

August 7, 2009

Catherine Zoi, Assistant Secretary for Energy Efficiency and Renewable Energy
Office of the Assistant Secretary
Energy Efficiency and Renewable Energy
Mail Stop EE-1
Department of Energy
Washington, DC 20585

Dear Assistant Secretary Zoi:

Thank you for granting our request for a meeting to discuss priority action items related to appliance and commercial equipment efficiency standards. We look forward to discussing measures the Department can take to save energy, reduce household utility bills, and curb carbon emissions through strong appliance standards. The purpose of this letter is to highlight one key discussion item in advance of our meeting – efficiency standards for certain so called “BR” and “ER” incandescent reflector lamps. As explained further below, we urge the Department to act quickly to adopt standards for these lamps, so that such standards can take effect by June 2013.

In the recently completed rulemaking to amend energy efficiency standards for lighting products, the Department, in a forward-looking step, announced that it would reconsider a legal interpretation put forth by the prior administration. The prior administration’s interpretation held that the Department lacked the authority to adopt standards for certain categories of incandescent reflector lamps – cone-shaped bulbs typically used in track lighting or recessed ceiling light fixtures. Congress had initially excluded BR and ER reflector lamps from the scope of statutory reflector lamp standards because of their small market share at the time of the exclusion. However, Congress subsequently amended the Energy Policy and Conservation Act to require standards for these lamps. In light of this change in the legal status of BR and ER reflector lamps, we urge the Department to immediately begin a rulemaking to establish energy efficiency standards covering those reflector lamps left out of the recent final rule. Specifically, these lamps types are: 1) lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps; 2) lamps rated at 65 watts that are BR30, BR40, or ER40 lamps; and 3) R20 lamps rated 45 watts or less.

The reflector lamps left out of the recent rule represent a significant loophole in DOE’s efficiency standards for lighting products, as these lamps now account for a large share of total reflector lamp installations. Market share of BR and ER reflector lamps has grown from less than 5 percent of total reflector lamp sales in 1992 to over 30 percent of reflector lamp sales today, due primarily to the lack of energy efficiency standards for these lamp types. In fact, the single most popular reflector lamp – the 65 watt BR (bulged reflector) lamp – is among the lamps that the prior administration viewed as exempted from standards. In addition, if standards are not established for these lamps, it is likely that sales of these inefficient lamps will

continue to grow rapidly due to their lower up-front costs, eroding the energy savings from the just-completed final rule as well as the general service lamp standards set by Congress in 2007. Promptly establishing standards for these lamps would be consistent with DOE's overarching policy focus on accelerating energy efficiency, increasing our nation's energy security, and reducing greenhouse gas emissions.

Because of their ubiquity, adopting strong standards for the BR and ER reflector lamps excluded from the recent final rule can have a dramatic impact, avoiding a significant waste of energy, saving money for households and businesses, and reducing carbon and other air pollutant emissions. According to a recent analysis from the American Council for an Energy Efficient Economy and the Appliance Standards Awareness Project, closing the remaining reflector lamp loophole with effective standards would save 59 million megawatt-hours of electricity (about .7 quads of primary energy) cumulatively by 2030, and deliver more than \$2.7 billion in net savings for households and businesses who install compliant lamps. This analysis shows that such standards would also eliminate 2.3 million metric tons of carbon dioxide emissions per year, equivalent to removing over 475,000 passenger cars from the nation's roads each year, and would provide similar reductions in emissions of other harmful air pollutants as well.

The Department must act quickly to fulfill statutory obligations by proposing standards for the lamps left out of the July final rule. We recommend that standards for these lamps become effective no later than June 30, 2013 – roughly one year after the standards for the other reflector lamps covered by the recent final rule. Fortunately, much of the information needed to analyze potential standard levels for these lamps has already been gathered during the recently completed rulemaking. Therefore, with prompt action, the Department can complete a final rule establishing standards for these lamps by June 2010, which will provide ample lead time for industry to meet the new standards three years later. Delaying action would only reduce the accuracy of this existing data, drawing out the rulemaking process further. At our upcoming meeting, we hope we can discuss a schedule for the rulemaking that would enable a June 2013 effective date. We greatly appreciate the opportunity to discuss these important matters with you.

Respectfully yours,

National Resources Defense Council, David B. Goldstein, Co-Director, Energy Program

Sierra Club, Gloria D. Smith, Senior Staff Attorney, Sierra Club Environmental Law Program

Earthjustice, Timothy D. Ballo, Associate Attorney

Appliance Standards Awareness Project, Andrew L. deLaski, Executive Director

Alliance to Save Energy, Jeffrey Harris, Vice President, Programs

American Council for an Energy-Efficient Economy, Jennifer Amann, Director, Buildings Program

National Consumer Law Center, Charles Harak, Esq., on behalf of its low-income clients

Consumer Federation of America, Mel Hall-Crawford, Special Projects Director

Northeast Energy Efficiency Partnerships, David Lis, Program Associate, Appliance Standards and Regional Initiatives