

## Mercury Switch Fact Sheet

### **Vehicle Recyclers and Salvage Yards**

The Law created by the NC General Assembly which was signed into law on 9/13/2005 was amended on 6/29/2007. This law requires mercury containing switches to be removed from all end-of-life vehicles prior to crushing, shredding, or smelting of these vehicles. An “end-of-life” vehicle as defined by this statute is “a vehicle that is sold, given, or otherwise conveyed to a vehicle crusher, vehicle dismantler, vehicle recycler, or scrap vehicle processing facility for the purpose of recycling.”

### **Who is required to remove these switches from end-of-life vehicles?**

By 7/1/2007, all vehicle crushers, vehicle dismantlers, vehicle recyclers or scrap vehicle processing facilities, who are engaged in the business of acquiring, dismantling, or destroying six (6) or more end-of-life vehicles in a calendar year.

### **What must a vehicle recycler do to comply with this law?**

A vehicle crushers, vehicle dismantlers, vehicle recyclers or scrap vehicle processing facility must remove the mercury containing switch assemble, utilized for hood or trunk lighting, or the mercury containing capsule contained in the assembly before the vehicle is crushed on or off site. The switch assembly must be stored safely and recycled under the Universal Waste regulations.

### **What if the vehicle is damaged so that the switch cannot be removed safely?**

If the vehicle is damaged so much that the mercury switch cannot be removed safely, then no attempt should be made to remove the switch containing mercury.

### **What are the other requirements of the law?**

After the mercury switches have been removed, the vehicle must be marked, showing that the mercury switches have been removed.

- A log of the number of mercury switches removed must be kept and made available to the MSRP personnel. It is also requested that the log note the number of vehicles in which the mercury switches could not be removed.
- The mercury switches that have been removed must be safely stored in a sealed (resealable) container, marked with the words “Universal Waste” and the date the first switch was placed in the container.
- The switches must be recycled as “Universal Waste”

### **Who must comply with this law?**

Mercury is toxic to humans and wildlife. When mercury is removed from vehicles before they are smelted it greatly reduces the amount of mercury being released to the air, and subsequently to lakes and rivers. This is a major source of mercury contamination. The mercury switch removal program will reimburse the vehicle recycler \$5.00 per switch removed and recycled under this law.

### **Are there penalties for failure to comply with this law?**

Any person who violates Subdivision (1) or (2) below shall be punished as provided in G.S. 14-3 (non-specific Class 1 Misdemeanor)

Any person who violates Subdivision (3) or (4) below shall be guilty of a Class 2 Misdemeanor and, upon conviction, shall be punished as provided in G.S. 130A-26.2.

It is unlawful for a person to do any of the following:

1. Knowing flatten, crush, bale, shred, or otherwise alter the condition of a vehicle from which accessible mercury switches have not been removed, in any manner that would prevent or significantly hinder the removal of a mercury switch.
2. Willfully fail to remove a mercury switch when the person is required to do so.
3. Knowingly make a false report that a mercury switch has been removed from an end-of-life vehicle.
4. Obtain a mercury switch from another source and falsely report that it was removed from a vehicle processed for recycling.

### **Offenses are punishable by imprisonment and/or fines.**

Additionally, a violation of any provision of this Part, any Rule adopted pursuant to the Part, or any Rule governing Universal Waste may be enforced by an administrative or civil action as provided in Part 2 of Article 1 of Chapter 130A-22(a)- Administrative Penalties

The Secretary of the Department of Environmental Quality may impose an administrative penalty on a person who violates Article 9 of this Chapter, Rules adopted by the Commission pursuant to Article 9, or any order issued under Article 9. Each day of a continuing violation shall constitute a separate violation. The penalty shall not exceed five thousand dollars (\$5000) per day in the case of a violation involving a non-hazardous waste. The penalty shall not exceed thirty-two thousand five hundred dollars (\$32,500) per day in the case of a first violation involving hazardous waste as defined in G.S. 130A-290.

### **How do you find full details of the Mercury Switch Removal Program?**

For mercury switch guidance and other details, contact:

<https://deq.nc.gov/about/divisions/waste-management/hw/mercury-switch-removal>

NCDEQ/Hazardous Waste Section/Mercury Switch Removal Program

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