or heat pump water heaters manufactured prior to December 29, 1994; or any catalog or point-of-sale printed material pertaining to general service fluorescent lamps, medium base compact fluorescent lamps, or general service incandescent lamps (including incandescent reflector lamps), that were manufactured prior to May 15, 1995; except that any representations respecting the energy consumption, energy efficiency, or water use of any covered product or other consumer appliance product, or respecting the cost of energy consumed or water used by such product, are subject to the requirements of paragraph (d) of this section.

(f) As used in paragraphs (a) and (b) of this section, the term knowingly means:

1. The having of actual knowledge, or

2. The presumed having of knowledge deemed to be possessed by a reasonable person who acts in the circumstances, including knowledge obtainable upon the exercise of due care.

§ 305.5 Determinations of estimated annual energy consumption, estimated annual operating cost, and energy efficiency rating, and of water use rate.

(a) Procedures for determining the estimated annual energy consumption, the estimated annual operating costs, the energy efficiency ratings, and the efficacy factors of the following covered products are those located in 10 CFR part 430, subpart B. For the following list of covered products, the requirements of this part apply only to products for which the Department of Energy has adopted and published test procedures for measuring energy usage or efficiency.

1. Refrigerators and refrigerator-freezers—§ 430.23(a).
2. Freezers—§ 430.23(b).
3. Dishwashers—§ 430.23(c).
4. Water heaters—§ 430.23(e).
5. Room air conditioners—§ 430.23(f).
6. Clothes washers—§ 430.23(j).
7. Central air conditioners and heat pumps—§ 430.23(m).
8. furnaces—§ 430.23(n).
9. Pool Heaters—§ 430.23(p).
10. Fluorescent lamp ballasts—§ 430.23(q).

(b) Manufacturers and private labelers of any covered product that is a general service fluorescent lamp, medium base compact fluorescent lamp, or general service incandescent lamp (including an incandescent reflector lamp), must, for any representation of the design voltage, wattage, light output or life of such lamp or for any representation made by the encircled “E” that such a lamp is in compliance with an applicable standard established by section 325 of the Act, possess and rely upon a reasonable basis consisting of competent and reliable scientific tests substantiating the representation. For representations of the light output and life ratings of any covered product that is a medium base compact fluorescent lamp or incandescent lamp (including an incandescent reflector lamp), the Commission will accept as a reasonable basis competent and reliable scientific tests conducted according to the following applicable IES test protocols that substantiate the representations:

For measuring light output (in lumens):

- General Service Fluorescent .. IES LM 9
- Compact Fluorescent ............. IES LM 66
- General Service Incandescent (Other than Reflector Lamps) ............... IES LM 45
- General Service Incandescent (Reflector Lamps) ...................... IES LM 20

For measuring laboratory life (in hours):

- General Service Fluorescent .. IES LM 40
- Compact Fluorescent ............. IES LM 65
- General Service Incandescent (Other than Reflector Lamps) ............... IES LM 49
- General Service Incandescent (Reflector Lamps) ...................... IES LM 49

(c) Procedures for determining the water use rates of covered products are those found in the following standards:

1. Showerheads and faucets— ASME A112.18.1M–1989, Plumbing Fixture Fittings. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of ASME A112.18.1M may be obtained...
§ 305.7 Determinations of capacity.

The capacity of covered products shall be determined as follows:

(a) Refrigerators and refrigerator-freezers. The capacity shall be the total refrigerated volume (VT) and the adjusted total volume (AV) in cubic feet, rounded to the nearest one-tenth of a cubic foot, as determined according to appendix A1 to 10 CFR part 430, subpart B.

(b) Freezers. The capacity shall be the total refrigerated volume (VT) and the adjusted total volume (AV) in cubic feet, rounded to the nearest one-tenth of a cubic foot, as determined according to appendix B1 to 10 CFR part 430, subpart B.

(c) Dishwashers. The capacity shall be the place-setting capacity, determined according to appendix C to 10 CFR part 430, subpart B.

(d) Water heaters. The capacity shall be the first hour rating, as determined according to appendix E to 10 CFR part 430, subpart B.

(e) Pool heaters. The capacity shall be the heating capacity in Btu’s per hour, rounded to the nearest 1,000 Btu’s per hour, as determined according to appendix P to 10 CFR part 430, subpart B.

(f) Room air conditioners. The capacity shall be the cooling capacity in Btu’s per hour, as determined according to appendix F to 10 CFR part 430, subpart B, but rounded to the nearest value ending in hundreds that will satisfy the relationship that the value of EER used in representations equals the rounded value of capacity divided by the value of input power in watts. If a value ending in hundreds will not satisfy this relationship, the capacity may