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Statement of
THEODORE E. LIU
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE
ON
ENERGY AND ENVIRONMENTAL PROTECTION
Thursday, March 13, 2008
9:00 a.m.
State Capitol, Conference Room 312

in consideration of
SB2842 SD2
RELATING TO LIGHTING.

Chair Morita, Vice Chair Carroll, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports the intent of SB2842,SD2, which phases-out and bans the use of lighting products with lead and high mercury content; establishes a statewide lighting efficiency standard for general purpose lights; directs the Department of Health to develop a statewide recycling program for recycling mercury-containing compact florescent bulbs. There have been many good ideas introduced this legislative session that support the State's energy goals. We note, however, that this proposal does not provide resources and as such, is not included in the Executive's Supplemental Budget. We request that any resources provided will not displace the priorities contained in that budget.

DBEDT supports the use of energy efficient lighting. Energy Star compact fluorescent lighting products, presently in the marketplace, already meet the fifty lumens per watt standard. We defer to the Department of Health on the implementation measures called for in this bill.

Thank you for the opportunity to offer these comments.



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TESTIMONY ON SB 2842
("A Bill for An Act Relating to Lighting")

BEFORE THE HAWAII LEGISLATURE

HOUSE COMMITTEE ON ENERGY &
ENVIRONMENTAL PROTECTION

MARK A. KOHORST
SENIOR MANAGER - ENVIRONMENT,
HEALTH & SAFETY

NATIONAL ELECTRICAL MANUFACTURERS
ASSOCIATION

March 13, 2008

TESTIMONY

Madam Chair and members of the Committee, thank you for the opportunity to present these comments for your consideration. My name is Mark Kohorst, and I am Senior Manager for Environment, Health & Safety at the National Electrical Manufacturers Association (NEMA). Our organization is the principle trade association for US-based manufacturers of the broad spectrum of electrical products involved in the generation, transmission, distribution, and end use of electrical energy. I am here today on behalf of the NEMA lamp manufacturing section, which consists of the most globally prominent names in the lighting products industry such as GE, OSRAM Sylvania, and Philips.

As you would expect, NEMA lighting division members are integrally involved in policy discussions at all levels of government throughout the US concerning the transformation to more efficient lighting technologies. We were active participants in the process that led to passage of the Federal Energy Independence and Security Act of 2007, signed by President Bush last month. We also worked closely with California legislators on the California Lighting Efficiency and Toxics Reduction Act (AB 1109), which the state enacted during its 2007 legislative session. As explained below, both of these laws have implications for the bill pending before your committee in Hawaii.

First, Title III, Subtitle B of the Federal bill establishes efficiency standards for general service lamps and ***explicitly preempts states***¹ from establishing their own standards that differ from this national framework. This new Federal Law therefore preempts part 1 Sec 2, §196 of SB 2842 ("Lighting Efficiency Standards"), to the extent that it is inconsistent with the standards set therein. That being true, NEMA recommends that this provision be stricken from the bill, or at minimum be amended to mirror the Federal standards. Otherwise, it would be unenforceable within the state and essentially meaningless.

¹ Excluding California and Nevada

Second, NEMA lamp manufacturers share your concern over the environmental and public health impacts of hazardous materials in lighting products. We therefore supported the intent of California AB 1109, which adopted the thresholds contained in the European Union's RoHS² Directive for lead and mercury content in lamps sold in California. Part II, §342J-A of Hawaii's bill appears to have the same intent.

The California law, however, contains some necessary, time-limited exemptions for lighting products that are sold in US markets but not in Europe. These exemptions are not matched in SB 2842. NEMA believes that AB 1109 establishes a sensible, technologically feasible framework for reducing lead and mercury in lamps and we would support a similar approach in Hawaii. We cannot support more restrictive thresholds, however, which would disrupt the market, deprive consumers and municipalities in Hawaii of highly valuable lighting products, and have adverse consequences for US-based factories that need the "ramp-up" time built into the California schedule to remain in production.

We therefore urge you and your committee members to modify the scope of §342J of SB 2842 to make it consistent with California AB 1109. To facilitate this, I have attached an amended version of the relevant sections of SB 2842 that contains language to address the problem. By incorporating this language, you will ensure the bill reflects the current state of lighting technology and supports free choice for consumers in the market, while still measurably reducing hazardous substances in lighting products.

In summary, NEMA supports the intent of SB 2842 to advance the transition within Hawaii to energy-efficient lighting and to encourage reductions in

² DIRECTIVE 2002/95/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment; the so-called "RoHS Directive"

hazardous materials in lighting products. Part of the bill is preempted, however, and we respectfully urge you to amend the threshold provisions to avoid serious market disruptions that will otherwise occur.

Thank you very much for your consideration. We are happy to answer questions and provide whatever additional assistance you would find helpful.

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