

## Environmental/Products Liability ADVISORY

January 17, 2012

### Selling Battery Chargers in California?: What You Need to Know about Becoming Compliant with New Energy Efficiency Rules

California has acted decisively again as the global regulator of consumer products. On January 13, 2012, the California Energy Commission unanimously approved new energy efficiency standards for all battery chargers sold in the state. This is merely the latest in a series of actions by the state to regulate the design of consumer products (see, e.g., [anti-slavery](#), [green chemistry](#) and the latest efforts by the Energy Commission to regulate the design of energy efficiency standards, such as the first-in-the-nation energy standards on appliances and consumer products, including the 2009 rules for flat-screen TVs).

#### Who Needs to Pay Attention?

Makers of cell phones, laptops, power tools, electric razors, commercial bar code scanners, golf carts, forklifts and other electrical devices will need to comply. (See 22 CCR § 1601.) Manufacturers around the world who sell their goods in California will need to ensure that their battery charger systems meet California's new energy efficiency standards commencing in February 2013. In addition, compliance with the new standard must be appropriately certified and products sold after the compliance date must bear a label indicating compliance.

#### When Is Compliance with New Efficiency Standards Required?

Battery chargers used in consumer products—such as cell phones, personal care devices and power tools—built after February 2013 will have to meet the new standards. Battery chargers used for industrial uses or heavy equipment such as forklifts go into effect in January 2014. Compliance for small commercial chargers (e.g., walkie-talkies for emergency personnel, portable barcode scanners) is required by January 1, 2017. Special rules apply to certain categories of products, such as inductive charger systems and lighting controls.

#### Which Consumer Goods Are Exempted?

Chargers built and sold before February 2013 are not affected.

In addition, FDA-approved Class II and Class III medical devices or life-sustaining medical equipment are exempted by this proposed standard. Also exempted are electric vehicles, illuminated exit signs, stationary power applications with three phase line-line input voltage of 300 or greater, battery analyzers, and voltage/voltage and frequency independent uninterruptable power supplies.

This advisory is published by Alston & Bird LLP to provide a summary of significant developments to our clients and friends. It is intended to be informational and does not constitute legal advice regarding any specific situation. This material may also be considered attorney advertising under court rules of certain jurisdictions.

## **What Are the New Energy Efficiency Standards?**

Battery charger systems are composed of three things: a power supply, internal charging circuitry and the battery. The standards covers all common battery chemistry, including nickel cadmium, nickel metal hydride, lithium ion and lead cells. Battery charger systems use energy in three modes: (1) energy used to actually charge batteries (charge mode); (2) energy consumed by the battery charger when the battery has been removed or disconnected (no-battery mode); and (3) energy consumed after the battery has been fully charged (battery-maintenance mode). The proposed standards will eliminate wasted energy by setting a limit on the total electricity consumed by a battery charger in all three modes. Standards and test methods for large and small battery charger systems are detailed in the regulations. Manufacturers will be required to certify each model to the Energy Commission and submit test results necessary to confirm compliance.

## **What Are the Labeling Requirements?**

Battery charger systems will be required to have a circle BC marking on the product that contains the battery charging terminals. For products with small nameplates, the circle BC marking can appear on retail packaging and instructions.

If you would like to receive future *Environmental* or *Products Liability Advisories* electronically, please forward your contact information, including e-mail address, to [EnvironmentalAdvisory@alston.com](mailto:EnvironmentalAdvisory@alston.com) or [ProductsLiabilityAdvisory@alston.com](mailto:ProductsLiabilityAdvisory@alston.com). Be sure to put “**subscribe**” in the subject line.

For more information about these new energy efficiency standards, call Maureen Gorsen in our Sacramento office at 916.498.3305, or any of the lawyers listed below.

## Environmental Product Compliance Team

Doug Arnold  
doug.arnold@alston.com  
404.881.7637

Lee A. DeHihns, III  
lee.dehahns@alston.com  
404.881.7151

Peter A. Nyquist  
pete.nyquist@alston.com  
213.576.1142

BJ Shannon  
bj.shannon@alston.com  
202.239.3344

Ward L. Benschopf  
ward.benschopf@alston.com  
213.576.1108

Maureen F. Gorsen  
(Sacramento)  
maureen.gorsen@alston.com  
916.498.3305

Elise Paeffgen  
elise.paeffgen@alston.com  
202.239.3939

Catherine Mitchell Wieman  
catherine.wieman@alston.com  
213.576.1044

Meaghan Goodwin Boyd  
meaghan.boyd@alston.com  
404.881.7245

Megan K. Hey  
megan.hey@alston.com  
213.576.1043

Don Segal  
donald.segal@alston.com  
202.239.3449

Max Williamson  
max.williamson@alston.com  
202.239.3223

Marisa Blackshire  
marisa.blackshire@alston.com  
213.573.1008

## Products Liability Group

Bernard Taylor, Sr.  
bernard.taylor@alston.com  
404.881.7288

Lisa Gilford  
lisa.gilford@alston.com  
213.576.1114

Sean Simmons  
sean.simmons@alston.com  
404.881.4576

Josh Becker  
josh.becker@alston.com  
404.881.4732

Jud Graves  
jud.graves@alston.com  
404.881.7279

Anna Sumner  
anna.sumner@alston.com  
404.881.7735

Todd Benoff  
todd.benoff@alston.com  
213.576.1012

Chris Gunnels  
chris.gunnels@alston.com  
404.881.7148

Debra Sydnor  
debra.sydnor@alston.com  
404.881.7460

Aaron Block  
aaron.block@alston.com  
404.881.4973

Jenifer Keenan  
jenifer.keenan@alston.com  
404.881.4398

Sam Taylor  
sam.taylor@alston.com  
213.576.1143

Lawrie Demorest  
lawrie.demorest@alston.com  
404.881.7796

Colin Kelly  
colin.kelly@alston.com  
404.881.7670

Travis Thompson  
travis.thompson@alston.com  
404.881.4574

Ted Eichelberger  
ted.eichelberger@alston.com  
404.881.4385

Brendan Krasinski  
brendan.krasinski@alston.com  
404.881.7181

Jane Thorpe  
jane.thorpe@alston.com  
404.881.7822

Scott Elder  
scott.elder@alston.com  
404.881.7592

Peter Masaitis  
peter.masaitis@alston.com  
213.576.1094

Shirlethia Franklin  
shirlethia.franklin@alston.com  
404.881.7783

Jenny Mendelsohn  
jenny.mendelsohn@alston.com  
404.881.4977

Eric Gardner  
eric.gardner@alston.com  
404.881.4734

Michele Powers  
michele.powers@alston.com  
213.576.1030

### ATLANTA

One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309-3424  
404.881.7000

### BRUSSELS

Level 20 Bastion Tower  
Place du Champ de Mars  
B-1050 Brussels, BE  
Phone: +32 2 550 3700

### CHARLOTTE

Bank of America Plaza  
Suite 4000  
101 South Tryon Street  
Charlotte, NC 28280-4000  
704.444.1000

### DALLAS

2828 N. Harwood St.  
Suite 1800  
Dallas, TX 75201  
214.922.3400

### LOS ANGELES

333 South Hope Street  
16th Floor  
Los Angeles, CA 90071-3004  
213.576.1000

### NEW YORK

90 Park Avenue  
New York, NY 10016-1387  
212.210.9400

### RESEARCH TRIANGLE

4721 Emperor Boulevard  
Suite 400  
Durham, NC 27703-8580  
919.862.2200

### SILICON VALLEY

275 Middlefield Road  
Suite 150  
Menlo Park, CA 94025-4004  
650.838.2000

### VENTURA COUNTY

Suite 215  
2801 Townsgate Road  
Westlake Village, CA 91361  
805.497.9474

### WASHINGTON, D.C.

The Atlantic Building  
950 F Street, NW  
Washington, DC 20004-1404  
202.239.3300

[www.alston.com](http://www.alston.com)

© Alston & Bird LLP 2012