

Guide to Incorporating Extended Producer Responsibility (EPR) Principles into Purchasing and Procurement Documents

MERCURY CONTAINING EQUIPMENT

Overview

Why is Mercury Containing Equipment a Disposal Issue?

Mercury-containing equipment means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function. Mercury is a powerful neurotoxin that affects brain and nerve function, and that endangers a developing fetus through impaired brain development, lower intelligence and other brain defects. Mercury is also toxic to the environment. On average it costs a jurisdiction \$1100 per ton to manage Household Hazardous Waste.

How do I Control Disposal of Mercury Containing Equipment?

Follow the mantra “Reduce, Reuse, Recycle”. Reduce your cost and responsibility of Mercury Containing Equipment disposal through smart procurement. Establish Environmentally Preferable Procurement policies that first try to find alternative products that meet the needed function without containing mercury. If that cannot be accomplished, include Extended Producer Responsibility (EPR), or “take back” language for Mercury Containing Equipment and other types of universal waste. This will save your jurisdiction money by reducing disposal costs and improve the health of your citizens and environment.

How do I Create Smart Procurement Policies?

- **Review procurement specifications** to remove any provisions that may exclude the procurement of products from vendors who support mercury containing equipment Extended Producer Responsibility.
- **Amend your specifications by adding** Extended Producer Responsibility language into your procurement policies requiring take-back and management services for Mercury Containing products.

Sample Policy Language

Producers must propose a program in which they agree to provide take-back and management services for end-of-life Mercury Containing Equipment at no additional cost to (INSERT JURISDICTION), as this cost should already be incorporated into the original product proposal. This can be accomplished through a variety of contractual provisions whereby the Producer agrees to be responsible for taking back the Mercury Containing Equipment and providing for appropriate reuse or recycling when Procurement no longer needs the Mercury Containing Equipment. Such take-back methods and parameters may include, but are not limited to:

- One-for-one exchange of end-of-life products offered by, or previously purchased from the Producer, upon purchase of new products from said Producer.
- Collection of any end-of-life products by Vendor (or subcontractor) for reuse or recycling, preferably to also include provisions that ensure Vendor will continue the program should a subcontractor no longer be able to perform such activities.

- Requirement that vendor must manage all end-of-life collection of their products at a collection facility provided or funded by Vendor.
- Coupon system for pre-paid take-back at permanent regional collection centers (at no additional cost to Procurement).
- Requirement that vendor must provide information to the agency on available take-back and end-of-life product management options.
- Requirement that product packaging and containers must clearly display information that the equipment contains mercury on the Vendor's environmentally preferable end-of-life recycling and disposal options for the product and its packaging, as applicable.
- Requirement that vendor must post the aforementioned consumer information on at least one clearly visible sign at the point-of-purchase for the end user of the product

Sample Proposal Language

End of Life Management 1 [Mandatory]: Vendors must propose a program in which they agree to provide take-back and management services for end-of-life Mercury Containing Products (e.g. electric switches and relays, thermostats that contain mercury, pilot light sensors, mercury gauges, mercury thermometers, and mercury-added novelties) at no cost to the Jurisdiction. This can be accomplished through a contractual provision whereby the seller agrees to be responsible for taking back the products and providing for appropriate re-use or recycling when the buyer no longer needs the products.

All Mercury Containing Products are considered hazardous waste in California when they are discarded because they contain mercury. (Title 22, division 4.5, chapter 11, section 66261.50)

Such take-back methods may include but are not limited to:

1. One-for-one exchange of equipment offered by, or previously purchased from the Vendor, upon purchase of new equipment from said Vendor.
2. Collection of any used Mercury Containing Products by Vendor or sub-contractor for reuse or recycling, preferably including provisions to continue recycling operations should a sub-contractor no longer be able to perform such activities.

Any proposed programs must comply with the following:

All Mercury Containing Equipment must be recycled, or taken to a household hazardous waste disposal facility, a universal waste handler (e.g., storage facility or broker), or an authorized recycling facility that is not funded with public taxpayer and ratepayers money. (Title 22, division 4.5, chapter 23, section 66273.8)

If take-back provisions are proposed, agencies must follow applicable laws, procedures and guidelines relating to disposing of equipment prior to invoking disposal procedures. The proposed programs shall continue for the life of the product; e.g., beyond the product contract period.

Vendor should also highlight if they are willing to take-back products other than their own.



Disclaimer: This document to the Department of Resources Recycling and Recovery (CalRecycle) was produced under a grant by the San Gabriel Valley Council of Governments. The statements and conclusions contained in this document are those of the grantee and not necessarily those of the CalRecycle, its employees, or the State of California and should not be cited or quoted as official Board policy or direction. The State makes no warranty, expressed or implied, and assumes no liability for the information contained in the succeeding text. Any mention of commercial products or processes shall not be construed as an endorsement of such products or processes.

Funded by a grant from the Department of Resources Recycling and Recovery (CalRecycle).