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107TH CONGRESS
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S. 351

[Report No. 107-243]

To amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2001

Ms. COLLINS (for herself, Mr. KERRY, Mr. JEFFORDS, Mr. DORGAN, Mr. LEAHY, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. CHAFEE, Mr. VOINOVICH, Mr. WYDEN, Mr. LIEBERMAN, Mr. REED, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 28, 2002

Reported under authority of the order of the Senate of July 29, 2002, by Mr. JEFFORDS, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mercury Reduction
5 and Disposal Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) mercury is a persistent and toxic pollutant
9 that bioaccumulates in the environment;

10 (2) according to recent studies, mercury deposi-
11 tion is a significant public health threat in many
12 States throughout the United States;

13 (3) 40 States have issued fish advisories that
14 warn certain individuals to restrict or avoid con-
15 suming mercury-contaminated fish from affected
16 bodies of water;

17 (4) according to a report by the National Acad-
18 emy of Sciences, over 60,000 children are born each
19 year in the United States at risk for adverse
20 neurodevelopmental effects due to exposure to meth-
21 yl mercury in utero;

22 (5) studies have documented that exposure to
23 elevated levels of mercury in the environment results
24 in serious harm to species of wildlife that consume
25 fish;

1 (6) combustion of municipal and other solid
2 waste is a major source of mercury emissions in the
3 United States;

4 (7) according to the Mercury Study Report,
5 prepared by the Environmental Protection Agency
6 and submitted to Congress in 1997, mercury fever
7 thermometers contribute approximately 17 tons of
8 mercury to solid waste each year;

9 (8) the Governors of the New England States
10 have endorsed a regional goal of “the virtual elimi-
11 nation of the discharge of anthropogenic mercury
12 into the environment”;

13 (9) mercury fever thermometers are easily bro-
14 ken, creating a potential risk of dangerous exposure
15 to mercury vapor in indoor air and risking mercury
16 contamination of the environment; and

17 (10) according to the Environmental Protection
18 Agency, the quantity of mercury in 1 mercury fever
19 thermometer, approximately 1 gram, is enough to
20 contaminate all fish in a lake with a surface area of
21 20 acres.

22 **SEC. 3. MERCURY.**

23 (a) IN GENERAL.—Subtitle C of the Solid Waste Dis-
24 posal Act (42 U.S.C. 6921 et seq.) is amended by adding
25 at the end the following:

1 **“SEC. 3024. MERCURY.**

2 “(a) **PROHIBITION ON SALE OF MERCURY FEVER**
 3 **THERMOMETERS EXCEPT BY PRESCRIPTION.**—Effective
 4 beginning 180 days after the date of enactment of this
 5 section—

6 “(1) a person shall not sell or supply mercury
 7 fever thermometers to consumers, except by pre-
 8 scription; and

9 “(2) with each mercury fever thermometer sold
 10 or supplied by prescription, the manufacturer of the
 11 thermometer shall provide clear instructions on—

12 “(A) careful handling of the thermometer
 13 to avoid breakage; and

14 “(B) proper cleanup of the thermometer
 15 and its contents in the event of breakage.

16 “(b) **THERMOMETER EXCHANGE PROGRAM.**—The
 17 Administrator shall make grants to States, municipalities,
 18 nonprofit organizations, or other suitable entities for im-
 19 plementation of a national program for the collection of
 20 mercury fever thermometers from households and their ex-
 21 change for thermometers that do not contain mercury.

22 “(c) **DISPOSAL OF COLLECTED MERCURY WASTE.**—

23 “(1) **INTERAGENCY TASK FORCE.**—

24 “(A) **ESTABLISHMENT.**—There is estab-
 25 lished an advisory committee to be known as

1 the 'Interagency Task Force on Mercury' (re-
2 ferred to in this section as the 'Task Force').

3 “(B) MEMBERSHIP.—The Task Force
4 shall be composed of 7 members, of whom—

5 “(i) 1 member shall be the Adminis-
6 trator, who shall serve as Chairperson of
7 the Task Force;

8 “(ii) 1 member shall be appointed by
9 each of—

10 “(I) the Secretary of State;

11 “(II) the Secretary of Defense;

12 “(III) the Secretary of Energy;

13 and

14 “(IV) the Director of the Na-
15 tional Institute of Environmental
16 Health Sciences of the Department of
17 Health and Human Services;

18 “(iii) 1 member shall be appointed by
19 the President to represent the American
20 Public Health Association; and

21 “(iv) 1 member shall be appointed by
22 the President from the Environmental
23 Council of the States.

24 “(C) DATE OF APPOINTMENTS.—The ap-
25 pointment of a member of the Task Force shall

1 be made not later than 30 days after the date
2 of enactment of this section.

3 “(D) TERM; VACANCIES.—

4 “(i) TERM.—A member shall be ap-
5 pointed for the life of the Task Force.

6 “(ii) VACANCIES.—A vacancy on the
7 Task Force—

8 “(I) shall not affect the powers of
9 the Task Force; and

10 “(II) shall be filled in the same
11 manner as the original appointment
12 was made.

13 “(E) MEETINGS.—

14 “(i) INITIAL MEETING.—Not later
15 than 30 days after the date on which all
16 members of the Task Force have been ap-
17 pointed, the Task Force shall hold the ini-
18 tial meeting of the Task Force.

19 “(ii) CALLING OF MEETINGS.—The
20 Task Force shall meet at the call of the
21 Chairperson.

22 “(iii) QUORUM.—A majority of the
23 members of the Task Force shall con-
24 stitute a quorum, but a lesser number of
25 members may hold hearings.

1 “(F) DUTIES.—Not later than 1 year after
2 the date of the initial meeting of the Task
3 Force, the Task Force shall submit to Congress
4 a report containing recommendations
5 concerning—

6 “(i) the long-term management and
7 retirement of mercury collected from—

8 “(I) mercury fever thermometers;

9 “(II) other medical and commer-
10 cial sources; and

11 “(III) government sources, in-
12 cluding mercury stored by the Depart-
13 ment of Defense and the Department
14 of Energy;

15 “(ii) collection of mercury from indus-
16 trial or other sources in the United States
17 in cases in which the mercury is no longer
18 needed, such as from retired chlor-alkali
19 plants;

20 “(iii) programs to test the long-term
21 durability of promising technologies for se-
22 questration of mercury that has been re-
23 tired from use;

24 “(iv) storage of mercury collected or
25 sequestered under clause (i), (ii), or (iii) in

1 a manner that ensures that there is no re-
2 lease of the mercury into the environment;

3 “(v) reduction of the total threat
4 posed by mercury to humans and the envi-
5 ronment; and

6 “(vi) reduction of the total quantity of
7 mercury produced, used, and released on a
8 global basis, including whether and how—

9 “(I) the quantity of virgin mer-
10 cury mined from the ground and
11 placed in circulation each year can be
12 reduced through bilateral or inter-
13 national agreements or other means;

14 “(II) the quantity of mercury
15 used in products and manufacturing
16 can be reduced through substitution
17 of mercury-free alternatives that are
18 safer, available, and affordable; and

19 “(III) essential mercury needs
20 can be met through use of stockpiles
21 in existence on the date of enactment
22 of this section and increased recycling
23 rather than through use of virgin
24 mercury.

1 “(G) HEARINGS.—The Task Force may
2 hold such hearings, sit and act at such times
3 and places, take such testimony, and receive
4 such evidence as the Task Force considers ad-
5 visable to carry out this section.

6 “(H) INFORMATION FROM FEDERAL AGEN-
7 CHES.—

8 “(i) IN GENERAL.—The Task Force
9 may secure directly from a Federal agency
10 such information as the Task Force con-
11 siders necessary to carry out this section.

12 “(ii) PROVISION OF INFORMATION.—
13 On request of the Chairperson of the Task
14 Force, the head of the agency shall provide
15 the information to the Task Force.

16 “(I) POSTAL SERVICES.—The Task Force
17 may use the United States mails in the same
18 manner and under the same conditions as other
19 agencies of the Federal Government.

20 “(J) GIFTS.—The Task Force may accept,
21 use, and dispose of gifts or donations of serv-
22 ices or property.

23 “(K) COMPENSATION OF MEMBERS; TRAV-
24 EL EXPENSES.—

1 “(i) ~~NON-FEDERAL EMPLOYEES.—~~A
2 member of the Task Force who is not an
3 officer or employee of the Federal Govern-
4 ment shall be compensated at a rate equal
5 to the daily equivalent of the annual rate
6 of basic pay prescribed for level IV of the
7 Executive Schedule under section 5315 of
8 title 5, United States Code, for each day
9 (including travel time) during which the
10 member is engaged in the performance of
11 the duties of the Task Force.

12 “(ii) ~~FEDERAL EMPLOYEES.—~~A mem-
13 ber of the Task Force who is an officer or
14 employee of the Federal Government shall
15 serve without compensation in addition to
16 the compensation received for the services
17 of the member as an officer or employee of
18 the Federal Government.

19 “(iii) ~~TRAVEL EXPENSES.—~~A member
20 of the Task Force shall be allowed travel
21 expenses, including per diem in lieu of sub-
22 sistence, at rates authorized for an em-
23 ployee of an agency under subchapter I of
24 chapter 57 of title 5, United States Code,
25 while away from the home or regular place

1 of business of the member in the perform-
2 ance of the duties of the Task Force.

3 “(L) STAFF AND FUNDING.—

4 “(i) DETERMINATION.—The Chair-
5 person of the Task Force shall determine
6 the level of staff and funding that are ade-
7 quate to carry out the activities of the
8 Task Force.

9 “(ii) SOURCE.—The staff and funding
10 shall be provided by and drawn equally
11 from the resources of—

12 “(I) the Department of Energy;

13 “(II) the Department of Defense;

14 and

15 “(III) the Environmental Protec-
16 tion Agency.

17 “(iii) APPOINTMENT OF STAFF.—The
18 Chairperson may, without regard to the
19 civil service laws (including regulations),
20 appoint and terminate such staff as are
21 necessary to enable the Task Force to per-
22 form the duties of the Task Force.

23 “(iv) COMPENSATION.—

24 “(I) IN GENERAL.—Except as
25 provided in subclause (II), the Chair-

1 person may fix the compensation of
2 the staff of the Task Force that are
3 not officers or employees of the Fed-
4 eral Government without regard to
5 the provisions of chapter 51 and sub-
6 chapter III of chapter 53 of title 5,
7 United States Code, relating to classi-
8 fication of positions and General
9 Schedule pay rates.

10 “(H) MAXIMUM RATE OF PAY.—

11 The rate of pay for the staff shall not
12 exceed the rate payable for level V of
13 the Executive Schedule under section
14 5316 of title 5, United States Code.

15 “(v) DETAIL OF FEDERAL GOVERN-
16 MENT EMPLOYEES.—

17 “(I) IN GENERAL.—An employee
18 of the Federal Government may be
19 detailed to the Task Force without re-
20 imbursement.

21 “(II) CIVIL SERVICE STATUS.—

22 The detail of the employee shall be
23 without interruption or loss of civil
24 service status or privilege.

1 “(vi) ~~PROCUREMENT OF TEMPORARY~~
2 ~~AND INTERMITTENT SERVICES.—~~The
3 Chairperson of the Task Force may pro-
4 cure for the purposes of the Task Force
5 temporary and intermittent services in ac-
6 cordance with section 3109(b) of title 5,
7 United States Code, at rates for individ-
8 uals that do not exceed the daily equivalent
9 of the annual rate of basic pay prescribed
10 for level V of the Executive Schedule under
11 section 5316 of that title.

12 “(M) ~~TERMINATION OF TASK FORCE.—~~
13 The Task Force shall terminate on the date
14 that is 90 days after the date on which the
15 Task Force submits the report required under
16 subparagraph (F).

17 “(2) ~~RESPONSIBILITY OF THE ADMINISTRATOR~~
18 ~~FOR SAFE DISPOSAL AND STORAGE OF MERCURY.—~~
19 In consultation with the Task Force, the Adminis-
20 trator shall—

21 “(A)(i) take title to the mercury collected
22 under the thermometer exchange program es-
23 tablished under subsection (b), or an equivalent
24 quantity of mercury; and

1 “(ii) manage (or designate a contractor to
2 manage) the mercury collected in a manner
3 that ensures that the mercury collected is not
4 released into the environment or reintroduced
5 into commerce; and

6 “(B)(i) identify potential mercury stabiliza-
7 tion technologies and measures that ensure
8 minimal release of mercury into the environ-
9 ment; and

10 “(ii) conduct such research, development,
11 and demonstration of the technologies and
12 measures as the Administrator determines to be
13 appropriate.

14 “(d) RELATION TO OTHER LAW.—Nothing in this
15 section—

16 “(1) precludes any State from imposing any ad-
17 ditional requirement; or

18 “(2) diminishes any obligation, liability, or
19 other responsibility under other Federal law.

20 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section
22 \$20,000,000, of which—

23 “(1) not more than 2.5 percent shall be used to
24 carry out the activities of the Task Force; and

1 ~~“(2) not more than 2.5 percent shall be used to~~
 2 ~~carry out subsection (e)(2)(B).”.~~

3 ~~(b) CONFORMING AMENDMENT.—Section 1001 of the~~
 4 ~~Solid Waste Disposal Act (42 U.S.C. prec. 6901) is~~
 5 ~~amended by adding at the end of the items relating to~~
 6 ~~subtitle C the following:~~

~~“Sec. 3024. Mercury.”.~~

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Mercury Reduction Act*
 9 *of 2002”.*

10 **SEC. 2. FINDINGS.**

11 *Congress finds that—*

12 (1) *mercury is a persistent and toxic pollutant*
 13 *that bioaccumulates in the environment;*

14 (2) *according to recent studies, mercury deposi-*
 15 *tion is a significant public health threat in many*
 16 *States throughout the United States;*

17 (3) *40 States have issued fish advisories that*
 18 *warn certain individuals to restrict or avoid con-*
 19 *suming mercury-contaminated fish from affected bod-*
 20 *ies of water;*

21 (4) *according to a report by the National Acad-*
 22 *emy of Sciences, over 60,000 children are born each*
 23 *year in the United States at risk for adverse*
 24 *neurodevelopmental effects due to exposure to methyl*
 25 *mercury in utero;*

1 (5) *studies have documented that exposure to ele-*
2 *vated levels of mercury in the environment results in*
3 *serious harm to species of wildlife that consume fish;*

4 (6) *combustion of municipal and other solid*
5 *waste is a major source of mercury emissions in the*
6 *United States;*

7 (7) *according to the Mercury Study Report, pre-*
8 *pared by the Environmental Protection Agency and*
9 *submitted to Congress in 1997, mercury fever ther-*
10 *mometers contribute approximately 17 tons of mer-*
11 *cury to solid waste each year;*

12 (8) *the Governors of the New England States*
13 *have endorsed a regional goal of “the virtual elimi-*
14 *nation of the discharge of anthropogenic mercury into*
15 *the environment”;*

16 (9) *mercury fever thermometers are easily bro-*
17 *ken, creating a potential risk of dangerous exposure*
18 *to mercury vapor in indoor air and risking mercury*
19 *contamination of the environment; and*

20 (10) *according to the Environmental Protection*
21 *Agency, the quantity of mercury in 1 mercury fever*
22 *thermometer, approximately 1 gram, is enough to*
23 *contaminate all fish in a lake with a surface area of*
24 *20 acres.*

1 **SEC. 3. MERCURY.**

2 (a) *IN GENERAL.*—*Subtitle C of the Solid Waste Dis-*
 3 *posal Act (42 U.S.C. 6921 et seq.) is amended by adding*
 4 *at the end the following:*

5 **“SEC. 3024. MERCURY.**

6 “(a) *PROHIBITION ON SALE OF MERCURY FEVER*
 7 *THERMOMETERS EXCEPT BY PRESCRIPTION.*—*Effective be-*
 8 *ginning 180 days after the date of enactment of this*
 9 *section—*

10 “(1) *a person shall not sell or supply mercury*
 11 *fever thermometers to consumers, except by prescrip-*
 12 *tion; and*

13 “(2) *with each mercury fever thermometer sold*
 14 *or supplied by prescription, the manufacturer of the*
 15 *thermometer shall provide clear instructions on—*

16 “(A) *careful handling of the thermometer to*
 17 *avoid breakage; and*

18 “(B) *proper cleanup of the thermometer and*
 19 *its contents in the event of breakage.*

20 “(b) *THERMOMETER EXCHANGE PROGRAM.*—*The Ad-*
 21 *ministrator shall make grants to States, municipalities,*
 22 *nonprofit organizations, or other suitable entities for imple-*
 23 *mentation of a national program for the collection of mer-*
 24 *cury fever thermometers from households and their exchange*
 25 *for thermometers that do not contain mercury.*

26 “(c) *MANAGEMENT OF COLLECTED MERCURY.*—

1 “(1) *TASK FORCE.*—

2 “(A) *ESTABLISHMENT.*—*There is estab-*
3 *lished an advisory committee to be known as the*
4 *‘Task Force on Mercury’ (referred to in this sec-*
5 *tion as the ‘Task Force’).*

6 “(B) *MEMBERSHIP.*—*The Task Force shall*
7 *be composed of 5 members, of whom—*

8 “(i) *1 member shall be the Adminis-*
9 *trator, who shall serve as Chairperson of the*
10 *Task Force;*

11 “(ii) *1 member shall be the Secretary*
12 *of State;*

13 “(iii) *1 member shall be the Secretary*
14 *of Defense;*

15 “(iv) *1 member shall be the Secretary*
16 *of Energy; and*

17 “(v) *1 member shall be the Director of*
18 *the National Institute of Environmental*
19 *Health Sciences of the Department of*
20 *Health and Human Services.*

21 “(C) *DATE OF APPOINTMENTS.*—*The ap-*
22 *pointment of a member of the Task Force shall*
23 *be made not later than 30 days after the date of*
24 *enactment of this section.*

25 “(D) *TERM; VACANCIES.*—

1 “(i) *TERM.*—A member shall be ap-
2 pointed for the life of the Task Force.

3 “(ii) *VACANCIES.*—A vacancy on the
4 Task Force—

5 “(I) shall not affect the powers of
6 the Task Force; and

7 “(II) shall be filled in the same
8 manner as the original appointment
9 was made.

10 “(E) *MEETINGS.*—

11 “(i) *INITIAL MEETING.*—Not later than
12 30 days after the date on which all members
13 of the Task Force have been appointed, the
14 Task Force shall hold the initial meeting of
15 the Task Force.

16 “(ii) *CALLING OF MEETINGS.*—The
17 Task Force shall meet at the call of the
18 Chairperson.

19 “(iii) *QUORUM.*—A majority of the
20 members of the Task Force shall constitute
21 a quorum, but a lesser number of members
22 may hold hearings.

23 “(F) *DUTIES.*—

24 “(i) *IN GENERAL.*—Not later than 1
25 year after the date of the initial meeting of

1 *the Task Force, the Task Force shall submit*
2 *to Congress a report containing rec-*
3 *ommendations and suggested actions*
4 *concerning—*

5 *“(I) the long-term management of*
6 *surplus mercury collected from—*

7 *“(aa) mercury fever ther-*
8 *mometers;*

9 *“(bb) other medical and com-*
10 *mercial sources;*

11 *“(cc) government sources, in-*
12 *cluding mercury stored by the De-*
13 *partment of Defense and the De-*
14 *partment of Energy; and*

15 *“(dd) industrial or other*
16 *sources in the United States;*

17 *“(II) programs to test the long-*
18 *term durability of promising tech-*
19 *nologies for sequestration of mercury;*

20 *“(III) storage of mercury collected*
21 *or sequestered under subclause (I) or*
22 *(II), in a manner that ensures that*
23 *there is no release of the mercury into*
24 *the environment;*

1 “(IV) reduction of the total threat
2 posed by mercury to humans and the
3 environment; and

4 “(V) reduction of the total quan-
5 tity of mercury produced, used, and re-
6 leased on a global basis, including
7 whether and how—

8 “(aa) the quantity of virgin
9 mercury mined from the ground
10 and placed in circulation each
11 year can be reduced through bilat-
12 eral or international agreements
13 or other means;

14 “(bb) the quantity of mer-
15 cury used in products, mining,
16 and manufacturing can be re-
17 duced through substitution of mer-
18 cury-free alternatives that are
19 safer, available, and affordable;
20 and

21 “(cc) essential mercury needs
22 can be met through use of stock-
23 piles in existence on the date of
24 enactment of this section rather

1 *than through use of virgin mer-*
2 *cury.*

3 “(ii) *CONSULTATION.*—*In carrying out*
4 *this subparagraph, the Task Force shall*
5 *consult with States, industries, and health,*
6 *environmental, and consumer organizations.*

7 “(G) *HEARINGS.*—*The Task Force may hold*
8 *such hearings, sit and act at such times and*
9 *places, take such testimony, and receive such evi-*
10 *dence as the Task Force considers advisable to*
11 *carry out this section.*

12 “(H) *INFORMATION FROM FEDERAL AGEN-*
13 *CIES.*—

14 “(i) *IN GENERAL.*—*The Task Force*
15 *may secure directly from a Federal agency*
16 *such information as the Task Force con-*
17 *siders necessary to carry out this section.*

18 “(ii) *PROVISION OF INFORMATION.*—
19 *On request of the Chairperson of the Task*
20 *Force, the head of the agency shall provide*
21 *the information to the Task Force.*

22 “(I) *POSTAL SERVICES.*—*The Task Force*
23 *may use the United States mails in the same*
24 *manner and under the same conditions as other*
25 *agencies of the Federal Government.*

1 “(J) GIFTS.—*The Task Force may accept,*
2 *use, and dispose of gifts or donations of services*
3 *or property.*

4 “(K) COMPENSATION OF MEMBERS; TRAVEL
5 EXPENSES.—

6 “(i) FEDERAL EMPLOYEES.—*A mem-*
7 *ber of the Task Force who is an officer or*
8 *employee of the Federal Government shall*
9 *serve without compensation in addition to*
10 *the compensation received for the services of*
11 *the member as an officer or employee of the*
12 *Federal Government.*

13 “(ii) TRAVEL EXPENSES.—*A member*
14 *of the Task Force shall be allowed travel ex-*
15 *periences, including per diem in lieu of sub-*
16 *sistence, at rates authorized for an employee*
17 *of an agency under subchapter I of chapter*
18 *57 of title 5, United States Code, while*
19 *away from the home or regular place of*
20 *business of the member in the performance*
21 *of the duties of the Task Force.*

22 “(L) STAFF AND FUNDING.—

23 “(i) DETERMINATION.—*The Chair-*
24 *person of the Task Force shall determine the*

1 *level of staff and funding that are adequate*
2 *to carry out the activities of the Task Force.*

3 “(ii) *SOURCE.—The staff and funding*
4 *shall be provided by and drawn equally*
5 *from the resources of—*

6 “(I) *the Department of Energy;*

7 “(II) *the Department of Defense;*

8 *and*

9 “(III) *the Environmental Protec-*
10 *tion Agency.*

11 “(iii) *APPOINTMENT OF STAFF.—The*
12 *Chairperson may, without regard to the*
13 *civil service laws (including regulations),*
14 *appoint and terminate such staff as are*
15 *necessary to enable the Task Force to per-*
16 *form the duties of the Task Force.*

17 “(iv) *COMPENSATION.—*

18 “(I) *IN GENERAL.—Except as pro-*
19 *vided in subclause (II), the Chair-*
20 *person may fix the compensation of the*
21 *staff of the Task Force that are not of-*
22 *icers or employees of the Federal Gov-*
23 *ernment without regard to the provi-*
24 *sions of chapter 51 and subchapter III*
25 *of chapter 53 of title 5, United States*

1 *Code, relating to classification of posi-*
2 *tions and General Schedule pay rates.*

3 “(II) *MAXIMUM RATE OF PAY.—*

4 *The rate of pay for the staff shall not*
5 *exceed the rate payable for level V of*
6 *the Executive Schedule under section*
7 *5316 of title 5, United States Code.*

8 “(v) *DETAIL OF FEDERAL GOVERN-*
9 *MENT EMPLOYEES.—*

10 “(I) *IN GENERAL.—An employee*
11 *of the Federal Government may be de-*
12 *tailed to the Task Force without reim-*
13 *bursement.*

14 “(II) *CIVIL SERVICE STATUS.—*
15 *The detail of the employee shall be*
16 *without interruption or loss of civil*
17 *service status or privilege.*

18 “(vi) *PROCUREMENT OF TEMPORARY*
19 *AND INTERMITTENT SERVICES.—The Chair-*
20 *person of the Task Force may procure for*
21 *the purposes of the Task Force temporary*
22 *and intermittent services in accordance*
23 *with section 3109(b) of title 5, United*
24 *States Code, at rates for individuals that do*
25 *not exceed the daily equivalent of the an-*

1 *nual rate of basic pay prescribed for level V*
2 *of the Executive Schedule under section*
3 *5316 of that title.*

4 *“(M) TERMINATION OF TASK FORCE.—The*
5 *Task Force shall terminate on the date that is 90*
6 *days after the date on which the Task Force sub-*
7 *mits the report required under subparagraph*
8 *(F)(i).*

9 *“(N) NO EFFECT ON OTHER LAW.—Nothing*
10 *in this paragraph affects the regulation of mer-*
11 *cury under—*

12 *“(i) any other provision of this sub-*
13 *title; or*

14 *“(ii) any other law.*

15 *“(2) RESPONSIBILITY OF THE ADMINISTRATOR*
16 *FOR SAFE MANAGEMENT AND STORAGE OF MER-*
17 *CURY.—In consultation with the Task Force, the Ad-*
18 *ministrator shall—*

19 *“(A)(i) purchase or otherwise take title to*
20 *the mercury collected under the thermometer ex-*
21 *change program established under subsection (b),*
22 *or collected from any other source;*

23 *“(ii) manage (or designate a contractor to*
24 *manage) the mercury collected in a manner that*

1 *ensures that the mercury collected is not released*
2 *into the environment;*

3 “(iii) *ensure, to the maximum extent prac-*
4 *ticable, that the mercury collected under the ther-*
5 *mometer exchange program established under*
6 *subsection (b), or an equivalent quantity of mer-*
7 *cury, is not reintroduced into commerce; and*

8 “(iv) *provide to the Task Force, for inclu-*
9 *sion in the report of the Task Force under para-*
10 *graph (1)(F)(i), an analysis of, and rec-*
11 *ommendations relating to, the mercury collection*
12 *and management activities carried out under*
13 *this section; and*

14 “(B)(i) *identify potential mercury stabiliza-*
15 *tion technologies and long-term storage measures*
16 *that ensure minimal release of mercury into the*
17 *environment; and*

18 “(i) *conduct such research, development,*
19 *and demonstration of the technologies and meas-*
20 *ures as the Administrator determines to be ap-*
21 *propriate.*

22 “(d) *RELATION TO OTHER LAW.—Nothing in this*
23 *section—*

24 “(1) *precludes any State from imposing any ad-*
25 *ditional requirement; or*

1 “(2) *diminishes any obligation, liability, or*
2 *other responsibility under other Federal law.*

3 “(e) *AUTHORIZATION OF APPROPRIATIONS.—*

4 “(1) *IN GENERAL.—There is authorized to be ap-*
5 *propriated to carry out this section (other than sub-*
6 *section (c)(2)(A)) \$20,000,000, of which—*

7 “(A) *not more than 2.5 percent shall be*
8 *used to carry out the activities of the Task Force;*
9 *and*

10 “(B) *not more than 2.5 percent shall be*
11 *used to carry out subsection (c)(2)(B).*

12 “(2) *SAFE MANAGEMENT AND STORAGE.—In ad-*
13 *dition to the amount authorized to be appropriated*
14 *under paragraph (1), there is authorized to be appro-*
15 *priated to carry out subsection (c)(2)(A) \$1,000,000*
16 *for each fiscal year.”.*

17 “(b) *CONFORMING AMENDMENT.—Section 1001 of the*
18 *Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amend-*
19 *ed by adding at the end of the items relating to subtitle*
20 *C the following:*

“Sec. 3024. Mercury.”.

Amend the title so as to read: “A bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, and for other purposes.”.

Calendar No. 553

107TH CONGRESS
2^D SESSION

S. 351

[Report No. 107-243]

A BILL

To amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

AUGUST 28, 2002

Reported with an amendment and an amendment to the
title