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ATTORNEY GENERAL MADIGAN JOINS LEGAL ACTION TO ADVANCE COST-SAVING, POLLUTION-CUTTING FEDERAL ENERGY EFFICIENCY STANDARDS

Madigan Joins Coalition Charging U.S. Department of Energy Violated Federal Law By Obstructing Implementation Of Energy Efficiency Standards For Common Consumer and Commercial Products

Chicago — Attorney General Lisa Madigan today joined a state and municipal coalition to announce legal action against the federal government for violating federal law by delaying energy efficiency standards for several common consumer and commercial products, including ceiling fans, portable air conditioners, walk-in coolers and freezers, commercial boilers and more.

Madigan and the coalition allege the Trump administration has blocked the common sense standards that would save consumers and businesses approximately \$24 billion, provide energy savings equivalent to the annual electricity consumption of 36 million households and eliminate millions of tons of air pollution.

The six standards being blocked offer dramatic air pollution reductions, as well as energy- and cost-savings to consumers and businesses. According to Department of Energy (DOE) estimates, the standards would combine to eliminate emissions of 292 million tons of the greenhouse gas carbon dioxide, 734 thousand tons of the pollution that creates soot and smog, 1.2 million tons of the potent climate change pollutant methane, and over 1,000 pounds of highly-toxic mercury, over a 30-year period.

"Energy efficiency standards are common-sense steps we can take to significantly reduce pollution and protect our environment and our health," Madigan said. "I am committed to ensuring that Illinois residents realize the economic and environmental benefits from these energy efficiency standards."

The Appliance Standard Awareness Project estimates that the efficiency standards would together save over 443 billion kilowatt-hours of electricity – the equivalent of the annual energy consumption of over 36 million households. The DOE estimates that the six standards would provide net savings to consumers and businesses of approximately \$23.7 billion.

Madigan and the coalition charge that the DOE is violating both the federal Energy Policy and Conservation Act ("EPCA") and Administrative Procedures Act ("APA") in the following ways:

- delaying the effective date of final energy efficiency standards for ceiling fans; and
- stalling the final standards for compressors, walk-in coolers and freezers, power supply equipment, portable air conditioners, and commercial boilers, by failing to publish them in the Federal Register.

The DOE published new energy efficiency standards for ceiling fans as final rules on January 19, 2017, with an effective date for the rule of March 20, 2017. However, the administration has subsequently delayed the rule's effective date twice – most recently pushing it back to September 30, 2017– asserting that stalling the standard was a non-substantive action, and that seeking public input on the delay would be "impractical, unnecessary, and contrary to the public interest."

The coalition has filed a petition in the U.S. Court of Appeals for the Second Circuit over DOE's illegal delay of the effective date of the ceiling fan efficiency standard. The coalition charges that this delay is illegal, violating EPCA's "anti-backsliding" provisions by effectively weakening the final standards published in January, and violating the APA by being undertaken without the public notice and comment required by law when substantive changes are made to published final rules. [Click here](#) to read the petition for review.

Regarding energy efficiency standards for compressors, walk-in coolers and freezers, power supply equipment, portable air conditioners, and commercial boilers, DOE issued a "prepublication notice" of a final rule for compressors on December 5, 2016 and

for the four other products on December 28, 2016. The posting of these five rules triggered a limited "error correction" period for the public to identify any typographical or numbering errors for correction by the Department. By law, DOE was then required to publish final energy efficiency standards for compressors by February 21, 2017, and for the four other products by March 15, 2017. To date, DOE has not published any of these final standards.

The coalition charges that DOE's failure to publish these five final energy efficiency standards violates EPCA's standards setting deadline requirements. In accordance with requirements of EPCA, the coalition is sending a 60-day notice today to DOE of its intention to sue the Department over these violations. If the Department fails to publish the five energy efficiency standards as final rules within 60 days, the coalition intends to file a lawsuit in U.S. District Court asking the court to declare that DOE has failed to perform mandatory legal obligations, and require the Department to immediately publish the final rules. [Click here](#) to read the 60-day notice.

Joining Madigan in filing a petition regarding ceiling fan standards are attorneys general from: California, Connecticut, Maine, Massachusetts, New York, Oregon, Vermont and Washington, as well as the Pennsylvania Department of Environmental Protection and the City of New York. The same coalition, plus the attorney general of Maryland, is sending a 60-day notice letter regarding the other standards.

In addition to today's announcement, last week Madigan condemned the federal executive action to potentially eliminate the Clean Power Plan and also opposed the drastic budget cuts proposed for the Environmental Protection Agency. Madigan has long supported the Clean Power Plan and the legal actions that led to it. Most recently, she joined a broad coalition of states and localities to call on President-Elect Trump to continue the federal government's defense of the Clean Power Plan, urging him to reject "misguided advice" to discard the Clean Power Plan from a group of attorneys general.

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