



**Department of Energy**  
Washington, DC 20585

January 31, 2018

John O'Hare  
Senior Manager Product Compliance  
Hayward Industries, Inc.  
One Hayward Industrial Drive  
Clemmons, NC 27012  
336-712-9900

Dear Mr. O'Hare,

The U.S. Department of Energy ("DOE") grants the petition submitted by Hayward Industries, Inc. (Hayward) on December 5, 2017, requesting an 180-day extension of the February 5, 2018 date on which any representations of dedicated-purpose pool pump energy use or efficiency are required by statute to reflect the energy use or efficiency as measured by DOE's test procedure for that product (Docket No. EERE-2016-BT-TP-0002). 42 U.S.C. § 6314(d)(1).

Hayward timely submitted its petition pursuant to 42 U.S.C. § 6314(d)(2). Specifically, the statute provides that a manufacturer, distributor, retailer, or private labeler may submit a petition requesting that the Secretary extend, for no more than an additional 180 days and with respect to such petitioner, the date by which representations must be made in accordance with any new or amended DOE test procedure. The Secretary may grant an extension upon a finding that the petition demonstrate that meeting the statutory requirement would impose an undue hardship on the petitioner.

Haywards's petition requests a 180-day extension beyond the statutory requirement, contending that the requirement would impose an undue hardship on Hayward. DOE has reviewed the petition and finds that Hayward has sufficiently demonstrated that requiring representations of energy use or efficiency to be based on the new DOE dedicated-pool pump test procedure beginning of February 5, 2018, would impose undue hardship on Hayward. More specifically, Hayward identified at least 142 basic models that must be tested between publication of the final rule and February 5, 2018. Hayward noted this testing will exceed the initial 180-day time frame for testing prescribed in the statute. Hayward also identified a significant inventory or product literature including sales brochures, catalogs, and websites that will need to be revised. Moreover, Hayward noted that much of their literature for 2018 has already been produced which will result in the need for re-publication. Finally, the updates to this literature cannot be made until testing is completed, which would require additional time. As such, DOE extends, until August 4, 2018, the date by which, under 42 U.S.C. § 6314(d), dedicated-purpose pool pump energy use or efficiency representations by Hayward must reflect testing in accordance with the DOE test procedure published on August 7, 2017.



Finally, DOE notes this 180-day extension only applies to the date by which representations for Hayward's dedicated-purpose pool pump basic models must fairly disclose the results of testing in accordance with DOE's regulations. It does not absolve the manufacturer of other obligations, nor does it waive or compromise any other rights or positions of DOE with respect to the subject matter.

Should you have any additional questions, please feel free to contact me at [Ashley.Armstrong@ee.doe.gov](mailto:Ashley.Armstrong@ee.doe.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Ashley Armstrong". The signature is written in dark ink and is positioned above the printed name and title.

Ashley A. Armstrong  
Program Manager  
Appliance and Equipment Standards Program  
Building Technologies Office  
United States Department of Energy