

This final document represents the definitive view of the agency on the questions addressed and may be relied upon by the regulated industry and members of the public.

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**Guidance Type:** Definitions and Scope of Coverage

**Category:** Consumer Products

**Product:** External Power Supplies

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**Q: Are power supplies that are packaged with or used to operate commercial or industrial end-use devices covered by the Department of Energy's energy conservation standards?**

**A:** The Energy Policy and Conservation Act of 1975, as amended ("EPCA"),<sup>1</sup> defines an "external power supply"<sup>2</sup> as an "external power supply circuit that is used to convert household electric current into DC current or lower-voltage AC current to operate a consumer product." 42 U.S.C. § 6291(36); *see also* 10 CFR § 430.2. EPCA defines a "consumer product"<sup>3</sup> as "any article . . . of a type which in operation consumes or is designed to consume energy . . . and which, to any significant extent, is distributed in commerce for personal use or consumption by individuals; without regard to whether such article of such type is in fact distributed in commerce for personal use or consumption by an individual . . . ." 42 U.S.C. § 6291(1).

DOE will not consider a power supply with any one of the following characteristics to meet the definition of an "external power supply" under EPCA, so long as the power supply is not, in fact, distributed in commerce<sup>4</sup> for use with a consumer product:

1. a power supply requiring 3-phase input power, which is incapable of operating on household current;
2. a DC-DC only power supply, which is incapable of operating on household current;
3. a power supply with a fixed, non-removable connection to an end-use device that is not a consumer product<sup>5</sup>;

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<sup>1</sup> 42 U.S.C. §§ 6291–6317.

<sup>2</sup> The terms "external power supply" or "EPS" as used in this guidance document are each limited to the definition of "external power supply" under EPCA. *See* 42 U.S.C. § 6291(36).

<sup>3</sup> The term "consumer product" as used in this guidance document is limited to the definition of "consumer product" under EPCA. *See* 42 U.S.C. § 6291(1).

<sup>4</sup> "The terms 'to distribute in commerce' and 'distribution in commerce' mean to sell in commerce, to import, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce." 42 U.S.C. § 6291(16).

<sup>5</sup> For purposes of this guidance, the phrases "not a consumer product" and "non-consumer product" refer to those devices that do not fall within the definition of "consumer product" under EPCA. *See* 42 U.S.C. § 6291(1).

4. a power supply whose output connector is uniquely shaped to fit only an end-use device that is not a consumer product;
5. a power supply that cannot be readily connected to an end-use device that is a consumer product without significant modification or customization of the power supply itself or the end-use device;
6. a power supply packaged with an end-use device that is not a consumer product, as evidenced by either:
  - a. such device being certified as, or declared to be in conformance with, a specific standard<sup>6</sup> applicable only to non-consumer products; or
  - b. such device being excluded or exempted from inclusion within, or conformance with, a law, regulation, or broadly-accepted industry standard where such exclusion or exemption applies only to non-consumer products; or
7. a power supply distributed in commerce for use with an end-use device where:
  - a. the end-use device is not a consumer product, as evidenced by either the circumstances in (6)(a) or (6)(b) above; and
  - b. the end-use device for which the power supply is distributed in commerce is reasonably disclosed to the public, such as by identification of the end-use device on the packaging for the power supply, documentation physically present with the power supply, or on the manufacturer's or private labeler's public website; or
8. a power supply that is not marketed for residential or consumer use, and that is clearly marked (or, alternatively, the packaging of the individual power supply, the shipping container of multiple such power supplies, or associated documentation physically present with the power supply when distributed in commerce is clearly marked) "FOR USE WITH COMMERCIAL OR INDUSTRIAL EQUIPMENT ONLY" or "NOT FOR RESIDENTIAL OR CONSUMER USE,"<sup>7</sup> with the marking designed and applied so that the marking will be visible and legible during customary conditions for the item on which the marking is placed.

A power supply that does not meet one or more of the eight criteria in the preceding paragraph may still fall outside of the definition of "external power supply" under EPCA. This guidance provides eight specific examples of circumstances where DOE will not consider a power supply to meet the definition of "external power supply" under EPCA. However, nothing in this guidance precludes a person from asserting that a specific power supply that does not meet one or more of these eight criteria nonetheless does not meet the definition of "external power supply" under EPCA.

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<sup>6</sup> For example (and without limitation), a power supply model intended for use with an end-use device that is certified to the following standards would not meet the EPCA definition of an EPS: (1) CISPR 11 (Class A Equipment), "Industrial, scientific and medical equipment – Radio-frequency disturbance – Limits and methods of measurement"; (2) UL 1480A, "Standard for Speakers for Commercial and Professional Use"; (3) UL 813, "Standard for Commercial Audio Equipment"; and (4) UL 1727, "Standard for Commercial Electric Personal Grooming Appliances".

<sup>7</sup> Non-material deviations from such marking cited in (8) will not preclude satisfaction of the circumstances set forth in this paragraph (8). In addition, DOE may in its discretion determine that a power supply satisfies the circumstances set forth in (8) (provided all other conditions are satisfied) where such marking consists of language other than that specified in (8) but that nonetheless clearly conveys that the power supply is not marketed or intended for use with consumer products.

While a power supply that meets the definition of an “external power supply” under EPCA<sup>8</sup> would be considered a “covered product,”<sup>9</sup> DOE has established energy conservation standards only for certain categories of external power supplies. DOE notes that this guidance document, which is not a “significant regulatory action” under Executive Order 12866, serves solely to clarify DOE’s views regarding the existing “external power supply” definition. Currently, external power supplies that meet the definition of a “Class A” external power supply are required to meet specific energy conservation standards articulated at 10 CFR 430.32(w)(1)(i). Additionally, direct operation external power supplies are also required to meet energy conservation standards articulated at 10 CFR 430.32(w)(1)(ii). Lastly, an external power supply shall not be subject to the standards in paragraph (w)(1) of 10 CFR 430.32 if it is a device that requires Federal Food and Drug Administration listing and approval as a medical device in accordance with section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(c)). More information on the current external power supply energy conservation standards is available on the DOE’s External Power Supply [website](#).

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<sup>8</sup> See 42 U.S.C. § 6291(36).

<sup>9</sup> 42 U.S.C. § 6291(2).