

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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MEMORANDUM

January 10, 2016

To: Subcommittee on Energy and Power Democratic Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Hearing on “H.R. __, the EPS Improvement Act of 2016”

On Tuesday, January 12, 2016 at 10:00 a.m. in room 2322 of the Rayburn House Office Building, the Subcommittee on Energy and Power will hold a legislative hearing on “H.R. __, the EPS Improvement Act of 2016.” The legislation would exempt certain drivers that power solid state lighting products, commonly known as light emitting diodes (LEDs), from the Department of Energy’s (DOE) energy conservation standards for external power supplies (EPS).

I. BACKGROUND

Section 135 of the Energy Policy Act of 2005 (EPACT 05) amended Title III of the Energy Policy and Conservation Act (EPCA) to require the Secretary of Energy to prescribe “definitions and test procedures for the power use of battery chargers and external power supplies.”¹ EPCA defines an EPS generally as “an external power supply circuit that is used to convert household electric current into DC current or lower-voltage AC current to operate a consumer product.”²

In 2007, Congress enacted the Energy Independence and Security Act (EISA) which further amended EPCA’s provisions relating to EPSs. Among other things, EISA created a subset of EPSs called a “class A external power supply” and specifically exempted medical devices and an EPS that “powers the charger of a detachable battery pack or charges the battery of a product that is fully or primarily motor operated.”³ EISA set in statute specific standards for

¹ 42 U.S.C. 6295(u)

² 42 U.S.C. 6291(36)(A)

³ 42 U.S.C. 6291(36)(C)

class A external power supplies, but also amended EPCA to require certain reviews of EPS efficiency standards.⁴

Pursuant to EPCA as amended, in February 2014 DOE published a final rule setting out amended and new energy conservation standards for certain classes of EPSs.⁵ In its rule, DOE responded to comments received pursuant to its March 12, 2012 Notice of Proposed Rulemaking including those made by the National Electrical Manufacturers Association (NEMA) and Phillips Electronics who argued that power drivers for solid state lighting (e.g. LED replacement light bulbs) should not be included in the new standards. DOE rejected that argument, stating that such power drivers fell within the definition of an EPS and that “DOE has no authority to alter these statutorily prescribed criteria.”⁶

Some have argued that the multiple amendments over a short period of time made to EPCA with respect to EPSs has arguably created confusion over Congress’ intent as well as practical problems in the market place for manufacturers. For example last year, Congress enacted the EPS Service Parts Act of 2014, legislation that established a four-year exemption from the 2014 efficiency standard for EPS service and spare parts.

II. SUMMARY OF THE EPS IMPROVEMENT ACT OF 2016

A draft of H.R. ___, the “EPS Improvement Act of 2016” was released by Rep. Ellmers (R-NC) and Rep. DeGette (D-CO) on January 5, 2016. The bill would amend the Energy Policy and Conservation Act to exclude power supply circuits, drivers, and devices designed to power LEDs and Organic LEDs (OLEDs) from energy conservation standards for external power supplies. In the absence of legislation, LED and OLED power supplies will continue to be included in DOE’s energy conservation standards for external power supplies which go into effect on February 10, 2016.⁷

Section 2 of the legislation preserves DOE’s authority to prescribe energy conservation standards for LED power supplies. This section splits that authority into two parts; the first for consumer product LEDs, and the second for LEDs that are classified as industrial equipment.⁸ For industrial LEDs DOE must meet the applicable testing requirements one year prior to prescribing such standards.

III. WITNESSES

The following witnesses have been invited to testify:

⁴ 42 U.S.C. 6295(u)

⁵ U.S. Department of Energy, *Energy Conservation Program: Energy Conservation Standards for External Power Supplies*, 79 Fed. Reg. 7845 (Feb. 10, 2014).

⁶ *Id.*

⁷ *Id.*

⁸ 42 U.S.C. 6295(u); 42 U.S.C. 6317

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