

# Texas light bulb bill would skirt federal plan

14 June 2011, By Anna M. Tinsley

Texas could soon be in a position to turn the lights off on a federal plan to phase out certain light bulbs.

State lawmakers have passed a bill that allows Texans to skirt federal efforts to promote more efficient light bulbs, which ultimately pushes the swirled, compact fluorescent bulbs over the 100-watt [incandescent bulbs](#) many grew up with.

The measure, sent to Gov. Rick Perry for consideration, lets any incandescent light bulb manufactured in Texas - and sold in that state - avoid the authority of the federal government or the repeal of the 2007 [energy independence](#) act that starts phasing out some [incandescent light bulbs](#) next year.

"Let there be light," state Rep. George Lavender, R-Texarkana, wrote on Facebook after the bill passed. "It will allow the continued manufacture and sale of incandescent light bulbs in Texas, even after the [federal ban](#) goes into effect. ... It's a good day for Texas."

The [Natural Resources Defense](#) Council, a New York-based [environmental group](#), is calling on Perry to veto the bill.

"The Texas legislation is designed to showcase the state's independence," said Bob Keefe, senior press secretary with the council. "But what it really shows off is how some politicians in the Lone Star State will do anything to score political points - even if it means echoing misinformation and wasting time and money passing legislation that can't practically be implemented and isn't in the best interest of constituents."

Perry has until Sunday to veto bills, sign them into law or let them become law without his signature.

Lavender has described his House Bill 2510 as a common-sense bill.

"The 'new and improved' compact [fluorescent](#)

[light bulbs](#) don't work as promised, are significantly more expensive as are the LEDs and have environmental and disposal problems due to the mercury they contain," according to a statement from his office.

The goal of the bill is to make incandescent light bulbs manufactured in Texas - that are sold in Texas and don't leave the state - not subject to federal law or federal rules. Such a bulb would have to have "Made in Texas" clearly imprinted somewhere on it. There are no estimates of how many incandescent light bulbs are manufactured in Texas.

If the bill becomes law, it would go into effect Jan. 1 and would apply to light bulbs made from that day forward.

U.S. Rep. Joe Barton, R-Texas, is trying to repeal the 2007 energy independence act passed by Congress and signed into law by President George W. Bush.

The federal act doesn't ban incandescent light bulbs, but it creates new standards for them, such as requiring 100-watt bulbs to be 25 percent more efficient. After that, similar changes will go into effect for 75-, 60- and 40-watt bulbs. The goal is to make the bulbs more energy efficient because much of the traditional bulbs' energy leaves the bulb as heat rather than as light.

The act requires the changes or essentially removes incandescent light bulbs from the market by 2014, leaving consumers to mostly use fluorescent bulbs, which some say are more energy efficient and others say are just more expensive.

"People don't want the government dictating the lighting they can use," Barton said. "Traditional incandescent bulbs have been brightening the night since Thomas Edison created the first one in 1879. They are safe, cheap and reliable."

The U.S. House Energy and Commerce

Committee may soon hold a hearing on energy efficiency and could include Barton's BULB act.

"I am happy that the state Legislature voted to keep incandescent lights on in Texas, but the state wouldn't have to get involved if the federal government would just butt out," Barton said.

For some, the Texas bill represents this state's efforts to claim sovereignty from the federal government, proving that Texas has the right to regulate some commercial activities conducted only in this state.

"Telling Texans what types of light bulbs they can manufacture, sell, purchase and use is not the proper role of the federal government," said Janise Cookston, a spokeswoman for the Wharton-based nonprofit group "We Texans," which works to protect "private property, personal and economic liberty" as well as constitutional government.

"This bill sends the message to Washington that Texas will no longer sit idly by and take unconstitutional intrusion into our lives."

Some say they worry about fluorescent bulbs because they contain mercury, a toxic metal linked to birth defects and behavioral disorders. Estimates show the average bulb has 4 to 5 milligrams of mercury, enough to cover the tip of a ballpoint pin. No mercury is emitted while the bulbs are in use, but vapors can escape if a bulb breaks.

Supporters also say fluorescent bulbs can cost more than \$3 each; incandescent bulbs can cost as little as 35 cents each.

Opponents say the health risks of the mercury are minimal. And they say the bill violates the constitutional clause that states the federal law is the "supreme law of the land."

They say the state can't prevent a light bulb from being taken across a state line, which would make it subject to interstate commerce rules and federal regulation. They also say incandescent bulbs are archaic and have been replaced by fluorescent bulbs that last longer, are more environmentally friendly and don't create the same fire hazards

incandescent bulbs do.

"Nobody is forcing anybody to use only compact florescent bulbs," said Keefe, of the NRDC. "Several manufacturers are already making incandescent bulbs that have the same lighting quality as old-school incandescents that we all know and use. It's just that newer, more efficient versions use 25-30 percent less energy - saving the average Texas household an estimated \$100 per year and reducing overall Texas energy bills by more than \$900 million."

Officials with Osram Sylvania, a popular producer of incandescent [light bulbs](#), declined to comment on Texas' bill. But the company noted that it has developed a more efficient incandescent bulb called the Sylvania SuperSaver that will meet the new federal requirements.

GE, meanwhile, is moving forward to fill the demand for fluorescent bulbs.

Officials there say demand for traditional incandescent bulbs has declined and consumers have switched to more efficient lighting.

"As policymakers consider changes to current legislation, we hope they keep in mind that repeal of national standards would result in states establishing their own standards," said Kim Freeman, a spokeswoman for GE Appliances & Lighting. "That could create a patchwork of inconsistent standards across the nation that would mean increased manufacturing and distribution costs, higher prices for consumers and lost sales for retailers."

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