



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1241

Introduced 2/9/2007, by Sen. Ms. Mattie Hunter

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.23b

Amends the Environmental Protection Act. Prohibits the installation of thermostats containing mercury in new construction beginning July 1, 2008. Prohibits the installation or sale of thermostats that contain mercury beginning July 1, 2010. Provides that, beginning July 1, 2008, thermostats that contain mercury must not be disposed of in a landfill or incinerated. Makes other changes. Effective immediately.

LRB095 03430 CMK 23602 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 changing Section 22.23b as follows:

6 (415 ILCS 5/22.23b)

7 Sec. 22.23b. Mercury and mercury-added products.

8 (a) Beginning July 1, 2005, no person shall purchase or  
9 accept, for use in a primary or secondary school classroom,  
10 bulk elemental mercury, chemicals containing mercury  
11 compounds, or instructional equipment or materials containing  
12 mercury added during their manufacture. This subsection (a)  
13 does not apply to: (i) other products containing mercury added  
14 during their manufacture that are used in schools and (ii)  
15 measuring devices used as teaching aids, including, but not  
16 limited to, barometers, manometers, and thermometers, if no  
17 adequate mercury-free substitute exists.

18 (b) Beginning July 1, 2007, no person shall sell, offer to  
19 sell, distribute, or offer to distribute a mercury switch or  
20 mercury relay individually or as a product component. For a  
21 product that contains one or more mercury switches or mercury  
22 relays as a component, this subsection (b) is applicable to  
23 each component part or parts and not the entire product. This

1 subsection (b) does not apply to the following:

2 (1) Mercury switches and mercury relays used in medical  
3 diagnostic equipment regulated under the federal Food,  
4 Drug, and Cosmetic Act.

5 (2) Mercury switches and mercury relays used at  
6 electric generating facilities.

7 (3) Mercury switches in thermostats used to sense and  
8 control room temperature.

9 (4) Mercury switches and mercury relays required to be  
10 used under federal law or federal contract specifications.

11 (5) A mercury switch or mercury relay used to replace a  
12 mercury switch or mercury relay that is a component in a  
13 larger product in use prior to July 1, 2007, and one of the  
14 following applies:

15 (A) The larger product is used in manufacturing; or

16 (B) The mercury switch or mercury relay is  
17 integrated and not physically separate from other  
18 components of the larger product.

19 (c) ~~The No later than July 1, 2006, the~~ manufacturer of a  
20 mercury switch or mercury relay, or a scientific instrument or  
21 piece of instructional equipment containing mercury added  
22 during its manufacture, may apply to the Agency for an  
23 exemption from the provisions of subsection (a) or (b) of this  
24 Section for one or more specific uses of the switch, relay,  
25 instrument, or piece of equipment by filing a written petition  
26 with the Agency. The Agency may grant an exemption, with or

1 without conditions, if the manufacturer demonstrates the  
2 following:

3 (1) A convenient and widely available system exists for  
4 the proper collection, transportation, and processing of  
5 the switch, relay, instrument, or piece of equipment at the  
6 end of its useful life; and

7 (2) The specific use or uses of the switch, relay,  
8 instrument, or piece of equipment provides a net benefit to  
9 the environment, public health, or public safety when  
10 compared to available nonmercury alternatives.

11 Before approving any exemption under this subsection (c)  
12 the Agency must consult with other states to promote  
13 consistency in the regulation of products containing mercury  
14 added during their manufacture. Exemptions shall be granted for  
15 a period of 5 years. The manufacturer may request renewals of  
16 the exemption for additional 5-year periods by filing  
17 additional written petitions with the Agency. The Agency may  
18 renew an exemption if the manufacturer demonstrates that the  
19 criteria set forth in paragraphs (1) and (2) of this subsection  
20 (c) continue to be satisfied. All petitions for an exemption or  
21 exemption renewal shall be submitted on forms prescribed by the  
22 Agency.

23 The Agency must adopt rules for processing petitions  
24 submitted pursuant to this subsection (c). The rules shall  
25 include, but shall not be limited to, provisions allowing for  
26 the submission of written public comments on the petitions.

1 (d) No later than January 1, 2005, the Agency must submit  
2 to the Governor and the General Assembly a report that includes  
3 the following:

4 (1) An evaluation of programs to reduce and recycle  
5 mercury from mercury thermostats and mercury vehicle  
6 components; and

7 (2) Recommendations for altering the programs to make  
8 them more effective.

9 In preparing the report the Agency may seek information  
10 from and consult with, businesses, trade associations,  
11 environmental organizations, and other government agencies.

12 (e) Mercury switches and mercury relays, and scientific  
13 instruments and instructional equipment containing mercury  
14 added during their manufacture, are hereby designated as  
15 categories of universal waste subject to the streamlined  
16 hazardous waste rules set forth in Title 35 of the Illinois  
17 Administrative Code, Subtitle G, Chapter I, Subchapter c, Part  
18 733 ("Part 733"). Within 60 days of the effective date of this  
19 amendatory Act of the 93rd General Assembly, the Agency shall  
20 propose, and within 180 days of receipt of the Agency's  
21 proposal the Board shall adopt, rules that reflect this  
22 designation and that prescribe procedures and standards for the  
23 management of such items as universal waste.

24 If the United States Environmental Protection Agency  
25 adopts streamlined hazardous waste regulations pertaining to  
26 the management of mercury switches or mercury relays, or

1 scientific instruments or instructional equipment containing  
2 mercury added during their manufacture, or otherwise exempts  
3 such items from regulation as hazardous waste, the Board shall  
4 adopt equivalent rules in accordance with Section 7.2 of this  
5 Act within 180 days of adoption of the federal regulations. The  
6 equivalent Board rules may serve as an alternative to the rules  
7 adopted under subsection (1) of this subsection (e).

8 (f) Thermostats that contain mercury.

9 (1) Beginning July 1, 2008, no person shall install as  
10 a part of new construction a thermostat used to sense and  
11 control room temperature that contains mercury. For the  
12 purposes of this subsection (f), "new construction" means  
13 (i) the original construction of a new structure or (ii) an  
14 expansion of or addition to an existing structure.

15 (2) Beginning July 1, 2010, no person shall install,  
16 sell, offer to sell, distribute, or offer to distribute a  
17 thermostat used to sense and control room temperature that  
18 contains mercury. This item (2) does not apply to  
19 thermostats used in a manufacturing or industrial process.

20 (3) Beginning July 1, 2008, no person shall:

21 (A) knowingly mix a thermostat that contains  
22 mercury with any waste that will be disposed of in a  
23 landfill or that will be incinerated;

24 (B) accept for disposal at a landfill a thermostat  
25 that contains mercury; or

26 (C) incinerate a thermostat that contains mercury.

1 (Source: P.A. 93-964, eff. 8-20-04.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.