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CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1109**

**Introduced by Assembly Members Huffman and Feuer**

**(Principal coauthor: Assembly Member Leno)**

**(Coauthors: Assembly Members Berg, Caballero, DeSaulnier,  
Hancock, Hernandez, Krekorian, Laird, Lieber, Portantino, and  
Wolk)**

(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, and to repeal Section 25210.11 of, the Health and Safety Code, and to add Section 25402.5.4 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~~ *Hazardous Waste Control Law* is a crime.

This bill would enact the California Lighting Efficiency and Toxics Reduction Act and would prohibit, ~~on or~~ *and* after January 1, 2010, a person from ~~selling or offering~~ *manufacturing* for sale *in the state specified* general purpose lights, ~~as defined~~, that contain levels of hazardous substances prohibited by the European Union pursuant to the RoHS Directive. *This prohibition would not apply to high intensity discharge lamps and compact fluorescent lamps greater than 9 inches in length until January 1, 2012. The prohibition would not apply to high output and very high output linear fluorescent lamps greater than 34 millimeters in diameter and preheat linear fluorescent lamps. On or after January 1, 2014, the department would be required to determine, in consultation with manufacturers of those high output and very high output linear fluorescent lamps, whether those lamps should be subject to the prohibition taking into consideration changes in lamp design or manufacturing technology, allowing for removal or reduction of mercury.* A manufacturer would be required to prepare and upon request of the department submit, within a specified time period, technical documentation or other information showing that its general purpose lights for sale or offered for sale in this state comply with the requirements of the RoHS Directive. A violation of the act or a regulation adopted pursuant to the act would be punishable by a specified civil penalty.

On or before February 1, 2008, the department, in coordination with the California Integrated Waste Management Board, would be required to convene a task force to consider, and make ~~recommendation~~ *recommendations* by June 1, 2008, on the most effective and cost-efficient method for the proper collection and recycling of end-of-life general purpose lights generated in this state, methods to educate consumers about proper management and collection opportunities, and designations on *the* general purpose light and light packaging regarding proper recycling and compliance of the light with the act.

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

(2) 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.

On or before December 31, 2008, this bill would require the commission to adopt minimum energy efficiency standards for all general purpose lights on a schedule specified in regulations. The regulations, in combination with other programs and activities affecting lighting use in the state, would be structured to reduce statewide electrical energy consumption by not less than 50% from the 2007 levels for indoor residential lighting and not less than 25% from the 2007 levels for indoor commercial and outdoor lighting by 2018. The Department of General Services in coordination with the commission would be required to end the purchase of general purpose lights in 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. The commission would be authorized to provide for the inclusion or exclusion of a particular type of general purpose light from its energy efficiency standards.

~~(3) 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~~no.

*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
- 8 conservation, toxic waste reduction, recycling, and greenhouse
- 9 gas emission reduction.
- 10 (b) Energy consumption for lighting accounts for nearly 20
- 11 percent of the state's electricity demand. The energy efficiencies
- 12 of existing lighting technologies vary significantly, and while
- 13 California leads the nation in the use of energy-efficient compact

1 fluorescent lighting, more than 94 percent of current light bulb  
2 purchases are for less efficient incandescent bulbs.

3 (c) Transitioning to currently available higher efficiency lighting  
4 technologies will substantially reduce energy consumption and  
5 pollution, including reducing greenhouse gas emissions, while  
6 lowering costs to consumers.

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

13 (e) Many existing lighting choices contain toxic materials. Most  
14 fluorescent lighting products contain mercury. Most incandescent  
15 lighting products contain lead. California prohibits disposing of  
16 lighting products containing hazardous levels of metal in the solid  
17 waste stream. The hazardous material in waste lighting products  
18 can be managed through recycling, but recycling opportunities are  
19 currently inconvenient or nonexistent for most consumers.

20 (f) Fluorescent lighting products delivering the same level of  
21 light at the same level of efficiency can have varying levels of  
22 mercury. The California Department of General Services has  
23 adopted a procurement preference favoring low mercury fluorescent  
24 lamps.

25 (g) Coal-generated electricity in the United States accounts for  
26 more than six million tons of mercury emissions annually, and  
27 while growth in the use of energy-efficient fluorescent lighting  
28 without expanded recycling will result in increased disposal of  
29 mercury in the waste stream, the United States Environmental  
30 Protection Agency has concluded that shifting from incandescent  
31 lighting to more efficient compact fluorescent lighting will result  
32 in a net reduction in total United States mercury emissions due to  
33 the displacement of coal-fired electricity generation.

34 (h) It is the intent of the Legislature that the State Energy  
35 Resources Conservation and Development Commission develop  
36 a strategy for substantially increasing the use of energy-efficient  
37 lighting and phasing out the use of energy inefficient lighting over  
38 the next decade.

1 (i) It is the intent of the Legislature to have a system established  
2 for the recycling of hazardous lighting products that is free and  
3 convenient for end users.

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

7  
8 Article 10.02. Lighting Toxics Reduction  
9

10 ~~25210.9. (a) On and after January 1, 2010, a person shall not~~  
11 ~~sell or offer for sale in this state general purpose lights that contain~~

12 *25210.9. (a) (1) Except as provided in subdivisions (b) and*  
13 *(c), on and after January 1, 2010, a person shall not manufacture*  
14 *general purpose lights for sale in this state if those lights contain*  
15 *levels of hazardous substances that would result in the prohibition*  
16 *of those general purpose lights being sold or offered for sale in the*  
17 *European Union pursuant to the RoHS Directive.*

18 *(2) For the purposes of this section, "RoHS Directive" means*  
19 *Directive 2002/95/EC, adopted by the European Parliament and*  
20 *the Council of the European Union on January 27, 2003, on the*  
21 *restriction of certain hazardous substances in electrical and*  
22 *electronic equipment, as amended thereafter by the Commission*  
23 *of European Communities (13.2.2003 Official Journal of the*  
24 *European Union).*

25 *(3) The department shall determine the requirements of the*  
26 *RoHS Directive by reference to authoritative guidance published*  
27 *by the United Kingdom implementing the RoHS Directive in that*  
28 *country.*

29 *(b) (1) Except as provided in paragraph (2), subdivision (a)*  
30 *does not apply to high output and very high output linear*  
31 *fluorescent lamps greater than 34 millimeters in diameter and*  
32 *preheat linear fluorescent lamps.*

33 *(2) On or after January 1, 2014, the department shall determine,*  
34 *in consultation with companies that manufacture lamps specified*  
35 *in paragraph (1) in the United States, if those lamps should be*  
36 *subject to the requirements of subdivision (a), taking into*  
37 *consideration changes in lamp design or manufacturing technology*  
38 *that will allow for the removal or reduction of mercury.*

1 (c) *On and after January 1, 2012, high intensity discharge lamps*  
2 *and compact fluorescent lamps greater than nine inches in length*  
3 *shall be subject to the requirements of subdivision (a).*

4 ~~(b)~~

5 (d) A manufacturer shall prepare and, at the request of the  
6 department, submit within 28 days of the date of the request,  
7 technical documentation or other information showing that the  
8 manufacturer’s general purpose lights sold or offered for sale in  
9 this state comply with the requirements of the RoHS Directive.

10 ~~(e)~~

11 (e) (1) A violation of this article or a regulation adopted  
12 pursuant to this article shall be punishable as follows:

13 ~~(1)~~

14 (A) A person who violates this article or a regulation adopted  
15 pursuant to this article shall be subject to a civil penalty of up to  
16 one thousand dollars (\$1,000) for each occurrence, up to a  
17 maximum of twenty thousand dollars (\$20,000).

18 ~~(2)~~

19 (B) An action for a civil penalty pursuant to this subdivision  
20 may be brought by a public prosecutor and shall be enforceable  
21 as a civil judgment.

22 (2) *A violation of this article or a regulation adopted pursuant*  
23 *to this article is not a violation for the purposes of Section 25190*  
24 *or 25191.*

25 25210.10. (a) (1) For purposes of this article, “general purpose  
26 lights” means lamps, bulbs, tubes, or other electric devices that  
27 provide functional illumination for indoor residential, indoor  
28 commercial, and outdoor use.

29 (2) General purpose lights do not include any of the following  
30 specialty lighting: appliance, black light, bug, colored, infrared,  
31 left-hand thread, marine, marine signal service, mine service, plant  
32 light, reflector, rough service, shatter resistant, sign service, silver  
33 bowl, showcase, three-way, traffic signal, and vibration service or  
34 vibration resistant.

35 (3) General purpose lights do not include lights needed to  
36 provide special-needs lighting for individuals with exceptional  
37 needs.

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

1 25210.11. (a) On or before February 1, 2008, the department  
2 shall, in coordination with the California Integrated Waste  
3 Management Board, convene a task force consisting of, but not  
4 limited to, representatives of the lighting industry, environmental  
5 organizations, the recycling industry, individuals and private sector  
6 entities, local governments, energy utilities, and retailers to  
7 consider and make recommendations on all of the following:

8 (1) The most effective and cost-efficient method to provide for  
9 the proper collection and recycling of any end-of-life general  
10 purpose lights generated in this state.

11 (2) Methods to educate consumers about the proper management  
12 and collection opportunities for end-of-life general purpose lights.

13 (3) Designations on *the* general purpose light and light  
14 packaging regarding the proper recycling of the light and  
15 compliance of the light with this article.

16 (b) The task force shall conclude its work and make  
17 recommendations to the Legislature on or before June 1, 2008.

18 (c) This section shall remain in effect only until January 1, 2009,  
19 and as of that date is repealed, unless a later enacted statute that  
20 is enacted before January 1, 2009, deletes or extends that date.

21 SEC. 4. Section 25402.5.4 is added to the Public Resources  
22 Code, to read:

23 25402.5.4. (a) On or before December 31, 2008, the  
24 commission shall adopt minimum energy efficiency standards for  
25 all general purpose lights on a schedule specified in the regulations.  
26 The regulations, in combination with other programs and activities  
27 affecting lighting use in the state, shall be structured to reduce  
28 statewide electrical energy consumption by not less than 50 percent  
29 from the 2007 levels for indoor residential lighting and by not less  
30 than 25 percent from the 2007 levels for indoor commercial and  
31 outdoor lighting, by 2018.

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

35 (c) The commission may establish programs to encourage the  
36 sale in this state of general purpose lights that meet or exceed the  
37 standards set forth in subdivision (a).

38 (d) The Department of General Services, in coordination with  
39 the commission, shall end the purchase of general purpose lights  
40 in state facilities that do not meet the standards adopted pursuant

1 to subdivision (a), within two years of those standards being  
2 adopted.

3 (e) (1) (A) For purposes of this section, “general purpose  
4 lights” means lamps, bulbs, tubes, or other electric devices that  
5 provide functional illumination for indoor residential, indoor  
6 commercial, and outdoor use.

7 (B) General purpose lights do not include any of the following  
8 specialty lighting: appliance, black light, bug, colored, infrared,  
9 left-hand thread, marine, marine signal service, mine service, plant  
10 light, reflector, rough service, shatter resistant, sign service, silver  
11 bowl, showcase, three-way, traffic signal, and vibration service or  
12 vibration resistant.

13 (2) ~~Notwithstanding subdivision (a), the~~ *The* commission may,  
14 after one or more public workshops, with public notice and an  
15 opportunity for all interested parties to comment, provide for  
16 inclusion or exclusion of a particular type of ~~general purpose~~ light  
17 from its energy efficiency standards.

18 (3) General purpose lights do not include lights needed to  
19 provide special-needs lighting for individuals with exceptional  
20 needs.

21 SEC. 5. The provisions of this act are severable. If any  
22 provision of this act or its application is held invalid, that invalidity  
23 shall not affect other provisions or applications that can be given  
24 effect without the invalid provision or application.

25 ~~SEC. 6. No reimbursement is required by this act pursuant to~~  
26 ~~Section 6 of Article XIII B of the California Constitution because~~  
27 ~~the only costs that may be incurred by a local agency or school~~  
28 ~~district will be incurred because this act creates a new crime or~~  
29 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
30 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
31 ~~the Government Code, or changes the definition of a crime within~~  
32 ~~the meaning of Section 6 of Article XIII B of the California~~  
33 ~~Constitution.~~