

# Interstate Mercury Education & Reduction Clearinghouse (IMERC) PHASE-OUT WAIVER/EXEMPTION APPLICATION

## IMPORTANT NOTES:

- Complete one application for each product or product category.
- Submit all applications and attachments using the [online reporting system](#).
- Create one online submission per state for each application. Use the same files for each submission, updating the file names to include the state abbreviation ([see tutorial](#)).
- For questions, contact [IMERC@newmoa.org](mailto:IMERC@newmoa.org)

### 1. Use the checkboxes below to indicate the state(s) to which you are submitting this application.

Applicants are strongly encouraged to use the links below to verify product eligibility for an exemption and to determine the specific conditions under which an exemption may be granted by each member state.

#### a. States with content-based restrictions (select all that apply):

[Connecticut](#)                       Fabricated ( $\geq 100\text{mg}$ )                       Formulated ( $\geq 50\text{ ppm}$ )

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[Louisiana](#)                       Fabricated ( $\geq 10\text{mg}$ )                       Formulated ( $\geq 10\text{ ppm}$ )

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[Rhode Island](#)<sup>1</sup>                       Fabricated ( $\geq 10\text{mg}$ )                       Formulated ( $\geq 10\text{ ppm}$ )

#### b. States with product-specific restrictions (select all that apply):

[Maine](#)<sup>2</sup>                       [Minnesota](#)<sup>3</sup>                       [New York](#)<sup>4</sup>

[Massachusetts](#)<sup>5</sup>                       [New Hampshire](#)<sup>6</sup>                       [Vermont](#)<sup>7</sup>

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<sup>1</sup> [Rhode Island](#): Exemption applications for RI must be submitted both digitally and as a hard copy, accompanied by a notarized Certification Statement (Section 9) and a \$200 fee. For more details, refer to Page 7.

<sup>2</sup> [Maine](#): See Subsection 8. A written petition must be filed with the Commissioner of ME Department of Environmental Protection.

<sup>3</sup> [Minnesota](#): See Subdivisions 6 and 8e. A copy of an approved exemption from another IMERC state must be submitted to the Commissioner of the MN Pollution Control Agency.

<sup>4</sup> [New York](#): See Subdivision 10.

<sup>5</sup> [Massachusetts](#): See Section 75.07. Applicants must publish a legal notice in a MA newspaper of general circulation and the MA Environmental Monitor.

<sup>6</sup> [New Hampshire](#): See Paragraph VI. A written petition must be filed with the Commissioner of NH Department of Environmental Services.

<sup>7</sup> [Vermont](#): See Subsection (i)

**2. Type of Application (select one)**

- New Application                       Renewal Application                       Update/Revision

**3. Reporting Entity Information**

Indicate your relationship to the product manufacturer (check one):

- Product Manufacturer                       Importer/Domestic Distributor  
 In-State Purchaser<sup>8</sup>                       Representative of Manufacturer

Organization Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Town: \_\_\_\_\_ State/Province: \_\_\_\_\_  
Country: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Website: \_\_\_\_\_  
Applicant Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_  
NAICS Code: \_\_\_\_\_

**4. Product Manufacturer Information (if different than above)**

Organization Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Town: \_\_\_\_\_ State/Province: \_\_\_\_\_  
Country: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Website: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_  
NAICS Code: \_\_\_\_\_

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<sup>8</sup> Vermont only

## 5. Product Overview

Product/Category Description: \_\_\_\_\_

\_\_\_\_\_

Product Identifier(s)<sup>9</sup>: \_\_\_\_\_

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- a. Briefly describe the purpose of the mercury-added product(s) or component(s) for which you are seeking an exemption. Include all specific uses of the product.

- b. What function does mercury serve in the product?

## 6. Basis for Mercury-Added Product Exemption Request

Indicate the basis for your exemption application using the checkboxes below (select all that apply).

- There are no technically feasible non-mercury alternatives available.
- There are technically feasible non-mercury alternatives available but the costs to users are too costly compared to the cost of the mercury-added product.
- The use of mercury in the product is mandated by a state or federal law or other requirement (e.g., industry standard such as ASTM, federal contract specification).
- The use of the mercury-added product provides a net benefit to the environment, public health or public safety when compared to non-mercury alternatives.

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<sup>9</sup> Examples include model numbers, part numbers, series, brand name, etc.

## 7. Products Mandated by State/Federal Law

If the use of mercury in the product is required by state or federal law, or an industry standard (e.g., ASTM, federal contract specification), provide the following details. The state(s) you selected on the first page will review this information and notify you whether completing Sections 8-10 is necessary.

- a. Provide the citation to the specific requirement (e.g., ASTM D3983-16):

- b. Upload the full text of the requirement as an attachment and highlight the specific provision that mandates the use of mercury.

## 8. Supporting IMERC Documentation

Include the following documents as an attachment to your application:

- a. The IMERC Mercury-Added Product Notification Form Approval Letter from the most recent triennial filing period (i.e., 2021).
- b. If applicable, documentation showing that this product has received an exemption from other IMERC member states (listed on first page). Provide the date of first sale or distribution for all states receiving this application.
- c. **Renewals Only:** Include the previously granted phase-out exemption request approval letter.

## 9. Exemption Request Justification Narrative

Attach a detailed narrative that addresses and/or answers all the following:

- a. Provide a thorough assessment of non-mercury alternatives for your product that are currently available.
  - i. Are they technically feasible? If not, explain (e.g., performance, size, product life).
  - ii. Are they cost-prohibitive? If yes, support your claim with the following:
    1. An analysis of life cycle costs to specific product uses covering all associated costs, including, but not limited to:
      - a. Spill cleanup
      - b. Hazardous waste disposal costs over the five-year period immediately preceding the filing of this exemption request.
    2. List specific uses of the product for which exemption is requested and the price or range of prices at which the product is sold to users, including:
      - a. List prices by non-mercury alternative for each use.
      - b. Provide an explanation of additional costs to replace mercury with non-mercury alternatives. Describe your calculations.
  - iii. Summarize past, current and planned industry efforts to identify or develop non-mercury alternatives.
  - iv. Include a list of the individuals, companies and resources consulted during your search for non-mercury alternatives.

- b. Explain the risks to human health and/or the environment associated with the use of mercury in the product, including:
  - i. The pathways by which humans may be exposed to the mercury.
  - ii. The likelihood that mercury in the product will be released to the environment or that users of the product will be exposed to mercury.
  - iii. Steps taken to ensure the product does not release mercury during use and disposal.
  - iv. Explain why the product is not detrimental to the environment or is protective of public health and safety.
- c. Provide an explicit description that proves any benefits to the environment and/or public health and safety that you are claiming for a specific use.
- d. Estimate how much mercury will be placed into commerce annually if the exemption is granted.
- e. **Renewals Only:** If you are requesting the renewal of an exemption previously granted by one or more IMERC-member states, describe your efforts to eliminate the use of mercury in the product or replace the product with one that does not require the use of mercury.

## 10. Collection Plan Narrative

Describe the proposed or existing collection system implemented to ensure the mercury-added product is properly collected, transported, and processed when it reaches end of life. Include the following:

- a. A description of how the collection system will operate and who will oversee it. Include information about how the items will be handled, collected, and stored.
- b. Specific details on the product's location, how to access and remove it, and the frequency and method of disposal or recycling once collected.
- c. An estimate of the number of units of the product expected to be available for collection each year and the number of these units or percentage that the collection system can reasonably be expected to capture.
- d. A description of the performance measures to be utilized and reported by the manufacturer(s) to demonstrate that the collection system is meeting the capture rate target. If the collection system is not achieving the expected capture rate, also include what steps will be implemented to improve the collection system.
- e. A description of a public education program, including implementation dates, which will inform the relevant portions of the public and private sector about the mercury-added products, the purpose of the collection system program, how they may participate, available collection opportunities, and legal requirements for management of the product.
- f. An overview of the financing for the implementation of the proposed collection system and whether there are any user fees.
- g. A description of the recordkeeping protocol that will be used to assure compliance with the collection plan.
- h. Documentation confirming that all necessary parties are prepared to execute their roles in the collection, recycling, or disposal system.
- i. Any special conditions or information about the mercury-added product.

**11. Certification Statement**

I have personally examined and am familiar with the information submitted 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 and accurate Form as prescribed by the member states of the Interstate Mercury Education Reduction Clearinghouse Committee (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 or Designee) Date

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

**For Applicants to Rhode Island only:**

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Notary Signature Commission Expires

## **INSTRUCTIONS FOR SUBMISSION TO RHODE ISLAND**

Submit an original, notarized copy of the application to the address below, along with a check or money order for the \$200 application fee, made payable to **RI General Treasurer**.

**Rhode Island Department of Environmental Management**  
Office of Customer & Technical Assistance  
235 Promenade St, Room 260  
Providence, RI 02908

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