

1 levels in the environment, rather than reducing fish
2 consumption, since uncontaminated fish represents a
3 critical and healthy source of nutrition for people
4 worldwide;

5 (5) mercury pollution is a transboundary pollutant that—

6 (A) is deposited locally, regionally, and
7 globally; and

8 (B) affects bodies of water near industrial
9 areas, such as the Great Lakes, as well as bod-
10 ies of water in remote areas, such as the Arctic
11 Circle;

12 (6) of the approximately 30 plants in the
13 United States that produce chlorine, only 7 use the
14 obsolete “mercury cell” chlor-alkali process, and 4
15 have not yet committed to phasing out mercury use;

16 (7)(A) less than 5 percent of the total quantity
17 of chlorine and caustic soda produced in the United
18 States comes from the chlor-alkali plants described
19 in paragraph (6) that use the mercury cell chlor-alkali
20 process;

21 (B) cost-effective alternatives are available and
22 in use in the remaining 95 percent of chlorine and
23 caustic soda production; and
24

1 (C) other countries, including Japan, have al-
2 ready banned the mercury cell chlor-alkali process;

3 (8) the chlor-alkali industry acknowledges
4 that—

5 (A) mercury can contaminate products
6 manufactured at mercury cell facilities; and

7 (B) the use of some of those products re-
8 sults in the direct and indirect release of mer-
9 cury;

10 (9) despite those quantities of mercury known
11 to have been used or to be in use, neither the chlor-
12 alkali industry nor the Environmental Protection
13 Agency is able—

14 (A) to adequately account for the dispo-
15 sition of the mercury used at those facilities; or

16 (B) to accurately estimate current mercury
17 emissions; and

18 (10) it is critically important that the United
19 States work aggressively toward the minimization of
20 supply, demand, and releases of mercury, both do-
21 mestically and internationally.

22 **SEC. 3. STATEMENT OF POLICY.**

23 Congress declares that the United States should de-
24 velop policies and programs that will—

1 (1) reduce mercury use and emissions within
2 the United States;

3 (2) reduce mercury releases from the reservoir
4 of mercury currently in use or circulation within the
5 United States; and

6 (3) reduce exposures to mercury, particularly
7 exposures of women of childbearing age and young
8 children.

9 **SEC. 4. USE OF MERCURY IN CHLORINE AND CAUSTIC**
10 **SODA MANUFACTURING.**

11 (a) IN GENERAL.—Title I of the Toxic Substances
12 Control Act (15 U.S.C. 2601 et seq.) is amended by in-
13 serting after section 6 the following:

14 **“SEC. 6A. USE OF MERCURY IN CHLORINE AND CAUSTIC**
15 **SODA MANUFACTURING.**

16 “(a) DEFINITION OF CHLOR-ALKALI FACILITY.—In
17 this section, the term ‘chlor-alkali facility’ means a facility
18 used for the manufacture of chlorine or caustic soda using
19 a mercury cell process.

20 “(b) PROHIBITION.—It shall be unlawful to manufac-
21 ture chlorine or caustic soda using mercury cells at any
22 facility in the United States after the date 24 months after
23 the enactment of this section.

24 “(c) EXPORT BAN.—Effective on the date of the en-
25 actment of this section, the export of any elemental mer-

1 cury or the sale of elemental mercury for purposes of ex-
2 port, including compounds and mixtures containing ele-
3 mental mercury, by the owner or operator of a chlor-alkali
4 facility is prohibited.

5 “(d) SAVINGS PROVISION.—Nothing in this section
6 affects the ability of the owner or operator of any chlor-
7 alkali facility to store elemental mercury in accordance
8 with section 5(g)(2) of the Mercury Export Ban Act of
9 2008 ((42 U.S.C. 6939f).”.

10 (b) CONFORMING AMENDMENTS.—(1) The table of
11 contents of the Toxic Substances Control Act (15 U.S.C.
12 2601 note) is amended by inserting after the item relating
13 to section 6 the following:

“Sec. 6A. Use of mercury in chlorine and caustic soda manufacturing.”.

14 (2) Paragraphs (1) and (2) of section 15 of such Act
15 are each amended by striking “or 6” and inserting “, 6
16 or 6A”.

