

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

In the Matter of:)

Thomas & Betts Corporation)
(metal halide lamp fixture))

Case Number: 2017-SE-54008)

Issued: July 16, 2020

NOTICE OF NONCOMPLIANCE DETERMINATION

Metal halide lamp fixtures are covered products subject to federal energy conservation standards. 42 U.S.C. § 6292(a)(19); 10 C.F.R. § 431.326. Manufacturers¹ and private labelers are prohibited from distributing new covered products that do not comply with an applicable energy conservation standard. 10 C.F.R. § 429.102(a)(6). Unless an exclusion² applies, a metal halide lamp fixture manufactured on or after February 10, 2017, and tested at an input voltage other than 480 V, must meet the standard specified in 10 C.F.R. § 431.326(c). For a fixture meeting these criteria and designed to be operated with 175-watt lamps, the minimum standard is 88.0%.³ For a fixture meeting these criteria and designed to be operated with 250-watt lamps, the minimum standard is 88.9%.⁴ For a fixture meeting these criteria and designed to be operated with 400-watt lamps, the minimum standard is 90.4%.⁵

FACTS

Thomas & Betts Corporation (T&B) has identified to the U.S. Department of Energy (“DOE”) three basic models that each did not comply with the relevant standard at the time of importation. In particular, T&B “admit[ted] that the product numbers actually imported into the U.S. (XHP17C, DHP17C, XHP25C, DHP25C, DP40C) did not meet the energy conservation efficiency standard at the time of import.” (March 14, 2018 letter from N. Schude at 5. “March

¹ “Manufacturer” means any person who manufactures a consumer product. 42 U.S.C. § 6291(12). “Manufacture” means to manufacture, produce, assemble, or import. 42 U.S.C. § 6291(10).

² Certain metal halide lamp fixtures are not subject to standards under certain specified conditions. Examples include fixtures with regulated lag ballasts; fixtures that use electronic ballasts that operate at 480 volts; and some fixtures that are rated only for 150 watt lamps. See 10 C.F.R. § 431.326(c, e).

³ 10 C.F.R. § 431.326(c) specifies that a fixture designed to operate lamps greater than or equal to 150W and less than or equal to 200W and tested at a voltage other than 480 W are subject to a standard of 0.880 or 88.0%.

⁴ 10 C.F.R. § 431.326(c) specifies that a fixture designed to operate lamps greater than 250W and less than or equal to 500W and tested at a voltage other than 480 W are subject to a variable standard determined by the equation

$\frac{1}{1 + 0.876 \times P^{-0.351}}$, where P is the rated wattage of the lamp the fixture is designed to operate.

⁵ 10 C.F.R. § 431.326(c) specifies that a fixture designed to operate lamps greater than 250W and less than or equal to 500W and tested at a voltage other than 480 W are subject to a variable standard determined by the equation

$\frac{1}{1 + 0.876 \times P^{-0.351}}$, where P is the rated wattage of the lamp the fixture is designed to operate.

2018 letter”). DOE understands XHP17C, DHP17C, XHP25C, DHP25C, and DP40C to be five manufacturer model numbers or “individual models” that are properly grouped into three basic models.

At DOE’s request, on February 16, 2018, T&B sent test data for two of these basic models, which is summarized in the following table. T&B’s test data shows a test voltage for each unit of 277 V.

Basic model	Model number	Wattage (W)	T&B’s tested efficiency
400-watt	DP40C ⁶	400	88.7%
175-watt	XHP17C ⁷	175	No test data
	DHP17C ⁸		
250-watt	XHP25C ⁹	250	87.7%
	DHP25C ¹⁰		

T&B admitted it imported units of the 400-watt and 250-watt basic models from February 10, 2017, until December 20, 2017. (February 16, 2018 e-mail from N. Schude.)

FINDINGS

Based on the facts above, including T&B’s admissions, DOE finds that the three basic models¹¹ are metal halide lamp fixtures subject to energy conservation standards. DOE finds that the three basic models do not comply with the applicable federal energy conservation standards for metal halide lamp fixtures manufactured on or after February 10, 2017.

NOTICE

Distribution in commerce of a covered product that does not meet an energy conservation standard is a violation subject to civil penalty, regardless of the issuance of this Notice. If T&B continues to distribute the basic model, DOE may assess a higher civil penalty for units sold after the date of this Notice.

⁶ T&B stated that “DP40C” was the “Corrected Model” number; however, prior certification reports submitted by T&B identified the model number as DH040P#####, DHP40C#####, and DHP40C.

⁷ T&B stated that “XHP17C” was the “Corrected Model” number; however, prior certification reports submitted by T&B identified the model number as XH017P##### and XHP17C#####.

⁸ T&B stated that “DHP17C” was the “Corrected Model” number; however, prior certification reports submitted by T&B identified the model number as DH017C##### and DHP17C#####.

⁹ T&B stated that “XHP25C” was the “Corrected Model” number; however, prior certification reports submitted by T&B identified the model number as XH025P#####, XHP25C#####, and XHP25C.

¹⁰ T&B stated that “DHP25C” was the “Corrected Model” number; however, prior certification reports submitted by T&B identified the model number as DH025P#####, DHP25C#####, and DHP25C. T&B also stated that individual model FDMHP25C was the “FINAL CORRECTED Individual Model Number.”

¹¹ For the purposes of this determination, the “basic model” is all units manufactured by T&B that have the same primary energy source and essentially identical electrical, physical and functional characteristics that affect energy consumption or energy efficiency, and are rated to operate a given lamp type and wattage. 10 C.F.R. § 431.322.

MANDATORY ACTION

In light of the above findings, T&B must, within 30 calendar days of the date of this Notice, provide to DOE records sufficient to show the number of units of the basic models that T&B distributed in commerce in the United States. To the extent practicable, provide the records categorized by year. 10 C.F.R. § 429.114(a). This includes all units that remain in T&B's inventory that were manufactured (including importation) on or after February 10, 2017, and all units T&B imported into the United States.

If you claim that any of the information sought by this Notice constitutes confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or is protected from disclosure pursuant to 18 U.S.C. § 1905, you must (1) provide one complete and full copy and one copy with the confidential information deleted and (2) submit supporting information together with the materials that are the subject of the confidentiality request. *See* 10 C.F.R. § 429.7. Failure to adhere to these procedures will result in a rejection of your request for confidential treatment.

In its March 2018 letter, T&B informed DOE it discontinued these products as of December 22, 2017.

CONSEQUENCES FOR CONTINUING TO DISTRIBUTE THE BASIC MODELS

Should T&B fail to cease immediately the distribution in the United States of all units of the basic models, this letter serves as notice that DOE may seek a judicial order within 30 calendar days to restrain further distribution. If, however, T&B provides DOE with a satisfactory statement within that 30-day period detailing the steps that T&B will take to ensure that units of the noncompliant model will no longer be distributed in commerce in the United States, DOE may elect to defer seeking such an order until a more appropriate time, if needed.

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.

_____/S/_____
Laura L. Barhydt
Assistant General Counsel
for Enforcement