

HEALTH AND SAFETY CODE

TITLE 5. SANITATION AND ENVIRONMENTAL QUALITY

SUBTITLE B. SOLID WASTE, TOXIC CHEMICALS, SEWAGE, LITTER, AND WATER

CHAPTER 375. REMOVAL OF CONVENIENCE SWITCHES

SUBCHAPTER A. GENERAL PROVISIONS

Text of section effective until August 31, 2015

Sec. 375.001. DEFINITIONS. In this chapter:

(1) "Capture rate" means the annual number of convenience switches removed, collected, and recovered, expressed as a percentage of the number of convenience switches estimated to be available for removal in that year from end-of-life vehicles.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Convenience switch" means a capsule, commonly known as a bullet, that:

(A) is part of a convenience light switch assembly; and

(B) because of its mercury content, is the type of switch subject to work practice standards promulgated by the United States Environmental Protection Agency under Section 112 of the federal Clean Air Act (42 U.S.C. Section 7412).

(4) "Convenience switch recovery program" means a program for removing, collecting, and recovering convenience switches from end-of-life vehicles in accordance with Subchapter B.

(5) "Eligible vehicle" means a vehicle identified by information provided by the manufacturer to the commission under Section 375.051 as a vehicle that might contain a convenience switch.

(6) "End-of-life vehicle" means a vehicle that:

(A) has not been intentionally flattened, crushed, shredded, or baled; and

(B) is sold, given, or otherwise conveyed to a vehicle recycler or scrap metal recycling facility for the purpose of recycling.

(7) "Executive director" means the executive director

of the commission.

(8) "Manufacturer" means:

(A) a person who is the last entity in the production or assembly process of a new vehicle; or

(B) the importer or domestic distributor of the vehicle, in the case of an imported vehicle.

(9) "Scrap metal recycling facility" means a facility at a fixed location that uses equipment to process and refabricate scrap metal into prepared grades and principally produces scrap iron, scrap steel, or nonferrous metallic scrap for sale.

(10) "Vehicle" means any automobile, station wagon, truck, van, or sport utility vehicle with a gross vehicle weight rating of less than 12,000 pounds.

(11) "Vehicle recycler" means a person engaged in the business of acquiring, dismantling, or preparing for recycling six or more end-of-life vehicles in a calendar year for the primary purpose of reselling the vehicles' parts. The term includes a salvage vehicle dealer licensed under Chapter 2302, Occupations Code.

Added by Acts 2005, 79th Leg., Ch. 746, Sec. 1, eff. August 29, 2005.

Text of section effective until August 31, 2015

Sec. 375.002. APPLICABILITY OF CHAPTER. (a) This chapter applies only to:

(1) a manufacturer of vehicles sold in this state that contain or contained convenience switches; and

(2) a vehicle recycler or scrap metal recycling facility in this state.

(b) The requirements of this chapter do not apply to a manufacturer on or after the 10th anniversary of the date on which the manufacturer last installed a convenience switch in a vehicle sold in this state.

Added by Acts 2005, 79th Leg., Ch. 746, Sec. 1, eff. August 29, 2005.

Text of section effective until August 31, 2015

Sec. 375.003. EXPIRATION. This chapter expires August 31, 2015.

Added by Acts 2005, 79th Leg., Ch. 746, Sec. 1, eff. August 29, 2005.

#### SUBCHAPTER B. CONVENIENCE SWITCH RECOVERY PROGRAM

Text of section effective until August 31, 2015

Sec. 375.051. MANUFACTURER PROGRAM COMPONENTS. (a) Each manufacturer of vehicles sold in this state, individually or as part of a group, shall, not later than January 1, 2006, implement a program that provides the following:

(1) information identifying that manufacturer's eligible vehicles, including:

(A) a description of the convenience switches used by the manufacturer;

(B) the location on each vehicle of each convenience switch;

(C) the safe and environmentally sound methods for removing a convenience switch from an end-of-life vehicle; and

(D) the estimated number of convenience switches available, for purposes of computing the capture rate;

(2) educational materials to assist a vehicle recycler or scrap metal recycling facility in following a safe and environmentally sound method to remove convenience switches from end-of-life vehicles, including educational materials on hazards presented by the content of a convenience switch and the proper handling of that content;

(3) methods for recycling or disposing of the manufacturer's convenience switches, including the method of packaging and shipping a convenience switch to an authorized recycling, storage, or disposal facility; and

(4) methods for the storage of a convenience switch collected and recovered from an end-of-life vehicle if environmentally appropriate recycling or disposal technologies are not available.

(b) To the extent possible, a convenience switch recovery program must use existing end-of-life vehicle infrastructure. If

that infrastructure is not used, the program must include reasons for establishing a separate infrastructure.

Added by Acts 2005, 79th Leg., Ch. 746, Sec. 1, eff. August 29, 2005.

Text of section effective until August 31, 2015

Sec. 375.052. PACKAGING, SHIPPING, AND RECYCLING COSTS.

Each manufacturer, individually or as part of a group, shall pay the costs of:

(1) packaging and shipping of the manufacturer's convenience switches to recycling, storage, or disposal facilities; and

(2) recycling, storing, or disposing of the manufacturer's removed convenience switches.

Added by Acts 2005, 79th Leg., Ch. 746, Sec. 1, eff. August 29, 2005.

Text of section effective until August 31, 2015

Sec. 375.053. COSTS OF EDUCATIONAL MATERIALS. Each

manufacturer shall provide financing for:

(1) the preparation of educational materials required under Section 375.051; and

(2) the distribution of those materials at workshops that the commission is required to conduct as part of the commission's technical assistance.

Added by Acts 2005, 79th Leg., Ch. 746, Sec. 1, eff. August 29, 2005.

Text of section effective until August 31, 2015

Sec. 375.054. PROVISION OF STORAGE CONTAINERS. Each

manufacturer, individually or as part of a group, shall pay for and provide to each vehicle recycler and scrap metal recycling facility containers suitable for the safe storage of convenience switches, including switches encased in light assemblies from which the switches cannot be removed.

Added by Acts 2005, 79th Leg., Ch. 746, Sec. 1, eff. August 29, 2005.

SUBCHAPTER C. CONVENIENCE SWITCH RECOVERY PROGRAM IMPLEMENTATION

Text of section effective until August 31, 2015

Sec. 375.101. REMOVAL AND MANAGEMENT OF CONVENIENCE SWITCHES. (a) A vehicle recycler or scrap metal recycling facility that removes convenience switches from eligible vehicles in accordance with educational materials received under this chapter shall be provided regulatory incentives by the commission under programs implemented pursuant to Section 5.755, Water Code, including on-site technical assistance and compliance history classification adjustments.

(b) In order to qualify for the regulatory incentives provided by this section, a vehicle recycler or scrap metal recycling facility must submit a report to the commission by November 15 of each year documenting:

(1) the number of convenience switches collected during the prior 12 months; and

(2) the total number of eligible vehicles processed for recycling during the same time period.

(c) Nothing in this chapter shall be construed to require scrap metal recycling facilities or vehicle recyclers to remove convenience switches or maintain records regarding convenience switches they have not removed, and the commission shall not promulgate regulations that create such requirements.

Added by Acts 2005, 79th Leg., Ch. 746, Sec. 1, eff. August 29, 2005.

Text of section effective until August 31, 2015

Sec. 375.102. HANDLING OF CONVENIENCE SWITCHES. After removal from a vehicle, a convenience switch shall be collected, stored, transported, and otherwise handled in accordance with:

(1) the applicable convenience switch recovery program; and

(2) the applicable solid waste rules of the commission.

Added by Acts 2005, 79th Leg., Ch. 746, Sec. 1, eff. August 29, 2005.

SUBCHAPTER D. REPORTS

Text of section effective until August 31, 2015

Sec. 375.151. ANNUAL IMPLEMENTATION REPORT. (a) On or before December 31 of each year, the commission shall:

(1) publish a report that documents the capture rate achieved through the implementation of this chapter; and

(2) issue recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and the chair of each standing committee of the legislature with jurisdiction over environmental issues, which identifies legislative action that may be appropriate to improve the capture rate referenced in Subsection (a)(1) while promoting vehicle recycling and preventing the export of scrap metal from the state.

(b) The executive director may discontinue the requirement for an annual report under this section if the executive director determines that the convenience switches in end-of-life vehicles no longer pose a significant threat to the environment or to public health.

Added by Acts 2005, 79th Leg., Ch. 746, Sec. 1, eff. August 29, 2005.

Text of section effective until August 31, 2015

Sec. 375.152. ANNUAL MANUFACTURER'S IMPLEMENTATION REPORT. On or before November 15 of each year, each manufacturer, individually or as part of a group, shall report to the commission the total number of convenience switches recovered in this state and the total amount of mercury, by weight, recovered from those convenience switches during the preceding 12 months.

Added by Acts 2005, 79th Leg., Ch. 746, Sec. 1, eff. August 29, 2005.