

111TH CONGRESS  
1ST SESSION

# H. R. 2420

To amend the Toxic Substances Control Act of 1976 to ensure a uniform Federal scheme of regulation of restrictions in the use of certain substances in electrical products and equipment in interstate and foreign commerce, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2009

Mr. BURGESS introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend the Toxic Substances Control Act of 1976 to ensure a uniform Federal scheme of regulation of restrictions in the use of certain substances in electrical products and equipment in interstate and foreign commerce, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Environmental Design  
5       of Electrical Equipment Act (EDEE) Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds and declares that—

1           (1) assisting in meeting the essential needs of  
2           the United States for adequate supplies of electrical  
3           products and equipment is in the national interest;

4           (2) ensuring a uniform Federal scheme of regu-  
5           lation of restrictions in the use of certain substances  
6           in electrical products and equipment in interstate  
7           and foreign commerce is crucial to the economic, en-  
8           vironmental, and social well-being of the people of  
9           the United States in the global marketplace;

10          (3) potential disparities among State laws and  
11          implementing regulations that may be enacted by  
12          the several States regarding the restriction of the  
13          use of substances in electrical products and equip-  
14          ment could create barriers to interstate commerce,  
15          domestic and foreign trade, and distort competition,  
16          and may thereby have a direct impact on the estab-  
17          lishment and functioning of global markets; and

18          (4) technological and industrial innovation for  
19          electrical products and equipment can offer an im-  
20          proved standard of living, increased public and pri-  
21          vate sector productivity, and creation of new indus-  
22          tries and employment opportunities, while providing  
23          for environmentally compatible production, use, and  
24          end of life disposition of such equipment.

1 **SEC. 3. PURPOSE.**

2 It is the purpose of this Act to enhance the economic,  
3 environmental, and social well-being of the people of the  
4 United States in the global marketplace by—

5 (1) ensuring efficient technological development  
6 and innovation in the manufacture of electrical prod-  
7 ucts and equipment through the prevention of poten-  
8 tial disparities among State laws and implementing  
9 regulations that may be enacted by the several  
10 States regarding the restriction of the use of toxic  
11 substances in electrical products and equipment that  
12 could create barriers to interstate commerce, domes-  
13 tic and foreign trade, and distort global competition;  
14 and

15 (2) applying the regulatory and law enforce-  
16 ment process and penalties of the Toxic Substances  
17 Control Act of 1976 to establish uniform Federal  
18 regulation and enforcement of toxic substances in  
19 electrical products and equipment.

20 **SEC. 4. UNIFORM FEDERAL SCHEME OF REGULATION.**

21 (a) Section 6 of the Toxic Substances Control Act  
22 of 1976 (15 U.S.C. 2605) is amended by adding at the  
23 end the following:

24 “(f) CERTAIN APPLICATIONS.—

25 “(1) ELECTROINDUSTRY PRODUCTS.—As used  
26 in subsection (e), the term ‘electroindustry product’

1 means any product or equipment that is directly  
2 used to facilitate the transmission, distribution, or  
3 control of electricity, or that uses electrical power for  
4 arc welding, lighting, signaling protection and com-  
5 munication, or medical imaging, or electrical motors  
6 and generators.

7 “(2) NATIONAL STANDARDS.—Except for those  
8 electroindustry products and product categories set  
9 forth in paragraph (3), no electroindustry product  
10 shall be manufactured after July 1, 2010, that con-  
11 tains a concentration value greater than 0.1 percent  
12 by weight of lead, mercury, hexavalent chromium,  
13 polybrominated biphenyls (PBB), and  
14 polybrominated diphenyl ethers (PBDE) as meas-  
15 ured in any homogeneous material contained in the  
16 electroindustry product, or a concentration value  
17 greater than 0.01 percent of cadmium as measured  
18 in any homogeneous material contained in the  
19 electroindustry product. For purposes of this section,  
20 ‘homogeneous material’ means a material of uniform  
21 composition throughout that cannot be mechanically  
22 disjointed into different materials.

23 “(3) ELECTROINDUSTRY PRODUCTS AND PROD-  
24 UCT CATEGORIES.—The processing and/or use of the  
25 specified chemical substances in any of the following

1 electroindustry products and equipment shall not be  
2 subject to any restriction or requirement that is de-  
3 signed to protect against a risk of injury to health  
4 or the environment, and shall in no manner be re-  
5 stricted, by the States or any political subdivision of  
6 a State in accordance with section 2617(c)(1)(B):

7 “(A) Lead, mercury, cadmium, hexavalent  
8 chromium, polybrominated biphenyls, and  
9 polybrominated diphenyl ethers contained in—

10 “(i) products or equipment designed  
11 for use with a voltage rating of 300 volts  
12 or above;

13 “(ii) products or equipment used in  
14 fixed installations; [For purposes of this  
15 subsection, ‘fixed installation’ means a  
16 combination of equipment, systems, fin-  
17 ished products and/or components, not in-  
18 cluding lighting equipment that encom-  
19 passes lighting fixtures and lamps, assem-  
20 bled and/or erected by an assembler/in-  
21 staller at a given place to operate together  
22 in an expected environment to perform a  
23 specific task, but not intended to be placed  
24 in commerce as a single functional or com-  
25 mercial unit];

1 “(iii) signaling protection and commu-  
2 nication systems and products, including  
3 healthcare communications and emergency  
4 call systems;

5 “(iv) surface transportation informa-  
6 tion management and control systems, sub-  
7 systems, equipment, components, and serv-  
8 ices, including equipment used to design,  
9 install, operate, and maintain such sys-  
10 tems;

11 “(v) medical diagnostic imaging and  
12 therapy equipment and devices, commu-  
13 nications and emergency call systems and  
14 products, modular walls, consoles, systems,  
15 products, panels, meters, and monitors  
16 used in healthcare facilities;

17 “(vi) shunt capacitors and series ca-  
18 pacitors;

19 “(vii) electro-mechanical and solid-  
20 state equipment and systems for measure-  
21 ment, display recording, processing, and  
22 telemetry for electricity metering and asso-  
23 ciated information;

24 “(viii) distribution and power trans-  
25 formers and special purpose transformers;

1 “(ix) equipment used for mounting or  
2 testing watt-hour or demand meters such  
3 as sockets, boxes, enclosures, test blocks,  
4 test tables, and test kits;

5 “(x) high voltage fuses, high current  
6 connectors, power circuit breakers,  
7 switchgear assemblies, surge arrestors, and  
8 insulating equipment, products, and hard-  
9 ware;

10 “(xi) steam turbine generators and  
11 units;

12 “(xii) electrical wire and cable prod-  
13 ucts and accessories, not including fixture  
14 wires, appliance wires, and flexible cords as  
15 so classified by the National Electrical  
16 Code, by Underwriters Laboratories, Inc.,  
17 or by the Canadian Standards Association;

18 “(xiii) electrical conduit;

19 “(xiv) high intensity discharge lamps;

20 “(xv) arc welding and plasma cutting  
21 equipment designed for industrial or pro-  
22 fessional use; or

23 “(xvi) arc welding and cutting equip-  
24 ment driven by mechanical means, e.g., a  
25 gasoline or diesel engine.

1 “(B) Lead when used or contained in—

2 “(i) steel alloys containing up to 0.35  
3 percent lead by weight, aluminum alloys  
4 containing up to 0.4 percent lead by  
5 weight and copper alloys containing up to  
6 4 percent lead by weight;

7 “(ii) solders with high melting tem-  
8 peratures, including lead-based alloys con-  
9 taining 85 percent or more lead by weight,  
10 and solders for—

11 “(I) die mounting in Light Emit-  
12 ting Diode applications;

13 “(II) the electrical connection  
14 within integrated-circuit flip-chip  
15 packages;

16 “(III) machined through-hole dis-  
17 coidal and planar array ceramic multi-  
18 layer capacitors; and

19 “(IV) printed circuit board as-  
20 semblies and point-to-point soldered  
21 assemblies, up to 40 percent lead by  
22 weight, and when used in trans-  
23 mission, distribution, power supply, or  
24 control devices designed to be in-  
25 stalled in electrical outlet boxes and/or



1 switch boxes, in emergency lighting  
2 equipment, in trip units in circuit  
3 breakers, or in sensors used for light-  
4 ing control;

5 “(iii) glass used in plasma display  
6 panels or surface conduction electron emit-  
7 ter displays or for flat fluorescent lamps in  
8 liquid crystal displays, or in incandescent  
9 lamps;

10 “(iv) finishes of fine-pitch components  
11 other than connectors with a pitch of 0.65  
12 millimeters or less with nickel-iron lead  
13 frames or copper-lead frames;

14 “(v) coatings not exceeding 0.5 per-  
15 cent by weight for tin babbitt alloy coated  
16 sleeve bearings;

17 “(vi) gateway hardware between light-  
18 ing controls protocols and building man-  
19 agement protocols;

20 “(vii) red ink used in exit signs not  
21 exceeding 0.005 milligrams per lens;

22 “(viii) fluorescent lamps;

23 “(ix) electrical connector coatings; or

24 “(x) lead-bronze bearing shells and  
25 bushes.

1           “(C) Cadmium and its compounds when  
2           used or contained in—

3                   “(i) electrical contacts, cadmium plat-  
4                   ing and switch contacts, including those  
5                   used in thermal protectors in lighting bal-  
6                   lasts, and luminaires containing such bal-  
7                   lasts; or

8                   “(ii) cadmium-copper alloys for wire  
9                   conductors.

10           “(D) Hexavalent chromium when used or  
11           contained in electrical connectors, corrosion-pre-  
12           vention coatings for fasteners and metals in  
13           emergency lighting equipment or electro-  
14           magnetic interference shielding, and noncurrent  
15           carrying electrical devices.

16           “(E) Mercury when used or contained in—

17                   “(i) straight fluorescent lamps for  
18                   general purposes, but not exceeding 10  
19                   milligrams in halophosphate lamps, 5 milli-  
20                   grams in triphosphate lamps with a normal  
21                   lifetime, and 8 milligrams in triphosphate  
22                   lamps with a long lifetime;

23                   “(ii) straight fluorescent lamps for  
24                   special purposes;

1 “(iii) compact fluorescent lamps equal  
2 to or greater than 9 inches;

3 “(iv) compact fluorescent lamps less  
4 than 25 watts, not exceeding 5 milligrams  
5 per lamp;

6 “(v) compact fluorescent lamps equal  
7 to or greater than 25 watts, not exceeding  
8 6 milligrams per lamp;

9 “(vi) high output/very high output lin-  
10 ear fluorescent lamps greater than 32 mil-  
11 limeters in diameter;

12 “(vii) preheat linear fluorescent  
13 lamps; or

14 “(viii) luminaires when containing any  
15 mercury-added lamps identified under  
16 **【subsection (f)(3)(E)(i)–(vii)】**.

17 “(F) Any processing and/or use of a speci-  
18 fied chemical substance in an electroindustry  
19 product other than those identified in this sub-  
20 section as the Administrator may establish by  
21 rule.”.

22 (b) Section 18 of the Toxic Substances Control Act  
23 of 1976 (15 U.S.C. 2617) is amended by adding at the  
24 end the following:

1       “(c) PREEMPTION.—(1) Notwithstanding any other  
2 provision of this section, no State or political subdivision  
3 of a State may, after the effective date of this Act, adopt  
4 or continue in effect any requirement that is designed to  
5 protect against a risk of injury to health or the environ-  
6 ment—

7               “(A) for any electroindustry product as defined  
8 in section 2605(f)(1) that is inconsistent with or  
9 more stringent than the national standards set forth  
10 in section 2605(f)(2); or

11              “(B) that is applicable to the processing and/or  
12 use of the specified chemical substances in any of  
13 the electroindustry products or electroindustry prod-  
14 uct categories set forth in section 2605(f)(3).

15       “(2) Upon application of a State or political subdivi-  
16 sion of a State, the Administrator may, by rule, exempt  
17 from section 2605(f)(3), under such conditions as may be  
18 prescribed in such rule, a requirement of such State or  
19 political subdivision designed to protect against an unrea-  
20 sonable risk of injury to health or the environment associ-  
21 ated with any of the uses of any chemical substance, mix-  
22 ture, or article containing such chemical substance or mix-  
23 ture specified in section 2605(f)(3) if—

24              “(A) compliance with the requirement would  
25 not cause the processing, distribution in commerce,

1 or use of the substance, mixture, or article to be in  
2 violation of the Act; and

3 “(B) the State or political subdivision require-  
4 ment does not, through difficulties in manufac-  
5 turing, marketing, distribution, or other factors, un-  
6 duly burden interstate commerce, or does not lessen  
7 the reliability of an electrical grid or of any product  
8 or system which is the subject of any such require-  
9 ment of a State or political subdivision of a State.

10 “(3) Compliance with the national standards set forth  
11 in section 2605(f)(2) may be demonstrated based on any  
12 appropriate method for a particular electroindustry prod-  
13 uct, including without limitation, certifications of compli-  
14 ance by product manufacturers or testing performed in ac-  
15 cordance with the guidelines promulgated by the Adminis-  
16 trator under this subsection. The Administrator shall,  
17 within one year from the effective date of this Act, promul-  
18 gate guidelines establishing test procedures for deter-  
19 mining the concentration of lead, mercury, hexavalent  
20 chromium, cadmium, polybrominated biphenyls (PBB)  
21 and/or polybrominated diphenyl ethers (PBDE) contained  
22 in an electroindustry product.”.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2       For fiscal year 2009, there is authorized to be appro-  
3 priated \$1,000,000 for the Administrator to implement  
4 the provisions of this Act.

