

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was
3 referred House Bill No. 500 entitled “An act relating to prohibiting the sale of
4 mercury lamps in the State” respectfully reports that it has considered the same
5 and recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

8 § 7101. LEGISLATIVE FINDINGS

9 The General Assembly finds and declares that:

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

13 * * *

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

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

20 * * *

1 installation, use, transportation, storage, recycling, or disposal. Light-emitting
2 diode (LED) replacements for fluorescent lamps do not contain any mercury.

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

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

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

18 (25) Suppliers who sold fluorescent lamps in Vermont after July 1, 2012
19 made a profit from the sales of those lamps in the State, and they should
20 remain responsible for ensuring the safe collection at the end-of-life of those

1 lamps due to the toxic nature of the mercury contained in the products they
2 sold.

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

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

8 § 7102. DEFINITIONS

9 As used in this chapter:

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

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

14 * * *

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

1 include formulated mercury-added products and fabricated mercury-added
2 products.

3 * * *

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

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

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

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

15 (D) four feet in length.

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

17 § 7105. RESTRICTIONS ON THE SALE AND USE OF CERTAIN

18 MERCURY-ADDED PRODUCTS

19 * * *

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

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

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

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

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

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

15 § 7161. CONTINUED IMPLEMENTATION OF APPROVED

16 COLLECTION PLAN

17 (a) Notwithstanding application of the requirements of this chapter to
18 manufacturers of mercury containing lamps who sell, offer for sale, or deliver
19 for subsequent sale in the State, a manufacturer that sold, offered for sale, or
20 delivered mercury containing lamps for subsequent sale in the State prior to
21 January 1, 2024 shall be required to continue implementation of an approved

1 collection plan and to continue compliance with the requirements under this
2 chapter.

3 (b) Beginning on January 15, 2025, and biennially thereafter, the Secretary
4 of Natural Resources shall recommend to the House Committee on Natural
5 Resources, Fish, and Wildlife and the Senate Committee on Natural Resources
6 and Energy whether the General Assembly should continue to require
7 implementation of a collection plan by manufacturers under subsection (a) of
8 this section. The Secretary may include the recommendation required by this
9 subsection in the biennial report on solid waste required under subsection
10 6004(b) of this title.

11 Sec. 5. EFFECTIVE DATE

12 This act shall take effect on July 1, 2022.

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19 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE