

The State of New Hampshire  
**Department of Environmental Services**



Thomas S. Burack, Commissioner

January 14, 2014

The Honorable Tara Sad, Chair  
House Environment & Agriculture Committee  
Legislative Office Building, Room 303  
Concord, NH 03301

**RE: HB 1304, An Act relative to the storage of fluorescent lamps at transfer stations**

Dear Chair Sad and Members of the Committee:

Thank you for the opportunity to testify regarding HB 1304. This bill would prohibit the Department of Environmental Services (DES) from adopting or applying any rule that would require a transfer station to store fluorescent lamps in closed containers if such lamps are stored for a period of less than one week. DES firmly opposes this bill for the reasons outlined in this letter.

Fluorescent lamps contain mercury, which is hazardous to human health and the environment. When broken, fluorescent lamps release mercury to the environment, are difficult to clean up safely, and pose a health and safety risk to persons who are exposed to the debris and mercury residue. In order to address these risks, federal hazardous waste storage requirements in 40 CFR 273 specify that mercury-containing lamps must be contained and stored in a manner to prevent breakage and releases, including a requirement to store the lamps in covered containers. Passage of this bill would allow mercury-containing lamps to be stored at solid waste transfer stations without being contained in any manner, including storage in open containers. This will place transfer station operators and patrons at risk of injury and exposure to mercury. The "less than one week" storage period specified in the bill does not in itself reduce those risks since transfer stations typically receive and remove waste on a continuous basis. This means that lamps are likely always in storage at any given transfer station, and the risks associated with breakage and mercury release are the same regardless of the length of the storage period.

In addition to jeopardizing the health and safety of transfer station operators and patrons, the proposed legislation would be inconsistent with existing federal regulations and state rules. New Hampshire is authorized to implement the federal hazardous waste program. In order to maintain this authorization, New Hampshire's hazardous waste program must be at least as stringent as the federal program. Current federal rules, and analogous state rules [Env-Hw 1112.03(a)] require that lamps be stored in closed containers. Passage of this bill would cause New Hampshire's program to be less stringent than the federal program, and would imperil New Hampshire's authorized program and the associated federal grant funding.

In summary, the Department believes that storing fluorescent lamps in open containers or not in containers at all increases the possibility of lamp breakage and release of mercury to the environment, which in turn places transfer station operators and patrons at increased risk of injury and exposure to hazardous mercury. In addition, the proposed storage practices place the

[www.des.nh.gov](http://www.des.nh.gov)

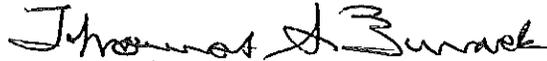
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state's hazardous waste program at risk. All of these risks are unnecessary, since storing the lamps in closed containers is not costly or difficult to implement. For these reasons, DES firmly opposes this bill.

Thank you for your consideration in this matter. If you have questions or need additional information, please contact either Michael Guilfoy, Administrator of the DES Solid Waste Management Bureau ([Michael.guilfoy@des.nh.gov](mailto:Michael.guilfoy@des.nh.gov), 271-6467) or John Duclos, Administrator of the DES Hazardous Waste Management Bureau ([john.duclos@des.nh.gov](mailto:john.duclos@des.nh.gov), 271-1998).

Sincerely,



Thomas S. Burack  
Commissioner

CC: Rep. D. McGuire