



National Electrical Manufacturers Association

The association of electrical equipment
and medical imaging manufacturers
www.nema.org

March 6, 2020

The Honorable David Arconti
Chair of the Joint Committee on Energy and Technology
Connecticut General Assembly
300 Capitol Avenue
Hartford, CT 06106

The Honorable Norman Needleman
Chair of the Joint Committee on Energy and Technology
Connecticut General Assembly
300 Capitol Avenue
Hartford, CT 06106

Re: NEMA Opposes Senate Bill 178, An Act Concerning Energy Efficiency Standards

Dear Representative Arconti, Senator Needleman, and members of the Committee:

I write on behalf of the National Electrical Manufacturers Association (NEMA) which represents companies in the electroindustry that make a broad range of electrical products from energy management systems, to lighting products, and electric motors to name a few. In the state of Connecticut, 24 of our member companies maintain 34 facilities employing over 3,800 people.

NEMA opposes SB 178, which includes language to create unenforceable standards on general service lamps and unnecessary regulations on High Color Rendering Index (CRI) fluorescent lamps, cold temperature fluorescent lamps, and impact resistant lamps. We appreciate the opportunity to offer insights into the potentially negative and likely unintended consequences this bill could have on Connecticut residents.

First, general service lamps are a federally-covered product under the Energy Policy and Conservation Act (EPCA) and State regulation is expressly superseded and preempted by EPCA. 42 U.S.C. §6297. The scope of the definition of general service lamp in SB 178 is entirely derivative of a definition published by the Secretary of Energy on January 19, 2017 at 82 Fed. Reg. 7276, 7321-22 as modified at 82 Fed. Reg. 7322, 7333. Those definitions were recently withdrawn by the Secretary under a Final Rule published on September 5, 2019, 84 F.R. 46661 (Sept. 5, 2019) after the Secretary concluded that the January 19, 2017 definition ignored the “clear” and “plain” reading of the definition of general service lamp in EPCA, had misconstrued DOE’s authority to discontinue exemptions for certain incandescent lamps in a manner that was not consistent with the best reading of the statute, and otherwise exceeded the authority granted to the Secretary of Energy in the Energy Independence and Security Act of 2007. Congress has explicitly stated that general service lamps do “not include” twenty-three categories of light bulbs with special bulb shapes and lighting applications. 42 U.S.C. §6291(30)(BB)(ii). Among the categories of lamps not included in the federal definition of general service lamp are several lamps that have long been separately regulated by Congress and DOE and are “covered products” subject to federal preemption in their own right: incandescent reflector, candelabra base incandescent lamps, intermediate base incandescent lamps, rough service incandescent lamps, and vibration service incandescent lamps. For Connecticut to adopt an energy conservation standard for these five categories

of lamps would create conflicting energy conservation standards that are “not effective” under 42 U.S.C. §6297(c). Federal courts have recognized that this express preemption provision is “broad,” and that “Congress intended to preempt State energy conservation standards” in this circumstance. *Air Conditioning & Refrigeration Inst. v. Energy Res. Conservation & Dev. Comm’n*, 410 F.3d 492, 500 (9th Cir. 2005).

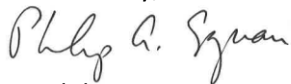
Secondly, the standards set in this bill for High CRI Fluorescent Lamps would have the effect of banning the sale of T12 lamps in Connecticut. High CRI T12 Fluorescent lamps have typically been used in residential applications, usually in “shoplite” fixtures operated with low power ballasts. If these T12 lamps cannot be sold in Connecticut, residents will have no suitable replacements for their fixtures. Neither T8 fluorescent lamps nor linear LEDs (TLEDs) will work in the High CRI T12 fixtures due to the specific ballast that accommodates the High CRI T12s. Residents who have these fixtures will be forced to replace their entire set of current fixtures if they need replacement lamps, incurring additional costs – first for the new fixture and, in many cases, for the cost of an electrician to install it. The costs to the consumer exceed the energy savings benefit. This is a burdensome and costly imposition on Connecticut residents who simply need to replace a light bulb.

The potential energy savings from banning High CRI T12 lamps claimed by advocacy groups are greatly overstated. NEMA conducted a study on potential energy savings and found that approximately 3% of the national energy savings claimed in the *States Go First*¹ report from the Appliance Standards Awareness Project (ASAP) would actually be attainable by banning High CRI T12 fluorescent lamps. NEMA would welcome the opportunity to discuss our energy savings findings with the Committee. We are concerned about the substantial burden to be placed on Connecticut residents in the pursuit of questionable energy savings claimed by ASAP.

Finally, the inclusion of cold temperature fluorescent lamps and impact-resistant fluorescent lamps will create disruptions for consumers and businesses in need of these specialty products. LED replacements for these two categories of lamps do not meet all the criteria of the fluorescent lamps. For example, there is still need for cold temperature fluorescent lamps in temperatures ranging from -20°F to -4°F, as replacement LED lamps are typically reliable in cold temperatures only to -4°F. Impact resistant fluorescent lamps are still used in specialty applications such as food services, and LED lamps are not necessarily more impact resistant than these fluorescents and the glass used to encase LED lamps could still shatter. These two types of lamps are niche products, meaning the energy that may be saved by banning these lamps would be minimal and not worth the inconvenience to consumers and businesses.

For these reasons, we recommend the General Assembly take no action on SB 178. For further discussion, clarifications or questions, please contact my colleague, Madeleine Bugel at Madeleine.Bugel@nema.org or 703-841-3222.

Sincerely,



Philip Squair

Vice President of Government Relations

National Electrical Manufacturers Association (NEMA)

¹ <http://appliance-standards.org/sites/default/files/States%20Go%20First.pdf>

NEMA represents nearly 350 electrical equipment and medical imaging manufacturers that make safe, reliable, and efficient products and systems. Our combined industries account for 360,000 American jobs in more than 7,000 facilities covering every state. Our industry produces \$106 billion shipments of electrical equipment and medical imaging technologies per year with \$36 billion exports.