

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

In the Matter of: )  
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**Barron Lighting Group, Inc.** )  
(metal halide lamp fixtures) )  
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Case Number: 2013-SE-5402

Issued: December 17, 2015

**NOTICE OF NONCOMPLIANCE DETERMINATION**

Pursuant to 42 U.S.C. § 6292(a)(19), metal halide lamp fixtures are covered products. Metal halide lamp fixtures are subject to the federal energy conservation standards at 10 C.F.R. § 431.326. Manufacturers and private labelers are prohibited from distributing any covered product or equipment that does not comply with an applicable conservation standard. 10 C.F.R. § 429.102(a)(6); 42 U.S.C. § 6302(a)(5).

Metal halide lamp fixtures manufactured on or after January 1, 2009, and distributed in commerce in the United States with magnetic probe-start ballasts must have a minimum ballast efficiency of 94%. 10 C.F.R. § 431.326(a)(2).

**BARRON MODEL FACTS**

Information available to the U.S. Department of Energy (“DOE”), including responses provided by Barron Lighting Group, Inc. (“Barron”) dated May 28, June 7, and July 2 and 22, 2013, to a Request for Information and related subsequent questions, indicates that Barron has manufactured<sup>1</sup> and distributed in commerce metal halide lamp fixtures including the following basic models and corresponding individual models<sup>2</sup>:

<b>Barron Basic Model</b>	<b>Barron Individual Model</b>
TL106EX-MH-250	TL106EX-MH-250-MT
TL106EXT-MH-400	TL106EXT-MH-400-MT TL106EXT-MH-400-MT-PC2FAC
TL110-MH-175	TL110-MH-175-MT TL110-MH-175-MT-S
TL110A-MH-175	TL110A-MH-175-MT-PC1FAC
TL110EX-MH-250	TL110EX-MH-250-MT TL110EX-MH-250-MT-PC1FAC

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

<sup>2</sup> Although DOE determines noncompliance of basic models rather than individual models, for simplicity, this Notice omits individual models that, based on information Barron provided, Barron did not manufacture on or after January 1, 2009.

<b>Barron Basic Model</b>	<b>Barron Individual Model</b>
TL110EXT-MH-400	TL110EXT-MH-400-MT
TL111A-MH-175	TL111A-MH-175-MT-UD-RAW
TL113-MH-175	TL113-MH-175-MT-PC1FAC
TL117-MH-250	TL117-MH-250-MT-PC1FAC
TL121-MH-175	TL121-MH-175-MT
TL203-MH-400 <sup>3</sup>	TL203-MH-400-MT-PC1FAC TL203-MH-400-MT-SF
TL402-MH-175	TL402-MH-175-MT-QR150
TL406-MH-175	TL406-MH-175-MT-PMJB TL406-MH-175-MT-QR150
TL407-MH-175	TL407-MH-175-MT TL407-MH-175-MT-S
TL500-MH-250	TL500-MH-250-MT-POD TL501-16-MH-250-MT TL501-22-MH-250-MT TL502-16-MH-250-MT TL502-16-MH-250-MT-QR150 TL503-22-MH-250-MT TL504-16-MH-250-MT TL504-16-MH-250-MT-UNI TL504-22-MH-250-MT TL504-22-MH-250-MT-UNI TL505-16-MH-250-MT TL505-22-MH-250-MT TL506-MH-250-MT
TL500-MH-400	TL500-MH-400-MT-OR-POD TL500-MH-400-MT-POD TL501-16-MH-400-MT TL501-16-MH-400-MT-QR150 TL501-16-MH-400-MT-UNI TL501-22-MH-400-MT TL502-16-MH-400-MT TL502-16-MH-400-MT-QR150 TL502-22-MH-400-MT TL502-22-MH-400-MT-LC3277L TL503-22-MH-400-MT TL504-22-MH-400-MT TL505-22-MH-400-MT TL506-MH-400-MT
TL506-MH-250	TL506-MH-250-MT
TL506-MH-400	TL506-MH-400-MT

<sup>3</sup> This is the basic model Barron identified in its Excel worksheet; however, the sheet is labeled “TL203-MH-400-MT.” Another sheet, labeled TL203-MH-400, also lists TL203-MH-400 as the basic model.

Based on that same information, Barron manufactured units of each of these on or after January 1, 2009, containing magnetic probe-start ballasts with a ballast efficiency of less than 94%. These are “the Barron Noncompliant Models.”

### FINDINGS

Based on the facts above, DOE finds that units of these Barron Noncompliant Models manufactured on or after January 1, 2009, do not comply with the applicable federal energy conservation standard.

### MANDATORY ACTIONS BY BARRON

In light of the above findings, Barron must take the following steps in accordance with 10 C.F.R. § 429.114(a):

- (1) Immediately cease distribution in commerce in the United States of all units of the Barron Noncompliant Models manufactured on or after January 1, 2009;
- (2) Provide immediate written notification of this noncompliance determination to all persons in the United States to whom Barron has distributed units of any of the Barron Noncompliant Models manufactured on or after January 1, 2009; and
- (3) Provide to DOE within 15 calendar days of the date of this Notice a copy of the written notification required by paragraph (2) and a list of the parties Barron notified.
- (4) *Information about Distribution in Commerce.*<sup>4</sup> Provide to DOE within 30 calendar days of the date of this Notice a summary page listing the total number of units of each of the Barron Noncompliant Models Barron distributed in commerce<sup>5</sup> in the United States beginning March 1, 2011.

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<sup>4</sup> On May 8, 2013, DOE issued a Request for Information to Barron about certain metal halide lamp fixtures. In response, on or about June 4 and 7, 2013, Barron provided to DOE some information regarding the distribution in commerce in the United States of the Barron Noncompliant Models. Barron submitted documents labeled “Purchase Orders to Suppliers,” “Purchase Orders Since 2008,” “Inventory,” and “Shipments.” On July 2, 2013, Barron sent a supplemental response, with a total of fifty-nine (59) different Excel worksheets.

The information in each of these responses, however, was not organized so as to be responsive to DOE’s requests. In addition, Barron included various caveats indicating the information may be imprecise or inaccurate, such as including unspecified quantities imported in 2008 as quantities imported in 2009, including unspecified quantities drop shipped, and leaving certain imported quantities unaccounted for, and potentially including units not manufactured by Barron on or after January 1, 2009.

DOE sought to clarify Barron’s responses in email messages sent on June 24 and July 8, 2013. After obtaining Barron’s permission, DOE also contacted one of Barron’s suppliers to clarify certain discrepancies. However, DOE needs additional information to ensure that it has complete and accurate information.

<sup>5</sup> 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 Barron 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).

For units produced or assembled outside of the United States, include *only* units that entered the customs territory of the United States on or after January 1, 2009. Do not include any units that entered the customs territory of the United States before January 1, 2009.

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

Do not include any units to which Barron made modifications to existing inventory such as the addition of a photo control, arm, refractors, quartz restrike, or color change. Include any units with modifications with respect to the ballast, such as adding or replacing a ballast.

Include units in each basic model regardless of whether the individual model is listed above. In particular, include any units Barron produced, imported, or otherwise manufactured in any of the Barron Noncompliant Models after Barron provided information to DOE, even if this Notice does not list that individual model.

Respond following the format below. Provide complete information, using NA or 0 where appropriate.

Basic Model	Barron Individual Model No.	Importer, if applicable	# Units Barron Produced in U.S. in 2009 –2015	# Units Barron Imported in 2009 –2015	Ordered but not yet Received? (Y/N)	# Units Distributed in Commerce 2011 – 2015	# Units in Inventory

The responses required by paragraphs (3) and (4) 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].”

OPTIONAL ACTIONS BY BARRON

In addition to the mandatory steps listed above that Barron must complete, Barron may elect to modify any of the Barron Noncompliant Models to make it or them comply with the applicable standard. Barron must submit a certification report for any such modified individual model, with a corresponding modified basic model, which shall then 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 the modified basic model must be assigned new model numbers. Barron 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, Barron must also provide to DOE test data demonstrating that the

modified basic model complies with the applicable standard and submit any required certification report(s). All units must be tested in accordance with DOE regulations, and Barron must bear the costs of all such testing.

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

#### CONSEQUENCES FOR FAILURE TO COMPLY WITH THIS NOTICE

If Barron fails to cease immediately the distribution in commerce in the United States of all units of the Barron Noncompliant Models, 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](mailto:christina.studt@hq.doe.gov) or phone at (202) 586-0389.

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