

June 1, 2020

Re: “Energy Conservation Program: Energy Conservation Standards for General Service Fluorescent Lamps and Incandescent Reflector Lamps,” 85 Fed. Reg. 21,104 (May 1, 2020).

Docket No. EERE-2019-BT-STD-0030

Consumer Federation of America, Environment America, National Consumer Law Center (on behalf of its low-income clients), Natural Resources Defense Council, Sierra Club, U.S. Public Interest Research Group, and Earthjustice submit the following comments on the U.S. Department of Energy’s (“DOE’s”) request for information concerning whether to amend energy conservation standards for general service fluorescent lamps and incandescent reflector lamps (“IRLs”). The Energy Policy and Conservation Act requires that DOE prohibit the sale of all general service lamps that do not meet a standard of 45 lumens per watt. 42 U.S.C. § 6295(i)(6)(A)(v). DOE has sought to evade applying this standard to IRLs through two unlawful final actions, 84 Fed. Reg. 46,661 (Sept. 5, 2019) and 84 Fed. Reg. 71,626 (Dec. 27, 2019), now under review in the United States Court of Appeals for the Second Circuit. *See New York v. DOE*, No. 19-3652; *NRDC v. DOE*, No. 20-699. We expect that when this litigation concludes DOE will be compelled to implement the 45 lumens per watt standard for IRLs and all other general service lamps. Moreover, any action DOE takes in this rulemaking to apply a standard less stringent than 45 lumens per watt to IRLs – whether through the issuance of a notice of determination not to amend the standards for IRLs that DOE adopted in 2009, or a final rule prescribing alternative standards – would be unlawful. *See* 42 U.S.C. § 6295(o)(1).

Respectfully submitted,

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