

# HOUSE BILL REPORT

## HB 2703

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**As Reported by House Committee On:**  
Technology, Energy & Communications  
Appropriations Subcommittee on General Government & Audit Review

**Title:** An act relating to encouraging energy efficiency.

**Brief Description:** Encouraging energy efficiency.

**Sponsors:** Representatives Morris, Morrell and Hudgins.

**Brief History:**

**Committee Activity:**

Technology, Energy & Communications: 1/23/08, 2/1/08 [DPS];  
Appropriations Subcommittee on General Government & Audit Review: 2/5/08, 2/7/08  
[DP2S(w/o sub TEC)].

**Brief Summary of Second Substitute Bill**

- Establishes minimum energy efficiency standards for general service incandescent lamps.
- Prohibits for sale general purpose lights that contain certain levels of hazardous substances.
- Establishes a work group to make recommendations on recycling of general purpose lights.

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### HOUSE COMMITTEE ON TECHNOLOGY, ENERGY & COMMUNICATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Hankins, Herrera, Hudgins, Hurst, Kelley, Morris, Takko and Van De Wege.

**Staff:** Scott Richards (786-7156).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **European Union: Restriction of the use of Certain Hazardous Substances (RoHS) Directive**

The RoHS Directive stands for "the restriction of the use of certain hazardous substances in electrical and electronic equipment." Beginning July 1, 2006, the RoHS Directive bans placing on the European Union (EU) market new electrical and electronic equipment with certain lead, cadmium, mercury, hexavalent chromium, polybrominated biphenyl (PBB) and polybrominated diphenyl ether (PBDE) flame retardants.

### **California: RoHS Law**

In 2007 California's Legislature passed HB 1109, known as the Lighting Efficiency and Toxics Reduction Act (Act).

The Act requires manufacturers to reduce the levels of toxins in lighting products, such as mercury in fluorescent and lead in incandescent lights, consistent with requirements already in place in the EU. The California RoHS law requires the Department of Toxic Substances Control to adopt regulations prohibiting a covered electronic device from being sold or offered for sale in California if that device is prohibited from being sold or offered for sale in the EU due to the presence of lead, mercury, cadmium, or hexavalent chromium above certain maximum concentration values.

Additionally, California's Integrated Waste Management Board must create a task force to make recommendations by June 1, 2008, on the most effective and cost-effective method for collecting and recycling end-of-life light bulbs.

### **The Federal Energy Independence and Security Act of 2007**

Section 321 of the Energy Independence and Security Act of 2007 sets an energy efficiency standard for general service incandescent lamps. General service incandescent lamps are the type of light bulbs typically for residential uses. Starting January 1, 2012, all general service incandescent lamps must meet a minimum efficiency, emitting 310-2600 lumens at 110-130 volts.

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### **Summary of Substitute Bill:**

The federal minimum efficiency standard for general service incandescent lamps is incorporated by reference.

The sale or offer for sale by manufacturers of general service incandescent lamps in Washington is prohibited by January 1, 2012, unless the efficiency of the general service incandescent lamps meets or exceeds the federal minimum efficiency standard. By January 1, 2012 the installation for compensation is prohibited for general service incandescent lamps, unless the efficiency of the general service incandescent lamp meets or exceeds the federal minimum efficiency standard.

The term "general purpose lights" means lamps, bulbs, tubes, or other electric devices that provide functional illumination for indoor residential, indoor commercial, and outdoor use.

The term "general service incandescent lamps" means general service incandescent lamps as defined under 42 U.S.C. Section 6291 as of January 1, 2008.

By December 1, 2010, the Department of Community, Trade and Economic Development (DCTED) must make recommendations to the Governor and the Legislature on an annual basis on how to continue reductions in electrical consumption for general service incandescent lamps excluded by 42 U.S.C Section 6295.

The DCTED may establish programs to encourage the sale in this state of general service incandescent lamps that meet or exceed the standards.

### **Reduction of Hazardous Substances in General Purpose Lights**

After January 1, 2010, the sale of general purpose lights is prohibited if the lights contain levels of hazardous substances that would violate the EU RoHS Directive. The term "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.

A manufacturer is required to prepare technical documentation showing that its general purpose lights comply with the RoHS Directive. Also, a manufacturer is required to submit, upon request, certification to a person who sells that manufacturer's lights, attesting that the lights do not contain levels of hazardous substances that would result in the prohibition of those lights being offered for sale in Washington.

High output linear fluorescent lamps and very high output linear fluorescent lamps are excluded from the prohibition until January 1, 2012. The DCTED is required after January 1, 2014, to determine whether these excluded lamps should be subject to the prohibition, taking into consideration changes in lamp design or manufacturing design that allow for the removal or reduction of mercury. Certain specified incandescent lamps and enhanced spectrum lamps are excluded from the prohibition until January 1, 2014.

Beginning December 1, 2010, the DCTED is required to report annually to the Governor and Legislature on changes to the RoHS Directive.

### **Work Group on Collection and Recycling of End-of-Life General Purpose Lights**

The Department of Ecology, in consultation with the Solid Waste Advisory Committee, must convene a work group with representatives of the lighting industry, environmental organizations, fluorescent lamp retailers, waste haulers, lamp recyclers, and local governments to consider and make recommendations on the following issues:

- 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;
- methods to educate consumers about the proper management of, and collection of, end-of-life general purpose lights; and
- designation on the general purpose light and light packaging regarding the proper recycling.

By December 1, 2008 the Department of Ecology must report its findings and recommendations for implementing and financing a recycling program for fluorescent lamps to the appropriate committees of the Legislature.

**Substitute Bill Compared to Original Bill:**

The federal efficiency standard for general service incandescent lamps is incorporated by reference.

Provisions requiring the Department of General Administration to develop a strategy to increase state agency use of general purpose lights based on a state minimum efficiency standard and to purchase general purpose lights based on a state minimum efficiency standard are eliminated.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill is modeled after California's law to improve energy efficiency of lighting and reduce toxic wastes from various electronic devices. The Energy Independence and Security Act of 2007 may preempt California's lighting standard and what is proposed in this bill. However, the federal act does not regulate certain specialty bulbs and it may be worth including these bulbs in this bill. There is strong support for the creation of a work group to make recommendations on the recycling of bulbs.

(Opposed) None.

**Persons Testifying:** Representative Morris, prime sponsor; and Carrie Dolwick, Northwest Energy Coalition.

**Persons Signed In To Testify But Not Testifying:** None.

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**HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT & AUDIT REVIEW**

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by 9 members: Representatives Linville, Chair; Ericks, Vice Chair; Blake, Lantz, Liias, Miloscia, Morris, Nelson and Van De Wege.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Armstrong, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Alexander, Chandler and Kretz.

**Staff:** Owen Rowe (786-7391).

**Summary of Recommendation of Committee On Appropriations Subcommittee on General Government & Audit Review Compared to Recommendation of Committee On Technology, Energy & Communications:**

A null and void clause was added, making the bill null and void unless funded in the budget.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Second Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:**

None.

**Persons Testifying:** None.

**Persons Signed In To Testify But Not Testifying:** None.