

AMENDED IN ASSEMBLY APRIL 12, 2007

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1109**

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**Introduced by Assembly Member Huffman**  
**(Coauthors: Assembly Members Krekorian and Laird)**  
(Coauthor: Senator Wiggins)

February 23, 2007

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An act to add Article 10.02 (commencing with Section 25210.9) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to add Sections 25402.5.4 and 25402.5.5 to the Public Resources Code, relating to energy resources.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1109, as amended, Huffman. Energy resources: lighting efficiency: hazardous waste.

(1) Existing law, administered by the Department of Toxic Substances Control, prohibits the management of hazardous waste, except in accordance with the hazardous waste laws or the regulations adopted by the department. A violation of the hazardous waste control law is a crime.

The State Energy Resources Conservation and Development Commission is required to prescribe, by regulation, standards for energy conservation and efficiency, including the adoption of efficiency standards for outdoor lighting.

This bill would enact the California Lighting Efficiency and Toxics Reduction Act and would require the department to prescribe, by regulation, schedules for reducing the maximum levels of mercury, per

lumen hour, and lead in general purpose lights, as defined, sold or offered for sale in this state. Every manufacturer of general purpose lights sold in this state and containing hazardous materials would be required by July 1, 2009, to ensure that a system is in place for collection and recycling of end-of-life general purpose lights generated in this state, and submit to the department a collection, recycling, and management plan fulfilling certain requirements, by July 1, 2008.

Because a violation of this bill's requirements would be a crime, the bill would impose a state-mandated local program.

The commission would be required to take certain specified actions, including, but not limited to, determining the amount of statewide electrical energy consumption used for lighting in 2007, and approving a statewide electrical energy consumption limit for lighting, to be achieved by 2018, equivalent to 50% of 2007 use levels for indoor residential lighting and 75% of 2007 use levels for indoor commercial and outdoor use lighting, in order to reduce energy consumption for lighting in this state by 2018. *The Department of General Services in coordination with the commission would be required to end the purchase of general purpose lights in certain state facilities within 2 years of the adoption of the standards regarding energy consumption limits for all general purpose lights.*

Certain defined specialty lighting and special needs lighting would be exempt from the requirements of this bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 California Lighting Efficiency and Toxics Reduction Act.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) This state has long been a national and international leader
- 5 on energy conservation and environmental stewardship efforts,
- 6 including the areas of air quality protections, energy efficiency
- 7 requirements, renewable energy standards, natural resource

1 conservation, toxic waste reduction, recycling, and greenhouse  
2 gas emission reduction.

3 (b) Energy consumption for lighting accounts for nearly 20  
4 percent of the state's electricity demand. The energy efficiencies  
5 of existing lighting technologies vary significantly, and while  
6 California leads the nation in the use of energy efficient compact  
7 fluorescent lighting, more than 94 percent of current light bulb  
8 purchases are for less efficient incandescent bulbs.

9 (c) Transitioning to currently available higher efficiency lighting  
10 technologies will substantially reduce energy consumption and  
11 pollution, including reducing greenhouse gas emissions, while  
12 lowering costs to consumers.

13 (d) The goal of the United States Department of Energy's (DOE)  
14 Building Technologies Lighting Research and Development  
15 Program is to develop and demonstrate energy-efficient,  
16 high-quality, long-lasting lighting technologies by 2025 that have  
17 the technical capability of illuminating buildings using 50 percent  
18 less electricity compared to technologies in 2005.

19 (e) Many existing lighting choices contain toxic materials. Most  
20 fluorescent lighting products contain hazardous levels of mercury.  
21 Most incandescent lighting products contain hazardous levels of  
22 lead. California prohibits disposing of hazardous lighting products  
23 in the solid waste stream. The hazardous material in these products  
24 can be managed through recycling, but current recycling  
25 opportunities and levels are virtually nonexistent for most  
26 consumers.

27 (f) Fluorescent lighting products delivering the same level of  
28 light at the same level of efficiency can have widely varying levels  
29 or mercury. The California Department of General Services has  
30 adopted a procurement preference favoring Leadership in Energy  
31 and Environmental Design (LEED) compliant low mercury  
32 fluorescent lamps.

33 (g) Coal generated electricity in the United States accounts for  
34 more than six million tons of mercury emissions annually, and  
35 while growth in the use of energy efficient fluorescent lighting  
36 without expanded recycling will result in increased disposal of  
37 mercury in the waste stream, the United States Environmental  
38 Protection Agency has concluded that shifting from incandescent  
39 lighting to more efficient compact fluorescent lighting will result

1 in a net reduction in total United States mercury emissions due to  
2 the displacement of coal fired electricity generation.

3 (h) It is the intent of the Legislature that the State Energy  
4 Resources Conservation and Development Commission develop  
5 a strategy for substantially increasing the use of energy efficient  
6 lighting and phasing out the use of energy inefficient lighting over  
7 the next decade.

8 (i) It is the intent of the Legislature that the Department of Toxic  
9 Substances Control establish a schedule for the phase down in the  
10 use of toxic materials in all lighting products.

11 (j) It is the intent of the Legislature that the Department of Toxic  
12 Substances Control, in coordination with the Integrated Waste  
13 Management Board, establish a system for the recycling of  
14 hazardous lighting products that is free and convenient for end  
15 users.

16 SEC. 3. Article 10.02 (commencing with Section 25210.9) is  
17 added to Chapter 6.5 of Division 20 of the Health and Safety Code,  
18 to read:

19  
20 Article 10.02. Lighting Toxics Reduction  
21

22 25210.9. The department shall, after one or more public  
23 hearings, do all of the following, in order to reduce the use of toxic  
24 materials in general purpose lights sold in this state:

25 (a) Prescribe, by regulation, a schedule for reducing the  
26 maximum levels of mercury per lumen hour in general purpose  
27 lights sold or available for sale in this state.

28 (b) Prescribe, by regulation, a schedule for reducing the  
29 maximum levels of lead in general purpose lights sold or offered  
30 for sale in this state.

31 25210.10. (a) (1) For purposes of this article, “general purpose  
32 lights” means lamps, bulbs, tubes, or other devices that provide  
33 functional illumination for indoor residential, indoor commercial,  
34 and outdoor use.

35 (2) General purpose lights do not include any of the following  
36 specialty lighting: appliance, black light, bug, colored, infrared,  
37 left hand thread, marine, signal service, mine service, plant light,  
38 reflector, rough service, shatter resistant, sign service, silver bowl,  
39 showcase, three-way traffic signal, and vibration service or  
40 vibration resistant.

1 (3) General purpose lights do not include lights needed to  
2 provide special needs lighting for individuals with exceptional  
3 needs.

4 (b) For purposes of this article, “hazardous material” has the  
5 same meaning as defined in Section 25501.

6 25210.11. Every manufacturer of general purpose lights sold  
7 in this state and containing hazardous materials shall be responsible  
8 for all of the following:

9 (a) On and after July 1, 2009, ensuring that a system is in place  
10 to provide for the collection and recycling of any end-of-life  
11 general purpose lights generated in this state.

12 (b) On or before July 1, 2008, submitting a plan to the  
13 department for the collection, recycling, and proper management  
14 of end-of-life general purpose lights generated in this state.

15 (c) The plan at a minimum shall include all of the following:

16 (1) The methods to be used by the manufacturer to collect and  
17 properly manage the devices generated in this state.

18 (2) The number and frequency of collection opportunities.

19 (3) The methods to be used to educate consumers about the  
20 opportunities presented in the plan.

21 (4) The funding mechanisms to be used by the manufacturer to  
22 accomplish the plan.

23 SEC. 4. Section 25402.5.4 is added to the Public Resources  
24 Code, to read:

25 25402.5.4. (a) On or before July 1, 2008, the commission,  
26 after one or more public workshops, with public notice and an  
27 opportunity for all interested parties to comment, shall determine  
28 the amount of statewide electrical energy consumption used for  
29 lighting in 2007, and shall approve, in a public hearing, a statewide  
30 electrical energy consumption limit for lighting, to be achieved by  
31 2018, that is equivalent to 50 percent of 2007 use levels for indoor  
32 residential lighting and 75 percent of 2007 use levels for indoor  
33 commercial and outdoor use lighting.

34 (b) The statewide electrical energy consumption limit for  
35 lighting shall remain in effect unless otherwise amended or  
36 repealed.

37 (c) It is the intent of the Legislature that the statewide electrical  
38 energy consumption limit for lighting continue to operate and be  
39 used to maintain and continue reductions in energy consumption  
40 for lighting beyond 2018.

(d) The commission shall make recommendations to the Governor and the Legislature regarding how to continue reductions in electrical energy consumption for lighting beyond 2018.

SEC. 5. Section 25402.5.5 is added to the Public Resources Code, to read:

25402.5.5. (a) The commission shall, after one of more public hearings, do all of the following, in order to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy for lighting by 2018:

(1) Develop and implement a statewide strategy for reducing energy consumption for indoor residential lighting by 50 percent.

(2) Develop and implement a statewide strategy for reducing energy consumption for indoor commercial and outdoor use lighting by 25 percent.

(3) On or before December 31, 2008, establish a schedule of minimum energy efficiency standards for all general purpose lights.

~~(d) Coordinate with the Department of General Services to end the purchase of general purpose lights in state facilities that do not meet the standards set in subdivision (c), within two years of the standards being adopted.~~

(4) Establish programs and incentives to encourage the sale in this state of general purpose lights that meet or exceed the standards set in subdivision (c).

*(b) The Department of General Services, in coordination with the commission, shall end the purchase of general purpose lights in state facilities that do not meet the standards adopted pursuant to paragraph (3) of subdivision (a), within two years of the standards being adopted.*

(c) For purposes of this section, “general purpose lights” means lamps, bulbs, tubes, or other devices that provide functional illumination for indoor residential, indoor commercial, and outdoor use.

(1) General purpose lights do not include any of the following specialty lighting: appliance, black light, bug, colored, infrared, left hand thread, marine, signal service, mine service, plant light,

1 reflector, rough service, shatter resistant, sign service, silver bowl,  
2 showcase, three-way traffic signal, and vibration service or  
3 vibration resistant.

4 (2) General purpose lights do not include lights needed to  
5 provide special needs lighting for individuals with exceptional  
6 needs.

7 SEC. 6. The provisions of this act are severable. If any  
8 provision of this act or its application is held invalid, that invalidity  
9 shall not affect other provisions or applications that can be given  
10 effect without the invalid provision or application.

11 SEC. 7. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.