

United States Senate

WASHINGTON, DC 20510

May 3, 2019

The Honorable Rick Perry
Secretary
U.S. Department of Energy
1000 Independence Avenue SW
Washington, D.C. 20585

Dear Secretary Perry:

On February 11, 2019 the Department of Energy (DOE) issued a notice of proposed rulemaking (NOPR) that would withdraw the definitions of “general service lamp” (GSL) and related terms established in the January 19, 2017 final rules. The 2017 rule expanded the definition of GSL lightbulbs to include additional commonly used lamps. The effect of this expansion of the definition of GSLs allowed these lamps to be regulated under the same minimum energy efficiency standard as other GSLs. For reasons both legal and economic, we strongly urge the DOE not to finalize this NOPR and to allow the rules to stand as issued in 2017.

We take issue with the DOE’s assertion that the lamps the NOPR would withdraw from the definition are different than the GSLs which the DOE will continue to regulate. Reflector, round globe, candelabra, and other lightbulbs under review in this NOPR are used in general service lighting applications and represent around half of the conventional lightbulbs in use in the U.S., numbering in the billions. Indeed, we see this action to revoke the definitions as an attempt to circumvent the will of the Congress that does not pass legal muster.

The most glaring legal problem with the NOPR is that it would violate the “anti-backsliding” provision of the Energy Policy and Conservation Act (EPCA) of 1975, as amended. The provision bars DOE from reducing the energy efficiency required of a covered product. A rule that withdraws most types of light bulbs from the coverage of a standard reduces the energy efficiency required of those exempted lamps. The NOPR would thwart the forward progress on energy efficiency that Congress sought to ensure when it enacted the anti-backsliding provision.

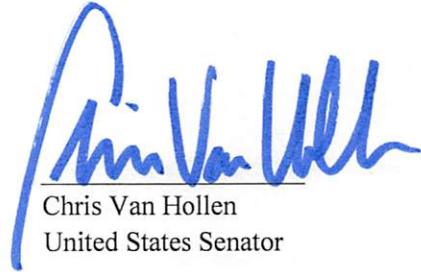
Aside from the legal arguments against this proposal, the Appliance Standards Awareness Project and the American Council for an Energy-Efficient Economy call attention to the fact that this rollback will cost Americans an additional \$12 billion in energy costs per year. The potential lost annual electricity savings roughly equal that generated by 25 large power plants and carbon dioxide emissions would increase by 34 million tons. In addition, there are efficient models of all of these lamps available on the market, and therefore this regulation would not be onerous to consumers.

For the above-identified reasons, we believe this NOPR would violate Congressional intent and the rule of law, in addition to inflicting economic harm on American consumers. Americans deserve common-sense regulations that save them money and are in line with Congressional mandates. Thus, we respectfully urge the DOE to withdraw this proposed rule.

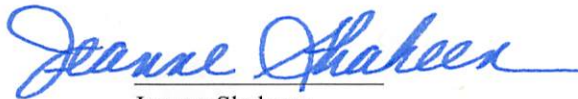
Sincerely,



Jeffrey A. Merkley
United States Senator



Chris Van Hollen
United States Senator



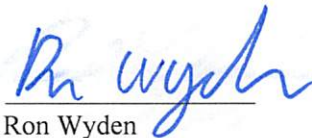
Jeanne Shaheen
United States Senator



Kamala D. Harris
United States Senator



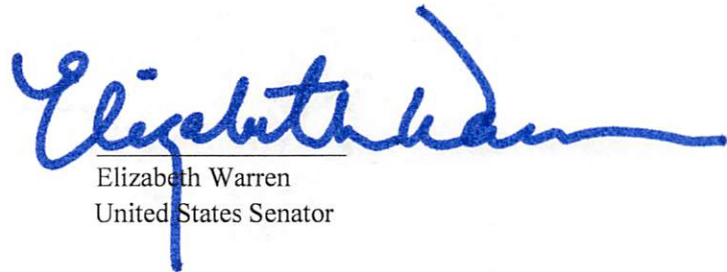
Richard Blumenthal
United States Senator



Ron Wyden
United States Senator



Benjamin L. Cardin
United States Senator



Elizabeth Warren
United States Senator



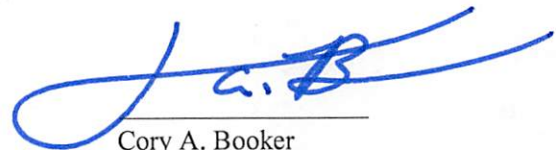
Catherine Cortez Masto
United States Senator



Tom Udall
United States Senator



Tina Smith
United States Senator



Cory A. Booker
United States Senator



Margaret Wood Hassan
United States Senator



Mazie K. Hirono
United States Senator



Edward J. Markey
United States Senator

Attention: Docket ID No. EERE-2018-BT-STD-0010
Energy Conservation Program: Energy Conservation Standards for General Service Lamps

Re: Comments on the Department of Energy's proposed weakening of standards governing the efficiency of certain lightbulbs

Tom Uebel

United States Senate

Catherine Cortez Masto

United States Senate

John A. Barrasso

United States Senate

Tim Wirth

United States Senate

Mark R. Warner

United States Senate

Martin Heinrich

United States Senate

Edward J. Markey

United States Senate

Attention: Director of the Center for Education Policy Studies
 Department of Education
 400 Maryland Drive
 Washington, DC 20540