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# 2011 Mercury Convenience Switch Collection Program Implementation Report

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Small Business and Environmental Assistance Division

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY





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# Mercury Convenience Switch Collection Program

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## Introduction

Pursuant to House Bill (HB) 2793, passed by the Texas Legislature during the 79<sup>th</sup> Regular Session, the Texas Commission on Environmental Quality (TCEQ) has coordinated the development of a voluntary convenience-switch collection program in the state of Texas. Formal implementation of this program began on August 29, 2005, the date on which HB 2793 was mandated to take effect.

This report, for the mercury switch reporting year beginning November 1, 2010, and ending October 31, 2011, is the sixth yearly report published according to the requirements of Section 375.151 of the Texas Health and Safety Code.

## Executive Summary

Pursuant to HB 2793, the TCEQ has helped to coordinate the implementation of a convenience-switch collection program for the state of Texas. To facilitate the implementation of the requirements under HB 2793 and other programs throughout the United States, automobile manufacturers created a not-for-profit corporation called End of Life Vehicle Solutions (ELVS). The legislation includes specific mandates for both automobile manufacturers and the TCEQ.

Participation in the program is voluntary for both vehicle recyclers and metal-recycling facilities. While not required to participate in the convenience switch collection program, dismantlers participating in the AirCheck Texas program are required to remove mercury switches in accordance with state and federal laws applicable to the management of mercury switches.

HB 2793 mandates that the TCEQ provide regulatory incentives to those facilities that participate in the voluntary program. Pursuant to the legislation, the TCEQ has met these requirements through existing programs, which already offer these incentives to participating facilities.

On-site technical assistance is available to vehicle recyclers through the Small Business and Local Government Assistance (SBLGA) Section's existing compliance assistance program. This program allows small businesses to contact SBLGA to request a free, confidential site visit to assess potential compliance concerns at the facility. Through this program, participating small businesses also receive guidance to address any concerns identified during the visit.

As an additional incentive, a participating facility can qualify for an adjustment to its compliance-history classification. Because HB 2793 requires that any compliance-history adjustments be provided to qualifying businesses through existing programs, the TCEQ provides these incentives based on: (1) a business's compliance-history classification; and (2) any voluntary measures undertaken by the business to improve environmental quality.

In conjunction with the voluntary convenience switch collection program, Section 2 of HB 2793 also mandated that the TCEQ "adopt rules for regulating a convenience switch...as universal waste under 30 TAC Section 335.261." The TCEQ fulfilled this

mandate by incorporating, by reference, existing federal rules that allow mercury-containing equipment, including convenience switches, to be managed as universal waste. Handlers of universal waste are subject to less stringent standards for reporting, storing, transporting, and collecting these wastes. By eliminating existing requirements for storing and shipping mercury convenience switches, this change to the rules amended provisions that might otherwise serve as obstacles for small businesses wishing to participate in the program.

Submittal of the annual report from a participating vehicle recycler serves as the mechanism for potentially qualifying to receive regulatory incentives under HB 2793. For the most recent reporting period, a total of 69 facilities submitted annual reports. The 69 facilities that submitted the voluntary Annual Reporting Forms reported processing a total of 18,278 vehicles, and removing a total of 10,237 switches.

## **Summary of the National Vehicle Mercury Switch Recycling Program**

After a number of years of negotiations, the U.S. Environmental Protection Agency (EPA) and key industry stakeholders announced the formation of the National Vehicle Mercury Switch Recycling Program (NVMSRP) in August 2006. The national program, which is being implemented separately from programs already in place in a number of states, is aimed at facilitating the removal and collection of mercury convenience switches in states without preexisting programs.

Maximizing the removal and collection of mercury switches nationwide is a primary goal of this program. The program is coordinated by End of Life Vehicle Solutions (ELVS), the not-for-profit corporation formed by the automobile manufacturers. Through this national program, ELVS will not only provide educational materials, it also will collect and recycle the convenience switches returned by participating facilities. In addition to convenience lighting assemblies, under the national program, ELVS will also accept ABS modules containing mercury switches, as well as the individual switch pellets removed from convenience lighting assemblies.

## **Recommendations and Planned Next Steps**

The TCEQ will continue to work with ELVS and representatives from the vehicle-recycling industry within the framework of the existing program.

## **Collection Rates and Participation**

Table 1 reports data that is voluntarily submitted by auto salvage facilities under the TCEQ mercury switch program. To qualify for incentives provided by the TCEQ, facilities participating in the convenience-switch collection program are required to submit a report documenting the number of convenience switches collected during the prior 12 months, and the total number of vehicles processed for recycling during that same period. The data included in Table 1 are a compilation of reports submitted by participating facilities. The data documents a capture rate of 37 percent of mercury switches estimated to be available for removal in the reporting year from end-of-life vehicles.

As expected, the supply of scrap vehicles containing mercury convenience switches has diminished. This has reduced the number of participating facilities and the number of convenience switch removals.

<u>Year</u>	<u>Number of facilities reporting</u>	<u>Number of eligible vehicles processed</u>	<u>Number of convenience switches removed</u>
2006	6 facilities	186 vehicles	156 switches
2007	34 facilities	23,868 vehicles	11,696 switches
2008	84 facilities	11,776 vehicles	18,408 switches
2009	105 facilities	29,248 vehicles	24,944 switches
2010	135 facilities	37,506 vehicles	36,370 switches
2011	69 facilities	18,278 vehicles	10,237 switches

**Table 1- Data from Completed Annual Reports Submitted by Participating Facilities**