



## STATEMENT

August 8, 2017

### **NEMA Files Light Bulb Federal Preemption Lawsuit**

*The National Electrical Manufacturers Association (NEMA) has filed a declaratory judgment action with the United States District Court in Sacramento, California, asking the court to declare state regulations preempted as provided in the Constitution and federal energy conservation law. Following is a statement by NEMA President and CEO Kevin Cosgriff:*

“NEMA has long supported national energy efficiency standards for certain electrical products, including light bulbs. NEMA supported congressional energy standards for light bulbs enacted in 1992, 2005, and 2007, and we supported Congress’ delegation to the Secretary of Energy to consider new national energy conservation standards for light bulbs if economically justified and technologically feasible.

“A critical statutory component of the federal energy efficiency regulatory scheme is that states are prohibited from enacting their own energy conservation standards for products covered by the federal efficiency program both before and after federal energy efficiency standards are effective. Since 1987, Congress has recognized that such state standards put an undue burden on manufacturers, who were being ‘confronted with a growing patchwork of differing state regulations that would increasingly complicate their design, production and marketing plans.’

“In late 2013, the U.S. Department of Energy (DOE) began a rulemaking to determine whether or not standards for light bulbs should be amended and whether new standards for certain unregulated light bulbs should be adopted. That rulemaking is ongoing. In the course of that rulemaking, NEMA has supported robust new national energy efficiency standards for LED light bulbs, as well as new standards for other types of light bulbs. DOE proposed standards for LED light bulbs in this rulemaking.

“While that rulemaking was underway, the California Energy Commission (CEC) adopted energy efficiency standards for LED light bulbs that are different from what DOE has been considering. At the same time, CEC also proposed energy efficiency requirements for small diameter directional or reflector lamps that DOE has indicated it is regulating. This is exactly the kind of state regulation that Congress declared is not permissible.

“The 2007 energy law recognized a certain narrow exception to federal preemption for California in the case of light bulbs. None of the California regulations for light bulbs fall within the ambit of the narrow exception recognized by Congress.”

“NEMA will ask the court to issue a ruling at the earliest possible time.”

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