

105TH CONGRESS  
1ST SESSION

# H. R. 2910

To reduce the risk of mercury pollution through use reduction, increased recycling, and reduction of emissions into the environment, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

Mr. PALLONE (for himself, Mr. SANDERS, and Mr. ALLEN) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reduce the risk of mercury pollution through use reduction, increased recycling, and reduction of emissions into the environment, 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 AND TABLE OF CONTENTS.**

4 This Act may be cited as the “Mercury Environ-  
5 mental Risk and Comprehensive Utilization Reduction Ini-  
6 tiative”.

Sec. 1. Short title and table of contents.

Sec. 2. Congressional findings and purposes.

Sec. 3. Battery recycling.

- Sec. 4. Reduction of mercury in packaging.
- Sec. 5. Prohibition on use of mercury as a fungicide.
- Sec. 6. Use and disposal of mercury by Department of Defense.
- Sec. 7. Requirements for waste processors and disposal facilities.
- Sec. 9. Surcharge on mercury air emissions.
- Sec. 10. FDA study of mercury compounds in drugs and food.

1 **SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress makes the following  
3 findings:

4 (1) On the basis of available scientific and med-  
5 ical evidence, exposure to mercury and other toxic  
6 metals, is of concern to human health and the envi-  
7 ronment.

8 (2) The presence of mercury and other toxic  
9 metals in consumer products is of concern in light  
10 of the health consequences associated with exposure  
11 to mercury and other toxic metals.

12 (3) The presence of mercury and other toxic  
13 metals in certain batteries is of special concern, par-  
14 ticularly in light of the substantial quantity of used  
15 batteries discarded annually in the solid waste  
16 stream and the potential environmental and health  
17 consequences associated with land disposal,  
18 composting, or incineration.

19 (4) A comprehensive study of the use of mer-  
20 cury by the Department of Defense will significantly  
21 further the goal of reducing mercury pollution.

22 (b) PURPOSES.—It is the purpose of this Act to—

1           (1) reduce the quantity of mercury and toxic  
2           metals entering solid waste landfills, incinerators,  
3           and composting facilities by phasing-out or greatly  
4           reducing the use of mercury in certain products and  
5           by providing for the efficient and cost-effective col-  
6           lection and recycling or proper disposal of used bat-  
7           teries and other products containing mercury;

8           (2) educate the public concerning the collection,  
9           recycling, and proper disposal of such products;

10          (3) reduce the quantity of mercury entering the  
11          environment by greatly reducing air emissions of  
12          mercury from stationary sources;

13          (4) increase public knowledge of the sources of  
14          mercury exposure and the threat to public health  
15          posed by such exposure; and

16          (5) significantly decrease the threat to human  
17          health and the environment posed by mercury.

18 **SEC. 3. BATTERY RECYCLING.**

19          (a) AMENDMENT.—The Solid Waste Disposal Act is  
20          amended by adding the following new subtitle at the end  
21          thereof:

22                **“Subtitle K—Battery Recycling**

23                **“SEC. 12001. DEFINITIONS.**

24                “For purposes of this subtitle:

1           “(1) The term ‘battery’ means an alkaline or  
2           lead-acid battery.

3           “(2) The term ‘battery distributor’ means a  
4           person who sells or offers for sale batteries in inter-  
5           state commerce to battery retailers.

6           “(3) The term ‘battery retailer’ means a person  
7           who purchases batteries from a battery distributor  
8           for sale to a consumer or who sells or offers to sell  
9           in commerce batteries to a consumer.

10          “(4) The term ‘consumer’ means a person who  
11          purchases a battery for any use other than resale.

12          “(5) The term ‘refund value’ means the amount  
13          specified as the refund value of a battery under sec-  
14          tion 12002.

15       **“SEC. 12002. REQUIRED BATTERY LABELING.**

16          “Except as otherwise provided in section 12007, no  
17          battery distributor or battery retailer may sell or offer for  
18          sale in interstate commerce a battery unless there is clear-  
19          ly, prominently, and securely affixed to, or printed on, the  
20          container a statement of the refund value of the battery.  
21          The Administrator shall promulgate rules establishing  
22          uniform standards for the size and location of the refund  
23          value statement on batteries. The refund amount for any  
24          class or category of batteries shall be specified by, and  
25          subject to adjustment by, the Administrator.

1 **“SEC. 12003. ORIGINATION OF REFUND VALUE.**

2       “For each battery sold in interstate commerce to a  
3 battery retailer by a battery distributor, the distributor  
4 shall collect from the retailer the amount of the refund  
5 value shown on the battery. With respect to each battery  
6 sold in interstate commerce to a consumer by a battery  
7 retailer, the retailer shall collect from the consumer the  
8 amount of the refund value shown on the battery. No per-  
9 son other than the persons described in this section may  
10 collect a deposit on a battery.

11 **“SEC. 12004. RETURN OF REFUND VALUE.**

12       “(a) PAYMENT BY RETAILER.—If any person tenders  
13 for refund a used battery to a battery retailer who sells  
14 (or has sold at any time during the period of 3 months  
15 ending on the date of such tender) the same brand of bat-  
16 tery, the retailer shall promptly pay such person the  
17 amount of the refund value stated on the battery.

18       “(b) PAYMENT BY DISTRIBUTOR.—If any person  
19 tenders for refund a used battery to a battery distributor  
20 who sells (or has sold at any time during the period of  
21 3 months ending on the date of such tender) the same  
22 brand of battery, the distributor shall promptly pay such  
23 person (1) the amount of the refund value stated on the  
24 battery, plus (2) an amount equal to at least 10 cents per  
25 battery to help defray the cost of handling. This sub-

1 section shall not preclude any person from tendering bat-  
2 teries to persons other than battery distributors.

3 “(c) AGREEMENTS.—(1) Nothing in this subtitle  
4 shall preclude agreements between distributors, retailers,  
5 or other persons to establish centralized battery collection  
6 centers, including centers which act as agents of such re-  
7 tailers.

8 “(2) Nothing in this subtitle shall preclude agree-  
9 ments between battery retailers, battery distributors, or  
10 other persons for the crushing or bundling (or both) of  
11 batteries.

12 **“SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND**  
13 **PROVISIONS FOR STATE RECYCLING FUNDS.**

14 “(a) UNCLAIMED REFUNDS.—At the end of each cal-  
15 endar year each battery distributor shall pay to each State  
16 an amount equal to the sum by which the total refund  
17 value of all batteries sold by the distributor for resale in  
18 that State during that year exceeds the total sum paid  
19 during that year by the distributor under section 12004(b)  
20 to persons in that State. The total of unclaimed refunds  
21 received by any State under this section shall be available  
22 to carry out pollution prevention and recycling programs  
23 in that State.

24 “(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the  
25 total of payments made by a battery distributor in any

1 calendar year under section 12004(b) for any State exceed  
 2 the total refund value of all batteries sold by the distribu-  
 3 tor for resale in that State, the excess shall be credited  
 4 against the amount otherwise required to be paid by the  
 5 distributor to that State under subsection (a) for a subse-  
 6 quent calendar year designated by the battery distributor.

7 **“SEC. 12006. PROHIBITIONS ON POST-REDEMPTION DIS-**  
 8 **POSAL.**

9 “No retailer or distributor or agent of a retailer or  
 10 distributor may dispose of any battery labeled under sec-  
 11 tion 12002 in any landfill or other solid waste disposal  
 12 facility.

13 **“SEC. 12007. EXEMPTED STATES.**

14 “(a) IN GENERAL.—The provisions of sections 12002  
 15 through 12005 and sections 12008 and 12009 of this sub-  
 16 title shall not apply in any State which—

17 “(1) has adopted and implemented require-  
 18 ments applicable to all batteries sold in that State  
 19 which the Administrator determines to be substan-  
 20 tially identical to the provisions of sections 12002  
 21 through 12005 and sections 12008 and 12009 of  
 22 this subtitle; or

23 “(2) demonstrates to the Administrator that,  
 24 for any period of 12 consecutive months following  
 25 the date of the enactment of this subtitle, such State

1       achieved a recycling or reuse rate for batteries of at  
2       least 70 percent.

3   If at any time following a determination under paragraph  
4   (2) that a State has achieved a 70 percent recycling or  
5   reuse rate the Administrator determines that such State  
6   has failed, for any 12-consecutive month period, to main-  
7   tain at least a 70 percent recycling or reuse rate of its  
8   batteries, the Administrator shall notify such State that,  
9   upon the expiration of the 90-day period following such  
10   notification, the provisions under sections 12002 through  
11   12005 and sections 12008 and 12009 shall be applicable  
12   to that State until a subsequent determination is made  
13   under subparagraph (A) or a demonstration is made under  
14   subparagraph (B).

15       “(b) DETERMINATION OF TAX.—No State or political  
16   subdivision which imposes any tax on the sale of any bat-  
17   tery may impose a tax on any amount attributable to the  
18   refund value of such battery.

19       “(c) EFFECT ON OTHER LAWS.—Nothing in this  
20   subtitle shall be construed to affect the authority of any  
21   State or political subdivision thereof to enact or enforce  
22   (or continue in effect) any law respecting a refund value  
23   on batteries or from regulating redemption and other cen-  
24   ters which purchase empty batteries from battery retail-  
25   ers, consumers, or other persons.



1 **“SEC. 12008. REGULATIONS.**

2 “Not later than 12 months after the enactment of  
3 this subtitle, the Administrator shall prescribe regulations  
4 to carry out this subtitle. Such regulations shall also ad-  
5 just the refund amount required under section 12002 to  
6 account for inflation. Such adjustment shall be effective  
7 10 years after the enactment of this subtitle and addi-  
8 tional adjustments shall take effect at 10 year intervals  
9 thereafter.

10 **“SEC. 12009. PENALTIES.**

11 “Any person who violates any provision of section  
12 12002, 12003, 12004, or 12006 shall be subject to a civil  
13 penalty of not more than \$1,000 for each violation. Any  
14 person who violates any provision of section 12005 shall  
15 be subject to a civil penalty of not more than \$10,000 for  
16 each violation.

17 **“SEC. 12010. EFFECTIVE DATE.**

18 “Except as provided in section 12008, this subtitle  
19 shall take effect 2 years after the date of its enactment.”.

20 (b) TABLE OF CONTENTS.—The table of contents for  
21 such Act is amended by adding the following at the end  
22 thereof:

“Subtitle K—Battery Recycling

“Sec. 12001. Definitions.

“Sec. 12002. Required battery labeling.

“Sec. 12003. Origination of refund value.

“Sec. 12004. Return of refund value.

“Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.

“Sec. 12006. Prohibitions on post-redemption disposal.

“Sec. 12007. Exempted States.

“Sec. 12008. Regulations.

“Sec. 12009. Penalties.

“Sec. 12010. Effective date.”.

1 **SEC. 4. REDUCTION OF MERCURY IN PACKAGING.**

2 (a) DEFINITIONS.—As used in this section:

3 (1) ADMINISTRATOR.—The term “Adminis-  
4 trator” means the Administrator of the Environ-  
5 mental Protection Agency.

6 (2) DISTRIBUTOR.—The term “distributor”  
7 means any person who purchases goods from a man-  
8 ufacturer for sale or promotional use.

9 (3) INCIDENTAL PRESENCE.—The term “inci-  
10 dental presence” means the presence of mercury in  
11 a package or packaging component if the substance  
12 was not intentionally introduced into the package or  
13 packaging component for its own properties or char-  
14 acteristics.

15 (4) INTENTIONAL INTRODUCTION.—

16 (A) IN GENERAL.—The term “intentional  
17 introduction” means the purposeful introduc-  
18 tion of mercury into a package or packaging  
19 component with an intent that one or more of  
20 the substances be present in the package or  
21 packaging component.

22 (B) EXCLUSION.—The term does not in-  
23 clude—

1 (i) the background levels of mercury  
2 that naturally occur in raw materials or  
3 are present as postconsumer additions, and  
4 that are not purposefully added to perform  
5 as part of a package or packaging compo-  
6 nent; and

7 (ii) any trace quantities of a process-  
8 ing aid or similar material used to produce  
9 a product from which a package or pack-  
10 aging component is manufactured, if the  
11 processing aid or similar material is rea-  
12 sonably expected to be consumed or trans-  
13 formed into a nonregulated material dur-  
14 ing the process.

15 (5) MANUFACTURER.—The term “manufac-  
16 turer” means any person in the chain of production  
17 who makes a package or packaging component for  
18 sale or promotional purposes, including an importer  
19 of packages or packaging components.

20 (6) PACKAGE OR PACKAGING.—The term  
21 “package” or “packaging” means a container that  
22 provides a means of marketing, protecting, or han-  
23 dling a product. The term includes a unit package,  
24 an intermediate, and a chipping container as defined  
25 in standard D-996 issued by the American Society

1 of Testing and Materials, and unsealed receptacles  
2 such as carrying cases, crates, cups, pails, rigid foil,  
3 and other trays, wrappers and wrapping films, bags,  
4 and tubs.

5 (7) PACKAGING COMPONENT.—The term “pack-  
6 aging component” means any individual assembled  
7 part of packaging, including any interior or exterior  
8 blocking, bracing, cushioning, weatherproofing, exte-  
9 rior strapping, coating, closure, ink, label, adhesive,  
10 and stabilizer, except that the term does not include  
11 steel strapping. For the purposes of this section, tin-  
12 plated steel that meets the specification under stand-  
13 ard A-623 issued by the American Society of Test-  
14 ing and Materials shall be deemed an individual  
15 packaging component.

16 (b) PROHIBITION ON ADDITION OF MERCURY IN  
17 PACKAGING.—

18 (1) IN GENERAL.—Except as provided in sub-  
19 section (c), effective 2 years after the date of enact-  
20 ment of this Act, the intentional introduction of  
21 mercury to packaging or any component thereof dur-  
22 ing manufacturing or distribution by any person is  
23 prohibited.

24 (2) CONCENTRATION LEVELS.—The sum of the  
25 concentration levels of mercury present in packaging

1 or any component thereof may not exceed the follow-  
2 ing amounts:

3 (A) 600 parts per million by weight (0.06  
4 percent) on or after the date that is 2 years  
5 after the date of enactment of this Act and be-  
6 fore the date specified in paragraph (2).

7 (B) 250 parts per million by weight (0.025  
8 percent) on or after the date that is 3 years  
9 after the date of enactment of this Act and be-  
10 fore the date specified in paragraph (3).

11 (C) 100 parts per million by weight (0.01  
12 percent) on or after the date that is 4 years  
13 after the date of enactment of this Act.

14 (c) EXEMPTIONS.—

15 (1) IN GENERAL.—The requirements of sub-  
16 section (b) shall not apply to packaging and any  
17 component thereof—

18 (A) with a code indicating a date of manu-  
19 facture of the packaging or component, or date  
20 of bottling or manufacturing of distilled spirits  
21 and wines, that is prior to the effective date of  
22 this Act; or

23 (B) if alternative evidence of a date of  
24 manufacture or bottling prior to the effective

1 date of this Act is provided to the satisfaction  
2 of the Administrator.

3 (2) SAFETY CONSIDERATIONS.—

4 (A) IN GENERAL.—The requirements of  
5 subsection (b) shall not apply to packaging and  
6 any component thereof to which mercury has  
7 been added in the manufacturing, forming,  
8 printing, or distribution process—

9 (i) in order to comply with health or  
10 safety requirements of Federal law; or

11 (ii) because the addition of one or  
12 more of the substances is essential for the  
13 protection, safe handling, or functioning of  
14 the contents of the packaging,

15 if the Administrator grants an exemption from  
16 the requirements of this section to the manufac-  
17 turer of the package or packaging component  
18 on the basis of either criterion.

19 (B) PERIOD.—If the Administrator deter-  
20 mines that circumstances warrant an exemption  
21 from the requirements of this section, the Ad-  
22 ministrator may grant an exemption for a pe-  
23 riod of 2 years.

1 (C) RENEWAL.—An exemption under para-  
2 graph (2) may, on meeting either criterion  
3 under paragraph (1), be renewed every 2 years.

4 (3) USE OF RECYCLED MATERIALS.—During  
5 the 6-year period beginning on the date of enact-  
6 ment of this Act, the requirements of subsection (b)  
7 shall not apply to packaging and any component  
8 thereof that would not exceed the concentration lev-  
9 els in subsection (b) but for the addition of recycled  
10 materials.

11 (d) CERTIFICATE OF COMPLIANCE.—

12 (1) IN GENERAL.—

13 (A) REQUIREMENT.—Not later than 2  
14 years after the date of enactment of this Act,  
15 the manufacturer or supplier of packaging or  
16 any component thereof shall furnish to each  
17 purchaser a certificate of compliance stating  
18 that the packaging or packaging component is  
19 in compliance with the requirements of this sec-  
20 tion.

21 (B) EXEMPTIONS.—If the manufacturer or  
22 supplier claims an exemption under subsection  
23 (c), the manufacturer or supplier shall state the  
24 specific basis on which the exemption is claimed  
25 on the certificate of compliance.

1 (C) SIGNATURE.—The certificate of com-  
2 pliance shall be signed by an authorized official  
3 of the manufacturing or supplying company.

4 (D) RETENTION OF CERTIFICATE BY PUR-  
5 CHASER.—The purchaser shall retain the cer-  
6 tificate of compliance for as long as the packag-  
7 ing is in use.

8 (E) RETENTION OF COPY BY MANUFAC-  
9 Turer OR SUPPLIER.—A copy of the certificate  
10 of compliance shall be kept on file by the manu-  
11 facturer or supplier of the packaging or packag-  
12 ing component.

13 (F) COPIES TO ADMINISTRATOR AND PUB-  
14 LIC.—A copy of the certificate of compliance  
15 shall be furnished to the Administrator on re-  
16 quest, and to members of the public in accord-  
17 ance with subsection (e).

18 (2) AMENDED OR NEW CERTIFICATE.—If the  
19 manufacturer or supplier of packaging or packaging  
20 components reformulates or creates a new package  
21 or packaging component, the manufacturer or sup-  
22 plier shall provide an amended or new certificate of  
23 compliance for the reformulated or new package or  
24 packaging component.

25 (e) PUBLIC ACCESS.—



1           (1) REQUEST.—A request from a member of  
2           the public for a copy of a certificate of compliance  
3           from the manufacturer or supplier of packaging or  
4           components thereof shall be—

5                   (A) in writing, with a copy provided to the  
6           Administrator; and

7                   (B) specific as to the package or packaging  
8           component information requested.

9           (2) RESPONSE TO REQUEST.—A manufacturer  
10          shall respond to a request that meets the require-  
11          ments of paragraph (1) not later than 60 days after  
12          receipt of the request.

13          (f) FEDERAL ENFORCEMENT.—Whenever on the  
14          basis of any information the Administrator determines  
15          that any person has violated or is in violation of this sec-  
16          tion, the Administrator may issue an order assessing a  
17          civil penalty in an amount not to exceed \$25,000.

18          (g) NONPRE-EMPTION.—Nothing in this section shall  
19          be construed so as to prohibit a State from establishing  
20          and enforcing a standard or requirement with respect to  
21          toxic metals in packaging that is more stringent than a  
22          standard or requirement relating to toxic metals in pack-  
23          aging established or promulgated under this section.

1 (h) REGULATIONS.—Not later than 18 months after  
 2 the date of enactment of this Act, the Administrator shall  
 3 promulgate regulations to carry out this section.

4 **SEC. 5. PROHIBITION ON USE OF MERCURY AS A FUN-**  
 5 **GICIDE.**

6 The Federal Insecticide, Fungicide, and Reodenticide  
 7 Act is amended is amended by adding the following new  
 8 paragraph at the end of subsection (c) of section 3:

9 “(9) FUNGICIDES CONTAINING  
 10 PHENYLMERCURIC ACETATE.—The Administrator  
 11 may not register or reregister any fungicide contain-  
 12 ing phenylmercuric acetate, and any registration of  
 13 any such fungicide prior to the enactment of this  
 14 paragraph shall cease to be effective on the date 60  
 15 days after the enactment of this paragraph.”.

16 **SEC. 6. USE AND DISPOSAL OF MERCURY BY DEPARTMENT**  
 17 **OF DEFENSE.**

18 (a) STUDY OF DOD MERCURY USE.—The Adminis-  
 19 trator of the Comptroller General shall undertake a study  
 20 of the use and disposal by the Department of Defense of  
 21 mercury, both as a raw material and in products procured  
 22 by the Department. Not later than 1 year after the enact-  
 23 ment of this Act, the Administrator shall submit a report  
 24 to the Congress containing the results of such study.

1 (b) REDUCTION IN MERCURY USE.—Not later than  
2 3 years after the enactment of this Act the Secretary of  
3 Defense shall submit to the Congress a program for reduc-  
4 ing mercury use in military products.

5 **SEC. 7. REQUIREMENTS FOR WASTE PROCESSORS AND DIS-**  
6 **POSAL FACILITIES.**

7 (a) INCINERATORS.—(1) Subtitle D of the Solid  
8 Waste Disposal Act is amended by adding the following  
9 new section at the end thereof:

10 **“SEC. 4011. PERMITS FOR INCINERATORS.**

11 “After December 31, 1998, no Federal agency, State  
12 or local government, or other waste management jurisdic-  
13 tion may issue a permit (including a permit under section  
14 129(e) of the Clean Air Act) or other prior approval for  
15 the construction or expansion of a municipal solid waste  
16 incinerator, unless the applicant for the permit or other  
17 approval completes, after public notice and comment, an  
18 environmental impact statement. Such statement shall be  
19 conducted in the same manner and in conformance with  
20 the same standards required for environmental impact  
21 statements under the National Environmental Policy Act  
22 (42 U.S.C. 4321 et seq.) and must be approved by the  
23 State.”.

1       (2) The table of contents for such Act is amended  
2 by adding the following new item after the item relating  
3 to section 4010:

“Sec. 4011. Permits for incinerators.”.

4       (b) SEPARATION OF MERCURY CONTAINING  
5 ITEMS.—(1) Section 4003 of the Solid Waste Disposal Act  
6 is amended as follows:

7           (A) By adding the following at the end of sub-  
8 section (a):

9           “(7) The plan shall provide for the separation,  
10 for purposes of recycling, of mercury-containing  
11 items listed under subsection (e) prior to disposal or  
12 treatment in any solid waste treatment or disposal  
13 facility.”.

14          (B) By adding the following new subsection at  
15 the end thereof:

16       “(e) SEPARATION OF MERCURY-CONTAINING  
17 ITEMS.—The Administrator shall, after notice and oppor-  
18 tunity for public comment, publish a list of mercury-con-  
19 taining items to be separated from the waste stream prior  
20 to disposal or treatment in any solid waste treatment or  
21 disposal facility. Such list shall include, but shall not be  
22 limited to, batteries, fluorescent light bulbs, electrical  
23 switches, and thermostats.”.

24       (2) Section 4007(a)(1) of the Solid Waste Dis-  
25 posal Act is amended by adding before the semicolon

1 the following: “(a) and it is revised within 2 years  
2 after the date of the enactment of the Mercury Envi-  
3 ronmental Risk and Comprehensive Utilization Re-  
4 duction Initiative to meets the requirements of para-  
5 graph (7) of section 4003(a)”.

6 **SEC. 8. SURCHARGE ON MERCURY AIR EMISSIONS.**

7 The Clean Air Act is amended as follows:

8 (1) Section 112(c)(6) is amended by striking  
9 the last sentence.

10 (2) Section 502(b)(3)(A) is amended by strik-  
11 ing “and” at the end of clause (v), by striking pe-  
12 riod at the end of clause (vi) and inserting “, and”,  
13 and by adding the following new clause at the end  
14 thereof:

15 “(vii) in the case of electric utility steam  
16 generating units (as defined in section 112),  
17 municipal waste combustion units, and medical  
18 waste incineration units, an additional fee of  
19 \$500 per pound of mercury emissions from the  
20 unit or such greater amount as the Adminis-  
21 trator deems necessary to cover the costs of  
22 mercury reduction and remediation research  
23 under section 103(l).”.

24 (3) Section 103 is amended by adding the fol-  
25 lowing new section at the end thereof:

1       “(1) MERCURY EMISSION REDUCTION AND REMEDI-  
2    TION.—The Administrator shall undertake a program to  
3    research technologies available to reduce emissions of mer-  
4    cury into the ambient air and technologies to remediate  
5    mercury contamination. There are authorized to be appro-  
6    priated to the Administrator to fund the costs of such pro-  
7    gram, and amount for each fiscal year equal to the amount  
8    estimated by the Secretary of the Treasury to be received  
9    in the Treasury from the fees imposed under section  
10   502(b)(3)(A)(vii), adjusted by the Secretary to account for  
11   errors in such estimates for prior fiscal years.”.

12   **SEC. 9. FDA STUDY OF MERCURY COMPOUNDS IN DRUGS**  
13                   **AND FOOD.**

14       (a) LIST AND ANALYSIS.—The Secretary of Health  
15   and Human Services shall, through the Food and Drug  
16   Administration—

17               (1) compile a list of drugs and foods that con-  
18       tain intentionally introduced mercury compounds,  
19       and

20               (2) provide a quantitative and qualitative analy-  
21       sis of the mercury compounds in the list under para-  
22       graph (1).

23   The Secretary shall compile the list required by paragraph  
24   (1) within 2 years after the date of the enactment of this

1 section and shall provide the analysis required by para-  
2 graph (2) within of such date of enactment.

3 (b) STUDY.—The Secretary of Health and Human  
4 Services, acting through the Food and Drug Administra-  
5 tion, shall conduct a study of the effect on humans of the  
6 use of mercury compounds in nasal sprays. Such study  
7 shall include data from other studies that have been made  
8 of such use.

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