

**10 VSA §7152(a) Sale of Mercury-Containing Lamps
Final Determination Notice**

Under Vermont state law, a manufacturer of a mercury-containing lamp shall not sell, offer for sale, or deliver to a retailer for subsequent sale, a mercury-containing lamp unless all criterion under 10 VSA §7152(a) are met. Specifically, §7152(a)(6) requires “The manufacturer has demonstrated that no alternative non-mercury energy efficient lamp is available that provides the same or better overall performance at a cost equal to or better than the classes of lamps that the manufacturer proposes to sell.”

Effective February 17, 2022, the Agency has determined that screw-based mercury containing compact fluorescent lamps (CFLs) shall not be sold, offered for sale, or delivered to a retailer for subsequent sale in the state of Vermont. This restriction on sale will begin one year from this date, no later than February 17, 2023, to allow Vermont retailers and distributors sufficient time to sell any existing inventories.

The Agency based its decision on the evidence that screw-based LED lamps provide the same or better overall performance at a cost equal to or better than that of a mercury-containing screw based compact fluorescent lamp (CFL). At this time, there is not sufficient evidence to suggest that there are non-mercury replacement lamps available for all other classes of general-purpose mercury-containing lamps at a cost equal to or better than their mercury containing counterparts.

The Agency posted this draft decision on December 28, 2021, for a 30-day public comment period. The Agency reviewed all comments and agrees that mercury is toxic, and that it is important to phase-out the sale of mercury-containing products in Vermont whenever possible. Those concerns warrant the eventual phase-out of any remaining mercury products where a non-mercury alternative is available at an equivalent price. The Agency interprets 10 V.S.A. §7152(a)(6) requiring manufacturers to demonstrate no non-mercury lamp exists at a “cost equal to or better than” a mercury containing lamp, as the cost at *point of sale*. This narrow construction provides a clear and transparent benchmark for manufacturers when providing the demonstration required by 10 V.S.A. §7152(a)(6) without additional factors like energy efficiency, the cost of replacement fixtures, or other broader costs that may be beyond the Agency’s expertise in waste management.
