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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Member
75th Legislative District

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May 31, 2011

MEMORANDUM

TO: All House Members

FROM: Representative Matt Gabler and Matt Baker

SUBJECT: Co-sponsor Request: Bill AND Resolution - Incandescent Light Bulbs

In the near future we will be introducing two pieces of legislation of vital importance to the consumers and businesses of Pennsylvania. As you may know, when the Federal Government enacted the Energy Independence and Security Act of 2007, it enacted a mandate that precludes the sale of many standard incandescent light bulbs after 2012, and outlaws all by 2014. Consumers are being forced to deal with foreign-made Compact Fluorescent Light Bulbs (CFL's), which contain mercury and other harmful components and provide inferior lighting quality. Other safety and fire hazards have been reported with CFL's as well.

This Federal mandate creates a negative effect on Pennsylvania's consumers who are deprived of a product they would like to purchase, and it also negatively impacts American manufacturers who have been producing incandescent light bulbs for decades. In fact, the last remaining incandescent light bulb manufacturer in the U.S. produces these bulbs at their facility in St. Marys, Elk County and produces the glass for these bulbs in Wellsboro, Tioga County. To address these concerns, we will be introducing the following two pieces of legislation – both a bill AND a resolution – aimed at protecting Pennsylvania's manufacturers and consumers.

Resolution: Memorializing Congress to Repeal the Incandescent Bulb Mandate

The resolution we will be introducing will memorialize Congress to make necessary mandate repeals before the light bulb-related provisions of the Energy Independence and Security Act take effect between 2012 and 2014. Federal action will be the most effective means to address this problem, protect consumers, and ensure that our manufacturers continue to have access to the nationwide market that would like to purchase incandescent light bulbs.

Bill: Incandescent Light Bulb Freedom Act

As state legislators, we often find ourselves frustrated by Federal mandates that restrict our ability to address issues within our state in order to represent the best interest of Pennsylvanians. However, in the case of this mandate, there is a means by which we may take action despite the Federal mandate on light bulbs. Our bill will provide that incandescent light bulbs manufactured

in this state, without significant parts imported from another state, and offered for sale and sold for use only in this state are deemed only to be in the stream of *intrastate* commerce and therefore not subject to Federal regulation under the commerce clause of the United States Constitution.

The tenth amendment to the United States Constitution reserves to the states and their people all powers not delegated to the Federal Government and not prohibited to the states. In addition, the ninth amendment to the United States Constitution provides that certain rights enumerated in the Constitution shall not be construed to deny or disparage other rights retained by the people. It is therefore evident that if an item manufactured in this State without the inclusion of any significant parts imported from another state and the item is offered for sale and sold only for use within the borders of this State, the item is not in the stream of interstate commerce and not subject to Federal regulation under the commerce clause of the United States Constitution pursuant to Article I, Section 8.

Please join us in working to enact legislation protecting Pennsylvania's manufacturers and consumers from an ill-conceived Federal light bulb mandate. If you wish to co-sponsor the bill, the resolution, or both, please contact Alexandra Baldivieso at 717-260-6142 or by e-mail at abaldivi@pahousegop.com.