

**BEFORE THE
U.S. DEPARTMENT OF ENERGY
Washington, D.C. 20585**

In the Matter of:)
)
Philips Lighting North America Corp.) Case Number: 2014-SE-48006
(illuminated exit signs))
)

Date issued: March 26, 2015

NOTICE OF NONCOMPLIANCE DETERMINATION

Illuminated exit signs are subject to federal energy conservation standards found at 10 C.F.R. § 431.206. Manufacturers and private labelers are prohibited from distributing illuminated exit signs that do not comply with an applicable conservation standard. *See* 10 C.F.R. § 429.102(a)(6); 42 U.S.C. § 6302(a)(5). Specifically, illuminated exit signs manufactured on or after January 1, 2006, and distributed in commerce in the United States must consume no more energy than 5 watts per face. 10 C.F.R. § 431.206.

On May 6, 2014, Philips Lighting North America Corp. (“Philips”) notified the U.S. Department of Energy (“DOE”) that it had distributed in U.S. commerce illuminated exit sign models that did not comply with this standard. On May 16, 2014, DOE requested additional information about these illuminated exit signs, in accordance with 10 C.F.R. § 429.106. On June 6, 2014, Philips submitted its response. Again on August 18, 2014, DOE requested additional information about these illuminated exit signs, in accordance with 10 C.F.R. § 429.106. On September 15, 2014, Philips submitted an initial response, supplemented on October 29, 2014.

Based on the information that Philips voluntarily provided, Philips has manufactured¹ and distributed in commerce the following illuminated exit sign models, each of which was manufactured on or after July 1, 2006, and consumes more than 5 watts per face (“the Philips Basic Models”):

Philips Basic Model Numbers			
RCXLN1RW	EXCLL2R	RGLOFL1	NACL1R
RCXLN2RW	VNLNR	RGLOFL2	NSPL1R
RCXLN1GW	VNLNG	RGLOFLX1	NSPL1G
RCXLN2GW	VNLCLR	RGLOFLX2	N2HLR
RP HFEFK	VNLCLG	MJ8AS1RW3	N2HLG
RP120P26EFK	VNLCNR	RGLOLED1R	STDLC1RC
RPTHF6012EFK2	VNLCNG	RGLOLEDX1W	STELXC1RC

¹ “Manufacture” means to manufacture, produce, assemble or import. 42 U.S.C. § 6291(10).

SH12062PL7SFBWMF1SS120V	XLN1RW	RGLOLEDX1W/NiCd	STELXC1GC
SH12062PL7DFBWMF1SS120V	EXL21AA	RGLOLEDX1R	ZC1R
LX12L1RW2H	EXL23AA	RGLOLEDX1R/NiCd	ZC3R
APS1R2CF7	XFO1RCN	650	ZCBP1R
APS3R2CF7	XFO3RCN	652	ZCBP3R
BPAPS1R	BPXFO1RCN	654	ZC1R2CF7
BPAPS3R	BPXFO3RCN	REXR	ZC3R2CF7
BPAPS1R2CF7	500R	REXR2CF5	ZCBP1R2CF7
BPAPS3R2CF7	500R2CF7	BPREXR2CF5	ZCBP3R2CF7
HBPAPS1R	502R	APS1R	APS3R
HBPAPS3R	502R2CF7	HBPAPS1R2CF7 ²	BPREXR

FINDINGS

Accordingly, DOE finds that the Philips Basic Models do not comply with the applicable federal energy conservation standards.

MANDATORY ACTIONS BY PHILIPS

Philips informed DOE that it has stopped distribution in commerce in the United States of these basic models. In light of the above findings, Philips must take the following steps in accordance with 10 C.F.R. § 429.114(a):

- (1) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom Philips has distributed units of any of the Philips Basic Models; and
- (2) Provide to DOE within 15 calendar days of the date of this Notice a copy of the written notification required by paragraph (2) and a list of the parties Philips notified.

Philips has provided to DOE information regarding the distribution in commerce in the United States of the Philips Basic Models and currently is not required to provide any additional records, reports and other documentation pertaining to the acquisition, ordering, storage, shipment, or sale of the Philips Basic Models.

OPTIONAL ACTIONS BY PHILIPS

In addition to the mandatory steps listed above that Philips must complete, Philips may elect to modify any of the Philips Basic Models to make them comply with the applicable standard. A modified basic model shall then be treated as a new basic model and must be certified in

² Philips listed this as one basic model, although it is available in various configurations ranging from 1 to 2 faces. This notice includes all individual models within the grouping Philips identified as basic model HBPAPS1R2CF7, namely, HBP*APS2%2CF7*, HBP*APS5%2CF7*, HBP*APA1%2CF7*, HBP*APA2%2CF7*, HBP*APA5%2CF7*, HBP*APS%%2CF7*, and HBP*APA%%2CF7*, where * represents one or more characters and % represents a single character.

accordance with the provisions of 10 C.F.R. Part 429. In addition to satisfying all requirements of 10 C.F.R. Part 429, any models within the basic model must be assigned new model numbers. Philips must also maintain, and provide upon request to DOE, records that demonstrate that modifications have been made to all units of the new basic model(s) prior to distribution in commerce in the United States.

Prior to distribution in commerce in the United States, Philips must also provide to DOE test data demonstrating that the modified basic model complies with the applicable standard. All units must be tested in accordance with DOE regulations, and Philips must bear the costs of all such testing.

If, after this testing, DOE determines that the modified basic model complies with the applicable standard, DOE will issue a notice of allowance to permit Philips to resume the distribution of the modified basic model in the United States. Until DOE determines that the modified basic model complies with the applicable standard, Philips is prohibited from selling or otherwise distributing in commerce any units in the United States.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Should Philips fail to take the required step described above, this letter serves as notice that DOE may seek civil penalties as authorized under 10 C.F.R. § 429.114(c). The distribution of any units of a noncompliant basic model may result in DOE seeking all appropriate legal remedies available under Federal law, including injunctive relief and civil penalties with respect to each unit of the basic model distributed in violation of Federal law.

If you have any questions, you may contact Christina Studt by phone at (202) 586-0389 or email at christina.studt@hq.doe.gov.

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Enforcement