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<ol> <li>11</li> <li>12</li> <li>13</li> <li>14</li> </ol>	nathaniel.nesbitt@hoganlovells.com Attorneys for Plaintiffs National Electrical Manufacturers Association and American Lighting Association			
15	UNITED STATES	DIST	RICT COURT	
16	EASTERN DISTRI	CT OF	F CALIFORNIA	
17				
18 19	NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION and AMERICAN LIGHTING ASSOCIATION,	C V	ase No. 2:19-at-1 ERIFIED COM	169 <b>PLAINT</b>
20 21	Plaintiffs,	[2 §	28 U.S.C. §§ 1331 6306(c)(1)]	, 1343; 42 U.S.C.
<ol> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> </ol>	v. CALIFORNIA ENERGY COMMISSION; DAVID HOCHSCHILD, Chairman, and JANEA A. SCOTT, KAREN DOUGLAS, J. ANDREW MCALLISTER, and PATTY MONAHAN, Commissioners, in their official capacities, Defendants.			
28	VERIFIED COMPLAINT FOR DE	FCLAR	ATORY AND INIT	NCTIVE REI 1EE

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1	Plaintiffs National Electrical Manufacturers Association ("NEMA") and American
2	Lighting Association ("ALA") respectfully state the following claims for declaratory and
3	injunctive relief against Defendants the California Energy Commission and its Chairman
4	and Commissioners in their official capacities (collectively, "CEC"):
5	Nature of the Action
6	1. This is a civil action seeking declaratory and injunctive relief under the
7	Supremacy Clause of the U.S. Constitution and the Energy Policy and Conservation Act
8	as amended (42 U.S.C. § 6291 et seq.) ("EPCA"). This action challenges the
9	constitutionality of the CEC's application of a 45-lumens-per-watt energy conservation
10	standard, <sup>1</sup> effective January 1, 2020, as applied to five types of light bulbs ("lamps" in
11	EPCA). Those five lamps are subject to federal energy conservation standards that are
12	different from, and conflict with, the standard California seeks to impose. The five types
13	of lamps at issue are: (1) incandescent reflector lamps, (2) intermediate base incandescent
14	lamps, (3) candelabra base incandescent lamps, (4) rough service incandescent lamps, and
15	(5) vibration service incandescent lamps (hereinafter, the "five federally-covered lamps").
16	EPCA expressly preempts the application of the CEC's 45-lumens-per-watt standard to
17	the five federally covered lamps. See 42 U.S.C. § 6297(c). While EPCA recognizes
18	limited exceptions to federal preemption, California enjoys no exception to preemption
19	with respect to the five federally covered lamps.
20	2. This action further seeks declaratory and injunctive relief under the
21	Supremacy Clause of the U.S. Constitution and conflict-preemption principles. This
22	action challenges the constitutionality of the CEC's broad definition of "general service
23	lamp" because it conflicts with the federal definition of that term and presents an obstacle
24	to the accomplishment and execution of the full purposes and objectives of Congress as
25	set forth in EPCA. The CEC asserts that Congress provided California with an exception
26	to preemption in order to regulate the lamps embraced by California's expanded definition
27	<sup>1</sup> Energy efficiency standards for light bulbs are typically expressed in terms of a minimum ratio of
28	light output to power required, "lumens/watt"; they are also sometimes expressed in terms of maximum energy use such as a cap on wattage allowed for a given type of light bulb.
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of "general service lamp," including the five federally covered lamps. But even if an
 exception were available in theory under EPCA, it is unavailable in this case because the
 California definition of "general service lamp" is not co-extensive, and conflicts, with the
 federal definition.

5 3. This action arises out of the CEC's adoption, on November 13, 2019, of a 6 rule amending Title 20 of the California Code of Regulations in Docket 19-AAER-04 that 7 expanded the definition of "general service lamp" to include  $(among other lamp types)^2$ 8 the five federally covered lamps, and applied a 45-lumens-per-watt energy conservation 9 standard to those additional lamps. 20 C.C.R. §1605.3(k)(2) and Table K-8. A copy of 10 the regulation containing the expanded definition of "general service lamp" that CEC 11 adopted on November 13, 2019 is attached as Exhibit A. Before this amendment, Title 12 20's definition of "general service lamp" mirrored the federal definition. But California's 13 new definition now conflicts with the federal version, which includes neither the five federally covered lamps nor a number of additional lamps that California's definition now 14 15 purports to embrace. Compare 42 U.S.C. § 6291(30) (BB) and 10 C.F.R. § 430.2 with 16 Exhibit A. Because these lamps cannot meet a 45-lumens-per-watt standard, the 17 amendment effectively bans the sale of the five federally covered lamps in California on 18 and after January 1, 2020, a mere six weeks after adoption of the rule. 19 4. NEMA and ALA request that the application of the 45-lumens-per-watt

- NEMA and ALA request that the application of the 45-lumens-per-watt
   standard to the five federally covered lamps and enforcement of the CEC's expanded
   definition of "general service lamp" be enjoined. Plaintiffs represent a broad spectrum of
   light-bulb manufacturers and light bulb resellers that will be irreparably harmed if
   California is permitted to act outside of, and in conflict with, the federal energy efficiency
   regulatory regime. In short, manufacturers will be forced to cease the sale and delivery of
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Among the other lamp types swept into the CEC's expanded definition of "general service lamp" that are not included in the federal definition are: medium base 3-way lamps, medium base shatter-resistant incandescent lamps, medium base incandescent lamps with a light output ranging from 2601 lumens to 3300 lumens, medium base decorative lamps (with B, BA, CA, F, and G-shape bulbs), medium base tubular (T-shape bulb) lamps, certain medium base S-shape bulb lamps, and certain lamps with specialty bases such as pin-base, wedge base, and the like.

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1	the five federally covered lamps and other lamps in California; to alter product
2	distribution and warehousing in and out of California; and to bear the logistical and
3	supply-chain burden of supplying the five federally covered lamps and other lamps to all
4	but California and the several states that have followed California's lead and put similar
5	regulations in place (e.g., Vermont); and as a result will be unable effectively to meet their
6	customers' needs in California and across the country. Customers for the five federally
7	covered lamps and other affected lamps with California retail and wholesale operations
8	will be forced to cease the sale of products lawfully purchased and sold, to remove
9	products from store shelves and inventory, and to terminate outstanding orders with
10	manufacturers that NEMA and ALA represent.
11	Jurisdiction and Venue
12	5. This action arises under the Supremacy Clause of the U.S. Constitution,
13	Article VI, Section 2, and the Declaratory Judgment Act, 28 U.S.C. § 2201.
14	6. This Court has subject matter jurisdiction over this action under 28 U.S.C.
15	§ 1331 (federal question jurisdiction), 28 U.S.C. § 1343(a)(3) (jurisdiction to redress
16	constitutional violations), and 42 U.S.C. § 6306(c)(1), which vests federal district courts
17	with jurisdiction over actions brought by "any adversely affected person to determine
18	whether a State or local government is complying with the requirements of [EPCA]."
19	Venue in this Court is proper under 28 U.S.C. § 1391(b). This Court is authorized to issue
20	a declaratory judgment under 28 U.S.C. §§ 2201, 2202.
21	Parties
22	7. Plaintiff NEMA is an Internal Revenue Code § 501(c)(6) not-for-profit
23	corporation organized under the laws of Delaware, with its principal place of business in
24	Rosslyn, Virginia. It represents manufacturers of electrical products, including
25	manufacturers of the five federally covered lamps as well as other lamp types impacted by
26	the CEC's November 13, 2019 regulation. NEMA represented the interests of its
27	members during the CEC rulemakings resulting in the challenged regulation and it
28	represents those interests in this suit.
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1	8. Plaintiff ALA is a not-for-profit trade association headquartered in Dallas,
2	Texas. It represents companies that operate retail lighting showrooms, staffed by the most
3	knowledgeable people in the industry, offering lighting, ceiling fans and control
4	products. ALA's membership also includes lighting manufacturers, manufacturer
5	representatives, and other lighting professionals. ALA members operate 107 lighting
6	showroom stores in California. ALA members sell the five federally covered lamps as
7	well as other lamp types impacted by the CEC's November 13, 2019 regulation expanding
8	the definition of "general service lamp." ALA represented the interests of its members
9	during the CEC rulemakings resulting in the challenged regulation and it represents those
10	interests in this suit.
11	9. Defendant CEC is an agency of the State of California, located in
12	Sacramento. The CEC is authorized by state statute to promulgate and enforce appliance
13	energy efficiency standards, including for lighting. See Cal. Pub. Res. Code § 25402.
14	Defendant David Hochschild is the Chairman and a Commissioner of the CEC.
15	Defendant Janea A. Scott is the Vice Chair and a Commissioner of the CEC. Defendants
16	Karen Douglas, J. Andrew McAllister, and Patty Monahan are each CEC Commissioners.
17	I. Background
18	A. NEMA and ALA members operate in a standardized, global
19	lighting supply chain that will be adversely affected by a
20	patchwork of state efficiency regulations.
21	10. In 2018, NEMA members and other manufacturers shipped an estimated
22	200 million units of the five federally covered lamps in the United States. They also ship
23	millions of bulbs that are not among the five federally covered lamps but that are included
24	in the CEC's expanded definition of "general service lamps." California represents
25	approximately 11–12% of the country's light bulb market.
26	11. The manufacture and distribution of light bulbs occurs over a lengthy
27	period of time and across global supply chains. From retail order, production, shipment to
28	a retail or wholesale distribution center, and then delivery to a retail store or electrical
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distributor or contractor, and ultimately to retail purchase by consumers or electricians,
the process can range from 4 to 12 months or longer, with variations depending on the
type of light bulb, the location of the retail store, and other factors. Some light bulbs,
particularly specialty bulbs like those at issue here, spend more time on retail store shelves
than others. The U.S. Department of Energy ("DOE") recently summarized the
complexities of light-bulb distribution. *Energy Conservation Program: Definition for General Service Lamps*, 84 Fed. Reg. 46,661, 46,671–72 (Sept. 5, 2019).

8 12. Some of the larger retailers have contracts with manufacturer-suppliers that 9 require the manufacturer to maintain a "safety stock" of lamps in inventory to meet 10 customer demands. Id. at 46,671–72. Similarly, some retailers require manufacturers to 11 repurchase products that do not comply with applicable law. The CEC's expansion of the definition of "general service lamp," which conflicts with the federal definition, has 12 13 created significant uncertainty in the market among retailers, ALA member lighting 14 showrooms, and their suppliers. If retailers and ALA member lighting showrooms 15 withdraw from shelves and inventory products that are lawful under *federal* law because 16 of the threat of imminent *state* enforcement, empty shelves may persist for some time. 17 See id. (describing procurement cycles, lead times, and stocking considerations). This 18 situation presents substantial logistical problems and significant additional expense for 19 retailers, ALA member lighting showrooms, distributors, and their manufacturer-suppliers 20 relating to stranded products and packaging. It may also force retailers, ALA member 21 lighting showrooms, distributors, and their manufacturer-suppliers to dump inventory at 22 non-market prices. *Id.* ALA lighting showroom members in California, for example, may 23 be compelled to market their unsalable inventory of light bulbs affected by the CEC's 24 November 13, 2019 regulation outside of their normal market areas in other states, and be 25 forced to develop or devote one-time marketing resources and incur marketing expenses 26 they would not normally develop just to dispose of those lamps. The cost this uncertainty 27 creates cannot be measured. And absent judicial intervention, costs will only grow. The 28 resulting uncertainty will hamstring light bulb manufacturers, ALA member lighting

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showrooms, distributors, and retailers in the lengthy supply-chain sequence.

13. In the highly competitive consumer product landscape in a nationally
regulated environment, production of affordable, competitively priced light bulbs depends
largely on achieving production volumes and long production runs, and on maintaining an
efficient global distribution channel.

14. 6 Manufacturers rely on being able to ship the same type of light bulb to 7 California that they ship to every other state. The logistics required to supply certain 8 products to only some states are costly and burdensome. Indeed, manufacturers sought 9 federal efficiency regulation precisely because they were being "confronted with 'a 10 growing patchwork of differing State regulations which would increasingly complicate 11 their design, production and marketing plans." Air Conditioning & Refrigeration Inst. v. 12 *Energy Res. Conservation & Dev. Comm'n*, 410 F.3d 492, 500 (9th Cir. 2005) (quoting S. 13 Rep. No. 100–6, at 4 (Jan. 30, 1987)).

14 15. The United States District Court from the Eastern District of California in
15 *Air Conditioning* found that burdening manufacturers with multiple regulatory regimes
16 was, of itself, sufficient to demonstrate injury under EPCA. *Air Conditioning &*17 *Refrigeration Inst. v. Energy Res. Conservation & Dev. Comm'n*, No. CV-S-02-2437
18 WBS/PAN, slip op. at 23 n.13 (E.D. Cal. June 11, 2003). NEMA and ALA's members
19 face the same multiple-regulatory-regime injury if the CEC regulations challenged here
20 take effect.

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## B. Congress amended EPCA to create a single federal regulatory regime for energy efficient lighting.

16. Subchapter III of EPCA, 42 U.S.C. § 6291 *et seq.*, establishes a federal
regulatory framework for a variety of consumer and industrial products that use
electricity. It "was enacted in 1975 as part of a 'comprehensive national energy policy." *Nat'l Res. Def. Council, Inc. v. Herrington*, 768 F.2d 1355, 1362, 1364 (D.C. Cir. 1985)
(quoting S. Rep. No. 516, 95th Cong., 1st Sess. 116 (1975)). The Secretary of Energy (the
"Secretary"), through the DOE, implements EPCA by establishing test procedures and

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setting energy-conservation standards for covered products. *See* 42 U.S.C. §§ 6293,
 6295(a). The DOE also enforces compliance with energy conservation standards. 42
 U.S.C. §§ 6303–04. The U.S. Federal Trade Commission ("FTC") establishes product labeling regulations for consumer products, including light bulbs, and enforces those
 regulations. 42 U.S.C. §§ 6294, 6303–04.

17. 6 Both the legislation by Congress and the DOE and FTC rulemakings under 7 EPCA directed at light bulbs have been extensive and comprehensive. They touch every 8 one of the elements of the comprehensive regulatory scheme for covered products: 9 definitions of federally regulated products, *id.* § 6291; test procedures, *id.* § 6293; labeling 10 and information disclosure requirements, id. § 6294; energy conservation standards, id. 11 § 6295; and certification and enforcement, *id.* §§ 6296, 6303–04. Congressional 12 enactments affecting lighting products began in 1987 with the regulation of fluorescent 13 lamp ballasts. It expanded with amendments to EPCA in 1992, 2005, and 2007 to include 14 different types of light bulbs and lighting fixtures.

15 18. "Covered products" are those products listed in 42 U.S.C. § 6292(a);
products that the Secretary classifies as such to serve the purposes of the statute, 42 U.S.C.
§ 6292(b); and products for which Congress otherwise directs the Secretary to set
standards. EPCA sets initial energy conservation standards for products listed in 42
U.S.C. § 6295(a)(1), and it authorizes the Secretary to set new or amended energy
standards for covered products. *Id.* § 6295(a)(2).

21 19. To ensure that EPCA's energy policy would indeed be "comprehensive," 22 and to respond to manufacturers' concerns about being exposed to disparate efficiency 23 standards promulgated by states, Congress included broad express preemption provisions 24 for state energy conservation standards in the 1987 amendments to EPCA. EPCA 25 preempts state energy conservation regulation of covered products both before federal 26 energy conservation standards are effective, 42 U.S.C. § 6297(b), and after they become 27 effective, *id.* § 6297(c). Of particular relevance here is the express prohibition on state 28 regulation of EPCA-covered products for which energy efficiency standards have already

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*been established and are effective*. With certain exceptions not relevant here, the statute
 states that "for any covered product, no State regulation concerning the energy efficiency,
 energy use, or water use of such covered product shall be effective with respect to such
 product." 42 U.S.C. § 6297(c).

20. The Ninth Circuit has held that "[t]he legislative history [of EPCA]
demonstrates that Congress intended to preempt state energy efficiency standards." *Air Conditioning*, 410 F.3d at 500. The Court of Appeals described EPCA's preemption of
State energy conservation standards as "broad," and explained that the breadth of
preemption was designed "to counteract the systems of separate state appliance standards
that had emerged" because of the DOE's policy of granting states' exemption requests. *Id.*

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#### **II.** Federal Regulation of the Five Federally Covered Lamps

12 21. As described in more detail below, pursuant to its EPCA rulemaking
13 authority, the DOE has adopted or amended energy conservation standards for each of the
14 five federally covered lamps. *See, e.g.*, 10 C.F.R. § 430.32(r), (x), & (bb).

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#### A. Incandescent reflector lamps.

16 22. "Incandescent reflector lamps" were first regulated under EPCA by the
17 Energy Policy Act of 1992, Pub. L. 102-486, 106 Stat. 2776, 2817–19, 2821, 2824
18 (October 24, 1992) ("EPAct 1992"). In EPAct 1992, Congress defined "incandescent
19 reflector lamps," established test procedures and energy conservation standards governing
20 them and directed the FTC to adopt related energy-labeling requirements.

21 23. In EPAct 1992, Congress also defined the term "incandescent lamp" and
22 distinguished an "incandescent reflector lamp" from a "general service incandescent
23 lamp." *Compare* 42 U.S.C. § 6291(30)(C)(i) (lamp "not a reflector lamp") *with* 42 U.S.C.
24 § 6291(30)(C)(ii) (lamp "referred to as a reflector lamp"). Each falls within the broader
25 "incandescent lamp" umbrella, but an "incandescent reflector lamp" is not a "general
26 service incandescent lamp" in part because, by definition both federally and in California,
27 it is a "directional" lamp and the "general service incandescent lamp" is not.

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(a) Congress defined the "incandescent reflector lamp" as follows:

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1	Any lamp (commonly referred to as a reflector lamp) which is not colored
2	or designed for rough or vibration service applications, that contains an
3	inner reflective coating on the outer bulb to direct the light, an R, PAR, or
4	similar bulb shapes (excluding ER or BR) with E26 medium screw bases, a
5	rated voltage or voltage range that lies at least partially within 115 and
6	130 volts, a diameter which exceeds 2.75 inches, and is either—a low(er)
7	wattage reflector lamp which has a rated wattage between 40 and 205
8	watts; or a high(er) wattage reflector lamp which has a rated wattage
9	above 205 watts.
10	See EPAct 1992, Pub. L. 102-486, 106 Stat. 2818–19 (1992) (codified at 42 U.S.C.
11	§ 6291(30)(C)(ii)(1992)) (emphasis added); see also 42 U.S.C. §
12	6291(30)(F)("The term 'incandescent reflector lamp' means a lamp described in
13	subparagraph (C)(ii).").
14	(b) Congress amended this definition in the Energy Independence and
15	Security Act of 2007, Pub. L. 110-140, 121 Stat. 1492, 1587 (Dec. 19, 2007)
16	("hereinafter "EISA-2007"). The amendment eliminated the parenthetical
17	exclusion of "ER" and "BR" shape reflector bulbs, and added ER, BR and BPAR
18	shape reflector bulbs to the definition. It also reduced the minimum diameter of
19	"incandescent reflector lamps" from 2.75 inches to 2.25 inches. 42 U.S.C. §
20	6291(30)(C)(ii). Examples of the different
21	"incandescent reflector lamp" bulb shapes appear in Exhibit B to this Complaint.
22	(c) In EPAct 1992, Congress defined a "general service incandescent
23	lamp" as "any incandescent lamp (other than a miniature or photographic lamp)
24	that has an E26 medium screw base, a rated voltage range at least partially within
25	115 and 130 volts, and which can be used to satisfy the majority of lighting
26	applications, but does not include any lamps specifically designed for" 17
27	different, enumerated applications. EPAct 1992, Pub. L. 102-486, 106 Stat. 2818-
28	19 (codified at 42 U.S.C. § 6291).
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1	(d) In EISA-2007, Congress amended the definition such that "general
2	service incandescent lamp" now "means a standard incandescent or halogen type
3	lamp that (I) is intended for general service applications; (II) has a medium screw
4	base; (III) has a lumen range of not less than 310 lumens and not more than 2,600
5	lumens ; and (IV) is capable of being operated at a voltage range at least
6	partially within 110 and 130 volts." 42 U.S.C. § 6291(30)(D)(i). The amended
7	definition also excluded 22 lighting applications and bulb shapes. 42 U.S.C. §
8	6291(30)(D)(ii)(I)–(XXII).
9	(e) The 2007 amendment expressly called out specific lamps with
10	different bulb shapes that were "not included" in the term "general service
11	incandescent lamp" including, but not limited to <i>reflector lamps</i> , G shape lamps, T
12	shape lamps, and B, BA, CA, F, G16-1/2, G-25, G30, S, or M-14 lamps of 40
13	watts or less. See EISA-2007, 42 U.S.C. § 6291(30)(D)(ii)(XI), (XX), (XXI),
14	(XXII). Examples of the B, BA, CA, F, G16-1/2, G-25, G30, G-shape with
15	diameter of 5 inches or more, and T-shape lamps are displayed in Exhibits C and E
16	to this Complaint.
17	(f) EISA-2007's specific exclusion of the "reflector lamp" from the
18	definition of "general service incandescent lamp," 42 U.S.C. §
19	6291(30)(D)(ii)(XI), continues the distinction Congress made in EPAct 1992
20	between "incandescent reflector lamps" and "general service incandescent lamps."
21	For instance, the definition of "incandescent reflector lamp" specifies that such
22	lamps "contain[] an inner reflective coating on the outer bulb to direct the light,"
23	whereas "general service incandescent lamps" do not. That is why reflector lamps
24	are commonly referred to as "directional lamps," and are used in track lighting and
25	recessed fixtures, to train light on a task area, or in outdoor fixtures designed to
26	illuminate a specific area for security or aesthetic accenting. See e.g., Exhibit A at
27	5 (The CEC's definition states, "Reflector lamp" means a lamp that has an R,
28	PAR, BPAR, BR, ER, MR, or similar bulb shape as defined in ANSI C78.20-2003
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and ANSI C79.1-2002 and is used to provide *directional light*.) In contrast, "general service incandescent lamps," which feature omnidirectional light output, are traditionally used in ceiling pendent fixtures, ceiling fixtures, table and bedside lamp fixtures, floor lamp fixtures, entry and garage fixtures.

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(g) Federal regulations under EPCA continue to treat these categories differently. In EPAct 1992, Congress enacted energy conservation standards for 7 "incandescent reflector lamps" but did not enact energy conservation standards for 8 "general service incandescent lamps." Instead, it directed the DOE to initiate a 9 rulemaking procedure to determine whether energy conservation standards should 10 be applied to "general service incandescent lamps." Pub. L. 102-486, 106 Stat. at 11 2825. In EISA-2007, Congress ultimately adopted—and DOE later 12 implemented—energy conservation standards for "general service incandescent 13 lamps" that differ from the standards for "incandescent reflector lamps." Pub. L. 14 110-140, 121 Stat. at 1577, 1588–89. Compare 10 C.F.R. § 430.32(r) (current 15 DOE "incandescent reflector lamp" standards) with 10 C.F.R. § 430.32(x)(i) (current DOE "general service incandescent lamp" standards). 16

(h) The Secretary has not adopted a 45-lumens-per-watt energy conservation standard applicable to "incandescent reflector lamps."

19 (i) In short, the "standard incandescent or halogen type lamp" that 20 Congress identified in the definition of "general service incandescent lamp" is the 21 common, pear-shaped light bulb. An example from the DOE's website appears in 22 Exhibit D. That definition expressly does "not include" the special bulb shapes 23 and applications identified in Exhibit B and Exhibit C.

#### **B**. Candelabra base incandescent lamps.

25 24. In EISA-2007, Pub. L. 110-140, 121 Stat. 1574-75, Congress defined 26 "candelabra base incandescent lamp" as "a lamp that uses candelabra screw base as 27 described in ANSI C81.61-2006, Specifications for Electric Bases, common designations 28 E11 and E12." 42 U.S.C. § 6291(30)(U). A candelabra screw base is smaller than the

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1 larger E26 medium screw base of the "general service incandescent lamp" and the 2 "incandescent reflector lamp." By definition, then, a "candelabra base incandescent 3 lamp" is not a "general service incandescent lamp" because it lacks a medium screw base. 4 See 42 U.S.C. § 6291(30)(D)(i)(II). The candelabra screw-base lamp is traditionally used 5 in decorative lighting fixtures. Exhibit E shows examples of this lamp. The smaller 6 candelabra screw base of the candelabra-base lamp traditionally support light bulbs with a 7 smaller form factor such as decorative "B", "BA", "C", "F" and smaller diameter "G" 8 shape lamps used in decorative light fixtures and vanity mirrors found in theater dressing 9 rooms and bathrooms. These special bulb shapes with smaller form factors are explicitly 10 "not include[d]" in the definition of "general service incandescent lamp." 42 U.S.C. 11 § 6291(30)(D)(ii)(XX)–(XXII).

12 25. Unlike "candelabra base incandescent lamps," "general service
13 incandescent lamps" are not traditionally used in decorative lighting fixtures. They are
14 too large, do not screw into the candelabra base sockets, and do not have the requisite
15 aesthetic appearance.

16 26. In EISA-2007, Congress established an energy conservation standard for 17 "candelabra base incandescent lamps," treating them differently than and separately from 18 "general service incandescent lamps." Specifically, Congress limited the energy use of "candelabra base incandescent lamps" to "60 rated watts." Pub. L. 110-140, 121 Stat. at 19 20 1578; compare also 10 C.F.R. § 430.32(x)(i) (current "general service incandescent lamp" 21 standard) with 10 C.F.R. § 430.32(x)(ii) (current "candelabra base incandescent lamp" 22 standard). Because of this wattage limitation, "candelabra base incandescent lamps" 23 cannot reach the light output of "general service incandescent lamps" (310–2600 lumens). 24 See 42 U.S.C. § 6291(30)(D)(i)(III). Instead, they typically do not exceed 650 lumens. 25 27. The Secretary of Energy has not adopted a 45-lumens-per-watt energy 26 conservation standard applicable to "candelabra base incandescent lamps." 27 C. Intermediate base incandescent lamps. 28 28. In EISA-2007, Pub. L. 110-140, 121 Stat. at 1575, Congress defined

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1 "intermediate base incandescent lamp" as "a lamp that uses an intermediate screw base as 2 described in ANSI C81.61-2006, Specifications for Electric Bases, common designation 3 E17." 42 U.S.C. § 6291(30)(V). An intermediate screw base is smaller than the larger 4 E26 medium screw base of the "general service incandescent lamp" and the "incandescent 5 reflector lamp," but larger than the E12 candelabra screw base of the "candelabra base 6 incandescent lamp." By definition, an "intermediate base incandescent lamp" is not a 7 "general service incandescent lamp" because it does not have a medium screw base. See 8 42 U.S.C. § 6291(30)(D)(i)(II) (defining "general service incandescent lamp" to include 9 such a screw base). The intermediate screw base lamp is traditionally used in special 10 lighting applications with space constraints such as appliances, ceiling fans, and furniture 11 display or showcase lamps. Exhibit F shows examples of the intermediate screw base 12 lamp. The smaller intermediate base of the intermediate screw base lamp traditionally 13 supports light bulbs used in special applications such as appliance lamps, sign lamps using 14 "S" shape bulbs, showcase lamps, and tubular (T-shape) lamps used in exit signs. These 15 special applications—appliance lamps, sign lamps, and showcase lamps—are explicitly 16 "not include[d]" in the definition of "general service incandescent lamp." 42 U.S.C. 17 § 6291(30)(D)(ii)(I), (XIV), (XVI).

18 29. "General service incandescent lamps" are not traditionally used in the same
19 applications as "intermediate base incandescent lamps" because they are too large to fit in
20 space-constrained areas.

21 30. In EISA-2007, Congress established an energy conservation standard for 22 "intermediate base incandescent lamps," treating them separately from and differently 23 than "general service incandescent lamps." Specifically, Congress limited the energy use 24 of these lamps to "40 rated watts." Pub. L. 110-140, 121 Stat. at 1578. Compare 10 C.F.R. § 430.32(x)(i) ("general service incandescent lamp" standard) with 10 C.F.R. § 25 26 430.32(x)(ii) ("intermediate base incandescent lamp" standard). As a result of the wattage 27 limitation for "intermediate base incandescent lamps," these lamps cannot realize the full 28 light output range of "general service incandescent lamps" (310–2600 lumens). See 42

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1	U.S.C. § 6291(30)(D)(i)(III). Instead, they typically do not exceed 430 lumens.
2	31. The Secretary has not adopted a 45-lumens-per-watt energy conservation
3	standard applicable to "intermediate base incandescent lamps."
4	D. Rough service incandescent lamps.
5	32. In EISA-2007, Pub. L. 110-140, 121 Stat. 1575, Congress defined "rough
6	service incandescent lamp" as a lamp that "has a minimum of 5 supports with filament
7	configurations that are C-7A, C-11, C-17, and C-22 as listed in Figure 6-12 of the 9th
8	edition of the IESNA Lighting handbook, or similar configurations where lead wires are
9	not counted as supports" and that "is designed and marketed specifically for 'rough
10	service' applications, with — (I) the designation appearing on the lamp packaging; and
11	(II) marketing materials that identify the lamp as being for rough service." 42 U.S.C.
12	§ 6291(30)(X). A "rough service incandescent lamp" is not limited to a certain type of
13	screw base, but rather has a unique filament configuration that is designed to protect the
14	filament during "rough service" applications. This filament is different than the one used
15	in "general service incandescent lamps." Rough service lamps are designed to withstand
16	bumps, shocks, vibrations and other external stresses that could damage the filament of a
17	regular lamp and cause failure. Some examples of such harsh usage include garage door
18	openers, lamps near machinery, or lamps near doors that slam regularly.
19	33. In EISA-2007, Pub. L. 110-140, 121 Stat. at 1574, Congress expressly
20	legislated that the rough service lamp is "not include[d]" in the definition of "general
21	service incandescent lamp." 42 U.S.C. § 6291(30)(D)(ii)(XII).
22	34. Congress did not enact energy conservation standards for "rough service
23	incandescent lamps" in EISA-2007. But it did amend EPCA to establish a distinct
24	regulatory scheme for "rough service incandescent lamps" whereby DOE would establish
25	such standards if certain conditions precedent were met.
26	(A) In general
27	The Secretary shall prescribe an energy efficiency standard for rough service
28	lamps, vibration service lamps, 3-way in-candescent lamps, 2,601-3,300 lumen
	15

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1	general service incandescent lamps, and shatter-resistant lamps <b>only in</b>
2	accordance with this paragraph. ***
3	(B) Benchmarks
4	Not later than 1 year after December 19, 2007, the Secretary, in consultation with
5	the National Electrical Manufacturers Association, shall-
6	(i) collect actual data for United States unit sales for each of calendar years 1990 through 2006 for each of the 5 types of lamps described in subparagraph (A) to
7	determine the historical growth rate of the type of lamp; and
8	(ii) construct a model for each type of lamp based on coincident economic
9	indicators that closely match the historical annual growth rate of the type of lamp to provide a neutral comparison benchmark to model future unit sales after
10	calendar year 2006.
11	(C) Actual sales data
12	(i) In general
13	Effective for each of calendar years 2010 through 2025, the Secretary, in
14	consultation with the National Electrical Manufacturers Association, shall-
15 16	(I) collect actual United States unit sales data for each of 5 types of lamps described in subparagraph (A); and
10 17 18	(II) not later than 90 days after the end of each calendar year, compare the lamp sales in that year with the sales predicted by the comparison benchmark for each of the 5 types of lamps described in subparagraph (A).
19	(D) Rough service lamps
20	(i) In general
21	Effective beginning with the first year that the reported annual sales rate for rough
22	service lamps demonstrates actual unit sales of rough service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same
23	year, the Secretary shall
24	(1) not later than 90 days after the end of the previous calendar year, issue a
25	finding that the index has been exceeded; and
26	(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation
27	standard for rough service lamps.
28	(ii) Backstop requirement
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If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning I ways after the date, of the issuance	
of the finding under clause (i)(I), the Secretary shall require rough service	
lamps to	
(I) have a shatter-proof coating or equivalent technology that is complia with NSF/ANSI 51 and is designed to contain the glass if the gla	nt ss
envelope of the lamp is broken and to provide effective containment over the ligo of the lamp;	ife
(II) have a maximum 40-watt limitation; and	
(III) be sold at retail only in a package containing 1 lamp.	
EISA-2007, Pub. L. 110-140, 121 Stat. at 1581–82, 42 U.S.C. § 6295( <i>l</i> )((4)(A)–(D)	
(emphasis supplied). The legislative direction that the Secretary only prescribe standards	S
"in accordance with this paragraph" precluded the Secretary from regulating rough-	
service lamps in any other manner, including, for example, treating such lamps as	
"general service incandescent lamps."	
35. In October 2016, DOE published a notice in the Federal Register	
announcing that the actual unit sales for rough service lamps exceeded the congressional	
threshold that required regulation pursuant to 42 U.S.C. § 6295( <i>l</i> )(4)(D). 81 Fed. Reg.	
71,794, 71,800 (Oct. 18, 2016). DOE failed to complete the accelerated rulemaking	
within the one year that EPCA requires. 42 U.S.C. § 6295( <i>l</i> )(4)(D)(i)(II). As a result,	
DOE published a Final Rule adopting statutory backstop requirements that (i) limited the	•
energy use of rough service lamps to 40 watts, (ii) required a special coating on the bulb,	,
and (iii) limited marketing and packaging of the rough service lamp to one per package.	
Energy Conservation Program: Energy Conservation Standards for Rough Service	
Lamps and Vibration Service Lamps, 82 Fed. Reg. 60,845, 60,845–46 (Dec. 26, 2017);	
see also 42 U.S.C. § 6295(l)(4)(D)(ii) (setting forth backdrop requirements); 10 C.F.R.	
§ 430.32(bb)(1) (setting forth energy conservation standards for "rough service	
incandescent lamps").	
36. The Secretary has not adopted a 45-lumens-per-watt energy conservation	
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standard applicable to "rough service incandescent lamps."

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## E. Vibration service incandescent lamps.

3 37. In EISA-2007, Pub. L. 110-140, 121 Stat. at 1576, Congress defined 4 "vibration service lamp" as a lamp that "has filament configurations that are C-5, C-7A, or C-9, as listed in Figure 6-12 of the 9th Edition of the IESNA Lighting Handbook or 5 6 similar configurations," that "has a maximum wattage of 60 watts," that "is sold at retail 7 in packages of 2 lamps or less," that "is designated and marketed specifically for vibration 8 service or vibration-resistant applications," which designation "appear[s] on the lamp 9 packaging"; and with "marketing materials that identify the lamp as being vibration 10 service only." 42 U.S.C. § 6291(30)(AA). A "vibration service incandescent lamp" is not 11 limited by type of screw base; rather, such lamps have a unique filament configuration 12 (slightly different than the rough-service-lamp filament), which is designed to protect the 13 filament in "vibration service" applications. Vibration service lamps are designed for 14 applications in which vibrations would otherwise damage the filament of a regular lamp. Some examples include garage door openers and lamps near machinery. 15 16 38. In EISA-2007, Pub. L. 110-140, 121 Stat. at 1574, Congress expressly 17 legislated that the vibration service lamp is "not include[d]" in the definition of "general 18 service incandescent lamp." 42 U.S.C. § 6291(30)(D)(ii)(XIX). 19 39. In EISA-2007, Congress did not enact energy conservation standards for 20 "vibration service incandescent lamps." But it did amend EPCA to establish a separate 21 regulatory scheme for such lamps—similar to its approach for "rough service" 22 incandescent lamps." 42 U.S.C. § 6295(l). Pursuant to that scheme, DOE would establish 23 energy conservation standards if certain conditions precedent were met: 24 (i) In general 25 Effective beginning with the first year that the reported annual sales rate for 26 vibration service lamps demonstrates actual unit sales of vibration service lamps 27 that achieve levels that are at least 100 percent higher than modeled unit sales for

28 that same year, the Secretary shall--

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1	(I) not later than 90 days after the end of the previous calendar year, issue
2	a finding that the index has been exceeded; and
3	(II) not later than the date that is 1 year after the end of the previous
4	calendar year, complete an accelerated rulemaking to establish an energy
5	conservation standard for vibration service lamps.
6	(ii) Backstop requirement
7	If the Secretary fails to complete an accelerated rulemaking in accordance
8	with clause (i)(II), effective beginning 1 year after the date of the
9	issuance of the finding under clause (i)(I), the Secretary shall require
10	vibration service lamps to
11	(I) have a maximum 40-watt limitation; and
12	(II) be sold at retail only in a package containing 1 lamp.
13	42 U.S.C. § $6295(l)(4)(E)$ . The legislative direction that DOE prescribe energy efficiency
14	standards for vibration service lamps "only in accordance with this paragraph," 42 U.S.C.
15	§ $6295(l)(4)(A)$ , precluded the Secretary from regulating such lamps in any other manner,
16	including, for example, regulating them as "general service incandescent lamps."
17	40. In October 2016, DOE published a notice in the Federal Register
18	announcing that the actual unit sales for vibration service lamps exceeded the
19	congressional threshold that required regulation pursuant to 42 U.S.C. § $6295(l)(4)(E)$ . 81
20	Fed. Reg. 71,794, 71,800 (Oct. 18, 2016). But DOE failed to complete the accelerated
21	rulemaking within one year, as contemplated by 42 U.S.C. § 6295( <i>l</i> )(4)(E)(i)(II). DOE
22	accordingly published a Final Rule to adopt the statutory backstop requirements, which
23	limited the energy use of vibration service lamps to 40 watts, and limited marketing and
24	packaging of the lamps to one per package. 82 Fed. Reg. at 60,845–46 (Dec. 26, 2017);
25	see also 10 C.F.R. §430.32(bb)(2) (setting forth energy conservation standards for
26	"vibration service incandescent lamps").
27	41. The Secretary has not adopted a 45-lumens-per-watt energy conservation
28	standard applicable to "vibration service incandescent lamps."
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## III. Congress Did Not Include the Five Federally Covered Lamps in its "General Service Lamp" Regulation

3 42. In EISA-2007, 110 Pub. L. 140, 121 Stat. at 1576, Congress defined the 4 "general service lamp" to include (i) "general service incandescent lamps"; (ii) "compact 5 fluorescent lamps"; (iii) "general service light-emitting diode (LED or OLED) lamps" and 6 (iv) "any other lamps that the Secretary determines are used to satisfy lighting applications 7 traditionally served by general service incandescent lamps." 42 U.S.C. § 6291(30)(BB). 8 But "[t]he term 'general service lamp' does not include": (i) "any lighting application or 9 bulb shape described in any of the subclauses through (XXII) or subparagraph (D)(ii)" or 10 "any general service fluorescent lamp or incandescent reflector lamp." Id.

11 43. The Secretary has adopted by rulemaking a definition of "general service" 12 lamp" that mirrors the statutory definition. A "[g]eneral service lamp includes general 13 service incandescent lamps, compact fluorescent lamps, general service light-emitting 14 diode lamps, organic light-emitting diode lamps, and any other lamps that the Secretary 15 determines are used to satisfy lighting applications traditionally served by general service 16 incandescent lamps." 10 C.F.R. § 430.2. But "this definition does not apply to any 17 lighting application or bulb shape excluded from the 'general service incandescent lamp' 18 definition, or any general service fluorescent lamp or incandescent reflector lamp." Id.

19 44. Both Congress' statutory definition and the Secretary's definition expressly 20 state that the "lighting applications or bulbs shapes excluded from the 'general service 21 incandescent lamp' definition" are not included in the definition of "general service 22 lamp." In the case of the incandescent reflector lamp, Congress stated twice in the same 23 statutory paragraph, cited in paragraph 42 above, that the incandescent reflector lamp is 24 not included in the definition of "general service lamp." The "reflector lamp" is excluded 25 in subclause (I) of 42 U.S.C. § 6291(30)(BB)(i) (defining "general service lamp" to include "general service incandescent lamps") because "general service incandescent 26 27 lamp" is defined to exclude reflector lamps. 42 U.S.C. § 6291(30)(D)(ii)(XI). And the 28 "incandescent reflector lamp" is expressly excluded in subclause (II) of 42 U.S.C. §

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6291(30)(BB)(ii). As explained above, the five federally covered lamps and other lamps
 are excluded from the definition of "general service incandescent lamp," and not included
 in the federal definition of "general service lamp."

4 45. After notice-and-comment rulemaking, the Secretary concluded that the
expanded definition of "general service lamp" that the CEC separately adopted on
November 13, 2019 is not consistent with EPCA. The Secretary ruled that the DOE's
definitions of "general service incandescent lamp" and "general service lamp" would
remain aligned with Congress' statutory definitions in EPCA. GSL Final Rule, 84 Fed.
Reg. 46,661 (Sept. 5, 2019).

10 46. The CEC's November 13, 2019 adoption of a rule amending and 11 expanding Title 20's definitions of "general service incandescent lamp" and "general 12 service lamp" conflicts with the federal definitions of those terms. As a justification for 13 its rule, a CEC Staff Report presented to the Commission alleged that its definition will 14 eliminate confusion between California's definition of "general service lamp" and the 15 federal definition of that term. CEC Staff, Initial Statement of Reasons at 4, Docket No. 16 19-AAER-04 (Aug. 16, 2019). That justification is unfounded, as the GSL Final Rule 17 spells out. Ironically, the Secretary expressed concern in the GSL Final Rule with an 18 interpretation of EPCA that would "potentially subject these lamp[] types to two separate 19 standards and create confusion among regulated entities as to which one applies." 84 Fed. 20 Reg. at 46,666. California's expansion of these definitions does just that, and the 21 amendment will sow regulatory and compliance confusion.

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### FIRST CAUSE OF ACTION — EXPRESS PREEMPTION

47. Plaintiffs incorporate by reference and re-alleges each and every allegation
set forth above in paragraphs 1 through 46 as if fully set forth herein.

48. The U.S. Constitution makes federal law and regulations "the supreme Law
of the Land." U.S. Const. art. VI, cl. 2. EPCA declares that, subject to limited express
statutory exceptions, "effective on the effective date of an energy conservation standard
established in or prescribed under section 6295 of this title for any covered product, no

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State regulation, or revision thereof, concerning the energy efficiency, energy use, or
 water use of the covered product shall be effective with respect to such covered product."
 42 U.S.C. § 6297(c).

4 49. The five federally covered lamps are covered products under EPCA with
5 applicable energy conservation standards established or prescribed under 42 U.S.C.
6 § 6295.

50. No exception to preemption under 42 U.S.C. 6297(c) is applicable with
respect to the five federally covered lamps.

9 51. The CEC's regulations conflict with the statutory scheme of EPCA, which 10 sets forth a single federal regulatory system for all covered lighting products, to the 11 exclusion of state efforts to do the same. California's November 13, 2019 amendment to 12 Title 20 would apply an energy conservation standard of 45-lumens-per-watt to the five 13 federally-covered lamps, which differs from the federal energy conservation standards, 14 and would effectively ban the sale of the five federally covered lamps to and in California. 15 52. The CEC's November 13, 2019 amendment is a state regulation concerning 16 energy efficiency for EPCA-covered products. NEMA, ALA, and each of their members 17 who make and/or sell the five federally covered lamps to and in California are injured by 18 the CEC's regulations. These violations of the U.S. Constitution and EPCA threaten 19 NEMA and ALA members with irreparable injury for which there is no adequate remedy 20 at law. As such, they are aggrieved parties are within the meaning of 42 U.S.C. § 6306(c).

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### <u>SECOND CAUSE OF ACTION — CONFLICT PREEMPTION</u>

22 53. Plaintiffs incorporate by reference and re-alleges each and every allegation
23 set forth above in paragraphs 1 through 52 as if fully set forth herein.

EISA-2007 authorized the Secretary to initiate a rulemaking for general
service lamps not later than January 1, 2014 and as part of that rulemaking called on the
Secretary to "include consideration of a minimum standard of 45 lumens per watt for
general service lamps." 42 U.S.C. § 6295(i)(6)(A)(ii)(II). While this directive to the
Secretary does not mandate adoption of a 45-lumens-per-watt standard, the Secretary has

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recently indicated that DOE will decide upon this standard as part of a pending
 rulemaking procedure. GSL Final Rule, 84 Fed. Reg. at 46,662 ("DOE will make that
 determination in a separate rulemaking.").

4 55. Congress granted DOE the authority to decide whether to prescribe a
5 minimum standard of 45-lumens-per-watt for "general service lamps." Accordingly, the
6 scope of the energy conservation standard for general service lamps—whether a 457 lumens-per-watt standard or otherwise—relates to the federal definition of "general
8 service lamps."

9 56. In EISA-2007, Congress granted California a limited exception to 10 preemption to adopt the Secretary's final rule in accordance with EPCA—or if a final rule 11 had not been adopted, a 45-lumens-per-watt backstop standard specifically applicable to 12 "general service lamps." 42 U.S.C. § 6295(i)(6)(A)(vi). California's exception to 13 preemption, assuming that it is available, is tied to Congress' definition of "general 14 service lamp," not the conflicting, expanded definition that California adopted on 15 November 13, 2019. In proposing the expansion of the definition of "general service" 16 lamp," the CEC stated that it was relying on California's exception to preemption under 17 42 U.S.C. § 6295(i)(6)(A)(vi).

The DOE disputes that California's exception to preemption is available
because, in the Secretary's view, the exception depends on the outcome of a pending
rulemaking that is nearing completion. GSL Final Rule, 84 Fed. Reg. at 46,669
("Therefore, all states, including California and Nevada, are prohibited from adopting
energy conservation standards for GSLs.").

23 24

58. Even if an exception to preemption is available to California, the expanded definition of "general service lamp" creates an actual conflict with federal law because:

(a) If the DOE adopts a minimum 45-lumens-per-watt standard for
"general service lamps," it will apply to "general service lamps" within the DOE's
definition, but not within California's expanded definition. And California would
only be able to apply that standard to the federally defined "general service lamp"

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1	under 42 U.S.C. § 6295(i)(6)(A)(vi)(I).
2	(b) If the DOE does not adopt a minimum 45-lumens-per-watt standard
3	for "general service lamps," then California could not adopt that standard pursuant
4	to 42 U.S.C. § 6295(i)(6)(A)(vi)(I).
5	(c) Assuming that California is able to adopt a 45-lumens-per-watt
6	backstop standard pursuant to 42 U.S.C. § 6295(i)(6)(A)(vi)(II), the backstop
7	standard only applies to general service lamps as defined by federal law, not
8	California's conflicting definition because that "backstop" arises exclusively under
9	federal law and applies only to a federally defined "general service lamp that does
10	not meet a minimum efficacy standard of 45 lumens per watt." 42 U.S.C. §
11	6295(i)(6)(A)(v).
12	59. California has no authority to expand the limited exception to preemption
13	that Congress provided. The CEC's new regulation and its conflicting, expanded
14	definition of "general service lamp" has created and will continue to create confusion in
15	the marketplace over the applicable law and compliance. The conflicting definition and
16	resulting confusion warrant the application of conflict preemption and a declaratory
17	judgment finding the CEC's amendment to Title 20 definition unconstitutional.
18	60. In adopting the expanded definition of general service lamp and purporting
19	to regulate a number of specialty lamps as "general service lamps," the CEC also violated
20	California's Warren-Alquist Act, which provides in pertinent part:
21	The commission may, after one or more public workshops, with public notice and
22	an opportunity for all interested parties to comment, provide for inclusion of a
23	particular type of specialty light in its energy efficiency standards applicable to
24	general purpose lighting, if it finds that there has been a significant increase in
25	sales of that particular type of particular specialty light due to the use of that
26	specialty light in general purpose lighting applications.
27	Cal. Pub. Res. Code, § 25402.5.4(f)(2). The CEC did not and could not make the finding
28	required by the Warren-Alquist Act. Sales of the particular specialty lights have not
	24
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experienced "a significant increase in sales"; rather, those sales have been declining—a
 fact of which CEC is well aware. For example:

(a) Sales of "three-way incandescent lamps" have been declining for a number of years. In 2011, domestic U.S. shipments of three-way incandescent lamps were approximately 31,619,000 units. 77 Fed. Reg. 16,183, 16,186 (Mar. 20, 2012). By 2018, domestic U.S. shipments of three-way incandescent lamps had declined over 30% since 2011 to approximately 22,098,000 units. 84 Fed. Reg. 17,362, 17,365 (Apr. 25, 2019).

(b) Sales of "shatter-resistant incandescent lamps" have been declining for a number of years. In 2011, domestic U.S. shipments of shatter-resistant incandescent lamps" were approximately 1,659,000 units. 77 Fed. Reg. 16,183, 16,186 (Mar. 20, 2012). By 2018, domestic U.S. Shipments of shatter-resistant lamps had declined over 75% to approximately 400,000 units in 2018. 84 Fed. Reg. 17,362, 17,365 (Apr. 25, 2019).

(c) Sales of incandescent lamps with a lumen output level from 2601–
3300 lumens have been declining for a number of years. In 2011, domestic sales
of 2601–3300 lumen incandescent lamps were approximately 33,913,000 units. 77
Fed. Reg. 16,183, 16,186 (Mar. 20, 2012). By 2018, domestic shipments of 2601–
3300 lumen incandescent lamps had declined over 92% to approximately
2,465,000 units. 84 Fed. Reg. 17,362, 17,365 (Apr. 25, 2019).

(d) In written comments to the CEC dated September 17, 2018, NEMA pointed out the decline in these shipments described in paragraphs (a)–(c) above over time as well as data showing the decline in sales of the five federally covered lamps. In more recent written comments to the CEC dated October 19, 2019, NEMA repeated the data showing that sales of these specialty lamps were declining, not increasing.

(e) The Department of Energy noted in its Final Rule declining to use an expanded definition of general service lamp "that shipments of candelabra base

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1	incandescent lamps have been in a continuous decline since 2011 and there is no
2	evidence of increasing shipments." 84 Fed. Reg. 46,661, 46,669 (Sept. 5, 2019).
3	61. The harm to light-bulb manufacturers, distributors, retailers and consumers
4	described above would be significant. Plaintiffs, as representatives for the aggrieved
5	manufacturers and lighting showrooms, therefore are permitted under 42 U.S.C. § 6306(c)
6	to bring this claim. Section 6306(c)(1) permits this suit "to determine whether a State or
7	local government is complying with the requirements of' EPCA.
8	PRAYER FOR DECLARATORY AND INJUNCTIVE RELIEF
9	WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in its
10	favor, and grant the following relief:
11	A. A temporary restraining order and preliminary injunction to maintain the
12	status quo pending the adjudication of this Complaint on the merits and to prevent the
13	irreparable harm described in this complaint;
14	B. A declaratory judgment and permanent injunction against the CEC finding
15	that the CEC's November 13, 2019 adoption of a rule amending Title 20 of the California
16	Code of Regulations, as attached at Exhibit A to this Complaint:
17	(1) violates the express preemption provision of 42 U.S.C. § 6297(c)
18	because it is a state regulation concerning energy use or energy efficiency
19	of covered products;
20	(2) violates the Supremacy Clause of the U.S. Constitution under the
21	principles of conflict preemption with EPCA's scheme for regulation of
22	the five federally covered lamps; and
23	(3) is not subject to any exception to preemption with respect to the
24	five federally covered lamps;
25	C. A declaratory judgment and permanent injunction against the CEC from
26	enforcing the above energy efficiency standards;
27	D. Such other relief as the court deems just and reasonable, including
28	preliminary and temporary relief, and fees and costs as may be requested or required.
	26 VERIEIED COMPLAINT EOR DECLARATORY AND INITINCTIVE RELIEF

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3		By <u>/s</u>	/ Michelle Roberts	Gonzales
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6		(P) Att	ornevs for Plainti	ffs National Electrical
7		Mc Lis	nufacturers Association	ciation and American
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	VERIFIED COMPLA	INT FOR DECLA	RATORY AND INJU	INCTIVE RELIEF

	Case 2:19-cv-02504-KJM-DB Document 1 Filed 12/13/19 Page 28 of 63						
1	UNITED STATES DISTRICT COURT						
2	EASTERN DISTRICT OF CALIFORNIA						
3							
4	<b>VERIFICATION</b> Pursuant to 28 U.S.C § 1746, I, CLARK REID SILCOX, hereby declare:						
5							
6	1. I am the Secretary and General Counsel of the National Electrical Manufacturers Association and the National Electrical Manufacturers Association is a						
7	Disintiff in the above contioned civil action						
8	2 L have read this Varified Complaint and know its contents, and the same						
9	2. Thave read this vermed Complaint and Know its contents, and the same						
10	are true to the best of my knowledge, information and belief.						
11	Executed this 13 <sup>th</sup> day of December 2019						
12	Executed unis 15 day of Detember 2019.						
13	/s/ Clark Reid Silcox						
14	CLARK REID SILCOX						
15	(original signature retained by attorney Michelle Roberts Gonzales)						
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	VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF						

	Case 2:19-cv-02504-KJM-DB Document 1 Filed 12/13/19 Page 29 of 63					
1	EXHIBIT A					
2	California Energy Commission Regulation					
3	Amending Title 20 Adopted November 13, 2019					
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DOCKETED	
Docket Number:	19-AAER-04
Project Title:	General Service Lamps
TN #:	229452
Document Title:	Proposed Regulatory Language - General Service Lamps Appliance Efficiency Rulemaking
Description:	N/A
Filer:	Patrick Saxton
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/15/2019 4:47:32 PM
Docketed Date:	8/15/2019

## **Proposed Regulatory Language**

## California Code of Regulations Title 20. Public Utilities and Energy Division 2. State Energy Resources Conservation and Development Commission Chapter 1. General Provisions Article 1. Construction of Regulations Section 1004 and Chapter 4. Energy Conservation Article 4. Appliance Efficiency Regulations Sections 1601 – 1609 as related to General Service Lamps August 16, 2019

Proposed new language appears as underline (<u>example</u>) and proposed deletions appear as strikeout (<del>example</del>). Existing language appears as plain text. Three dots or "…" represents the substance of the regulations that exists between the proposed language and current language.

## § 1004. Partial Invalidity Severability.

Each part of this division shall be deemed severable, and in the event that any provision of this division is held to be invalid, the remainder of this division shall continue in full force and effect.

Note: Authority cited: Sections 25213 and 25218(e) Public Resources Code. Reference: Section 25213 Public Resources Code.

## § 1601. Scope. [No changes]

## § 1602. Definitions.

## (a) General.

In this Article the following definitions apply. If a term is not defined here, the applicable definition in NAECA, EPAct, the EPAct 2005, EISA, or the test methods listed in section 1604 of this Article shall apply where it is reasonable to do so.

## ...[skipping "AC" through "Consumer product"]

"Correlated color temperature (CCT)" means the color appearance, or actual color of the lamp in accordance with IES LM-16-1993.

## ...[skipping "CSA" through "Gas"]

"General lighting application" means lighting that provides an interior or exterior area with overall illumination.

## ...[skipping through the end of (a)]

## ...[skipping (b)-(j)]

## (k) Lamps.

## (1) General Service Lamps Sold Before January 1, 2020, and All Other Lamps.

## ...[skipping "Appliance Lamp" through "Voltage Range"]

## (2) General Service Lamps Sold On or After January 1, 2020.

<u>"Black light lamp" means a lamp that is designed and marketed as a black light lamp</u> and is an ultraviolet lamp with the highest radiant power peaks in the UV-A band (315 to 400 nm) of the electromagnetic spectrum.

<u>"Bug lamp" means a lamp that is designed and marketed as a bug lamp, has radiant</u> power peaks above 550 nm on the electromagnetic spectrum, and has a visible yellow coating.

"Colored lamp" means a colored fluorescent lamp, a colored incandescent lamp, or a lamp designed and marketed as a colored lamp with either of the following characteristics (if multiple modes of operation are possible [such as variable CCT], either of the below characteristics must be maintained throughout all modes of operation): (1) A CRI less than 40, as determined according to the method set forth in CIE Publication 13.3; or (2) A CCT less than 2,500K or greater than 7,000K.

"Designed and marketed" means exclusively designed to fulfill the indicated application and, when distributed in commerce, designated and marketed solely for that application, with the designation prominently displayed on the packaging and all publicly available documents (e.g., product literature, catalogs, and packaging labels).

"General service incandescent lamp" means a standard incandescent or halogen type lamp that is intended for general service applications; has a medium screw base; has a lumen range of not less than 310 lumens and not more than 2,600 lumens or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens; and is capable of being operated at a voltage range at least partially within 110 and 130 volts; however this definition does not apply to the following incandescent lamps—

(1) An appliance lamp;

(2) A black light lamp;

(3) A bug lamp;

(4) A colored lamp;

(5) A G shape lamp with a diameter of 5 inches or more as defined in ANSI C79.1-2002; (6) An infrared lamp;

(7) A left-hand thread lamp;

(8) A marine lamp;

(9) A marine signal service lamp;

(10) A mine service lamp;

(11) A plant light lamp;

(12) An R20 short lamp;

(13) A sign service lamp;

(14) A silver bowl lamp;

(15) A showcase lamp; and

(16) A traffic signal lamp.

"General service lamp" means a lamp that has an ANSI base; is able to operate at a voltage of 12 volts or 24 volts, at or between 100 to 130 volts, at or between 220 to 240 volts, or of 277 volts for integrated lamps, or is able to operate at any voltage for non-integrated lamps; has an initial lumen output of greater than or equal to 310 lumens (or 232 lumens for modified spectrum general service incandescent lamps) and less than or equal to 3,300 lumens; is not a light fixture; is not an LED downlight retrofit kit; and is used in general lighting applications. General service lamps include, but are not limited to, general service incandescent lamps, compact fluorescent lamps, general service light-emitting diode lamps, and general service organic light-emitting diode lamps. General service lamps do not include:

(1) Appliance lamps;

(2) Black light lamps;

(3) Bug lamps;

(4) Colored lamps;

(5) G shape lamps with a diameter of 5 inches or more as defined in ANSI C79.1-2002;

(6) General service fluorescent lamps:

(7) High intensity discharge lamps;

(8) Infrared lamps;

(9) J. JC. JCD, JCS, JCV, JCX, JD, JS, and JT shape lamps that do not have Edison screw bases;

(10) Lamps that have a wedge base or prefocus base;

(11) Left-hand thread lamps;

(12) Marine lamps;

- (13) Marine signal service lamps;
- (14) Mine service lamps;
- (15) MR shape lamps that have a first number symbol equal to 16 (diameter equal to 2 inches) as defined in ANSI C79.1-2002, operate at 12 volts, and have a lumen output greater than or equal to 800;
- (16) Other fluorescent lamps;
- (17) Plant light lamps;
- (18) R20 short lamps;
- (19) Reflector lamps that have a first number symbol less than 16 (diameter less than 2 inches) as defined in ANSI C79.1-2002 and that do not have E26/E24, E26d, E26/50x39, E26/53x39, E29/28, E29/53x39, E39, E39d, EP39, or EX39 bases;
- (20) S shape or G shape lamps that have a first number symbol less than or equal to 12.5 (diameter less than or equal to 1.5625 inches) as defined in ANSI C79.1-2002;
- (21) Sign service lamps;
- (22) Silver bowl lamps;
- (23) Showcase lamps;
- (24) Specialty MR lamps;
- (25) T shape lamps that have a first number symbol less than or equal to 8 (diameter less than or equal to 1 inch) as defined in ANSI C79.1-2002, nominal overall length less than 12 inches, and that are not compact fluorescent lamps;

(26) Traffic signal lamps.

"General service light-emitting diode (LED) lamp" means an integrated or non-integrated LED lamp designed for use in general lighting applications and that uses light-emitting diodes as the primary source of light.

"General service organic light-emitting diode (OLED) lamp" means an integrated or nonintegrated OLED lamp designed for use in general lighting applications and that uses organic light-emitting diodes as the primary source of light.

<u>"Infrared lamp" means a lamp that is designed and marketed as an infrared lamp; has its highest radiant power peaks in the infrared region of the electromagnetic spectrum (770 nm to 1 mm); has a rated wattage of 125 watts or greater; and which has a primary purpose of providing heat.</u>

"Integrated lamp" means a lamp that contains all components necessary for the starting and stable operation of the lamp, does not include any replaceable or interchangeable parts, and is connected directly to a branch circuit through an ANSI base and corresponding ANSI standard lamp-holder (socket).

"LED downlight retrofit kit" means a product designed and marketed to install into an existing downlight, replacing the existing light source and related electrical components, typically employing an ANSI standard lamp base, either integrated or connected to the downlight retrofit by wire leads, and is a retrofit kit. LED downlight retrofit kit does not include integrated lamps or non-integrated lamps.

"Left-hand thread lamp" means a lamp with direction of threads on the lamp base oriented in the left-hand direction.

"Light fixture" means a complete lighting unit consisting of light source(s) and ballast(s) or driver(s) (when applicable) together with the parts designed to distribute the light, to position and protect the light source, and to connect the light source(s) to the power supply.

"Marine lamp" means a lamp that is designed and marketed for use on boats and can operate at or between 12 volts and 13.5 volts.

"Marine signal service lamp" means a lamp that is designed and marketed for marine signal service applications.

<u>"Mine service lamp" means a lamp that is designed and marketed for mine service applications.</u>

"Non-integrated lamp" means a lamp that is not an integrated lamp.

"Other fluorescent lamp" means low pressure mercury electric-discharge sources in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into light and include circline lamps and include double-ended lamps with the following characteristics: Lengths from one to eight feet; designed for cold temperature applications; designed for use in reprographic equipment; designed to produce radiation in the ultra-violet region of the spectrum; impact-resistant; reflectorized or aperture; or a CRI of 87 or greater.

"Pin base lamp" means a lamp that uses a base type designated as a single pin base or multiple pin base system.

"Plant light lamp" means a lamp that is designed to promote plant growth by emitting its highest radiant power peaks in the regions of the electromagnetic spectrum that promote photosynthesis: Blue (440 nm to 490 nm) and/or red (620 to 740 nm), and is designed and marketed for plant growing applications.

"Reflector lamp" means a lamp that has an R, PAR, BPAR, BR, ER, MR, or similar bulb shape as defined in ANSI C78.20-2003 and ANSI C79.1-2002 and is used to provide directional light.

<u>"Showcase lamp" means a lamp that has a T shape as specified in ANSI C78.20-2003 and ANSI C79.1-2002, is designed and marketed as a showcase lamp, and has a maximum rated wattage of 75 watts.</u>

"Sign service lamp" means a vacuum type or gas-filled lamp that has sufficiently low bulb temperature to permit exposed outdoor use on high-speed flashing circuits, is designed and marketed as a sign service lamp, and has a maximum rated wattage of 15 watts.

"Silver bowl lamp" means a lamp that has an opaque reflective coating applied directly to part of the bulb surface that reflects light toward the lamp base and that is designed and marketed as a silver bowl lamp.

<u>"Specialty multifaceted reflector (MR) lamp" means a lamp that has an MR shape as</u> <u>defined in ANSI C79.1-2002, a diameter of less than or equal to 2.25 inches, a lifetime of</u> <u>less than or equal to 300 hours, and that is designed and marketed for a specialty</u> <u>application.</u>

<u>"Traffic signal lamp" means a lamp that is designed and marketed for traffic signal applications and has a lifetime of 8,000 hours or greater.</u>

## ...[skipping (l)-(m)]

## (n) Luminaires and Torchieres.

## ...[skipping "Art work luminaire" through "Automatic daylight control"]

"Correlated Color temperature (CCT)" means the color appearance, or actual color of the lamp in accordance with IES LM-16-1993.

## ...[skipping through the end of the section]

Note: Authority cited: Sections 25213, 25218(e), 25401.9(b), 25402(a)-25402(c), and 25960, Public Resources Code; and sections 16, 26, and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015).

Reference: Sections 25216.5(d), 25401.9(b), 25402(a)-25402(c), 25402.5.4, and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

## § 1602.1. Rules of Construction. [No changes]

## § 1603. Testing: All Appliances. [No changes]

## § 1604. Test Methods for Specific Appliances

## ...[skipping (a)-(j)]

## (k) Lamps.

- (1) The test method for <del>federally regulated general service fluorescent lamps, federally regulated</del> general service incandescent lamps, <del>and federally regulated</del> incandescent reflector lamps<u>, and federally regulated general service fluorescent lamps</u> is 10 C.F.R. section 430.23(r) (Appendix R to subpart B of part 430).
- (2) The test method for state-regulated small diameter directional lamps that use incandescent filament technology is 10 C.F.R. section 430.23(r) (Appendix R to subpart B of part 430).
- (<del>3</del><u>2</u>) The test method for <del>medium base</del> compact fluorescent lamps is 10 C.F.R. section 430.23(y) (Appendix W to subpart B of part 430).
- (4<u>3</u>) The test method<del>s</del> for <u>integrated</u> LED <del>state-regulated small diameter directional lamps</del> and state-regulated LED lamps are <u>is 10 C.F.R. section 430.23(ee)</u> (Appendix BB to <u>subpart B of part 430)</u>shown in Table K-1. For certification, compliance, and enforcement purposes, the sampling provisions in 10 C.F.R. section 429.56 shall be used.
- (4) The optional test methods for state-regulated small diameter directional lamps and state-regulated LED lamps are shown in Table K-1. Optional test procedures are conditionally required depending on manufacturer claims of performance as described in sections 1607(d)(13) of this Article and 1606 Table X of this Article. For certification, compliance, and enforcement purposes, the sampling provisions in 10 C.F.R. section 429.56 shall be used.

Measurement	Test Procedure	
Input power, Lumen output, LPW,	IES LM-79 (2008) with additional requirements provided in	Required
Correlated Color Temperature, Duv,	10 C.F.R. section 430.23(ee) (Appendix BB to subpart B of	
Color Rendering Index, Power Factor	<del>part 430).</del>	
Lumen Maintenance and	IES LM-84 (2014) and TM-28 (2014) with additional	Required
Time to Failure	requirements provided in 10 C.F.R. section 430.23(ee)	-
	(Appendix BB to subpart B of part 430).	
Standby Power	10 C.F.R. section 430.23(ee) (Appendix BB to subpart B of	Required
	<del>part 430).</del>	
Flicker	Title 24, part 6, Joint Appendix 10 (2015), tested at both	<b>Optional</b>
	100% percent and 20% percent output. Lamps with a	-
	percent amplitude modulation (percent flicker) less than 30	
	percent at frequencies less than 200 Hz shall report "yes"	

Table K-1Optional Test Methods for State-Regulated LED Lamps and<br/>LED State-Regulated Small Diameter Directional Lamps

	for "reduced flicker operation" described in section 1606 of this Article, otherwise report "no".	
Lumen Maintenance, Rated Life, and Survival Rate for Compliance with Title 24 Joint Appendix 8 and minimum dimming level	Title 24, part 6, Joint Appendix 8 (2015).	Optional
Audible Noise	ENERGY STAR Recommended Practice – Noise (2013) with the following modification: measurements shall be taken at 100 percent output as well as at 20 percent output if dimmable.	Optional

\* Required test procedures must be conducted per section 1603(a) of this Article for each basic model of lamp. Optional test procedures are conditionally required depending on manufacturer claims of performance as described in sections 1607(d)(<u>13</u>12) of this Article and 1606 Table X of this Article.

(5) There are no federally prescribed test methods for federally regulated organic lightemitting diode (OLED) lamps; federally regulated candelabra base incandescent lamps, or federally regulated intermediate base incandescent lamps. The test method for general service lamps that are other than lamp types described in sections 1604(k)(1) through 1604(k)(3) of this Article is 10 C.F.R. section 430.23(gg) (Appendix DD to Subpart B of part 430).

## ...[skipping (l)-(y)]

The following documents are incorporated by reference in section 1604.

## ...[skipping CALIFORNIA ENERGY COMMISSION TEST METHODS]

## FEDERAL TEST METHODS

C.F.R., Title 10, section 429.56

C.F.R., Title 10, section 430.23, and 10 C.F.R. Appendixes A, B, C1, D1, D2, E, F, H, I, J1, J2, M, N, O, P, Q, R, S, T, U, V, W, X, S1, Y, Z, AA, BB, and CC<u>, and DD</u> of subpart B of part 430

## ...[skipping through the end of the section]

Note: Authority cited: Sections 25213, 25218(e), 25401.9(b), 25402(a)-25402(c), and 25960, Public Resources Code; and sections 16, 26, and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25401.9(b), 25402(a)-25402(c) and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

## § 1605. Energy Performance, Energy Design, Water Performance, and Water Design Standards: In General. [No changes]

## § 1605.1. Federal and State Standards for Federally Regulated Appliances.

...[skipping (a)-(j)]

(k) Lamps.

...[skipping (k)(1)]

## (2) Federally Regulated Incandescent Reflector Lamps Manufactured On or After July 15, 2012.

- (A) The average lamp efficacy of federally\_-regulated incandescent reflector lamps with a rated lamp wattage between 40-205 watts, and manufactured on or after July 15, 2012, and sold before January 1, 2020, shall be not less than the applicable values shown in Table K-3<u>-</u>, subject to the following:
- (A) The standards specified in Table K-3 shall apply with respect to:
  - 1. ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008; and
  - 2. Incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after June 15, 2008.

**EXCEPTION to Section 1605.1(k)(2)(A).** The standards specified in Table K-3 shall not apply to the following types of incandescent reflector lamps:

- (1) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40;
- (2) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps; or
- (3) R20 incandescent reflector lamps rated 45 watts or less.

Table K-3Standards for Federally Regulated Incandescent Reflector Lamps Manufactured On or AfterJuly 15, 2012, and Sold Before January 1, 2020

Lamp Spectrum	Lamp Diameter (inches)	Rated Voltage	Minimum Average Lamp Efficacy (LPW) <sup>1</sup>	
	> 2.5	≥ 125	6.8 x P <sup>0.27</sup>	
Standard Spectrum		< 125	5.9 x P <sup>0.27</sup>	
Standard Spectrum	≤ 2.5	≥ 125	5.7 x P <sup>0.27</sup>	
		< 125	5.0 x P <sup>0.27</sup>	
	> 2.5	≥ 125	5.8 x P <sup>0.27</sup>	
Modified Spectrum		< 125	5.0 x P <sup>0.27</sup>	
Modified Opectrum	≤ 2.5	≥ 125	4.9 x P <sup>0.27</sup>	
		< 125	4.2 x P <sup>0.27</sup>	
<sup>1</sup> P = Rated Lamp Wattage, in Watts				

(B) See sections 1605.1(k)(6) and 1605.3(k)(1)(B) for energy efficiency standards for incandescent reflector lamps that are general service lamps and sold on or after January 1, 2020.

## (3) Medium Base Compact Fluorescent Lamps.

(<u>A</u>) A bare lamp or covered lamp (no reflector) medium base compact fluorescent lamp manufactured on or after January 1, 2006<u>, and sold before January 1, 2020</u>, shall meet the requirements set forth in Table K-4.

## Table K-4Standards for Medium Base Compact Fluorescent Lamps Manufactured On or After January1, 2006, and Sold Before January 1, 2020

Factor	Requirements		
Labeled Wattage (Watts) and Configuration <sup>1</sup>	Measured Initial Lamp Efficacy: lumens/watt must be at least: <sup>2</sup>		
Bare Lamp:			
Labeled Wattage < 15	45.0		
Labeled Wattage ≥ 15	60.0		
Covered Lamp (no reflector)			
Labeled Wattage < 15	40.0		
15 ≥ Labeled Wattage < 19	48.0		
19 ≥ Labeled Wattage < 25	50.0		
Labeled Wattage ≥ 25	55.0		
Lumen Maintenance at 1,000-hours	≥90%		
Lumen Maintenance at 40% of Lifetime <sup>2</sup>	80%		
Rapid Cycle Stress Test	Each lamp must be cycled once for every two hours of lifetime. <sup>2</sup> At least 5 lamps must meet or exceed the minimum number of cycles.		
Lifetime <sup>2</sup>	≥ 6,000		
<sup>1</sup> Use labeled wattage to determine the appropriate efficacy requirements in this table; do not use measured wattage for this purpose.			
<sup>2</sup> Lifetime refers to lifetime of a compact fluorescent lamp as defined in section 1602(k) of this Article.			

# (B) See sections 1605.1(k)(6) and 1605.3(k)(1)(B) for energy efficiency standards for compact fluorescent lamps that are general service lamps and sold on or after January 1, 2020.

## (4) Federally Regulated General Service Incandescent Lamps and Modified Spectrum General Service Incandescent Lamps.

(A) The energy consumption rate of federally regulated general service incandescent lamps and modified spectrum general service incandescent lamps, manufactured on or after the effective dates shown and sold before January 1, 2020, shall be no greater than the maximum rated wattage shown in Tables K-5 and K-6.

(A)1. These standards apply to each lamp that:

- <u>1.a.</u> is intended for a general service or general illumination application (whether incandescent or not);
- 2.<u>b.</u> has a medium screw base or any other screw base not defined in ANSI C81.61-2006; and
- 3.c. is capable of being operated at a voltage at least partially within the range of 110 to 130 volts<del>; and</del>

4. is manufactured or imported after December 31, 2011.

- (B)2. Each lamp described in section 16045.1(k)(4)(A)1. of this Article shall have a color rendering index that is greater than or equal to:
  - 1.a. 80 for nonmodified spectrum lamps; or
  - 2:<u>b.</u> 75 for modified spectrum lamps.

## Table K-5 Standards for Federally Regulated General Service Incandescent Lamps Manufactured On or After the Effective Date Shown Below, and Sold Before January 1, 2020

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
1490-2600	72	1,000 hours	January 1, 2012
1050 – 1489	53	1,000 hours	January 1, 2013
750 – 1049	43	1,000 hours	January 1, 2014
310 – 749	29	1,000 hours	January 1, 2014

#### Table K-6

Standards for Federally Regulated Modified Spectrum General Service Incandescent Lamps Manufactured On or After the Effective Date Shown Below, and Sold Before January 1, 2020

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
1118-1950	72	1,000 hours	January 1, 2012
788-1117	53	1,000 hours	January 1, 2013
563-787	43	1,000 hours	January 1, 2014
232-562	29	1,000 hours	January 1, 2014

(B) See sections 1605.1(k)(6) and 1605.3(k)(1)(B) for energy efficiency standards for general service incandescent lamps that are general service lamps and sold on or after January 1, 2020.

## (5) Candelabra Base Incandescent Lamps and Intermediate Base Incandescent Lamps.

(<u>A</u>) The energy consumption rate of federally regulated candelabra base incandescent lamps and intermediate base incandescent lamps, manufactured on or after January 1, 2012, and sold before January 1, 2020, shall be no greater than the maximum rated wattage shown in Table K-7.

#### Table K-7 Standards for Federally Regulated Candelabra Base Incandescent Lamps and Intermediate Base Incandescent Lamps <u>Manufactured On or After January 1, 2012, and Sold Before</u> January 1, 2020

Lamp Base Type	Maximum Rated Wattage
Candelabra	60
Intermediate	40

(B) See sections 1605.1(k)(6) and 1605.3(k)(1)(B) for energy efficiency standards for candelabra base incandescent lamps and intermediate base incandescent lamps that are general service lamps and sold on or after January 1, 2020.

(6) **General Service Lamps.** General service lamps sold on or after January 1, 2020, shall have a minimum lamp efficacy of 45 lumens per watt.

## ...[skipping through the end of the section]

Note: Authority cited: Sections 25213, 25218(e), 25401.9(b), 25402(a)-25402(c), and 25960, Public Resources Code; and sections 16, 26, and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015).

Reference: Sections 25216.5(d), 25401.9(b), 25402(a)-25402(c), and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

## § 1605.2. State Standards for Federally Regulated Appliances. [No changes]

## § 1605.3. State Standards for Non-Federally-Regulated Appliances.

## ...[skipping (a)-(j)]

## (k) Lamps.

- (1) Incandescent Reflector Lamps. See section 1605.1(k)(2) for standards for federally regulated incandescent reflector lamps.
- (2)(1) Standards for State-Regulated LED Lamps and General Service Lamps.
  - (A) General service lamps <u>manufactured on or after January 1, 2018, and sold before</u> January 1, 2020, shall meet the standards shown in Table K-8. The energy consumption rate of state-regulated LED lamps with a lumen output of 150 lumens or greater for candelabra bases, or 200 lumens or greater for other bases, manufactured on or after the effective dates shown in Table K-9 shall meet the standards shown in that table.

Lumen Ranges	Minimum Lamp Efficacy	Minimum Rated Lifetime	Effective Date
310-2600	45 lumens per watt	1,000 Hours	<u>Manufactured on or after</u> Jan <u>uary,</u> 1, 2018 <u>, and sold</u> <u>before January 1, 2020</u>

 Table K-8

 Standards for State-Regulated General Service Lamps - Tier II

(B) General service lamps sold on or after January 1, 2020, shall have a minimum lamp efficacy of 45 lumens per watt.

## (2) State-Regulated LED Lamps.

- (A) State-regulated LED lamps with lumen output of 150 lumens or greater for <u>candelabraE12</u> bases, or 200 lumens or greater for <u>otherE17, E26, and GU24</u> bases, and manufactured on or after January 1, 2018, <u>shall meet all of the standards shown</u> <u>in Table K-9 and shall have the following</u>:
  - (i)<u>1.</u> A color point that meets the requirements in Table B1 of Annex B of ANSI C78.377-2015 for color targets and color consistency.

(ii)2. A CRI (Ra) of 82 or greater.

(iii)3. Individual color scores of R1, R2, R3, R4, R5, R6, R7, and R8 of 72 or greater.

(iv)4. A power factor of 0.7 or greater.

- (v)<u>5.</u> A rated life of 10,000 hours or greater as determined by the lumen maintenance and time to failure test procedure.
- (vi)<u>6.</u> State-regulated LED lamps that have an ANSI standard lamp shape of A shall meet the omnidirectional light distribution requirements of ENERGY STAR's Product Specification for Lamps Version 2.0 (December 2015).
- (vii)<u>7.</u> State-regulated LED lamps that have an ANSI standard lamp shape of B, BA, C, CA, F, or G shall meet the decorative light distribution requirements of ENERGY STAR's Product Specification for Lamps Version 1.1 (August 2014).
- (B) In addition to the requirements in section 1605.3(k)(2)(A) of this Article, stateregulated LED lamps manufactured on or after July 1, 2019 shall have a standby mode power of 0.2 watt or less.

Effective Date	Minimum Compliance Score	Minimum Efficacy Lumens Per Watt
January 1, 2018	282	68
July 1, 2019	297	80
This compliance score shall be calculated as the sum of the efficacy and 2.3 times the CRI of a lamp.		

Table K-9 Standards for State-Regulated LED Lamps

- (3) **State-regulated Small Diameter Directional Lamps.** State-regulated small diameter directional lamps manufactured on or after January 1, 2018 must have a rated life of 25,000 hours or greater as determined by the lumen maintenance and time to failure test procedure and meet one of the following requirements:
  - (A) have luminous efficacy of at least 80 lumens per watt.
  - (B) have a minimum luminous efficacy of 70 lumens per watt or greater and a minimum compliance score of 165 or greater, where compliance is calculated as the sum of the luminous efficacy and CRI.
- (4) GU24 Base Lamps. GU24 base lamps shall not be incandescent lamps.
- (5) See section 1605.1(k) of this Article for energy efficiency standards for federally regulated lamps.

## ...[skipping through the end of the section]

Note: Authority cited: Sections 25213, 25218(e), 25401.9(b), 25402(a)-25402(c), and 25960, Public Resources Code; and sections 16, 26, and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015).

Reference: Sections 25216.5(d), 25401.9(b), 25402(a)-25402(c) and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

## § 1606. Filing by Manufacturers; Listing of Appliances in the MAEDbS.

## (a) Filing of Statements.

Each manufacturer shall electronically file with the Executive Director through the MAEDbS a statement for each appliance that is sold or offered for sale in California. The statement shall contain all of the information described in paragraphs (2) through (4) of this subsection and shall meet all of the requirements of paragraph (1) of this subsection and all other applicable requirements in this Article.

The effective dates of this section shall be the same as the effective dates shown in section 1605.1, 1605.2 or 1605.3 of this Article for appliances for which there is an energy efficiency, energy consumption, energy design, water efficiency, water consumption, or water design standard in section 1605.1, 1605.2, or 1605.3 of this Article. For appliances with no energy efficiency, energy consumption, energy design, water efficiency, water efficiency, water consumption, or water design standard in section 1605.1, 1605.2, or 1605.3 of this Article. For appliances with no energy efficiency, energy consumption, energy design, water efficiency, water consumption, or water design standard in section 1605.1, 1605.2, or 1605.3 of this Article, the effective date of this section shall be one year after they are added to section 1601 of this Article, unless a different effective date is specified.

**EXCEPTIONS to Section 1606(a) of this Article:** Section 1606(a) of this Article is not applicable to:

- 1. external power supplies,
- 2. small electric motors, or
- 3. à la carte chargers meeting the EXCEPTION noted in section 1605.3(w)(2) of this Article<del>., or</del>
- 4. general service lamps.

## ...[skipping (a)(1)(A) through (a)(3)]

...[skipping to Table X]

## Table X

## **Data Submittal Requirements**

Appliance	Required Information	Permissible Answers
All Appliances	* Manufacturer's Name	
	* Brand Name	
	* Model Number	
	Date model to be displayed	
	Regulatory Status	Federally regulated consumer product, federally regulated commercial and industrial equipment, non-federally regulated

## ...[skipping A through K]

	· · · ·		
к	Federally- <u>regulated</u> general service fluorescent lamps	*Туре	4-foot medium bipin general service fluorescent lamp, 2-foot U-shaped general service fluorescent lamp, 8- foot slim line general service fluorescent lamp, 8-foot high output general service fluorescent lamp, 4- foot miniature bipin standard output general service fluorescent lamp, 4- foot miniature bipin high output general service fluorescent lamp, 4-
		Rated Color Rendering Index	
		Correlated Color Temperature (for lamps manufactured on or after July 15, 2012)	
		Minimum Average Lamp Efficacy (LPW)	
	Federally regulated incandescent reflector lamps <u>sold before January</u> <u>1, 2020</u>	Minimum Average Lamp Efficacy	
		Lamp Power (Watts)	
	Federally regulated	Minimum Efficacy (LPW)	
	Medium Screw Base Compact Fluorescent	Lamp Configuration	Bare or Covered (no reflector)

	Lamps <u>sold before</u> January 1, 2020	1,000 Hour Lumen Maintenance	True, False
		Lumen Maintenance Requirements	True, False
		Rapid Cycle Stress Test	True, False
		Average Rated Lamp Life	True, False
	Federally regulated Medium Screw Base General Service Incandescent <u>and OLED</u> Lamps <del>; OLEDs<u>sold</u> before January 1, 2020</del>	Туре	General Service Incandescent, <del>LED,</del> OLED
		Voltage Range	
		Rated Lumen Range	
		Maximum Rate Wattage	
		Minimum Rate Lifetime	
		Color Rendering Index	
		Minimum Efficacy (LPW) (required on or after January 1, 2018)	
		Modified Spectrum	True, False
		Bulb Finish (incandescent only)	Clear, frost, soft white
		ANSI-designated Bulb Shape	A15, A19, A21, A23, A25, PS25, PS30, BT14.5, BT15, CP19, TB19, CA22
-	Federally regulated Candelabra Base and Intermediate Base Incandescent Lamps <u>sold</u> before January 1, 2020	Base Type	Candelabra, intermediate
		Maximum Rated Wattage	
Ī	Federally regulated	Туре	
	Medium Screw Base Modified Spectrum	Rated Voltage	
	General Service Incandescent Lamp <u>s sold</u> before January 1, 2020	Rated Lumen Range	
		Maximum Rate Wattage	
		Minimum Rate Lifetime	
		Color Rendering Index	
	State-regulated medium	Rated lumens	
screw base generation service Compact	screw base general service Compact	Rated lamp wattage	

Fluorescent lamps	Average lamp efficacy	
	Base Type	
State-regulated small diameter directional lamps	Lamp Type (examples PAR16, MR11, MR16, R)	
	Lamp Power (Watts)	
	Lamp Output (Lumens)	
	Beam Angle	
	Center Beam Candle Power (CBCP)	
	Efficacy (Lumens per watt)	
	Color Rendering Index (CRI)	
	Combined CRI + Efficacy (only applies where efficacy < 80 LPW)	
	Correlated Color Temperature	
	Rated Lifetime Test Completed	True, False
	Estimated Rated Lifetime (hours) (when "Rated Lifetime Test Completed" = False)	
	Rated Lifetime (hours) (when "Rated Lifetime Test Completed <u>"</u> = True)	
	*Base Type	E12, E17, E26, GU24, retrofit kit
State-regulated Light	Lamp Shape	A, B, BA, C, CA, F, G, Other
Emitting Diode (LED) lamps	Dimmable	True, False
	Minimum Dimming Level (%) (if <u>when</u> <u>"</u> Dimmable <u>" <del>=</del>equals</u> True)	
	Reduced Flicker Operation ( <del>if<u>when</u> "Dimmable" <u>=</u>equals</del> True)	True, False
	Correlated Color Temperature	
	Duv	
	Rated Lifetime Test Completed	True, False
	Estimated Rated Lifetime (hours) (when "Rated Lifetime Test Completed" = False)	

	Rated Lifetime (hours) (when "Rated Lifetime Test Completed" = True)	
	Lifetime test environment temperature <sup>2</sup>	Ambient, Elevated
	Lamp Power (Watts)	
	Lumen Output (Lumens)	
	Efficacy (Lumens per watt)	
	Color Rendering Index (Ra)	
	Compliance Score	
	Power Factor	
	Standby Mode	True, False
	Standby Power (watts) (if applicable)	
	Connected network type (if applicable)	Wi-Fi, ZigBee, ANT, Bluetooth, RF, Wired, Other <del> (specify)</del>
	R <sub>1</sub>	
	R <sub>2</sub>	
	R <sub>3</sub>	
	R <sub>4</sub>	
	R <sub>5</sub>	
	R <sub>6</sub>	
	R <sub>7</sub>	
	R <sub>8</sub>	
	R <sub>9</sub> <sup>2</sup>	
	Meets applicable luminous intensity distribution requirements	ENERGY STAR Omnidirectional, ENERGY STAR Decorative, none <del>.</del>
	Audible Noise at 100% output (decibels) (if <u>when</u> <u>"</u> Dimmable <u>"</u> <u>=equals</u> True)	
	Audible Noise at 20% output (decibels) (i <del>f</del> <u>when</u> <u>"</u> Dimmable <u>"</u> <del>_equals</del> True)	
	Start Time <sup>2</sup>	

	6000 hour lumen maintenance <sup>2</sup>	
	6000 hour survival rate <sup>2</sup>	
	Projected time to L70 <sup>2</sup>	
	Dimming Control Compatibility ( <del>if<u>when</u> "Dimmable" <u>=</u>equals</del> True)	Forward, Phase cut control, reverse phase cut, powerline carrier, digital, 0-10 VDC, other <del>.</del>
	NEMA SSL 7A Compatible <sup>2</sup> (If compatible with forward phase cut dimmer control answer "True," If not answer "False.")	True, False

- \* "Identifier" information as described in section 1602(a) of this Article.
- 1 = Voluntary for federally-regulated appliances
- 2 = Voluntary for state-regulated appliances

## ...[skipping remaining text in Table X through end of section 1606]

Note: Authority cited: Sections 25213, 25218(e), 25401.9(b), 25402(a)-25402(c), and 25960, Public Resources Code; and sections 16, 26, and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015).

Reference: Sections 25216.5(d), 25401.9(b), 25402(a)-25402(c), 25402.5.4, and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

## § 1607. Marking of Appliances. [no changes]

## § 1608. Compliance, Enforcement, and General Administrative Matters.

## (a) General Requirements for the Sale or Installation of All Appliances.

Any unit of any appliance within the scope of section 1601 of this Article may be sold or offered for sale in California only if:

- the appliance appears in the most recent MAEDbS established pursuant to section 1606(c) of this Article, unless the only reason for the appliance's absence from the MAEDbS is its failure to comply with an applicable standard in section 1605.1 of this Article;
- (2) the manufacturer has:
  - (A) tested the appliance as required by sections 1603 and 1604 of this Article;
  - (B) marked the unit as required by section 1607 of this Article;
  - (C) for any appliance for which there is an applicable standard in section 1605.2 or 1605.3 of this Article, certified under section 1606(a) of this Article that the appliance complies with the standard;

- (3) the unit has the same components, design characteristics, and all other features that affect energy or water consumption or energy or water efficiency, as applicable, as the units that were tested under sections 1603 and 1604 of this Article and for which information was submitted under section 1606(a) of this Article; and
- (4) for any appliance for which there is an applicable standard in section 1605.2 or 1605.3 of this Article, the unit complies with the standard.

**EXCEPTIONS to Sections 1608(a)(1) and 1608(a)(2)(C) of this Article.** Sections 1608(a)(1) and 1608(a)(2)(C) of this Article are not applicable to:

1. external power supplies,

2. small electric motors, or

3. à la carte chargers meeting the EXCEPTION noted in section 1605.3(w)(2) of this Article<del>.</del> or

4. general service lamps.

## ...[skipping through the end of the section]

Authority cited: Sections 25213, 25218(e), 25402(a)-(c) and 25960, Public Resources Code.

Reference: Sections 25216.5(d), 25402(a)-(c) and 25960, Public Resources Code).

## § 1609. Administrative Civil Penalties. [No changes]













Candle shape lamps (B, BA, CA, F) 42 U S C & 6291(30)(D)(ii)(XXII)	General service fluorescent lamp 42 U S C 8 6291(30)(BB)(ji)(U)
Mine service lamp	
42 U.S.C. 8 0291(30)(D)(11)(1X)	
A CONTRACTOR	
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	36
VERIFIED COMPLAINT FOR DE	ECLARATORY AND INJUNCTIVE RELIEF

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1	
2	EXHIBIT D
3	Standard incandescent or halogen type lamp
4	General Service Incandescent Lamp
5	(42 U.S.C. §6291(30)(D)(i))
6	https://www.energy.gov/energysaver/save-electricity-and-fuel/lighting-choices-
7	save-you-money/incandescent-lighting
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