

AMENDMENT TO H.R. 1534**OFFERED BY MR. WYNN OF MARYLAND**

Page 3, line 6, strike “mercury” and insert “elemental mercury”.

Page 3, line 8, strike “mercury” and insert “elemental mercury”.

Page 3, line 21, strike “mercury” and insert “elemental mercury”.

Page 4, lines 1 and 2, strike “mercury” and insert “elemental mercury”.

Page 4, lines 3 and 4, strike “mercury” and insert “elemental mercury”.

Page 4, line 5, strike “mercury” and insert “elemental mercury”.

Page 4, line 8, strike “mercury” and insert “elemental mercury”.

Page 4, line 9, strike “affect” and insert “effect”.

Page 4, line 10, strike “mercury” and insert “elemental mercury”.

Page 4, line 13, strike “**MERCURY**” and insert “**ELEMENTAL MERCURY**”.

Page 4, line 19, strike “MERCURY” and insert “ELEMENTAL MERCURY”.

Page 5, line 7, strike “**MERCURY**” and insert “**ELEMENTAL MERCURY**”.

Page 5, line 13, strike “MERCURY” and insert “ELEMENTAL MERCURY”.

Page 6, lines 6 through 8, strike “produced annually in the United States or imported into the United States” and insert “imported into the United States or manufactured in the United States annually”.

Page 6, line 23, insert “relevant” after “other”.

Page 7, lines 7 through 9, strike “, except that” and all that follows through “this subparagraph”.

Page 7, after line 9, insert the following new paragraphs:

1 “(4) ESSENTIAL USE EXEMPTION.—(A) Any
2 person residing in the United States may petition
3 the Administrator for an exemption from the prohi-
4 bition in paragraph (1), and the Administrator may
5 grant by rule, after notice and opportunity for com-

1 ment, an exemption for a specified use at an identi-
2 fied foreign facility if the Administrator finds that—

3 “(i) nonmercury alternatives for the speci-
4 fied use are not available in the country where
5 the facility is located;

6 “(ii) there is no other source of elemental
7 mercury available from domestic supplies in the
8 country where the elemental mercury will be
9 used;

10 “(iii) the country where the elemental mer-
11 cury will be used certifies its support for the ex-
12 emption;

13 “(iv) the export will be conducted in such
14 a manner as to ensure the elemental mercury
15 will be used at the identified facility as de-
16 scribed in the petition, and not otherwise di-
17 verted for other uses for any reason;

18 “(v) the elemental mercury will be used in
19 a manner that will protect human health and
20 the environment, taking into account local, re-
21 gional, and global human health and environ-
22 mental impacts;

23 “(vi) the elemental mercury will be handled
24 and managed in a manner that will protect
25 human health and the environment, taking into

1 account local, regional, and global human
2 health and environmental impacts; and

3 “(vii) the export of elemental mercury for
4 the specified use is consistent with international
5 obligations of the United States intended to re-
6 duce global mercury supply, use, and pollution.

7 “(B) Each exemption issued by the Adminis-
8 trator pursuant to this paragraph shall contain such
9 terms and conditions as are necessary to minimize
10 the export of elemental mercury and ensure that the
11 conditions for granting the exemption will be fully
12 met, and shall contain such other terms and condi-
13 tions as the Administrator may prescribe. No exemp-
14 tion granted pursuant to this paragraph shall exceed
15 three years in duration and no such exemption shall
16 exceed 10 metric tons of elemental mercury.

17 “(C) The Administrator may by order suspend
18 or cancel an exemption under this paragraph in the
19 case of a violation described in subparagraph (D).

20 “(D) A violation of this subsection or the terms
21 and conditions of an exemption, or the submission of
22 false information in connection therewith, shall be
23 considered a prohibited act under section 15, and
24 shall be subject to penalties under section 16, in-

1 junctive relief under section 17, and citizen suits
2 under section 20.

3 “(5) CONSISTENCY WITH TRADE OBLIGA-
4 TIONS.—Nothing in this subsection affects, replaces,
5 or amends prior law relating to the need for consist-
6 ency with international trade obligations.

7 “(6) EXPORT OF COAL.—Nothing in this sub-
8 section shall be construed to prohibit the export of
9 coal.

Page 7, line 10, strike “**MERCURY**” and insert
“**ELEMENTAL MERCURY**”.

Page 7, line 15, strike “**MERCURY**” and insert
“**ELEMENTAL MERCURY**”.

Page 7, line 18, strike “Mercury” and insert “Ele-
mental Mercury”.

Page 7, line 21, through page 9, line 3, amend sub-
section (b) to read as follows:

10 “(b) MEMBERSHIP.—

11 “(1) IN GENERAL.—The Committee shall be
12 composed of 14 members, of whom—

13 “(A) 2 members shall be jointly appointed
14 by the Speaker of the House of Representatives
15 and the Majority Leader of the Senate—

1 “(i) 1 of whom shall be designated to
2 serve as Chairperson of the Committee;
3 and

4 “(ii) 1 of whom shall be designated to
5 serve as Vice-Chairperson of the Com-
6 mittee;

7 “(B) 1 member shall be jointly appointed
8 by the Minority Leader of the House of Rep-
9 resentatives and the Minority Leader of the
10 Senate;

11 “(C) 1 member shall be the Administrator;

12 “(D) 1 member shall be the Secretary of
13 Defense;

14 “(E) 1 member shall be the Secretary of
15 Energy;

16 “(F) 1 member shall be a representative of
17 State environmental agencies;

18 “(G) 1 member shall be a representative of
19 the public health community;

20 “(H) 1 member shall be a representative of
21 State attorneys general;

22 “(I) 1 member shall be a representative of
23 the electrical manufacturers industry;

24 “(J) 1 member shall be a representative of
25 the mining industry;

1 “(K) 1 member shall be a representative of
2 the chlorine industry;

3 “(L) 1 member shall be a representative of
4 the mercury waste treatment industry; and

5 “(M) 1 member shall be a representative of
6 a nonprofit environmental organization.

7 “(2) APPOINTMENTS.—Not later than 45 days
8 after the date of enactment of this section, the Ad-
9 ministrator, in consultation with Committee on En-
10 ergy and Commerce of the House of Representatives
11 and the Committee on Environment and Public
12 Works of the Senate, shall appoint the members of
13 the Committee described in subparagraphs (F)
14 through (M) of paragraph (1).

Page 9, line 9, insert “and hold meetings as necessary to effectuate the purposes of the Committee and its timely presentation of findings and recommendations” after “of the Chairperson”.

Page 9, line 15, strike “, if any,”.

Page 10, line 24, strike “mercury” and insert “elemental mercury”.

Page 11, line 4, strike “storing excess” and insert “the long-term storage and management of excess elemental”.

Page 11, line 6, strike “research” and insert “studies”.

Page 11, line 8, strike “mercury” and insert “elemental mercury”.

Page 12, after line 21, strike “Mercury” and insert “Elemental Mercury”.

At the end of the bill, insert the following new section:

1 SEC. 6. REPORT TO CONGRESS.

2 At least 3 years after the effective date of the prohibi-
3 tion on export of elemental mercury under section 12(c)
4 of the Toxic Substances Control Act (15 U.S.C. 2611(c)),
5 as added by section 4 of this Act, but not later than Janu-
6 ary 1, 2014, the Administrator of the Environmental Pro-
7 tection Agency shall transmit to the Committee on Energy
8 and Commerce of the House of Representatives and the
9 Committee on Environment and Public Works of the Sen-
10 ate a report on the global supply and trade of elemental
11 mercury, including but not limited to the amount of ele-
12 mental mercury traded globally that originates from pri-
13 mary mining, where such primary mining is conducted,
14 and whether additional primary mining has occurred as
15 a consequence of this Act.

Amend the title so as to read: “A Bill to prohibit the sale, distribution, or transfer of elemental mercury, to prohibit the export of elemental mercury, and for other purposes.”.