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Date: January 18, 2022

Karen Knaebel, Environmental Analyst
Vermont Agency of Natural Resources
Vermont Department of Environmental Conservation
Waste Management and Prevention
1 National Life Drive, Davis 1
Montpelier VT 05620-3704

Re: Public comment draft determination mercury-containing lamps

Dear Karen,

Thank you for the opportunity to comment on the draft determination related to 10 V.S.A. 7152(A)(6) Sale of Mercury -Containing Lamps. CSWD agrees with the Agency's determination, that screw based compact fluorescent (CFL) bulbs have more energy efficient alternative lamps at a cost equal to or better than CFLs and therefore mercury containing CFLs should no longer be allowed to be sold in the State of Vermont.

CSWD does have concerns regarding the manufacturer's collection program requirements associated with this law. Specifically, we would like clarity from the Agency on how it will interpret the requirement for manufacturers to continue to collect CFLs per 10 VSA Chapter 164A if CFLs are no longer sold in the State. Under section 7152 (a)(1), the manufacturer cannot sell mercury-containing lamps unless the manufacturer is implementing an approved collection plan. Does this mean if the manufacturer is no longer selling CFLs in the State, they are not required to collect CFLs for proper recycling/disposal?

Section 7154 in this Chapter does not differentiate between CFLs and other types of mercury containing lamps. It simply refers to mercury-containing lamps and that the "collection program shall provide for free collection of mercury-containing lamps from covered entities and accept all mercury-containing lamps collected from a covered entity and shall not refuse the collection of a mercury-containing lamp based on the brand or manufacturer of the mercury-containing lamp." Our interpretation is that if the manufacturer sells any type of mercury-containing lamp in the State then they would have to continue to collect CFLs. Please let us know if this assumption is correct.

If this assumption is not correct, CSWD requests that the Agency notify the legislature of this unintended consequence in the law and recommend making changes to require the manufacturers of CFLs that have been sold in the State, to maintain a collection program after they stop selling the CFLs in Vermont. Solid waste facilities and retailers provide a robust collection system for mercury-containing lamps that is dependent on the funding from the manufacturers of these lamps. CFLs will

continue to be generated by consumers for years to come and adequate funding is essential in keeping this collection system in place and mercury out of the environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Holliday". The signature is fluid and cursive, with a large initial "J" and "H".

Jennifer Holliday

Director of Public Policy and Communications