

ENERGY STAR POISED TO LIMIT MERCURY CONTENT OF FLUORESCENT BULBS

Energy Star officials have responded to growing concern about mercury content in energy-efficient compact fluorescent light bulbs (CFLs) by imposing a first-time mercury cap in individual bulbs in a new specification due to take effect later this year, despite some manufacturers' opposition to including material content limits in a program that is designed to promote efficiency.

The new specification, which manufacturers using the Energy Star label must meet Dec. 2, limits mercury content to no more than 5 milligrams for 25-watt CFLs and no more than 6 milligrams for CFLs between 25 and 40 watts. It also requires that packaging include a notice that the product contains mercury along with a reference to a mercury recycling Web site.

The Department of Energy (DOE) adopted the final spec, known as version 4.0, in March after three years of debate over how to upgrade CFLs performance under the high-profile label that is generally limited to 25 percent of products. But because CFLs are by their nature efficient, far more than 25 percent were qualifying under Energy Star, prompting the upgraded specification.

DOE included the mercury cap at the urging of environmental groups and over the opposition of many manufacturers, including Osram Sylvania and General Electric (GE). However, PhilipsLighting supported the move.

EPA declined to comment on the issue, though the agency's waste office has long been at odds with EPA Energy Star officials over promoting sales of the bulbs without addressing the need to recycle them because of the mercury.

The DOE Energy Star mercury limit mirrors a voluntary standard instituted by the National Electrical Manufacturers Association (NEMA) in 2007. And while that organization took no formal position on including the same mercury cap in the Energy Star CFL, it did speak out against the idea at meetings on the issue.

The new Energy Star spec says in order for manufacturers to certify they meet the new mercury limit they must register with the NEMA program, according to the final March 7 specifications. *Relevant documents are available on InsideEPA.com.*

A NEMA source says, "We opposed Energy Star getting into material restrictions because they are supposed to be about energy efficiency and performance, and not about material content. But we understood the marketplace had concern about mercury and because of this we didn't push too hard, and we were unable to persuade EPA and DOE to stay out of the area. We realized for some consumers [mercury] may be a reason why they don't choose a CFL."

The Natural Resources Defense Council in early comments on the draft specifications urged DOE not only to include a mercury limit but to also "establish a lamp collection and

environmentally sound recycling system" -- which DOE rejected. Additionally, the group wrote, "We disagree with the comments made at the meeting that it is inappropriate to include mercury in the Energy Star spec. Given the direct linkage between mercury levels and product performance, we think Energy Star is exactly the place where these discussions and decisions should be made."

But CLF manufacturer OsramSylvania noted in its comments that "mercury content within a lamp has no bearing on the lamp's energy efficiency, and, therefore, has no role in the Energy Star specification."

GE also opposed a mercury limit but Philips supported it, noting, "We agree that mercury content is not related to lamp efficacy, but surely the Energy Star program, supported by both DOE and the EPA, has an environmental aspect as well. . . . At Philips, we strongly believe that any environmentally responsible approach to saving energy must include 'source reduction' of controllable hazardous material."

In a statement to *Inside EPA* last week, GE said the company now supports the new spec containing the mercury limits.

The first-time mercury limit was virtually unnoticed by CFL recycling advocates. An official with the Association of Lighting & Mercury Recyclers declined to comment on the adequacy of the limit, noting the group did not participate in the debate. A Vermont official also declined to comment.

EPA's Energy Star spokeswoman referred questions to DOE. And a DOE source says the mercury cap resulted after DOE received "a number of public comments from manufacturers, industry groups and environmental advocates." The source adds that DOE worked with a variety of interest groups "to determine the least amount of mercury content that could be allowed without sacrificing the performance of the CFL," before adopting the same NEMA limits.

The new Energy Star CFL spec does not alleviate the need to recycle spent bulbs nor the need for consumers to follow EPA's ever-growing guidance for what to do if a bulb is accidentally broken, the NEMA source notes. EPA recently updated its guidance to include new advice to dispose of bedding and clothing that come into contact with broken bulbs (*Inside EPA*, July 11).

"The cleanup guidance doesn't change based on whether there's 5 milligrams" or more, the NEMA source says.

Additionally, while hundreds of manufacturers meet the existing CFL Energy Star specification, it is unclear how many will continue to meet it when version 4.0 takes effect. The NEMA source says while its members will continue to comply, there are many Asian manufacturers who have yet to weigh in. "The [new] specs will push the [qualifying] number down a bit . . . but everyone will catch up eventually and we'll see if we can work to version 5.0," the source notes.

A second NEMA source adds the mercury content in the bulbs of NEMA members is "far less than the self-imposed ceiling. Companies are in a very competitive race to the bottom."

Meanwhile, a separate effort to promote fluorescent bulb recycling, funded in part by EPA and led by the Product Stewardship Institute (PSI), is gearing up for its third meeting Nov. 6-7 in Seattle to discuss framework producer-pays legislation being drafted in Washington, Oregon and California that could be adapted nationally for CFLs, a PSI source says.

The source adds the goal of the National Fluorescent Lighting Dialogue is to have an agreement among all participants by a fourth and final meeting early next year. "We are [hoping] to start discussing an agreement in November and to have an agreement by next year. . . . It is up to the parties to consider what type of agreement they would consider significant. Having a consensus on financing would be a key element." The source adds it is unclear whether EPA would formally be part of any agreement. -- *Dawn Reeves*

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