



Brussels, 31 August 2009

Dear Member State Expert,

**Subject: NGO's Comments on the EC draft decision 27/7/2009 adapting to progress the RoHS Annex, in relation to the allowed level of mercury content in lamps.**

This letter refers to the draft EC decision (of 27 July 2009) based on the published report from Oeko-Institut 'Adaptation to scientific and technical progress under directive 2002/95/EC' (20 February 2009), analysing and proposing among others certain levels of mercury for energy saving lamps (exemptions 1-4).

Once more the European Environmental Bureau (EEB) and the Green Purchasing Institute (GPI) would like to express serious concerns on the EC proposal on the proposed maximum mercury content per lamp. The consultant's recommendation was hampered by the fact that industry submitted very limited or no data. On the other hand the EEB and GPI, have submitted extensive comments during the consultation period and on the consultant's final report, showing data from US and EU manufacturers demonstrating that low-mercury lamps are available and lower mercury limits are technically achievable. These were not considered as basis for the proposed limits, as also acknowledged by the consultant.

Further to our latest submission (3 April 2009), and first round of comments from some only Member States, the EC has now sent a revised proposal dated 27 July 2009; deadline for comments by the Member States is the 1 September 2009.

We would therefore like to kindly:

- draw your attention on several issues related to the maximum allowed mercury limit in different types of energy saving lamps, and on the basis of that to,
- urge you to send your comments to the European Commission, asking them to modify the draft EC decision, to reduce the proposed mercury limits and to set limits to lamp categories where none have been set, taking as a basis the NGO proposal as it appears in the summary table of our consolidated comments (attached), based on our substantial, scientific and technical background and findings from the market.

Requesting the lowest possible maximum limits for mercury in lamps is absolutely crucial:

- Separate collection rates and recycling of such lamps is low and different among MS, and
- RoHS legislation is followed globally and the limits set for lamps will provide for the new global standard.

The main issues to be addressed are the following:

1. The proposed levels for **compact fluorescent lamps (CFLs) (single capped) for general purpose and linear fluorescent lamps (LFL) (double-capped)** are too high, given what is currently available on the market and should be reduced; we propose:
  - for CFLs (general purpose) < 50W, to 2mg Hg/ lamp
  - for LFL ≤ T5 (17mm) and T8 (28mm), to 2mg Hg/lamp
2. **Non-linear triband phosphor lamps > 17mm (>T5): U-shaped T8s** would fall under this exemption but limit should be an 6 mg Hg/ lamp limit, and not 15 mg. They are widely used in the US and are also found in the EU. Many models of U-bent T8 fluorescent lamps made by GE, Philips and Sylvania and sold in the US can meet this limit. Some have as little as 3 mg of mercury; at least two major lamp manufacturers offer u-bent T8s with 6 mg of mercury or less.

3. **Metal Halide HIDs:** No mercury limits have been proposed for any metal halide lamps in the proposed exemptions. Data from the US demonstrates that mercury limits of 10 mg for metal halides of  $\leq 100$  watts, and 30 mg for models  $>100$  watts up to 250 watts can easily be met with ceramic metal halide technology. Data from a European lamp manufacturer that was included in the Consultant's report is consistent with our recommendation.
4. **Standard (single burner) cycling HPS lamps** should have their own low-mercury limits, rather than being put together with double-burner that typically have much higher mercury content levels (as per exemptions 4(a)-l(d), (e) and (f)). The NGO have proposed certain limits for this category.
5. **Non-cycling HPS Lamps** should have their own low-mercury limits rather than being able to meet the higher-mercury limits that Cycling and Specialty HPS lamps (high CRI and double burner) can meet. The NGO have proposed certain limits for this category based on the fact that non-cycling HPS lamps typically have about 80-90% less mercury than cycling and other HPS lamps.
6. **Cold cathode CFLs (CC-CFLs):** It should be made clear that cold cathode CFLs are considered a CFL for General Lighting Purposes and fall in exemption 1(a), 1(b), and not under '1(e) special purpose CFLs'. Like conventional CFLs, CC-CFLs are designed to light spaces. NGOs have provided substantial data showing much lower levels of mercury in CC-CFLs, thereby justifying a lower limit below the 3.5 mg limit proposed for conventional CFLs (or below the 2 mg as in NGO proposal).

Once more, we would like to draw your attention to the fact that our recommendations have been based on **available data provided by lamp manufacturers** offering products in the EU and US markets as presented in this and previous submissions<sup>1</sup>. Using this data, for each lamp category discussed, we have recommended a maximum mercury limit value that in general two or more of the main lamp manufacturers are meeting already today. Our recommendations are also conservative because we typically add an extra 10% or more to manufacturers' reported mercury-content levels to account for fluctuations in total mercury content that occurs during dosing; scientific studies report that this is reachable by using modern dosing technologies such as "pills" or strips of mercury amalgam, which should be encouraged because they are also safer for factory workers and reduce mercury waste at factories where lamps are manufactured.

The **expiry dates** should be included in the decision for the Annex, awaiting the finalisation of the RoHS recast. Potential delay of the RoHS recast should not block review of the Annex.

Member States have now the opportunity to drive the market to the right direction. We would therefore urge you to send your comments to the EC proposing maximum mercury limits on each type of mercury-containing lamp on the basis of the proposed NGO recommendation rule in the consolidated version of our comments.

Thank you in advance for addressing our concerns.

Elena-Lymeridi Settimo  
Project Coordinator "Zero Mercury Campaign", European Environmental Bureau

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<sup>1</sup> Consolidated Environmental NGOs Response to Stakeholder consultation on mercury-containing lamps (Review of Annex to the RoHS directive), 31 August 2009, [http://www.zeromercury.org/EU\\_developments/090831NGOs-RoHS-Review-of-AnnexHg-in-lamps-Consolidated.pdf](http://www.zeromercury.org/EU_developments/090831NGOs-RoHS-Review-of-AnnexHg-in-lamps-Consolidated.pdf)

EEB-GPI response to consultant's report on mercury in lamps under the RoHS annex review, 3 April 2009,

[http://www.zeromercury.org/EU\\_developments/090403\\_EEB-GPI\\_response\\_to\\_Oeko\\_final\\_report\\_Hg-lamps.pdf](http://www.zeromercury.org/EU_developments/090403_EEB-GPI_response_to_Oeko_final_report_Hg-lamps.pdf)

Updated revised environmental NGOs response to stakeholder consultation on mercury containing lamps (10/11/2008),

[http://zeromercury.org/EU\\_developments/081110NGOs-RoHSconsultation-Review-of-AnnexHg-in-lamps.pdf](http://zeromercury.org/EU_developments/081110NGOs-RoHSconsultation-Review-of-AnnexHg-in-lamps.pdf)

Environmental NGOs response to the draft consultant's report (29/10/2008) on proposals for new exemptions on mercury in lamps (10/11/2008), [http://zeromercury.org/EU\\_developments/081110E-NGOs\\_response\\_draftOeko\\_rep\\_Hg\\_lamps-final.pdf](http://zeromercury.org/EU_developments/081110E-NGOs_response_draftOeko_rep_Hg_lamps-final.pdf)