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An act relating to prohibiting the sale of mercury lamps in the State

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 7101 is amended to read:

§ 7101. LEGISLATIVE FINDINGS

The General Assembly finds and declares that:

(1) Mercury is a persistent and toxic pollutant that bioaccumulates in the environment and poses a serious threat to humans, particularly young children and the developing fetus, and wildlife.

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(7) Human exposure to mercury can result in nervous system, kidney, and liver damage and impaired childhood development.

(8) There has been a threefold increase in mercury loading to the environment over the past 150 years. Much of the mercury deposited from the atmosphere is from human and natural sources, but anthropogenic emissions exceed those that occur naturally.

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(13) Many of the states in the region, including Connecticut, Maine, New York, and Rhode Island, have adopted comprehensive mercury-added product legislation to identify and eliminate unnecessary uses of mercury.

(14) Significant use of mercury-added products occurs in health care facilities, schools, and dental practices, in all of which mercury use or release reduction is technically and economically feasible.

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(17) Vermont's mercury product legislation passed in 1998 does not comprehensively restrict the sale and use of mercury-added products.

(18) Studies conducted for the ~~State~~ state of Maine show that mercury-free alternatives exist for a majority of the thousands of products containing mercury components. These products include thermometers, thermostats, flow meters, barometers, manometers, medical devices, and electrical switches and relays.

(19) Studies conducted for the ~~State~~ state of Maine show that manufacturers are beginning to market mercury-free versions of all types of mercury-added button cell and other miniature batteries.

(20) Novelty products using mercury have been banned from sale in several states.

(21) All fluorescent lamps contain mercury and can create an immediate public health and environmental hazard when they accidentally break during installation, use, transportation, storage, recycling, or disposal. Light-emitting diode (LED) replacements for fluorescent lamps do not contain any mercury.

(22) Fluorescent lamps are no longer the most energy-efficient lighting option in the marketplace. Lamps that contain LEDs have advanced significantly and today use approximately half the electricity as fluorescent lamps to produce the same amount of light. LEDs also last two to three times longer than fluorescent lamps.

(23) Fluorescent lamps are no longer the least life-cycle cost (LLCC) option because they cost twice as much to operate compared to an LED. LED retrofit tubes are the LLCC, and they pay for the slightly higher first cost in a matter of one to eight months, depending on price and application. After paying back initial costs, the LED tubes continue to operate for years to come, saving consumers and businesses on their lighting bills.

(24) LED retrofit lamps are widely available in a comprehensive set of sizes, shapes, lengths, and light colors. There are over 10,000 models of four-foot LED retrofit tubes that can replace fluorescent T5, T8, and T12 in the Design Lights Consortium Qualified Product List database.

(25) Suppliers who sold fluorescent lamps in Vermont after July 1, 2012 made a profit from the sales of those lamps in the State, and they should remain responsible for ensuring the safe collection at the end-of-life of those lamps due to the toxic nature of the mercury contained in the products they sold.

(26) Citizens of Vermont, the Vermont environment, and the Agency will benefit from comprehensive mercury product legislation that further reduces mercury emissions and is consistent with model mercury product legislation developed jointly by the northeast states.

Sec. 2. 10 V.S.A. § 7102 is amended to read:

§ 7102. DEFINITIONS

As used in this chapter:

(1) “Agency” means the Vermont Agency of Natural Resources.

(2) “Elemental mercury” means the chemical symbol Hg. Elemental Hg is a silvery-white liquid (at room temperature) with an atomic number of 80 and an atomic mass of 200.57.

* * *

(9) “Mercury-added product” means a product, a commodity, a chemical, a product with one or more components, or a product that cannot function without the use of that component, that contains mercury or a mercury compound intentionally added to the product, commodity, chemical, or component in order to provide a specific characteristic, appearance, or quality, or to perform a specific function, or for any other reason. These products include formulated mercury-added products and fabricated mercury-added products.

* * *

(20) “Four-foot linear fluorescent lamp” means a general purpose, low-pressure, mercury-containing, electric-discharge light source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light, and includes all of the following characteristics:

(A) two bases or endcaps of any type, including single-pin, two-pin, or recessed double contact;

(B) light emission between a correlated color temperature of 1700K and 24000K and a Duv of +0.024 and –0.024 in the International Commission on Illumination (CIE) Uniform Color Space (CAM02-UCS);

(C) all tube diameters, including T2, T5, T8, T10, and T12; and

(D) four feet in length.

Sec. 3. 10 V.S.A. § 7105 is amended to read:

§ 7105. RESTRICTIONS ON THE SALE AND USE OF CERTAIN
MERCURY-ADDED PRODUCTS

* * *

(g) Fluorescent lamps. Beginning on January 1, 2024, no four-foot linear fluorescent lamp may be offered for final sale, sold at final sale, or distributed in Vermont as a new manufactured product.

(h) Exclusion for existing equipment. The prohibitions in subsections (e) and (f) of this section do not apply if the switch, relay, or measuring device is

used to replace a switch, relay, or measuring device ~~which~~ that is a component of a larger product in use prior to January 1, 2007, provided the owner of that equipment has made every reasonable effort to determine that no compatible nonmercury replacement component exists.

~~(h)~~(i) Exemptions.

* * *

(7) The prohibition in subsection (g) of this section shall not apply to the following four-foot linear fluorescent lamps:

(A) lamps used for image capture and projection, including photocopying, printing directly or in pre-processing, lithography, film and video projection, and holography;

(B) lamps that have high proportions of ultraviolet light emission, including only the following:

(i) lamps with high ultraviolet content that have ultraviolet power ≥ 2 milliwatts per kilolumen (mW/klm);

(ii) lamps for germicidal use or destruction of DNA that emit a peak radiation of approximately 253.7 nanometers;

(iii) lamps used for disinfection or fly trapping where the radiation power emitted is between 250–315 nanometers represents ≥ 5 % or is between 315–400 nanometers represents ≥ 20 % of the total radiation power emitted is between 250–800 nanometers;

(iv) lamps used for the generation of ozone where the primary purpose is to emit radiation at approximately 185.1 nanometers;

(v) lamps used for coral zooxanthellae symbioses where the radiation power emitted between 400–480 nanometers represents ≥ 40 % of total radiation power emitted is between 250–800 nanometers; and

(vi) Any lamp intended for use in a sunlamp product, as that term is defined in 21 C.F.R. § 1040.20.

Sec. 4. 10 V.S.A. § 7161 is added to read:

§ 7161. CONTINUED IMPLEMENTATION OF APPROVED

COLLECTION PLAN

(a) Notwithstanding application of the requirements of this chapter to manufacturers of mercury containing lamps who sell, offer for sale, or deliver for subsequent sale in the State, a manufacturer that sold, offered for sale, or delivered mercury containing lamps for subsequent sale in the State prior to January 1, 2024 shall be required to continue implementation of an approved collection plan and to continue compliance with the requirements under this chapter.

(b) Beginning on January 15, 2025, and biennially thereafter, the Secretary of Natural Resources shall recommend to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy whether the General Assembly should continue to require

implementation of a collection plan by manufacturers under subsection (a) of this section. The Secretary may include the recommendation required by this subsection in the biennial report on solid waste required under subsection 6004(b) of this title.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2022.