




State of Vermont
Department of Environmental Conservation
Waste Management & Prevention Division
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AGENCY OF NATURAL RESOURCES

MEMORANDUM

DATE: December 28, 2021

TO: Mercury Lamp Stakeholders and Other Interested Parties

FROM: Matt Chapman, Director, 
Waste Management and Prevention Division

RE: 10 VSA §7152(a) Sale of Mercury-Containing Lamps – Draft Determination Notice

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”.

In conducting our review of whether a replacement lamp is available at a cost equal to or better than mercury containing lamps, the Agency limited our review to the price of lamps that are of equivalent wattage and type. This approach maximizes the transparency of whether an adequate replacement exists and eliminates the need to evaluate information regarding efficiency of a lamp, the life of a lamp, and whether the fixture needs to be replaced in order to obtain an equivalent performance.

Based on this assessment, the Agency has concluded 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 compact fluorescent (CFL) lamp and that other replacement lamps are not available at a cost equal to or better than mercury containing lamps.

On October 24, 2021, Agency received a petition from Vermont Public Interest Research Group (VPIRG) asking that the Agency review the criteria in 10 V.S.A. §7152(a)(6) to determine whether certain mercury containing lamps should be restricted. The Agency requested that the National Electrical Manufacturers Association (NEMA) consult with lamp manufacturers and provide information and analysis in response to Subsection 7152(a)(6) to demonstrate their position. In their November 16, 2021, response letter, NEMA conceded that mercury-containing “Screw-Based Compact Fluorescent Lamps

(CFL)” have available LED alternative lamps that provide the same or better overall performance, and at a cost that is equal to or better than mercury-containing CFLs.

VERMONT PRICE DATA: During November and December 2021, DEC conducted cost comparisons of similar performance screw-based CFLs, pin-based CFLs, and linear mercury-containing lamps vs. LED replacements. The following are examples of the findings:

Market	Mercury Lamp Type	Hg Cost Per Bulb	Non-Hg Alternative	LED Cost Per Bulb
Retail- Home Depot	ecosmart 60W CFL	\$1.99 ea.	ecosmart 60W LED	\$1.74 ea.
On-Line- Amazon	Sylvania 60W CFL	\$2.75 ea.	GE 60W LED	\$2.16 ea.
Retail- ACE Hardware	Screw based CFL	Not available	60W LED	\$1.06-\$1.20 ea.
	Hg pin based CFLs	\$5.59 - \$8.99	Hg pin-based LEDs	\$5.99 - \$13.99 ea.
	15” linear Hg tube	\$6.99 ea.	15” linear LED tube	\$9.99 ea.
	24” linear Hg tube	\$5.99 ea.	24” linear LED tube	\$12.99 ea.
Wholesale	4’ linear Hg tube	Approx. \$4. Depending on quantity	4’ linear LED replacement tube	Approx. \$8. Depending on quantity

In general, the information that has been obtained by the Department, including information provided by the lamp manufacturers, supports that the only non-mercury containing general-purpose lamp, at this time, that provides the same or better overall performance at a cost equal to or better than the classes of mercury lamps, is a screw-based LED. Other mercury-containing lamps such as pin based CFLs, and all other non-CFL general purpose mercury-containing lamps are not available for sale in Vermont at a comparable or lesser cost as outlined in the law.

Thus, the Agency is making this 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 restriction on sale would begin one (1) year from the date of final determination by the Agency. The one (1) year timeframe would allow retailers and distributors sufficient opportunity to sell remaining inventory.

This draft decision will be posted for public comment for a period of thirty calendar days from the date of notice. Stakeholders and interested parties can submit comments regarding this draft determination to Karen Knaebel at karen.knaebel@vermont.gov by 4:00 pm EST January 28, 2022. The Agency’s response and final determination will be posted at: www.mercvt.org and sent to mercury-containing lamp stakeholders where ANR has contact information. If you wish to be added to the e-mail stakeholder list, please provide that request to the same email contact above.