

NEWS ALERT

RETAIL, RESTAURANT & HOSPITALITY



Fluorescent Bulbs, Batteries and More: Ensuring “Universal Wastes” are Handled Correctly to Avoid Penalties

By Patricia L. Boye Williams | April 4, 2018

Spent fluorescent bulbs, used batteries, old thermostats: all of these wastes contain materials that could be considered hazardous waste and must be handled in accordance with environmental laws.

Because these materials are considered “universal wastes,” if they are handled appropriately, they are exempt from hazardous waste regulations. If not handled correctly, then companies that generate these wastes (and most businesses do) may find themselves subject to significant penalties for failing to comply with environmental laws or even be facing obligations to investigate and remediate any spills that are caused from improper disposal of these materials.

Universal Waste regulations were first promulgated by U.S. EPA in 1995—and most states, including Massachusetts and Connecticut, have adopted similar regulations (in the few states that have not adopted their own universal waste regulations, the federal regulations apply). However, many smaller businesses either do not realize that these laws apply to them or they believe that the products they use are “green” and don’t require special handling. It’s important to realize that even fluorescent lamps with low levels of mercury (e.g., “green-tip” bulbs) are still subject to these regulations: wastes with any amount of mercury are universal wastes and must be handled appropriately.

In particular, the Connecticut Department of Energy and Environmental Protection (“DEEP”) has recently initiated enforcement actions against smaller businesses (including tanning salons, research laboratories, medical offices, property management firms and more) for failing to comply with Universal Waste regulations. Most of the cases that DEEP has resolved started with an anonymous complaint to the agency that fluorescent lamps (or other universal wastes) were being disposed of with the regular trash (typically in an outside dumpster). In many instances, these lamps break in the dumpster and then release mercury to the environment. Additionally, DEEP is concerned because most trash in Connecticut is incinerated and burning these lamps releases mercury to the air, as well.

Universal Wastes include:
certain batteries, fluorescent lamps, thermostats and other mercury-containing equipment; certain pesticides; and (in Connecticut) used electronics.

Universal Wastes include: certain batteries (eg NiCad, silver button cell, lead acid batteries, but not including: alkaline, nickel metal hydride, spent lithium ion or zinc air batteries), fluorescent lamps, thermostats and other mercury-containing equipment; certain pesticides; and (in Connecticut) used electronics. Accordingly, if your business generates these wastes, they must be transported for disposal by an authorized transporter and they must be disposed of properly. Typically, universal waste haulers provide lamp boxes and battery buckets and when these vessels are full, the hauler will remove the waste and arrange for proper disposal and/or recycling.

As an added benefit if universal wastes are handled correctly, then the generation of these wastes does not get counted toward your "generator status" for hazardous wastes nor, in Connecticut, will these wastes be counted in determining whether your property or business is an establishment subject to the Connecticut Transfer Act.

*If you have any questions about the handling of universal or hazardous wastes or need additional assistance with environmental matters, please contact:
Patti Boyle-Williams, pboyewilliams@murthalaw.com, (860)240-6168.*

Joseph R. Tarby, III, Chair
781.897.4980
jtarby@murthalaw.com

Patricia L. Boyle-Williams
860.240.6168
pboyewilliams@murthalaw.com

Michael P. Connolly
617.457.4078
mconnolly@murthalaw.com

Bridget M. D'Angelo
860.240.6015
bdangelo@murthalaw.com

Thomas M. Daniells
860.240.6078
tdaniells@murthalaw.com

Michael J. Donnelly
860.240.6058
mdonnelly@murthalaw.com

Robert E. Kaelin
860.240.6036
rkaelin@murthalaw.com

Janemarie W. Murphy*
860.240.6143
jmurphy@murthalaw.com

James F. Radke
617.457.4130
jradke@murthalaw.com

Jane Torcia
860.240.6132
jtorcia@murthalaw.com

Thomas S. Vangel
617.457.4072
tvangel@murthalaw.com

Keith S. Varian
203.653.5415
kvarian@murthalaw.com

**Not an attorney*