

August 17, 2023

MEMORANDUM OF EX PARTE COMMUNICATION REVISED

Docket: Energy Conservation Standards for Battery Chargers, Doc. No. EERE-2020-BT-STD-0013 / RIN 1904-AE50, 88 Fed. Reg. 16112 (March 15, 2023) (Notice of Proposed Rulemaking)

Meeting Date: August 16, 2023

Attendees: John A. Hodges (HWG LLP), Roger H. Miksad (President and Executive Director, Battery Council International (BCI)), Susan Bernard (Director, Regulatory and Technical Affairs, BCI), Peter Maganas (Associate General Counsel, C&D Technologies / Trojan Battery Company; attending as a business representative of C&D Technologies / Trojan Battery Company and not participating as legal counsel), Jim Midolo (Technical Services Manager, C&D Technologies / Trojan Battery Company), Fred Wehmeyer (Senior Vice President of Engineering, U.S. Battery Manufacturing Co., Inc.) on behalf of BCI; and Jeremy Domm (Office of Energy Efficiency and Renewable Energy, Building Technologies Office) and John Cymbalsky (Office of Energy Efficiency and Renewable Energy, Building Technologies Office) on behalf of the Department of Energy.

Meeting Summary: BCI indicated that it had asked for this meeting due to the importance of the DOE battery charger rulemaking to BCI and its members. It wanted to share its further views and provide additional information that DOE may need.

BCI stressed the critical importance for DOE to exclude battery energy from the battery charger standard. While a battery charger is a “covered product” under the Energy Policy and Conservation Act, a battery is not a covered product. Hence, battery energy must be excluded from the battery charger standard. This is highly important not only as a legal matter but also because the proposed standard would in effect ban lead batteries from the market and have other severe effects that BCI covered in its comments. These severe effects have been further confirmed by BCI after the comment period in discussion with lead battery users, such as those providing wheelchairs and golf cars, which are heavily dependent on lead batteries.

BCI described how battery energy can be excluded from the calculations for battery charger standards.

BCI stressed that it is a resource if DOE needs anything further relating to the battery charger rulemaking. It also indicated that exclusion of battery energy is so fundamental to virtually everything in the DOE proposal that the situation warrants DOE reopening the rulemaking through a mechanism such as a Supplemental Notice of Proposed Rulemaking.

Submitted By:

A handwritten signature in black ink that reads "John A. Hodges". The signature is written in a cursive style with a large, stylized 'J' and 'H'.

John A. Hodges

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