

19-6-1004 Mercury switch collection plan -- Reimbursement for mercury switch removal.

- (1)
 - (a) Each manufacturer of any vehicle sold within this state, individually or in cooperation with other manufacturers, shall submit a plan, accompanied by a fee, to the director.
 - (b) If the director disapproves a plan, the manufacturer shall submit an amended plan within 90 days.
 - (c) A manufacturer shall submit an updated plan within 90 days of any change in the information required by Subsection (2).
 - (d) The director may require the manufacturer to modify the plan at any time upon finding that an approved plan as implemented has failed to meet the requirements of this part.
 - (e) If the manufacturer does not know or is uncertain about whether or not a switch contains mercury, the plan shall presume that the switch contains mercury.
- (2) The plan shall include:
 - (a) the make, model, and year of any vehicle, including current and anticipated future production models, sold by the manufacturer that may contain one or more mercury switches;
 - (b) the description and location of each mercury switch for each make, model, and year of vehicle;
 - (c) education materials that include:
 - (i) safe and environmentally sound methods for mercury switch removal; and
 - (ii) information about hazards related to mercury and the proper handling of mercury;
 - (d) a method for storage and disposal of the mercury switches, including packaging and shipping of mercury switches to an authorized recycling, storage, or disposal facility;
 - (e) a procedure for the transfer of information among persons involved with the plan to comply with reporting requirements; and
 - (f) a method to implement and finance the plan, which shall include the prompt reimbursement by the manufacturer of costs incurred by a person removing and collecting mercury switches.
- (3) In order to ensure that the costs of removal and collection of mercury switches are not borne by any other person, the manufacturers of vehicles sold in the state shall pay:
 - (a) a minimum of \$5 for each mercury switch removed by a person as partial compensation for the labor and other costs incurred in removing the mercury switch;
 - (b) the cost of packaging necessary to store or transport mercury switches to recycling, storage, or disposal facilities;
 - (c) the cost of shipping mercury switches to recycling, storage, or disposal facilities;
 - (d) the cost of recycling, storage, or disposal of mercury switches;
 - (e) the cost of the preparation and distribution of educational materials; and
 - (f) the cost of maintaining all appropriate record-keeping systems.
- (4) Manufacturers of vehicles sold within this state shall reimburse a person for each mercury switch removed and collected without regard to the date on which the mercury switch is removed and collected.
- (5) The manufacturer shall ensure that plan implementation occurs by July 1, 2007.

Amended by Chapter 360, 2012 General Session