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COMMITTEE PRINT

SHOWING THE TEXT OF H.R. 2190 AS FORWARDED BY THE SUBCOMMITTEE ON COMMERCE, TRADE, AND CONSUMER PROTECTION ON JUNE 3, 2009

111TH CONGRESS
1ST SESSION

H. R. 2190

To amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Ms. SCHAKOWSKY (for herself, Mr. BERMAN, Mr. CARNAHAN, Mr. ELLISON, Ms. DELAURO, Mr. GRIJALVA, Mr. FARR, Mr. HARE, Ms. HIRONO, Ms. LEE of California, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. PALLONE, Mr. SESTAK, Ms. WOOLSEY, Ms. WATSON, Ms. NORTON, Mr. BLUMENAUER, and Mr. PRICE of North Carolina) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mercury Pollution Reduction Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury and mercury compounds are highly toxic to humans, ecosystems, and wildlife;

(2) as many as 10 percent of women in the United States of childbearing age have mercury in their bloodstreams at a level that could pose risks to their unborn babies, and hundreds of thousands of children born annually in the United States are at risk of neurological problems relating to mercury exposure in utero;

(3) the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish;

(4) the long-term solution to mercury pollution is to minimize global mercury use and releases of mercury to eventually achieve reduced contamination levels in the environment, rather than reducing fish consumption, since uncontaminated fish represents a critical and healthy source of nutrition for people worldwide;

(5) mercury pollution is a transboundary pollutant that—

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

(B) affects bodies of water near industrial areas, such as the Great Lakes, as well as bodies of water in remote areas, such as the Arctic Circle;

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

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

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

(C) other countries, including Japan, have already banned the mercury cell chlor-alkali process;

(8) the chlor-alkali industry acknowledges that—

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

(B) the use of some of those products results in the direct and indirect release of mercury;

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

(A) to adequately account for the disposition of the mercury used at those facilities; or

(B) to accurately estimate current mercury emissions; and

(10) it is critically important that the United States work aggressively toward the minimization of supply, demand, and releases of mercury, both domestically and internationally.

SEC. 3. STATEMENT OF POLICY.

Congress declares that the United States should develop policies and programs that will—

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

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

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

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

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

"SEC. 6A. USE OF MERCURY IN CHLORINE AND CAUSTIC SODA MANUFACTURING.

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

''(b) PROHIBITION.—It shall be unlawful to manufacture chlorine or caustic soda using mercury cells at any facility in the United States after the date 24 months after the enactment of this section.

''(c) EXPORT BAN.—Effective on the date of the enactment of this section, the export of any elemental mercury or the sale of elemental mercury for purposes of export, including compounds and mixtures containing elemental mercury, by the owner or operator of a chlor-alkali facility is prohibited.

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

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

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

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