

Buildings Regulatory Program



U.S. DEPARTMENT OF
ENERGY



Appliance Standards Update and
Review of Certification,
Compliance and Enforcement

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- Upcoming Relevant Rulemakings
- Changes to Rulemaking Process
- Executive Order 13563
- Overview of Compliance, Certification, and Enforcement
- Detailed Questions and Answers

Long Term Schedules for Certain HVAC Rulemakings

Appliance Standards			
Product Categories	Driver	Approx. Rule Initiation Date	Final Action Date
Heating Products Rulemakings			
Residential Water Heaters, Direct Heating Equipment, and Pool Heaters (Standby Mode and Off Mode) Test Procedure	EISA 2007	Fiscal Year (FY) 2009, Quarter (Q) 1	FY 2011, Q4
Residential Water Heaters, Direct Heating Equipment, and Pool Heaters (Active Mode) Test Procedure	7-Year Review	FY 2011, Q1	FY 2013, Q4
Residential Furnaces Standard	Voluntary Remand	FY 2010, Q1	FY 2011, Q3
Certain Commercial Heating, Air-Conditioning and Water Heating Equipment Contained in ASHRAE Standard 90.1 Standard	EISA 2007	FY 2011, Q2	FY 2012, Q3
Furnace Fans Test Procedure	Test Procedure (TP) for new covered product	FY 2010, Q2	FY 2013, Q1
Furnace Fans Standard	EISA 2007	FY 2010, Q2	FY 2014, Q1
Space Cooling Rulemakings			
Residential Central Air Conditioners and Heat Pumps Standard	Backlog	FY 2008, Q2	FY 2011, Q3
Residential Central Air Conditioners and Heat Pumps Test Procedure	7-Year Review	FY 2009, Q3	FY 2011, Q3
Packaged Terminal Air Conditioners and Heat Pumps Standard	6-Year Review	FY 2013, Q2	FY 2016, Q4

Appliance Standards			
Product Categories	Driver	Approx. Rule Initiation Date	Final Action Date
Commercial Refrigeration Rulemakings			
Walk-In Coolers and Freezers Test Procedure	EISA 2007	FY 2009, Q1	FY 2011, Q2
Commercial Automatic Ice Makers Test Procedure	TP for new covered product	FY 2010, Q4	FY 2011, Q4
Walk-In Coolers and Freezers Standard	EISA 2007	FY 2009, Q1	FY 2012, Q2
Commercial Refrigeration Equipment Test Procedure	7-Year Review	FY 2010, Q3	FY 2013, Q2
Commercial Refrigeration Equipment Standard	EPACT 2005	FY 2010, Q2	FY 2013, Q2
Commercial Automatic Ice Makers Standard	EPACT 2005	FY 2011, Q3	FY 2015, Q2

Standards	Document	Schedule/Status
Residential Furnaces, Central Air Conditioners and Heat Pumps	NOPR	In OMB Review
Certain Commercial Equipment in ASHRAE 90.1-2010	NODA	April 2011
Commercial Refrigeration Equipment	Pre. Analysis	May 2011
Residential Furnaces, Central Air Conditioners and Heat Pumps	Final Rule	June 2011
Walk-In Coolers and Freezers	NOPR	June 2011

Test Procedures and Other	Document	Schedule/Status
Certification and Enforcement	Final Rule	In OMB Review
Walk-In Coolers and Freezers	Final Rule	April 2011
Commercial Automatic Ice-Makers	NOPR	April 2011
Central Air Conditioners and Heat Pumps	Final Rule	June 2011
Water Heaters, Pool Heaters, Direct Heating Equipment	Final Rule	August 2011
Central Air Conditioners and Heat Pumps	Final Rule	June 2011
Furnace Fans	NOPR	September 2011

- New Rulemaking Process Announced on Website on November 16, 2010 (http://www1.eere.energy.gov/buildings/appliance_standards/pdfs/changes_standards_process.pdf)
- Goal is to Increase Efficiency and Timeliness of Rulemakings
- Three Process Changes Identified
 - Issue Notice of Proposed Rule Sooner
 - Gather all necessary preliminary data informally
 - Provide all information on website as opposed to publishing framework and pre-analysis
 - Establish Negotiated Rulemaking Committee
 - Subcommittee under ERAC (Energy Efficiency and Renewable Energy Advisory Committee) <http://www.federalregister.gov/articles/2010/11/15/2010-28640/energy-efficiency-and-renewable-energy-advisory-committee-erac>
 - Key stakeholders on subcommittee
 - Streamline Rulemaking Documents
 - Provide references to TSD for technical content as opposed to summarizing in Federal Register notices

“Each agency must, among other things:

- (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify);*
- (2) tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations;*
- (3) **select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits** (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);*
- (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and*
- (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.”*
- (6) DOE Office of General Counsel released a Request for Information on January 31, 2011, requesting comment on “how best to streamline regulations and ways to identify rules that are obsolete, unnecessary, unjustified, or simply no longer make sense.” See <http://www.gc.energy.gov/1695.htm> for additional information.*

- Regulatory requirements
 - Products
 - Standards
 - Certification
- Certification/enforcement rulemaking
- Enforcement
- Reference information

Energy Conservation Standards

- Design, test, build, and distribute models that meet or exceed the Federal energy conservation standards.
- Products must meet the Federal standards and be certified to DOE before being distributed in commerce (including importation).

Residential water heaters – 430.32

Residential A/C & HP – 430.32

Space-constrained A/C & HP – 430.32

SDHV A/C & HP systems – 430.32

Residential furnaces – 430.32

Residential boilers – 430.32

Room A/C – 430.32

Pool heaters – 430.32

Direct heating equipment – 430.32

(Electric motors) – 431.25

Beverage vending machines – 431.296

Commercial A/C & heat pumps – 431.97

Single package vertical units – 431.97

Packaged terminal A/C & HP – 431.97

Commercial boilers – 431.87

Commercial water heaters – 431.110

Commercial furnaces – 431.77

Commercial unfired tanks – 431.110

Commercial unit heaters – 431.246

Commercial refrigeration equip. –
431.66

Commercial ice makers – 431.136

Certification (Existing Regulations)

- Submit certification report *before* distributing a new basic model.
- Submit certification report for a basic model if the change results in a loss of efficiency (increase in consumption).
- For each basic model: Submit model number(s), product type, product class, manufacturer's name, and private labeler's name(s). Also submit product specific information:
 - Consumer products – 430.62
 - Commercial products – 431.371 (except electric motors)

Submit certification online at: <https://www.regulations.doe.gov/ccms>.

The screenshot shows a Microsoft Excel spreadsheet titled "TEMPLATE_Pool_Heaters_v3.0[1].xls" in Compatibility Mode. The spreadsheet is divided into several sections:

- Product Information:**
 - Product Type: Pool Heaters
 - Version: 3.0
 - Overall Status: No Data
- Manufacturer Information:**
 - Manufacturer: [Redacted]
 - Instruction: Type manufacturer name in the box above
- Third Party Representative:**
 - If Applicable: Third Party Representative [Redacted]
 - Instruction: If applicable, enter the name of the third party representative in the box above
- Compliance Statement:**
 - Title: Compliance Statement - (Appendix A to Subpart F of 10 CFR Part 430)
 - Text: This compliance statement and all certification reports submitted are in accordance with 10 CFR Part 430 (Energy or Water Conservation Program for Consumer Products) and the Energy Policy and Conservation Act, as amended. The compliance statement is signed by a responsible official of the above named company. The basic model(s) listed in certification reports comply with the applicable energy conservation standard or water (in the case of faucets, showerheads, water closets, and urinals) conservation standard. All testing on which the certification reports are based was conducted in conformance with applicable test requirements prescribed in 10 CFR Part 430 subpart B. All information reported in the certification report(s) is true, accurate, and complete. The company is aware of the penalties associated with violations of the Act, the regulations thereunder, and is also aware of the provisions contained in 18 U.S.C. 1001, which prohibits knowingly making false statements to the Federal Government.
 - Instruction: Type your full name in the box to signify compliance
 - Must enter name
- Additional Information:**
 - Instruction: Enter your email address
 - Must enter email address
- Certification Report Table:**
 - Title: Certification Report
 - Instructions:
 - Please enter your data in the columns shaded in gray below, using a separate line for each model.
 - Click on the column heading or any cell for instructions on how to complete that cell.
 - Cells highlighted in yellow indicate an "Error." "Error" means that information is missing or there is an issue with the entry.
 - If the "Status" for a row is "Error," you can see an explanation in the columns to the right of the Status column.
 - Reports submitted with errors cannot be processed and will be returned for resubmission.
 - To review the effective dates of current standards for consumer products and certain commercial and industrial equipment [click here](#)
- Table Structure:**

Line No.	Manufacturer	Brand	Model	Action	Thermal Efficiency (percent)	Status
1						
2						
3						
- Right Sidebar:**
 - Instructions: The cells below provide an explanation for "Errors".
 - Instruction: The cells below provide an explanation for "Errors".

Certification, Compliance, and Enforcement

Current Status:

- Notice of Proposed Rulemaking – issued September 16, 2010.
- Comment Period – closed October 29, 2010 (after extension).
- Final Rule – any day now.

Next rule

- Currently drafting another Notice of Proposed Rulemaking based on comments received in response to Request for Information and current rulemaking.

Certification, Compliance, and Enforcement

DOE Office of the General Counsel, Office of Enforcement has responsibility for enforcement of the energy conservation, water conservation, and design standards.

Certification

- Actively pursuing cases seeking civil penalties for failure to certify.
- Certification must be based on testing in accordance with the applicable test procedure and sampling plan.

Standards

- Cases against manufacturers and importers for distribution of AHR products that do not meet Federal standards.
- DOE is testing products suspected of failing to meet Federal standards.

Certification, Compliance, and Enforcement

Test Procedure Waivers

- If test procedure does not work for your product, you need to request a test procedure waiver.
- If you request a test procedure waiver, DOE will not initiate an enforcement action while the waiver request is pending.

Importation

- DOE is Participating Government Agency in CBP International Trade Data System.
- DOE is now reviewing importers of covered products/equipment to verify certification.
- Imported products (not imported for export) must meet Federal energy conservation, water conservation, and/or design standards, as applicable.

Certification, Compliance, and Enforcement

Civil Penalty – DOE seeks civil penalties for standard violations (failure to meet applicable federal efficiency standards) and certification violations. Penalties for standard violations are calculated on a per unit offered for distribution in commerce. Penalties for certification violations are calculated on a per day basis for each basic model improperly certified or not certified. DOE has issued [guidance on the imposition of civil penalties](#).

Subpoena – DOE issues a subpoena in order to obtain test data where an entity has not certified compliance and to obtain information regarding distribution of regulated products.

Noncompliance Determination – DOE makes a determination of noncompliance based on certification information, on test data provided by a manufacturer, or on test data obtained through DOE testing.

Injunction – DOE may seek a court order to ensure compliance with any regulatory requirement.

Certification, Compliance, and Enforcement

DOE's Certification, Compliance, and Enforcement Website:

http://www1.eere.energy.gov/buildings/appliance_standards/certification_enforcement.html

DOE's Online Certification System:

<https://www.regulations.doe.gov/ccms/>

DOE's Current Enforcement Action Information:

http://gc.doe.gov/energy_efficiency_enforcement.htm

File a Complaint:

Email: energyefficiencyenforcement@hq.doe.gov. The Office of Enforcement will protect the identity of complainants to the maximum extent permitted by law.

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