

April 10, 2018

Amazon.com

Attn: Tiffany Lui, litiffa@amazon.com

Attn: Mindy Boehr, regulatory-inquireies@amazon.com

Subject: Mercury-added Product Disclosure Requirements for Online Retailers & Distributors

Dear Ms. Lui and Ms. Boehr:

The Interstate Mercury Education and Reduction Clearinghouse (IMERC) is writing to inform Amazon.com that the states of Connecticut, Louisiana, Maine, Massachusetts, Minnesota, New York, Rhode Island, Vermont, and Washington prohibit the sale of mercury-added products unless they have a label indicating that the product contains mercury and information concerning proper disposal.

As part of these requirements, any mercury-added product that is offered for sale over the internet must be clearly labeled so that the consumer is aware prior to purchase that there is mercury in the product. Online retailers and third-party sellers can comply by placing a copy of the product/package label, mercury disclosure statement, or other information in sales literature, on their webpages. For more information on the States' labeling requirements, visit: www.newmoa.org/prevention/mercury/imerc/labelinginfo.cfm.

The Federal Trade Commission (FTC) also has mercury disclosure requirements for mercury-added bulbs, such as fluorescents, compact fluorescent lamps (CFLs), and others. A summary of the FTC rule's labeling requirements is available at: www.ftc.gov/tips-advice/business-center/guidance/ftc-lighting-facts-label-questions-answers-manufacturers. The FTC rule includes web and catalog requirements to for a "clear and conspicuous" image of the Lighting Facts Label (which includes a specific mercury disclosure) "in close proximity to the lamp's price on each page that contains a detailed description of the lamp." The FTC requirements are important to the states because a manufacturer is in compliance with state requirements if it is in compliance with the FTC requirements and has notified the states and received an alternative label approval.

When reviewing the mercury-added products available for sale on Amazon.com, the States found that the required mercury disclosure information was inconsistent and does not appear to meet federal or state requirements. Sometimes a mercury statement is included the product details, other times it is buried in the longer descriptions or in the comments. A few examples are noted below:

- [TCP brand CFL](#): A customer has to click on the tiny energy guide label in order to see the mercury disclosure, it is not otherwise evident. The mercury disclosure is not included in the product description or the technical details.¹

¹ TCP Example: https://www.amazon.com/TCP-SpringLamp-Equivalent-White-Spiral/dp/B000RFWWJU/ref=sr_1_10?s=lamps-light&ie=UTF8&qid=1522177655&sr=1-10&refinements=p_n_special_merchandising_browse-bin%3A544734011

- [Philips brand CFL](#): A customer has to click on the tiny energy guide label in order to see the mercury disclosure. There is a mercury disclosure included in a section called “important information” located below the product description and technical details, but this is easily missed.²
- [Finally brand Bulbs](#): The only reference to mercury is found in the “customer question and answer” section – and the information presented in this section is in fact inaccurate and misleading.³

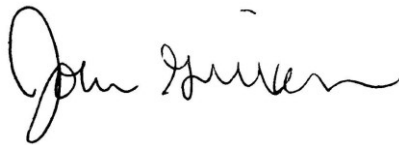
In addition, please be aware that some states also have sales restrictions for certain mercury-added products or ban them entirely. Examples include lamps with high mercury content, button-cell batteries, switches, and measuring devices such as thermometers, manometers, and blood pressure cuffs. A full listing of state bans is here:

www.newmoa.org/prevention/mercury/imerc/banphaseout.cfm/.

Due to the States’ inconsistent findings, they require Amazon.com to respond to IMERC by May 10, 2018 with information as to what the company is currently doing or what they will do in order to comply with the States’ “prior to sale mercury product disclosure” requirement and the FTC rule.

If you have any other questions, please contact Rachel Smith, IMERC Coordinator at 617-367-8558 or rsmith@newmoa.org.

Sincerely,



John Gilkeson, Minnesota Pollution Control Agency
IMERC Labeling Workgroup Chair

cc: Tom Metzner, Connecticut Department of Energy and Environmental Protection
Al Hindrichs, Louisiana Department of Environmental Quality
Carole Cifrino, Maine Department of Environmental Protection
Peter Van Erp, New York State Department of Environmental Conservation
Ann Battersby, Rhode Island Department of Environmental Management
Karen Knaebel, Vermont Department of Environmental Conservation
Sean Smith, Washington Department of Ecology

² Philips Example: https://www.amazon.com/Philips-420091-Twister-Daylight-Equivalent/dp/B00FK8VDBC/ref=sr_1_10?s=hi&ie=UTF8&qid=1522178295&sr=1-10&keywords=light+bulbs

³ Finally example: https://www.amazon.com/dp/B00MNU0BSQ?axitk=7NGisq1s8LXOZ0i6rld41A&pd_rd_i=B00MNU0BSQ&pf_rd_m=ATVPDKIKX0DER&pf_rd_p=3525547702&pd_rd_wg=3OtUf&pf_rd_r=2F1G96810PW92DVR8NGZ&pf_rd_s=desktop-sx-top-slot&pf_rd_t=301&pd_rd_w=CGYPs&pf_rd_i=light+bulbs&pd_rd_r=ed1dc364-aa8c-412a-91be-ccf0ca983b34&hsa_cr_id=2348272830401