

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

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)

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 appointed¹ 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 requests² for the renewal of the above-mentioned exemption. The request has been subject to a first completeness and plausibility check. The applicant has been re-requested to answer additional questions and to provide additional information, available on the request webpage of the stakeholder consultation³.

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.⁴

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

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

² Exemption request available at [RoHS Annex III exemption evaluation - Stakeholder consultation \(biois.eu\)](https://biois.eu/rohs-annex-iii-exemption-evaluation-stakeholder-consultation)

³ Clarification questionnaire available at [RoHS Annex III exemption evaluation - Stakeholder consultation \(biois.eu\)](https://biois.eu/rohs-annex-iii-exemption-evaluation-stakeholder-consultation)

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

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

We are a producer of UV-equipment based in Grävenwiesbach, Germany and employ about 20 people. We manufacture the following products: UV-curing machines, UV exposure systems, UVC-disinfection units for air and surface treatment, UV-based ozone generators for room disinfection, VUV surface modification equipment

We use UV lamps for the following applications: UV-curing, air and surface disinfection, surface modification The percentage of UV-based products in our total production is: > 90% (< 10% UV-measuring equipment).

Our experiences with alternatives to UV lamps are as follows: in some cases, in the field of UV-curing UV-lamps can be replaced by UVA-LEDs. The replacement limitation is caused by limited function (e.g. thickness of the layer and scratch resistance on surface and a significantly higher price of LED-modules in comparison to UV-lamp modules (factor ~10) and by the ink photo-initiator composition which requires a wide spectrum for curing – from UVC to UVA and IR.

- UV lamps are still required for the following reasons:
 - for UV-curing: it is the curing process where a wide spectrum – from UVC to UVA and IR is required and the significantly higher price of LED-modules

- for disinfection: it is the enormous higher price (factor 100) and pure lifetime of UVC-LEDs
- for surface modification (e.g. 185 nm) there is no LED-alternative.

Specific Statement / conclusion for TECHNIGRAF

CURING.

- Insufficient curing (regarding the thickness of the layer)
- Insufficient surface resistance
- Higher investment prices

EXPOSURE.

- Limitation regarding the used chemical emulsions
- Limitation on lifetime of the coating of the screens.

DISINFECTION.

- Less availability of suitable LED's
- Fully developed technology?
- Extreme higher investment prices

SURFACE MODIFICATION.

- No LED available!
- A lot of helpful applications will die.

2. QUESTIONS

1. VDMA and LightingEurope² 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 criteria⁴ in Art. 5(1)(a).

The wording should be retained, and an extension should be requested at least until 2026 and beyond. The reasons are: there is no alternative technology which is able today to replace completely UV-lamps. A partial replacement in the UV-curing field by UVA-LEDs is possible under certain assumptions. The technological development of UVC-LEDs in terms of efficiency and lifetime in the next years will probably allow to replace UVC-lamps in disinfection applications. The 185nm applications are not replaceable today by LEDs. There is no LEDs in this wavelength range.

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

From an industrial point of view, the shortening of the period of validity does not make sense, because the development of alternative solutions (e.g., based on UV LEDs) takes a lot of time. Especially, the development for new applications in the UVC area is still facing major challenges.

Furthermore, it can also be assumed that not all specific UV applications are well-known to VDMA and LightingEurope and have therefore been neglected to be investigated and considered in detail. The previous wording of the exception: "Mercury in other discharge lamps for special purposes not specifically mentioned in this Annex" should therefore be retained unchanged.

With regard to the following current and future developments/processes/products, the availability of UV lamps containing mercury is indispensable for our company: exposure, disinfection of air and surfaces, specific curing processes, surface modification.

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.

The periodic system of the elements offers no alternative to mercury in discharge lamps (i.e., an "alternative filling") that would be a direct 100% compatible replacement. The physical properties of mercury make this material quite unique and ideally suited for discharge lamps (high vapor pressure, low boiling point, specific spectral lines in areas that are ideal for disinfection and photochemical reactions). Scientific and industrial approaches to compatibly replace mercury with an alternative substance while maintaining the specific beneficial properties of mercury discharge lamps have been ongoing for decades and have all failed.

There are other mercury-free types of discharge lamps and other light sources like UV-LEDs available, which can, to some extent, be used for similar processes. There are, however, some very severe limitations:

- Direct replacement (exchanging only the lamp) is in most cases technologically not possible
- Replacement of existing machines/processes with alternative light sources (if available) usually requires additional steps, which may include:
 - replacement of power supplies and peripheral electrical components
 - replacement or alteration of inks and varnishes
 - use of other substrates
 - necessity for (other) pre-treatment technology

- necessity for inert production environments (expensive use of nitrogen or carbon dioxide)
- change of UV measurement equipment (different spectral sensitivity)
- change of process speeds (usually substantial speed and productivity decrease)
- heavy redesign of machine equipment
- complications like cross-sensitivity to daylight and/or artificial lighting

- With respect to varnishes, replacement technologies based on LEDs can usually not provide the same degree of surface hardness, scratch resistance and product durability (automotive industry, wood industry)

- The use of replacement technologies usually has a heavy impact on the underlying chemistry of curable inks and varnishes, requiring high amounts of (toxic) photoinitiators

- With respect to UV disinfection (water/air/surfaces), there currently is no real replacement available with a similar cost efficiency. The affected markets include general (drinking) water treatment plants, the beverage industry (bottling plants for PET bottles, glass bottles, or other containers), the food industry (sterilizing and packaging), fish farming plants, health industry, Covid-19-countermeasures, vessel ballast water treatment, and many more.

An alternative to a mercury/amalgam VUV lamp (185 nm) is theoretically an excimer lamp (Xe₂^{*}, 172 nm). The practical usage of an excimer lamp in the industry is limited by following factors:

- it requires an inert atmosphere (e.g.: Nitrogen or Argon) between the lamp and the treated object in order to prevent the radiation absorption in air. It is sometimes not possible or practicable.
- the cost efficiency of an excimer system is by a factor 1000 lower in comparison to a mercury/amalgam lamp.

- b. 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.

According to our experience, replacement of existing UV lamp system with alternatives in the UV-curing lead to restricted functions, quality and sometimes unusable applications.

In all our business areas this leads to very high investment costs, higher overall operational costs.

- c. 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.

We don't see the existence of a roadmap for the complete substitution/elimination of mercury-based discharge lamps in most fields of application. There are other technologies available (see above point ...) which might justify investment into new machines and which might gain market share with respect to conventional UV applications over time. But for numerous existing machines/processes/applications, there is no reasonable replacement available.

Depending the R&D of UVC-LED, we expect that the situation will be more and more improved in the next 3 to 6 years for UV-LED based equipment (higher efficiency, better price and stable quality).

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?

Since 100% replacement on existing installations is not possible, there is also no comparable product or device available with comparable features and performance.

Alternative products, when used with the alternative peripherals (other inks, varnishes, pre-treatment,), can have comparable features and performance in some applications (e.g., ink jet printing, general printing) but by for not in all other applications which need the specific spectrum of mercury for their performance.

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?

The UVC-disinfection market consumes about 2 Mio UVC-lamps per year (the sum of the production volumes of main lamp manufacturers).

- 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?

Most existing machines 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 economically and/or technologically not feasible to retrofit existing equipment with alternative light sources.

If UV lamps are no longer available, the following processes and entire machines are no longer usable:

- Surface modification with ozone producing lamps
- A lot of surface disinfection applications (because low efficiency of UVC-LED's)
- Some applications for functional coatings
- asm

- 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 re-requested time period? Please detail the main sectors in which possible impacts are expected – manufacturers of equipment in the scope of the exemption, suppliers, re-tail, users of MRI devices, etc.

Most employers of mercury-based UV technology would be confronted with a professional ban, leading to huge amount of unemployment and loss of products and productivity. Many companies and factories would stop existing.

We don't have exact figure and can only state to the best of our knowledge that thousands of companies exist only in the EU that employ UV technology based on mercury lamps. Some of them rely to up to 100% on the availability of mercury lamps (e.g., lamp manufacturers, power supply manufacturers, quartz suppliers, UV measuring device manufacturers, printers and coaters,).

It would have the following the impact on our customers: e.g. no proven and stable application process.

The following business area would be transferred to locations outside of the EU/EEA: none

- 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).

Unemployment costs for thousands of personnel.

Heavy investment costs for companies into new machinery/equipment, at the same time costs for disposal of no longer usable machines and equipment

Loss of product diversity since no longer all products can be produced for technological and/or economic reasons.

Our business would cease to exist.

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.

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