

Enforcement Statement – Water heater efficiency representations

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DOE has received requests to allow water heater manufacturers to make representations with respect to the energy efficiency of water heaters using both consumer and commercial metrics (e.g., UEF and thermal efficiency/standby loss).

Water heater manufacturers' representations with respect to the energy efficiency of their products must fairly disclose the results of testing in accordance with the applicable DOE test procedure. 42 U.S.C. §§ 6293(c), 6314(d). This includes marketing representations and the certifications of compliance submitted to DOE. DOE has received requests to provide efficiency information for some water heaters using both the Uniform Energy Factor ("UEF") and the commercial metrics (thermal efficiency, standby loss). To the extent that this issue falls within DOE's jurisdiction, DOE will not seek penalties if a manufacturer makes representations of efficiency in both metrics, provided that such representations fairly disclose the results of testing in accordance with the relevant DOE test procedures.

Background: On November 10, 2016, DOE issued a Final Rule that amended definitions for certain consumer water heaters and commercial water heating equipment. These amendments addressed, among other things, issues regarding the proper categorization of water heaters as either consumer or commercial, and DOE reaffirmed in the rule that any water heater meeting the definition of water heater at 42 U.S.C. § 6291(27) and 10 C.F.R. § 430.2 is properly regarded as a consumer water heater, notwithstanding any changes to definitions of any class of consumer water heater for purposes of the consumer water heater test procedure at Appendix E to Subpart B of 10 C.F.R. Part 430. 81 FR 79261, 79283. DOE understands that distribution patterns in the marketplace do not reflect this "bright line" distinction between consumer and commercial water

heaters and therefore that efficiency representations using additional metrics may assist purchasers with comparing products fulfilling the same function.

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