

Energy Conservation Program for Consumer Products and Commercial and Industrial Equipment



Energy Efficiency & Renewable Energy



DOE Certification, Compliance,
and Enforcement Overview

Retail Industry Leaders
Association
August 23, 2016

- 1 Definitions and Range of Products**
- 2 Importation**
- 3 Basic Models and Testing**
- 4 Certification Requirements**
- 5 Enforcement Overview**
- 6 Pertinent Regulations & Internet Resources**

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The Appliance and Equipment Standards Program conserves energy and water resources by improving the efficiency of consumer products and industrial equipment.

- Energy Policy and Conservation Act of 1975, as amended – 42 U.S.C. §§ 6291-6317
- 10 C.F.R. Part 429
 - Compliance and Enforcement
- 10 C.F.R. Part 430
 - Consumer products
- 10 C.F.R. Part 431
 - Commercial and industrial equipment

Covered Consumer Products



Lighting

- Fluorescent lamp ballasts
- Bare or covered (no reflector) medium base compact fluorescent lamps
- Ceiling fans
- Ceiling fan light kits
- Torchieres
- General service fluorescent lamps
- General service LEDs
- General service lamps

Climate Control and Water Heaters

- Residential furnaces
- Direct heating equipment
- Central air conditioners and heat pumps
- Room air conditioners
- Dehumidifiers
- Residential water heaters
- Pool heaters

Various incandescent lamps*

White Goods

- Residential refrigerators, refrigerator-freezers and freezers
- Miscellaneous refrigeration products
- Dishwashers
- Residential clothes washers
- Residential clothes dryers
- Conventional cooking tops, conventional ovens, microwave ovens

Plumbing

- Showerheads
- Water closets
- Urinals
- Faucets

Electronics

- External power supplies
- Battery chargers

Banned

- Medium screw base adapters (for light bulbs)
- Mercury vapor lamp ballasts

Covered Equipment



Heating, Cooling, Refrigeration

- Commercial heating, ventilating, air conditioning (HVAC) equipment
- Commercial refrigerators, freezers, and refrigerator-freezers
- Walk-in coolers and walk-in freezers
- Commercial water heating equipment
- Automatic commercial ice makers
- Refrigerated bottled or canned beverage vending machines

Electrical Equipment

- Electric motors
- Distribution transformers

Commercial Lighting Products

- Illuminated exit signs
- Traffic signal modules and pedestrian modules
- Metal halide lamp fixtures

Other

- Commercial clothes washers
- Commercial unit heaters
- Commercial pre-rinse spray valves
- Pumps
- Furnace Fans

Who is responsible for compliance? Manufacturers and Private Labelers



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Parties subject to DOE regulations

- Manufacturers
- Private labelers

A manufacturer must:

- Determine certified ratings through testing and maintain test data.
- Certify products' compliance to DOE.

A private labeler must:

- Ensure the products it private labels are compliant.

- Manufacturers are companies that
 - manufacture,
 - assemble,
 - produce, or
 - **import**
- Private labelers are companies that
 - own a brand or trademark that is not the manufacturer's brand or trademark and
 - authorize a manufacturer to label product with that brand

Importer is:

- Legally a manufacturer.
- Responsible for the compliance of the products it imports.
- Responsible for filing a certification of compliance to DOE.

An importer may be a retailer, distributor, manufacturer of non-covered equipment.

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Importers are responsible for ensuring compliance of covered products or equipment they import.

Manufacturers A, B, C, D, and E are foreign OEMs that make microwave ovens abroad. WeBuyEm and AllStuff import the microwave ovens under, respectively, WeBuyEm and AllStuff brand names and model numbers to the United States. Who, if anyone, is responsible for ensuring these microwave ovens meet the energy efficiency standard?

Each of WeBuyEm and AllStuff is responsible for ensuring the microwave ovens it imports comply with the applicable standard. Each is also responsible for submitting the required certification reports to DOE.

- Each importer is *independently* required to certify the compliance of each basic model of covered product and equipment that it imports.
- An importer can have a third party submit the report on its behalf, but this is a ministerial function only. The importer remains responsible.
- The fact that a foreign OEM or any other company has submitted a certification report for a basic model *does not* relieve any importer of its legal obligation to certify that basic model.

Agenda

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1. For each basic model, test a sufficient number of sample units to ensure that the represented value of energy and/or water consumption adequately represents performance of all of the units within the basic model.
 - Generally must test a minimum of two units*.
 - No limit on the maximum number of sample units.
 - Must use DOE test procedure.
2. Once testing is complete, calculate energy and/or water consumption rating based upon DOE statistical sampling provisions in 10 C.F.R. Part 429, Subpart B.

*Some products require more than two units.

A **basic model** is a group of one or more individual models that have essentially identical physical, functional, electrical (or hydraulic) characteristics.

A basic model may not contain individual models from multiple product classes. (For example, a cooking product with an electrical supply cord and a cooking product without an electrical supply cord cannot be the same basic model.)

Additional restrictions on grouping exist for certain products (e.g., most plumbing products, general service fluorescent lamps, furnace fans).

A basic model:

- Must have one rated value of consumption (or efficiency) for all individual models.
- May contain multiple individual models or only one individual model.
- May be distributed under different brand names.
- Must have a unique set of supporting test data.
 - One set of data cannot demonstrate the compliance of multiple basic models.

- Manufacturer Awesome Products does not want to test two samples of each of individual refrigerator models D, E, and F. Can Awesome Products rely upon the test data of one of these models for the others?

Yes, if D, E, and F have essentially identical energy consumption and are in the same product class. Awesome Products would test at least two units of the most consumptive design (if there is any variability) and submit a certification report stating that D, E, and F are the same basic model and have the same energy consumption value.

- If testing later shows that F does not meet the standard, which models will DOE determine are noncompliant?

Awesome Products should expect DOE to find models D, E, and F noncompliant because they are all part of the same basic model. (This assumes that the basic model consists of only D, E, and F.)

- Importer WeRCool buys laptop computers with external power supplies from foreign Supplier and distributes them in United States. Can WeRCool rely on Supplier's spec sheets for the external power supplies?

No. WeRCool must rely upon actual test data from a sample of at least 2 production units (or units representative of production units) to determine the rating. WeRCool does not have to conduct the testing. WeRCool may choose to rely on testing performed by Supplier. WeRCool remains responsible for compliance.

Who tests the product?



- Importers can either:
 - perform testing themselves, or
 - ask a third-party to complete testing for them.
- Importers often ask the foreign OEM to complete testing.
- Anyone performing a test for compliance (including certification) must use the prescribed DOE test procedure. To test certain lighting products and electric motors, DOE requires that test laboratories have a particular accreditation.

- BuyThem imports showerheads from Fittings Supplier and sells them in the United States. Can BuyThem use Fittings Supplier's test data?

Yes. BuyThem may use Fittings Supplier's test data if the tests followed DOE requirements, including minimum sample size and test procedures. BuyThem remains responsible for the compliance of the products it imports.

1. Consult the appropriate product-specific section in Part 429 (e.g., 10 C.F.R. § 429.35 for medium base compact fluorescent lamps (CFLs)).
2. Calculate the mean energy and/or water consumption or efficiency from test sample units.
3. Calculate the lower or upper confidence limit (LCL or UCL) and divide it by the product-specific divisor.
4. Compare and determine certifiable value range.

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Certification Requirements: Basics



- Standards compliance is manufacturer (importer)-centered, based on self-declaration of compliance
 - Submit before distributing any new basic model in commerce
 - Re-submit annually
- Each certification report states that each basic model:
 - Has been tested in accordance with the DOE test procedure
 - Complies with the federal energy conservation standards
- A private labeler does not certify unless it is an importer.

Reporting to EPA for ENERGY STAR® or WaterSense® qualification or reporting to another program or agency, does not constitute certification to DOE that the products meet the applicable federal standard(s).

However, DOE and the Federal Trade Commission coordinate reporting so an importer can satisfy both agencies' reporting requirements in a single annual submission via CCMS.

- DOE provides template in Excel format
- Certifier (importer) name and contact information
- Submitter name and contact information
- Brand, basic and individual model number, OEM name, product class
- Product-specific information within report
 - Must report rated value(s) as previously described
 - Must report specific product characteristics
- Must certify in legally binding statement that products have been tested and meet standards
- Only electronic submissions accepted.

- Submitter must register for access to Compliance Certification Management System (CCMS) (form available online)
 - Follow instructions on form to obtain username and password.
- Once registered, submit completed templates through CCMS.
- Importer may authorize third-party to submit certification reports (form available online)
- Listing in DOE public certification database (<http://www.regulations.doe.gov/certification-data>) does not mean a product is compliant.

An importer may authorize a third-party to submit certification reports on its behalf. The importer remains responsible for the accuracy of the reports and product compliance.

Third-party submitters are often test labs or companies that assemble products abroad but do not import them.

A certification report submitted by a third-party is not valid if:

- The importer has not completed a third-party authorization form and submitted it to DOE.
- The certification report does not identify the importer on whose behalf the report is being submitted.

Certification Requirements: Annual



- Deadline varies by product or equipment type. 10 C.F.R. § 429(d).
- The annual reporting requirement covers:
 - All discontinued basic models previously certified that have not previously been reported as discontinued (mark “D”);
 - All previously certified basic models that are still in distribution in commerce that are unchanged (mark “E”);
 - All previously certified basic models that are still in distribution in commerce but for which the manufacturer needs to report new or changed information (mark “C”) (e.g., new individual model numbers, modified rating); and
 - Any new models a manufacturer anticipates offering for distribution in commerce (mark “N”).
- No additional certification testing required for annual submission.
- During the year, recertify if an existing model increases in energy or water consumption or decreases in efficiency (e.g., through redesign or manufacturing changes). This requires re-rating.

- Importers and other manufacturers must certify each individual model with each brand name under which it is sold.

Do not enter “No brand,” “NA,” “Unbranded,” or similar information. DOE expects even a product without a prominent logo to have a brand.
- DOE does not publish manufacturer/brand name relationship.
- Public database lists models by brand name, **not** manufacturer.

- Ton-o-Brands imports dehumidifiers made by EconoGoods under various brand names. Some individual dehumidifier models have multiple brand names. How should Ton-o-Brands certify these models?

Ton-o-Brands must list each brand name for each individual model.

Manufacturer	Brand	Basic Model	Indiv. Model	Sample Size	Energy Factor
EconoGoods	ABrand	Great Product	XA47	2	1.7
EconoGoods	BBrand	Great Product	XA47	2	1.7
EconoGoods	CBrand	Great Product	XA47	2	1.7

Report a basic model as discontinued when

- A) production has ceased *and*
- B) it is no longer being sold or offered for sale by the certifier.

Report this discontinued status to DOE no later than the next annual certification report.

You **may** report this discontinued status to DOE before the next annual certification report following such cessation.

- Importers must retain the records which underlie each certification of a basic model.
 - This includes test reports.
- Records must be organized and indexed in a fashion that makes them readily accessible for review by DOE upon request.
- Records must be provided to DOE promptly upon request.
- Records must be retained for two years from the date that the importer has notified DOE that the model has been *discontinued*.

Certification Submission



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C10 : X ✓ fx

A B C E F G H I K L M N

External Power Supplies Other Than Switch-Selectable
and Adaptive Single-Voltage External Power Supplies

Version 5.0

Status of This Input Sheet: No Data Overall Status of Template: No Data

[Click here for instructions for completing this form](#)

Certification Report

• Please enter your data in the columns shaded in gray below, **using a separate line for each model**.
• Click on the column heading for instructions on how to complete cells in that column.
• Cells highlighted in yellow indicate an "Error." "Error" means that information is missing or there is an issue with the entry.
• If the "Status" for a row is "Error," you can see an explanation in the columns to the right of the Status column.
• Reports submitted with errors cannot be processed and will be returned for resubmission.

Line No.	Status	Manufacturer	Brand Name(s)	Basic Model Number	Individual Model Number Covered by Basic Model	Action	Product Group Code	Sample Size (Number of Units Tested)	Is the Certification for this Basic Model Based on a Waiver of DOE's Test Procedure Requirements?	Date of Test Procedure Waiver, if Applicable	Is the Certification based upon any Exception Relief from an Applicable Standard by DOE's Office of Hearing and Appeals?
10											
11											
12											
13											
14											
15											
7											

Certification Input Product Group Codes +

READY

75

Avoid common errors



- Remember to complete both the “Input” and the “Certification” tabs on the spreadsheet
 - If the template status is “ERROR” you have missed a required field or entered data incorrectly. DO NOT submit if the status is ERROR.
- Include model number for both basic model and individual model
 - Do not use “all finishes”
 - Do not use “N/A”
- Can use wildcards:
 - E.g.: ABC1, ABC2, and ABC3 can be on a single line as “ABC*” as long as the last value represents a characteristic that has no effect on energy or water consumption or efficiency (e.g., color, finish)
 - CCMS treats the wildcard as a unique value, so it will not see “ABC1” and “ABC*” as the same model. If you certify both ways, both will appear in the database.
- Be sure to list all individual models within basic model
- Refer to “Product Description” tab to ensure correct product class

- Test Procedure Waivers
 - Only enter “yes” if actually have a waiver. (This is rare.)
 - List the exact same model number in the certification report (including wildcards, spacing, & hyphens) as in the waiver
- OHA Exception Relief
 - Only enter “yes” if actually have received relief. (This is rare.)
- Read the column headings carefully
 - You may need to consult DOE’s definitions or test procedures to understand what to enter
- Make sure you report in the correct units (e.g., gallons vs. liters)
- Report correct number of units tested in sample size column

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DOE's Office of the Assistant General Counsel for Enforcement ensures compliance with the energy conservation, water conservation, and design standards.

Two main types of cases:

- Certification
 - Penalties assessed per day per basic model not properly certified
- Standards
 - Penalties assessed per unit of basic model that is found non-compliant with standards
- Warnings indicate potential for penalties if issue not corrected immediately

- Customs and Border Protection has the authority to refuse admission to any covered import found to be noncompliant with applicable energy or water conservation standards.
- Independent of CBP's refusal of admission, DOE has authority to take enforcement actions against importers that import noncompliant goods.
- DOE has proposed to collect information at the time of importation. Because that proposal is an open rulemaking and in accordance with DOE's ex parte policy, we are not discussing it today.

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- 10 C.F.R. § 429.12
 - General certification of compliance requirements
- 10 C.F.R. §§ 429.14 through 429.62
 - Product-specific certification requirements
- 10 C.F.R. Part 429, Subpart C
 - Enforcement provisions

- 10 C.F.R. Part 430, Subpart B
 - Appendices A through CC: Test procedures
- 10 C.F.R. § 430.32
 - Energy and water conservation standards for consumer products
- 10 C.F.R. Part 431
 - Test procedures for commercial and industrial equipment
 - Energy and water conservation standards for commercial and industrial equipment
- 19 C.F.R. § 12.50
 - CBP rules re: importation of DOE covered products and equipment

Internet Resources



Submit a Question and Find DOE Guidance:	<ul style="list-style-type: none">DOE Guidance Website: http://www1.eere.energy.gov/guidance/default.aspx?pid=2&spid=1
Request a Test Procedure Waiver:	<ul style="list-style-type: none">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.
Find Certified Models:	http://www.regulations.doe.gov/certification-data/
DOE's Online Certification System:	https://www.regulations.doe.gov/ccms/
Regulations:	http://www.ecfr.gov/
Enforcement & Compliance Information:	http://energy.gov/gc/enforcement
Sign up for Updates:	https://public.govdelivery.com/accounts/USEERE/subscriber/new