



December 18, 2013

Honorable Dianne Feinstein
Chair
Subcommittee on Appropriations
Energy and Water Development
United States Senate
Washington, DC 20510

Honorable Lamar Alexander
Ranking Member
Subcommittee on Appropriations
Energy and Water Development
United States Senate
Washington, DC 20510

Dear Senators Feinstein and Alexander:

As a coalition of United States lighting manufacturers and energy efficiency and environmental organizations, we write to request your opposition to inclusion of the Burgess Amendment in upcoming appropriations legislation. The Burgess Amendment was passed in the House of Representatives and included in the Consolidated Appropriations Act of 2012 (Sec. 315), and has been extended by subsequent continuing resolutions. It prohibits the Department of Energy from spending funds to implement the lighting efficiency standards contained in the Energy Independence and Security Act of 2007 (EISA). *Recent events demonstrate this amendment is harming implementation of these standards* which would, when fully implemented, achieve energy savings equivalent to the electricity production of 30 large power plants and reduce U.S. energy bills overall by more than \$10 billion per year.

We request that the Senate oppose this provision specifically for the following reasons:

DOE is interpreting the Burgess Amendment as a prohibition on any guidance of EISA standards in response to stakeholder questions.

The EISA is unclear as to the exact parameters of the efficiency standards. Due to a drafting error the statute refers to the standards in two ways: “Maximum Watts” and “Maximum Rated Watts”. In the first instance the standard is an absolute number. In the second, it allows for traditionally accepted manufacturing tolerances. The expense of manufacturing to an exact, absolute number is substantially greater than manufacturing to tolerances that would, for instance, allow for the occasional batch of bulbs to slightly exceed an absolute maximum. The U.S. lighting industry, through the National Electrical Manufacturers Association, has sought clarification from DOE on this matter and has been advised that DOE cannot respond to any questions about the EISA standards due to the Burgess Amendment. Without clarity companies may interpret the law differently, and potentially incorrectly, placing some in the circumstances of incurring uncompetitive costs of manufacturing.

The Burgess Amendment has created uncertainty for DOE whether they can implement the rulemaking contemplated by Congress for general service lamps

EISA requires the DOE to commence a rulemaking no later than January 1, 2014, to determine the next tier of lighting efficiency standards (Tier 2). DOE has recently expressed uncertainty about whether they can implement that rulemaking as directed by Congress in EISA. The DOE’s uncertainty creates

significant uncertainties for lamp manufacturers if the DOE does not implement the rulemaking directed by Congress in EISA, because EISA mandates a “fallback” standard that will require the specified light bulbs be no less than 45 lumens per watt (LPW) effective on January 1, 2020. If the 45 LPW minimum light bulb standard becomes rule by default, U.S. manufacturers would likely lack the flexibility needed to include existing technology, like energy efficient incandescent bulbs utilizing halogen gases, in any future standards.

The Burgess Amendment places at risk American lighting manufacturers and U.S. jobs.

United States lighting manufacturers supported enactment of the EISA efficiency standards and have innovated and invested right here in America to make better bulbs. Improved incandescent light bulbs which replace the traditional 100, 75 and 60 watt bulbs are already on store shelves. However, foreign manufacturers have not pledged to follow EISA standards and the lack of enforcement authority by the Department of Energy opens the door to illegal, less efficient imports. Without DOE guidance, U.S. Customs and Border Protection has no enforcement criteria for light bulbs and cannot prevent illegal imports - placing US manufacturing and US jobs at risk.

The Burgess Amendment is a harmful provision and we urge you to reject including it in any forthcoming appropriation bill.

Thank you for your consideration of our views.

Sincerely,

National Electrical Manufacturers Association
(Representing America’s lighting manufacturers)

Alliance to Save Energy

American Council for an Energy-Efficient Economy

Natural Resources Defense Council

American Lighting Association

Illuminating Engineering Society

cc:

Honorable Ron Wyden

Honorable Lisa Murkowski