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February 18, 2009

Senator Phil Rockefeller, Chairman
Senate Environment, Water, and Energy Committee
Washington State House
PO Box 40600
Olympia, WA 98504-0600

Dear Senator Rockefeller,

The Product Stewardship Institute (PSI) is writing to express our support of the **Recycling Act for Mercury-Containing Lighting (SB 5543)** that will create a return program for lamps that contain mercury, such as compact fluorescent lights (CFLs) and linear tubes. PSI appreciates the Committee's efforts to understand this complex environmental issue. We urge you to continue Washington State's leadership on product stewardship and move SB 5543 out of committee.

As with electronic waste, many other states are looking to Washington State for leadership on this issue. Since Washington passed its landmark product stewardship law in 2006 for recycling televisions and computers, fourteen states and New York City have now passed product stewardship legislation for electronics, following your lead. You can provide similar leadership to the nation on product stewardship for mercury-containing lighting.

PSI is a national non-profit organization with membership from 45 state governments, 63 local agencies, and over 40 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.

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.

SB 5543 is fully aligned with the mission of our organization, and the basic approach we take to finance the recycling of difficult-to-manage wastes. By requiring manufacturers to internalize the cost of recycling their products, it

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provides a direct financial incentive for them to design better products that cost less to manage when they become wastes. These systems also save money for local governments by relieving them of the financial responsibility to pay for and manage the collection and recycling of lamps.

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.

Washington stakeholders participated in all three meetings, including the two held in Seattle with a grant from the Washington Department of Ecology (Public Participation Grant # G0800570). These meetings were held in July and November 2008. Extensive outreach efforts to Washington stakeholders resulted in the participation of representatives of the following Washington-based stakeholder groups: King County, Snohomish County, Washington Department of Ecology, Washington Citizens for Resource Conservation, EcoLights Northwest, Seattle City Light, Washington Retail Association, Northwest Energy Coalition, Puget Sound Energy, and Avista Utility. These Washington stakeholders were joined by the participants from around the country.

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.”

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. The group also agreed on the following with regard to a financing system:

- (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. Household 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 “large” consumers and recyclers or lighting service providers.

While there are different points of view about who should pay for the convenient recycling system for consumers, it became clear to PSI at our last meeting in November 2008 in Seattle, that a system relying on funding from utilities and retailers was piecemeal at best. From our perspective, the only viable system that emerged from our three stakeholder meetings was based on cost internalization, which is the basis for SB 5543. While this type of system might not be the only viable one, no other system was offered that had the potential for simplicity and sustainability that is exhibited in SB 5543.

PSI believes that consumers will not be deterred from purchasing energy-efficient, cost-saving fluorescent lights even if the purchase price reflects the small increase to manage them properly. In

addition, this bill allows product manufacturers flexibility in deciding whether to increase the price of fluorescent lamps, or to recover their costs from another product line. There has been no evidence presented in our dialogue to support the argument that it is inevitable that lamp manufacturers must raise their prices on fluorescent lamps alone, and that this increased cost will significantly reduce consumer demand for their product.

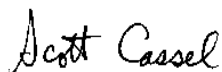
PSI's *Product Stewardship Action Plan on Fluorescent Lighting* is available at <http://www.productstewardship.us/FluorescentLightingProject>. Agendas, participant lists, and meeting summaries for the three dialogue meetings are available at the links below:

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

PSI believes it is time for states to implement a product stewardship system for household fluorescent lamps, as mandated by SB 5543. While we are encouraged by the voluntary efforts of some national and local retailers and electric utilities/energy efficiency program administrators to implement and pay for recycling solutions, these systems are sporadic, piecemeal, and only cover a fraction of the lamps that need to be collected. Action is needed now, and we believe that the producer-financing model is the most viable system to be tested.

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

Sincerely,



Scott Cassel
Executive Director/Founder

Cc: Senator Craig Pridemore
Senator Jim Honeyford
Senator Jerome Delvin
Senator Karen Fraser
Senator Brian Hatfield
Senator Janea Holmquist
Senator Chris Marr
Senator Bob Morton
Senator Kevin Ranker
Senator Tim Sheldon