMIZATION PLAN IN ACCORDANCE**  
14 **WITH § 6-905.4 OF THIS SUBTITLE.**

15           **(B) (1) UNLESS A MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY**  
16 **IS INACCESSIBLE DUE TO SIGNIFICANT DAMAGE TO THE VEHICLE IN THE AREA**  
17 **SURROUNDING THE LOCATION OF THE MERCURY SWITCH, WITHIN 30 DAYS**  
18 **AFTER THE APPROVAL OR CONDITIONAL APPROVAL OF A MERCURY**  
19 **MINIMIZATION PLAN, A VEHICLE RECYCLER THAT SELLS, GIVES, OR OTHERWISE**  
20 **CONVEYS OWNERSHIP OF AN END-OF-LIFE VEHICLE TO A SCRAP RECYCLING**  
21 **FACILITY FOR RECYCLING SHALL REMOVE ALL MERCURY SWITCHES OR**  
22 **MERCURY SWITCH ASSEMBLIES IDENTIFIED IN THE APPROVED MERCURY**  
23 **MINIMIZATION PLAN FROM THE END-OF-LIFE VEHICLE BEFORE DELIVERY TO A**  
24 **SCRAP RECYCLING FACILITY.**

25                   **(2) THE CAPTURE RATE GOAL FOR A MERCURY SWITCH OR**  
26 **MERCURY SWITCH ASSEMBLY SHALL BE AT LEAST 90%.**

27                   **(3) IF THE MOTOR VEHICLE IS DAMAGED, THE DAMAGE SHALL BE**  
28 **NOTED ON THE NORMAL BUSINESS RECORDS OF THE VEHICLE RECYCLER THAT**  
29 **DELIVERED THE END-OF-LIFE VEHICLE TO THE SCRAP RECYCLING FACILITY.**

30                   **(4) IF THE MERCURY SWITCH ASSEMBLY IS CORRODED,**  
31 **DAMAGED, OR MOLDED IN A WAY AS TO MAKE REMOVAL OF THE MERCURY**  
32 **PELLET FROM THE MERCURY SWITCH ASSEMBLY IMPRACTICAL OR POSE A**  
33 **DANGER OF DAMAGE TO THE PELLETT, THE ENTIRE MERCURY SWITCH ASSEMBLY**  
34 **SHALL BE REMOVED.**



1           (c) (1) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A  
2 SCRAP RECYCLING FACILITY MAY AGREE TO ACCEPT AN END-OF-LIFE VEHICLE  
3 CONTAINING MERCURY SWITCHES THAT HAS NOT BEEN INTENTIONALLY  
4 FLATTENED, CRUSHED, OR BALED.

5           (2) A SCRAP RECYCLING FACILITY SHALL BE RESPONSIBLE FOR  
6 REMOVING THE MERCURY SWITCHES OR MERCURY SWITCH ASSEMBLIES  
7 IDENTIFIED IN THE MERCURY MINIMIZATION PLAN APPROVED IN ACCORDANCE  
8 WITH § 6-905.4 OF THIS SUBTITLE BEFORE THE END-OF-LIFE VEHICLE IS  
9 INTENTIONALLY FLATTENED, CRUSHED, BALED, OR SHREDDED.

10          (d) (1) A VEHICLE RECYCLER OR SCRAP RECYCLING FACILITY THAT  
11 REMOVES A MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY IN  
12 ACCORDANCE WITH THIS SECTION SHALL MAINTAIN RECORDS DOCUMENTING  
13 THE NUMBER OF MERCURY SWITCHES AND MERCURY SWITCH ASSEMBLIES  
14 COLLECTED, THE NUMBER OF END-OF-LIFE VEHICLES CONTAINING MERCURY  
15 SWITCHES, AND THE NUMBER OF END-OF-LIFE VEHICLES PROCESSED FOR  
16 RECYCLING.

17          (2) THE RECORDS REQUIRED BY PARAGRAPH (1) OF THIS  
18 SUBSECTION SHALL BE MADE AVAILABLE FOR REVIEW BY THE DEPARTMENT ON  
19 THE REQUEST OF THE DEPARTMENT.

20          (e) A PERSON MAY NOT FALSELY REPRESENT THAT MERCURY  
21 SWITCHES OR MERCURY SWITCH ASSEMBLIES HAVE BEEN REMOVED FROM AN  
22 END-OF-LIFE VEHICLE BEING SOLD, GIVEN, OR OTHERWISE CONVEYED FOR  
23 RECYCLING IF THAT PERSON HAS NOT REMOVED THE MERCURY SWITCHES OR  
24 MERCURY SWITCH ASSEMBLIES, OR ARRANGED WITH ANOTHER PERSON TO  
25 REMOVE THE MERCURY SWITCHES OR MERCURY SWITCH ASSEMBLIES.

26          (f) ON REMOVAL, MERCURY SWITCHES AND MERCURY SWITCH  
27 ASSEMBLIES SHALL BE COLLECTED, STORED, TRANSPORTED, AND OTHERWISE  
28 HANDLED AS REQUIRED BY THE MERCURY MINIMIZATION PLAN APPROVED IN  
29 ACCORDANCE WITH § 6-905.4 OF THIS SUBTITLE AND WITH ANY PROVISIONS OR  
30 REGULATIONS CONCERNING WASTE IN ACCORDANCE WITH TITLE 9 OF THIS  
31 ARTICLE.

32          (g) (1) ON OR AFTER 1 YEAR OF THE IMPLEMENTATION OF A  
33 MERCURY MINIMIZATION PLAN APPROVED IN ACCORDANCE WITH § 6-905.4 OF  
34 THIS SUBTITLE, A MANUFACTURER SHALL REPORT TO THE DEPARTMENT  
35 CONCERNING THE IMPLEMENTATION OF THE MERCURY MINIMIZATION PLAN.

36          (2) THE REPORT SHALL INCLUDE:

1           (I) A DETAILED DESCRIPTION AND DOCUMENTATION OF  
2 THE CAPTURE RATE ACHIEVED, IN ACCORDANCE WITH SUBSECTION (B) OF THIS  
3 SECTION;

4           (II) A DESCRIPTION OF ADDITIONAL OR ALTERNATIVE  
5 ACTIONS THAT MAY BE IMPLEMENTED TO IMPROVE THE MERCURY  
6 MINIMIZATION PLAN AND ITS IMPLEMENTATION IN THE EVENT THAT A  
7 MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY CAPTURE RATE OF AT  
8 LEAST 90% IS NOT ACHIEVED;

9           (III) THE NUMBERS OF MERCURY SWITCHES AND MERCURY  
10 SWITCH ASSEMBLIES COLLECTED, END-OF-LIFE VEHICLES CONTAINING  
11 MERCURY SWITCHES, AND END-OF-LIFE VEHICLES PROCESSED FOR  
12 RECYCLING;

13           (IV) A DESCRIPTION OF HOW THE MERCURY SWITCHES AND  
14 MERCURY SWITCH ASSEMBLIES WERE MANAGED; AND

15           (V) A DESCRIPTION OF THE AMOUNTS PAID TO COVER THE  
16 COSTS OF IMPLEMENTING THE MERCURY MINIMIZATION PLAN.

17           (H) THE DEPARTMENT MAY DISCONTINUE THE REQUIREMENT FOR THE  
18 ANNUAL REPORT IF IT DETERMINES THAT MERCURY SWITCHES IN END-OF-LIFE  
19 VEHICLES NO LONGER POSE A SIGNIFICANT THREAT TO THE ENVIRONMENT OR  
20 TO PUBLIC HEALTH.

21           (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER  
22 THE PROVISIONS OF THIS SECTION.

23 **6-905.6.**

24           (A) IF A PERSON VIOLATES ANY PROVISION OR ANY REGULATION  
25 ADOPTED IN ACCORDANCE WITH § 6-905.5 OF THIS SUBTITLE, THE  
26 DEPARTMENT:

27           (1) MAY ISSUE AN ORDER THAT:

28           (I) SPECIFIES THE PROVISION THAT ALLEGEDLY HAS BEEN  
29 VIOLATED;

30           (II) STATES THE ACTIONS NECESSARY TO CORRECT THE  
31 VIOLATION AND THE TIME ALLOWED FOR CORRECTION; AND

1                   (III) STATES THE PROCEDURE FOR REQUESTING A HEARING  
2 TO RESPOND TO THE VIOLATION ALLEGED IN THE ORDER, IN ACCORDANCE  
3 WITH SUBSECTION (B) OF THIS SECTION;

4                   (2) MAY IMPOSE AN ADMINISTRATIVE PENALTY NOT TO EXCEED:

5                   (I) \$7,500 FOR A FIRST OFFENSE;

6                   (II) \$10,000 FOR A SECOND OFFENSE; AND

7                   (III) \$25,000 FOR A THIRD AND EVERY SUBSEQUENT  
8 OFFENSE;

9                   (3) MAY NOT LEVY AN ASSESSMENT IN ACCORDANCE WITH THIS  
10 SECTION UNTIL AFTER THE VIOLATOR HAS BEEN NOTIFIED OF THE VIOLATION  
11 BY CERTIFIED MAIL OR PERSONAL SERVICE;

12                   (4) MAY BRING AN ACTION FOR AN INJUNCTION AGAINST ANY  
13 PERSON THAT VIOLATES ANY PROVISION OR A REGULATION OR ORDER ISSUED  
14 BY THE DEPARTMENT IN ACCORDANCE WITH § 6-905.5 OF THIS SUBTITLE; AND

15                   (5) MAY PETITION THE ATTORNEY GENERAL TO BRING A  
16 CRIMINAL ACTION IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.

17                   (B) (1) THE DEPARTMENT SHALL PROVIDE NOTICE OF A VIOLATION  
18 BY CERTIFIED MAIL OR PERSONAL SERVICE.

19                   (2) A PERSON THAT RECEIVES NOTICE SHALL HAVE 20 DAYS  
20 AFTER RECEIVING THE NOTICE TO REQUEST A HEARING.

21                   (3) AFTER THE HEARING, IF THE DEPARTMENT FINDS THAT A  
22 VIOLATION HAS OCCURRED, THE ORDER SHALL BECOME A FINAL ORDER.

23                   (4) AFTER THE 20-DAY REQUEST PERIOD, IF NO HEARING IS  
24 REQUESTED, THE ORDER SHALL BECOME A FINAL ORDER.

25                   (C) IF THE DEPARTMENT PURSUES ANY OF THE REMEDIES SPECIFIED  
26 UNDER THIS SECTION, THE DEPARTMENT IS NOT PRECLUDED FROM SEEKING  
27 ANY OTHER REMEDY AFFORDED IT UNDER THIS SECTION.

28                   (D) ANY PENALTY IMPOSED UNDER THIS SECTION MAY BE COLLECTED,  
29 WITH COSTS, IN A SUMMARY PROCEEDING IN ACCORDANCE WITH THE  
30 PROCEDURES OF THE COURT.

1           **(E) IN ANY ACTION FOR AN INJUNCTION, THE COURT MAY GRANT**  
2 **TEMPORARY OR INTERLOCUTORY RELIEF, INCLUDING:**

3                   **(1) A TEMPORARY OR PERMANENT INJUNCTION; OR**

4                   **(2) AN ASSESSMENT OF THE VIOLATOR FOR THE REASONABLE**  
5 **COSTS OF:**

6                           **(I) ANY INSPECTION THAT LED TO THE ESTABLISHMENT OF**  
7 **THE VIOLATION; AND**

8                           **(II) PREPARING AND LITIGATING THE ACTION BROUGHT**  
9 **UNDER SUBSECTION (A)(4) OF THIS SECTION.**

10           **(F) (1) A PERSON WHO WILLFULLY OR NEGLIGENTLY VIOLATES THE**  
11 **PROVISIONS OF § 6-905.5 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND**  
12 **ON CONVICTION OF A FIRST OFFENSE IS SUBJECT TO A FINE OF AT LEAST \$2,500**  
13 **BUT NOT EXCEEDING \$25,000.**

14                   **(2) A SECOND OFFENSE UNDER THIS SUBSECTION SHALL**  
15 **SUBJECT THE VIOLATOR TO A FINE OF AT LEAST \$5,000 BUT NOT EXCEEDING**  
16 **\$50,000.**

17                   **(3) A PERSON THAT KNOWINGLY MAKES A FALSE STATEMENT,**  
18 **REPRESENTATION, OR CERTIFICATION IN ANY APPLICATION, RECORD, OR**  
19 **OTHER DOCUMENT FILED OR REQUIRED TO BE MAINTAINED UNDER THIS**  
20 **SUBTITLE OR THAT FALSIFIES, TAMPERS WITH, OR KNOWINGLY RENDERS**  
21 **INACCURATE ANY MONITORING DEVICE OR METHOD REQUIRED TO BE**  
22 **MAINTAINED IN ACCORDANCE WITH THIS SUBTITLE IS GUILTY OF A**  
23 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**  
24 **\$10,000.**

25           **SECTION 2. AND BE IT FURTHER ENACTED, That:**

26           **(a) On or before November 1, 2009, each vehicle manufacturer that sells**  
27 **motor vehicles in the State shall report to the Department of the Environment on how**  
28 **many mercury switches or mercury switch assemblies were captured in Maryland by**  
29 **the vehicle manufacturer under the National Vehicle Mercury Switch Removal**  
30 **Program during the 12-month period ending September 30, 2009.**

31           **(b) On or before December 1, 2009, the Department of the Environment shall**  
32 **determine whether the National Vehicle Mercury Switch Removal Program has**  
33 **captured at least 103,600 mercury switches or mercury switch assemblies in Maryland**  
34 **during the 12-month period ending September 30, 2009.**

35           **SECTION 3. AND BE IT FURTHER ENACTED, That:**

1           (a) Section 1 of this Act shall take effect January 1, 2010, contingent on a  
2 determination under Section 2 of this Act by the Department of the Environment that  
3 fewer than 103,600 mercury switches or mercury switch assemblies were captured in  
4 Maryland under the National Vehicle Mercury Switch Removal Program during the  
5 12-month period ending September 30, 2009.

6           (b) If the Department makes a determination under subsection (a) of this  
7 section:

8               (1) That fewer than 103,600 mercury switches or mercury switch  
9 assemblies were captured in Maryland under the National Vehicle Mercury Switch  
10 Removal Program during the 12-month period ending September 30, 2009, Section 1  
11 of this Act shall take effect on January 1, 2010; or

12               (2) That at least 103,600 mercury switches or mercury switch  
13 assemblies were captured in Maryland under the National Vehicle Mercury Switch  
14 Removal Program during the 12-month period ending September 30, 2009, 30 days  
15 after the Department makes the determination, with no further action required by the  
16 General Assembly, this Act shall be abrogated and of no further force and effect.

17           (c) Within 5 days after making a determination under subsection (a) of this  
18 section, the Department shall forward a copy of the determination to the Department  
19 of Legislative Services, 90 State Circle, Annapolis, Maryland.

20           SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of  
21 this Act, this Act shall take effect July 1, 2009.