

Appliance Standards Awareness Project
Alliance to Save Energy
American Council for an Energy-Efficient Economy
National Consumer Law Center
Natural Resources Defense Council

June 8, 2011

Ms. Brenda Edwards
U.S. Department of Energy
Building Technologies Program
Mailstop EE-2J
1000 Independence Avenue, SW
Washington, DC 20585-0121

**RE: Docket Number EE-2007-BT-STD-0016: Notice of Proposed Rulemaking for
Fluorescent Lamp Ballasts**

Dear Ms. Edwards:

This letter constitutes the comments of the Appliance Standards Awareness Project (ASAP), Alliance to Save Energy (ASE), American Council for an Energy-Efficient Economy (ACEEE), National Consumer Law Center (NCLC), and Natural Resources Defense Council (NRDC) in response to the Department of Energy (DOE) request for comments on the notice of proposed rulemaking (NOPR) for fluorescent lamp ballasts. 76 Fed. Reg. 20090 (April 11, 2011). We appreciate the opportunity to provide input to the Department.

We support DOE's approach for developing the proposed standard levels. DOE notes in the NOPR that TSL 3 is based on the most efficient commercially available products for each representative ballast type analyzed. 76 Fed. Reg. 20169. We recognize that this approach will mean that not all "NEMA Premium" products will meet the standard levels and that not all manufacturers will have currently-available products that meet the standard level in each specific product category. DOE estimates that standards based on the most efficient commercially available ballasts will save 3.7-6.3 quads over 30 years and will yield a net present value of \$16-25 billion at a 3% discount rate.

DOE should continue to utilize the Department's data to determine appropriate standard levels in addition to any other data that can be corroborated. Data that manufacturers can provide to DOE will potentially allow the Department to compile a larger data set. However, if DOE does combine its own data with that of manufacturers, it is important that the data supplied by manufacturers be raw test data as opposed to test results to ensure that the Department's data and those of manufacturers can be compared.¹

¹ As an example of the importance of comparing raw test data rather than test results, at the DOE public meeting on May 10, Philips stated that the NEMA test data were adjusted downwards by 0.8 percent, which would mean that the NEMA test results presented at the public meeting cannot be directly compared to the DOE test results. Public Meeting Transcript. p. 47.

We strongly support the proposed expansion of scope to cover ballasts including T5 and T8 ballasts, residential ballasts, and sign ballasts. The current standards for fluorescent lamp ballasts only apply to ballasts that are designed to operate certain types of T12 lamps. The proposed expanded scope of coverage will enable large energy savings to be achieved due to several factors including the following:

- The market for 4-foot medium bipin fixtures has largely shifted from T12 systems to T8 systems and increasingly to T5 systems.
- DOE estimates that residential ballasts make up more than 30 percent of total ballast shipments.²
- While sign ballasts represent a relatively small share of shipments, the baseline efficiency for these ballasts is significantly lower than that of most other ballast types, and sign ballasts generally operate large numbers of high output lamps with relatively long operating hours.

DOE should ensure that the standards do not contain any potential loopholes. It is especially important in this rulemaking to avoid creating loopholes given the large national energy savings at stake. In addition, the lighting market is especially susceptible to unintended loopholes because products designed for a given application often work adequately well in other applications. Two potential areas of concern are sign ballasts and ballasts with very low ballast factors. For sign ballasts, we encourage DOE to clarify that Product Class 5 covers all ballasts designed for use in outdoor signs, regardless of the lamp lengths the ballast is designed to operate. The description of Product Class 5 in the NOPR refers to ballasts designed to operate 8-foot high output lamps. 76 Fed. Reg. 20178. However, DOE notes that sign ballasts are typically designed to operate a range of lamp lengths. 76 Fed. Reg. 20098. In addition, we note that there is the potential risk that sign ballasts could be used in other applications if sign ballasts become a low-cost option in the market, which would represent a loophole since the proposed standards for sign ballasts are less stringent than those for other product classes. Therefore, we encourage DOE to ensure that the definition of the sign ballast product class is sufficiently narrow such that the product class is truly limited to those ballasts used in outdoor sign applications.

We encourage DOE to use the phrase “designed and marketed” in the description of Product Class 5 as one mechanism to help avoid any potential loophole. The “designed and marketed” limitation has been applied to several other products subject to standards via legislation and the implementing DOE regulations. See, for example, with respect to lamps 42 U.S.C. 6291(30)(B), (30)(T)(i), (30)(X)(ii), (30)(Z)(ii), (30)(AA)(iv), (30)(EE)), with respect to pre-rinse spray valves 42 U.S.C. 6291(33)(A) and with respect to commercial refrigeration equipment and walk-in coolers and freezers 42 U.S.C. 6311(9)(A)(ii) and (20)(B).³ The description of the product class for sign ballasts could be further strengthened to help prevent any potential loophole by adding an additional designation that sign ballasts must be labeled for use only in outdoor signs. DOE proposed a similar labeling requirement in the NOPR for T8 magnetic ballasts for use in EMI-sensitive environments. 76 Fed. Reg. 20101. DOE also incorporated a labeling requirement

² Based on 2010 shipment data in DOE’s NIA spreadsheet.

³ See with respect to lamps 10 CFR 430.2, with respect to pre-rinse spray valves 10 CFR 431.262, and with respect to commercial refrigeration equipment and walk-in coolers and freezers 10 CFR 431.62 and 10 CFR 431.302.

in the 2000 Ballast Rule where ballasts intended for the replacement market were not required to comply with the 2005 standards provided they meet several criteria including being labeled for replacement use. 76 Fed. Reg. 56740 (September 19, 2000).

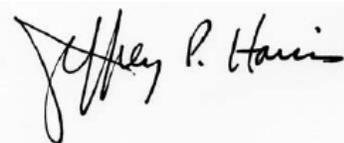
At the public meeting on May 10, GE suggested that DOE exempt ballasts that require full filament heating to comply with ANSI standards.⁴ While these very low ballast factor ballasts may currently have a small market share, it is possible that shipments of these products may grow substantially, particularly for use in the residential sector. Therefore, we urge DOE not to exempt these products from standards as an exemption could create a potential loophole and erode a portion of the savings.

Thank you for considering these comments.

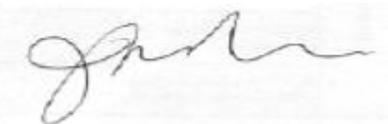
Sincerely,



Andrew deLaski
Executive Director
Appliance Standards Awareness Project



Jeff Harris
Vice President for Programs
Alliance to Save Energy



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



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

⁴ Public Meeting Transcript. pp. 234-235.

A handwritten signature in blue ink, consisting of a large, stylized 'D' followed by a cursive 'f' and a horizontal stroke.

Pierre Delforge
Senior Engineer
Natural Resources Defense Council