



Department of Energy
Washington, DC 20585

August 22, 2022

BY ELECTRONIC MAIL

Mr. Mark Baker
9450 SW Gemini Drive PMB 44671
Beaverton, OR 97008
mbaker@softlights.org

Re: Case No. EXC-22-0003
Soft Lights Foundation

Dear Mr. Baker:

This letter concerns your July 10, 2022, “Appeal of Final Rules for General Service Lamps EERE-2021-BT-STD-0005 and EERE-2021-BT-STD-0012” (Petition) and subsequent correspondence concerning the Office of Hearings and Appeals’ (OHA) jurisdiction to consider the Petition. We have read your Petition and understand that you have serious disagreements with the final rules that DOE has promulgated. OHA’s ability to grant relief to a party such as yourself, however, is limited by the authority granted to us by law. OHA possesses authority to grant “an adjustment from a DOE rule, regulation or order under the authority of 42 U.S.C. 7194 . . .” 10 C.F.R. § 1003.17(a). OHA may grant relief to “any person” when it determines that doing so is “necessary to prevent special hardship, inequity, or unfair distribution of burdens . . .” 42 U.S.C. § 7194(a). OHA does not, however, possess authority to review or make changes to a regulation that would apply to all regulated parties.

The first two requests for relief in the Petition – to “[r]emove LEDs from the GSL classification[and r]escind the 45 lumen per watt luminous efficacy requirement for GSLs” – would result in a generally applicable change to the regulations rather than provide relief specifically to an identifiable person or persons based on their experience of special hardship, inequity, or unfair distribution of burdens. Moreover, as a consumer who is not directly subject to any obligations under the regulations in question, it is not apparent that OHA could grant relief directly to you through an adjustment to the regulations. The remaining requests for relief, such as communications to Congress, conducting additional studies, and so on, do not concern the adjustment of a DOE rule, regulation, or order.

For the aforementioned reasons, the Petition does not request relief that is within OHA’s jurisdiction to grant. Accordingly, pursuant to 10 C.F.R. § 1003.16(a)(1), it is hereby ordered that the Petition is dismissed with prejudice. This is a final agency action of the United States Department of Energy. Review of this Decision and Order is subject to 42 U.S.C. § 7194(b)(1) and the regulations codified at Part 1003 of Title 10 of the Code of Federal Regulations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Poli A. Marmolejos".

Poli A. Marmolejos
Director
Office of Hearings and Appeals