

# U.S. Department of Energy – Backstop Update

Energy Independence & Security Act of 2007

August 2,  
2017



ICF Energy Efficiency  
Products Workshop 2017

Shana Doby  
National Partnerships  
Manager

# Agenda

- EISA & Backstop Background
- Timeline and Activities in 2017
- Expectations for the Future



# EISA & Backstop Background

Legislation Overview and  
Related Activities



# EISA Background

- Energy Independence & Security Act of 2007 (EISA)
- Established minimum efficiency standards for “*General Service Lamps*”
- Incandescent, CFL and LED medium screw base bulbs

Rated Lumen Ranges	Typical Current Lamp Wattage	Maximum Rate Wattage	Minimum Rated Lifetime	Effective Date
1490-2600	100	72	1,000 hours	1/1/2012
1050-1489	75	53	1,000 hours	1/1/2013
750-1049	60	43	1,000 hours	1/1/2014
310-749	40	29	1,000 hours	1/1/2014

Effective date =  
manufactured or  
imported by.

- 22 bulb types exempt, such as reflectors, 3-way, bug lights, rough service, vibration service, shatter-resistant, and many decorative bulbs

Source: <https://www.gpo.gov/fdsys/pkg/BILLS-110hr6enr/pdf/BILLS-110hr6enr.pdf>



# Backstop Provision

- Required DOE to conduct lighting efficiency rulemaking

Date (no later than)	Action
1/1/14	Initiate rulemaking procedure
1/1/17	Publish final rule, if DOE determines to amend the standards
<b>3 years after new rule</b>	<b>Effective date of new efficiency standards</b>
1/1/20	Backstop may go into effect requiring 45 lm/W minimum efficacy

- **Backstop: Prohibits the sale of any General Service Lamp that does not meet minimum of 45 lm/W efficacy**
- **Rulemaking process initiated as prescribed, but not completed**



# January 1, 2017 has passed... Now what?

There is a path forward.



# Timeline of 2017 Activities

**1/17/17: DOE released 2 Federal Register pre-publication notices;**

**Final rules adopting a definition for General Service Lamps (GSL):**

- Redefines products covered by federal regulations
- Some previously exempt bulb types added – like reflectors and many decorative bulbs

**1/18/17: DOE makes rules official by publishing in Federal Register**

**1/20/17: New Administration issues memorandum providing a 60-day regulatory freeze to allow review**

**3/16/17: NEMA files lawsuit against DOE, requesting:**

- Continue prescribed rulemaking process
- Review definition for the General Service Lamp
- Establish efficiency standards by technology (halogen, CFL, LED)

# NEMA – DOE Settlement

July 7:

DOE and NEMA sign settlement agreement in response to lawsuit

DOE agrees to 3 actions, related to:

1. Halogen incandescent
2. Backstop on Exempt Lamps
3. LEDs (and maybe CFLs?)

*Excerpt from DOE/NEMA Settlement Agreement:*

## SETTLEMENT AGREEMENT

The petitioner and respondent in *National Electrical Manufacturers Association v. United States Department of Energy* (4th Cir. No. 17-1341), through undersigned counsel, hereby agree to settle and compromise this matter in accordance with the terms and conditions embodied in this Settlement Agreement (hereinafter “Agreement”).

### I. The Parties.

The parties to this Agreement are petitioner, National Electrical Manufacturers Association (NEMA), and respondent, the United States Department of Energy (the Department), in the action captioned as *National Electrical Manufacturers Association v. United States Department of Energy*, in the United States Court of Appeals for the Fourth Circuit, No. 17-1341.

The parties to this Agreement will hereinafter be referred to as “the Parties.”

### II. Matter to be Settled.

On March 16, 2017, NEMA filed a petition for review pursuant to 42 U.S.C. § 6306 of two final rules issued by the Department of Energy: (1) Energy Conservation Program: Energy Conservation Standards for General Service Lamps, 82 Fed. Reg. 7276 (Jan. 19, 2017); and (2) Energy Conservation Program: Energy Conservation Standards for General Service Lamps, 82 Fed. Reg. 7322 (Jan. 19, 2017).





# 1 – Incandescent Lamps

## DOE to issue NODA requesting market data

**NODA = Notice of Data Availability, which will assist DOE in:**

- 1. Determining whether standards for incandescent lamps should be amended**
- 2. Could result in a reassessment of the GSL definitions rules**

*Excerpt from DOE/NEMA Settlement Agreement:*


1. The Department will issue a Notice of Data Availability (NODA) requesting market data for general service incandescent lamps (GSILs) and other incandescent lamps. This data will assist the Department in making a determination regarding whether standards for GSILs should be amended. *See* 42 U.S.C. § 6295(i)(6)(A)(i)(I). Because the Department had previously been prohibited from collecting data with respect to GSILs, any data received in response to the NODA could result in a reassessment of the assumptions and determinations made in the general service lamp (GSL) definition rules identified in Section II above. *See id.* The Department will use its best efforts to issue this NODA within one (1) month of a court order granting NEMA’s motion to dismiss.

# 1 – Incandescent Lamps

**Efficiency Standard: Change to efficiency standard for any technology (halogen, CFL, LED) must meet ALL 3 of the following conditions:**

1. Economically justified
2. Technologically feasible
3. Save significant amount of energy

## **GSL Definition Rules:**

- Revised January 2017: Now includes reflectors & some décor
- The ONLY way to remove any exemption is to show an  in sales trend.

## **Expectations:**

**Given 3 conditions, no change to current halogen efficiency requirements.**

**GSL definition *may* be reviewed; reflectors/décor *may* be removed.**

## 2 – Backstop on Exempt Lamps Vibration Service & Rough Service

- **5 lamp types flagged by EISA to monitor for potential “loophole” lamps:**  
Vibration Service, Rough Service, Shatter Resistant, 3-way, 2600+ Lumen
- **If sales increase 100% over the projected sales rate, regulation required**
- **Vibration Service & Rough Service did increase – subject to Backstop**

**Expectation: Follow through with the related Backstop provision:**

- **40W max, 1-Pack only (Rough Service *also* add shatterproof coating)**



*Excerpt from DOE/NEMA Settlement Agreement:*

The Department will issue a final rule codifying the respective statutory backstops that apply to vibration service lamps and rough service lamps under 42 U.S.C. § 6295(l)(4)(D)(ii), (E)(ii). The Department will use its best efforts to issue this final rule within six (6) weeks after publishing the NODA described in the immediately-preceding paragraph.

# 3 – LED Efficiency Standards (and maybe CFL)

## DOE to issue SNOPR

**SNOPR = Supplemental Notice of Proposed Rulemaking**

**What this means:**

- **DOE will review efficiency standards for LED lamps**
- **May include proposed determination to amend or adopt CFL standards**

**Expectation: Amendment on efficiency requirement for LEDs, maybe CFLs.**

*Excerpt from DOE/NEMA Settlement Agreement:*

3. The Department will issue a supplemental notice of proposed rulemaking that includes a proposed determination with respect to whether to amend or adopt standards for general service light-emitting diode (LED) lamps and that may include a proposed determination with respect to whether to amend or adopt standards for compact fluorescent lamps. The Department will use its best efforts to issue this supplemental notice within five (5) months of publishing the final rule on vibration service and rough service lamps described in the immediately-preceding paragraph.



# What's Next?

## Timeline Estimates

Estimated Date	DOE Action Expected	Related Item in Settlement
Aug 2017*	DOE issue NODA for incandescents; May review GSL definition	#1, Begin analysis
Sept 2017*	DOE <u>issue final rule</u> related to the Backstop on Vibration Service & Rough Service Lamps	#2, Final rule
Feb 2018*	DOE issue SNOPR for LEDs; Possibly CFLs	#3, Begin rulemaking
Aug 2018**	DOE issue final lighting efficiency rule; Issue revised GSL definition, if reviewed	#1, 3 Final rule(s)
Aug 2021***	Compliance date for new rules	#1, 3

\*Based on timing guidelines prescribed in the DOE/NEMA settlement paper.

\*\*Based on timing allowed for the analysis, process, comment periods, etc.

\*\*\*Estimate based on 3-year requirement before compliance date for new rule(s).



# Key Takeaways

- DOE is proceeding with lighting efficiency rulemaking activities.
- Halogens will be available past 1/1/20 (Backstop date).
- Halogens will likely continue to be allowed after final rule - into the future.
- LEDs will likely have a higher efficiency standard; maybe CFLs.
- DOE *may* revise GSL definitions (important for reflector/decorative).

## Key Timing Elements:

- DOE expected to make first request moving this forward August 2017.
- New rule(s) will be effective 3 years after the publication date(s), estimated Aug 2021.



**Stay Tuned!**

**ICF will continue monitoring activities related to lighting efficiency standards.**

