

Mercury Switch Removal Program

Reimbursement Guidance

The Mercury Switch Removal Program (MSR Program) is a program created by the North Carolina General Assembly and signed into law on September 13, 2005. This law requires mercury-containing convenience lighting switches to be removed from all end-of-life vehicles prior to crushing, shredding, or smelting of these vehicles. The MSR Program will reimburse the vehicle crusher, vehicle dismantler, vehicle recycler, or scrap vehicle processing facility \$5.00 for each mercury switch removed in accordance with G.S. 130A-310.54(b)(1).

The Department shall reimburse vehicle crushers, vehicle dismantlers, vehicle recyclers, and scrap vehicle processing facilities based on a reimbursement request that attests to the number of switches sent to destination facilities for recycling or disposal. Each reimbursement request shall be verified against information posted on the National Vehicle Mercury Switch Removal Program (NVMSRP) Internet site provided by the vehicle manufacturers, or against other information that verifies the reimbursement requested to the satisfaction of the Department.

The vehicle crusher, vehicle dismantler, vehicle recycler, or scrap vehicle processing facility shall provide the Department with any information requested by the Department to verify the accuracy of a reimbursement request as defined in G.S. 130A-310.54(c). Each vehicle crusher, vehicle dismantler, vehicle recycler, or scrap vehicle processing facility shall maintain accurate records that support each reimbursement request for a minimum of three years from the date the reimbursement request is approved.

Pursuant to North Carolina General Statute §130A-310.51, “The purpose of this Part is to reduce the quantity of mercury that is released into the environment by removing mercury switches from end-of-life vehicles and by creating a removal, collection, and recovery program for mercury switches that are removed from end-of-life vehicles in this State.” It is incumbent upon any vehicle crusher, vehicle dismantler, vehicle recycler, or scrap vehicle processing facility to only pursue bounty on mercury switches from end-of-life vehicles from North Carolina.

Any vehicle crusher, vehicle dismantler, vehicle recycler or scrap vehicle processing facility receiving mercury switches from any other entity (including but not limited to third parties, outside parties or off-site facilities or other entities) must ensure compliance with all applicable requirements of this law and provide any additional information requested by the Department in accordance with G.S. 130A-310.54(c) in order to process reimbursement claims. The Department may request information from any vehicle crusher, vehicle dismantler, vehicle recycler, or scrap vehicle processing facility including (but not limited to) the following:

- A signed, certification statement that mercury switches received originated from North Carolina (this includes all mercury switches received from any third party, outside party, or off-site location/entity) ;
- The name, address, phone number, and number of mercury switches received from any third party, outside party or off-site location/entity.
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It is unlawful for any person to do any of the following and reimbursement for mercury switches will be withheld:

- 1) Knowingly 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 in North Carolina.
- 4) Obtain a mercury switch from another source and falsely report that it was removed from a vehicle processed for recycling in North Carolina.

Any person who violates subdivision (1) or (2) above shall be punished as provided in G.S. 14-3. (non-specific - Class 1 misdemeanor). Any person who violates subdivision (3) or (4) above shall be guilty of a Class 2 misdemeanor and, upon conviction, shall be punished as provided in G.S. 130A-26.2. Offenses are punishable by imprisonment and/or fines. Additionally, a violation of any provision of this Part, any rule adopted pursuant to this 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 this Chapter of § 130A-22(a).

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 fifteen thousand dollars (\$15,000) per day in the case of a violation involving 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.

For more information about the Mercury Switch Removal Program, please visit this website link:

<http://portal.ncdenr.org/web/wm/hw/programs/mercuryswitch>

For more information or assistance with managing mercury products, please contact the N.C. Division of Environmental Assistance and Customer Service staff member Joseph Fitzpatrick, Environmental Specialist, 919-707-8121 or visit this website link: <http://portal.ncdenr.org/web/deao/recycling/mercury>

Please contact Mark Burnette (mark.burnette@ncdenr.gov) at 704-684-5013 or Kelly Galantis (Kelly.galantis@ncdenr.gov) at 919-707-8205 if you have questions or need additional information about reimbursement requests for North Carolina's Mercury Switch Removal Program.