

Frequently Asked Questions

Notice of Proposed Rulemaking pertaining to the Test Procedure Interim Waiver Process

What are test procedures & waivers?

- DOE test procedures prescribe how to measure the energy use of regulated products for standards compliance. See more about DOE's test procedure rulemakings [here](#).
- Upon request, DOE may grant manufacturers waivers from these test procedures to: 1) accommodate design characteristics that prevent testing as prescribed, or 2) result in unrepresentative energy use data. See more about DOE's current waivers [here](#).
- Under longstanding regulatory authority (see [here](#)), "DOE will grant an interim waiver from the test procedure requirements if it appears likely that the petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver." The interim waiver allows manufacturers to distribute their compliant products while DOE considers the technical merits of granting a full waiver.
- Both interim waivers and full waivers provide alternate test methods for measuring product energy use. DOE only grants waivers if the alternate test method would measure energy use in a way that is representative of the average use or use cycle.

Why is DOE issuing this Notice of Proposed Rulemaking (NPR)?

- This NPR proposes a minor change to the existing waiver process. DOE regulations currently state that the Department will make a determination on an interim waiver request within 30 business days, if administratively feasible. However, DOE rarely meets this goal. This delay costs manufacturers, as they cannot certify and distribute their compliant products while they wait for DOE to respond to their petition.

What change to the waiver process is DOE proposing?

- The NPR proposes that, if DOE doesn't respond to an interim waiver petition within 30 business days, DOE would automatically grant that request for interim waiver. As a result, we anticipate significant cost savings by speeding up the time to market for manufacturers who require an interim waiver to certify and distribute their compliant product.
- DOE's proposal streamlines the process for interim waivers and keeps the existing process for full waivers in place.

How has DOE historically handled waiver requests?

- DOE does not typically reject petitions for interim waiver, and as a result there is no real reason to keep manufacturers waiting for so long—185 days, on average—to distribute their compliant products.

What happens after an Interim Waiver is granted?

- After an interim waiver is granted, the manufacturer operates under an alternative test procedure to ensure their product is compliant and DOE reviews the petition as to whether to grant the full waiver and potentially to impose a different alternative test procedure than requested.

Is there an opportunity for public comment?

- Waiver requests are published for comment in the *Federal Register*. DOE considers all comments before granting a full waiver. All manufacturers of similar products are notified both of the grant of an interim waiver and if and when DOE grants a full waiver request.

I have questions about this proposal. Whom should I contact?

- DOE staff are available to meet with interested stakeholders per the Department's longstanding guidelines on *ex parte* meetings ([74 FR 52795](#)). Please contact Jennifer Tiedeman at Jennifer.Tiedeman@Hq.Doe.Gov.