

New text to put into the writable PDF format of the existing Form available at:  
<http://www.newmoa.org/prevention/mercury/imerc/labelingforms.cfm>

## IMERC Alternative Product Label Application Form

Updated: July 2020

A manufacturer must apply to the IMERC-member states for an alternative to the requirements of state laws if:

- Compliance with the “Standard” Tier 1 labeling requirements (see attachment) is not feasible as determined by the IMERC-member states, or the proposed alternative would be at least as effective in providing prior-to-purchase disclosure of mercury content and instructions on proper disposal; OR
- Federal law governs labeling in a manner that preempts state authority. Manufacturers claiming federal preemption must submit an Alternative Product Label Application Form and cite the language they believe covers the product.

Note: A separate Form is required for each different Product Type or Product Category (See Below\*)

Is this a NEW Application or a RENEWAL? \_\_\_\_\_ (Note: Renewals must also complete the entire form)

For Renewals only – Please Enter Your Previously Issued Alternative Label Number:

### A. Company Information

Company Name

Street Address

City

State/Province

Country

Zip Code

Contact Person

Email Address

Telephone #

Fax #

### B. Product Information

Type of Product\*

Product Identifier(s) \*\*

Product Application

Product Marketing/Webpage Link:

Product Specification Sheet Link:

\* Alternative labeling requests can be submitted for a "product category" only when the characteristics of the product that prevent use of a Tier 1 Standard Label are identical for each product in the category and the proposed labeling approach is identical for each product in the category

\*\* Please list by model number, product series, etc.

### C. Alternative Label Information and Justification

Which Tier of Alternative Label on the Product Itself Are You Applying For? (see Standard and Alternative Label Tiers on Page X)

- Tier 2
- Tier 3
- Tier 4
- Tier 5
- Other

1. Why are you unable to meet the Tier 1 Standard Label requirements or those of a higher Tier? Document the justification for the requested alternative. (Please be specific)

2. Describe how purchasers or recipients of the mercury-added products are made aware of mercury content prior to purchase or receipt. (Please be specific)

On the packaging:

On the product information webpage/specification sheet:

In the catalog (online and hardcopy):

Other product marketing channels/methods (e.g. social media, advertising):

3. Describe how a person discarding the mercury-added product will be made aware of the need for proper handling to ensure that it does not become part of the solid waste or wastewater. (Please be specific)

On the packaging:

On the product information webpage/specification sheet:

In the catalog (online and hardcopy):

Other product marketing channels/methods (e.g. social media, advertising):

4. Document the readiness of all necessary parties to implement the proposed alternative, including all suppliers and downstream marketers and sellers. (Please be specific)

5. Describe how the manufacturer will assess that the alternative is providing effective prior to purchase notification that the product contains mercury and cannot be placed in the trash. (Please be specific)

6. What are the specifics of the proposed label and prior to purchase notification? Please use the Alternative Product Label Application Table to list details (e.g. exact wording and font size) for the proposed label on each product/category and its packaging and the information provided via the internet, literature, and other marketing channels and submit the Table with this application.

7. Attach a schematic or photograph of the label on each product and on its packaging (provide size reference when possible).

## **Certification**

I have personally examined and am familiar with the information in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate, and complete to the best of my knowledge and belief. I certify that this application is on a complete Form as prescribed by the member states of the Interstate Mercury Education Reduction Clearinghouse (IMERC), without alteration of text. I understand that a false statement in the submitted information may be punishable as a criminal offense, in accordance with the applicable IMERC members' state laws.

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Signature (of an Authorized Senior Management Official)

Date

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Print or Type Name and Title of the Authorized Senior Management Official

## **Complete and Return this Form to:**



Please save a copy of this form for your records.

If you have any questions, please contact the IMERC Coordinator (617) 367-8558 or [imerc@newmoa.org](mailto:imerc@newmoa.org).

## Standard and Alternative Label Tiers

### Tier 1 Standard Labeling

The Tier 1 Standard Label meets the product-labeling requirements of all states with mercury labeling requirements.

- Product labels include all three standard labeling elements:
  - 1) Text that states “contains mercury” in 10 point or larger font (also in French translation if shipping to Canada)
  - 2) Hg in a circle symbol 
  - 3) Crossed-out wheelie bin symbol  and/or text that states that the product cannot be placed in trash (e.g., "do not place in trash - dispose according to local, state, or federal laws")
- The label must be mounted, engraved, molded, embossed, or otherwise affixed to the product using materials that are sufficiently durable to remain legible throughout the life of the product
- If the product incorporates a mercury-added component, the label on the larger product, at minimum, must clearly identify the internal component and include all three standard labeling elements
- If the product is sold in packaging that obscures the product label, the outer packaging must, at minimum, be labeled with all three standard labeling elements
- If information about the product is contained in a catalog, webpage, or other methods of marketing, the standard label information must be included where a prospective purchaser is educated prior-to-purchase that the product contains mercury and information on proper disposal.

**Tiers 2 through 5 apply only to the label on the PRODUCT** itself. Label must be sufficiently durable to remain legible throughout the life of the product. Outer packaging must, at minimum, be labeled with all required elements of the Tier 1 Standard Label. If the packaging has any space restrictions, those restrictions must also be submitted with rationale for any request less than Tier 1 labeling components. Information about the product contained in a catalog, a webpage, or other marketing materials, must include all the Tier 1 Standard Label information so a prospective purchaser is educated prior-to-purchase that the product contains mercury and information on proper disposal.

- **Tier 2** = Product label incorporates a slight variation of the three standard labeling elements: 1) Hg in a circle symbol; 2) text that states “mercury/mercure” in font sizes less than 10 point; and 3) a crossed-out wheelie bin symbol.
- **Tier 3** = Product label includes two of the standard labeling elements: 1) Hg in a circle symbol and 2) a crossed-out wheelie bin symbol.
- **Tier 4** = Product label includes the Hg in a circle symbol.
- **Tier 5** = Product label includes the Hg symbol underlined.