



California Product Stewardship Council

P.O. Box 2321, Mill Valley CA 94942

January 31, 2007

Assemblymember Lloyd Levine
California State Assembly
P.O. Box 942849
Sacramento, CA 94249-0040

Dear Assemblymember Levine,

By way of introduction, the California Product Stewardship Council (CPSC) is a newly formed organization representing local governments throughout California. We applaud your intention to introduce legislation to make California the first state in the nation to ban incandescent light bulbs and promote instead the use of compact fluorescent lights (CFLs) as an important way to reduce climate disrupting greenhouse gases.

It is absolutely critical, however, to include in that *same* legislation a method for safely disposing of those compact fluorescent lights at the end of their useful life, or your legislation will lead to new environmental problems while trying to address another. CFLs contain mercury. When disposed of improperly, fluorescent lights and other mercury-containing products contaminate ground and surface waters, the fish that inhabit those waters, and therefore the humans who consume those fish. Mercury is one of the most potent neurotoxins known, so the release of mercury into the environment is a critical public health threat. Currently, only 2% of CFLs are being properly disposed of, which guarantees that if your legislation is successful, there will significant releases of mercury to our air, water and soil when these same bulbs are disposed of improperly.

To prevent this outcome, it is imperative that those who profit from selling CFLs ensure the safe disposal of such lights. The CPSC urges you to lead the way by requiring that manufacturers establish easy and accessible fluorescent light recycling opportunities, preferably at the same retail locations from which the lights are purchased.

Like our local government colleagues in the Northwest and British Columbia Product Stewardship Councils, we believe that the private sector has far greater capacity to design a convenient, efficient, and cost-effective fluorescent light collection program than do local or state government. The stream of products requiring special end-of-life management is growing every year and currently, the burden falls to local governments to create expensive

Mission To shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

collection and disposal infrastructure to manage those products. As municipal budgets continue to tighten, they simply are unable to continue to collect and manage the vast array of consumer waste products, including CFLs.

In addition, CPSC suggests that placing that burden on local governments is a perverse subsidy anyway, in that manufacturers are not held responsible for any financial obligation to manage end of life disposal for any of the products they create and sell. If the responsibility for disposal is placed squarely on the manufacturer, incentives will be established to reduce or eliminate the toxic materials used in those products, as we have seen from the experience of successful take back programs in Europe and Canada. We believe that the most successful programs are those driven by product manufacturers, where recycling costs are internalized in the product price, similar to the mandates of the European Union's WEEE Directive.

Offering product take-back programs can also be a win-win situation. In addition to offering an environmentally responsible service to their customers, take-back programs have been shown to lead to increased foot traffic and potential sales. A 2006 report published by the California Integrated Waste Management Board showed that residents who brought their used motor oil to a retail take-back site, such as Kragen Auto Parts, spent an average of \$50-60 at the store while recycling their oil.

The CPSC welcomes the opportunity to work with you to craft language for your laudable legislation that would both make tremendous strides to address the global warming, while also ensuring that additional mercury is not released into the environment. Both of these goals can only be reached if producer responsibility requirements for CFLs are mandated.

Sincerely,

Carol Misseldine, Director
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