

## **Can I Throw My Lamps in the Trash?**

Because there is no simple answer to the above question, there appears to be a lot of confusion in the marketplace as to who is required to recycle spent mercury-bearing lamps. Let's look at some follow-up questions, the answers to which will clarify your responsibilities under the current regulatory framework.

### **Q. ARE SPENT MERCURY-CONTAINING LAMPS A HAZARDOUS WASTE?**

#### **A. MAYBE**

Under federal regulations promulgated under the Resource Conservation and Recovery Act (RCRA), fluorescent and high intensity discharge lamps (HIDS) are presumed to be a hazardous waste UNLESS the generator can demonstrate through testing or information from the manufacturer that the lamps do not meet the criteria for hazardous waste.

### **Q. DOES THIS MEAN I CAN LEGALLY DISPOSE OF “LOW MERCURY” FLUORESCENT LAMPS IN THE TRASH?**

#### **A. MAYBE**

State environmental agencies are responsible for implementing and enforcing RCRA regulations (except for Hawaii and Iowa where the federal government has maintained control). Some states have decided to regulate mercury wastes more strictly than the federal requirements. *You must check with your state environmental agency to see if it is legal under state regulations to dispose of “low mercury” fluorescent lamps as a solid waste in the trash.*

It is also important to note that at this time HID lamps are not considered “low mercury” and cannot be disposed of in the trash unless you have test results proving that they do not meet the criteria for hazardous waste.

### **Q. AREN'T “SMALL QUANTITY GENERATORS” OF HAZARDOUS WASTE EXEMPT FROM FEDERAL REQUIREMENTS AND ABLE TO THROW SPENT LAMPS IN THE TRASH?**

#### **A. MAYBE**

Federal RCRA rules allow for this small quantity exemption. *However you again need to check with your state environmental agency. Several states do not allow any business or institution, regardless of size, to dispose of any hazardous waste in the trash.*

### **Q. DOES THE “SUPERFUND” HAZARDOUS WASTE PROGRAM APPLY TO DISPOSAL OF SPENT FLUORESCENT AND HID LAMPS?**

#### **A. YES**

## Onyx Environmental Services Electronics Recycling Division

Under the Superfund Program, all non-household generators of waste, regardless of size, are liable for any and all future harm to public health and the environment caused by their waste. *There is no “small quantity exemption” from this liability. Even generators who legally dispose of a “solid waste” are subject to this liability.* Superfund liability is

- strict (intent does not have to be proved)
- joint and several (each individual “contributor” is responsible for the entire problem)
- “cradle to grave” (waste generators, handlers, storage/treating facilities and transporters)

Superfund liability extends indefinitely into the future for as long as the waste remains a waste.

### **Q. DOES THE “SUPERFUND” HAZARDOUS WASTE PROGRAM APPLY TO DISPOSAL OF SPENT “LOW MERCURY” FLUORESCENT LAMPS?**

#### **A. YES**

As stated earlier, under Superfund, generators are liable for any future harm caused by their waste. Even generators who legally dispose of “low mercury” lamps could be held liable at any time in the future if mercury contamination occurs at any facility that handled or disposed of these lamps.

### **Q. IS A “SMALL QUANTITY EXEMPT” GENERATOR OF SPENT LAMPS SUBJECT TO SUPERFUND LIABILITY?**

#### **A. YES**

If a small quantity generator of spent lamps legally disposes of lamps in the trash, that generator is liable if mercury contamination occurs at any time in the future at handling or disposal facilities used by the generator.

In conclusion, there are really two questions you need to ask:

#### **1. Can I legally dispose of my lamps as a solid waste?**

To answer this question you need to determine if your state (a) allows solid waste disposal of “low mercury” fluorescent lamps;” and/or (b) has a “small quantity” exemption. You also should look at regulatory trends in your state. Many states are re-examining their regulations related to mercury with the intent of making them stricter. What is legal today may not be legal in two to three years, when lamps purchased today are removed from service.

If you have determined that you can legally dispose of your spent fluorescent lamps as a solid waste, you need to ask another question.

#### **2. Should I dispose of my lamps as a solid waste?**

This is not a legal/compliance question; it is a risk management decision based on your legal and financial liability under Superfund. The deeper the financial pockets, the greater the concern.

