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Mercury-added Products + Neon Sign Industry Advisory Update: March 27, 2007

The regulation, restriction, and ban of products and waste containing Mercury have become increasing trends in the United States, for health and safety reasons. The states at the forefront of regulatory activity, starting in 1999, include California, Connecticut, Illinois, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Vermont, and Washington.

In 2001, the Interstate Mercury Education and Reduction Clearinghouse, or **IMERC**, was created as the umbrella agency to oversee research and regulatory efforts to reduce and eliminate Mercury in products and waste. Please note: IMERC is a private entity; IMERC is not a governmental department or agency, though it helps advise States as they create Mercury Legislation. IMERC was created by the **Northeast Waste Management Officials' Association (NEWMOA)**.

For the Sign Industry, any product or component that contains Mercury may come under scrutiny in new legislation.

Legislation will be on a State-by-State basis. Each State may be different; you should check the regulatory requirements in your State for specific details.

Regulation – Notification – Labeling – Disposal

Many States will create or have created rules governing the use and disposal of parts and products that contain Mercury. Fluorescent lamps would fall into this category, for instance. This type of Legislation is not a "ban", but it does require the individual manufacturer (for instance, the manufacturer of an illuminated sign is a "manufacturer") to follow certain rules and regulations. Sign Company Members should research the statutory requirements in the states where they do business.

For example, State of Massachusetts recently enacted legislation concerning Mercury products and waste, and has established a year 2010 goal for the elimination of the use of Mercury in the state.

"Ban" on Neon

The only State to "ban" Neon is the State of Vermont, which implemented a mercury-related "neon ban" on **January 1, 2007**. This means that Neon tubing containing Mercury is affected. Based on information provided by the regulatory agency in Vermont, new installations of Neon products containing Mercury are not permitted after 1.1.07. Repairs of existing installations will be permitted, in like kind and quality.

Not all Neon has been "banned" in Vermont. Neon-filled tubing, and the colors that can be achieved using Neon gas and any other techniques and glasses without the use of Mercury, are still permitted.

You cannot obtain an "Exemption" in Vermont. The deadline for filing for the Neon "ban" exemption was **March 2006**, under the statute.

Your state may have also enacted Mercury restrictions or bans that affect Neon signs, or may be contemplating such regulations, and the USSC strongly suggests that you check with you local state regulators for information on your specific state, and/or visit the IMERC website for additional information: <http://www.newmoa.org/> .

What can Sign Companies that manufacture and/or sell Signs that contain Mercury do at this time? What about Product Manufacturers in this segment of the Industry? USSC has the following suggestions, and further recommends that each Company affected examine all the options available at this time:

1. If you sell or install a product containing Mercury (for instance, an internally illuminated sign using standard fluorescent lamps), comply with all Notification and Disposal requirements in each State where you do business. This may include "labeling".
2. If there is "ban" in your State, apply for an Exemption under the Mercury Legislation in your particular State. Criteria for the exemption, from IMERC, is included under a separate document on our USSC Site. There is typically a deadline for the Exemption application. Make sure you file before the Deadline. The deadline in Vermont, for instance, was 3.1.06 and has passed. The Applicant must supply a good deal of information under this Application.
3. A manufacturer or group of manufacturers coordinates efforts to address or halt a Neon "ban" in applicable states or through the IMERC.
4. Investigate all the colors that can be achieved using Neon tubing that do not require Mercury, including coated and colored glasses.

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