

# Consultation Questionnaire Exemption No. 4(f) of RoHS Annex III

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Current wording of the exemption:

*Mercury in other discharge lamps for special purposes not specifically mentioned in this Annex*

Requested validity period: Maximum (5 years and 7 years (cat. 8 and 9) respectively)

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## ACRONYMS AND DEFINITIONS

UV	Ultra Violet
LED	Light-Emitting-Diode
Hg	Mercury
LEU	LightingEurope

## 1. INTRODUCTION

### 1.1. Background

Bio Innovation Service, UNITAR and Fraunhofer IZM have been appointed<sup>1</sup> by the European Commission through for the evaluation of applications for the review of requests for new exemptions and the renewal of exemptions currently listed in Annexes III and IV of the RoHS Directive 2011/65/EU.

VDMA and Lighting Europe submitted requests<sup>2</sup> for the renewal of the above-mentioned exemption. The request has been subject to a first completeness and plausibility check. The applicant has been requested to answer additional questions and to provide additional information, available on the request webpage of the stakeholder consultation<sup>3</sup>.

The stakeholder consultation is part of the review process for the request at hand. The objective of this consultation and the review process is to collect and to evaluate information and evidence according to the criteria listed in Art. 5(1)(a) of Directive 2011/65/EU.<sup>4</sup>

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<sup>1</sup> It is implemented through the specific contract 070201/2020/832829/ENV.B.3 under the Framework contract ENV.B.3/FRA/2019/0017

<sup>2</sup> Exemption request available at [RoHS Annex III exemption evaluation - Stakeholder consultation \(biois.eu\)](#)

<sup>3</sup> Clarification questionnaire available at [RoHS Annex III exemption evaluation - Stakeholder consultation \(biois.eu\)](#)

<sup>4</sup> Directive 2011/65/EU (RoHS) available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32011L0065:EN:NOT>

To contribute to this stakeholder consultation, please answer the below questions until the 27th of May 2021.

## 1.2. Summary of the Exemption Request

According to VDMA: *“The application for prolongation of the existing exemption refers to mercury-containing UV discharge lamps which are used for curing (e.g. of layers of inks and coatings, adhesives and sealants), for disinfection (e.g. of water, surfaces and air) and for other industrial applications (surface modification, surface activation) The application includes the following lamp types:*

- **UV medium-pressure discharge lamps (MPL) for curing, disinfection and other industrial applications** (internal operating pressure > 100 mbar). The UV medium-pressure lamps can be doped with iron, gallium or lead in addition to the mercury they contain.
- **UV low-pressure discharge lamps for special purposes** in the high power range. [...]

*Typical applications to be covered by this application include curing, e.g. of inks and coatings, disinfection of water etc., and other industrial applications like surface activation and cleaning.*

*It is technically not possible to replace mercury in special UV lamps with other materials/chemicals in order to achieve the same widespread radiation distribution. LED-based technologies are increasingly being used, which in certain applications (e.g. curing) also offer many advantages over mercury-containing UV lamps. Nevertheless, LED technologies cannot be used as an equivalent replacement in many applications. ”*

According to LightingEurope, “[...] The renewal application concerns lamps and UV light sources defined as:

- High Pressure Sodium (vapour) lamps (HPS) for horticulture lighting,
- Medium and high-pressure UV lamps for curing, disinfection of water and surfaces, day simulation for zoo animals, etc...
- Short-arc Hg lamps for projection, studio, stage lighting, microlithography for semiconductor production, etc...

### **Replacement of mercury and mercury containing lamps is impracticable:**

- *The lamps covered by exemption 4(f) must remain available on the EU market:*
  - o *For new equipment for certain applications where no functionally suitable alternatives are available*
  - o *As spare parts for in-use equipment as replacing end-of-life lamps avoids having equipment become electronic waste before due time”*

#### **General Statement**

APL Engineered Materials, Inc. is a chemical manufacturing company based in Illinois, USA. We manufacture speciality chemicals used in conventional lamps by manufacturing companies all over the world. These include chemicals that are used in HPS & Metal Halide Lamps used for horticulture, as well as chemicals that are used for UV lamps. We employ a total of 40 employees globally who support our manufacturing and sales globally.

## 2. QUESTIONS

1. VDMA and LightingEurope<sup>2</sup> requested the renewal of the above exemption for the maximum validity periods with the same scope and wording for all EEE of cat. 3 and 5 (VDMA) and cat. 1-10 (LEU).

a. Please let us know whether you support or disagree with the wording, scope and requested duration of the exemption. To support your views, please provide detailed technical argumentation / evidence in line with the criteria<sup>4</sup> in Art. 5(1)(a).

We support the wording, scope and duration (an extension should be requested at least until 2026 and beyond).

b. If applicable, please suggest an alternative wording and duration and explain your proposal.

Keep existing wording as above

2. Please provide information concerning possible substitutes or elimination possibilities at present or in the future so that the requested exemption could be restricted or revoked.

a. Please explain substitution and elimination possibilities and for which part of the applications in the scope of the requested exemption they are relevant

Since we are not lamp manufacturers or users, our understanding on this topic is minimal. From our Customers, we understand that LED's are an excellent alternative light source and are readily available, however, for true horticultural applications, the necessary overall range of wavelengths required for plant growth is not available from mainstream LED's used in general lighting, especially UV LEDs and Far-Red LED's.

Although, LED light sources are available, they are large and very costly, some 20 or 30 times more expensive.

For home users, estimated in the millions, the upgrade cost is simply unreachable and for professional users, depending upon the size of their greenhouses, replacement and refit costs will be tens of thousands of pounds.

Unlike the car industry, where battery cars are enforced, it's possible to provide cheaper versions, that will transport persons from A to B although in lesser comfort but with horticultural lighting you need a specific amount

of light (measured in uMols), which cannot be cheapened or degraded and therefore the full expensive light source is required.

- a. Please provide information as to research to find alternatives that do not rely on the exemption under review (substitution or elimination), and which may cover part or all of the applications in the scope of the exemption request.

Mercury is the only element capable of providing the necessary light output and thorough research has proven alternative elements are not available

- b. Please provide a roadmap of such on-going substitution/elimination and research (phases that are to be carried out), detailing the current status as well as the estimated time needed for further stages.

APL does not know of a road map to reduce Mercury because technically this is not possible. Mercury is the only element capable of provided the necessary light output.

LEDs as a substitute is not financially viable

3. Do you know of other manufacturers producing devices of comparable features and performance like the ones in the scope of this exemption request that do not depend on RoHS-restricted substances, or use smaller amounts of these substances compared to the applications in the scope of this exemption?

4. As part of the evaluation, socio-economic impacts shall also be compiled and evaluated. For this purpose, if you have information on socioeconomic aspects, please provide details in respect of the following:

- a. What are the volumes of EEE in the scope of the requested exemptions which are placed on the market per year?

Unfortunately, we do not know exact figures describing the whole market of 4(f).

- b. What are the volumes of additional waste to be generated should the requested exemption not be renewed or not be renewed for the requested duration?

All existing luminaires on the market running with mercury discharge lamps would have to be considered as additional waste and would have to be disposed of. In many cases, it is technologically not feasible to retrofit existing equipment with alternative light sources.

- c. What are estimated impacts on employment in total, in the EU and outside the EU, should the requested exemption not be renewed or be renewed for less than the requested time period? Please detail the main sectors in which possible impacts are expected – manufacturers of equipment in the scope of the exemption, suppliers, retail, users of MRI devices, etc.

We supply majority of our products to lamp manufacturing companies in Europe and Asia. In addition to people at our USA location, the ban would adversely affect our Customers in these countries.

- d. Please estimate additional costs associated should the requested exemption not be renewed, and how this is divided between various sectors (e.g. private, public, industry: manufacturers, suppliers, retailers).

Heavy investment costs for companies into new machinery and production methods, at the same time costs for disposal of no longer usable machines and equipment  
Customers would have to perform "significant" investments in new technologies

5. Any additional information which you would like to provide?

We believe that the responsible authors of the pending mercury ban dramatically underestimate the global impact of a mercury ban on industries, products, markets, and lastly employment opportunities and end consumers.

The dramatic socio-economic outcome of a mercury-ban bears no meaningful relation to the comparatively very small amount of mercury that is really brought into the market by mercury-containing discharge lamps. Used lamps can be recycled and the mercury content can be reused for new lamps. If all participants in the market actively use the recycling opportunities, the mercury content for discharge lamps can be confined to closed-loop processes without damage or impact to the environment and personal health.

We would like to strongly encourage policy makers to invest their effort into a well-organised recycling system including increasing the public awareness on the necessity of actively participating in the recycling loop. This is a win-win situation for all involved parties to the best outcome of having the best technologies available for

the specific needs and without banning certain products, machines, technologies or markets for “the worse”.

**Please note that answers to these questions can be published in the stakeholder consultation, which is part of the evaluation of this request. If your answers contain confidential information, please provide a version that can be made public along with a confidential version, in which proprietary information is clearly marked.**

**Please do not forget to provide your contact details (Name, Organisation, e-mail and phone number) so that the project team can contact you in case there are questions concerning your contribution.**