

## MEMORANDUM OF EX PARTE COMMUNICATION WITH THE DEPARTMENT OF ENERGY

Date: Wednesday September 29, 2021

Docket No. EERE-2021-BT-STD-0012

### Attendees:

Alex Boesenberg, National Electrical Manufacturers Association  
Anthony Serres, Signify  
Dave Gatto, Westinghouse Lighting  
Dave Woodward, Signify  
Jenn Dolin, LEDVANCE  
Jean-Patrick Ducroix, GE Current  
Joel Jacobson, Feit  
Joe Howley, Savant  
Stephanie Johnson, DOE  
Ashley Armstrong, DOE  
John Cymbalsky, DOE  
Ami Grace-Tardy, DOE  
Celia Sher, DOE

On the above date, at the request of NEMA, the above listed staff and Member representatives of the National Electrical Manufacturers Association (NEMA) met by video teleconference with Department of Energy Staff.

NEMA and its Members expressed their concerns with the challenges associated with timing of changes to regulations. For products currently under exemption that would fall under coverage of Standards at the effective date, new product certifications would require formal testing (out-of-scope products need not have formal testing to be sold), relabeling and other steps that would exceed the 60 day window. NEMA Members strongly stressed the long lead times associated with retail stock planning, which sometimes only occur once per year. These timelines are part of global sourcing plans for retailers and are not easily changed due to the complexity of planning hundreds or thousands of product offerings. Lastly, NEMA and Members stressed significant logistical challenges that at present are unpredictable and at times exceed 60 days even for products enroute the US from foreign factories (many products are produced overseas and arrive by ship). All these factors strongly point to a delayed or phased-in implementation of definition and scope changes with careful alignment to new Standards for these and related products to reduce confusion and make burdens more manageable.

NEMA Members and NEMA Staff expressed several concerns regarding subject rulemaking. Detailed written comments will follow to this same docket.

Sincerely,

A handwritten signature in blue ink that reads "Alex Boesenberg". The signature is written in a cursive, flowing style.

Alex Boesenberg  
Director of Regulatory Affairs  
National Electrical Manufacturers Association