

california legislature—2009–10 regular session

ASSEMBLY BILL No. 1173

Introduced by Assembly Member Huffman

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 introduced, 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 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 for every lamp for which funding is received into a compact 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

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public an in-store collection opportunity for the recycling of compact fluorescent lamps.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

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SECTION 1. This act shall be known, and may be cited, as the California Fluorescent Lamp Toxics Reduction and Recycling Act.

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

(1) California policy, including the California Lighting Efficiency and Toxics Reduction Act (Chapter 534 of the Statutes of 2007), has put California on a path of transition from incandescent lamps to more energy-efficient lighting, including substantially increased utilization of fluorescent lighting.

(2) 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 reduced and managed through recycling, but recycling opportunities are currently inconvenient or nonexistent for most consumers.

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

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

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

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

Chapter 7.3. Fluorescent Lamps

42420. (a) 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 shall not be distributed to any entity for compact fluorescent lamps, unless all of the following conditions exist:

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

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

(A) Implemented a comprehensive recycling program for compact fluorescent lamps.

(B) Agreed to pay ____ cents (\$____) for every lamp for which funding is received into a compact fluorescent lamp recycling fund.

(b) 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 shall not be distributed to a retailer, unless the retailer has agreed to provide the public with a convenient in-store collection opportunity for the recycling of compact fluorescent lamps.

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