Product Policy Institute

Manufacturer Take Back:
The Next Step for Energy Efficient Lighting Products

The Product Policy Institute, the California Product Stewardship Council, the Northwest Product Stewardship Council and the British Columbia Product Stewardship Council praise retailers and consumers for promoting the switch to energy efficient light bulbs as an important way to reduce climate disrupting greenhouse gases. While we enthusiastically support the use of lower energy bulbs, many contain mercury, a toxic element that must be managed properly at the end-of-life. As associations primarily representing and advocating for local governments, we call on product manufacturers to take the important next step by creating and financing convenient, environmentally safe recycling systems for toxic mercury-containing compact fluorescent light bulbs (CFLs).

The problem: toxic products. While increasing the use of energy efficient lighting addresses one environmental problem, selling mercury-containing lights without ensuring environmentally responsible end-of-life disposal creates new environmental problems. When disposed of improperly, fluorescent lights and other mercury-containing products may contaminate ground and surface waters and the fish that inhabit those waters, and therefore, the humans who consume those fish. Mercury is a potent neurotoxin, so the release of mercury into the environment is a critical public health threat.

CFLs, currently the most widely used energy efficient lights, are banned from landfills in California, Maine, Vermont, Massachusetts, Minnesota and several communities in Washington State because they contain mercury. The burden of ensuring their safe recycling is currently borne by local government. Many communities throughout the country provide costly household hazardous waste (HHW) programs to collect and manage these products.

As municipal budgets continue to tighten, local governments simply cannot continue to collect and manage the vast array of consumer waste products, including CFLs, by themselves. Current national recycling rates for fluorescent lamps collected from households and businesses are estimated at two percent and 30 percent, respectively. In California, fewer than 10 percent of the state's residents use HHW facilities even once a year. And the stream of products requiring special end-of-life management is growing every year. Many toxic products in addition to CFLs are now banned from landfills due to their toxicity and potential to contaminate the environment. Local government collection programs only capture products if the public uses them, while at the same time, the more the public uses them the more they cost. Government agencies are caught between operating expensive programs and having mercury in the waste stream.

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Furthermore, when the public pays the recycling and disposal costs of privately manufactured products, government-funded waste collection and disposal actually subsidizes and thereby increases waste production. The lack of clear economic signals to manufacturers serves as a disincentive to produce durable, non-toxic products.

The solution: producer responsibility. A comprehensive and integrated approach to promoting the use of energy efficient lighting requires safe disposal at the end of their useful life. We believe that companies that make money by selling toxic products need to be part of the solution. The private sector has far greater capacity to design a convenient, efficient, and cost-effective fluorescent light collection program than local or state government. We believe that the most successful programs are those driven by product manufacturers, where recycling costs are internalized in the product price, similar to the mandates of the European Union's Waste Electrical and Electronic Equipment (WEEE) directive. However, we also believe that retailers have a critical role in creating convenience for the consumer, as there is no better option to ensure high recycling rates than take-back programs at the point of sale.

A legislative model. We enthusiastically support the full system approach to energy efficiency, toxics reduction and producer responsibility for lighting contained in a bill introduced into the California Legislature by Assembly Member Jared Huffman, chair of the Assembly Committee on Environmental Safety and Toxic Materials. The bill, AB 1109, requires manufacturers to have a system in place for collecting and recycling end-of-life bulbs that contain hazardous materials, such as lead and mercury. Manufacturers would be required to submit a plan to the State on how they will provide an environmentally responsible disposal and take-back program throughout California by July 1, 2009. The proposed legislation will also encourage the development of new, less hazardous energy efficient lighting designs.

We encourage all forthcoming state and national policies and legislation that requires an increase in the use of energy efficient lighting to use it as a model. Such legislation must also include the same take-back requirement required in AB 1109.

Signed,

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The Product Policy Institute (www.productpolicy.org) is a North American non-profit research and communication organization addressing sustainable production and consumption and good governance. The Northwest Product Stewardship Council (www.productstewardship.net), California Product Stewardship Council (www.caproductstewardship.org), and British Columbia Product Stewardship Council (www.bcproductstewardship.org) are coalitions made up primarily of local governments working to further the goal of product stewardship, the concept that whoever designs, produces, sells, or uses the product takes responsibility for minimizing the product's environmental impact throughout all stages of the products' life cycle.

For additional details regarding mercury-containing compact fluorescent lights, visit http://caproductstewardship.org/products/fluoro_p.htm or http://www.govlink.org/hazwaste/mercury/LampsWithHg.html.