



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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February 22, 2007

Mark Kohorst
National Electronics Manufacturers' Association
1300 North 17th Street, Suite 1752
Rosslyn, VA 22209

Dear Mr. Kohorst:

Thank you for submitting NEMA's Education Plan for Massachusetts Consumers and Municipalities for the Proper Use and Disposal of Mercury-added Lamps, which we received on December 22, 2006. We recognize the effort NEMA has made to plan this education program, and look forward to working with you on your program implementation.

There are three issues that we would like you to address as you implement the plan:

- As you develop your outreach materials for Massachusetts lamp users, we request that you refer to Massachusetts specific regulations. For example, in your plan (and sample material for www.lamprecycle.org) you reference the federal Universal Waste Rule. The Massachusetts Universal Waste Rule establishes more stringent requirements (see 310 CMR 1000.00).
- The General Message Content on page 23 states in its opening sentence that mercury is pervasive in the environment. We feel that this statement is inaccurate and misleading. Most non-experts do not understand the subtleties of background level concentrations and might find the statement to be alarming. We suggest that you carefully word your statements to indicate that careful management and recycling of spent lamps can help minimize releases to the environment.
- Please correct the last sentence on page 7, which implies that Mass DEP will start conducting enforcement in March 2007. As we noted in our meeting on November 28, 2006, we are willing to consider conducting some inspections of commercial buildings to determine whether spent lamps are being managed in compliance with the Massachusetts Universal Waste Rule in our operating plan for federal fiscal year 2008 (which runs from October 1, 2007 through June 30, 2008). However, we will not decide until Fall, 2007

whether we will conduct such inspections. Also, please note that we cannot commit in advance to conducting enforcement, because inspected facilities may be found to be in compliance.

Please contact Lori Segall of MassDEP's Bureau of Waste Prevention if you have any questions about these corrections and keep us informed as you develop materials to fill out your Massachusetts page of the lamprecycle.org site. Ms. Segall can be reached by email at lori.Segall@state.ma.us, or by telephone at 617-654-6595.

Sincerely,

James C. Colman
Assistant Commissioner
Bureau of Waste Prevention