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Mercury Legislation Exemption Process

USSC first recommends that you or your attorney become completely familiar with the Mercury legislation in your State.

Also, visit the IMERC and related websites for further information: <http://www.newmoa.org/>

Also contact IMERC in writing with questions:

IMERC
c/o NEWMOA
129 Portland Street, 6th floor
Boston, MA 02114

Mercury Exemptions

Below is an excerpt from the Vermont legislation banning Neon products with Mercury, which describes the Exemption process; statutory language will be similar in each state with this type of legislation:

h)(1) Exemptions. A manufacturer of a mercury-added switch, relay, or measuring device may apply to the agency and notify the multistate clearinghouse for an exemption from the sales ban in subsections (e) and (f) of this section, provided that exemption shall be for not more than five years. With agency approval, an agent of the manufacturer, who may be a user, may apply for an exemption.

(2) The manufacturer or agent of the manufacturer seeking an exemption to offer for sale, sell, or distribute a switch, relay, or measuring device in Vermont after January 1, 2007 shall apply for the exemption not later than March 1, 2006. Exemption applications for new types of switches, relays, or measuring devices developed and intended to begin initial sale or distribution after January 1, 2007 must be received at least nine months prior to the intended offer for sale, the sale, or the distribution in Vermont.

(3) Application for the exemption or exemption renewal shall be on a form and be supported by the information and materials required by the agency. The exemption application shall document the basis for the requested exemption or renewal of exemption and describe how the manufacturer will ensure that a system exists for the proper collection, transportation, and processing of the switches, relays, or measuring devices at the end of their useful life.

(4) The agency may grant an exemption with or without conditions upon findings that:

(A) A system exists for the proper collection, transportation, and processing of the product at the end of its life, including a system for the direct return of a waste product to the manufacturer or a collection and recycling system that is supported by an industry or trade group, or other similar private or public sector efforts; and

(B) One of the following applies:

(i) Use of the product provides a net benefit to the environment, public health, or public safety when compared to available nonmercury alternatives; or

(ii) Technically feasible alternatives are not available at reasonable cost.

(C) With respect to renewals of an exemption, in addition to subdivisions (A) and (B) of this subdivision (4), reasonable efforts have been made to remove mercury from the product.

(5) Prior to issuing an exemption or conditional exemption, the agency may consult with the multistate clearinghouse and other states to promote consistency in the implementation of this section.

(6) The agency may renew, for a period not longer than five years, an exemption or conditional exemption one or more times if the manufacturer applies for renewal, and the agency finds that the manufacturer meets the requirements for that exemption, and that the manufacturer has complied with all the conditions of the original approval. With agency approval, an agent of the manufacturer may apply for the exemption renewal. (Added 2005, No. 13, § 1; amended 2005, No. 117 (Adj. Sess.), § 3.)

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