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Energy Conservation Standards/Energy Policy and Conservation Act: Natural Resources Defense Council Files Federal District Court Action Alleging U.S. Department of Energy Violations

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The Natural Resources Defense Council (“NRDC”) and several other consumer environmental groups (collectively “NRDC”) filed a lawsuit against the United States Department of Energy (“DOE”) in the United States District Court for the Southern District of New York alleging violations of the Energy Policy and Conservation Act (“EPCA”). See Case No. 20-cv-9127.

The Complaint for Declaratory and Injunctive Relief (“Complaint”) alleges that DOE has failed to comply with its statutory duty to update energy conservation standards under the EPCA.

The Complaint notes that the EPCA requires that common consumer and commercial products using energy meet minimum energy conservation standards. Further, it is alleged that EPCA directs DOE to meet specific timetables to periodically review and revise these standards to ensure that they are set at the maximum level of energy efficiency that is technologically feasible and economically justified.

NRDC alleges that DOE has missed deadlines for more than two dozen consumer and commercial products. It further states:

. . . these overdue products include energy-intensive home appliances such as furnaces, air conditioners, water heaters, dishwashers, and clothes dryers, as well as commercial equipment used by countless businesses, such as motors, walk-in coolers, and transformers. Additional significant, technologically feasible, and economically justified energy savings are available for these overdue products.

NRDC argues that the updated standards for the products listed in the Complaint will provide benefit to the public and that energy efficiency is the most affordable and effective solution to America’s energy problems. Additional benefits stated to be missed include additional reductions in air pollution emissions and other environmental harms caused by energy production.

NRDC alleges that DOE’s failure to perform what it describes as nondiscretionary duties to review, update and issue standards under the EPCA are subject to suit under 42 U.S.C. § 6305(a).

A copy of the Complaint can be downloaded [here](#).