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SECOND SUBSTITUTE HOUSE BILL 2703

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State of Washington

60th Legislature

2008 Regular Session

By House Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Morris, Morrell, and Hudgins)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to encouraging energy efficiency; amending RCW  
2 19.260.020, 19.260.030, and 19.260.050; adding new sections to chapter  
3 19.260 RCW; creating new sections; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 19.260.020 and 2006 c 194 s 1 are each amended to read  
6 as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Automatic commercial ice cube machine" means a factory-made  
10 assembly, not necessarily shipped in one package, consisting of a  
11 condensing unit and ice-making section operating as an integrated unit  
12 with means for making and harvesting ice cubes. It may also include  
13 integrated components for storing or dispensing ice, or both.

14 (2) "Ballast" means a device used with an electric discharge lamp  
15 to obtain necessary circuit conditions, such as voltage, current, and  
16 waveform, for starting and operating the lamp.

17 (3) "Commercial clothes washer" means a soft mount horizontal or  
18 vertical-axis clothes washer that: (a) Has a clothes container  
19 compartment no greater than 3.5 cubic feet in the case of a horizontal-

1 axis product or no greater than 4.0 cubic feet in the case of a  
2 vertical-axis product; and (b) is designed for use by more than one  
3 household, such as in multifamily housing, apartments, or coin  
4 laundries.

5 (4) "Commercial prerinse spray valve" means a handheld device  
6 designed and marketed for use with commercial dishwashing and  
7 warewashing equipment and that sprays water on dishes, flatware, and  
8 other food service items for the purpose of removing food residue prior  
9 to their cleaning.

10 (5)(a) "Commercial refrigerators and freezers" means refrigerators,  
11 freezers, or refrigerator-freezers designed for use by commercial or  
12 institutional facilities for the purpose of storing or merchandising  
13 food products, beverages, or ice at specified temperatures that: (i)  
14 Incorporate most components involved in the vapor-compression cycle and  
15 the refrigerated compartment in a single cabinet; and (ii) may be  
16 configured with either solid or transparent doors as a reach-in  
17 cabinet, pass-through cabinet, roll-in cabinet, or roll-through  
18 cabinet.

19 (b) "Commercial refrigerators and freezers" does not include: (i)  
20 Products with ((85)) eighty-five cubic feet or more of internal volume;  
21 (ii) walk-in refrigerators or freezers; (iii) consumer products that  
22 are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv)  
23 products without doors; or (v) freezers specifically designed for ice  
24 cream.

25 (6) "Compensation" means money or any other valuable thing,  
26 regardless of form, received or to be received by a person for services  
27 rendered.

28 (7) "Department" means the department of community, trade, and  
29 economic development.

30 (8) "Enhanced spectrum" means an incandescent lamp that is not a  
31 colored incandescent lamp, and, when operated at its rated voltage and  
32 wattage: (a) Has a color point (x,y) chromaticity coordinates on the  
33 commission internationale de l'eclairage (C.I.E.) 1931 chromaticity  
34 diagram that lies below the black-body locus; and (b) has a color point  
35 (x,y) chromaticity coordinates on the C.I.E. 1931 chromaticity diagram  
36 that lies at least four MacAdam steps distant from the color point of  
37 a clear lamp with the same filament and bulb shape, operated at the

1 same rated voltage and wattage. The MacAdam steps are defined as  
2 referenced in illuminating engineering society of North America  
3 LM-16-1993.

4 (9) "General purpose lights" means lamps, bulbs, tubes, or other  
5 electric devices that provide functional illumination for indoor  
6 residential, indoor commercial, and outdoor use. "General purpose  
7 lights" do not include any of the following specialty lighting:  
8 Appliance, black light, bug, colored, infrared, left-hand thread,  
9 marine, marine signal service, mine service, plant light, reflector,  
10 rough service, shatter resistant, sign service, silver bowl, showcase,  
11 three-way, traffic signal, and vibration service or vibration  
12 resistant. "General purpose lights" also do not include lights needed  
13 to provide special needs lighting for individuals with exceptional  
14 needs.

15 (10) "General service incandescent lamp" means a general service  
16 incandescent lamp as defined under 42 U.S.C. Sec. 6291 as of January 1,  
17 2008.

18 (11) "High-intensity discharge lamp" means a lamp in which light is  
19 produced by the passage of an electric current through a vapor or gas,  
20 and in which the light-producing arc is stabilized by bulb wall  
21 temperature and the arc tube has a bulb wall loading in excess of three  
22 watts per square centimeter.

23 ~~((+9))~~ (12) "Metal halide lamp" means a high-intensity discharge  
24 lamp in which the major portion of the light is produced by radiation  
25 of metal halides and their products of dissociation, possibly in  
26 combination with metallic vapors.

27 ~~((+10))~~ (13) "Metal halide lamp fixture" means a light fixture  
28 designed to be operated with a metal halide lamp and a ballast for a  
29 metal halide lamp.

30 ~~((+11))~~ (14) "Pass-through cabinet" means a commercial  
31 refrigerator or freezer with hinged or sliding doors on both the front  
32 and rear of the unit.

33 ~~((+12))~~ (15) "Probe-start metal halide ballast" means a ballast  
34 used to operate metal halide lamps which does not contain an igniter  
35 and which instead starts lamps by using a third starting electrode  
36 "probe" in the arc tube.

37 ~~((+13))~~ (16) "Reach-in cabinet" means a commercial refrigerator or

1 freezer with hinged or sliding doors or lids, but does not include  
2 roll-in or roll-through cabinets or pass-through cabinets.

3 ~~((+14+))~~ (17) "RoHS directive" means directive 2002/95/EC, adopted  
4 by the European parliament and the council of the European Union on  
5 January 27, 2003, on the restriction of certain hazardous substances in  
6 electrical and electronic equipment as amended on the effective date of  
7 this section.

8 (18)(a) "Roll-in cabinet" means a commercial refrigerator or  
9 freezer with hinged or sliding doors that allow wheeled racks of  
10 product to be rolled into the unit.

11 (b) "Roll-through cabinet" means a commercial refrigerator or  
12 freezer with hinged or sliding doors on two sides of the cabinet that  
13 allow wheeled racks of product to be rolled through the unit.

14 ~~((+15+))~~ (19)(a) "Single-voltage external AC to DC power supply"  
15 means a device that: (i) Is designed to convert line voltage  
16 alternating current input into lower voltage direct current output;  
17 (ii) is able to convert to only one DC output voltage at a time; (iii)  
18 is sold with, or intended to be used with, a separate end-use product  
19 that constitutes the primary power load; (iv) is contained within a  
20 separate physical enclosure from the end-use product; (v) is connected  
21 to the end-use product via a removable or hard-wired male/female  
22 electrical connection, cable, cord, or other wiring; and (vi) has a  
23 nameplate output power less than or equal to 250 watts.

24 (b) "Single-voltage external AC to DC power supply" does not  
25 include: (i) Products with batteries or battery packs that physically  
26 attach directly to the power supply unit; (ii) products with a battery  
27 chemistry or type selector switch and indicator light; or (iii)  
28 products with a battery chemistry or type selector switch and a state  
29 of charge meter.

30 ~~((+16+))~~ (20) "State-regulated general service incandescent lamp"  
31 means a standard incandescent or halogen type lamp that is intended for  
32 general service applications; has a medium screw base; has a wattage  
33 rating no less than twenty-five watts and no greater than one hundred  
34 fifty watts; has a rated voltage range at least partially within one  
35 hundred ten and one hundred thirty volts; has an A-15, A-19, A-21,  
36 A-23, A-25, PS-25, PS-30, BT-14.5, BT-15, CP-19, TB-19, CA-22, or  
37 equivalent shape as defined in ANSI C78.20-2003; and has a bulb finish  
38 of the frosted, clear, or soft white type. The following incandescent

1 lamps are not state-regulated general service incandescent lamps:  
2 Appliance, black light, bug, colored, enhanced spectrum, infrared,  
3 left-hand thread, marine, marine signal service, mine service, plant  
4 light, reflector, rough service, shatter resistant, sign service,  
5 silver bowl, showcase, three-way, traffic signal, and vibration service  
6 or vibration resistant.

7 (21) "State-regulated incandescent reflector lamp" means a lamp  
8 that is not colored or designed for rough or vibration service  
9 applications, that has an inner reflective coating on the outer bulb to  
10 direct the light, an E26 medium screw base, and a rated voltage or  
11 voltage range that lies at least partially within 115 to 130 volts, and  
12 that falls into one of the following categories:

13 (a) A bulged reflector or elliptical reflector bulb shape and which  
14 has a diameter which equals or exceeds 2.25 inches;

15 (b) A reflector, parabolic aluminized reflector, or similar bulb  
16 shape and which has a diameter of 2.25 to 2.75 inches.

17 ((+17)) (22) "Transformer" means a device consisting of two or  
18 more coils of insulated wire and that is designed to transfer  
19 alternating current by electromagnetic induction from one coil to  
20 another to change the original voltage or current value.

21 ((+18)) (23)(a) "Unit heater" means a self-contained, vented fan-  
22 type commercial space heater that uses natural gas or propane, and that  
23 is designed to be installed without ducts within a heated space.

24 (b) "Unit heater" does not include any products covered by federal  
25 standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any  
26 product that is a direct vent, forced flue heater with a sealed  
27 combustion burner.

28 NEW SECTION. Sec. 2. A new section is added to chapter 19.260 RCW  
29 to read as follows:

30 (1) Except as provided in subsections (4), (5), and (6) of this  
31 section, a person may not manufacture general purpose lights for sale  
32 in this state on or after January 1, 2010, if the general purpose  
33 lights contain levels of hazardous substances that would result in the  
34 prohibition of those general purpose lights being sold or offered for  
35 sale in the European Union under the RoHS directive.

36 (2) Except as provided in subsections (4), (5), and (6) of this

1 section, a person may not sell or offer for sale in this state general  
2 purpose lights under any of the following circumstances:

3 (a) The general purpose light being sold or offered for sale was  
4 manufactured on or after January 1, 2010, and contains levels of  
5 hazardous substances that would result in the prohibition of those  
6 general purpose lights being sold or offered for sale in the European  
7 Union under the RoHS directive;

8 (b) The manufacturer of the general purpose light sold or being  
9 offered for sale fails to provide documentation to the department as  
10 required by subsection (7) of this section; or

11 (c) The manufacturer of the general purpose light being sold or  
12 offered for sale does not provide the documentation to the department  
13 required under subsection (8) of this section.

14 (3)(a) The department shall determine the products covered by the  
15 RoHS directive by reference to the authoritative guidance published by  
16 the United Kingdom implementing the RoHS directive in that country.

17 (b) The department shall report annually to the governor and  
18 appropriate committees of the legislature changes to the RoHS  
19 directive.

20 (4)(a) Except as provided in subsection (2)(b) of this section,  
21 subsections (1), (2), (7), and (8) of this section do not apply to high  
22 output and very high output linear fluorescent lamps greater than  
23 thirty-two millimeters in diameter and preheat linear fluorescent  
24 lamps.

25 (b) After January 1, 2014, the department shall determine, in  
26 consultation with companies that manufacture lamps specified in  
27 subsection (2)(a) of this section in the United States, if those lamps  
28 should be subject to the requirements of subsections (1), (2), (7), and  
29 (8) of this section, taking into consideration changes in lamp design  
30 or manufacturing technology that will allow for the removal or  
31 reduction of mercury.

32 (5) After December 31, 2011, subsections (1), (2), (7), and (8) of  
33 this section are applicable to high intensity discharge lamps and  
34 compact fluorescent lamps greater than nine inches in length.

35 (6) After December 31, 2013, subsections (1), (2), (7), and (8) of  
36 this section are applicable to state-regulated general service  
37 incandescent lamps and enhanced spectrum lamps.

1 (7) A manufacturer of general purpose lights sold or being offered  
2 for sale in Washington shall prepare and, at the request of the  
3 department, submit within twenty-eight days of the request, technical  
4 documentation or other information showing that the manufacturer's  
5 general purpose lights sold or offered for sale in the state comply  
6 with the requirements of the RoHS directive.

7 (8) A manufacturer of general purpose lights sold or being offered  
8 for sale in Washington shall provide, upon request, a certification to  
9 a person who sells or offers for sale that manufacturer's general  
10 purpose lights. The certification must attest that the general purpose  
11 lights do not contain levels of hazardous substances that would result  
12 in the prohibition of those general purpose lights being sold or  
13 offered for sale in Washington. Alternatively, the manufacturer may  
14 display the certification required by this subsection prominently on  
15 the shipping container or packaging of the general purpose lights.

16 (9) The department may adopt rules to implement and administer this  
17 section.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.260 RCW  
19 to read as follows:

20 (1) The department shall incorporate by reference federal minimum  
21 energy efficiency standards for general service incandescent lamps  
22 issued under 42 U.S.C. Sec. 6295 as of the effective date of this act.

23 (2) Beginning December 1, 2010, the department shall make annual  
24 recommendations to the governor and to the appropriate committees of  
25 the legislature on how to continue reductions in electrical consumption  
26 for general service incandescent lamps excluded by 42 U.S.C. Sec. 6295  
27 as of the effective date of this act. The department shall report on  
28 both federal and other actions by states to reduce electrical  
29 consumption of general service incandescent lamps.

30 (3) The department may establish programs to encourage the sale in  
31 this state of general service incandescent lamps that meet or exceed  
32 the standards set forth in subsection (1) of this section.

33 (4) The department may, after one or more public workshops, with  
34 public notice and an opportunity for all interested parties to comment,  
35 provide for inclusion of a particular type of specialty light in its  
36 energy efficiency standards applicable to general service incandescent  
37 lamps, if the department finds that there has been a significant

1 increase in sales of that particular type of particular specialty light  
2 due to the use of that specialty light in general service incandescent  
3 lamps applications.

4 **Sec. 4.** RCW 19.260.030 and 2006 c 194 s 2 are each amended to read  
5 as follows:

6 (1) This chapter applies to the following types of new products  
7 sold, offered for sale, or installed in the state: (a) Automatic  
8 commercial ice cube machines; (b) commercial clothes washers; (c)  
9 commercial prerinse spray valves; (d) commercial refrigerators and  
10 freezers; (e) metal halide lamp fixtures; (f) single-voltage external  
11 AC to DC power supplies; (g) state-regulated incandescent reflector  
12 lamps; ~~((and))~~ (h) unit heaters; and (i) general service incandescent  
13 lamps. This chapter applies equally to products whether they are sold,  
14 offered for sale, or installed as a stand-alone product or as a  
15 component of another product.

16 (2) This chapter does not apply to (a) new products manufactured in  
17 the state and sold outside the state, (b) new products manufactured  
18 outside the state and sold at wholesale inside the state for final  
19 retail sale and installation outside the state, (c) products installed  
20 in mobile manufactured homes at the time of construction, or (d)  
21 products designed expressly for installation and use in recreational  
22 vehicles.

23 **Sec. 5.** RCW 19.260.050 and 2006 c 194 s 4 are each amended to read  
24 as follows:

25 (1) No new commercial prerinse spray valve, commercial clothes  
26 washer, commercial refrigerator or freezer, state-regulated  
27 incandescent reflector lamp, or unit heater manufactured on or after  
28 January 1, 2007, may be sold or offered for sale in the state unless  
29 the efficiency of the new product meets or exceeds the efficiency  
30 standards set forth in RCW 19.260.040. No new automatic commercial ice  
31 cube machine, single-voltage external AC to DC power supply, or metal  
32 halide lamp fixtures manufactured on or after January 1, 2008, may be  
33 sold or offered for sale in the state unless the efficiency of the new  
34 product meets or exceeds the efficiency standards set forth in RCW  
35 19.260.040.



1 (2) On or after January 1, 2008, no new commercial prerinse spray  
2 valve, commercial clothes washer, commercial refrigerator or freezer,  
3 single-voltage external AC to DC power supply, state-regulated  
4 incandescent reflector lamp, or unit heater manufactured on or after  
5 January 1, 2007, may be installed for compensation in the state unless  
6 the efficiency of the new product meets or exceeds the efficiency  
7 standards set forth in RCW 19.260.040. On or after January 1, 2009, no  
8 new automatic commercial ice cube machine or metal halide lamp fixtures  
9 manufactured on or after January 1, 2008, may be installed for  
10 compensation in the state unless the efficiency of the new product  
11 meets or exceeds the efficiency standards set forth in RCW 19.260.040.

12 (3) Standards for metal halide lamp fixtures and state-regulated  
13 incandescent reflector lamps are effective on the dates in subsections  
14 (1) and (2) of this section.

15 (4)(a) No general service incandescent lamp manufactured on or  
16 after January 1, 2012, may be sold or offered for sale in the state  
17 unless the efficiency of the general service incandescent lamp meets or  
18 exceeds the efficiency standards for general service incandescent lamps  
19 issued under 42 U.S.C. Sec. 6295 as of the effective date of this act.

20 (b) On or after January 1, 2012, no general service incandescent  
21 lamp may be installed for compensation in the state unless the  
22 efficiency of the general service incandescent lamp meets or exceeds  
23 the efficiency standards issued for general service incandescent lamps  
24 issued under 42 U.S.C. Sec. 6295 as of the effective date of this act.

25 NEW SECTION. Sec. 6. (1) The department of ecology, in  
26 consultation with the solid waste advisory committee created under RCW  
27 70.95.040, shall convene a work group with representatives of the  
28 lighting industry, environmental organizations, fluorescent lamp  
29 retailers, waste haulers, lamp recyclers, and local governments to  
30 consider and make recommendations on the following issues:

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

34 (b) Methods to educate consumers about the proper management of and  
35 collection opportunities for end-of-life general purpose lights; and

36 (c) Designation on the general purpose light and light packaging  
37 regarding the proper recycling of the light.

1           (2) The department of ecology shall report its findings and  
2 recommendations for implementing and financing a recycling program for  
3 fluorescent lamps to the appropriate committees of the legislature by  
4 December 1, 2008.

5           (3) This section expires September 1, 2009.

6           NEW SECTION. **Sec. 7.** If specific funding for the purposes of this  
7 act, referencing this act by bill or chapter number, is not provided by  
8 June 30, 2008, in the omnibus appropriations act, this act is null and  
9 void.

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