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THE LABELING OF MERCURY CONTAINING LAMPS

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In 2003 NEMA lamp manufacturers will initiate a nationwide program to label fluorescent and HID lamps that contain mercury and their packaging. This harmonized national approach allows for the efficient and economic distribution of energy efficient lighting. This paper will describe why a nationwide labeling program is the only practical approach to labeling.

LAMPS ARE MANUFACTURED AND LABELED FOR NATIONAL MARKETS **NOT LOCAL MARKETS**

Nationally or globally produced commodity products cannot be labeled for local markets without introducing serious legal, marketing, manufacturing and distribution complications for manufacturers, wholesalers and retailers.

Markets

- It is not practical to label lamps for local markets. Unlike soda bottles that are prepared and distributed locally, most lamps are manufactured in a limited number of locations using very capital-intensive equipment. At the time of manufacture, it is not known in which state or even in which country a lamp may be sold.

It is therefore not possible for manufacturers to apply state or regional labels. Labeling is a national issue; for example the energy efficiency label on fluorescent lamps is a Federal FTC requirement, and state pre-empted.

Legal Issues

- Labeling requirements that inform consumers they **cannot** dispose of lamps in solid waste are inconsistent with the Federal Resources Conservation and Recovery Act and the laws of the majority of states that allow small businesses and home owners to dispose of lamps as solid waste.

- Simple labels that inform consumers they should “recycle” lamps are at present inconsistent with the Federal Trade Commission's "Guides for the Use of Environmental Marketing Claims," (codified at 16 C.F.R. Part 260) that regulate the use of the term “recycle” and other environmental terms on labels. Manufacturers cannot make an unconditional claim that lamps can be recycled in a national market where lamp recycling is unavailable to a significant number of homeowners.
- Labeling in English would have to be translated into other languages to comply with other nation’s labeling requirements.

Distribution

- Manufacturers do not control the national distribution operations of the wholesalers and retailers to which products are sold. Manufacturers have no authority to control the distribution of uniquely labeled lighting products at a state level making unique state labeling and unique state distribution of lamps unachievable.
- Any attempt to send specially marked lamps to one state also would significantly increase inventory and transportation costs since everyone involved in the distribution chain would have to maintain multiple types of lamps for different states.
- It is also not possible for manufacturers to prevent lamps without special marking from being shipped to and sold in that market by third parties.

Manufacturing limitations

- Production equipment used to manufacture and label lamps is not equipped to meet unique, state-by-state, informational labeling requirements. The necessary monogram, model code, safety and interchangeability information already consume the available labeling space on most lamps. In addition, some lamps must meet Federal Energy Policy Act labeling requirements. This leaves very minimal remaining space.
- Unlike bottle manufacturers, lamp manufacturers cannot place adhesive labels on glass surfaces because they would quickly deteriorate due to the high operating surface temperature of lamps. The labels must also remain legible for the life of the product, which can be 10 or more years.

RECOMMENDATION

MANUFACTURERS CAN INDICATE THAT LAMPS CONTAIN MERCURY

Manufacturers can indicate that a lamp contains mercury using the international symbol for mercury. Using the symbol “Hg” on the majority of mercury containing lamps to indicate that the lamp contains mercury would be recognized throughout the world. Packaging labels, using the appropriate local language, can further explain that the Hg symbol indicates that the lamp contains mercury.

DISPOSAL AND/OR RECYCLING LAWS

Disposal laws vary greatly from Country to Country, State to State, Province to Province and even Municipality to Municipality. As such, it is not possible to explain local disposal laws concisely on packaging made for a national or international market. Instead, the packaging can direct the consumer to dispose of the product according to the disposal laws that impact them. The industry recommends that packages contain the statement: “MANAGE IN ACCORD WITH DISPOSAL LAWS.”

RECYCLING AND DISPOSAL INFORMATION

It is sometimes difficult for consumers or businesses to find information on disposal regulations or lamp recycling options. To address this issue, NEMA has committed to maintaining a website, www.lamprecycle.org, with links to disposal regulations in all states within the market area, and also a listing of lamp recycling companies. This web site will also be included on the packaging of mercury-containing lamps along with the manufacturer’s own toll-free customer service number.

NEMA POSITION

By the end of 2003 all NEMA lamp manufacturers are labeling lamps and packages in line with these principles. This labeling complies with the Connecticut, Vermont and Washington labeling laws. NEMA believes this label complies with recently passed laws in Maryland and New York. NEMA maintains that a harmonized national or even international approach to labeling mercury-containing lamps is the only viable and workable solution to the efficient and economic distribution of energy efficient lighting. NEMA lamp manufacturers cannot support any labeling requirements that could differ from the provisions discussed above, and that will disrupt the distribution and sale of efficient and environmentally preferable lamps or lighting equipment. NEMA believes that this was recognized in the States of Maryland, New York and Washington whose laws state that their requirements are satisfied by compliance with the lamp labeling laws of other states.

NEMA Lamp Manufacturers will continue to promote national and international label harmonization.