



## Department of Toxic Substances Control



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Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

October 21, 2008

Mr. Chris Holstein  
Vice President of Marketing  
Universal Lighting Technologies  
26 Century Blvd., Suite 500  
Nashville, Tennessee 37214-3683

Dear Mr. Holstein:

### RESTRICTION ON HAZARDOUS SUBSTANCES (RoHS) - HEALTH AND SAFETY CODE SECTION 25210.9

Thank you for your recent letter to the California Department of Toxic Substances Control (DTSC). In your letter dated October 6, 2008, you asked, essentially, for DTSC's confirmation that the RoHS provisions of recently enacted California legislation [Assembly Bill 1109 of 2007 (AB 1109)] applies only to lamps and does not apply to separate ballasts located inside lighting devices. This letter confirms that DTSC reads AB 1109 as you do.

#### **Background**

On September 9, 2008, you contacted one of DTSC's Regulatory Assistance Officers, Mr. Andre Amy, and asked about the scope of the AB 1109 RoHS provisions. Mr. Amy directed your question to Mr. Robert Brushia in DTSC's Toxics in Products Branch and to me. On September 15, 2008, Mr. Brushia responded to you, stated that we thought the new law applied to lamps, but not to separate ballasts, and referred you to DTSC's Office of Legislative and Regulatory Policy if you desired a formal DTSC opinion on the matter. On the same day, I informed you we would have to consult internally prior to providing you with a formal, definitive guidance letter on the matter, and I asked you to submit a written request letter to DTSC. At that point in time, DTSC also initiated a dialogue with Mr. Chris Smith of the United Kingdom's National Weights and Measures Laboratory, because Health and Safety Code section 25210.9, subdivision (d) states:

"The department shall determine the products covered by the RoHS Directive by reference to authoritative guidance published by the United Kingdom implementing the RoHS Directive in that country" (underlining added).

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On September 22, 2008, Mr. Smith responded to DTSC and informed us that the United Kingdom does not have any formal guidance regarding the scope of the RoHS Directive with respect to lighting equipment (or luminaries), and that the United Kingdom understands the term luminary to mean the whole light fixture and the entire body of a freestanding lamp. On October 10, 2008, DTSC received your request letter dated October 6, 2008. In that letter you explained all of the following:

- Universal Lighting Technologies (ULT) manufactures ballasts for fluorescent and high intensity discharge lamps;
- ULT's ballasts are separate components of the lighting devices in which they are installed and do not become part of the lamps;
- ULT's customers, who manufacture lighting devices, have requested (from ULT) certifications that ULT's ballasts are AB 1109 RoHS compliant; and
- ULT believes the new law applies only to lamps; hence ULT does not need to provide the requested certifications.

#### **Determination**

DTSC confirms that your read of AB 1109 is consistent with DTSC's. DTSC reads *lights* in the term general purpose lights in Health and Safety Code section 25210.10 to generally mean the discrete components of lighting devices, such as light bulbs and fluorescent tubes, that serve the primary function of converting the electrical energy (supplied by the devices' electrical circuitry) into visible light energy. Consequently, the RoHS requirements in Health and Safety Code section 25210.9 apply only to these discrete components. If a ballast, or a similar component such as an LED driver, is integrated into the discrete component, such as in the case of a typical self-ballasted, medium based compact fluorescent lamp, the RoHS requirements apply to the entire discrete component, including the ballast. But, the section 25210.9 RoHS requirements do not apply to a ballast if it is separately located in the general purpose lighting device.

I hope this information will assist you in responding to ULT's customers. Please feel free to contact me at (916) 327-4499, if you have any additional questions.

Sincerely,



Charles Corcoran,  
Office of Legislative and Regulatory Policy

cc: See next page.

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cc: Mr. Rick Brausch  
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bcc: Sherrri Lehman, DTSC  
Joe Smith, DTSC  
Andre Algazi, DTSC  
Robert Brushia, DTSC  
Andre Amy, DTSC  
Gloria Conti, DTSC  
Mary Misemer, DTSC



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October 6, 2008

California Department of Toxic Substance Control (CDTSC):

Universal Lighting Technologies (ULT) is a global leader in the design and manufacture of high-efficiency lighting ballasts and energy control systems with over six decades of history and the number two ballast manufacturer in North America in terms of market share. ULT manufactures component ballasts that are separate from the lamps in voltage ranges of 120V to 480V applications (USA) and our expected product life is eight years. Our ballasts are for linear fluorescent, HID, and compact fluorescent lamps (non screw base). ULT is owned by Panasonic. We have substantial investments in inventory and sales distribution inside and to California.

ULT would like to seek official clarification in regards to Assembly Bill 1109 Universal Waste Lights (AB1109) and ballasts used inside of lighting fixtures. Our interpretation is that AB1109 RoHS (Section 25210.9 – 3 – I) is in reference to lamps, and lamps that are inextricably integrated with a supporting ballast (screw base CFL's). Additionally, our interpretation of the supporting documents on the California Department of Toxic Substances Control website ([www.dtsc.ca.gov](http://www.dtsc.ca.gov)) specifically Universal Waste Lights (<http://www.dtsc.ca.gov/HazardousWaste/UniversalWaste/Lighting.cfm>) and proposed options is that all documentation in regards to this section specifically address the control of substances in fluorescent lamps.

Please note that all three of the major ballast competitors to ULT (Philips - #1 market share, OSRAM / Sylvania - #3 market share, General Electric - #4 market share) were all involved with the writing of this bill. Also note all three of these manufacturers are the top three lamp suppliers in the USA – furthering our understanding that AB 1109 RoHS Section 25210.9 – 3 – I was directed towards lamps. This puts ULT in a distinct disadvantage due to discussions made and timelines agreed to over two years ago if the law were to apply to ballasts.

Currently we are receiving mixed interpretations on the bill from our OEM customers. They are requesting "Letters of Compliance" on ballasts from ULT to comply with AB 1109 RoHS Section 25210.9 – 3 – I hazardous substances in California. The clarification from CDTSC will allow us to respond correctly to these requests.

ULT asks for CDTSC to confirm that the intent of AB 1109 RoHS Section 25210.9 – 3 – I is to begin enforcing lamps (and screw base CFL's) on Jan 1, 2010. ULT reads the law as applying to only lamps. As ULT does not manufacture lamps, ULT believes it has no hazardous substances obligations under the law. ULT requests DTSC's conformation that this interpretation is correct. If ballasts are included due to the competitive disadvantage aforementioned, ULT would ask for an extension to Jan 1, 2012.

Chris Holstein

A handwritten signature in black ink that reads 'Chris Holstein'.

Vice President of Marketing  
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