

December 17, 2009

Federal Trade Commission
Office of the Secretary
Room H-135 (Annex N)
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

RE: Comments on Proposed Rule 16 C.F.R. Part 305 [RIN 3084-AB03] Appliance Labeling Rule

To Whom It May Concern:

The Northeast Waste Management Officials' Association (NEWMOA), Interstate Education and Reduction Clearinghouse (IMERC) Committee on Product Labeling is providing the comments below on the proposed federal rule 16 C.F.R Part 305 [RIN 3084-AB03] Appliance Labeling Rule as published in the Federal Register Vol. 74, No. 216, November 10, 2009 (74 FR 57950). We commend the Federal Trade Commission for bringing forth this important rulemaking, and we support many of the proposals.

The IMERC Product Labeling Committee members (state environmental agencies in Connecticut, Louisiana, Maine, Massachusetts, Minnesota, New York, Rhode Island, Vermont, and Washington) prohibit the sale of certain mercury-added products unless they have a label indicating the product contains mercury and addressing proper disposal and/or recycling of that product. The states that require mercury-added product labeling meet regularly as the IMERC Product Labeling Committee to discuss issues related to implementing their product labeling legislation.

In October 2009, we provided the U.S. EPA CFL Workgroup with a background paper and a list of state labeling regulations summarizing the states' labeling requirements for compact fluorescent lamps (CFLs), and we are attaching a copy of each document. This background paper and list of labeling regulations should aid the Federal Trade Commission in your review process regarding inconsistencies between the proposed rule and existing states' product labeling laws. In addition, the paper provides lessons learned and discusses other product labeling issues that we recommend be considered as part of your rulemaking.

The IMERC member states' comments below are based on our comparison of the labeling requirements in this FTC proposed rule and our states' laws.

General comment:

We note that the proposed rule does not discuss the issue of state pre-emption, and we therefore assume that this federal rule would not pre-empt state product labeling laws.

We also firmly believe that federal pre-emption of state product labeling laws should not be allowed.

Section IV Proposed Rule Changes, B. Proposed Package Labeling, 1. Front and Rear Panel Format pg. 57954:

“The Commission seeks comment on whether the rule should require a front and back label format as proposed. The Commission also seeks comment on whether the Lighting Facts label will fit on existing packages and whether the FTC needs to specify an alternative format for packages that are too small for the proposed label.”

COMMENT ON PACKAGE LABELING: The IMERC states would like to document for the record that the IMERC Product Labeling Committee Member States have existing laws covering alternative labels for product and packaging labels as described on page three of the attached background paper. **The IMERC states recommend that any “alternative format” be at least as informative as the proposed label by clearly stating that the CFL contains mercury and should be disposed and/or recycled according to all federal, state, and local laws.**

Section XIII Proposed Rule Language

16 C.F.R. Part 305 – Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required under the Energy Policy and Conservation Act (“Appliance Labeling Rule”)

§305.15 Labeling for lighting products (b)(4)(ii)(F), pg. 57966:

“The minimum font sizes and line thicknesses as illustrated in Prototype Labels 6 and 7 to Appendix L. No information on the Lighting Facts label shall be in type smaller than 6 point font.”

COMMENT ON PACKAGE LABELING: The IMERC states have reviewed and ruled on the issue of font size in many product labeling requests, and several states have statutory requirements for font sizes 10 point font or larger. Some states would consider any font less than 10 point font to be an alternative and would require the manufacturer to submit an alternative plan to explain the reason for the smaller font. The IMERC states have found that any font size less than 8 to 10 point font is not legible to the average consumer. **Therefore, we recommend that the rule require that the type be no smaller than 10 point font.**

§305.15 Labeling for lighting products (b)(5)(ii), pg. 57966:

“For general service lamps containing mercury, the following statement: “Contains mercury, See epa.gov/bulbrecycling or 1-800-XXX-XXXX.””

COMMENT ON PRODUCT (BULB) LABELING: The IMERC states agree with the proposed rule labeling statement above, however the FTC rule does not clearly state a minimum font size for the product label. The IMERC states recommend the same font size for the bulb that we recommend for the packaging, i.e., 10 point font or larger. Any alternative labels should be at least as informative as the label above, i.e., state that the

lamp contains mercury and discuss disposal and/or recycling requirements for these lamps. While in the past, the IMERC states have allowed for the chemical symbol Hg in a circle for some lamps, the states have received much feedback from consumers noting that they had no idea what the Hg symbol meant. This shows that the "Hg" label is ineffective in communicating that the label contains mercury. **We recommend that the symbol "Hg" alone not be allowed and any alternative clearly state "mercury".**

Background on NEWMOA and IMERC:

The Northeast Waste Management Officials' Association (NEWMOA) is a nonprofit, nonpartisan interstate association that has a membership composed of the hazardous waste, solid waste, waste site cleanup, and pollution prevention program directors for the environmental agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NEWMOA was established by the Governors of the New England states as an official regional organization to coordinate interstate hazardous and solid waste, pollution prevention, and waste site cleanup activities, and was formally recognized by the U.S. Environmental Protection Agency (EPA) in 1986. NEWMOA's mission is to develop and sustain an effective partnership of states that helps achieve a clean, healthy, and sustainable environment by exploring, developing, promoting, and implementing environmentally sound solutions for:

- Reducing materials use and preventing pollution and waste,
- Properly reusing and recycling discarded materials that have value,
- Safely managing solid and hazardous wastes, and
- Remediating contaminated sites.

The group fulfills this mission by providing a variety of support services that:

- facilitate communication and cooperation among member states, between the states and the U.S. EPA, and between the states and other stakeholders;
- provide research on and evaluation of emerging issues, best practices, and data to help state programs maximize efficiency and effectiveness; and
- facilitate development of regional approaches to solving critical environmental problems.

IMERC is a program of NEWMOA. In 2001, NEWMOA launched the Interstate Mercury Education and Reduction Clearinghouse to provide:

- ongoing technical and programmatic assistance to states that have enacted mercury education and reduction legislation
- a single point of contact for industry and the public for information on mercury-added products and member states' mercury education and reduction programs

The IMERC state members include California, Connecticut, Illinois, Louisiana, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Vermont, and Washington.

The IMERC Product Labeling Committee would like to thank the FTC for this opportunity to comment on this worthwhile rulemaking.

Sincerely,

✓
Enid J. Mitnik
Maine Department of Environmental Protection
IMERC Chair

Enclosures (2):
IMERC Labeling Background Paper
IMERC State Labeling Regulations

cc:

Robert Hannon, Connecticut Department of Environmental Protection
Chris Piehler, Louisiana Department of Environmental Quality
Sarah Weinstein, Massachusetts Department of Environmental Protection
John Gilkeson, Minnesota Pollution Control Agency
Peter Pettit, New York Department of Environmental Conservation
Beverly Migliore, Rhode Island Department of Environmental Management
Gary Gulka, Vermont Department of Environmental Conservation
Maria Victoria-Peeler, Washington Department of Ecology
Ellie McCann, U.S. Environmental Protection Agency,
Office of Pollution Prevention and Toxics

IMERC-member State Labeling Requirements for CFLs
Background Paper for U.S. EPA CFL Workgroup
Prepared by IMERC Staff - October 2009

This background paper responds to an inquiry from the U.S. Environmental Protection Agency regarding IMERC-member states' current requirements for mercury labeling of compact fluorescent lamps (CFLs).

IMERC

In 2001 the Northeast Waste Management Officials' Association (NEWMOA) launched the Interstate Mercury Education and Reduction Clearinghouse (IMERC) to provide:

- ongoing technical and programmatic assistance to states that have enacted mercury education and reduction legislation
- a single point of contact for industry and the public for information on mercury-added products and member states' mercury education and reduction programs

The fourteen IMERC-member states include California, Connecticut, Illinois, Louisiana, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Vermont, and Washington.

States that Require Labeling

Among the IMERC-member states, Connecticut, Louisiana, Maine, Massachusetts, Minnesota, New York, Rhode Island, Vermont, and Washington prohibit the sale of certain mercury-added products unless they have a label indicating that the product contains mercury. In addition, Maryland and Oregon have mercury-added product labeling laws, but these states do not belong to IMERC. The IMERC-member states that require mercury-added product labeling meet regularly as the IMERC Labeling Committee to discuss issues related to their product labeling legislation.

A mercury-added product label must meet certain specified standards (see: standard labeling) regarding wording, size, location, visibility, and durability unless the states have approved an alternative to standard labeling that allows the manufacturer to vary from one or more of the specified standards.

"Standard" Labeling Requirements (Listed on IMERC website)

Labeling requirements generally mandate that a mercury-added product have a visible and durable label on the product that indicates that it contains mercury and should be managed or disposed of properly. The states also require that the product packaging bear a label that is visible prior to purchase indicating that it contains mercury and should be managed or disposed of properly. A standard label is one that meets all the following specifications:

1. Is visible to the product user;
2. Is printed in English using 10 point font or larger;
3. Is mounted, engraved, molded, embossed, or otherwise affixed to the product using materials that are sufficiently durable to remain legible throughout the life of the product;
4. Bears the wording "contains mercury" or equivalent wording;
5. States that the product cannot be placed in trash and must be recycled or disposed of as a hazardous waste.

Examples:

"Contains Mercury, Don't Put In Trash. Recycle or Dispose as Hazardous Waste"

"Contains Mercury, Dispose According to Local, State or Federal Laws"



"Contains Mercury, Dispose of Properly "

6. If the product incorporates a mercury-added component that is not visibly labeled in accordance with this standard, the label on the larger product must clearly identify the internal component, e.g., the [describe component] in this product contains mercury, dispose according to local, state, or federal law or some equivalent language indicated in sample wording above.
7. If the product is sold in packaging that obscures the label, the packaging also must be labeled such that the label:
 - o Is visible at the time of purchase;
 - o Bears the wording "contains mercury" in 10 point or larger font;
 - o Identifies the mercury-added component within the package (e.g., "lamp contains mercury" if the product is a light fixture that includes a fluorescent lamp); and
 - o Bears the wording "dispose according to local, state, or federal laws," "do not place in trash, dispose as a hazardous waste" or some equivalent wording;
8. If the product is offered for sale by catalog, telephone, or internet such that the label on the product or packaging is not visible at the time of purchase, the consumer must be made aware prior- to-purchase that there is intentionally-added mercury in the product by placing a label or other information provided in sales literature, web site pages, etc.

Labeling Plan Submission and Approval Process

In 1998, the State of Vermont was the first state to establish a product labeling plan review process when it passed its law requiring the labeling of mercury-added products prior to “sale for use” in the state. All submission, review, and communication with manufacturers regarding standard labeling plans occurred through Vermont. A number of additional IMERC-member states have since passed laws regarding labeling of mercury-added products, however their legislation is silent on requirements for “standard” labeling plan submission and approval. As a result, Vermont DEC retained its lead role in the review process, and if the state ultimately approved a plan, the plan was also approved in the other states. There is no expiration date for approved standard labeling plans.

It should be noted that the state of Vermont recently repealed the requirement for manufacturers to submit a standard labeling plan and will instead institute a self-certification process through which manufacturers will confirm their compliance with standard labeling guidelines. This change in the legislation is now law.

Alternative Labeling

If a product cannot be labeled in accordance with standard labeling guidelines, manufacturers must submit an alternative labeling plan for review by states with alternative labeling requirements. In the past, Vermont took a lead role in processing the submissions and communicating with the companies until it was time for the other IMERC states with alternative labeling requirements to come together for a joint review. Alternative plans are discussed by the states during IMERC Labeling Committee conference calls and the states come to joint decisions on these plans. With the recent changes to Vermont’s labeling requirements, IMERC will now take the lead role in processing the alternative plans and organizing the review calls.

More information about alternative labeling can be found at:

www.mercvt.org/manreq/2005reqmts/altlabel.htm

All alternative plans must be resubmitted and approved every few years. All alternative plans currently on file with Vermont expired on March 1, 2009, and the IMERC-member states are in the process of contacting manufacturers about the requirement to resubmit their plans.

Alternative Labeling and Fluorescent Lamps

Lamp manufacturers have claimed that due to their size and function, many fluorescent lamps cannot be labeled according to the states’ standard requirements. Vermont DEC and the lamp manufacturing members of the National Electrical Manufacturers Association (NEMA) discussed these constraints at length and in 2002 ultimately agreed to an alternative labeling plan

for mercury-added lamps, otherwise known as the 0258 alternative. The main feature of this plan was that the manufacturers may use the “Hg” symbol in a circle to satisfy the requirement for the label on the lamp itself. This applies to both CFLs and linear fluorescent tubes. The alternative also included direction for packaging labeling that notes the product contains mercury, how to dispose of the lamp properly, and contact information for recycling options.

Vermont’s initial approval of this alternative included a condition that NEMA financially support a campaign to educate consumers on the meaning of the Hg symbol and maintain the lamprecycle.org website to provide recycling and disposal information. Non-NEMA members were allowed to use the 0258 alternative but are not required to fund the educational outreach to do so.

The full requirements of the 0258 alternative are available at:

www.mercvt.org/manreq/1998reqmts/alt0258.htm

FTC Proposed Labeling for CFLs

The Energy Independence and Security Act of 2007 directs the Federal Trade Commission (FTC) to evaluate the labeling of compact fluorescent lamps in terms of energy efficiency, specifically looking at such characteristics as lamp brightness, energy use, operating cost, color temperature, and lamp life. During the comment period before the start of a consumer study regarding the effectiveness of lamp labeling, NEMA submitted comments primarily focused on the issues regarding energy efficiency, but also included a request for FTC to “include the NEMA nationwide mercury label on lamp packages.” This “nationwide” label is the 0258 language. The entire NEMA comment is available at:

www.ftc.gov/os/comments/lampstudypra2/540385-00005.pdf

State Requirements and Fluorescent Lamps

All nine IMERC-member states that require labeling of mercury-added products require labeling of CFLs and other fluorescent lamps (NOTE: This is the only mercury-added product category that Washington requires labeling for). Both Washington and Connecticut have specific language in their laws regarding how fluorescent lamps must be labeled. The other IMERC states have used alternative labeling plans to regulate how fluorescent lamps are labeled. More information can be found at the following websites:

CT – www.cga.ct.gov/2009/pub/chap446m.htm#Sec22a-619.htm

LA – www.deq.louisiana.gov/portal/tabid/287/Default.aspx

MA – www.mass.gov/legis/laws/seslaw06/sl060190.htm

ME – www.maine.gov/dep/mercury/label.htm

MN – www.revisor.leg.state.mn.us/statutes/?id=116.92

NY – www.dec.ny.gov/chemical/8853.html

RI – www.dem.ri.gov/pubs/regs/regs/waste/hgreg07.pdf

VT – www.mercvt.org/manreq/index.htm#Labeling

WA – www.ecy.wa.gov/mercury/mercury_light_bulbs.html

Lamp Labeling Lessons Learned

The purpose of the states’ mercury-added product legislation is to inform the consumer that the product they are purchasing contains mercury and that the product needs to be recycled or managed as hazardous waste at its end-of-life. Ensuring that a mercury-added product is properly managed at its end-of-life prevents the release of mercury into the environment when it enters the waste stream. The IMERC-member states have always advocated both mercury-added product and product packaging labeling. Without a product label, the mercury and recycling message would be lost since most consumers do not keep packaging for the life of the product.

When submitting their original labeling plan, the lamp manufacturers claimed that many mercury-containing lamps were too small to carry the standard label language that includes the word “mercury.” Vermont approved the lamp manufacturer’s alternative label of “Hg” for the product itself, and other states’ followed suit to allow this alternative label. The alternative plan also required manufacturers to maintain a web site to provide consumers with information on recycling of mercury-added lamps and to contribute financially to Vermont’s consumer education program.

Since allowing this alternative label, state labeling program staff have received much feedback that consumers do not know what the “Hg” symbol means. This label does not inform average consumers when the bulb burns out that the lamp contains mercury and should be recycled. It is the IMERC states’ understanding that FTC is currently considering new lamp labeling requirements for screw-base CFLs. Although some compact fluorescent lamps may not have enough surface area to carry a standard label, the base of this common type of CFL does have sufficient space for a label that meets the intent of the states’ laws. One such label could be

“Contains Mercury – Recycle ”.

Users have also found that the manufacturers’ web site (lamprecycle.org) is not very user friendly. It is far from comprehensive in providing state-specific lamp recycling information (e.g., not all consumer recycling options are clearly listed), and it is hard to locate information on the safe clean-up of a broken fluorescent lamp. At this time, the IMERC-member states recommend that EPA’s web site (epa.gov/bulbrecycling) be listed on lamp packaging labeling because it is more effective in providing lamp recycling and clean-up information.

Based on the IMERC states’ experience to date, NEMA’s proposal for a “nationwide mercury label on lamp packages” would not meet the intent and/or requirements of at least some existing state laws.

Other Lamp Labeling Issues

One requirement of EnergyStar qualified CFLs is mercury content of less than 5 mg. Because this is the maximum amount of mercury allowed in CFLs by law in the European Union, California, and Maine, all CFLs sold in these jurisdictions would meet that requirement. The EnergyStar standard for mercury content of CFLs should be lowered to a maximum of 3 mg to provide consumers with a clear indicator of environmentally-preferable CFLs in regard to mercury.

Lead content (glass and circuitry) and “power factor” are important considerations for lamp toxics content and efficiency, respectively. We believe that they are important product considerations that warrant consumer disclosure and should be addressed in a lamp labeling rule or program. However, we do not have extensive experience with these issues and, therefore, we are not in a position to make specific recommendations.

Connecticut

Chapter 446m - Mercury Reduction and Education, Sec 22a-612 to 22a-628

What gets labeled?	What does not get labeled?	Where is the label?	What does the label consist of?	Requirement for label to be visible prior to purchase?	Who is required to do the labeling?	Are plans required? Accepted?
<ul style="list-style-type: none"> * mercury-added products * mercury-added component when component is removable by purchaser * doorpost of motor vehicle 	<ul style="list-style-type: none"> * mercury-added products with date of manufacture prior to 1/1/04 * motor vehicles manufactured prior to 10/1/03 * button cell batteries containing mercury * medical equipment not intended for non-medical personnel * pharmaceuticals, biological, and over-the-counter substances that can be sold without perscription under FDA * packaging components that contain mercury 	<ul style="list-style-type: none"> * product and either packaging or care and use manual * if irremovable lamp used for backlighting, then label may be on product or care and use manual * if product contains only a button cell battery, then packaging requirements met by product instruction, if any, and on packaging; no product label required * lamps and HID: "Hg" symbol on each lamp plus packaging label * no packaging label for large appliance * no product label on mercury fever thermometers * for motor vehicles: doorpost only, not required on components * for luminaries not sold through retail: web site and catalog 	<ul style="list-style-type: none"> * parent product label sufficiently detailed to enable component to be located for removal * words or symbols * contains mercury * properly dispose of or recycle as hazardous waste * sufficiently durable to remain legible for useful life 	<ul style="list-style-type: none"> * packaging labels must be clearly visible prior to sale * prior to sale or distribution for catalog sales and promotional purposes * prior to sale for telephone sales 	<ul style="list-style-type: none"> * manufacturer unless a wholesaler or retailer agrees in writing to an approved alternate plan 	<ul style="list-style-type: none"> * alternate plans may be submitted to the commissioner and IMERC

Louisiana

Mercury Risk Reduction Act Louisiana Revised Statutes 30:2571 et seq

Mercury Risk Reduction regulations LAC 33:I.2701, et seq

What gets labeled?	What does not get labeled?	Where is the label?	What does the label consist of?	Requirement for label to be visible prior to purchase?	Who is required to do the labeling?	Are plans required? Accepted?
<p>* mercury-added products and their packaging</p>	<p>* appliance packaging (exempt from package labeling) * fever thermometers and button cell batteries (exempt from product labeling) * autos (door post label listing components with mercury) * product containing non-consumer replaceable lamps and the product packaging (literature must still contain labeling information)</p>	<p>* clearly visible prior to sale on both product and packaging</p>	<p>* in English * 10 point font * sufficiently durable for life of product * must say "Contains Mercury" or equivalent wording * must state that the product cannot be placed in the trash and must be recycled, handled as a universal waste, or disposed of as a hazardous waste (can use symbols)</p>	<p>* yes</p>	<p>* manufacturer or an importer or domestic distributor</p>	<p>* alternative plans to labeling requirements may be approved by the administrative authority, but not necessary if guidelines in regulation are followed</p>

Maine

38 MRSA Section 1662, Chapter 870

What gets labeled?	What does not get labeled?	Where is the label?	What does the label consist of?	Requirement for label to be visible prior to purchase?	Who is required to do the labeling?	Are plans required? Accepted?
<ul style="list-style-type: none"> * mercury-added products * doorpost of motor vehicle * mercury-added products that are components of larger products sold in Maine, including lamps meant to be replaced by the product user 	<ul style="list-style-type: none"> * button cell batteries * products containing button cell batteries * mercury-added components of motor vehicles * mercury-added products whose only mercury component is a lamp not readily replaced by the product user 	<ul style="list-style-type: none"> * product * packaging if product label not visible to purchaser * invoice if lamps sold in bulk to commercial/industrial customer 	<ul style="list-style-type: none"> * words or symbols * may not be disposed of until mercury is removed and reused, recycled, or managed to prevent it from entering the solid waste stream or wastewater * clearly visible and legible * 10 point font or larger presumed to be legible * durable for useful life * contains mercury * acceptable: "Contains Mercury. Don't Put in Trash. Recycle or Manage as Hazardous Waste" 	<ul style="list-style-type: none"> * yes 	<ul style="list-style-type: none"> * "...the manufacturer of the product shall affix or cause to be affixed..." * retailer if product is repackaged 	<ul style="list-style-type: none"> * manufacturer may submit alternate plan to IMERC or department; department approves alternatives (3 year duration) * department can approve plan approved by another state (duration defaults to state of origin)

Massachusetts Mercury Management Act; 310 CMR 75.00

What gets labeled?	What does not get labeled?	Where is the label?	What does the label consist of?	Requirement for label to be visible prior to purchase?	Who is required to do the labeling?	Are plans required? Accepted?
* mercury-added products	<ul style="list-style-type: none"> * refurbished medical equipment * button cell batteries * products containing button cell batteries * mercury-added products whose only mercury component is a removeable lamp * formulated products 	<ul style="list-style-type: none"> * required on the product unless lamp used for backlighting, then label may be in care and use manual in lieu of product * product package if product label is obscured by package * invoice if lamps sold to commercial, industrial or office building, or person who replaces or removes outdoor customer; except if incidental retail sale 	<ul style="list-style-type: none"> * sufficiently durable to remain legible for useful life * mercury is present * product to be reused, recycled or properly disposed of as hazardous waste 	* yes	* manufacturer or an importer or domestic distributor	* may comply with plan approved by another IMERC state

Minnesota
Minn. Stat. § 116.92.

What gets labeled?	What does not get labeled?	Where is the label?	What does the label consist of?	Requirement for label to be visible prior to purchase?	Who is required to do the labeling?	Are plans required? Accepted?
<p>* mercury-added products specifically identified in statute, including: thermostats, thermometers, switches, relays, electrical devices, appliances, medical and scientific instruments, lamps, chemicals, fixatives, reagents, and electrodes</p>	<p>* switches in motor vehicles * button cell batteries meeting statutory mercury content limits (25 mg or 0.025% - Minn. Stat. § 325E.125) * products whose only component is button cell battery * labeling of human prescriptions, pharmaceuticals, and veterinary pharmaceuticals is not required by state law</p>	<p>* label must be visible at time of product purchase and at time of product disposal * package, product, and/or component may need to be labeled in order to meet the requirements * products with lamps that are not intended to be replaceable by the consumer may be labeled on the product or in the care and use manual * commercial lamp sales require disclosure on the invoice * retail lamp sales require shelf signage (Minn. Stat. § 325E.127)</p>	<p>* requirement is descriptive: "...labeled in a manner to clearly inform a purchaser or consumer that mercury is present in the item and that the item may not be placed in the garbage until the mercury is removed and reused, recycled, or otherwise managed to ensure that it does not become part of solid waste or wastewater."</p>	<p>* visible at time of purchase and at time of disposal</p>	<p>* product may not be sold without label * responsibility may be fulfilled by manufacturer or another party</p>	<p>* plans are not required but may be submitted * labels may be submitted for informal agency review * labeling pursuant to a plan approved by an IMERC state is in compliance with Minnesota statutes</p>

New York
ECL Article 27, Title 21, 27-2101-2117

What gets labeled?	What does not get labeled?	Where is the label?	What does the label consist of?	Requirement for label to be visible prior to purchase?	Who is required to do the labeling?	Are plans required? Accepted?
<ul style="list-style-type: none"> * mercury-added products * doorpost of motor vehicles 	<ul style="list-style-type: none"> * over-the-counter substances * pharmaceutical products * biological products * photographic film or paper * button cell batteries * products containing button cell batteries 	<ul style="list-style-type: none"> * affixed to product 	<ul style="list-style-type: none"> * durable and legible for useful life * mercury is present * may not be disposed of until mercury is removed and reused, recycled, or managed to prevent it from entering solid waste or wastewater 	<ul style="list-style-type: none"> * visible prior to purchase and during installation and removal of product 	<ul style="list-style-type: none"> * manufacturer 	<ul style="list-style-type: none"> * labeling plan not required, however, labeling considered alternative if criteria in previous columns not met * alternative authorizations good for 4 years and renewable * labels adopted by other states acceptable if criteria in previous columns are met

Rhode Island

What gets labeled?	What does not get labeled?	Where is the label?	What does the label consist of?	Requirement for label to be visible prior to purchase?	Who is required to do the labeling?	Are plans required? Accepted?
<ul style="list-style-type: none"> * mercury-added products * doorpost of car unless alternate location approved by Department or another state 	<ul style="list-style-type: none"> * individual motor vehicle components unless suggested by manufacturer * button cell batteries * products whose only component is button cell battery or mercury-added lamp 	<ul style="list-style-type: none"> * mercury-added component, larger product that contains the component, and the package (the label on the larger product must identify, describe, and give the location of each component) * invoice if lamps sold in bulk to commercial, industrial or office building 	<ul style="list-style-type: none"> * word or symbols * may not be disposed of or placed in a waste stream until mercury is removed and reused, recycled, or otherwise managed * acceptable: "Contains Mercury. Don't Put In Trash. Recycle or Manage as Hazardous Waste" * clearly visible and legible * 10 point font or larger * sufficiently durable for useful life 	<ul style="list-style-type: none"> * visible at time of purchase or receipt unless internet or catalog sales (then manufacturer or retailer must inform prior to sale or distribution) 	<ul style="list-style-type: none"> * manufacturer (see definition in regulations) 	<ul style="list-style-type: none"> * manufacturer may submit alternate plan * department approves alternatives (no more than 3 years with renewals at least 90 days prior to expiration) * may use plan approved by another state

Vermont

Title 10 Chapter 159 Section 6621d

What gets labeled?	What does not get labeled?	Where is the label?	What does the label consist of?	Requirement for label to be visible prior to purchase?	Who is required to do the labeling?	Are plans required? Accepted?
<ul style="list-style-type: none"> * mercury-added products * doorpost of motor vehicle 	<ul style="list-style-type: none"> * refurbished medical equipment * button cell batteries * products containing button cell batteries * formulated products * specific photographic film * mercury-added components of motor vehicles 	<ul style="list-style-type: none"> * product, unless LCD <7" - then care and use manual only * component, unless internal irreplaceable lamp - then care and use manual or product instructions * product packaging, unless large appliance * if lamp is replaceable and housing obscures lamp label - lamp housing and care and use manual 	<ul style="list-style-type: none"> * words, symbols * 10 point font * durable and legible for useful life 	<ul style="list-style-type: none"> * yes unless: 1. screen or LCD <7" 2. only mercury component is irreplaceable lamp used for backlighting, LCD, scanning, or copying 3. large appliance 	<ul style="list-style-type: none"> * manufacturer or importer 	<ul style="list-style-type: none"> * alternative plans are required and approved

Washington**RCW 70.95M**

What gets labeled?	What does not get labeled?	Where is the label?	What does the label consist of?	Requirement for label to be visible prior to purchase?	Who is required to do the labeling?	Are plans required? Accepted?
* fluorescent lamps	* no other product required to be labeled	* container and lamp	* international symbol for "contains mercury" or a label approved by another state	* yes	* manufacturer	* no