



Lighting Council Australia

RESPONSE TO SOUTH AUSTRALIA EPA DRAFT ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY

February 2009

Introduction

Lighting Council Australia is the peak body for Australia's lighting industry. The Council represents manufacturers and suppliers of luminaires, control gear, lamps and associated technologies.

The lighting industry is directly affected by the draft policy by inclusion of its products in Schedule 4 – Prohibited landfill waste:

- 'Fluorescent lighting and any other lighting that contains mercury'.
- 'Lead acid batteries'. Some emergency lighting contains lead acid batteries to enable illumination in emergency mode.
- 'Hazardous waste'. This presumably includes nickel cadmium batteries, again used in emergency lighting.
- 'Electrical or electronic equipment not referred to above' is banned from landfill 'on and after the third anniversary of the day fixed by the Governor for this policy to come into operation'. This presumably captures all lighting products three years after the introduction of the policy.

This submission addresses implications of the proposed policy for each of the above elements.

Before doing this, however, Lighting Council Australia notes that there is no attempt in the Draft Environment Protection (Waste to Resources) Policy and Explanatory Report to explain why particular waste streams are being banned from landfill. The absence of any justification for the proposed measures – at least in documentation available to our industry – appears most irregular. Furthermore we would point out that the draft policy has implications for industry that extend well beyond South Australia's borders. To our knowledge there has been no attempt to engage with the lighting industry in drafting the policy, notwithstanding the national implications. Our discussions with other

peak national bodies whose industries are affected by the draft policy indicate there has been no contact with them either. Lighting Council Australia is concerned about the absence of consultation on such an important matter for industry.

In this context Lighting Council points to the Productivity Commission's warning that governments should undertake rigorous studies before imposing product stewardship and extended producer responsibility policies:

"...governments must consider the findings of a thorough review of scientific evidence on a product's alleged environmental and public health impacts. Such reviews should:

- be conducted by independent panels of scientists...;*
- consider public and relevant industry comment before being finalised;*
- make a preliminary assessment of the level of risk compared to the likely costs of intervention (informed by relevant economic and financial expertise)"*

(Waste Management, Productivity Commission Inquiry Report No 38, 20 October 2006, p311)

1. Mercury-containing lighting

Lighting Council Australia objects to the proposed approach to banning mercury-containing lighting from landfill in South Australia for the following reasons:

- No evidence is presented to demonstrate the need for such a measure. A 2007 study by the Commonwealth Department of Environment and Water Resources (now Department of the Environment, Water, Heritage and the Arts) for the Environment Protection and Heritage Council states that mercury concentrations in landfill *'do not exceed the Australian national occupational exposure standard'*. Furthermore the report finds that *'the projected total mercury emitted from lamps after the phase out of incandescent lighting is likely to remain low relative to total national mercury emissions. This low impact will be further reduced by regulating the maximum amount of mercury that can be contained in each bulb.'* If South Australia's proposed ban on mercury-containing lamps from landfill is motivated by the Australian Government's decision to phase-out inefficient incandescent lamps, it should be noted that there will be a *net reduction* in mercury released to the environment because compact fluorescent lamps (CFLs - the main replacement technology for GLS lamps) are considerably more energy efficient and burning coal to produce electricity releases mercury to the atmosphere. (See Parsons in *Journal of the Society for Sustainability and Environmental Engineering*, Institution of Engineers, Australia, Vol 7, No 2, 2006.)

- The Department of the Environment, Water, Heritage and the Arts is conducting a further study of the environmental effects of mercury, including mercury from lamps. In addition Lighting Council Australia, in conjunction with Sustainability Victoria and other stakeholders, is conducting a trial lamp recycling project in metropolitan and regional Victoria. When the results of these studies are known, Lighting Council is willing to further consider recycling issues in a nationally co-ordinated approach. However until the results are available it is premature to regulate.
- Lamp manufacturers are reducing the mercury dosage in fluorescent lamps to very small amounts. The maximum amount of mercury permitted in linear fluorescent lamps in Australia is now 15 mg. From November this year the maximum allowable in CFLs will be 5 mg. Lighting Council Australia is actively promoting reducing the mercury dosage in lamps in its work with the Department of the Environment, Water, Heritage and the Arts and by driving the standards setting process associated with regulation.
- Currently the only lamp recycling facility is in Melbourne and it is highly unlikely because of the unprofitable nature of the business that another facility will be established in South Australia. The cost of collecting mercury-containing lamps, transporting them to Melbourne and recycling them is high and the intrinsic value of the recovered materials is low.
- The proposed measure could compromise the Australian Government's phase-out of inefficient lamps, introduced as a greenhouse gas reduction measure. Should the ban on mercury-containing lamps to landfill in South Australia be implemented, the cost of collecting, transporting and recycling the products, as noted above, will be high. This cost will have to be recovered by a substantial increase in the cost of mercury-containing CFLs. This added cost is likely to be sufficient to drive consumers in South Australia to less efficient but cheaper replacement lighting technologies such as mains voltage halogen lamps.
- The measure will be difficult to enforce. All mercury-containing lamps can fit into a wheelie-bin and so will easily be disposed of illegally. This applies in particular to CFLs. In order to disguise such activity consumers will be tempted to break-up the lamps – thereby releasing the mercury and leading to other unintended consequences.
- Lighting Council strongly objects to the South Australian Government taking unilateral action to ban mercury-containing lamps from landfill. The perverse outcomes that will ensue for consumers and the environment surely demand that consideration of such a measure should only be taken by all jurisdictions acting in concert.

2. Lead acid batteries in emergency lighting

Lighting Council Australia does not agree with the banning of these products from landfill in South Australia. Lead acid batteries are not widely used in emergency lighting compared to other battery technologies. Lighting Council has conducted a survey and estimates that a mere 2-3 tons of lead from these batteries are deposited in South Australia landfill annually. This is a tiny amount compared to lead from other sources such as car batteries.

Motor vehicle batteries are designed to be replaced and are predominantly removed, stored and recycled by dedicated organisations and trained individuals such as vehicle battery installers, service station operators and motor mechanics. However batteries in emergency lighting are installed within the luminaire and access is difficult. If a ban on landfill proceeds, the luminaire will have to be dismantled and the battery removed and recycled. The process for removal and recycling these batteries has not yet been established.

3. Nickel cadmium batteries in emergency lighting

Currently there are no established recycling programs in Australia for nickel cadmium batteries in emergency lighting. The same constraints imposed by their installation within the luminaire that applies to lead acid batteries also applies to these batteries. In addition there is no recycling facility in Australia; consequently these batteries must be sent offshore under strict environmental conditions.

However Lighting Council Australia recognises its responsibility with respect to nickel cadmium batteries and is about to commence a trial recycling program. Should the trial be successful Lighting Council will give consideration to implementing a national program. We welcome the opportunity to discuss options further with the EPA with respect to these products.

4. Ban on all lighting products in landfill after three years

The intention to ban all electrical and electronic products from landfill is impractical. The measure will impose high costs for industry and consumers alike. There are currently no facilities for recycling most lighting products and establishing resource recovery plants for the small South Australian market would be uneconomic in the extreme.

Conclusion

Lighting Council Australia is not opposed to considering recycling of lighting products in a nationally co-ordinated manner. However we have considerable concerns with the EPA's proposed approach. The draft Policy and Explanatory Report makes no case for the ban. Moreover a unilateral ban in South Australia will create distortions and unintended consequences for consumers and industry alike. For these reasons Lighting Council Australia urges the South Australian Government to abandon its unilateral action and work within the framework of the Environment Protection and Heritage Council to achieve national environmental outcomes and avoid the distortions caused by regulation at individual jurisdiction level.

The Minister for Environment and Climate Change in Victoria has recently written to Lighting Council informing us that his government has commenced efforts '...in collaboration with the Australian Government to progress a systematic national approach to product stewardship'. The Minister has made it clear that his government will consult with stakeholders. It is understood that a working draft of the project was presented to the Environment Protection and Heritage Council last November. Lighting Council respectfully suggests that the South Australian Government delay further consideration of its draft policy and join with other jurisdictions in supporting Victoria's initiative.