

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

In the Matter of:

Wise Plastics Technologies, Inc.
(metal halide lamp fixtures)

Case Number: 2020-SE-54002

ORDER

For the U.S. Department of Energy (“DOE”):

1. On February 21, 2024, under the above-listed case number, DOE issued a Notice of Proposed Civil Penalty to Wise Plastics Technologies, Inc. (“Respondent”) to pursue a civil penalty for Respondent’s knowing distribution in commerce of metal halide lamp fixture basic models without submitting to DOE a report certifying that those basic models comply with the applicable energy conservation standard and without testing those basic models in conformance with the applicable test requirements prescribed in 10 C.F.R. Part 431.
2. Metal halide lamp fixtures are covered equipment subject to a federal energy conservation standard. 10 C.F.R. §§ 431.2, 431.326.
3. Pursuant to 10 C.F.R. § 429.12, manufacturers must submit to DOE a report certifying that each basic model of covered equipment meets the applicable energy conservation standard, before distributing each basic model in commerce and annually thereafter.
4. Pursuant to 10 C.F.R. § 429.13(a), the determination that a basic model complies with an applicable energy conservation standard must be determined from the values derived pursuant to the applicable testing and sampling requirements set forth in 10 C.F.R. Parts 429, 430, and 431.
5. Failure to submit a certification report for covered equipment in accordance with 10 C.F.R. § 429.12 is a prohibited act pursuant to 10 C.F.R. § 429.102(a)(1) and subject to civil penalties as described in 10 C.F.R. § 429.120.
6. Pursuant to 10 C.F.R. § 429.120, each day that a manufacturer fails to submit a certification report for a basic model of covered equipment is a separate violation.
7. Failure to test any covered equipment subject to an applicable energy conservation standard in conformance with the applicable test requirements prescribed in 10 C.F.R.

Part 430 or 431 is a prohibited act pursuant to 10 C.F.R. § 429.102(a)(2) and subject to civil penalties as described in 10 C.F.R. § 429.120.

8. Pursuant to 10 C.F.R. § 429.120, each unit of covered equipment distributed in commerce in violation of 10 C.F.R. § 429.102(a)(2) is a separate violation.
9. Respondent admitted the following:
 - a. Respondent has manufactured¹ metal halide lamp fixture basic models 111104 and 111102.
 - b. Respondent has distributed in commerce² those basic models.
 - c. Respondent knowingly failed to submit a certification report for those basic models prior to distributing them in commerce, in violation of 10 C.F.R. §§ 429.12, 429.54, and 429.102(a)(1).
 - d. Respondent knowingly failed to test those basic models in conformance with the applicable test requirements in 10 C.F.R. Part 431 before distributing them in commerce, in violation of 10 C.F.R. §§ 429.13, 431.324, and 429.102(a)(2).
10. Based on the information above, I find that Respondent knowingly committed Prohibited Acts by manufacturing and distributing in commerce basic models of covered equipment without submitting to DOE a certification report certifying that those basic models comply with the applicable energy conservation standards and without testing those basic models in conformance with the applicable DOE test requirements. *See* 42 U.S.C. §§ 6302 and 6316; 10 C.F.R. § 429.102(a)(1) and (2).
11. Accordingly, pursuant to 10 C.F.R. § 429.120 and 42 U.S.C. §§ 6303 and 6316, I **HEREBY ASSESS** a civil penalty of \$429,750, **ORDER** Respondent to pay the assessed civil penalty in full within 30 calendar days, **AND ORDER** that the Settlement Agreement attached to this Order is adopted.

Samuel T. Walsh
General Counsel

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

² “Distribute in Commerce” or “Distribution in Commerce” means 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).