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Mercury Convenience Switch Collection Program Implementation Report

A Report to the 81st Texas Legislature



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Mercury Convenience Switch Collection Program

A Report to the 81st Legislature

Introduction

Pursuant to House Bill (HB) 2793, passed by the Texas Legislature during the 79th 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.

HB 2793 was passed by both the Texas House and the Texas Senate on May 29, 2005. 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, 2008, and ending October 31, 2009, is the fourth 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, the automobile manufacturers created a not-for-profit corporation called End of Life Vehicle Solutions (ELVS).

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 program are required to remove mercury switches and comply with state and federal laws applicable to the management of mercury switches. The legislation includes specific mandates for both automobile manufacturers and the TCEQ.

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.

Under these existing programs, the TCEQ provides regulatory incentives to entities with an average or high compliance-history classification through its Clean Texas program. Under Clean Texas, participating facilities without an environmental management system that make voluntary commitments to maintain environmental performance that is beyond minimum requirements can have their participation applied to their compliance history score as a mitigating factor.

The Legislature established the annual report from a participating vehicle recycler as the mechanism for potentially qualifying to receive regulatory incentives under HB 2793. For the most recent reporting period, a total of 105 facilities submitted annual reports. However, the requirements of the Clean Texas program allow facilities to join the program throughout the year, depending on their compliance-history classification.

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.

The 105 facilities that submitted the voluntary Annual Reporting Forms reported processing a total of 29,248 vehicles, and removing a total of 24,944 switches, an increase of more than 35 percent from the last reporting period. In addition to these reports, ELVS reported the total number of switches it received from Texas facilities. According to ELVS, 70 facilities returned collection buckets containing convenience switches. These facilities returned 33,310 switches, accounting for an estimated 73.89 pounds of mercury.

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 to improve the capture rate within the framework of the existing program.

Collection Rates and Participation

The data in the tables below are from two different programs. Table 1 reports data that is voluntarily submitted by auto salvage facilities under the TCEQ mercury switch program. Table 2 reports data from ELVS under the national mercury switch program. There is overlap between the two tables, i.e. facilities that report to the TCEQ may also be included in the report from ELVS.

Table 1. Data from Annual Reports Submitted by Participating Facilities

	2006	2007	2008	2009
Number of facilities submitting completed Annual Reporting Forms	6 facilities	34 facilities	84 facilities	105 facilities
Total reported number of eligible vehicles processed by facilities submitting completed Annual Reporting Forms	186 vehicles	23,868 vehicles	11,776 vehicles	29,248 vehicles
Total reported number of convenience switches removed from eligible vehicles by facilities submitting completed Annual Reporting Forms	156 switches	11,696 switches	18,408 switches	24,944 switches

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.

Table 2. Convenience-Switch Collection and Facility-Participation Data Submitted by ELVS

	2006	2007	2008	2009
Number of Texas facilities returning collection buckets and convenience switches to ELVS for processing	7 facilities	58 facilities	37 facilities	70 facilities
Total reported number of mercury convenience switches processed by ELVS from facilities in Texas	2,050 switches	13,910 switches	26,446 switches	33,310 switches
Estimated total weight of mercury removed from convenience switches returned by Texas facilities	4 lbs.	30.9 lbs.	58.2 lbs.	73.89 lbs.

Pursuant to Texas Health and Safety Code Section 375.152, vehicle manufacturers and importers are required to report the total number of convenience switches recovered from Texas. The manufacturers have chosen to comply collectively through ELVS. Table 2 includes the number of

mercury convenience switches returned and the total amount of mercury, by weight, as reported to ELVS from facilities in Texas.

Note: facility and switch numbers vary between ELVS and the TCEQ because salvage yards do not return buckets to ELVS until the bucket is full.