



Resolution Number 06-7  
Approved August 11, 2006  
Via Mail Vote

Renewed as Amended  
September 17, 2007  
Sun Valley, Idaho

As certified by  
R. Steven Brown  
Executive Director

**ENDORSEMENT OF NATIONAL MERCURY SWITCH REMOVAL PROGRAM  
MEMORANDUM OF AGREEMENT THAT REDUCES MERCURY IN THE ENVIRONMENT  
AND PROVIDES FLEXIBILITY TO THE STATES**

WHEREAS, a significant amount of the mercury that has been used in vehicle components is being emitted to the environment when end-of-life vehicles (i.e., cars, light duty trucks, and SUVs) are crushed, shredded and then melted to produce new steel.

WHEREAS, the primary source of this mercury is the mercury-containing “convenience light switches” in the hoods and/or trunks, and the “anti-lock brake (ABS) switches,” used in some models of vehicles until Model Year 2003 when the auto manufacturers have voluntarily phased-out their use.

WHEREAS, mercury emissions from steel manufacturing plants that process scrap steel from vehicles is the fourth largest source of mercury emissions in the U.S.

WHEREAS, States, USEPA, regulated community, environmental groups, and others are working to develop a nationwide program to reduce mercury emissions from steel manufacturing facilities to the environment by removing all reasonably accessible mercury switches from end-of-life vehicles and managing them in a manner that minimizes releases of mercury to the environment.

WHEREAS, removing mercury switches from end-of-life vehicles achieves a more immediate and significant reduction in mercury; is a more cost effective option for controlling mercury emissions from steel manufacturing facilities than add-on pollution control devices; and results in greater mitigation of adverse impacts to human health and the environment.

WHEREAS, States, USEPA, regulated community, environmental groups, and others are working to reduce potential future mercury emissions that cause adverse human health and environmental impacts, and to maximize recycling of all end-of-life vehicle components.

WHEREAS, the National Vehicle Mercury Switch Removal Program (NVMSRP) has five elements which conform to the "ECOS Resolution 04-07 -- Need for Nationwide Mercury Switch Removal Strategy that Provides Flexibility to the States" (adopted October 2004).

1. Education and outreach for those removing switches
2. Removal, collection and management of switches
3. Recordkeeping and accountability of mercury recovery
4. Scrap selection and corroboration
5. Review and improvement of the NVMSRP

WHEREAS, the NVMSRP is designed to harmonize with existing State programs and statutes:

1. State participation is voluntary
2. Preserves Existing States Programs that are more stringent
3. Creates a structure for the Automotive, Steel, and Dismantling Industries to:
  - a. Establish Vehicle Switches programs where none exists today and gives States the option to participate or not
  - b. Provide opportunities for States to enhance or strengthen existing programs

WHEREAS, this agreement preserves States' legislative options:

- Individual states since they are not parties to the agreement (only ECOS and other state associations who are part of QSC become a party to the agreement not individual states)
- Language in the agreement specifically says, "Note: As a signer of the agreement, ECOS cannot formally speak for governors and legislatures".

NOW, THEREFORE, BE IT RESOLVED:

ECOS supports and endorses the National Mercury Switch Removal Program Memorandum of Agreement, developed through negotiation with the automobile manufacturers, the steel industry, dismantling, crushing, and other recycling industries, environmental organizations, and the United States Environmental Protection Agency that includes the following elements:

- Information Dissemination and Education to all dismantlers (and anyone else in possession of end-of-life vehicles prior to crushing, shredding, or melting).
  - Vehicle manufacturers will have the lead responsibility for providing information, education, and outreach regarding switch removal.
  - Steelmakers will strongly encourage their suppliers and others in the supply chain to support.
- Collection and Management system for collecting switches from dismantlers and transporting them to mercury retorters—without cost to dismantlers—and arrangements made with the retorters to accept and recycle them.
  - Vehicle manufacturers are responsible for collection of switches and transporting them to retorters for proper recycling or disposal and will assume liability for the switches once they are collected.
  - Participating dismantlers and others processing end-of-life vehicles will recover mercury switches and submit them to the Program.
- Switch-Removal Strategies with monetary and non-monetary incentives to ensure shared responsibility for the identification, removal, and proper management of all reasonably accessible mercury switches from end-of-life vehicles.
  - Mercury recovery goals and programmatic performance metrics
  - Signatories will regularly assess, and work to continuously enhance, overall program performance.
  - Vehicle manufacturers and steelmakers will create a three-year, \$4 million dollar implementation fund, each contributing half
  - Uses and disbursement of funds will be directed by an Implementation Fund Coordination Committee (IFCC) that will have four members, one each selected by Automotive Recyclers Association, the Institute of Scrap Recycling Industries, the Environmental Groups, and ECOS.
  - Individual steelmakers will take steps consistent with USEPA's upcoming area source rule and other requirements to reduce mercury in scrap feedstock using the NVMSRP including

- notifying suppliers that they will utilize scrap from which mercury switches have been removed under the program and adapt their purchasing practices to do so
- USEPA will take the NVMSRP into serious consideration when developing the area source rule for Electric Arc Furnaces (EAFs) and other relevant regulations.
  - Measures of Success to achieve the highest possible switch removal rates
    - State participants in the NVMSRP will develop an implementation plan providing regular evaluation to improve performance
    - Vehicle manufacturers' database will track switch recovery by program participants and help evaluate overall program performance. Most information will be publicly available. Confidential business information (CBI) and information protected from public release by applicable law will be available only to signatories, including States and USEPA.

ECOS requests that USEPA include, in all future rulemaking regulating the steelmaking industry, provisions to monitor and verify effectiveness of the NVMSRP and alternative switch removal plans through written documentation and audits of program participation and switch recovery by suppliers, recordkeeping, mercury emissions testing/monitoring requirements, and other appropriate measures by the regulated facility.

Copies of this resolution will be transmitted to the Administrator of USEPA, the Director of the Office of Management and Budget, the President of the United States, and the United States Congress.