

# US EPA Mercury Specific Laws and Regulation

## **Mercury Export Ban Act of 2008**

The [Mercury Export Ban Act \(PDF\)](#) (8 pp, 166K, [About PDF](#)) was signed into law on October 14, 2008. The Act includes provisions on both mercury exports and long-term mercury management and storage. Because the United States is ranked as one of the world's top exporters of mercury, implementation of the act will remove a significant amount of mercury from the global market.

## **Mercury-Containing and Rechargeable Battery Management Act of 1996**

The Mercury-Containing and Rechargeable Battery Management Act of 1996 (Battery Act) phases out the use of mercury in batteries, and provides for the efficient and cost-effective disposal of used nickel cadmium (Ni-Cd) batteries, used small sealed lead-acid (SSLA) batteries, and certain other regulated batteries. The statute applies to battery and product manufacturers, battery waste handlers, and certain battery and product importers and retailers.

## **Clean Air Act**

In December 2011, EPA issued the first national standards for mercury pollution from power plants. MATS are the first national standards to protect American families from power plant emissions of mercury and toxic air pollution like arsenic, acid gas, nickel, selenium, and cyanide. The standards will slash emissions of these dangerous pollutants by relying on widely available, proven pollution controls that are already in use at more than half of the nation's coal-fired power plants.

On August 9, 2010, EPA issued a [final rule to limit emissions of mercury and other toxics from Portland cement plants](#). This rule was published in the Federal Register on September 9, 2010. The rule adds or revises, as applicable, emission limits for mercury, total hydrocarbons (THC), and particulate matter (PM) from new and existing kilns located at major and area sources, and for hydrochloric acid (HCl) from new and existing kilns located at major sources. The standards for new kilns apply to facilities that commence construction, modification, or reconstruction after May 6, 2009.

On April 22, 2004, EPA issued a [regulation to control emissions from iron and steel foundries](#). The rule included emission limits for manufacturing processes and pollution prevention-based requirements to reduce air toxics from furnace charge materials and coating/binder formulations. The rule also included a work practice requirement to ensure removal of auto mercury switches from scrap.

On May 20, 2005, EPA issued a [direct final rule amending the work practice requirements for materials certification and scrap selection/inspection programs](#). The direct final amendments added clarification and flexibility but do not materially change the requirements of the April 22, 2004 rule.

On December 28, 2007, EPA issued a [final National Emission Standards for Hazardous Air Pollutants \(NESHAP\) rule for electric arc furnace steelmaking facilities](#). The final rule established requirements for the control of mercury emissions that are based on the maximum achievable control technology and requirements for the control of other hazardous air pollutants that are based on generally available control technology or management practices.

[Reduction of Toxic Air Pollutants from Mercury Cell Chlor-Alkali Plants; Final Rule](#) - December 19, 2003  
- The final rule reduces mercury emissions from mercury cell chlor-alkali plants that are considered "major sources" of hazardous air pollutants as well as facilities considered to be "area sources." Mercury cell chlor-alkali plants produce chlorine and caustic using mercury cells.

## **Toxics**

In May 2012, EPA issued a significant new use rule (SNUR) under the Toxic Substances Control Act (TSCA) for the use of elemental mercury in barometers, manometers, hygrometers and psychrometers. The rule requires persons who intend to manufacture, import or process elemental mercury for an activity designated as a significant new use by this rule to notify EPA in advance. The required notification provides EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs. This final rule is effective June 29, 2012.

## **Clean Water Act**

[Final Rule - Water Quality Guidance for the Great Lake Systems \(Great Lakes Initiative\)](#) - In 1995, EPA and the Great Lakes states agreed to a comprehensive plan to restore the health of the Great Lakes. The Final Water Quality Guidance for the Great Lakes System, also known as the Great Lakes Initiative, includes criteria for states to use when setting water quality standards for 29 pollutants, including bioaccumulative chemicals of concern, and prohibits the use of mixing zones for these toxic chemicals.

[Water Quality Criteria for Methylmercury](#) - New criteria to protect human health from methylmercury, the form of mercury that accumulates in fish.

[Total Maximum Daily Load \(TMDL\) Regulations and Guidance](#) - EPA's regulations and guidance for the Total Maximum Daily Load, the maximum amount of a pollutant (including mercury) that a waterbody can receive and still meet water quality standards.

## **Resource Conservation and Recovery Act**

[Hazardous Waste Identification Regulations \(40 CFR Part 261\)](#) - Classification of solid wastes as hazardous wastes is based on exhibited hazardous waste characteristics and/or on inclusion of the waste on a list of hazardous wastes developed by EPA. Once a waste has been identified as hazardous,

it must comply with all applicable Federal regulations regarding its management, which are contained in 40 CFR Parts 262 through 265, 268, and Parts 270, 271, and 124.

[Universal Waste Regulations \(40 CFR Part 273\)](#) - Stream-lined collection requirements for certain wastes, including mercury-containing batteries, pesticides, lamps, and thermostats.

[Land Disposal Restrictions \(LDR\) Regulations \(40 CFR Part 268\)](#) - Regulations to minimize hazards from the land disposal of hazardous wastes by setting treatment standards for mercury in hazardous wastes that must be achieved before land disposal