

MESSAGE FOR CONTRACTORS

We encourage contractors to review the "[Message for All.doc.](#)"

OVERVIEW

Typical contractors who influence the decision to recycle mercury-containing lamps:

- Electrical
- Maintenance
- Relamping
- Janitorial
- Demolition

Any contractor who works in a building can assist owners with lamp recycling. This presents contractors with a new business opportunity. Collection and recycling services can be a new profit center, or can be offered as a value-added service for better customer relations. You can charge a fee to collect lamps, and arrange for recycling through an authorized recycler. Recyclers can provide you with a certificate verifying that the lamps were recycled. This certificate can be passed along to the generator (i.e. building owner). Containers for waste lamps are available through recyclers. A list of recyclers can be found at www.almr.org or www.lamprecycle.org.

FEDERAL AND STATE RULES

Federal and state rules allow lamp generators, such as building owners and contractors to collect and accumulate lamps for recycling with reduced regulatory burden. Most states in the U.S. have adopted a less burdensome set of regulations for dealing with hazardous waste lamps and several other hazardous waste items. These regulations are known as the Universal Waste Rule (UWR). If lamps are sent for recycling under the UWR, there are less stringent requirements for storage, record keeping and transportation as compared to managing them under the full Subtitle C hazardous waste requirements.

If contractors choose to recycle lamps under the less burdensome Universal Waste Rule, then the following applies:

Contractors can be considered "handlers" under the UWR. Universal waste handlers are divided into two categories by the amount of universal waste they produce. Each category has slightly different requirements:

Small Quantity Handler of Universal Waste (SQHUW) - A generator (building owner) or third party (contractor) who accumulates <5,000 kg of universal waste (such as spent mercury-containing lamps) at a time. No EPA ID is required. Storage time for the waste is up to one year. Employees are required to have minimal training and information on proper handling and emergency procedures regarding mercury-containing

lamps. Proper marking and labeling of universal waste is required. SQHUW requirements are found at 40 CFR 273 Subpart B.

Large Quantity Handler of Universal Waste (LQHUW) - A generator (building owner) or third party (contractor) who accumulates $\geq 5,000$ kg of universal waste (such as mercury-containing lamps) at a time. An EPA ID is required, and state registration may also be required. Storage time for the waste is up to one year. Employees are required to have training and information on proper handling and emergency procedures regarding mercury-containing lamps. Proper marking and labeling of universal waste is required. LQHUW requirements are found at 40 CFR 273 Subpart C.

Universal Waste Transporter - One who engages in the process of transporting waste lamps for ≤ 10 days. A transporter may not store, accumulate, dispose, dilute, or treat universal waste lamps. No EPA ID is required. Proper marking and labeling of waste lamps is required. Transporter requirements are found at 40 CFR 273 Subpart D.

Both SQHUWs and LQHUWs are exempt from the Subtitle C hazardous waste (HW) manifest requirements. A record of shipment is required for LQHUWs, and may take the form of a bill of lading (BOL) or other shipping document. In both cases, shipments can be made through a common carrier, instead of a certified hazardous waste hauler. No analytical testing or reporting of lamps is needed for recycling.

In summary, the following applies:

- Accumulation- can be for up to one year
- Transportation- can be done via common carrier
- No permitting is required

As a contractor, if you offer lamp recycling to your customers, and you do not accumulate or store spent lamps in your own facilities, you are not typically subject to hazardous waste regulations.

CRUSHING

Under federal regulations, intentionally breaking lamps (crushing) is considered “treatment.” Those who treat lamps (e.g., by drum-top crushing) are subject to full Subtitle C regulations rather than the UWR regulations. For more information on crushing, please see the “[Message for All.doc](#).” However, certain authorized state programs allow both whole and intentionally crushed lamps to be managed under the UWR. Handlers that choose to intentionally crush lamps must do so in accordance with authorized state programs. For more information specific to your state, consult the State-by-State Stringency Comparison Table, “[Message re- State Stringency.doc](#).”

LIGHTING SPECIFIERS

Specifiers should include end-of-life considerations when lighting is chosen for buildings. In addition to life-cycle costs of lamps, energy savings, and fixtures, mercury lighting disposal/recycling costs should be considered in the overall economics of using energy-efficiency lighting. Remember, owners and contractors are responsible for regulatory compliance. Specifiers can assist by getting information to the decision-makers. For more information, please see the “[Message for Lighting Specifiers.](#)”

LIGHTING RETROFIT

Any lighting retrofit will likely generate a large number of waste lamps. These lamps may contain some combination of mercury, cadmium, antimony and lead. Contractors and owners should pay close attention to proper disposal of this waste.

The services of a competent, properly licensed, recycling service for both lamps and ballasts is highly recommended for any retrofit project. It should be noted that the most significant environmental enforcement actions concerning incorrect handling of waste lamps and ballasts have involved lighting retrofits.

In the U.S., if the lamps classify as hazardous waste, it is the responsibility of the *owner* to manage the waste correctly; and *contractors* involved may share that *legal responsibility*.

Conditionally Exempt Small Quantity Generator (CESQG) Exemption May Not Apply

The ability of a retrofit to qualify for CESQG exemption from hazardous waste regulations are determined in part by rules specific to each state. Details may vary considerably. There is a strong probability that the quantity of lamps disposed of may exceed the amounts allowed under this exemption. An increasing number of states do not allow *any* mercury-containing lamps to be disposed of as municipal solid waste.

Potential for Superfund Liability

Even if lamps are disposed of legally in municipal solid waste landfills, this does not absolve the owner or contractor from U.S. Superfund liability. If a landfill becomes a Superfund site, all parties who contributed waste may be liable for the clean up, irrespective of whether their waste disposal was legal at the time.

OTHER JURISDICTIONS

The Canadian provinces have similar concerns about environmentally responsible lamp disposal. Lamp recyclers are also available in Canada. The www.lamprecycle.org website has information on lamp disposal and recyclers in Canada. Mexico has passed a version of the U.S. UWR, which includes mercury-containing lamps. Implementation is the responsibility of the 31 states. Details are not yet available.

LAMP BREAKAGE

The major exposure to mercury in lamps arises from lamp breakage. As the old lamps are removed from their sockets, they should be carefully packed to avoid breakage. Federal rules suggest using the cartons supplied with the new lamps for this purpose; alternatively, the lamp recycling service may be able to provide larger containers that will minimize the labor and handling involved. States have different requirements regarding the number of broken lamps that can be included in a shipment of universal waste lamps. Careful handling of waste lamps will, therefore, minimize disposal costs.

The Association of Lighting and Mercury Recyclers (ALMR) estimates there are about 500 million lamps per year that are not being recycled, but should be recycled. This is a huge opportunity for contractors. Once people realize how easy it is to get lamps recycled, more and more contractors can improve their bottom line by offering this service. We also encourage you to set up recycling programs for the spent mercury-containing lamps in your own facilities.

HOW CAN CONTRACTORS ASSIST THEIR CLIENTS RECYCLE?

Recycling services are provided by Association of Lighting and Mercury Recyclers (ALMR) member companies anywhere in the United States and its territories, Mexico and Canada. Services are available to large lamp users, small businesses, contractors, and municipal government agencies. They are also available to households and the public through household waste collection programs. Either directly or through a network of transportation contractors, spent lamps can be picked up in any U.S. community. There are also a number of lighting, maintenance and other building contractors who will collect spent lamps and get them recycled for their customers.

Lamp collection programs can be designed for all building owners/managers:

- If your building generates only small amounts of waste lamps, recycling can be facilitated through a “box program.” In this type of program, a container is provided to the owner/manager who fills it with spent mercury lamps. When the container is full, it can be sent to any recycler via a prepaid ground mail shipment program. Labels and shipping papers are provided.
- If your building generates large amounts of waste lamps, recyclers can arrange milk-run pick-ups. Common carriers will transport lamps to accumulation facilities for consolidation prior to shipment to destination facilities.
- If your building generates very large amounts of waste lamps, these lamps can be picked up in trailer loads as needed.
- There are numerous collection locations around the country that ship large quantities of lamps to recycling “destination facilities” (state authorized recyclers) every day.
- Recyclers typically provide customers with collection/shipping services and containers for lamps. They will also arrange all aspects of getting lamps recycled for anyone who is interested.

- Individuals and those that generate very small amounts of waste lamps can take the lamps to any locally operated household waste facility in their community. For a list of community programs see www.earth911.org.

We encourage you to set up recycling programs for the spent mercury-containing lamps in your own facilities.

RECYCLER SELECTION CRITERIA

It is incumbent upon you to select a recycling contractor that will best serve your needs while at the same time give you the assurance that your waste lamps are properly managed to minimize your liabilities. To assist, we have provided some general criteria for selecting your recycler:

- **Pricing-** Pricing represents the recyclers' ability to service you and your customers and meet your needs, while at the same time being price competitive. While pricing is key, as with many things, you usually get what you pay for. It is suggested that you question pricing and get more than one quote for your needs.
- **Service-** Important items include responsiveness, timeliness, program flexibility and customization, the personnel you will be working with, whether there will be intermediates, the capabilities of the firm and the equipment they will be using.
- **Risk management-** Recyclers, as Destination Facilities, are obligated to reduce or eliminate pollution risks for their clients. In order to remove the mercury characteristic from the waste, recyclers must comply with numerous federal and state regulations. Important factors for evaluating recyclers include 1) whether they meet insurance requirements for general and pollution liability, 2) the financial health of the company, 3) what indemnities or other assurances they offer clients, 4) their environmental record and compliance history, 5) the existence of government permits and approvals for facility operation or transportation, 6) operations and safety procedures and records, 7) vapor control technology and monitoring records, 8) hygiene and medical surveillance information, 9) the status of a facility closure plan, 10) facility audit reports, and 11) the availability of key regulatory contacts.

These items may seem extensive and your evaluation may seem daunting, but you are entrusting your hazardous waste to a third party and you need assurances. You are encouraged to ask potential recycling contractors about any of these items. It is perfectly acceptable to ask for references or to check with the state agency that regulates recycling facilities for compliance histories.

“Lamp Recycling. The Responsible Thing To Do.”©

For more information visit

www.Lamprecycle.org

or

www.ALMR.org