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Comments on Proposed General Service Lamps Regulations  
 Title 20, Section 1004 and Sections 1601 – 1609, California Code of Regulations  
 Written Public Comment Period  
 August 16, 2019 – October 7, 2019

	Commenter's Name	Comments/ Suggested Revisions	Response
	California Association of Ratepayers for Energy Savings (CARES)	Letter of Support	Comment Acknowledged. No Change. General Comment in Support.
	Natural Resources Defense Council (NRDC)	Letter of Support	Comment Acknowledged. No Change. General Comment in Support.
	California IOU's (Pacific Gas and Electric Southern California Edison San Diego Gas and Electric Company)	Letter of Support	Comment Acknowledged. No Change. General Comment in Support.
	Appliance Standards Awareness Project (ASAP), American Council for an Energy Efficient Economy, Alliance to Save Energy, Northeast Energy Efficiency Partnerships, and Northwest Energy Efficiency Alliance.	Letter of Support	Comment Acknowledged. No Change. General Comment in Support.

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Consumer Federation of America (CFA), Consumer Action, Consumer Reports, Consumer Federation of California.	Letter of Support	Comment Acknowledged.  No Change.  General Comment in Support.
California Retailers Association (CRA)	... "CRA requests that the Energy Commission eliminate the decade-old Title 20 requirements for portable luminaires, as they are outdated and no longer cost-effective in today's marketplace."	Comment Acknowledged.  No Change.  This comment focuses on CEC's existing regulations for portable luminaires, which are not in scope of this rulemaking on general service lamps (GSLs). When the GSL regulations are fully implemented and compliance rates are found to be acceptable, the CEC will consider if the portable luminaire regulations are still necessary, as suggested in this comment. To do so prior to implementation of the GSL regulations and a clear understanding of compliance with the GSL regulations, would be premature.
LEDVANCE	... "Because the DOE has withdrawn its rule to change the definitions, California must withdraw its own proposal and continue to define general service lamps and general service incandescent lamps as they are defined in the Energy Independence and Security Act (EISA) passed by Congress in 2007."	Comment Acknowledged.  No Change.  The U.S. Department of Energy's (DOE) withdrawal of its January 2017 definitional rules does not alter California's exceptions to preemption in 42 U.S.C. section 6295(i)(6)(A) and, together with the authority in the Warren-Alquist Act, the CEC has the authority to adopt new and revised definitions of GSLs and related items.
General Electric	...  The Proposed Rule on General Service Lamps is based on three elements. The first is that the Federal	Comment Acknowledged.

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	<p>Government Expands the definition of a General Service Lamp. The second is based on the Federal Government implementing a 45 Lumen per watt efficiency requirement on all General Service Lamps on January 1<sup>st</sup>, 2020. The third is based on California's use of an exemption from state preemption.</p> <ol style="list-style-type: none"> <li>1. The first element has been removed by the Federal Government. In a recent federal register notice, a final rule by the Department of Energy defines a general service lamp as the lamp originally defined by Congress in the 2007 EISA law.</li> <li>2. The second element does not currently exist. The Federal Government has made clear in two recent federal register notices that the "Backstop" language in the 2007 EISA law is not in effect. The Department of Energy continues to meet the requirements of the 2007 law, as detailed under "Federal Approaches" in the CEC staff report. The recent DOE NOPR "makes a determination" not to amend standards for General Service Incandescent lamps.</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment Acknowledged.</li> <li>2. Comment Acknowledged.</li> </ol> <p>No Change.</p> <p>DOE's opinion that it has not failed to comply with Congress's directives does not change the fact that the Congressional directives were, in fact, not met by the required date. Therefore, the backstop standard in 42 U.S.C. section 6295(i)(6)(A)(v) was triggered and California was excepted from preemption for GSLs by 42 U.S.C. section 6295(i)(6)(A). DOE's proposed determination to not update energy conservation standards for general service incandescent lamps (GSIL), nor its purported withdrawal of the expanded GSL definitions, nor its statements that the backstop standard has not been triggered, nor its evaluation of the availability of states' exceptions to preemption changes the fact the backstop standard has in fact been triggered and been properly implemented and enforced in California for almost two years.</p>

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	<p>3. The conditions necessary to implement the third element, an exemption to State Pre-emption have not been met. In their final rule, DOE clarifies that none of the narrow state exemptions from preemption are available to CA. The federal government further clarifies that all states, including California, are prohibited from adopting energy conservation standards for General Service Lamps.</p> <p>4. Much has changed since this regulation was proposed. This requires the Commission to significantly reassess this proposal.</p> <p>5. The CEC Title 20 proposal makes the point a few times that Manufacturers (and Retailers) are obligated to comply with Federal appliance standards. This is a true statement. Even if industry wanted to ignore federal energy efficiency rules, industry cannot. Industry must abide by federal rulings, including federal rulings that determine that all state laws on general service lamps are preempted. The California proposed regulation notes this reality by stating that the proposed regulations would not, (and could not), change the efficiency levels, types of products, or effective dates applicable under federal law that are effective for general service lamps.</p>	<p>3. Comment Acknowledged.</p> <p>No Change.</p> <p>The Energy Commission disagrees with DOE's claim that California's (and Nevada's) exceptions to preemption in 42 U.S.C. section 6295(i)(6)(A) are not available. The exceptions to preemption are statutory and not subject to DOE's discretion when the statutory requirement for the exception have been met. As discussed above, those conditions have been met. Therefore, California's exceptions to preemption in U.S. statute are both available and applicable.</p> <p>4. Comment Acknowledged.</p> <p>No change.</p> <p>DOE's purported withdrawal is being challenged in court and the CEC is confident will be reversed.</p> <p>5. Comment Acknowledged.</p> <p>No Change.</p> <p>See response to GE 3. The backstop standard has been effective in California since January 2018 and remains so pursuant to current federal statute and existing state law. The adopted regulations memorialize the scope of GSLs finalized by DOE on January 19, 2017. DOE's opinions, statements, and proposed determination to not update energy conservation standards for GSILs do not alter the validity or applicability of California's exceptions to preemption in 42 U.S.C. section 6295(i)(6)(A). Furthermore, there have been no federal rulings that have determined that "all state laws on general service lamps are preempted" that would lead to a different</p>

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	<p>Additional comments:</p> <p>6. Testing</p> <p>GE Lighting agrees with adopting federal energy efficiency test procedures for regulated lighting products.</p> <p>7. Expansion of Low Lumen Lamps</p> <p>GE Lighting does not agree with expanding the scope of the regulation to cover low lumen lamps, such as low wattage incandescent lamps. Very few of these lamps are sold due to their low lumen output, very little wattage is used, and like all residential lamp types, this category is moving to LED technology by market forces. Regulations are not necessary and very little energy savings will be achieved. Only 3% of the total projected energy savings are achieved in this category and this was only achieved in the analysis by greatly exaggerating the expected operating hours by 4 times what is normally expected. The operating hours were increased from 2 hours to 8 hours a day, attempting to show at least a little energy savings. On expected total energy savings alone, which is only a quarter of what is projected if 2 operating hours a day is used, this proposal is not justifiable.</p> <p>If low lumen lamps are regulated in California, despite the lack of energy savings, manufacturers and retailers selling these lamps would need a least a year to develop, manufacture and distribute</p>	<p>conclusion.</p> <p>6. Comment Acknowledged.</p> <p>No Change.</p> <p>General Support Comment.</p> <p>7. Comment Acknowledged.</p> <p>No Change. This comment is about lamps that are out of the scope of this rulemaking.</p> <p>The regulations did not propose and do not define GSLs to include low lumen lamps (i.e., lamps with lumen output less than 310 lumens). See the adopted definition for GSLs.</p>

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	<p>new products in order to reset shelf space with alternative products as is typical with other regulations. As with all other energy efficiency regulations, such regulations must be based on a manufacturing date.</p> <p>8. ANSI COLOR SPECIFICATION FOR LOW LUMEN LAMPS</p> <p>There are 5 basic LED color option available in the United States today. Using the proposed narrow color specification only 2 would be able to be sold in California. This unfairly limits choice for California Consumers. The staff report makes this proposal without providing <b>any supporting rationale</b> for this narrow color proposal. The proposal uses an out-of-date color standard. The position to narrow color options is not defensible since the products have the same energy use, and only differ in color. It is equivalent to banning Red Cars because the commission only likes Blue cars even though they get the same fuel mileage. The proposal is not rationale.</p> <p>The 80 CRI products cannot be sold, and the Reveal, modified Spectrum lamp, cannot be sold due to the lamp requiring a color point within Table B1 of the ANSI C78.377-2015 color standard. Modified spectrum lamps have shown that they are preferred in color preference studies by consumers because their color point is in the “white” area of the spectrum and outside of narrow color area described in Table B1 of the standard which is perceived as “yellowish”.</p> <p>The commission is citing an out-of-date color standard. CEC needs to update their reference to</p>	<p>8. Comment Acknowledged.</p> <p>No Change.</p> <p>The regulations did not propose and did not adopt any changes to the existing requirements for color specification for state-regulated LED lamps. These comments relate to existing requirements that are out of scope of this rulemaking.</p> <p>These comments focus on the 2015 and 2017 versions of a specification for chromaticity (the quality of color, independent of brightness), specifically ANSI C78.377, the American National Standard for Electric Lamps— Specifications for the Chromaticity of Solid State Lighting (SSL) Products. A portion of the comment was relative to low lumen lamps which are not in the scope of this rulemaking and for which the Commission did not propose or adopt any requirements, including not proposing or adopting any chromaticity requirements for low lumen lamps. A portion of the comment was relative to the Commission’s existing requirements for state-regulated LED lamps, adopted January 27, 2016, requesting the Commission to modify the existing chromaticity requirements which are based on the 2015 version of the ANSI specification. The 2015 version was the current version when the requirements for state-regulated LED lamps were adopted. Although the Commission is willing to consider, in the future, updating the version of the ANSI chromaticity requirements to the 2017 version, the requested changes to the requirements for state-regulated LED lamps were not in the scope of this rulemaking on</p>

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	<p>the 2017 color standard, ANSI C78.377-2017, and allow the modified spectrum tables to be used for compliance. CEC needs to add Table 2, "Extended Nominal CCT Specification", for modified spectrum lamps in ANSI C78.377-2017 as an acceptable, and even preferred, color area.</p> <p>Needed edits for this change are shown below:</p> <p><b><u>(2) State-Regulated LED Lamps</u></b></p> <p><b><u>(A)</u></b>.....</p> <p>1. A color point that meets the requirements in Table B1 of Annex B <b><u>or Table 2</u></b> of ANSI <del>C78.377-2015</del> <b><u>ANSI C78.377 – 2017</u></b> for color targets and color consistency.</p> <p>As commented previously, these standard update changes should also be made to existing state LED regulations. Existing regulations also point to an out-of-date 2015 ANSI color standard.</p> <p>Our final comments on color involves the requirements to meet a minimum CRI of 82, while also meeting a minimum R8 value of 72. Given the current design of LED chips, such an approach is not practical. If lamps with a minimum CRI of 82 can be sold, as stated in the standard, the commission needs to lower the minimum value of the R8Color point from 72 to 50. This is true of the existing regulation and this proposed change to the regulation.</p> <p>iii) Individual color scores of R1, R2, R3, R4, R5, R6, R7 of 72 or greater, <b><u>and, a R8 of 50 or greater.</u></b></p>	<p>general service lamps. This rulemaking on general service lamps, did not propose or adopt any modifications to the requirements for state-regulated LED lamps and did not propose or adopt any chromaticity requirements for any lamp types. The comments refer to an inability to sell a specific product type, the GE Reveal, but nothing in the general service lamp rulemaking changed or modified the state regulatory requirements for the GE Reveal which have been in effect since January 1, 2018. The commenter provided no evidence or other compelling reason for the Commission to modify the scope of the general service lamp rulemaking to include existing chromaticity requirements for state-regulated LED lamps.</p>



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	<p>9. NEW STATE REGULATED PRODUCT AND TIMING</p> <p>Should the commission add additional state-regulated products to existing regulations that are not pre-empted by federal law, any new state-regulated products would also require at least 1 year to implement changes and must be based on a manufacturing date as with all other energy efficiency product regulations. This has been a standard practice for decades, and anything less is completely unacceptable to retailers and manufacturers. It is simply not possible or practical to implement regulations in a very short time period.</p>	

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	<p>10. ENERGY SAVINGS ESTIMATES</p> <p>The projected future energy savings are greatly overstated. The good news is that they seem to be overstated because most of the energy savings proposed has already been achieved. Current industry sales of inefficient lamps support only a small percentage of the “projected” installed base of inefficient lamps being used in CA in 2020. If the CEC installed lamp projection based on 2015 data is accurate, efforts by California utility efficiency programs, manufacturers and retailers have done a great job of converting the CA market to LED lamps over the past 5 years. The conversion to LED has been tremendous and significantly faster than projected by the CEC staff report. Most savings have already been achieved through market changes and further regulatory changes are not needed.</p> <p>11. ADVERSE ECONOMIC IMPACTS</p> <p>And finally, the commission states that the proposal is not likely to result in an adverse economic impact on any business when this is clearly not true.</p>	<p>9. Comment Acknowledged.</p> <p>No Change.</p> <p>Entities subject to the regulations, such as manufacturers, distributors, and retailers of lamps and lighting products have been complying with the backstop standard in California since January 2018 and have been aware of new and revised definitions for GSLs and related items since January 2017. These entities have been aware of the CEC’s consideration of the new and revised definitions since May 10, 2017 (see slides 138-146 in <a href="https://efiling.energy.ca.gov/GetDocument.aspx?tn=217523&amp;DocumentContentId=26649">https://efiling.energy.ca.gov/GetDocument.aspx?tn=217523&amp;DocumentContentId=26649</a>). Because almost all lamps are manufactured outside of the U.S., resulting in longer timeframes for manufacturing and shipping logistics, regulated entities would have already been actively managing their supply chain and inventory in anticipation of the federal sales prohibitions on GSLs on January 1, 2020. Because manufacturers of non-compliant lamps (e.g., halogens) also manufacture compliant lamps (e.g., LEDs), they need only to stop selling non-compliant lamps and continue selling compliant lamps under the adopted regulations. The historical one year waiting period is meant to allow time for manufacturers to improve the efficiency of their existing products. It is neither applicable nor necessary for these regulations which merely memorialize the definitions that were automatically incorporated into the CEC’s regulations on January 19, 2017.</p>

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	<p>Banning the sale of millions of lamps on one date strands these products in the inventory of retailers and manufacturers causing severe negative economic impacts as this inventory must be written off as a loss. That is why it is always imperative to provide proper notice, at least one year in advance, and always imperative to base the standard on a manufacturing date</p>	<p>10. Comment Acknowledged.</p> <p>No Change.</p> <p>Staff's estimates of statewide energy savings are not findings which the CEC relied upon for adopting these regulations for new and revised definitions. These estimates are made for informative purposes only and are not statutorily required. Staff provided bookend scenarios for savings estimates, one representing a low saturation of LEDs in the California market and one a high saturation. This results in a broad range of estimated savings from applying the existing backstop standard to additional lamp types. Additionally staff's estimate of savings was based on a lamp that exactly complies with the existing 45 lumens per watt backstop standard, while the LEDs and CFLs that are readily available and comply with the requirement, far exceed 45 lumens per watt and would result in higher estimated savings if the market average efficiencies were taken into consideration. Although stakeholders were asked to, and had many opportunities to, provide estimates of existing lamp stocks and sales in California, during the course of the CEC's pre-rulemaking and rulemaking, no stakeholders provided this information until the October 7, 2019, close of the 45 day public comment period for the proposed regulations. The estimate of statewide savings has no impact on cost-effectiveness or technical feasibility of the regulations and is merely informative.</p> <p>11. Comment Acknowledged.</p> <p>No Change.</p> <p>See response to GE 9. Entities who have been complying with the backstop standard in California since January 2018 and who had prepared to comply with the January 1, 2020, effective date of a federal</p>

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		sales prohibition on GSLs failing to meet a minimum efficacy of 45 lumens per watt, will not experience the adverse economic impacts identified in this comment.
National Electrical Manufacturers Association (NEMA)	<p>... The California Energy Commission (CEC) proposes to add a variety of definitions in a new paragraph (2) to Title 20, §1602(k) including a new definition of "general service lamp" under the heading "General Service Lamps Sold On or After January 1, 2020." The Commission is also proposing to retain the existing definition in subsection (k) under a new heading "(1) General Service Lamps Sold Before January 1, 2020, and All Other Lamps."</p> <p>As explained in the Initial Statement of Reasons that</p>	Comments Acknowledged.

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	<p>accompanied the proposed change in the definition, this change in definition of general service lamp and other lamps is necessary to (1) “align those definitions established in two DOE final rules published in the Federal Register on January 19, 2017” and (2) “eliminate confusion between lamp types sold before January 1, 2020, and those sold after the effective date of the federal definitions and standards.”</p> <p>...</p> <ol style="list-style-type: none"> <li data-bbox="499 508 1199 737">1. NEMA submits that this explanation compels the withdrawal of the proposed change in definition as neither of the above cited rationales are true, in large part due to a September 5, 2019 Final Rule published by the U.S. Department of Energy (DOE) withdrawing the Final Rules published on January 19, 2017.</li> <li data-bbox="499 1256 1199 1484">2. The DOE decision to withdraw the 2017 definition of general service lamps was made after a notice and comment rulemaking that led the Secretary to conclude that the January 19, 2017 definition ignored the “clear” and “plain” reading of the definition of general service lamp in EPCA; had misconstrued the Secretary’s authority to</li> </ol>	<ol style="list-style-type: none"> <li data-bbox="1272 513 1640 542">1. Comment Acknowledged.</li> </ol> <p>No Change.</p> <p>DOE's opinion that it has not failed to comply with Congress's directives does not change the fact that the Congressional directives were, in fact, not met by the required date. Therefore, the backstop standard in 42 U.S.C. section 6295(i)(6)(A)(v) was triggered and California was excepted from preemption for GSLs by 42 U.S.C. section 6295(i)(6)(A). DOE's proposed determination to not update energy conservation standards for general service incandescent lamps (GSIL), nor its purported withdrawal of the expanded GSL definitions, nor its statements that the backstop standard has not been triggered, nor its evaluation of the availability of states' exceptions to preemption changes the fact the backstop standard has in fact been triggered and been properly implemented and enforced in California for almost two years.</p> <ol style="list-style-type: none"> <li data-bbox="1272 1268 1640 1297">2. Comment Acknowledged.</li> </ol> <p>No Change</p> <p>DOE's September 5, 2019, purported withdrawal of its definitional rules doesn't alter the availability or applicability of California's exceptions to preemption for</p>

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	<p>discontinue exemptions for certain incandescent lamps in a manner that was not consistent with the best reading of the statute; that shipments in virtually every category of incandescent lamp had declined significantly since 2011; and that DOE had exceeded the authority granted to the Secretary by Congress in the Energy Independence and Security Act of 2007 (EISA-2007) in promulgating the 2017 definition. 84 Fed.Reg. 46661 (Sept. 5, 2019). For the reasons explained below, CEC must also withdraw its proposal on grounds of federal preemption. And in light of pending DOE regulatory proceedings, the CEC will likely have to consider whether its current rules for LED lamps are preempted as well.</p> <p>3. Finally, CEC analysis of the energy savings that it expects from its proposed course of action vastly inflates the energy savings as its estimates of lamp sockets and lamp shipments significantly exaggerate those sockets and shipments.</p>	<p>GSLs in 42 U.S.C. section 6295(i)(6)(A). Neither does DOE's claim that the federal backstop standard has not been triggered and that California's and Nevada's exceptions to preemption for GSLs are not available. DOE failed to meet its statutory obligations and, therefore, both the backstop has been triggered and California is excepted from preemption on GSLs.</p> <p>3. Comment Acknowledged.</p> <p>No Change.</p> <p>Staff's estimates of statewide energy savings are not findings which the CEC relied upon for adopting these regulations for new and revised definitions. These estimates are made for informative purposes only and are not statutorily required. Staff provided bookend scenarios for savings estimates, one representing a low saturation of LEDs in the California market and one a high saturation. This results in a broad range of estimated savings from applying the existing backstop standard to additional lamp types. Additionally staff's estimate of savings was based on a lamp that exactly complies with the existing 45 lumens per watt backstop standard, while the LEDs and CFLs that are readily available and comply with the requirement, far exceed</p>

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	<p>4. Stated Purpose: Aligning the Federal and CEC Definition of General Service Lamp</p> <p>...</p> <p>The first CEC rationale for the proposed change supports no change in the definitions and therefore there is no need for two paragraphs in Title 20, §1602(k). The existing federal and CEC definitions are aligned.</p> <p>5. Stated Purpose 2: "Eliminate confusion between lamp types sold before January 1, 2020, and those sold after the effective date of the federal definitions and standards The proposed change would result in more confusion for regulated parties and the public and would fail in eliminating that confusion. This is primarily, but not exclusively, a consequence of the fact that that the CEC proposed definition is not aligned with the federal definition. The Initial Statement of</p>	<p>45 lumens per watt and would result in higher estimated savings if the market average efficiencies were taken into consideration. Although stakeholders were asked to, and had many opportunities to, provide estimates of existing lamp stocks and sales in California, during the course of the CEC's pre-rulemaking and rulemaking, no stakeholders provided this information until the October 7, 2019, close of the 45 day public comment period for the proposed regulations. The estimate of statewide savings has no impact on cost-effectiveness or technical feasibility of the regulations and is merely informative.</p> <p>4. Comment Acknowledged.</p> <p>No Change</p> <p>DOE's September 5, 2019, purported withdrawal of its definitional rules doesn't alter the availability or applicability of California's exceptions to preemption for GSLs in 42 U.S.C. section 6295(i)(6)(A). Neither does DOE's claim that the federal backstop standard has not been triggered and that California's and Nevada's exceptions to preemption for GSLs are not available. DOE failed to meet its statutory obligations and, therefore, both the backstop has been triggered and California is excepted from preemption on GSLs.</p> <p>5. Comment Acknowledged.</p> <p>No Change</p> <p>Whether or not DOE relied on the meaning of the phrase "general lighting applications" when finalizing its definitional rules for general service lamps on January 19, 2017, is not relevant to the Commission's rulemaking or its decision to adopt the identical definition of general service lamp as finalized in DOE's</p>

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	<p>Reasons states: "Regulations properly and accurately reflect current federal law to avoid confusion and to provide regulated parties and consumers more clarity, accessibility, and regulatory certainty with respect to the federal regulatory language in the Appliance Efficiency Regulations." CEC Staff, Initial Statement of Reasons at 6 (Aug. 16, 2019). NEMA agrees with this line of thought, but it is not factually accurate as applied to the proposed 45-day language amending Title 20, §1602(k) and that fact warrants the withdrawal of the 45-day language.</p> <p>...</p> <p>The phrase "general lighting applications" has no meaning for general service lamps. A key feature of the DOE 2017 effort to re-write the congressional definition of general service lamp was the substitution of the phrase "used in applications traditionally served by general service incandescent lamps" (see 42 U.S.C. §6297(30)(BB)(i)(IV), 10 CFR 430.2, and Title 20, 1602(k)) with the phrase "general lighting applications." This change alone is the source of much confusion and error in the DOE 2017 definition, and the CEC 45-day language proposes to mimic this confusion and error. It changes the meaning of the statute (and congressional intent as reflected in the words Congress chose to use). A CEC proposal to include this term would likewise generate considerable confusion.</p> <p>...</p> <p>The importance of this history behind the DOE 2017 error in statutory interpretation for the CEC is that the introduction of terms like "overall illumination" into the general service lamp definition creates a hornet's nest of confusion and ambiguity. This ill-serves the second stated purpose of the CEC to eliminate confusion.</p>	<p>rules. The comment appears to challenge the methodology used by DOE in finalizing its definitional rules general service lamps and implies that the Commission should deviate from those definitional rules. DOE provided extensive information on the phrase "general lighting applications" in 82 Fed. Reg. 7276 (January 19, 2017) and the comments fail to provide evidence or other compelling reason for the Commission to deviate from DOE's methodology or definition. The Commission chose to align with the definition of general service lamps in DOE's January 19, 2017, final rules to provide consistency with federal requirements.</p> <p>DOE's September 5, 2019, purported withdrawal of its definitional rules doesn't alter the availability or applicability of California's exceptions to preemption for GSLs in 42 U.S.C. section 6295(i)(6)(A). Neither does DOE's claim that the federal backstop standard has not been triggered and that California's and Nevada's exceptions to preemption for GSLs are not available. DOE failed to meet its statutory obligations and, therefore, both the backstop has been triggered and California is excepted from preemption on GSLs.</p> <p>By purporting to withdraw definitions for GSLs less than 3 months before a national sales prohibition was to be enforced and claiming that the national backstop standard has not been triggered, both actions which should occur on January 1, 2020, it is DOE's actions that are the source of any confusion.</p> <p>DOE's purported withdrawal is being challenged in court and the CEC is confident will be reversed. The CEC's actions are consistent with this expectation and consistent with the regulatory outcomes that regulated entities had been planning for prior to October 7, 2019.</p>



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	<p>6. The impact of federal preemption. Setting aside for the moment the question of whether California enjoys an exception to federal preemption for general service lamps as defined in federal law (including general service incandescent lamps), the lamp types identified as (2)-(8) in previous paragraph are, as a matter of federal law, covered products independent of the definition of general service lamp and California enjoys no exception to preemption for those lamps. California can neither apply nor enforce an energy conservation standard with respect to those covered products, much less establish a standard that varies from the federal standards identified above for those covered products. The current references in California to federal standards for federally-regulated appliances at Section 1605(k), which are merely informative, should remain unchanged. Changing the current references sews confusion, contrary to the CEC stated purpose in the Initial Statement of Reasons.</p> <p>...</p> <p>With respect to standards for general service lamps and the general service incandescent lamp, the Department of Energy recent Final Rule, 84 F.R. 46661, 46669 (Sept. 5, 2019) states that California currently enjoys no exception to preemption for California at this time. This calls into question the validity of Title 20, §1605.3(k)(2).</p> <p>7. The CEC Supplemental Staff Analysis for General Service Lamps Expanded Scope is Flawed and Overstates the Amount of Energy Savings the Proposed Standards Would Achieve. Without prejudice to NEMA Comments that California has no authority to regulate most of the lamps that it</p>	<p>6. Comment Acknowledged.</p> <p>No Change</p> <p>DOE's September 5, 2019, purported withdrawal of its definitional rules doesn't alter the availability or applicability of California's exceptions to preemption for GSLs in 42 U.S.C. section 6295(i)(6)(A). Neither does DOE's claim that the federal backstop standard has not been triggered and that California's and Nevada's exceptions to preemption for GSLs are not available. DOE failed to meet its statutory obligations and, therefore, both the backstop has been triggered and California is excepted from preemption on GSLs.</p>

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	<p>proposes to regulate, NEMA wishes to point out shortcomings in the data and analysis in the "Supplemental Staff Analysis" that purports to calculate the benefits of state regulation. The Staff Analysis significantly overstates the benefits because the Analysis significantly overstates the estimated number of "low efficacy" lamps shipped and in sockets in California</p> <p>...</p> <p>This methodology makes no sense and it generates a wrong result.</p> <p>...</p> <p>The Low LED Scenario repeated in the Supplemental Staff Analysis derived from the LBNL Report as reflected in the CASE study is so inherently misleading and not credible that it should be ignored entirely.</p> <p>...</p> <p>The primary problem with the "High LED Scenario" is its reliance on the large overstatement of the number of total reflector lamp sockets found in the "Low LED Scenario."</p> <p>...</p> <p>LED reflector lamp shipments are now two-thirds of the large diameter reflector lamp category nationwide.</p> <p>...</p> <p>Additionally, the foregoing analysis assumes that California is no better nor any worse than other states in encouraging their citizens to use energy saving light bulbs. Given the resources that California devotes to energy conservation, NEMA has a difficult time accepting that assumption and NEMA suspects that California shipments of incandescent reflector lamps in 2019 will be below the projected 5.7 million units mentioned above, casting further doubt on the electricity savings in the Supplemental Staff Report that might be achieved by regulating reflector lamps in California.</p>	<p>7. Comment Acknowledged.</p> <p>No Change.</p> <p>Staff's estimates of statewide energy savings are not findings which the CEC relied upon for adopting these regulations for new and revised definitions. These estimates are made for informative purposes only and are not statutorily required. Staff provided bookend scenarios for savings estimates, one representing a low saturation of LEDs in the California market and one a high saturation. This results in a broad range of estimated savings from applying the existing backstop standard to additional lamp types. Additionally staff's estimate of savings was based on a lamp that exactly complies with the existing 45 lumens per watt backstop standard, while the LEDs and CFLs that are readily available and comply with the requirement, far exceed 45 lumens per watt and would result in higher estimated savings if the market average efficiencies were taken into consideration. Although stakeholders were asked to, and had many opportunities to, provide estimates of existing lamp stocks and sales in California, during the course of the CEC's pre-rulemaking and rulemaking, no stakeholders provided</p>

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	<p>...</p> <p>Since both the Low LED Scenario and High LED Scenario in the Supplemental Staff Report rely on the erroneous LBNL socket estimate for decorative lamps, the conclusion is inevitable that the electricity savings calculation is overstated for decorative lamps as well.</p> <p>...</p> <p>The phrase "EISA-exempt" is a misnomer, at least with respect to rough service incandescent and vibration service incandescent lamps, which were regulated by U.S. DOE in 2018 and they are no longer "exempt" from regulation under EPCA.</p> <p>...</p> <p>Again, the Supplemental Staff Report exaggerates considerably (two-three times) the number of sockets for these lamps and this distorts the energy saving claims contained in the Supplemental Staff Report so that it is no longer credible. Certainly, for the three incandescent lamp types that are not regulated yet by the U.S. DOE, the energy savings from eliminating 3 million incandescent lamps (and shrinking) from store shelves in California is not going to generate substantial benefits in the aggregate for California consumers who choose to buy them.</p>	<p>this information until the October 7, 2019, close of the 45 day public comment period for the proposed regulations. The estimate of statewide savings has no impact on cost-effectiveness or technical feasibility of the regulations and is merely informative.</p>
Aggregated Comments and Responses	<p>A number of commenters (LEDVANCE, General Electric and the National Electrical Manufacturers Association, "NEMA") suggest that the proposed regulatory action is invalid and must be withdrawn because DOE purported to repeal the expanded definition of general service lamp in a September 5, 2019 rulemaking (84 Fed. Reg. 46661). These commenters also assert the proposed regulatory action is preempted by federal law.</p>	<p>State and federal law authorize the Energy Commission to adopt the proposed regulatory action.</p> <p>The lamps included in DOE's expanded definition of GSLs (82 Fed. Reg. 7276 and 7322) became subject to a federal 45 lumen/watt backstop standard when DOE issued the expanded definitional rules in 2017. Anti-backsliding provisions prevent actions taken to decrease the minimum efficiency of covered products. DOE's expanded definition of GSLs and the 45 lumen/watt standard applicable to them remain federal law.</p>

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			<p>DOE missed statutory deadlines for regulating GSLs. This imposed the 45 lumen/watt backstop standard for GSLs covered by DOE's expanded definition nationwide, effective January 1, 2020. Missing these statutory deadlines also lifted federal preemption in California, allowing the Energy Commission to adopt efficiency standards for GSLs covered by the expanded definition, including the 45 lumen/watt backstop standard.</p>