

ASSEMBLY, No. 2188

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

Sponsored by:

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SYNOPSIS

Prohibits sale and distribution of mercury relays and switches under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning mercury relays and switches and supplementing
2 Title 13 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in this act:

8 "Department" means the Department of Environmental
9 Protection.

10 "Mercury relay" means a mercury-added product or device that
11 opens or closes electrical contacts to effect the operation of other
12 devices in the same or another electrical circuit. "Mercury relay"
13 includes mercury displacement relays, mercury wetted reed relays,
14 and mercury contact relays.

15 "Mercury switch" means a mercury-added product or device that
16 opens or closes an electrical circuit or gas valve. "Mercury switch"
17 includes mercury float switches actuated by rising or falling liquid
18 levels, mercury tilt switches actuated by a change in the switch
19 position, mercury pressure switches actuated by a change in
20 pressure, mercury temperature switches actuated by a change in
21 temperature, and mercury flame sensors. "Mercury switch" does not
22 include a mercury-added thermostat, or a "mercury switch" as
23 defined pursuant to section 3 of P.L.2005, c.54 (C.13:1E-99.84).

24

25 2. a. No person shall sell or distribute, individually or as a
26 product component, a mercury relay or mercury switch.

27 b. The provisions of subsection a. of this section shall not apply
28 to a mercury relay or mercury switch if:

29 (1) the mercury relay or mercury switch is used to replace a
30 mercury relay or mercury switch that is a component of a product in
31 use prior to the effective date of this act, and the mercury relay or
32 mercury switch is integrated with, and not physically separate from,
33 other components of the product;

34 (2) use of the mercury relay or mercury switch is necessary to
35 comply with a federal requirement; or

36 (3) an exemption is granted pursuant to section 3 of this act.

37

38 3. a. A manufacturer or user of mercury relays or mercury
39 switches may apply for an exemption from this act by filing a
40 written petition with the department. The department may grant an
41 exemption with or without conditions if it finds that the mercury
42 relay or mercury switch is reasonable and appropriate for the use
43 specified in the application, as provided in subsection b. of this
44 section.

45 b. The department shall find that a mercury relay or mercury
46 switch is reasonable and appropriate for a specific use only if a
47 manufacturer or user demonstrates that:

1 (1) a system exists for the proper collection, transportation, and
2 processing of the mercury relay or mercury switch at the end of its
3 life; and

4 (2) (a) use of the mercury relay or mercury switch provides a net
5 benefit to the environment, public health, or public safety when
6 compared to available nonmercury alternatives; or

7 (b) a technically feasible nonmercury alternative is not available
8 at comparable cost.

9 c. Prior to approving an exemption pursuant to this section, the
10 department may consult or coordinate with neighboring states to
11 promote consistency in the regulation of mercury-added products.

12 d. The department may request that an applicant who is granted
13 an exemption pursuant to this section maintain records and provide
14 periodic reports to the department that characterize the mercury use
15 in the products for which the exemption was granted.

16 e. An exemption may be granted for up to five years and may be
17 renewed upon written application if the department finds that the
18 mercury relay or mercury switch continues to meet the criteria
19 specified in this section and the manufacturer or user complies with
20 the conditions of the original exemption.

21
22 4. a. The department shall adopt, pursuant to the "Administrative
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and
24 regulations necessary to implement the provisions of this act.

25 b. The department may participate in a regional, multistate
26 clearinghouse to assist in carrying out the provisions of this act.

27
28 5. This act shall take effect on the first day of the 12th month
29 following the date of enactment.

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32 STATEMENT

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34 This bill would prohibit the sale and distribution of mercury
35 relays and mercury switches under certain circumstances. The bill
36 also establishes a process by which manufacturers and product users
37 may apply for a waiver from the prohibition.

38 The bill would not apply to a mercury relay or mercury switch
39 used to replace a mercury relay or mercury switch that is a
40 component of a product which was in use prior to the effective date
41 of this bill, if one of the following applies: the product is used in
42 manufacturing or in a generation, transmission, or distribution
43 facility for electric energy, gas, or water; or the relay or switch is
44 integrated with, and not physically separate from, other components
45 of the product. In addition, the prohibition on the sale and
46 distribution of mercury relays and mercury switches would not
47 apply when use of a mercury relay or mercury switch is necessary
48 to comply with a federal requirement.

1 Under this bill, the Department of Environmental Protection
2 would establish an application process through which waivers may
3 be provided for the use of mercury relays and mercury switches for
4 up to five years. When the initial waiver period expires, an
5 applicant would be eligible to apply for an extension if the
6 department finds that the mercury relay or mercury switch used by
7 the applicant continues to meet the required criteria and the
8 applicant has complied with the conditions of the original approval.
9 Successful applicants would be required to demonstrate that a
10 system exists for the proper collection, transportation, and
11 processing of the mercury relay or mercury switch at the end of its
12 life, and that one of the following applies: use of the mercury relay
13 or mercury switch provides a net benefit to the environment, public
14 health, or public safety when compared to available nonmercury
15 alternatives; or a technically feasible nonmercury alternative is not
16 available at comparable cost.

17 Finally, the bill would authorize the department to participate in
18 a regional, multistate clearinghouse to assist in carrying out the
19 provisions of this bill.