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April 3, 2009

**Testimony in Support for LD 973 “An Act to Provide for the Safe Collection and Recycling of Mercury-containing Lighting”**

Dear Senator Goodall, Representative Duchesne, and members of the Natural Resources Committee:

The Product Stewardship Institute (PSI) encourages you to support **An Act to Provide for the Safe Collection and Recycling of Mercury-containing Lighting (LD 973)** to create a recycling program for residential mercury-containing lamps, such as compact fluorescent lights (CFLs) and linear tubes. Mercury pollution from fluorescent lamps is a serious problem that requires decisive action. We support our state and local government members in their efforts to devise and implement sustainable solutions to environmental problems within their jurisdiction, and appreciate the Committee’s efforts.

PSI is a national non-profit organization with membership from 45 state governments, 75 local agencies, and over 50 businesses, environmental groups, and other organizations that have pledged to work together to reduce the health and environmental impacts from consumer products. These stakeholders work cooperatively, through PSI, to develop and implement “product stewardship” solutions that share responsibility for safely managing consumer products across their entire life cycle, from design to reuse, recycling, or disposal. Maine is a long-time member of PSI, and we have worked closely with the Maine Department of Environmental Protection over the past nine years.

LD 973 is fully aligned with the mission of our organization, and the basic approach we take to finance the recycling of difficult-to-manage wastes. In 2001, PSI adopted its *Principles of Product Stewardship*, which was developed by PSI’s founding state and local government members. All 45 PSI member states currently support these *Principles*, which specify, among other things, that product manufacturers have the greatest ability and responsibility to reduce the lifecycle impacts of their products. When companies do *not* do so, they pass on an “unfunded mandate” to government and taxpayers to take care of their products at the end of their useful life. The “product stewardship” way of doing business -- internalizing the cost of safely managing products throughout their lifecycle -- is taking hold across the country. The number of laws requiring manufacturers to take this responsibility has tripled in the past three years, with another 30 bills under consideration across the country in the current state legislative sessions. State legislation in the U.S. follows on similar laws in Europe, Canada, and other countries.

In 2008, PSI convened three national stakeholder meetings, called the “National Dialogue on Fluorescent Lighting,” that included local, state, and federal government officials; the Association for Lighting and Mercury Recyclers (ALMR) and individual recycling companies; fluorescent lamp manufacturers and the National Electrical Manufacturers Association (NEMA); electric utilities and energy efficiency advocates; state and national retail associations; and environmental organizations. The following project goal was agreed to by consensus during PSI’s National Dialogue on Fluorescent Lighting: “...to promote the use of energy efficient lighting while eliminating or reducing the amount of mercury and other toxins entering the environment during the lifecycle of fluorescent lamps.” Participants also agreed to the following specific goal: “maximizing the safe collection and recycling of spent lamps from households and businesses through the development of a nationally-coordinated system that is financially sustainable.”

PSI’s *Product Stewardship Action Plan on Fluorescent Lighting* is available at <http://www.productstewardship.us/FluorescentLightingProject>. Agendas, participant lists, and meeting summaries for the three dialogue meetings are available at the links below:

- Meeting #1: <http://www.productstewardship.us/FluorescentLightMeetingSaltLakeUT>.
- Meeting #2: <http://www.productstewardship.us/FluorescentLightMeetingSeattleWA>
- Meeting #3: <http://www.productstewardship.us/FluorescentLightMeetingSeattleWA2>.

Participants in this multi-stakeholder dialogue agreed that fluorescent lamps should be promoted for their energy efficiency benefits (until a viable, less toxic alternative exists) and should be recycled instead of disposed of in landfills and incinerators. As the State of Maine has already recognized by banning the disposal of lamps, disposing of fluorescent lamps in the trash causes the release of mercury to the environment. Recycling mercury-containing lamps costs money, and the group agreed on the following with regard to financing fluorescent lamp recycling:

- (1) **Household Lamp Recycling:** There should be some type of financing system developed that allows consumers to recycle their lamps without an end-of-life fee. State and local governments should not manage or pay for this system. Consumer lamp recycling should also be promoted by the passage and enforcement of disposal bans/recycling requirements, but only when convenient recycling opportunities are available.
- (2) **Commercial Lamp Recycling:** There is already a financing system and infrastructure in place for lamp recycling in the commercial sector in the form of contractual relationships between those operating buildings with many lamps and recyclers or lighting service providers.

As you will hear, there are different points of view about who should pay for the convenient recycling system needed for consumers. As part of our national conversation, the suggestion has been made that utilities, energy efficiency groups, and retailers should take on this responsibility at least in the short term. In Maine, this has already been done, and the “short term” is over. While we commend stores such as The Home Depot and other groups for stepping in to collect CFLs and pay the associated costs, a system relying on funding from utilities and retailers is piecemeal at best.

Lighting manufacturers have created a product that provides the lighting we all use in our homes and around our communities more efficiently than incandescent bulbs. They have also made great strides over the past two decades in improving lamp performance and reducing the amount of mercury used in each lamp. Furthermore, we commend ongoing efforts to develop the next generation of energy efficient, mercury-free lighting. However, all of this does not change the fact that fluorescent lamps contain small amounts of mercury. That that mercury should be diverted from the waste stream--and the environment protected--by collecting and recycling lamps when they are no longer needed.

Lamp manufacturers, energy efficiency advocates, and a few environmental groups have expressed concern that placing the responsibility on manufacturers to recycle the lamps they sell will raise the price of CFLs to such a degree that consumers will not purchase them, thus losing their energy efficiency benefits. However, there is no evidence that such a result will take place in the context of this product. Manufacturers pay for fluorescent lamp recycling in Europe under the Waste Electrical and Electronic Equipment Directive (WEEE) and we are not aware of any evidence that the demand for CFLs has decreased as a result. Manufacturers will soon be responsible for recycling fluorescent lamps in several Canadian provinces as well, where, like the U.S., CFLs are being heavily promoted and efficiency standards will effectively phase out the use of less efficient lighting options in 2012. CFLs have been actively promoted by government at all levels in the U.S., including using ratepayer funds to bring down the cost of this product to increase its sale to consumers.

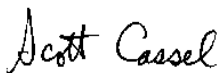
From our perspective, the only viable system that emerged from our three stakeholder meetings was based on internalizing the cost of recycling into the product cost, which is the basis for LD 973. While there may be other options, no other system was offered that had the potential to start solving the problem immediately and be sustainable. PSI believes it is time for states to implement a product stewardship system for household fluorescent lamps, as mandated by LD 973. Action is needed now, and we believe that the manufacturer-financing model is the most viable system.

Let me again express PSI's appreciation to the Committee for spending the time necessary to understand this complex environmental issue, and for taking action toward eliminating mercury emissions.

Sincerely,



Sierra Fletcher  
Associate for Policy and Programs



Scott Cassel  
Executive Director/Founder