

CELLY SERVICES, INC.

Environmental, Health and Safety Services

To: Environmental Health and Safety Coordinator
From: Sam Celly, MS, JD, CSP, REA
Date: January 27, 2006
Ref: Fluorescent Lamps & Used Batteries Recycling-February 8, 2006 Deadline in California

On February 8, 2006, regulations that require recycling of mercury containing fluorescent lamps, batteries (non-automotive type) and other mercury containing materials will be prohibited from disposal as ordinary trash and required to be recycled. Some of the Universal Wastes that require recycling is as follows:

- Fluorescent Lamps
- Mercury Containing Switches, Novelties & other products
- Batteries (non-automotive kind)
- Non-Empty Aerosols
- Cathode Ray Tube

In 2001, US EPA made changes to waste rules applying to spent mercury-containing light bulbs that would require recycling of these lamps and prohibit landfill disposal. On the national level, exemption was created for businesses that generate a combination of hazardous wastes (RCRA wastes) and universal wastes in an amount of less than 100 kilograms a month. In essence, if you do not generate RCRA wastes such as waste thinner & waste petroleum solvents, and Universal Wastes in excess of 100 kg/month, you are exempt from federal Universal Wastes regulations. Visit www.cellyservices.com for more information on Universal Wastes.

New Twist on Regulations: California has enacted regulations that require all facilities, without any exemptions, to recycle mercury containing lamps and other Universal Wastes. California regulations go into effect February 8, 2006. In Arizona, the state exempts dealers generating less than 100kg/month of RCRA and Universal Wastes under the federal regulations but the ADEQ encourages the generators, to recycle the fluorescent lamps.

Recycling or Disposal: The dealership should contact a hauler and have the waste shipped to one of the recycling facilities. Charges for disposal vary with one hauler charging 10c/foot with a minimum of \$100 per pickup. The hauler can provide the dealership with an appropriate container that is properly labeled. Recycling facilities for lamps are as follows:

- Lighting Resources, Ontario, CA (909) 923-7252. www.lightingresourcesinc.com.
- AERC Recycling, Hayward, CA (510) 429-1129. www.aercrecycling.com
- Onyx Environmental, Azusa, CA (800) 556-5267. (actual recycling facility is in Arizona)
- Earth Protection Services, Phoenix, AZ 85063 (800) 414-0443
- Lighting Resources, Inc. Phoenix, AZ 85040 (602) 276-4278
- Superior Special Services Phoenix, AZ 85043 (800) 368-9095

There are other facilities all over the US that can provide containers for storing used lamps that can later be shipped to remote location for recycling. See www.lamprecycle.org, www.almr.org and www.nema.org. CSI recommends that the dealership seek a facility within your state for recycling/disposal as the state environmental regulating agencies have oversight over these facilities. Any improper disposal of these lamps can accrue liability to the generator. "Cradle to Grave" and "Joint & Several Liability" are frequently used terms to explain liability to the generator.

Disposal Documentation: Haulers disposing lamps are not required to have any special license or permits. Disposal documents in the form of Bill of Lading or other shipping documents are to be retained on site for a period of three years. The document that must list the record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste shall include information as follows:

- (1) The name and address of the originating universal waste handler
- (2) The quantity of each type of universal waste received (e.g., batteries, thermostats, lamps, mercury switches, etc.)
- (3) The date of receipt of the shipment of universal waste.

CSI recommends that the dealership also obtain some form of written assurance from the hauler that state that the waste was indeed delivered to one of the recycling facilities as listed above. The list of facilities recycling lamps or treating Universal Wastes may grow over a period of time. It is also prudent to obtain Pollution Liability Insurance and General Liability Insurance documentation from the hauler as well.

Storage: Generally, the container must be closed, structurally sound, compatible, and lacking evidence of leakage, spillage, or damage. Fluorescent lamps are fragile so this would require special containers that prevent breakage or spillage.

Labeling: The labeling requirements are quite simple, i.e., label "Used Lamps" or "Waste Lamps" or other wastes as appropriate.

Time Limitations: Waste can be stored on-site for one year. The dealership must be able to prove that the lamps have not been stored for more than one year.

Training: Employees needs to be trained for handling and disposal. **The attached memo on managing waste mercury lamps covers the training requirements for handling fluorescent lamps**

Mailing Box Programs: Many recycling facilities use mail-in boxes to collect waste mercury lamps. The recycler sells the box at a fixed price, which includes shipping costs. The customer fills the box with waste lamps and ships it back to the recycler. CSI does not recommend boxing the waste to out of state as discussed in the section above on Recycling or Disposal.

Sticker: **Please post the enclosed sticker from the state of California on your employee notice board.**

NEWS FROM THE HILL

On December 30, 2005, three months into the new fiscal year, the President signed the appropriation bill for the Department of Labor including OSHA. In the final budget package, OSHA's overall budget went to \$477 million dollars from \$464 million in the last fiscal year. Enforcement programs now get \$174 million instead of \$169.6 in the last fiscal year.