



U.S. DEPARTMENT OF  
**ENERGY**

# Energy Conservation Standards Activities

Report to Congress  
July 2019

United States Department of Energy  
Washington, DC 20585

## Message from the Assistant Secretary

I am pleased to provide you with the semi-annual Implementation Report on Energy Conservation Standards Activities of the U.S. Department of Energy (DOE). This report meets the requirements of section 141 of the Energy Policy Act of 2005 (EPACT 2005) and section 305 of the Energy Independence and Security Act of 2007 (EISA 2007). Because the reporting intervals and requirements are similar for the EPACT 2005 and EISA 2007 reports, DOE provides a consolidated report.

DOE is required by EPACT 2005 and EISA 2007 to provide semi-annual implementation reports pertaining to DOE's deadlines regarding new or amended energy conservation standards. This implementation report includes a summary of DOE's progress relative to the last report.

For more information on DOE's Appliance and Equipment Standards Program and the rulemakings detailed in this report, please visit the Program's website at:  
<http://energy.gov/eere/buildings/appliance-and-equipment-standards-program>.

This report is being provided to the following Members of Congress:

- **The Honorable Michael Pence**  
President of the Senate
- **The Honorable Nancy Pelosi**  
Speaker of the House of Representatives
- **The Honorable Lisa Murkowski**  
Chairman, Senate Committee on Energy and Natural Resources
- **The Honorable Joe Manchin**  
Ranking Member, Senate Committee on Energy and Natural Resources
- **The Honorable Frank Pallone, Jr.**  
Chairman, House Committee on Energy and Commerce
- **The Honorable Greg Walden**  
Ranking Member, House Committee on Energy and Commerce

If you have further questions, please contact me at (202) 586-9220 or Mr. Shawn Affolter, Deputy Assistant Secretary for Senate Affairs, or Mr. Christopher Morris, Deputy Assistant Secretary for House Affairs, Office of Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,

A handwritten signature in blue ink that reads "Daniel R. Simmons". The signature is stylized, with the first name "Daniel" written in a cursive-like script, followed by "R." and "Simmons" in a more formal, slightly cursive style.

Daniel R Simmons  
Assistant Secretary  
Energy Efficiency and Renewable Energy



## Executive Summary

This semi-annual implementation report covers past, present, and future DOE rulemaking activities within the Appliance and Equipment Standards Program. This report responds to legislative language set forth in section 141 of the Energy Policy Act of 2005 (EPACT 2005), Pub. L. 109-58, and section 305 of the Energy Independence and Security Act of 2007 (EISA 2007), Pub. L. 110-140, to provide semi-annual updates of the U.S. Department of Energy's (DOE's) progress with respect to rulemaking actions regarding the implementation of energy conservation standards and test procedures.

In the following sections, DOE details the notices it has issued since the last implementation report, as well as any statutory deadlines DOE has missed, and rulemakings DOE is currently developing to meet the requirements of EPACT 2005, EISA 2007, the American Energy Manufacturing Technical Corrections Act (AEMTCA), and any other subsequent amendments to the Energy Policy and Conservation Act of 1975 (EPCA).

Since the last report published in December 2018, DOE has completed the following actions related to energy conservation standards and test procedures:

- Eight energy conservation standards rulemaking notices, as set forth in the below section in reverse chronological order by type of notice and publication date.
  - These include one final rule (external power supplies), two notices of proposed rulemaking, two notices of data availability, and three requests for information.
- Six test procedure rulemaking notices, as set forth in the below section in reverse chronological order by type of notice and publication date.
  - These include four notices of proposed rulemaking and two requests for information pertaining to test procedures.

DOE also includes a table listing ongoing rulemakings with outstanding judicial or statutory deadlines. DOE is working to complete these rulemakings as expeditiously as possible, with plans to publish 18 actions related to energy conservation standards before the end of 2019, including 2 final rules. Additionally, DOE plans to publish 11 actions related to test procedures before the end of 2019.



# ENERGY CONSERVATION STANDARDS ACTIVITIES

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## I. Legislative Language

This report responds to legislative language set forth in section 141 of the Energy Policy Act of 2005 (EPACT 2005), Pub. L. 109-58, and section 305 of the Energy Independence and Security Act of 2007 (EISA 2007), Pub. L. 110-140, to provide semi-annual updates of the U.S. Department of Energy's progress with respect to rulemaking actions regarding the implementation of energy conservation standards and test procedures.

Specifically, section 141 of EPACT 2005 provides: “(a) INITIAL REPORT.—The Secretary shall submit a report to Congress regarding each new or revised energy conservation or water use standard which the Secretary has failed to issue in conformance with the deadlines established in the Energy Policy and Conservation Act. Such report shall state the reasons why the Secretary has failed to comply with the deadline for issuances of the new or revised standard and set forth the Secretary's plan for expeditiously prescribing such new or revised standard. The Secretary's initial report shall be submitted not later than 6 months following enactment of this Act and subsequent reports shall be submitted whenever the Secretary determines that additional deadlines for issuance of new or revised standards have been missed. (b) IMPLEMENTATION REPORT.—Every 6 months following the submission of a report under subsection (a) until the adoption of a new or revised standard described in such report, the Secretary shall submit to the Congress an implementation report describing the Secretary's progress in implementing the Secretary's plan or the issuance of the new or revised standard.”

Section 305 of EISA 2007 provides in relevant part: ““(v) REPORTS.—The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a progress report every 180 days on compliance with this subparagraph, including a specific plan to remedy any failures to comply with deadlines for action established under this subparagraph.””

Because the topics and reporting intervals in section 141 of EPACT 2005 and section 305 of EISA 2007 are substantially similar, DOE began consolidating the reports starting with the first EISA 2007 implementation report in February 2008. This document constitutes the twenty-third semi-annual EPACT 2005 implementation report and the twentieth semi-annual EISA 2007 implementation report.



## II. Implementation Update

In the following sections, DOE details the notices it has issued since the last implementation report, as well as any statutory deadlines DOE has missed, and rulemakings DOE is currently developing to meet the requirements of EPACT 2005, EISA 2007, the American Energy Manufacturing Technical Corrections Act (AEMTCA), and any other subsequent amendments to the Energy Policy and Conservation Act of 1975 (EPCA).

### Published Energy Conservation Standards Rulemaking Documents Since the Last Implementation Report

Since the last report published in December 2018, DOE has completed the following eight rulemaking actions related to energy conservation standards, as set forth below in reverse chronological order by type of notice and publication date. These include one final rule (external power supplies), two notices of proposed rulemaking, two notices of data availability, and three requests for information.

Product	Event	Publish Date	Citation
External Power Supplies (PASS and EPS Improvement Acts)	Final Rule; Technical Amendment	1/29/2019	84 FR 437
Consideration of New or Revised Energy Conservation Standards for Consumer Products (Process Rule)	Notice of Proposed Rulemaking (NOPR)	2/13/2019	84 FR 3910
General Service Lamps (Definitions)	NOPR	2/11/2019	84 FR 3120
Variable Refrigerant Flow Systems	Notice of Data Availability (NODA)	7/8/2019	84 FR 32328
Five Exempted Lamp Types	NODA	4/25/2019	84 FR 17362
Distribution Transformers	Request for Information (RFI)	6/18/2019	84 FR 28239
Small Electric Motors	RFI	4/9/2019	84 FR 14027
Direct Heating Equipment	RFI	2/26/2019	84 FR 6095

### Published Test Procedure Rulemaking Documents Since the Last Implementation Report

Since the last report published in December 2018, DOE has completed the following six test procedure rulemaking notices, as set forth below in reverse chronological order by type of notice and publication date. These include four notices of proposed rulemaking and two requests for information pertaining to test procedures.

Product	Event	Publish Date	Citation
Clothes Dryers	NOPR	TBD	TBD
Distribution Transformers	NOPR	5/10/2019	84 FR 20704
Small Electric Motors	NOPR	4/23/2019	84 FR 17004
Fluorescent Lamp Ballast	NOPR	3/18/2019	84 FR 9910
Automatic Commercial Ice Makers	RFI	3/19/2019	84 FR 9979
Direct Heating Equipment	RFI	2/26/2019	84 FR 6088

### Current DOE Rulemakings with a Missed Statutory Deadline

The following table lists currently ongoing rulemakings with outstanding judicial or statutory deadlines. DOE is working to complete these rulemakings as expeditiously as possible, with plans to publish 18 actions related to energy conservation standard before the end of 2019, including two final rules. Additionally, DOE plans to publish 11 actions related to test procedures before the end of 2019.

Product	Type	Driver	Current Rulemaking Stage	Next Action	Next Action Date
3-Phase Commercial Unitary Air-Cooled Air Conditioners and Heat Pumps, less than 65,000 Btu/h	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	11/00/2019
Automatic Commercial Ice Makers	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	12/00/2019
Clothes Dryers	Energy Conservation Standard	6-Year Review	In Development	Preliminary Analysis/ Proposed Determination	1/00/2020
Commercial Unitary Air Conditioners Evaporatively-Cooled	Test Procedure	7-Year Review/ ASHRAE Trigger	NOPR/ Determination	NPRM	1/00/2020
Commercial Unitary Air Conditioners Evaporatively-Cooled	Energy Conservation Standard	6-Year Review	In Development	RFI	6/00/2019
Commercial Unitary Air Conditioners Water-Cooled	Test Procedure	7-Year Review/ ASHRAE Trigger	NOPR/ Determination	NPRM	1/00/2020
Commercial Unitary Air Conditioners Water-Cooled	Energy Conservation Standard	6-Year Review	In Development	RFI	6/00/2019
Commercial Water Heaters - Unfired Hot Water Storage Tanks	Energy Conservation Standard	AEMTCA/6-Year Review	In Development	RFI	7/00/2019
Commercial Water Heaters (Storage Water Heaters and Instantaneous Water Heaters)	Energy Conservation Standard	AEMTCA / 6-Year Review	Final Rule	Final Rule	12/00/2019



Product	Type	Driver	Current Rulemaking Stage	Next Action	Next Action Date
Computer Room Air Conditioners	Test Procedure	ASHRAE Trigger	NOPR/ Determination	NPRM	1/00/2020
Computer Room Air Conditioners	Energy Conservation Standard	ASHRAE Trigger	In Development	NODA	9/00/2019
Consumer Cooking Products	Energy Conservation Standard	6-Year Review	NOPR/ Determination	SNOPR	10/00/2019
Consumer Water Heaters	Energy Conservation Standard	6-Year Review	In Development	RFI	8/00/2019
Dedicated Outdoor Air System	Test Procedure	ASHRAE Trigger	NOPR/ Determination	NPRM	1/00/2020
Dedicated Outdoor Air System	Energy Conservation Standard	ASHRAE Trigger	In Development	NODA	9/00/2019
Distribution Transformers	Energy Conservation Standard	6-Year Review	In Development	Preliminary Analysis/ Proposed Determination	9/00/2020
Fluorescent Lamp Ballast	Test Procedure	7-Year Review	Final Rule	Final Action	2/00/2020
Fluorescent Lamp Ballast	Energy Conservation Standard	6-Year Review	NOPR/ Determination	Preliminary Analysis/ Proposed Determination	10/00/2019
Furnaces (Non-weatherized Gas Furnaces & Mobile Home Gas Furnaces)	Energy Conservation Standard	Court Action	NOPR/ Determination	SNOPR	12/00/2019
General Service Fluorescent Lamps, General Service Incandescent Lamps, Incandescent Reflector Lamps	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	8/00/2019
General Service Lamps	Energy Conservation Standard	EISA 2007	NOPR/ Determination	SNOPR	11/00/2019
Illuminated Exit Signs	Test Procedure	7-Year Review	In Development	RFI	6/00/2019
Manufactured Housing	Energy Conservation Standard	EISA 2007	SNOPR	SNOPR	6/00/2019
Metal Halide Lamp Fixtures	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	8/00/2019
Metal Halide Lamp Fixtures	Energy Conservation Standard	EISA 2007	In Development	RFI	5/00/2019
Microwave Ovens	Energy Conservation Standard	6-Year Review	In Development	RFI	7/00/2019

Product	Type	Driver	Current Rulemaking Stage	Next Action	Next Action Date
Pool Heaters	Energy Conservation Standard	6-Year Review	NOPR/ Determination	NPRM	10/00/2019
Refrigerators, Freezers, and Refrigerator-Freezers	Energy Conservation Standard	6-Year Review	In Development	RFI	7/00/2019
Residential Clothes Washers	Energy Conservation Standard	6-Year Review	In Development	RFI	6/00/2019
Residential Clothes Washers	Test Procedure	7-Year Review	In Development	RFI	6/00/2019
Room Air Conditioners	Energy Conservation Standard	6-Year Review	In Development	Preliminary Analysis/ Proposed Determination	2/00/2020
Room Air Conditioners	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	8/00/2019
Single Package Vertical Air Conditioners and Heat Pumps	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	11/00/2019
Small Electric Motors	Energy Conservation Standard	6-Year Review	NOPR/ Determination	Preliminary Analysis/ Proposed Determination	1/00/2020
Small Electric Motors	Test Procedure	7-Year Review	Final Rule	Final Action	6/00/2020
Traffic Signal Modules and Pedestrian Modules	Test Procedure	EPAct 2005	In Development	RFI	6/00/2019
Variable Refrigerant Flow Systems	Energy Conservation Standard	ASHRAE Trigger	In Development	NPRM	5/00/2019
Variable Refrigerant Flow Systems	Test Procedure	ASHRAE Trigger	NOPR/ Determination	NPRM	9/00/2019
Water-Sourced Commercial Heat Pumps	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	11/00/2019

### Other Consumer Product and Commercial/Industrial Equipment Activities

The following table reflects the status of other ongoing energy conservation standards and test procedure activities for products and equipment over which DOE has regulatory authority. DOE plans to publish seven actions related to energy conservation standards before the end of 2019. Additionally, DOE plans to publish 11 actions related to test procedures before the end of 2019.

Product	Type	Driver	Current Rulemaking Stage	Next Action	Next Action Date
Ceiling Fans	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	5/00/2019
Clothes Dryers	Test Procedure	7-Year Review	NOPR/ Determination	TBD	TBD
Commercial Clothes Washers	Energy Conservation Standard	6-Year Review	In Development	RFI	2/00/2020
Commercial Refrigeration Equipment	Energy Conservation Standard	EPACT 2005	In Development	RFI	10/00/2019
Commercial Refrigeration Equipment	Test Procedure	7-Year Review	In Development	RFI	7/00/2019
Commercial Unitary Air Conditioner Air-Cooled	Test Procedure	7-Year Review/ ASHRAE Trigger	NOPR/ Determination	NPRM	1/00/2020
Compressors	Test Procedure	Petition for Rulemaking	NOPR/ Determination	TBD	TBD
Consumer Cooking Products	Test Procedure	Petition for Rulemaking	NOPR/ Determination	NPRM	6/00/2019
Consumer Warm Air Furnaces	Test Procedure	Petition for Rulemaking	NOPR/ Determination	NPRM	11/00/2019
Dedicated-Purpose Pool Pump Motors	Energy Conservation Standard	Petition for Rulemaking	NOPR/ Determination	NPRM	9/00/2019
Direct Heating Equipment	Energy Conservation Standard	6-Year Review	NOPR/ Determination	Preliminary Analysis/ Proposed Determination	12/00/2019
Direct Heating Equipment	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	3/00/2020
Dishwashers	Energy Conservation Standard	6-Year Review	In Development	Notice	1/00/2020
Dishwashers	Test Procedure	7-Year Review	In Development	RFI	6/00/2019
Distribution Transformers	Test Procedure	7-Year Review	Final Rule	Final Action	7/00/2020
Electric Motors	Energy Conservation Standard	6-Year Review	In Development	RFI	11/00/2019
Electric Motors	Test Procedure	7-Year Review	In Development	RFI	8/00/2019
External Power Supplies - Class A	Energy Conservation Standard	PASS ACT 2017	In Development	RFI	9/00/2019



Product	Type	Driver	Current Rulemaking Stage	Next Action	Next Action Date
External Power Supplies - Non-Class A	Energy Conservation Standard	6-Year Review	In Development	RFI	9/00/2019
External Power Supplies	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	6/00/2019
Faucets	Test Procedure	7-Year Review	In Development	RFI	TBD
Furnace/Furnace Fans	Test Procedure	Petition for Rulemaking	NOPR/ Determination	NPRM	11/00/2019
General Service Fluorescent Lamps	Energy Conservation Standard	6-Year Review	In Development	RFI	12/00/2019
General Service Lamps (Definitions)	Energy Conservation Standard-Related	N/A	Final Rule	Final Action	10/00/2019
Microwave Oven	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	7/00/2019
Refrigerators, Freezers, and Refrigerator-Freezers	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	8/00/2019
Residential Furnaces and Commercial Water Heaters	Energy Conservation Standard	Petition for Rulemaking	NOPR/ Determination	NPRM	7/00/2019
Residential Water Heaters (Definitions)	Energy Conservation Standard	N/A	Final Rule	Final Action	7/00/2019
Showerheads	Test Procedure	7-Year Review	In Development	RFI	TBD
Television Sets	Test Procedure	7-Year Review	NOPR/ Determination	NPRM	2/00/2020
Urinals	Test Procedure	ASME Update / 7-Year Review	In Development	RFI	6/00/2019
Walk-in Coolers and Freezers	Energy Conservation Standard	EISA 2007	In Development	RFI	5/00/2019
Walk-in Coolers and Freezers	Test Procedure	7-Year Review	In Development	RFI	5/00/2019
Water Closets	Test Procedure	ASME Update / 7-Year Review	In Development	RFI	6/00/2019