

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1173

Introduced by Assembly Member Huffman
(Coauthors: Assembly Members Portantino and Torlakson)
(Coauthor: Senator DeSaulnier)

February 27, 2009

An act to add Chapter 7.3 (commencing with Section 42420) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1173, as amended, Huffman. Recycling: compact fluorescent lamps.

The existing California Lighting Efficiency and Toxics Reduction Act prohibits, on and after January 1, 2010, except for certain specified circumstances, a person from manufacturing, selling, or offering 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, as specified.

This bill would prohibit the distribution of moneys from energy efficiency investment funds or any other funds generated from usage-based charges on electricity distribution that are provided by California's retail sellers of electricity to any entity for *the purchase and distribution of* compact fluorescent lamps, unless the compact fluorescent lamps meet certain specifications, and the manufacturer or distributor of the compact fluorescent lamps has implemented a recycling program or has agreed to pay an ~~unspecified~~ amount *at a level necessary to provide sufficient funds for the requirements of the program* for every lamp for which funding is received into ~~a compact fluorescent~~

~~lamp recycling fund~~ *the Fluorescent Lamp Recycling Fund*. The bill would prohibit the distribution of moneys from energy efficiency investment funds or any other funds generated from usage-based charges on electricity distribution that are provided by California’s retail sellers of electricity to a retailer, unless the retailer has agreed to provide the public an in-store collection opportunity for the recycling of compact fluorescent lamps.

This bill would establish the Fluorescent Lamp Recycling Fund in the State Treasury. The bill would require the money to be used to make payments to retailer-based collectors, local governments, and other approved collectors of fluorescent lamps generated by households in the state. The Department of Toxic Substances Control would be required to administer the fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: 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 Fluorescent Lamp Toxics Reduction and Recycling Act.
- 3 SEC. 2. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) California policy, including the California Lighting
- 6 Efficiency and Toxics Reduction Act (Chapter 534 of the Statutes
- 7 of 2007), has put California on a path of transition from
- 8 incandescent lamps to more energy-efficient lighting, including
- 9 substantially increased utilization of fluorescent lighting.
- 10 (2) Many existing lighting choices contain toxic materials. Most
- 11 fluorescent lighting products contain mercury. Most incandescent
- 12 lighting products contain lead. California prohibits disposing of
- 13 lighting products containing hazardous levels of metal in the solid
- 14 waste stream. The hazardous material in waste lighting products
- 15 can be reduced and managed through recycling, but recycling
- 16 opportunities are currently inconvenient or nonexistent for most
- 17 consumers.
- 18 (3) Fluorescent lighting products delivering the same level of
- 19 light at the same level of efficiency can have varying levels of
- 20 mercury. The Department of General Services has adopted a
- 21 procurement preference favoring low-mercury fluorescent lamps.

1 (4) In 2007, the Legislature enacted the California Lighting
2 Efficiency and Toxics Reduction Act (Chapter 534 of the Statutes
3 of 2007), which directed the Department of Toxic Substances
4 Control (DTSC) to convene a lighting task force to consider and
5 make policy recommendations to the Legislature for designing a
6 statewide collection program for end-of-life fluorescent lights. On
7 September 1, 2008, the task force submitted recommendations to
8 the Legislature on the need and options for a convenient statewide
9 system for the collection and recycling of fluorescent lamps for
10 residential generators.

11 (b) It is the intent of the Legislature to have an established
12 system for the recycling of residential generated fluorescent lamps
13 that is free and convenient for end users.

14 SEC. 3. Chapter 7.3 (commencing with Section 42420) is added
15 to Part 3 of Division 30 of the Public Resources Code, to read:

16

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CHAPTER 7.3. FLUORESCENT LAMPS

18

19 42420. (a) Moneys from energy efficiency investment funds
20 or any other funds generated from usage-based charges on
21 electricity distribution that are provided by California's retail sellers
22 of electricity shall not be distributed to any entity for *the purchase*
23 *and distribution of* compact fluorescent lamps, unless all of the
24 following conditions exist:

25 ~~(1) All compact fluorescent lamps purchased are ENERGY~~
26 ~~STAR version 4.0 qualified, or the most recent version listed on~~
27 ~~the ENERGY STAR Internet Web site, including, but not limited~~
28 ~~to, a maximum allowable mercury content and a rated lifetime~~
29 ~~requirement for compact fluorescent lamps.~~

30 *(1) All compact fluorescent lamps purchased are qualified as*
31 *the most recent ENERGY STAR version listed on the ENERGY*
32 *STAR Internet Web site.*

33 (2) The manufacturer or distributor of the compact fluorescent
34 lamps has done either of the following:

35 (A) Implemented a comprehensive recycling program for
36 compact fluorescent lamps *approved by the Department of Toxic*
37 *Substances Control.*

38 ~~(B) Agreed to pay _____ cents (\$_____) for every lamp for which~~
39 ~~funding is received into a compact fluorescent lamp recycling~~
40 ~~fund.~~

1 (B) Agreed to pay an amount established pursuant to Section
2 42421, for each compact fluorescent lamp for which funding is
3 received into the Fluorescent Lamp Recycling Fund established
4 pursuant to Section 42421.
5 (b) Moneys from energy efficiency investment funds or any
6 other funds generated from usage-based charges on electricity
7 distribution that are provided by California’s retail sellers of
8 electricity shall not be distributed to a retailer, unless the retailer
9 for a compact fluorescent light program has agreed to provide the
10 public with a convenient in-store collection opportunity for the
11 recycling of compact fluorescent lamps.
12 42421. (a) Any payments collected pursuant to subparagraph
13 (B) of paragraph (2) of subdivision (a) of Section 42420 shall be
14 deposited into the Fluorescent Lamp Recycling Fund, which is
15 hereby created in the State Treasury.
16 (b) The fund and this section shall be administered by the
17 Department of Toxic Substances Control.
18 (c) Moneys in the fund shall be used to make payments to
19 retailer-based collectors, local governments, and other approved
20 collectors of fluorescent lamps generated by households in this
21 state.
22 (d) The amount of payments established pursuant to this section
23 shall be at a level sufficient to cover the average cost of collecting
24 and properly recycling residentially generated fluorescent lamps
25 and to encourage public, private, and nonprofit entities to establish
26 convenient locations for that collection.
27 (e) The amount of the payments established pursuant to
28 subparagraph (B) of paragraph (2) of subdivision (a) of Section
29 42420 shall be at a level necessary to provide sufficient funds for
30 the requirements of this section.