

## Legal Updates & News

### Bulletins

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## California Legislature Widens Control Over Hazardous Substances in Electronic Products and Furthers Energy Efficiency to Protect Climate – Lighting and Lamps

October 2007

### LUEL Briefing, October 19, 2007

The end of the California legislative session brought new authority for the State's Department of Toxic Substances Control (DTSC) and other agencies to adopt the European scheme for control of electronic products. At the end of last year, as we reported, DTSC had emulated the European Union's Directive on Restriction of the Use of Certain Hazardous Substances, or "RoHS" (pronounced "Rose") with respect to products containing video display terminals. A new statute (AB 1109), signed into law October 12, 2007, directs DTSC to identify those "general purpose lighting" and lamp products that, with a few exceptions, will be banned from sale in California after January 1, 2010, which are also prohibited under RoHS. The new state law goes further to require consumer recycling of older bulbs and lighting products. Consistent with California's landmark climate protection goals, the law also acts to develop ambitious energy saving standards for all new lighting products, not just those regulated under RoHS.

Under RoHS, electrical products containing lead, mercury, cadmium, hexavalent chromium, or two other chemicals used in flame retardants cannot be sold in the EU unless an exemption applies. Minor amounts of lead and mercury in fluorescent and incandescent lamps and some other specialty lamps are permitted. AB 1109 would prohibit the sale of lamps and lighting bulbs in California if the EU also prohibits their sale under its thresholds for these substances. Moreover, in California, manufacturers selling these products after the ban will have to document compliance with the requirement and offer certification of compliance to sellers and distributors. The requirements are phased in over time, with flexibility after January 1, 2010, for certain fluorescent lamps greater than 9 inches in length or 32 millimeters in diameter. Some specialty lamps, such as black lights, marine or mine use lamps, traffic signal and other applications are exempt.

By September 1, 2008, the Integrated Waste Management Board must recommend to the Legislature ways for consumers to recycle and properly manage and collect older lamps at end of life. After the recommendations are received, the Legislature is expected to adopt new laws to implement the recycling and collection program.

Perhaps more ambitiously, by December 31, 2008, the State Energy Resources Conservation and Development Commission must adopt new energy standards for lighting products. Together with other projects, by 2018, the state's electrical energy consumption from indoor residential lighting must be reduced by 50% from 2007 levels, and by 25% from 2007 levels from indoor commercial and outdoor lighting. This plan is designed to meet or exceed the goals for electrical energy use reductions proposed by the federal Department of Energy and to reduce mercury emissions due to displacement of coal-fired electricity generation.

Governor Schwarzenegger vetoed AB 48 which would have adopted RoHS restrictions in California for a broad range of other types of electronic equipment.

### Citations:

AB 1109 (Chapter 534, 2007)