

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

In the Matter of: )  
 )  
**Universal Lighting Technologies, Inc.** ) Case Number: 2013-SE-26004  
(fluorescent lamp ballasts) )  
 )

Issued: September 6, 2013

**NOTICE OF NONCOMPLIANCE DETERMINATION**

Fluorescent lamp ballasts are covered products subject to federal energy conservation standards as described in 42 U.S.C. §§ 6292(a)(13), 6295(g) and 10 C.F.R. § 430.32(m). Specifically, fluorescent lamp ballasts designed for use in connection with one F40T12 lamp and sold by the manufacturer on or after July 1, 2005, are subject to a minimum ballast efficacy factor of 2.29 and a minimum power factor of 0.90. 42 U.S.C. § 6295(g)(8) and 10 C.F.R. § 430.32(m). Manufacturers and private labelers are prohibited from distributing covered products that do not comply with the applicable energy conservation standards. 10 C.F.R. § 429.102(a)(6); 42 U.S.C. § 6302(a)(5).

DOE testing of fluorescent lamp ballast model B140R277HP manufactured by Universal Lighting Technologies, Inc. (“Universal”) yielded a ballast efficacy factor of 2.18. On September 6, 2013, Universal admitted in a Compromise Agreement that fluorescent lamp ballast model B140R277HP has a ballast efficacy factor of less than 2.29 when used in connection with one F40T12 lamp. Universal informed DOE that Universal is not currently distributing fluorescent lamp ballast model B140R277HP in commerce in the United States; however, Universal also informed DOE that Universal had sold units of model B140R277HP after July 1, 2005.

**FINDINGS**

Based on the facts stated above, DOE finds that Universal fluorescent lamp ballast model B140R277HP does not comply with the applicable federal energy conservation standard for fluorescent lamp ballasts. The applicable standard requires that fluorescent lamp ballasts designed for use in connection with one F40T12 lamp have a minimum ballast efficacy factor of 2.29.

DOE limits this finding to units of model B140R277HP that Universal sold on or after July 1, 2005.

## MANDATORY ACTIONS BY UNIVERSAL

Universal has represented to DOE that Universal has ceased distribution in commerce in the U.S. of model B140R277HP. Further, Universal has provided DOE with data regarding the numbers of units of model B140R277HP that Universal distributed in commerce in the U.S.

Universal must take the following additional 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 Universal has distributed units of model B140R277HP subject to this Notice; 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 Universal notified.

The response required by paragraph (2) must be dated, signed, and notarized.

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.

## OPTIONAL ACTIONS BY UNIVERSAL

In addition to the mandatory steps listed above that Universal must complete, Universal may elect to modify a model to bring it into compliance with the applicable standard. A 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. Prior to distribution in commerce in the United States, Universal must provide to DOE test data demonstrating that the modified model complies with the applicable standard. All units must be tested in accordance with DOE regulations, and Universal must bear the costs of all such testing that is conducted.

If, after this testing, DOE determines that the modified model complies with the applicable standard, DOE will issue a notice of allowance to permit Universal to resume the distribution of the modified model in the United States. Until DOE determines that the modified model complies with the applicable standard, Universal is prohibited from selling or otherwise distributing units of model B140R277HP in commerce in the United States.

CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

If Universal fails to cease immediately distribution in commerce in the United States of all units of model B140R277HP, this letter serves as notice that DOE will seek a judicial order within 30 calendar days to restrain further distribution. If, however, Universal provides DOE with a satisfactory statement within that 30-day period detailing the steps that Universal 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 model, including during any manufacturer-initiated testing as described above, 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 model distributed in violation of federal law.

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Laura L. Barhydt  
Assistant General Counsel  
for Enforcement