

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NATURAL RESOURCES DEFENSE  
COUNCIL, CENTER FOR BIOLOGICAL  
DIVERSITY, CONSUMER FEDERATION OF  
AMERICA, MASSACHUSETTS UNION OF  
PUBLIC HOUSING TENANTS, PUBLIC  
CITIZEN, and SIERRA CLUB,

*Plaintiffs,*

*and*

ASSOCIATION OF HOME APPLIANCE  
MANUFACTURERS, and AIR-  
CONDITIONING, HEATING &  
REFRIGERATION INSTITUTE,

*Plaintiff-Intervenors,*

v.

JENNIFER M. GRANHOLM, as Secretary Of  
The United States Department Of Energy, and  
UNITED STATES DEPARTMENT OF  
ENERGY,

*Defendants.*

No.: 20-cv-9127 (JMF)

STATES OF NEW YORK, CALIFORNIA,  
COLORADO, CONNECTICUT, ILLINOIS,  
MAINE, MARYLAND, MINNESOTA, NEW  
JERSEY, OREGON, VERMONT, AND  
WASHINGTON, COMMONWEALTH OF  
MASSACHUSETTS, PEOPLE OF THE STATE  
OF MICHIGAN, DISTRICT OF COLUMBIA,  
CITY OF NEW YORK, COMMONWEALTH  
OF PENNSYLVANIA, AND STATES OF  
NEVADA AND NEW MEXICO,

*Plaintiffs,*

*and*

ASSOCIATION OF HOME APPLIANCE

No.: 20-cv-9362 (JMF)

MANUFACTURERS, and AIR-  
CONDITIONING, HEATING &  
REFRIGERATION INSTITUTE,

*Plaintiff-Intervenors,*

v.

JENNIFER M. GRANHOLM, as Secretary Of  
The United States Department Of Energy, and  
UNITED STATES DEPARTMENT OF  
ENERGY,

*Defendants.*

**CONSENT DECREE**

WHEREAS, on October 30, 2020, Plaintiffs Natural Resources Defense Council, Center for Biological Diversity, Consumer Federation of America, Massachusetts Union of Public Housing Tenants, Public Citizen, and Sierra Club (collectively “Public Interest Plaintiffs”) filed a complaint in the United States District Court for the Southern District of New York (“Court”) against Defendants Jennifer Granholm,<sup>1</sup> in her official capacity as United States Secretary of Energy, and the United States Department of Energy (collectively “DOE”);

WHEREAS, on November 9, 2020, Plaintiffs States of New York, California, Colorado, Connecticut, Illinois, Maine, Maryland, Minnesota, New Jersey, Oregon, Vermont, Washington, the Commonwealth of Massachusetts, the People of the State of Michigan, the District of Columbia, and the City of New York (collectively “State Plaintiffs”) filed a complaint in the Court against DOE;

WHEREAS on January 29, 2021, State Plaintiffs filed an amended complaint to include as additional state plaintiffs the Commonwealth of Pennsylvania and the States of New Mexico and Nevada;

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<sup>1</sup> Secretary Granholm is automatically substituted as a defendant for former Secretary Dan Brouillette pursuant to Federal Rule of Civil Procedure 25(d).

WHEREAS, on March 23, 2021, the Court entered a Stipulation and Order (the “Intervention Stipulation”) permitting the Association of Home Appliance Manufacturers and Air-Conditioning, Heating & Refrigeration Institute (collectively, “Plaintiff-Intervenors”) to participate, with specified conditions, as Plaintiff-Intervenors in these two civil actions, Dkt. No. 34, 20 Civ. 9127, Dkt. No. 53, 20 Civ. 9326;

WHEREAS, Plaintiff-Intervenors filed a Complaint in Intervention in each of these actions on March 26, 2021 Dkt. No. 35, 20 Civ. 9127, Dkt. No. 55, 20 Civ. 9326;

WHEREAS, the Public Interest Plaintiffs, State Plaintiffs, and Plaintiff-Intervenors (collectively, the “Plaintiffs”) have alleged that DOE has failed to publish final rules concerning energy conservation standards for 25 categories of consumer products and industrial equipment by the respective deadlines specified by the Energy Policy and Conservation Act, as amended (“EPCA”), 42 U.S.C. §§ 6291–6317;

WHEREAS, DOE signed a final rule concerning energy conservation standards for one of these categories, fluorescent lamp ballasts, on December 4, 2020, which was published in the Federal Register at 85 Fed. Reg. 81,558 (Dec. 16, 2020);

WHEREAS, DOE signed a final rule concerning energy conservation standards for a second of these categories, small electric motors, on January 6, 2021, which was published in the Federal Register at 86 Fed. Reg. 4885 (Jan. 19, 2021);

WHEREAS, DOE signed a final rule concerning energy conservation standards for a third of these categories, evaporatively-cooled commercial package air conditioners and water-cooled commercial package air conditioners, on July 8, 2021, which was published in the Federal Register at 86 Fed. Reg. 37,001 (July 14, 2021);

WHEREAS, DOE signed a final rule concerning energy conservation standards for a fourth of these categories, metal halide lamp fixtures, on October 20, 2021, which was published

in the Federal Register at 86 Fed. Reg. 58,763 (Oct. 25, 2021);

WHEREAS, DOE signed a final rule concerning energy conservation standards for a fifth of these categories, direct heating equipment, on November 23, 2021, which was published in the Federal Register at 86 Fed. Reg. 66,403 (Nov. 23, 2021);

WHEREAS, with respect to the remaining 20 categories of consumer products and industrial equipment that are the subject of the Public Interest Plaintiffs' complaint and the State Plaintiffs' amended complaint, EPCA prescribes deadlines and other requirements for final rules concerning energy efficiency standards; and

WHEREAS, the Public Interest Plaintiffs, the State Plaintiffs, the Plaintiff-Intervenors, and DOE (each a "Party" and collectively the "Parties") agree that it is in the public interest, and the interest of judicial economy, to resolve claims without further litigation, as provided herein, and that this Consent Decree is a fair, just, sufficient, and equitable resolution of the claims asserted by the Plaintiffs;

NOW THEREFORE, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. The Court has jurisdiction over the claims set forth in the Public Interest Plaintiffs' complaint and the State Plaintiffs' amended complaint and the Plaintiff-Intervenors' Complaints in Intervention. The Court has jurisdiction to enter this Consent Decree and, pursuant to the Consent Decree, has jurisdiction to order the relief contained herein.
2. These two civil actions are consolidated for the purpose of entry of this Consent Decree and any further proceedings in these matters. All future filings shall be made only in *Natural Resources Defense Council v. Granholm*, 20 Civ. 9127.
3. This Consent Decree applies to, is binding upon, and inures to the benefit of the Parties (and their successors, assigns, and designees).
4. For each of the 20 categories of consumer products and industrial equipment

listed in the below table, DOE shall sign and post on DOE's publicly accessible website the document that, when effective, represents a final agency action pertaining to energy conservation standards (hereinafter, "Agency Action Document") for that particular category of consumer product or industrial equipment no later than the corresponding deadline listed in the below table:

<i>Product Category</i>	<i>Deadline</i>
Computer Room Air Conditioners	June 30, 2023
Pool Heaters	June 30, 2023
Commercial Water Heaters	July 30, 2023
Room Air Conditioners	July 30, 2023
Dedicated Outdoor Air Systems	August 31, 2023
Microwave Ovens	August 31, 2023
Variable Refrigerant Flow Air Conditioners and Heat Pumps	August 31, 2023
Non-Weatherized and Mobile Home Gas Furnaces	September 30, 2023
Residential Clothes Dryers	February 29, 2024
Residential Refrigerators and Freezers	December 30, 2023
Conventional Cooking Products	January 31, 2024
Residential Clothes Washers	February 29, 2024
Electric Motors	April 30, 2024
Residential Water Heaters	April 30, 2024
Distribution Transformers	June 30, 2024
Residential Dishwashers	June 30, 2024
Furnace Fans	October 31, 2024
Oil Furnaces and Weatherized Gas Furnaces	October 31, 2024
Walk-In Coolers and Freezers	November 30, 2024
Commercial Refrigeration Equipment	November 30, 2024

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