

From: Gillian Eaton <geaton@veic.org>
Sent: Friday, January 28, 2022 8:45 AM
To: Knaebel, Karen
Cc: David Westman; Colin Santee
Subject: Efficiency Vermont Comments re: 10 VSA §7152(a)(6) Sale of Mercury-Containing Lamps - DRAFT Determination
Attachments: 2022 01 28 EVT comments on ANR draft decision re cfls- mercury.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Ms. Knaebel,

Per the notification below, please find attached comments from Efficiency Vermont on ANR's Draft Determination concerning the sale of mercury-containing lamps.

Thank you for the opportunity to provide feedback.

Best,
Gillian Eaton

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**Gillian Eaton**  
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**From:** Knaebel, Karen <[Karen.Knaebel@vermont.gov](mailto:Karen.Knaebel@vermont.gov)>  
**Sent:** Wednesday, December 29, 2021 9:13 AM  
**To:** Knaebel, Karen <[Karen.Knaebel@vermont.gov](mailto:Karen.Knaebel@vermont.gov)>  
**Subject:** FW: 10 VSA §7152(a)(6) Sale of Mercury-Containing Lamps - DRAFT Determination Notice  
**Importance:** High

Dear Interested Parties:

Below is the notice that was distributed yesterday afternoon. Please note that the decision document in the link below has been updated to reflect the latest correct version. Sorry for any inconvenience.

The Agency of Natural Resources is making a draft determination that screw-based mercury-containing CFL lamps shall not be sold, offered for sale, or delivered to a retailer for subsequent sale in the state of Vermont. This draft decision will be posted for public comment for a period of 30 calendar days.

<https://dec.vermont.gov/content/10-vsa-%C2%A77152a6-sale-mercury-containing-lamps-draft-determination-notice>

Stakeholders and interested parties can submit comments regarding this draft determination to Karen Knaebel at [karen.knaebel@vermont.gov](mailto:karen.knaebel@vermont.gov) by 4:00 pm EST January 28, 2021. The Agency's draft decision document, response, and final determination will be posted at: [www.mercvt.org](http://www.mercvt.org) and also sent by e-mail to mercury-containing lamp stakeholders where ANR has contact information. If you wish to be added to the e-mail stakeholder list, please provide your contact information in response to this email.



**Karen Knaebel** | Environmental Analyst

Vermont Agency of Natural Resources | Department of Environmental Conservation

Waste Management & Prevention Div., E-Cycles/Mercury Programs

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[www.mercvt.org](http://www.mercvt.org)



January 28, 2022

Karen Knaebel  
Environmental Analyst  
Waste Management and Prevention Division  
Department of Environmental Conservation  
1 National Life Drive  
Montpelier, Vt 05620-3704

**Re: Efficiency Vermont Comments on 10 VSA §7152(a) Sale of Mercury-Containing Lamps – Draft Determination Notice**

Dear Ms. Knaebel,

Efficiency Vermont appreciates the opportunity to submit the following comments on the Agency of Natural Resources (“ANR”) draft determination that screw-based mercury-containing CFL lamps should not be sold, offered for sale, or delivered to a retailer for subsequent sale in the state of Vermont.

Efficiency Vermont agrees with ANR’s conclusion that screw-based light-emitting diode (“LED”) lamps provide the same or better overall performance at a cost equal to or better than that of mercury-containing compact fluorescent (“CFL”) lamps. As such, Efficiency Vermont supports the draft determination to restrict the sale and delivery of mercury-containing CFLs, and agrees with the draft determination’s timeframe for restriction of sales of one year. One year provides sufficient opportunity for retailers and distributors to prepare for the transition away from CFLs and phase out existing inventory.

Efficiency Vermont also agrees with ANR’s conclusion that the only mercury-containing lamp that should be banned from sale at this time is the screw-based CFL. The screw-based CFL can be readily replaced by screw-based LED lamps, which are non-mercury containing general-purpose lamps that are both readily available and provide the same or better overall performance at a cost equal to or better than the classes of mercury lamps.

However, as demonstrated in data provided by NEMA and ANR, non-mercury equivalents for other replacement lamps (including pin-based linear lamps, etc.) can be cost-prohibitive without technical assistance or financial incentives from Efficiency Vermont, and are not as widely available. Thusly, Efficiency Vermont agrees with ANR’s determination that, in accordance with 10 VSA §7152(a), other replacement lamps should not be restricted at this time. Restricting the sale of fluorescent lamps beyond screw-based CFLs would be inconsistent with 10 VSA §7152(a), and would create potentially burdensome economic impacts on Vermont

suppliers and customers. Efficiency Vermont continues to work with its supply chain partners and developing customer demand for increased use of LED lighting in commercial and industrial settings, but believe it would be unduly burdensome and cost-prohibitive to force this on Vermont businesses during an unprecedented time of disruption to the supply chain and economic uncertainty.

As a general matter, Efficiency Vermont believes that if a product is ready to be retired or banned from sale, there should be a transition period of at least one year, but could be longer if warranted, to reduce market disruption for partners and customers. CFLs are already being replaced by LEDs on store shelves, but the current economic disruptions caused by the COVID-19 pandemic, including inflated material costs and difficulty accessing inventory, warrant the need for the full one-year transition period to limit negative impacts on the marketplace and customers.

Efficiency Vermont appreciates the opportunity to provide comments. Please do not hesitate to reach out with any questions or concerns.

Sincerely,



David Westman  
Director of Regulatory and State Agency Affairs, Efficiency Vermont