

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

In the Matter of:

Big Beam Emergency Systems, Inc.
(illuminated exit signs)

Case Number: 2015-SE-48006

Issued: July 13, 2016

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.

BIG BEAM MODEL FACTS

On January 22, 2015, DOE completed testing one unit of one-faced illuminated exit sign individual model RX1WRCR, manufactured by Big Beam Emergency Systems, Inc. (“Big Beam”), following the illuminated exit sign test procedure. *See* 10 C.F.R. § 431.204. The energy consumption of the unit DOE tested was 16.5 W, 237% worse than the energy conservation standard of 5 W. *See* 10 C.F.R. § 431.206. On March 30, 2016, Big Beam admitted to the U.S. Department of Energy (“DOE”), that it has manufactured and distributed units of illuminated exit sign models, each of which was manufactured on or after January 1, 2006, and consumes more than 5 watts per face, including the basic model containing individual model RX1WRCR.

FINDINGS

Based on the facts above, DOE finds that the basic model containing individual model RX1WRCR (“the Big Beam Basic Model”) does not comply with the applicable federal energy conservation standard.

MANDATORY ACTIONS BY BIG BEAM

Big Beam informed DOE that it has stopped distribution in commerce in the United States of the Big Beam Basic Model. In light of the above findings, Big Beam 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 Big Beam has distributed units of the Big Beam Basic Model; and

(2) Provide to DOE within 15 calendar days of the date of this Notice a copy of the written notification required by paragraph (1) and a list of the parties Big Beam notified.

(3) *Information about Distribution in Commerce.* Provide to DOE within 30 calendar days of the date of this Notice the total number of units of the Big Beam Basic Model that Big Beam distributed in commerce¹ in the United States beginning August 1, 2011. Indicate whether any of those units were manufactured prior to January 1, 2006. Indicate whether Big Beam has ordered any other units of the Big Beam Basic Model not yet received. Provide the total number of units of the Big Beam Basic Model remaining in inventory.

Include only units for which Big Beam was the importer of record, producer, or assembler.

The responses required by paragraph (3) must be dated, signed, and notarized with the following statement:

“I declare under penalty of perjury that the foregoing is true, correct, and complete.
Executed on [date].”

¹ Please note that “[t]he terms 'to distribute in commerce' and 'distribution in commerce' mean to sell in commerce, to import, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.” 42 U.S.C. § 6291(16). Thus, the summary page must include all units that Big Beam has imported into the United States, even if not sold, as well as any other units that otherwise meet the definition in 42 U.S.C. § 6291(16).

OPTIONAL ACTIONS BY BIG BEAM

In addition to the mandatory steps listed above that Big Beam must complete, Big Beam may elect to modify the Big Beam Basic Model to make comply with the applicable standard. Any such modified model shall be treated as a new basic model under the regulations and must be certified in accordance with the provisions of 10 C.F.R. Part 429. In addition to satisfying all requirements of this part, any modified individual models within that new basic model must be assigned new model numbers. Big Beam 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 prior to distribution in commerce. Prior to distribution in commerce in the United States, Big Beam must also provide to DOE test data demonstrating that the modified new basic model complies with the applicable standard. All units must be tested in accordance with DOE regulations, and Big Beam must bear the costs of all such testing.

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

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

Big Beam informed DOE that it has stopped distribution in commerce in the United States of the Big Beam Basic Model. If Big Beam distributes in commerce in the United States units of the Big Beam Basic Model, this letter serves as notice that DOE may seek a judicial order within 30 calendar days to restrain further distribution and civil penalties as authorized under 10 C.F.R. § 429.114(c).

The distribution in commerce 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 for each unit of the basic model distributed in violation of federal law.

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

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