

Assembly Bill No. 1109

Passed the Assembly September 10, 2007

Chief Clerk of the Assembly

Passed the Senate September 6, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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.

This bill would enact the California Lighting Efficiency and Toxics Reduction Act and would prohibit, on and after January 1, 2010, a person from manufacturing for sale in the state specified general purpose lights that contain levels of hazardous substances prohibited by the European Union pursuant to the RoHS Directive. A person would be prohibited, on and after January 1, 2010, from selling or offering for sale in the state, the above specified general purpose lights. A person would also be prohibited, on and after January 1, 2010, from selling general purpose lights from manufacturers who failed to provide the required documentation or certification specified below. These prohibitions would not apply to high intensity discharge lamps and compact fluorescent lamps greater than 9 inches in length until January 1, 2012 and to specified incandescent lamps and enhanced spectrum lamps until January 1, 2014. These prohibitions would not apply to high output and very high output linear fluorescent lamps greater than 32 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 manufacturer would be required to provide, upon request, a certification to a person who sells or offers for sale that manufacturer's general purpose lights attesting that those lights do not contain levels of hazardous substances that would result in the prohibition of those general purpose lights being sold or offered for sale in California. The bill would specify that any violation of the above requirements and prohibitions is not subject to any criminal penalties imposed pursuant to the Hazardous Waste Control Law.

The department, in coordination with the California Integrated Waste Management Board, would be required to convene a task force to consider, and make recommendations by September 1, 2008, on the most effective, cost-efficient, and convenient method for the consumer 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.

(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 average 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 and other state agencies in coordination with the commission would be required to end the purchase of general purpose lights within 2 years of the adoption of the standards regarding energy consumption limits for all general purpose lights, and for general

purpose lights with historically appropriate appearances within 4 years of the adoption of the standards.

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 of a particular type of specialty light in its energy efficiency standards if the commission makes specified findings.

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

SECTION 1. This act shall be known and may be cited as the California Lighting Efficiency and Toxics Reduction Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) This state has long been a national and international leader on energy conservation and environmental stewardship efforts, including the areas of air quality protections, energy efficiency requirements, renewable energy standards, natural resource conservation, toxic waste reduction, recycling, and greenhouse gas emission reduction.

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

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

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

(e) Many existing lighting choices contain toxic materials. Most fluorescent lighting products contain mercury. Most incandescent lighting products contain lead. California prohibits disposing of lighting products containing hazardous levels of metal in the solid waste stream. The hazardous material in waste lighting products

can be managed through recycling, but recycling opportunities are currently inconvenient or nonexistent for most consumers.

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

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

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

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

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

Article 10.02. Lighting Toxics Reduction

25210.9. (a) Except as provided in subdivisions (e), (f), and (g), on and after January 1, 2010, a person shall not manufacture general purpose lights for sale in this state that contain levels of hazardous substances that would result in the prohibition of those general purpose lights being sold or offered for sale in the European Union pursuant to the RoHS Directive.

(b) Except as provided in subdivisions (e), (f), and (g), on and after January 1, 2010, a person shall not sell or offer for sale in this state general purpose light under any of the following circumstances:

(1) The general purpose light being sold or offered for sale was manufactured on and after January 1, 2010, and contains levels of hazardous substances that would result in the prohibition of those general purpose lights being sold or offered for sale in the European Union pursuant to the RoHS Directive.

(2) The manufacturer of the general purpose light sold or being offered for sale fails to provide the documentation to the department required by subdivision (h).

(3) The manufacturer of the general purpose light being sold or offered for sale does not provide the certification required in subdivision (i).

(c) For the purposes of this section, “RoHS Directive” means Directive 2002/95/EC, adopted by the European Parliament and the Council of the European Union on January 27, 2003, on the restriction of certain hazardous substances in electrical and electronic equipment, as amended thereafter by the Commission of European Communities (13.2.2003 Official Journal of the European Union).

(d) The department shall determine the products covered by the RoHS Directive by reference to authoritative guidance published by the United Kingdom implementing the RoHS Directive in that country.

(e) (1) Except as provided in paragraph (2), subdivisions (a), (b), (h), and (i) do not apply to high output and very high output linear fluorescent lamps greater than 32 millimeters in diameter and preheat linear fluorescent lamps.

(2) On or after January 1, 2014, the department shall determine, in consultation with companies that manufacture lamps specified in paragraph (1) in the United States, if those lamps should be subject to the requirements of subdivisions (a), (b), (h), and (i), taking into consideration changes in lamp design or manufacturing technology that will allow for the removal or reduction of mercury.

(f) On and after January 1, 2012, for high intensity discharge lamps and compact fluorescent lamps greater than nine inches in length subdivisions (a), (b), (h), and (i) shall be applicable.

(g) On and after January 1, 2014, for state-regulated general service incandescent lamps and enhanced spectrum lamps as defined in subdivision (k) of Section 1602 of Title 20 of the California Code of Regulations subdivisions (a), (b), (h), and (i) shall be applicable.

(h) A manufacturer of general purpose lights sold or being offered for sale in California shall prepare and, at the request of the department, submit within 28 days of the date of the request, technical documentation or other information showing that the manufacturer's general purpose lights sold or offered for sale in this state comply with the requirements of the RoHS Directive.

(i) A manufacturer of general purpose lights sold or being offered for sale in California shall provide, upon request, a certification to a person who sells or offers for sale that manufacturer's general purpose lights. The certification shall attest that the general purpose lights do not contain levels of hazardous substances that would result in the prohibition of those general purpose lights being sold or offered for sale in California. Alternatively, the manufacturer may display the certification required by this subdivision prominently on the shipping container or on the packaging of general purpose lights.

(j) The department may adopt regulations to implement and administer this article.

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

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

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

25210.11. (a) The department shall, in coordination with the California Integrated Waste Management Board, convene a task force consisting of, but not limited to, representatives of the lighting industry, environmental organizations, the recycling industry, individuals and private sector entities, local governments, energy utilities, and retailers to consider and make recommendations on all of the following:

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

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

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

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

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

25210.12. Notwithstanding Article 8 (commencing with Section 25180), a person who violates this article shall not be subject to any criminal penalties imposed pursuant to Article 8 (commencing with Section 25180).

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

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

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

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

(d) (1) Except as provided in paragraph (2), the Department of General Services, and all other state agencies, as defined in Section 12000 of the Public Contract Code, in coordination with the commission, shall cease purchasing general purpose lights that do

not meet the standards adopted pursuant to subdivision (a), within two years of those standards being adopted.

(2) The Department of General Services, and all other state agencies, as defined in Section 12000 of the Public Contract Code, in coordination with the commission shall cease purchasing general service lights with an appearance that is historically appropriate for the facilities in which the lights are being used, and that do not meet the standards adopted pursuant to subdivision (a) within four years of those standards being adopted.

(e) It is the intent of the Legislature to encourage the Regents of the University of California, in coordination with the commission, to cease purchasing general purpose lights that do not meet the standards adopted pursuant to subdivision (a), within two years of those standards being adopted.

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

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

(2) The commission may, after one or more public workshops, with public notice and an opportunity for all interested parties to comment, provide for inclusion of a particular type of specialty light in its energy efficiency standards applicable to general purpose lighting, if it finds that there has been a significant increase in sales of that particular type of particular specialty light due to the use of that specialty light in general purpose lighting applications.

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

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

Approved _____, 2007

Governor