



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

July 9, 2008

[Note: This letter was addressed to all affected companies.]

Dear Vehicle Manufacturer:

Thank you for submitting your 2007 certification form in compliance with Massachusetts Department of Environmental Protection (MassDEP) regulations on mercury vehicle switch management (310 CMR 70.00 and 74.00). According to our records, this certification included a statement that your company is participating in the plan for collecting and recycling mercury switches removed from end-of-life vehicles that was submitted to MassDEP by End of Life Vehicle Solutions (ELVS) in December 2006, under section 6C (n) of the Massachusetts Mercury Management Act (Chapter 190 of the Acts of 2006).

Based on the information received from you and other ELVS participants, MassDEP has determined that the mercury switch collection program implemented by ELVS failed to achieve the required target capture rate to continue the program as designed. I have enclosed a copy of the determination, which we have posted on our website at: (link)

Under the provisions of 310 CMR 74.06 (2), your company must either individually or as part of a group of vehicle manufacturers, submit a revised plan within 30 days of your receipt of this letter. This revised plan must meet the requirements of 310 CMR 74.06 (1). Its financing system must include a payment of \$3 for every mercury-added vehicle switch removed by a vehicle recycler or scrap recycling facility, and may include other financial incentives for switch recycling.

Please contact Lori Segall at lori.Segall@state.ma.us or 617-654-6595 or Greg Cooper at greg.cooper@state.ma.us or 617-292-5988 if you have any questions about this requirement.

Sincerely,

[Signature on Original]

James C. Colman
Assistant Commissioner
Bureau of Waste Prevention

cc: Brian Rippon, ELVS
David Petrillo, Auto Recyclers of Massachusetts



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DETERMINATION OF 2007 MERCURY VEHICLE SWITCH CAPTURE RATE

Background

The Massachusetts Mercury Management Act (Chapter 190 of the Acts of 2006) requires vehicle manufacturers to collect and recycle mercury vehicle switches removed from end-of-life vehicles by vehicle recyclers and scrap recycling facilities. These programs can operate without providing a financial incentive to vehicle recyclers and scrap recycling facilities (beyond covering collection and recycling costs) as long as target capture rates that were established by the statute are met. If the target capture rate for a particular calendar year is not met, manufacturers must revise their plan(s) to include specific financial incentives.

Determination of 2007 Mercury Vehicle Switch Capture Rate

MassDEP's mercury vehicle switch regulation, which was promulgated on December 28, 2007, established that 92,500 switches were expected to be available for recycling from end-of-life vehicles in 2007 [310 CMR 74.07(3)]. The number of switches was based on modeling submitted by End of Life Vehicle Solutions (ELVS) with its collection and recycling plan in December 2006 (see: <http://www.mass.gov/dep/recycle/hazardous/elvsplan.doc>).

For calendar year 2007, the regulation requires that 50% (or 46,250) or more of the available switches must be collected and recycled by vehicle manufacturers in order to avoid having to revise their plan to include a financial incentive for switch collection and recycling in the future. Vehicle manufacturers' annual certifications to MassDEP indicated that 2,009 mercury switches were collected in 2007, a capture rate of 2.2 percent.

Based on this data, MassDEP has determined that the mercury vehicle switch collection and recycling program conducted by ELVS on behalf of vehicle manufacturers failed to achieve the target capture rate of 50% required for 2007.

Implications of This Determination

As required by 310 CMR 74.06(1) and 310 CMR 74.07(3)(b), vehicle manufacturers, either individually or as a group, must file a revised plan for collecting and recycling mercury switches removed from end-of-life vehicles that includes a financing system through which the total cost of removal, collection, record keeping and recovery of mercury-added vehicle switches are borne

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

MassDEP on the World Wide Web: <http://www.mass.gov/dep>

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by the vehicle manufacturer. 310 CMR 74.06(1)(f) further requires that “Such financing system shall include, but not be limited to, a payment of \$3 for every mercury-added vehicle switch removed by a vehicle recycler or scrap recycling facility...”

MassDEP has notified vehicle manufacturers of this Determination and their obligation to submit a revised plan no later than thirty days after they receive the Department’s notice.