Energy Conservation Program for Consumer Products and Commercial and Industrial Equipment

IAPMO/PMI
CCE Overview and Update
June 24, 2011
Agenda

1. Coverage
2. Definitions
3. Certification and Ratings
4. Enforcement Overview
5. How to Submit Questions
### Coverage

#### Regulated Plumbing Products
- Water closets.
- Urinals.
- Showerheads.
- Faucets, includes lavatory and kitchen faucets irrespective of intended use (consumer or commercial).
- Commercial prerinse spray valves.

#### Regulated Entities
- Manufacturers.
  - Includes importers.
- Private labelers.
- NOT retailers, distributors unless also manufacturer or private labeler.
## Manufacturer Explanation

| A Manufacturer | - Is the domestic manufacturer or an importer.  
|                | - May produce products at multiple facilities in various locations with the same model characteristics.  
|                | - May group individual models into basic models at the manufacturer’s discretion.  
|                | - May elect to use a third-party (e.g., certified laboratory) for testing and submission purposes.  
|                | - Must determine certified ratings through testing.  
|                | - Is responsible for certification to the Department.  |
### Importer Explanation

<table>
<thead>
<tr>
<th>A manufacturer produces equipment at multiple facilities and imports all of the equipment through the same entity.</th>
<th>• The importer is the manufacturer. Units of a model from multiple locations can be grouped into same basic model and can be reported on one certification report as one basic model.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A manufacturer produces equipment at multiple facilities and utilizes different importers.</td>
<td>• Each importer is a manufacturer, and each importer has an independent responsibility to certify. Units from multiple locations can be grouped only to the extent that they are imported by one importer. The OEM may submit the certification as a third party representative on behalf of multiple importers.</td>
</tr>
</tbody>
</table>
## Basic Model Explanation

### A Basic Model

- *May contain multiple models/model numbers.*

- *Is manufactured by a single manufacturer, although it may be distributed under different brand names.*

- *Of faucets, showerheads, or commercial prerinse spray valves have the identical flow control mechanism installed within the fixture fitting or the identical water-passage features that use the same path of water in the highest-flow mode.*

- *Of water closets or urinals have hydraulic characteristics that are essentially identical, and do not have any differing physical or functional characteristics that affect water consumption.*

- *May not contain models from multiple product classes (e.g., a gravity-tank type water closet and flushometer valve water closet cannot be the same basic model).*

- *Can be made up of only one model. There is no requirement for multiple models within a basic model.*
How To Get Certified Ratings

Test the Minimum Number of Units of a Basic Model Specified in Sections 429.14 to 429.54 Using the DOE Test Procedure
(Maximum Number of Units is at the Discretion of the Manufacturer)

Determine which Federal Conservation Standards Apply to the Product
Consumer products: 430.32
Commercial equipment: 431

Calculate the Product Specific Certification Statistics, 429.14 to 429.54
Consumer 430.32, Commercial 431
Sample Mean (x)  Upper Confidence Limit (UCL)  Lower Confidence Limit (LCL)

Determine Minimum and Maximum Rating Values
Compare Mean and UCL or LCL to Consumption or Efficiency Standard Per Regulations

Generate Certified Rating Between Minimum and Maximum Values
Test Procedures

Test Procedures are specified for each product in 430.23(s) and (t) and in 431.264:

- **Showerheads and Faucets:** Section 6.5 (flow capacity test) of ASME/ANSI A112.18.1M-1996 (as explained in Part 430, Subpart B, Appendix S)

- **Water Closets and Urinals:** Section 7.1.2 (general requirements) and Sections 7.1.2.1, 7.1.2.2, and 7.1.2.3 of ASME/ANSI A112.19.6-1995 (as explained in Part 430, Subpart B, Appendix T)

- **Commercial Prerinse Spray Valves:** See 10 C.F.R. § 431.264 for the specific provisions of ASTM F2324-03 incorporated by DOE
Sampling Requirements

For each basic model:

- Showerheads, faucets, water closets, urinals, commercial prerinse spray valves – sample “of a sufficient size” based upon sampling statistics for each product (429.28, 429.29, 429.30, 429.31, 429.51).

- Must test 2 at a minimum.

- Manufacturers have the option to rate products conservatively (e.g., for a measured flow of 1.9 gpm, it is permissible to use a rated value of 2.2 gpm).
Certification Requirements

- Effective date for compliance with certification provisions is July 5, 2011, for any model not previously certified with DOE.
  - This includes those models entered into commerce on or after July 5th and those currently offered on the market that were not previously certified.
- Only electronic submission accepted. Submit online at https://www.regulations.doe.gov/ccms using product-specific, Excel templates provided by DOE.
- Submit certification report before distribution in commerce for all new models.
- Annual submittal of carry-over basic models on or before the 1st of the month specified in the annual certification table (429.12(d)).
- No additional certification testing required for annual submission.
- During the year, recertify if the redesign of an existing model increases water consumption resulting in re-rating.
<table>
<thead>
<tr>
<th><strong>DOE Office of the General Counsel, Office of Enforcement</strong></th>
<th>Enforces the energy conservation, water conservation, and design standards.</th>
</tr>
</thead>
</table>
| **Certification**                                          | • Seeking civil penalties for failure to certify and improper certification.  
• Certification must be based on testing in accordance with the applicable test procedure and sampling plan. |
| **Standards**                                              | • Seeking civil penalties for distribution of products that do not meet Federal standards.  
• Testing products suspected of failing to meet Federal standards. |
## Enforcement Tools

| Civil Penalty | Failure to meet applicable water conservation standards and certification violations.  
|               | Penalties for violations of standards calculated per unit offered for distribution in commerce.  
|               | Penalties for certification violations calculated per day 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 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. |
## Questions / Information

| **Submit a Question:** | • DOE Test Procedure Website: [http://www.eere.energy.gov/guidance/default.aspx?pid=2&spid=1](http://www.eere.energy.gov/guidance/default.aspx?pid=2&spid=1)  
• Ashley Armstrong: Ashley.Armstrong@EE.Doe.Gov |
|------------------------|---------------------------------------------------------------------------------------------------------------|
| **Request a Test Procedure Waiver:** | • DOE’s regulations allow manufacturers to apply for a waiver when a manufacturer determines that a given basic model contains one or more design features that prevent testing in accordance with DOE’s test procedure.  
• Email: AS_Waiver_Requests@ee.doe.gov |
| **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. |
| **DOE’s Certification, Compliance, and Enforcement Website:** | [http://www.eere.energy.gov/buildings/appliance_standards/certification_enforcement.html](http://www.eere.energy.gov/buildings/appliance_standards/certification_enforcement.html) |
| **DOE’s Online Certification System:** | [https://www.regulations.doe.gov/ccms/](https://www.regulations.doe.gov/ccms/) |
| **Enforcement Information:** | [http://gc.doe.gov/energy_efficiency_enforcement.htm](http://gc.doe.gov/energy_efficiency_enforcement.htm) |