



WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Environment...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
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- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



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**TECHNICAL SOLUTIONS  
NORTH AMERICA**

3/23/10

Office of the State Senator Bob Jauch  
Room 118 South  
P.O. Box 7882  
Madison, WI 53707-7882

RE: Senate Bill 629 Comments of Veolia ES Technical Solutions, L.L.C.

Senator Jauch,

Thank you for the opportunity to provide comments on Senate Bill 629. My name is Scott Thibodeau, Marketing Manager for Veolia Environmental Services (Veolia). Veolia is the world-wide leader in environmental services, with operations in over 72 countries and revenues of nearly \$50 billion.

Veolia owns and operates a lamp and mercury recycling operation, located in Port Washington, WI and also owns and operates 17 solid waste collection facilities, 15 solid waste transfer stations, 9 solid waste recycling centers and 5 solid waste landfill facilities in Wisconsin.

Veolia is a member of the Association and Lighting and Mercury Recyclers (ALMR) and we support the position of ALMR on Extended Producer Responsibility (EPR). We believe closing the disposal exemptions alone will increase lamp recycling rates across Wisconsin. A shared responsibility approach to EPR is working today as government, retailers, recyclers, transporters and manufacturers are working together to collect compact fluorescent lamps (CFLs) across Wisconsin and many other states.

To illustrate the collection infrastructure in place, attached is a map of 430 existing retail locations by county that currently accept CFLs from consumers. These locations, in many instances, work with Veolia to ensure they are in compliance with the Federal Universal Waste Rule, DOT requirements for packaging and shipping, as well as Wisc. Adm. Code. NR673. .

Our RecyclePak program, an existing mail-back type recycling system used at these types of collection locations, complies with the Federal Universal Waste Rule, Department of Transportation requirements for packaging and shipping as well as common carrier requirements for transportation.

Transporters like the United States Postal Services, FedEx Ground and United States Parcel Service currently have testing and approval processes to validate existing mail-back type recycling programs as being safe and useable within their systems across the U.S. For this reason the provisions in section 3(5)



requiring the Wisconsin Department of Natural Resources to approve packaging used for the collection and transport of mercury added lamps from households is not needed.

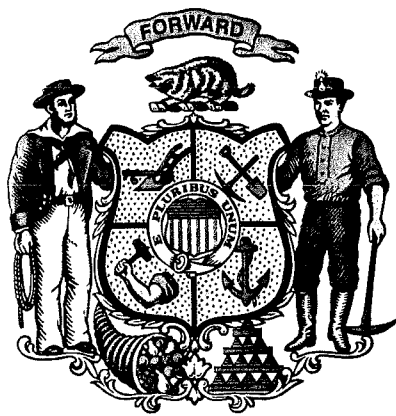
Thank you for your time.

Sincerely,

**Scott Thibodeau**  
Marketing Manager  
Veolia ES Technical Solutions, L.L.C.  
Electronics Recycling Division  
[www.VeoliaES-TS.com](http://www.VeoliaES-TS.com)

**David LaCoste**  
Vice President, Service Operations - West  
Veolia ES Technical Solutions, L.L.C.

Enclosure





WISCONSIN'S BUSINESS VOICE SINCE 1911

TO: Senate Committee on Environment

FROM: Scott Manley, Environmental Policy Director  
Wisconsin Manufacturers & Commerce

DATE: March 23, 2010

RE: Senate Bill 629 - Mercury-Added Lamps

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Although efforts to reduce the amount of mercury entering into Wisconsin landfills is a commendable goal, WMC is opposed to the regulatory approach taken in Senate Bill 629.

The legislation would require manufacturers of mercury-added lamps to register with the DNR, pay fees, and operate a light bulb recycling program in Wisconsin. The mandatory recycling program would require manufacturers to establish collection sites for household lamps, deliver collected lamps to a recycler, report the weight of mercury-added lamps sold in Wisconsin, and conduct public education. In approving these plans, the DNR would establish a goal of recycling 70 percent of the total weight of mercury-added lamps sold in Wisconsin.

The bill would prohibit a manufacturer from conducting business of any kind in this state if the manufacturer fails to register with the DNR, pay annual fees of \$5,000, or fully implement a DNR-approved recycling plan. This penalty is much too severe, is not necessary to encourage compliance, and sends the wrong signal to employers. At a time when we are struggling to emerge from one of the deepest economic recessions in our state history, Wisconsin lawmakers should think very carefully before passing laws that prohibit companies from doing business here.

Wisconsin already has a robust network in place for the collection of fluorescent and compact fluorescent light bulbs. Retail locations throughout the state, including grocery stores, department stores and home improvement stores are already serving as collection points for the recycling of mercury-added lamps. There is simply no need to pass regulations forcing lamp manufactures to operate a recycling system and establish collection sites when this activity is already occurring in the absence of a legislative mandate.

WMC believes a more successful strategy would involve building upon the existing network of mercury-lamp recycling, and studying ways to make current, voluntary recycling efforts more effective.

Thank you for your thoughtful consideration of our position on this legislation. Please contact me if you have any questions, or if I can provide you with additional information at (608) 258-3400.

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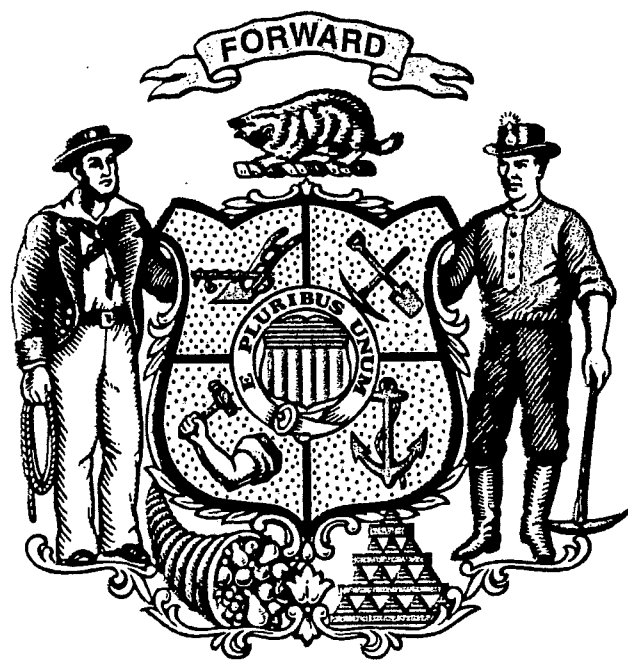
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M.E. NEVINS  
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Website: [www.cleanwisconsin.org](http://www.cleanwisconsin.org)

*(Formerly Wisconsin's Environmental Decade)*

**Senate Bill 629 Testimony**  
**Amber Meyer Smith, Program Director**  
**Clean Wisconsin**  
**Senate Environment Committee – March 23, 2010**

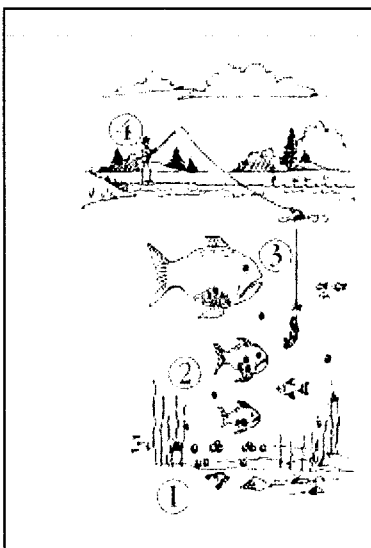
Clean Wisconsin is the largest state environmental organization with thousands of members, and was founded as Wisconsin's Environmental Decade. We focus on clean air, clean energy and clean water issues, and will celebrate our 40<sup>th</sup> anniversary in April.

Clean Wisconsin supports Senate Bill 629, and would like to thank Senator Jauch for his work, and for including many stakeholders in this process. Wisconsin has a long history of supporting measures that reduce the amount of mercury in our environment. In 2009 Wisconsin enacted strong rules that reduce the amount of mercury emissions from coal-fired power plants. The next area to tackle is the mercury that still remains in many products in Wisconsin and gets improperly disposed of.

In October, the mercury products sales ban was signed into law with near-unanimous support, which will keep many items which unnecessarily contain mercury off of our shelves. Now we need to tackle recycling the products that still do contain mercury – especially lighting like compact fluorescent lamps. I want to stress that CFLs are still a net environmental winner – they use less energy, and thus lessen the need for the mercury emissions that come from power plants. CFLs reduce the amount of mercury in our environment.

### **Health Impacts of Mercury**

We can all agree that mercury causes serious health impacts, especially to children. Mercury exposure damages the brain and nervous system, resulting in memory loss, speech difficulties, troubles with vision, and cardiovascular problems. The EPA has found that 1 in 6 women of childbearing age has unsafe mercury levels for the developing fetus.



### **Environmental Impacts of Mercury**

Mercury gets into the environment in several ways, including through products that contain mercury that aren't properly recycled. Specifically, mercury can leach into our waterways, and once in our lakes or rivers, is converted to methylmercury and ingested by fish.

Because of unsafe levels of mercury, all Wisconsin waterways are under a fish consumption advisory by the DNR and DHS. These advisories specify the amount and types of fish we can safely eat from our waters. The advisories are of critical importance for families with children under the age of 12 and women of child-bearing age because of the devastating health effects of mercury.

In fact, walleye, one of the best fish to eat, also contains some of the highest levels of mercury, and its consumption is especially cautioned. An adult walleye can have a mercury concentration 150,000 times as high as the water surrounding it. Mercury consumption also disproportionately impacts other beloved creatures in Wisconsin like loons and bald eagles that have fish-heavy diets.

With Wisconsin's tourism economy heavily relying on the \$2.3 billion fishing industry, we must act to update our laws by stopping products with mercury from being sold.

## Recycling of Mercury Lighting

Focus on Energy has partnered with nearly 400 retailers across the state to offer free CFL recycling to consumers. People can also recycle their bulbs at Clean Sweep and other Household Hazardous Waste Collection points. The money Focus on Energy uses to fund this effort come from the public benefits charge on utility bills, so it is currently being funded by ratepayers. Focus on Energy would like to taper off their support for this program, and having a manufacturer sponsored program would be the next step.

### States with similar laws:

- Maine
- Washington (signed into law 3/19/10)

### States considering similar legislation:

- California
- Minnesota
- Oregon
- Vermont
- Massachusetts

MERCURY CONTENT OF CFLs VS. OTHER COMMON HOUSEHOLD PRODUCTS.		
Product	Amount of Mercury	Number of Equivalent CFLs
Compact fluorescent bulb	an average of 5 milligrams	1
Watch battery	25 milligrams	5
Dental amalgams	500 milligrams	100
Home thermometer	500 mg - 2 grams	100-400
Float switches in sump pumps	2 grams	400
Tilt thermostat	3 grams	600

\*Wisconsin Focus on Energy

### Key components of SB 629:

- Producer responsibility – manufacturers must submit a plan for recycling to the DNR by 2013
- Landfill ban and mandatory recycling – prohibits the disposal of mercury lamps in landfills and prohibits individuals from knowingly disposing of these lamps
- Recycling rate established - goal for recycling at 70% of total weight of lamps sold by 2015.
- Convenience requirements – ensures that recycling options are available across the state
- Education – the recycling program will include education about safe storage and handling

### Things we'd like to see added:

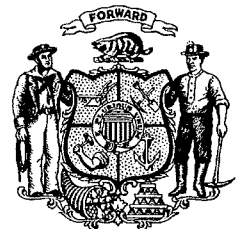
- Thermostat recycling – thermostats contain 3-4 grams of mercury, and while they aren't being produced anymore, they are being replaced with programmable models and only 5% of thermostats are currently being recycled under a voluntary national program.
- Data collection – the language only calls for a sales data for the previous year to implement performance standard. Since lamps last more than a year, the data requested will likely not provide enough information on sales data to be meaningful. We suggest additional data collection.
- Content Standards - Having standards for the lowest possible content for bulbs will help push the industry toward better mercury solutions.

You will hear that manufacturers don't have the capacity to handle a recycling program. I find this a strange argument to make in Wisconsin, since we just enacted the electronic waste recycling bill, which had the same requirements for manufacturers to be responsible for recycling their products. In practice, manufacturers use the relationships they have with retailers to offer recycling options. In fact, 300 recycling sites have already registered with the DNR to recycle e-waste. In addition, other states are exploring the possibility of supporting programs that currently exist. Manufacturers might be able to support the current Focus on Energy program instead of ratepayers.

I appreciate your attention to this serious matter. I know time is short this session, but I hope that we can continue this dialogue and come up with string legislation to protect our health and our environment.



# WISCONSIN STATE LEGISLATURE



Testimony in Support of SB 629 on Mercury-Containing Lamps  
Senate Committee on Environment  
March 23, 2010

Mr. Chairman, and members, Committee on Environment, thank you for the opportunity for me to testify in support of this bill on behalf of the Council on Recycling. I am the Chair of the Council, which, as you know, is an advisory body created by the Legislature, with members appointed by the Governor.

Mercury-containing products have been a priority for Council since 2003 and we issued recommendations on May 23, 2006, with amendment on August 26, 2009.

One of the topics of our recommendations was on mercury-containing lamps. We had learned from DNR staff that their mercury-flow model estimated that lamps were the third largest source of mercury to the environment in 2005, at 580 pounds a year. One third went directly to the air, while two-thirds went to the land, almost all to landfills. Unfortunately, landfills don't sequester the mercury and studies done at landfills find that they not only release the metallic mercury, but also methylated mercury, both the mono methyl mercury that is commonly associated with the mercury build up in fish, but also the dimethyl mercury that is even more toxic.

More recent data has shown that the sales of mercury-containing lamps is over twice what the DNR model includes, so the amount of mercury going to the environment has possibly increased dramatically since the DNR study was done.

Our recommendations are reflected in this bill:

**General**

- Ban the discard of mercury-containing products with solid waste (similar to Minnesota, California and other states)
- Support a producer responsibility system whereby manufacturers cover the cost of managing end-of-life products

**Fluorescent lamps**

- Require all retailers of fluorescent lamps to set up take-back and recycling programs for fluorescent lamps for their customers
- Require that all sales of fluorescent lamps include information that they cannot be disposed of with solid waste

**Automotive HID Lamps**

- Require all retailers of automotive HID lamps to set up take-back and recycling programs for these lamps for their customers

Simultaneously with our work, the Governor's Task Force on Waste Recovery – which included two members from the Council – developed a complementary set of recommendations that also are incorporated into this bill

**B2.2:** Establish mandatory product take-back and collection programs in all cases where such programs are cost effective compared to other systems for recycling.

If voluntary programs do not achieve Wisconsin environmental goals within five (5) years, the Legislature should authorize and require the DNR to implement a mandatory take back or alternative “extended product responsibility” (EPR) program for manufactured products, with the highest priority assigned to those products containing toxic materials, followed by energy and resource-rich products. The priority of establishing programs would be:

- a. Toxic materials-containing products
  - Rechargeable and other batteries (e.g., nickel cadmium, lithium, nickel metal hydride, mercury, silver, and magnesium)
  - Mercury-containing products

E1. Expand the [landfill] disposal ban to other domestic and agricultural universal wastes.

We note that there are similar programs for mercury-containing lamps to what is proposed in this bill in other states and municipalities. For example, with the landfill ban in place in 8 states and at least three counties, including here in Dane County

California  
Dane County, WI  
King County, WA  
Kitsap County, WA  
Maine, since 2002.  
Massachusetts, since 2006.  
Minnesota, since 2007.  
New Hampshire, since 2007  
Rhode Island, since 2007.  
Snohomish County, WA  
Vermont, since 2007.  
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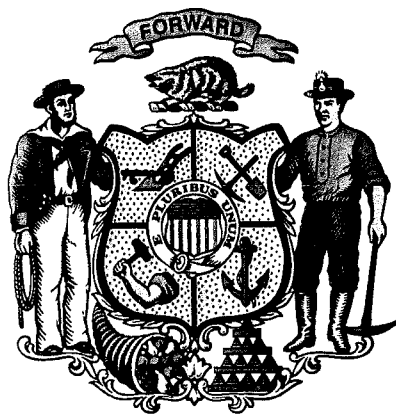
The concept of producers' responsibility contained in this bill is modeled after the state's electronics law. For lamps, producer responsibility laws have been adopted in both Maine and the state of Washington.

There are similar programs in effect in various states and Canadian provinces for electronics, used oil filters and other products. Also, industry has funded voluntary take-back programs for mercury thermostats and rechargeable batteries throughout the United States.

We also note that the focus of the bill is on household lamps. While lamps from non-household are already required by law to be kept out of landfills, anecdotal information tells us that additional efforts are necessary to insure that they are handled properly. This is especially important since the majority of mercury-containing lamps are used by the non-household sector. In Massachusetts, for example, a report in late 2009 found that 82% of all the mercury-containing lamps that were estimated to be taken out of service annually were from non-residential sources. Of the 18% of residential mercury-containing bulbs that are taken out of service annually, 12% are linear fluorescents, while 6% are compact fluorescents.

The one concern that we have relates to the packaging requirements listed on page 6, lines 12-18. We would like to see Wisconsin standards compatible with Federal standards, unless there is a compelling reason to do otherwise. We recognize the process for implementation of this legislation will require rules and that this issue will be dealt with on that level, and want to express our recommendation for consideration by that rule-making process.

Again, our thanks for moving this issue forward. I would be glad to try to answer any questions and the Council offers its assistance on this topic.



Testimony on Senate Bill 629: Mercury-Containing Lamps

Wisconsin Department of Natural Resources

*before the*

Senate Committee on Environment

March 24, 2010

Thank you for the opportunity to testify today in support of Senate Bill 629 relating to lamps containing mercury. My name is Ann Coakley. I am the director of the Waste & Materials Management Bureau at the Wisconsin Department of Natural Resources.

Reducing the release of mercury to Wisconsin's environment is a priority for the Department. In the past several years, we have been part of efforts to reduce air emissions of mercury from coal-fired power plants by 90%, significantly improved the treatment and prevention of mercury releases to wastewaters, and supported a variety of voluntary mercury product substitution efforts.

However, the Department has estimated that releases to air, water and land resulting from the use of products with mercury exceed the mercury releases from what are typically considered the biggest source of mercury in Wisconsin -- coal-fired power plants. While 2009 Wisconsin Act 44, signed into law last October, provides a solid foundation by reducing mercury releases from certain products - thermostats, switches, relays and instruments- we have more to do.

SB 629 builds on that foundation by requiring the proper collection and recycling of household mercury-containing lamps. The Department supports the use of these lamps because of their importance for energy conservation. However, we also recognize that they contain small quantities of mercury, which if not managed properly, could end up in our state's environment.

I'd like to highlight some of the reasons we believe SB 629 is good for Wisconsin.

1. Mercury is a critical environmental pollutant in Wisconsin. The Departments of Natural Resources and Health Services have issued a statewide fish consumption advisory to

protect the public's health because of mercury contamination levels in fish tissue. This has an economic and cultural impact on Wisconsin because of our history and reputation as an outdoor recreational state.

2. Of the mercury in products, the Department estimates that releases from fluorescent lamps are the 3rd highest product-based releases at approximately 260 kg/year. Approximately 20% of the lamps used in Wisconsin are used in households. We expect that household lamp usage will grow significantly over the next 5 years. These lamps presently can be landfilled, which will result in breakage and release into the environment.
3. The current approach to collection and recycling of mercury containing lamps is not sustainable. While certainly making a positive impact, these collection efforts are supported through limited funding from either clean sweep programs or the Focus on Energy program and only collect an estimated 30% of the available lamps.
4. SB 629 provides for more sustainable collection and recycling of these used products and is not expected to have a significant economic impact on either the industry or the citizens of Wisconsin. Similar to the electronics recycling law, a sustainable system is one that is not a burden to Wisconsin's citizens and involves shared responsibility by all parties involved: manufacturers, retailers, recyclers and the public.

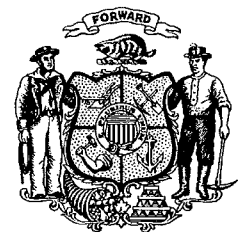
The Department commends the sponsors of Senate Bill 629. We support this bill and offer our support finalizing this legislation and implementing a successful program.

I'm happy to answer any questions you may have





# WISCONSIN STATE LEGISLATURE





**National Electrical  
Manufacturers Association**

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**Mark A. Kohorst**  
**Senior Manager**  
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Setting Standards for Excellence

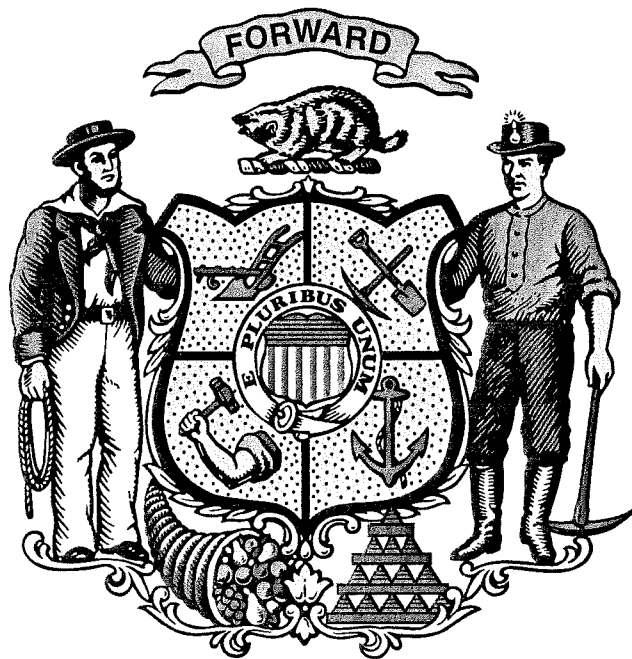
**NEMA TESTIMONY CONCERNING SB 629**  
**“AN ACT . . . relating to: the sale, disposal, collection, and recycling of**  
**mercury-added lamps and making an appropriation.”**  
March 2010

**Position: OPPOSE**

The National Electrical Manufacturers Association (NEMA) is the primary trade association representing the interests of the US electrical products industry. The NEMA lighting products division includes in its membership virtually all of the principal US manufacturers of lamp and lighting products, including, but not limited to, OSRAM SYLVANIA, GE Lighting, and Ruud Lighting. All of these companies maintain facilities in Wisconsin, as do many other NEMA member companies such as Miller Electric, Regal Beloit, Cummins, Inc. and Rockwell Automation. Our industry is clearly a significant presence in the State's manufacturing sector.

NEMA members have been integrally involved in policy discussions at all levels of government regarding the proper management and disposal of mercury-added lamps and we welcome the chance to provide our views to the committee.

- NEMA shares the committee's concern about the proper management of mercury-added lamps at end-of-life. The industry engages in education and outreach jointly through NEMA and through individual company efforts. NEMA also funds and operates [www.lamprecycle.org](http://www.lamprecycle.org), which is a one-stop industry source for recycling information nationwide. The site receives approximately 60,000 hits per month.
- Manufacturers also label the packaging for every fluorescent lamp sold in the U.S. with the web site address and a toll-free information number, and a notice that the user should follow applicable disposal laws.
- SB 629, while well intentioned, would force lamp manufacturers into a business (lamp recycling) in which they have no expertise, competitive advantage, or market presence. Unlike retailers, manufacturers do not have multiple locations designed for direct interaction with consumers and thus cannot readily and cost-effectively arrange for collection of used products.
- Because of the uniqueness of the market for energy efficient lamps and the products themselves, there is no model for a producer funded system for household lamp recycling that has been shown to work efficiently and be economically sustainable. Other products are not precedents (e.g., A two dollar lamp is vastly different from a \$700 TV and those differences will affect the economics and organization of a recycling system.)
- There are alternative structures for funding and implementing a statewide recycling plan that already are in place around the country that are more efficient and less likely to adversely affect the demand for energy efficient lamps. SB 629 threatens to be the least efficient, highest cost option.
- NEMA members are happy to join a discussion of optional approaches for increasing lamp recycling in WI. There have been no joint efforts to address this in WI, however, and we feel the bill is therefore premature. Meanwhile, CFL recycling programs are being implemented in a variety of locations through the efforts of local governments, retailers and utility programs. While a uniform nationwide system has not yet appeared, the situation is improving rapidly without the need for complex legislative mandates.





## Mercury Waste Solutions

Safe, innovative solutions for managing mercury waste



### TESTIMONY IN SUPPORT OF SENATE BILL 629

Good morning Chairman Miller and committee members. My name is Peder Larson and I am here today testifying on behalf of Mercury Waste Solutions (MWS) which is the nation's largest mercury waste processor. Our Union Grove, Wisconsin facility has industry leading capacity and provides comprehensive, state-of-the-art mercury recovery services. The facility is equipped to handle any container, from a one quart container to a 30 cubic yard roll off. We are very proud of our facility and very proud to be located in Wisconsin. We welcome you to tour our facility to see first hand how mercury wastes are treated to keep mercury out of the environment.

We appreciate the work Senator Jauch, his staff and his co-authors have put into Senate Bill 629. We particularly appreciate the opportunity to communicate our support for two important provisions of the legislation. First, MWS strongly supports language requiring lamps be managed in containers designed to prevent the release of mercury vapors. Second, MWS applauds the proposal to ban the disposal of mercury-added lamps in solid waste landfills and incinerators. Improved packaging standards and a disposal ban are both critical to protecting against the health and environmental problems caused by exposure to mercury.

#### **Packaging Requirements**

Mercury lamps are fragile and they break, whether they are compact fluorescent lamps or linear lamps. When they break they release mercury vapors that are very dangerous. Studies show that a small number of broken lamps can release vapors that exceed state and federal health based standards. Most recently a study published in the *Journal of the Air and Waste Management Association* entitled "Preventing Mercury Vapor Release From Broken Fluorescent Lamps During Shipping" concluded that mercury containing fluorescent lamps must be stored and transported in packaging that prevents the release of mercury vapors from broken lamps to protect against unhealthy exposure to the mercury.

Current federal and Wisconsin regulations do not require management of spent lamps in containers designed to protect against exposure to mercury vapor. Current federal regulations and proposed Wisconsin regulations do, however, require management of mercury thermometers and other mercury equipment in packaging designed to prevent the loss of mercury vapors.

Federal and Wisconsin lamp packaging rules are similar. They were established by USEPA in 1999 and are silent on the loss of mercury vapors. They require that lamps be managed in containers that "remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions."<sup>1</sup>

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<sup>1</sup> 40 CFR 273.13 (d) Lamps. A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of universal waste to the environment, as follows:

(1) A small quantity handler of universal waste must contain any lamp in containers or packages that are

Wisconsin DNR is in the process of adopting rules identical to federal rules for packaging of mercury wastes such as thermometers and thermostats. Those rules will require that those mercury wastes be managed in containers “designed to prevent the escape of mercury into the environment by volatilization or any other means.” The rules for those wastes, called “mercury containing equipment,” are based on USEPA rules adopted in 2005.<sup>2</sup>

MWS supports the requirement that spent mercury added lamps collected from households be delivered to recyclers in containers designed to prevent the escape of mercury vapors. We respectfully suggest you consider extending that requirement to all containers used for the storage and transport of spent mercury-added lamps. In addition, we respectfully suggest that you relieve the WDNR from the chore of reviewing and approving packaging for spent lamps. You should instead consider adding lamps to the list of mercury-containing equipment that must be managed in packages designed to prevent the loss of mercury vapors. In that way, Wisconsin would have one packaging standard that would apply to lamps, mercury thermometers, mercury thermostats and other mercury containing equipment.

### **Landfill Disposal Ban & Recycling Requirement**

Mercury Waste Solutions strongly supports language prohibiting disposal of mercury-added lamps in solid waste landfills and waste incinerators. Current Wisconsin law follows the federal law, regulating only lamps that fail a hazardous waste test for mercury content. Consequently, lamps that pass the test can be thrown away as garbage.

Many states including California, Connecticut, Delaware, Maine, Massachusetts, Minnesota, New York, Rhode Island and Vermont have decided that any lamp that contains mercury is problematic from an environmental and health standpoint, and as such those states have banned disposal of all mercury-added lamps from landfills. Wisconsin should certainly follow their example.

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structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

<sup>2</sup> 40 CFR 273.13 (c) Mercury-containing equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of universal waste to the environment, as follows:

(1) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, *and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.*

In addition to our support for the ban on lamp disposal, we respectfully suggest that you consider language that would also require that mercury-added lamps be recycled. A land disposal ban alone does not require recycling and allows transport of lamps out of state for disposal as solid waste or in hazardous waste landfills, causing the same loss of mercury to the air as disposal in solid waste landfills. As an example, Minnesota has had a landfill ban for many years and in 2008 added the recycling requirement. In addition, Washington State adopted a similar recycling requirement just weeks ago.

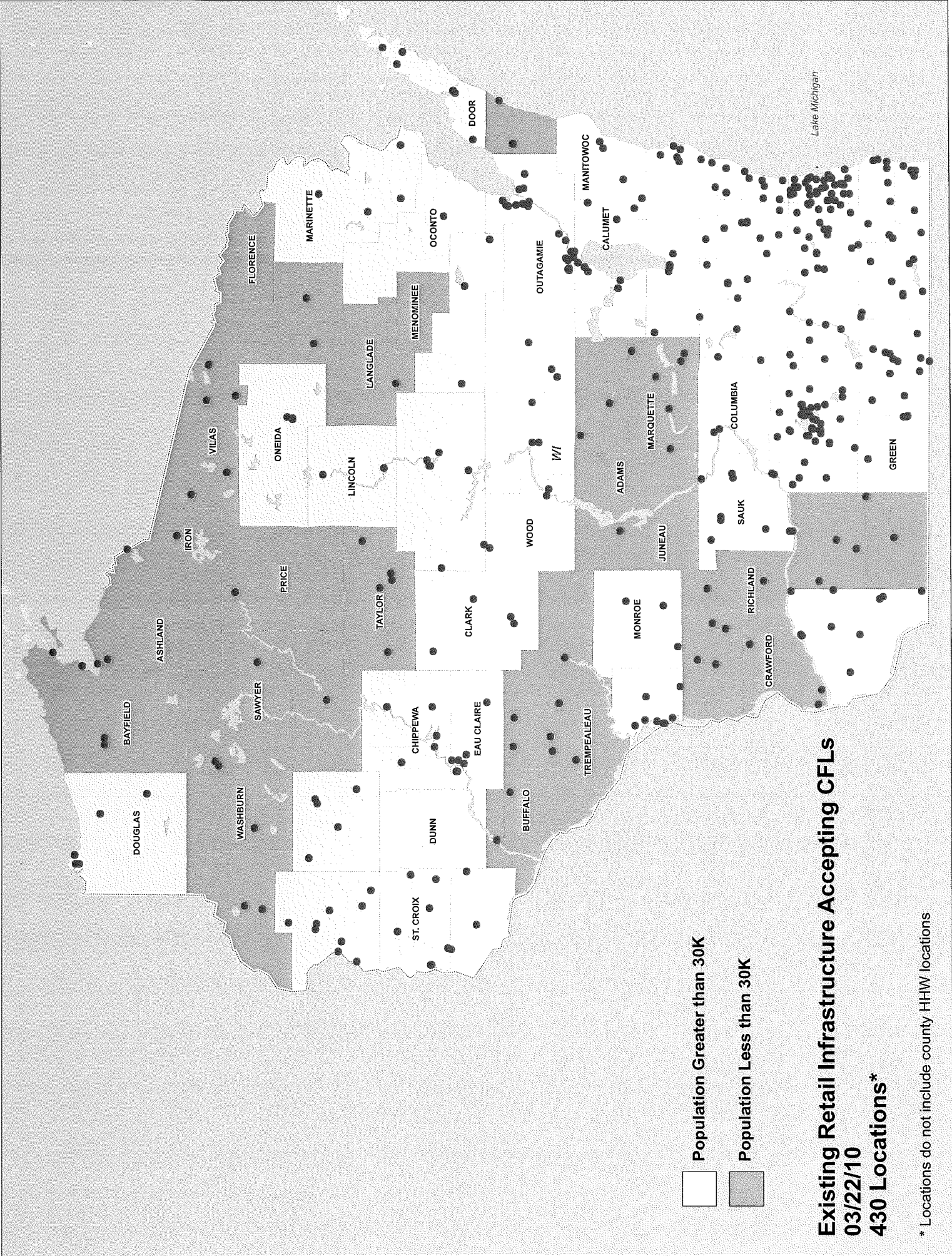
In closing, we appreciate your attention to this legislation that recognizes the important human health and environmental benefits of increased lamp recycling rates, packaging standards that protect against exposure to mercury vapors and removal of mercury-added lamps for solid waste landfills and incinerators.



# WISCONSIN STATE LEGISLATURE







Population Greater than 30K

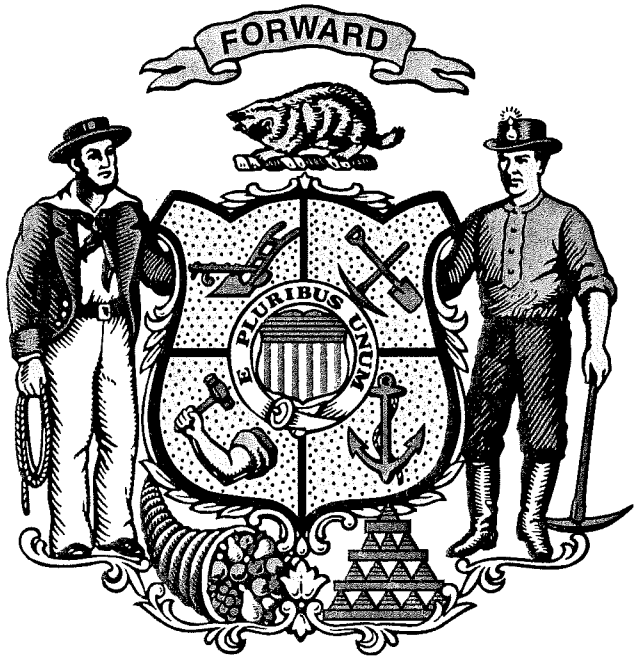
Population Less than 30K

**Existing Retail Infrastructure Accepting CFLs**

**03/22/10**

**430 Locations\***

\* Locations do not include county HHW locations



## 3/22 - Mercury Recycling

SB 629

- fix provision and you don't have approved recycling program, can't do business
- will be restricted to <sup>(bulk)</sup> lump activity
- think there is already a robust ~~for~~ recycling program in existence
- concerns for GE because they do not have retail outlets
- providing specifics
- NEMA - will raise issues w/ patchwork across the ~~state~~ country