

Information for . . .

Building Owners and Facility Managers

Overview

Building owners and managers have a responsibility to manage the mercury-containing lighting that is used in most commercial properties. Whether you own the building or manage it for someone else, under Massachusetts law there is liability associated with improper lamp disposal. Fortunately, a recycling program is easy to set up to eliminate that liability.

What can owners/managers do?

The first step is to educate employees. It is important that someone in each building understand what he or she can and cannot do with used lamps. Who makes “disposal decisions” for lighting in your building(s)? Each building may be different. In some, the owner may directly control disposal decisions. In others, owners may delegate this authority to employees, contractors or service companies. Larger buildings may use energy management companies, electrical service contractors, lighting retrofit companies and even janitorial services to remove old lamps and install new ones. This is why it is important to get the relevant information to the “decision-maker.”

Federal and State Rules

Disposal of mercury-containing lamps by businesses is regulated under the Universal Waste Rule (UWR). This rule prohibits most businesses from disposing of hazardous mercury-containing lamps in traditional municipal landfills. In nearly all situations, recycling is the only viable disposal option. The federal UWR (at 40 CFR Part 273) imposes minimal requirements (no permitting is needed and no special tracking or reporting is required) if generators recycle lamps. Any lamp recycler can assist in setting up a program. For a list of recyclers see www.lamprecycle.org, or contact the Association of Lighting and Mercury Recyclers (www.almr.org).

Ultimately, regulatory compliance remains the responsibility of the owner of the lamps. The owner is defined as the “generator” when lamps are spent and become hazardous waste. Owners are also “handlers” when they accumulate their own lamps. While there are exemptions in the federal rules for small generators, many states have more stringent rules. (See **State Lamp Recycling Regulations & Contacts** page on www.lamprecycle.org for information on state regulations.)

The Massachusetts Universal Waste Rule applies to all businesses and governmental agencies, but not to waste generated from a household. The MA rule covers mercury-containing lamps (and other products) that fail the Federal Toxic Characteristic Leaching Procedure (TCLP) test. These lamps must be recycled at their end-of-life and managed according to specific regulations.

In addition, until recently the UWR has allowed specially formulated “low mercury” lamps with green end-caps (or green writing) to be managed as solid waste. However, the MA mercury management law enacted in 2006 changed this scenario and imposed a ban on disposal of **any** products containing mercury, as of May 1, 2008. This ban will include “low mercury” lamps and will apply to mercury products from households as well.

In some states all mercury-containing lamps must be recycled. In other states the generator may be exempt due to volume of waste generated, but the lamps themselves are not exempt. Therefore, some buildings with multiple tenants could exceed minimum levels. An example of this is when multiple tenants share a common container for refuse. Enforcement agencies cannot distinguish different tenant’s lamps, and if the total exceeds the regulated amounts, the entire building and its owner are held responsible.

Owners and managers are encouraged to provide recycling options for occupants/tenants. Relationships with building maintenance, lighting, energy, and other contractors who service buildings can be developed, so the contractor knows the lamps from the building need to be separated from the rest of the solid waste and taken or shipped to commercial lamp recyclers throughout the country.

Incentives

Building owners should contact local public utilities and state/municipal tax authorities regarding rebates or tax credits for energy efficiency upgrades to buildings. When retrofitting with efficient mercury-containing lighting, some of the cost savings and credits may be used to offset recycling costs.

Setting up Recycling Services

Recycling services are provided by member companies of the Association of Lighting and Mercury Recyclers (ALMR) and other recyclers, virtually anywhere in the United States and its territories, Mexico and Canada. Services are available to large lamp users, small businesses, contractors, municipal government agencies, and also to households and the public through household waste collection programs. Material can be picked up in any U.S. community, either directly or through a network of transportation contractors. 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 generators:

- Small users can participate by using a “box program”, where a container is provided and when full it can be sent to any recycler via ground mail shipment. This is a prepaid program and labels and shipping papers are provided.
- For larger users, recyclers can arrange milk-run pick-ups and common carriers will transport lamps to accumulation facilities throughout the country, where they are consolidated for shipment to destination facilities.
- For very large generators, materials 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 customer services and containers, and will also arrange all aspects of getting lamps recycled for anyone who is interested.
- Individuals and small users can also take lamps to any locally operated household waste facility in their community. For a list of community programs see www.earth911.org

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

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