

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

In the Matter of:)
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Atlantic Tools Inc.) Case Number: 2023-SE-67001
(rough service lamps))
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Issued: May 10, 2023

NOTICE OF NONCOMPLIANCE DETERMINATION

Rough service lamps are covered products subject to federal energy conservation standards. 10 C.F.R. §§ 430.2, 430.32(bb)(1). Manufacturers¹ and private labelers are prohibited from distributing covered products that do not comply with an applicable energy conservation standard. 10 C.F.R. § 429.102(a)(6). Rough service lamps manufactured on or after January 25, 2018 must meet multiple energy conservation standards, as stated below.

Rough service lamps must

- (i) Have a shatter-proof coating or equivalent technology that is compliant with NSF/ANSI 51 (incorporated by reference; see § 430.3) and is designed to contain the glass if the glass envelope of the lamp is broken and to provide effective containment over the life of the lamp;
- (ii) Have a rated wattage not greater than 40 watts; and
- (iii) Be sold at retail only in a package containing one lamp.

10 C.F.R. § 430.32(bb)(1).

In addition, rough service lamps are general service incandescent lamps and, as of July 25, 2022, subject to additional standards, including a prohibition on the sale of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt. 10 C.F.R. § 430.32(bb)(1), 430.32(dd); 87 Fed. Reg. 27,461, 27,473 (May 9, 2022).

On April 18, 2023, U.S. Customs and Border Protection (“CBP”) notified the U.S. Department of Energy (“DOE”) that it was examining a shipment of rough service lamps from the port of Jacksonville, Florida. These lamps bore a marking of “100 W” and were packaged in boxes of at least 10 lamps. CBP informed DOE that the importer of record of these lamps was Atlantic Tools Inc., 2006 National Guard Drive, Plant City, FL 33563.

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

FINDINGS

Based on the facts stated above, the U.S. Department of Energy (“DOE”) finds that these lamps do not comply with the applicable federal energy conservation standards stated above for rough service lamps.

NOTICE

Distribution in commerce of a covered product that does not meet the energy conservation standards is a violation subject to civil penalty, regardless of the issuance of this Notice.

MANDATORY ACTIONS

In light of the above findings Atlantic Tools Inc. (“Atlantic Tools”) must immediately cease distribution in commerce in the U.S. of all units of these rough service lamps and any others that do not comply with all relevant standards.

Atlantic Tools 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 model that Atlantic Tools distributed in commerce in the United States in the past five years, categorized by year. 10 C.F.R. § 429.114(a). This includes all units that remain in Atlantic Tools’s inventory that were manufactured (including importation) on or after January 25, 2018.

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.

CONSEQUENCES FOR CONTINUING TO DISTRIBUTE THE LAMPS

If Atlantic Tools Inc. continues distributing in the United States any units of the lamps, DOE may seek a judicial order to restrain further distribution and may assess a higher civil penalty for units sold after the date of this Notice..

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.

Christina Studt
Trial Attorney