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Energy Policy Conservation Act/Energy Efficiency: Sierra Club (and Other Groups) Judicial Challenge to U.S. Department of Energy's Stay of Five Standards

06/28/2017

The Sierra Club and other organizations (collectively "Sierra Club") filed a June 13th Complaint for Declaratory and Injunctive Relief ("Complaint") in the United States District Court for the Northern District of California challenging what it characterizes as the United States Department of Energy's ("DOE"):

. . .withholding of publication of five final rules developed under the Energy Policy and Conservation Act ("EPCA").

The Sierra Club alleges that the five rules establish "cost-effective, technologically justified, consumer-friendly, and environmentally beneficial energy-conservation standards for several categories of home appliances and commercial and industrial equipment:

- portable air conditioners,
- uninterruptable power supplies,
- air compressors,
- walk-in coolers and freezers, and
- commercial packaged boilers."

The Complaint states that DOE adopted the five rules in December 2016. The end of the public-review period for the five final rules is stated to have ended on February 11, 2017. As a result, the Sierra Club alleges in part that:

- DOE has not submitted any of the final rules to the Office of the Federal Register for publication
- DOE's failure to submit the final rules for publication violates the agency's error-correction regulation under EPCA
- In the alternative, DOE's failure to publish the rules violates the Administrative Procedure Act and the Federal Register Act
- Two of the final rules – the uninterruptable power supplies rule and the walk-in coolers and freezers rules are subject to statutory deadlines that DOE has missed (deadlines prescribed by Congress violating the EPCA)
- The alleged unlawful failure to publish the five final energy-conservation rules deprives plaintiffs, their members, and the American public of the substantial benefits the rules would bring, including

lower energy bills, a more reliable electricity grid, and a reduced emissions of harmful air pollutants that threaten public health

The Complaint contains a detailed description of the relevant rules and their benefits.

The Complaint seeks an Order enjoining DOE to ensure immediate publication of the five final rules in the Federal Register.

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