119TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
119–470

DON'T MESS WITH MY HOME APPLIANCES ACT

JANUARY 30, 2026.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GUTHRIE, from the Committee on Energy and Commerce, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 4626]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 4626) to amend the Energy Policy and Conservation Act to prohibit the Secretary of Energy from prescribing any new or amended energy conservation standard for a product that is not technologically feasible and economically justified, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Don't Mess With My Home Appliances Act".

SEC. 2. PRESCRIBING NEW OR AMENDED ENERGY CONSERVATION STANDARDS.

(a) AMENDMENT OF STANDARDS.—

(1) IN GENERAL.—Section 325(m)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)(1)) is amended to read as follows:

"(1) IN GENERAL.—The Secretary may, for any product, publish a notice of proposed rulemaking including new proposed standards for such product based on the criteria established under subsection (o) and the procedures established under subsection (p).".

(2) AMENDMENT OF STANDARD.—Section 325(m)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)(3)) is amended to read as follows:

"(3) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under paragraph (1), the Secretary shall publish a final rule amending the standard for the product.".

(3) APPLICATION TO PRODUCTS.—Section 325(m)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)(4)) is amended to read as follows:

"(4) APPLICATION TO PRODUCTS.—An amendment prescribed under this subsection shall apply to a product that is manufactured after the date that is 5 years after publication of the final rule establishing an applicable standard.".

(b) PETITION FOR AMENDED STANDARD.—Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) in the subsection heading, by striking "AN AMENDED STANDARD" and inserting "AMENDMENT OR REVOCATION OF STANDARD";

(2) in paragraph (1), by inserting "or revoked" after "should be amended";

(3) by amending paragraph (2) to read as follows:

"(2) The Secretary shall grant a petition to determine if standards for a covered product should be amended or revoked if the Secretary finds that such petition contains evidence, assuming no other evidence were considered, that such standards—

"(A) result in additional costs to consumers;

"(B) do not result in significant conservation of energy or water;

"(C) are not technologically feasible; and

"(D) result in such covered product not being commercially available in the United States to all consumers.";

(4) in paragraph (4)—

(A) by striking "NEW OR AMENDED STANDARDS." and inserting "NEW, AMENDED, OR REVOKED STANDARDS.";

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively (and by conforming the margins accordingly);

(C) by striking "Not later than 3 years" and inserting the following:

"(A) Not later than 3 years"; and

(D) by adding at the end the following:

"(B) Not later than 180 days after the date of granting a petition to revoke standards, the Secretary shall publish in the Federal Register—

"(i) a final rule revoking the standards; or

"(ii) a determination that it is not necessary to revoke the standards.

"(C) The grant of a petition by the Secretary under this subsection creates no presumption with respect to the Secretary's determination of any of the criteria in a rulemaking under this section.

"(D) Standards that have been revoked pursuant to subparagraph (B) shall be considered to be in effect for purposes of section 327."; and

(5) in paragraph (5)(B), by striking "3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, fluorescent lamp ballasts, general service fluorescent lamps, incandescent reflector lamps, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct heating equipment and furnaces)" and inserting "5 years";

(c) CRITERIA.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended by amending paragraphs (2) and (3) to read as follows:

"(2) REQUIREMENTS.—

"(A) DESIGN.—Any new or amended energy conservation standard prescribed by the Secretary under this section for any type (or class) of covered product shall be designed to achieve the maximum improvement in, as applicable, energy efficiency or water efficiency, which the Secretary determines is technologically feasible and economically justified.

"(B) TEST PROCEDURES.—If the Secretary determines that a test procedure should be prescribed or amended in accordance with section 323 for a type (or class) of covered product, the Secretary may not prescribe a new or amended energy conservation standard under this section for such type (or class) of covered product unless the Secretary has prescribed or amended (and published in the Federal Register) a test procedure for such type (or class) of covered product at least 180 days before publishing a notice of proposed rulemaking with respect to the new or amended energy conservation standard.

"(C) SIGNIFICANT CONSERVATION.—The Secretary may not prescribe a new or amended energy conservation standard under this section for a type (or class) of covered product if the Secretary determines that the establishment and imposition of such energy conservation standard will not result in significant conservation of, as applicable, energy or water.

"(D) TECHNOLOGICALLY FEASIBLE AND ECONOMICALLY JUSTIFIED.—The Secretary may not prescribe a new or amended energy conservation standard under this section for a type (or class) of covered product unless the Secretary determines that the establishment and imposition of such energy conservation standard is technologically feasible and economically justified.

"(E) DISCLOSURE.—The Secretary may not prescribe a new or amended energy conservation standard under this section for a type (or class) of covered product unless the Secretary, not later than the date on which the standard is prescribed, publicly discloses each meeting held by the Secretary, during the 5-year period preceding such date, with any entity that—

"(i) has ties to the People's Republic of China or the Chinese Communist Party;

"(ii) has produced studies regarding, or advocated for, regulations or policy to limit, restrict, or ban the use of any type of energy; and

"(iii) has applied for or received Federal funds.

"(3) FACTORS FOR DETERMINATION.—

"(A) ECONOMIC ANALYSIS.—

"(i) DETERMINATION.—Prior to prescribing any new or amended energy conservation standard under this section for any type (or class) of covered product, the Secretary shall conduct a quantitative economic impact analysis of imposition of the energy conservation standard that determines the predicted—

"(I) effects of imposition of the energy conservation standard on costs and monetary benefits to consumers of the products subject to such energy conservation standard, including—

"(aa) costs to low-income households; and

"(bb) variations in costs to consumers based on differences in regions, including rural populations, cost of living comparisons, and climatic differences;

"(II) effects of imposition of the energy conservation standard on employment; and

"(III) lifecycle costs for the covered product, including costs associated with the purchase, installation, maintenance, disposal, and replacement of the covered product.

"(ii) NOTICE AND COMMENT.—The Secretary shall provide public notice in the Federal Register and at least 60 days for public comment on the quantitative economic impact analysis conducted under clause (i).

"(B) PROHIBITION ON ADDITIONAL COSTS TO THE CONSUMER.—The Secretary may not determine that imposition of an energy conservation standard is economically justified unless the Secretary, based on an economic analysis under subparagraph (A), determines that—

"(i) imposition of such energy conservation standard is not likely to result in additional net costs to the consumer, including any increase in net costs associated with the purchase, installation, maintenance, disposal, and replacement of the covered product; and

"(ii) the monetary value of the energy savings and, as applicable, water savings, that the consumer will receive as a result of such energy conservation standard during the first 3 years after purchasing and installing a covered product complying with such energy conservation standard, as calculated under the applicable test procedure, will be greater than any increased costs to the consumer of the covered product due to imposition of such energy conservation standard, including increased costs associated with the purchase, installation, maintenance, disposal, and replacement of the covered product.

"(C) REQUIRED ENERGY OR WATER SAVINGS.—The Secretary may not determine that imposition of an energy conservation standard is economically justified unless the Secretary determines that compliance with such energy conservation standard will result in—

"(i) a reduction of at least 0.3 quads of site energy over 30 years; or

"(ii) at least a 10 percent reduction in energy or water use of the covered product.

"(D) CRITERIA RELATED TO PERFORMANCE.—The Secretary may not determine that imposition of an energy conservation standard is economically justified unless the Secretary determines that imposition of such energy conservation standard will not result in any lessening of the utility or the performance of the applicable covered product, taking into consideration the effects of such energy conservation standard on—

"(i) the compatibility of the covered product with existing systems;

"(ii) the life span of the covered product;

"(iii) the operating conditions of the covered product;

"(iv) the duty cycle, charging time, and run time of the covered product, as applicable;

"(v) the maintenance requirements of the covered product; and

"(vi) the replacement and disposal requirements for the covered product.

"(E) TECHNOLOGICAL INNOVATION.—The Secretary may not determine that imposition of an energy conservation standard is economically justified unless the Secretary determines that imposition of such energy conservation standard is not likely to result in the unavailability in the United States of a type (or class) of products based on what type of fuel the product consumes.

"(F) OTHER CONSIDERATIONS.—

"(i) IN GENERAL.—In determining whether imposition of an energy conservation standard is economically justified, the Secretary—

"(I) shall prioritize the interests of consumers;

"(II) may not consider estimates of the social costs or social benefits associated with incremental greenhouse gas emissions; and

"(III) shall consider—

"(aa) the economic impact, including any regulatory burden, of the standard on the manufacturers and on the consumers of the products subject to such standard;

"(bb) the savings in operating costs, including consumer fuel costs, throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

"(cc) the total projected amount of energy, or, as applicable, water, savings likely to result directly from the imposition of the standard;

"(dd) the need for national energy and water conservation;

"(ee) the impact of any lessening of market competition, as determined in writing by the Attorney General under clause (ii), that is likely to result from the imposition of the standard;

"(ff) whether the imposition of the energy conservation standard is likely to result price discrimination; and

"(gg) other factors the Secretary considers relevant.

"(ii) ATTORNEY GENERAL DETERMINATION.—For purposes of clause (i)(III)(ee), the Attorney General shall make a determination of the impact, if any, of any lessening of market competition likely to result from such standard and shall transmit such determination, not later than 60 days after the publication of a proposed rule prescribing or amending an energy conservation standard, in writing to the Secretary, together with an analysis of the nature and extent of such impact. Any such determination and analysis shall be published by the Secretary in the Federal Register.

"(G) REGULATORY REVIEW.—

"(i) EVALUATION.—Not later than 2 years after the issuance of any final rule prescribing a new or amended energy conservation standard under this section for any type (or class) of covered product, the Secretary shall evaluate the rule to determine whether such energy conservation standard is technologically feasible and economically justified and whether the regulatory impact analysis for such rule remains accurate.

"(ii) EFFECT.—Notwithstanding any other provision of this part, if the Secretary determines, based on an evaluation under clause (i), that an energy conservation standard is not technologically feasible or economically justified—

"(I) the Secretary shall publish such determination and such energy conservation standard shall have no force or effect (except that such energy conservation standard shall be considered to be in effect for purposes of section 327); and

"(II) the Secretary may publish a final rule amending the energy conservation standard for the type (or class) of covered product to be technologically feasible and economically justified in accordance with this subsection, which amendment shall apply to such a product that is manufactured after the date that is 3 years after publication of such final rule.".

(d) APPLICABILITY OF REGIONAL STANDARDS.—Section 325(o)(6)(E)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(6)(E)(ii)) is amended by striking "shall apply to any such product installed on or after the effective date of the standard in States in which the Secretary has designated the standard to apply" and inserting "shall apply, in States in which the Secretary has designated the standard to apply, to any such product that is manufactured or imported into the United States on or after the effective date of the standard".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—

(A) CONSUMER PRODUCT.—Section 321(1)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(1)(A)) is amended by striking ", with respect to showerheads, faucets, water closets, and urinals, water" and inserting "water, as applicable".

(B) ENERGY CONSERVATION STANDARD.—Section 321(6)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(A)) is amended by striking ", or, in the case of showerheads, faucets, water closets, and urinals, water use," and inserting "or water use, as applicable,".

(C) ESTIMATED ANNUAL OPERATING COST.—Section 321(7) of the Energy Policy and Conservation Act (42 U.S.C. 6291(7)) is amended by striking "in the case of showerheads, faucets, water closets, and urinals" and inserting ", as applicable".

(2) TEST PROCEDURES.—

(A) DESIGN OF TEST PROCEDURES.—Section 323(b)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(3)) is amended by striking "energy efficiency, energy use, water use (in the case of showerheads, faucets, water closets and urinals)" and inserting ", as applicable, energy efficiency, energy use, water use".

(B) CALCULATION OF COSTS.—Section 323(b)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(4)) is amended by—

(i) by striking "or, in the case of showerheads, faucets, water closets, or urinals," and inserting "or, as applicable,"; and

(ii) by striking "or in the case of showerheads, faucets, water closets, or urinals," and inserting "or, as applicable,".

(C) RESTRICTION ON CERTAIN REPRESENTATIONS.—Section 323(c) of the Energy Policy and Conservation Act (42 U.S.C. 6293(c) is amended—

(i) in paragraph (1), by striking " or, in the case of showerheads, faucets, water closets, and urinals," and inserting "or, as applicable,"; and

(ii) in paragraph (2), by striking " or, in the case of showerheads, faucets, water closets, and urinals," and inserting "or, as applicable,".

(3) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(o)(1) of the Energy Policy and Conservation Act is amended by striking ", or, in the case of showerheads, faucets, water closets, or urinals," and inserting ", or, as applicable,".

(4) REGIONAL STANDARDS.—Section 325(o)(6)(D)(i)(II) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(6)(D)(i)(II)) is amended by striking "this paragraph" and inserting "this subsection".

(5) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p)(2)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)(2)(A)) is amended by striking "taking into account those factors which the Secretary must consider under subsection (o)(2)" and inserting "as determined in accordance with subsection (o)".

(6) INFORMATION REQUIREMENTS.—Section 326(d)(1) of the Energy Policy and Conservation Act is amended by striking "or, in the case of showerheads, faucets, water closets, and urinals," and inserting "or, as applicable,".

(7) ENERGY CONSERVATION STANDARDS FOR HIGH-INTENSITY DISCHARGE LAMPS, DISTRIBUTION TRANSFORMERS, AND SMALL ELECTRIC MOTORS.—Section 346 of the Energy Policy and Conservation Act (42 U.S.C. 6317) is amended by striking subsection (c).

SEC. 3. DISTRIBUTION TRANSFORMERS.

Section 346 of the Energy Policy and Conservation Act (42 U.S.C. 6317) is amended by adding at the end the following:

"(g) NO NEW OR REVISED STANDARDS FOR DISTRIBUTION TRANSFORMERS.—

"(1) IN GENERAL.—Beginning on the date of enactment of this subsection, the Secretary may not prescribe any new or amended energy conservation standard under part B or this part for distribution transformers, including those distribution transformers for which the Secretary prescribed testing requirements under subsection (a)(1) and low-voltage dry-type distribution transformers.

"(2) EFFECT ON EXISTING STANDARDS.—Paragraph (1) does not affect any energy conservation standards prescribed under part B or this part before the date of enactment of this subsection.".

SEC. 4. DISHWASHERS; CLOTHES WASHERS.

Section 325(g) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)) is amended—

(1) in paragraph (9)(B), by adding at the end the following:

"(iii) OTHER AMENDMENTS TO STANDARDS.—The Secretary may prescribe a new or amended energy conservation standard for clothes washers in accordance with this section, including—

"(I) a design requirement; and

"(II) a performance standard which prescribes one of the following:

"(aa) A minimum level of energy efficiency.

"(bb) A maximum quantity of energy use.

"(cc) A minimum level of water efficiency.

"(dd) A maximum quantity of water use.

"(ee) A minimum level of energy efficiency and a minimum level of water efficiency.

"(ff) A maximum quantity of energy use and a maximum quantity of water use."; and

(2) in paragraph (10)(B), by adding at the end the following:

"(iii) OTHER AMENDMENTS TO STANDARDS.—The Secretary may prescribe a new or amended energy conservation standard for dishwashers in accordance with this section, including—

"(I) a design requirement; and

"(II) a performance standard which prescribes one of the following:

"(aa) A minimum level of energy efficiency.

"(bb) A maximum quantity of energy use.

"(cc) A minimum level of water efficiency.

"(dd) A maximum quantity of water use.

"(ee) A minimum level of energy efficiency and a minimum level of water efficiency.

"(ff) A maximum quantity of energy use and a maximum quantity of water use.".

PURPOSE AND SUMMARY

H.R. 4626, the "Don't Mess With My Home Appliances Act", was introduced by Representative Allen (R–GA) on July 23, 2025, and referred to the Committee on Energy and Commerce on July 23, 2025. H.R. 4626 would amend the Energy Policy and Conservation Act (ECPA) to reform the Department of Energy's (DOE) process for issuing new and amended energy efficiency standards by preventing the Secretary of Energy from prescribing any new or amended energy efficiency standard that is not technologically feasible or economically justified.

BACKGROUND AND NEED FOR LEGISLATION

In 1975, Congress enacted EPCA with the intent of increasing domestic energy production and supply, reducing energy demand by encouraging more efficient use of energy, and improving the nation's energy security.[1] This resulted in the establishment of DOE's Appliance and Equipment Standards program, which authorizes the agency to set minimum energy efficiency standards for covered products.[2] Today, these efficiency standards are promulgated for more than 70 covered products,[3] which include, but are not limited to, household appliances such as central air conditioners, furnaces, dishwashers, water heaters, and showerheads.[4] DOE is also responsible for setting efficiency standards for larger commercial equipment, such as commercial refrigerators, walk-in coolers and freezers, commercial clothes washers, and commercial ice makers.[5]

These efficiency standards were originally non-binding until Congress amended EPCA in the National Energy Conservation Policy Act (NECPA)[6] to authorize DOE to set binding standards through regulations. Title III of EPCA established the requirements for standards that remain in effect today.

Congress established several statutory requirements in EPCA for DOE to follow when prescribing new or amended standards, including that DOE may not set a new or amended standard if that standard is not technologically feasible, economically justified, and results in a significant conservation of Energy.[7] Additionally, DOE is required to review the efficiency standard of a covered product every six years after issuance of a final rule. After the review, DOE must either issue a Notice of Proposed Rulemaking to set a new efficiency standard[8] or publish its determination that a new standard is unnecessary.[9]

The statute also set parameters for DOE to follow when developing test procedures for the efficiency standards of covered products.[10] Additionally, EPCA mandated that DOE review its test procedures at least once every seven years for all covered products.[11] Should DOE determine the need for a test procedure to be amended, the Secretary is required to publish proposed test procedures in the Federal Register and intake arguments with respect to the procedures from interested parties.[12]

While EPCA requires that DOE only issue a new or amended efficiency standard if that standard is economically justified, technologically feasible, and results in a significant conservation of energy, the Committee has found that DOE has acted beyond the scope of its statutory authority by setting efficiency standards, especially under the Biden-Harris Administration, that do not satisfy these three statutory criteria. Additionally, the Committee has

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[1] Pub. L. No. 94–163, 89 Stat 871.
[2] 42 U.S.C. § 6295.
[3] U.S. DEP'T. OF ENERGY, *Appliance and Equipment Standards Program* (last visited Jan. 30, 2026), https://www.energy.gov/eere/buildings/appliance-and-equipment-standards-program.
[4] 42 U.S.C. § 6292.
[5] 42 U.S.C. § 6311(1).
[6] Pub. L. No. 95–619, 92 Stat 3206.
[7] 42 U.S.C. § 6295(o)(3)(B).
[8] 42 U.S.C. § 6295(m)(1)(B).
[9] 42 U.S.C. § 6295(m)(1)(A).
[10] 42 U.S.C. § 6293.
[11] 42 U.S.C. § 6293(b)(1)(A).
[12] 42 U.S.C. § 6293(b)(2).

found that DOE, under the climate agenda of the Biden-Harris Administration, created efficiency standards that discourage the use of natural gas in favor of electric appliances,[13] which resulted in proposed efficiency standards that violate consumer protection measures included in EPCA, as well as other economic factors the Secretary must consider when prescribing a new or amended efficiency standard.[14]

The DOE has consistently gone beyond its statutory authority. H.R. 4626 amends EPCA to address this overstep and prevents DOE from continuing to abuse its authority with the setting of unrealistic, uneconomical, and biased efficiency standards.

COMMITTEE ACTION

On September 16, 2025, the Subcommittee on Energy held a legislative hearing on H.R. 4626. The Subcommittee received testimony from:

- Jeff Novak, Acting General Counsel and Principal Deputy General Counsel, U.S. Department of Energy;
- George Lowe, Vice President of Governmental Affairs and Public Policy, American Gas Association;
- Jennifer Cleary, Vice President of Regulatory Affairs, Association of Home Appliance Manufacturers;
- Brian Tebbenkamp, President and Owner, Patriot Homes Inc; and,
- Andrew deLaski, Executive Director, Appliance Standards Awareness Project.

On November 19, 2025, the Subcommittee on Energy met in open markup session and forwarded H.R. 4626, as amended, to the full Committee by a record vote of 17 yeas and 14 nays. On December 3, 2025, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 4626, without amendment, favorably reported to the House by a record vote of 26 yeas and 22 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

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[13] Press Release of President Biden, *Fact Sheet: New Innovation Agenda Will Electrify Homes, Businesses, and Transportation to Lower Energy Bills and Achieve Climate Goals*, The White House (Dec. 14, 2022), https://bidenwhitehouse.archives.gov/ostp/news-updates/2022/12/14/fact-sheet-new-innovation-agenda-will-electrify-homes-businesses-and-transportation-to-lower-energy-bills-and-achieve-climate-goals/.

[14] 42 U.S.C. § 6295(o)(2)(B)(i).

As of 02/24/2025

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 19

BILL: H.R. 4626, Don't Mess With My Home Appliances Act

AMENDMENT: FC4626_12, offered by Rep. Castor

DISPOSITION: Not agreed to, by a roll call vote of 23 yeas and 25 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis				Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw				Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly			
Mr. Balderson				Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks				Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak							

12/03/2025

As of 02/24/2025

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 20

BILL: H.R. 4626, Don't Mess With My Home Appliances Act

AMENDMENT: Final Passage

DISPOSITION: Agreed to, by a roll call vote of 26 yeas and 22 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie	X			Mr. Pallone		X	
Mr. Latta	X			Ms. DeGette		X	
Mr. Griffith	X			Ms. Schakowsky		X	
Mr. Bilirakis	X			Ms. Matsui		X	
Mr. Hudson	X			Ms. Castor		X	
Mr. Carter (GA)	X			Mr. Tonko		X	
Mr. Palmer	X			Ms. Clarke		X	
Mr. Dunn	X			Mr. Ruiz		X	
Mr. Crenshaw				Mr. Peters		X	
Mr. Joyce	X			Mrs. Dingell		X	
Mr. Weber	X			Mr. Veasey		X	
Mr. Allen	X			Ms. Kelly			
Mr. Balderson				Ms. Barragán		X	
Mr. Fulcher	X			Mr. Soto		X	
Mr. Pfluger	X			Ms. Schrier		X	
Mrs. Harshbarger	X			Ms. Trahan		X	
Mrs. Miller-Meeks				Ms. Fletcher		X	
Mrs. Cammack	X			Ms. Ocasio-Cortez		X	
Mr. Obernolte	X			Mr. Auchincloss		X	
Mr. James	X			Mr. Carter (LA)		X	
Mr. Bentz	X			Mr. Menendez			
Mrs. Houchin	X			Mr. Mullin		X	
Mr. Fry	X			Mr. Landsman		X	
Ms. Lee	X			Ms. McClellan		X	
Mr. Langworthy	X						
Mr. Kean	X						
Mr. Rulli	X						
Mr. Evans	X						
Mr. Goldman	X						
Mrs. Fedorchak							

12/03/2025

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 4626 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to protect consumers from Federal mandates that increase costs and fail to result in significant savings by prohibiting the Secretary of Energy from prescribing any new or amended energy conservation standard for a product that is not technologically feasible and economically justified.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 4626 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearings were used to develop or consider H.R. 4626:

On February 5, 2025, the Subcommittee on Energy held a hearing on H.R. 4626. The title of the hearing was "Powering America's Future: Unleashing American Energy." The Subcommittee received testimony from:

- Amanda Eversole, Executive Vice President and Chief Advocacy Officer, American Petroleum Institute;
- Brigham McCown, Senior Fellow and Director, Initiative on American Energy Security, The Hudson Institute;
- Gary Arnold, Business Manager, Denver Pipefitters Local 208; and,
- Tyler O'Conner, Partner, Crowell & Moring LLP.

On February 26, 2025, the Subcommittee on Oversight and Investigations held a hearing on H.R. 4626. The title of the hearing was "Examining the Biden Administration's Energy and Environment Spending Push." The Subcommittee received testimony from:

- Johnathan Black, Chief Advisor for Strategic Planning and Program Oversight, Office of Inspector General, U.S. Department of Energy;
- J. Alfredo Gomez, Director, Natural Resources and Environment team, U.S. Government Accountability Office;
- Nicole Murley, Acting Inspector General, Office of Inspector General, U.S. Environmental Protection Agency; and,
- Frank Rusco, Director, Natural Resources and Environment team, U.S. Government Accountability Office.

On March 5, 2025, the Subcommittee on Energy held a hearing on H.R. 4626. The title of the hearing was "Scaling for Growth: Meeting the Demand for Reliable, Affordable Electricity." The Subcommittee received testimony from:

- Todd Brickhouse, CEO and General Manager, Basin Electric Power Cooperative;
- Asim Z. Haque, Senior Vice President for Governmental and Member Servies, PJM;
- Noel W. Black, Senior Vice President of Regulatory Affairs, Southern Company; and,
- Tyler H. Norris, James B. Duke Fellow, Duke University.

On September 9, 2025, the Subcommittee on Energy held a hearing on H.R. 4626. The title of the hearing was "Building the American Dream: Examining Affordability, Choice, and Security in Appliance and Buildings Policies." The Subcommittee received testimony from:

- Buddy Hughes, Chairman, National Association of Home Builders;
- Ben Lieberman, Senior Fellow, Competitive Enterprise Institute;
- Jim Steffes, Senior Vice President of Regulatory Affairs, Wasington Gas; and,
- Kara Saul-Rinaldi, Chief Policy Officer, Building Performance Association.

On September 16, 2025, the Subcommittee on Energy held a legislative hearing on H.R. 4626. The title of the hearing was "Appliance and Buildings Policies: Restoring the American Dream of Home Ownership and Consumer Choice." The Subcommittee received testimony from:

- Jeff Novak, Acting General Counsel and Principal Deputy General Counsel, U.S. Department of Energy;
- George Lowe, Vice President of Governmental Affairs and Public Policy, American Gas Association;
- Jennifer Cleary, Vice President of Regulatory Affairs, Association of Home Appliance Manufacturers;
- Brian Tebbenkamp, President and Owner, Patriot Homes Inc.; and,
- Andrew deLaski, Executive Director, Appliance Standards Awareness Project.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 4626 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 provides a short title of "Don't Mess With My Home Appliances Act."

Section 2. Prescribing new or amended energy conservation standards

Section 2(a) amends Section 325(m)(1) of EPCA to eliminate the existing requirement that, six years after issuance of any final rule, the Secretary must issue a new proposed rulemaking or publish a notice that the product standard need not be amended. It would instead allow the Secretary to publish a notice of proposed rulemaking at any point based on the criteria of subsection (o) and the procedures under subsection (p). Section 2(a) would also require amendments to apply to products 5 years following the date of the publication of the final rule establishing the applicable standard.

Section 2(b) amends section 325(n) of EPCA to allow the Secretary to amend or revoke a standard if the Secretary finds the new standard results in additional cost to consumers, does not result in significant conservation of energy or water, is not technologically feasible; and results in the covered product not being commercially available in the United States. As indicated in the legislation, the Committee intends federal preemption to remain when a standard is revoked.

Section 2(c) amends Section 325(o) to clarify the criteria for prescribing new or amended efficiency standards. This section requires the imposition of a new standard to be technologically feasible and economically justified and lays out several new factors DOE must consider in making this determination. For example, the Economic Analysis requires DOE to consider the cost to low-income house-

holds, and the full lifecycle costs associated with requiring consumers to purchase a new qualifying appliance. The bill defines a minimum threshold for energy or water savings that must be achieved to justify a new regulation. It also would only allow the Secretary to determine the imposition of a new standard as being economically justifiable if it is not likely to result in the unavailability in the United States of a type (or class) of products based on the type of fuel that product consumes.

Section 3. Distribution transformers

Section 3 amends Section 346 of EPCA to prohibit the Secretary from prescribing any new or amended energy conservation standard for distribution transformers. As indicated in the legislation, the Committee intends federal preemption to remain for existing prescribed standards.

Section 4. Dishwashers; clothes washers

Section 4 amends Section 325(g) of EPCA to clarify DOE's authority to amend existing water efficiency standards for clothes and dishwashers.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

ENERGY POLICY AND CONSERVATION ACT

* * * * * * *

TITLE III—IMPROVING ENERGY EFFICIENCY

* * * * * * *

PART B—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS OTHER THAN AUTOMOBILES

DEFINITIONS

SEC. 321. For purposes of this part:

(1) The term "consumer product" means any article (other than an automobile, as defined in section 32901(a)(3) of title 49, United States Code) of a type—

(A) which in operation consumes, or is designed to consume, energy or[, with respect to showerheads, faucets, water closets, and urinals, water] *water, as applicable*; and

(B) which, to any significant extent, is distributed in commerce for personal use or consumption by individuals;

without regard to whether such article of such type is in fact distributed in commerce for personal use or consumption by an individual, except that such term includes fluorescent lamp ballasts, general service fluorescent lamps, incandescent reflec-

tor lamps, showerheads, faucets, water closets, and urinals distributed in commerce for personal or commercial use or consumption.

(2) The term "covered product" means a consumer product of a type specified in section 322.

(3) The term "energy" means electricity, or fossil fuels. The Secretary may, by rule, include other fuels within the meaning of the term "energy" if he determines that such inclusion is necessary or appropriate to carry out the purposes of this Act.

(4) The term "energy use" means the quantity of energy directly consumed by a consumer product at point of use, determined in accordance with test procedures under section 323.

(5) The term "energy efficiency" means the ratio of the useful output of services from a consumer product to the energy use of such product, determined in accordance with test procedures under section 323.

(6) The term "energy conservation standard" means—

(A) a performance standard which prescribes a minimum level of energy efficiency or a maximum quantity of energy use**[**, or, in the case of showerheads, faucets, water closets, and urinals, water use,**]** *or water use, as applicable,* for a covered product, determined in accordance with test procedures prescribed under section 323; or

(B) a design requirement for the products specified in paragraphs (6), (7), (8), (10), (15), (16), (17), and (20) of section 322(a); and

includes any other requirements which the Secretary may prescribe under section 325(r).

(7) The term "estimated annual operating cost" means the aggregate retail cost of the energy which is likely to be consumed annually, and **[**in the case of showerheads, faucets, water closets, and urinals**]***, as applicable*, the aggregate retail cost of water and wastewater treatment services likely to be incurred annually, in representative use of a consumer product, determined in accordance with section 323.

(8) The term "measure of energy consumption" means energy use, energy efficiency, estimated annual operating cost, or other measure of energy consumption.

(9) The term "class of covered products" means a group of covered products, the functions or intended uses of which are similar (as determined by the Secretary).

(10) The term "manufacture" means to manufacture, produce, assemble, or import.

(11) The terms "import" and "importation" mean to import in to the customs territory of the United States.

(12) The term "manufacturer" means any person who manufactures a consumer product.

(13) The term "retailer" means a person to whom a consumer product is delivered or sold, if such delivery or sale is for purposes of sale or distribution in commerce to purchasers who buy such product for purposes other than resale.

(14) The term "distributor" means a person (other than a manufacturer or retailer) to whom a consumer product is delivered or sold for purposes of distribution in commerce.

(15)(A) The term "private labeler" means an owner of a brand or trademark on the label of a consumer product which bears a private label.

(B) A consumer product bears a private label if (i) such product (or its container) is labeled with the brand or trademark of a person other than a manufacturer of such product, (ii) the person with whose brand or trademark such product (or container) is labeled has authorized or caused such product to be so labeled, and (iii) the brand or trademark of a manufacturer of such product does not appear on such label.

(16) The term "to distribute in commerce" and "distribution in commerce" mean to sell in commerce, to import, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(17) The term "commerce" means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside thereof, or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(18) The term "Commission" means the Federal Trade Commission.

(19) The term "AV" is the adjusted volume for refrigerators, refrigerator-freezers, and freezers, as defined in the applicable test procedure prescribed under section 323.

(20) The term "annual fuel utilization efficiency" means the efficiency descriptor for furnaces and boilers, determined using test procedures prescribed under section 323 and based on the assumption that all—

(A) weatherized warm air furnaces or boilers are located out-of-doors;

(B) warm air furnaces which are not weatherized are located indoors and all combustion and ventilation air is admitted through grills or ducts from the outdoors and does not communicate with air in the conditioned space; and

(C) boilers which are not weatherized are located within the heated space.

(21) The term "central air conditioner" means a product, other than a packaged terminal air conditioner, which—

(A) is powered by single phase electric current;

(B) is air-cooled;

(C) is rated below 65,000 Btu per hour;

(D) is not contained within the same cabinet as a furnace the rated capacity of which is above 225,000 Btu per hour; and

(E) is a heat pump or a cooling only unit.

(22) The term "efficiency descriptor" means the ratio of the useful output to the total energy input, determined using the test procedures prescribed under section 323 and expressed for the following products in the following terms:

(A) For furnaces and direct heating equipment, annual fuel utilization efficiency.

(B) For room air conditioners, energy efficiency ratio.

(C) For central air conditioning and central air conditioning heat pumps, seasonal energy efficiency ratio.

(D) For water heaters, energy factor.

(E) For pool heaters, thermal efficiency.

(23) The term "furnace" means a product which utilizes only single-phase electric current, or single-phase electric current or DC current in conjunction with natural gas, propane, or home heating oil, and which—

(A) is designed to be the principal heating source for the living space of a residence;

(B) is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 Btu per hour;

(C) is an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low pressure steam or hot water boiler; and

(D) has a heat input rate of less than 300,000 Btu per hour for electric boilers and low pressure steam or hot water boilers and less than 225,000 Btu per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces.

(24) The terms "heat pump" or "reverse cycle" mean a product, other than a packaged terminal heat pump, which—

(A) consists of one or more assemblies;

(B) is powered by single phase electric current;

(C) is rated below 65,000 Btu per hour;

(D) utilizes an indoor conditioning coil, compressors, and refrigerant-to-outdoor-air heat exchanger to provide air heating; and

(E) may also provide air cooling, dehumidifying, humidifying circulating, and air cleaning.

(25) The term "pool heater" means an appliance designed for heating nonpotable water contained at atmospheric pressure, including heating water in swimming pools, spas, hot tubs and similar applications.

(26) The term "thermal efficiency of pool heaters" means a measure of the heat in the water delivered at the heater outlet divided by the heat input of the pool heater as measured under test conditions specified in section 2.8.1 of the American National Standard for Gas Fired Pool Heaters, Z21.56–1986, or as may be prescribed by the Secretary.

(27) The term "water heater" means a product which utilizes oil, gas, or electricity to heat potable water for use outside the heater upon demand, including—

(A) storage type units which heat and store water at a thermostatically controlled temperature, including gas storage water heaters with an input of 75,000 Btu per hour or less, oil storage water heaters with an input of 105,000 Btu per hour or less, and electric storage water heaters with an input of 12 kilowatts or less;

(B) instantaneous type units which heat water but contain no more than one gallon of water per 4,000 Btu per hour of input, including gas instantaneous water heaters with an input of 200,000 Btu per hour or less, oil instantaneous water heaters with an input of 210,000 Btu per hour or less, and electric instantaneous water heaters with an input of 12 kilowatts or less; and

(C) heat pump type units, with a maximum current rating of 24 amperes at a voltage no greater than 250 volts, which are products designed to transfer thermal energy from one temperature level to a higher temperature level for the purpose of heating water, including all ancillary equipment such as fans, storage tanks, pumps, or controls necessary for the device to perform its function.

(28) The term "weatherized warm air furnace or boiler" means a furnace or boiler designed for installation outdoors, approved for resistance to wind, rain, and snow, and supplied with its own venting system.

(29)(A) The term "fluorescent lamp ballast" means a device which is used to start and operate fluorescent lamps by providing a starting voltage and current and limiting the current during normal operation.

(B) The term "ANSI standard" means a standard developed by a committee accredited by the American National Standards Institute.

(C) The term "ballast efficacy factor" means the relative light output divided by the power input of a fluorescent lamp ballast, as measured under test conditions specified in ANSI standard C82.2–1984, or as may be prescribed by the Secretary.

(D)(i) The term "F40T12 lamp" means a nominal 40 watt tubular fluorescent lamp which is 48 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.81–2003 (Data Sheet 7881–ANSI–1010–1).

(ii) The term "F96T12 lamp" means a nominal 75 watt tubular fluorescent lamp which is 96 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.81–2003 (Data Sheet 7881–ANSI–3007–1).

(iii) The term "F96T12HO lamp" means a nominal 110 watt tubular fluorescent lamp which is 96 inches in length and one-and-a-half inches in diameter, and conforms to ANSI standard C78.81–2003 (Data Sheet 7881–ANSI–1019–1).

(E) The term "input current" means the root-mean-square (RMS) current in amperes delivered to a fluorescent lamp ballast.

(F) The term "luminaire" means a complete lighting unit consisting of a fluorescent lamp or lamps, together with parts designed to distribute the light, to position and protect such lamps, and to connect such lamps to the power supply through the ballast.

(G) The term "ballast input voltage" means the rated input voltage of a fluorescent lamp ballast.

(H) The term "nominal lamp watts" means the wattage at which a fluorescent lamp is designed to operate.

(I) The term "power factor" means the power input divided by the product of ballast input voltage and input current of a fluorescent lamp ballast, as measured under test conditions specified in ANSI standard C82.2–1984, or as may be prescribed by the Secretary.

(J) The term "power input" means the power consumption in watts of a ballast and fluorescent lamp or lamps, as determined in accordance with the test procedures specified in ANSI

standard C82.2–1984, or as may be prescribed by the Secretary.

(K) The term "relative light output" means the light output delivered through the use of a ballast divided by the light output delivered through the use of a reference ballast, expressed as a percent, as determined in accordance with the test procedures specified in ANSI standard C82.2–1984, or as may be prescribed by the Secretary.

(L) The term "residential building" means a structure or portion of a structure which provides facilities or shelter for human residency, except that such term does not include any multifamily residential structure of more than three stories above grade.

(M) The term "F34T12 lamp" (also known as a "F40T12/ES lamp") means a nominal 34 watt tubular fluorescent lamp that is 48 inches in length and 1½ inches in diameter, and conforms to ANSI standard C78.81–2003 (Data Sheet 7881–ANSI–1006–1).

(N) The term "F96T12/ES lamp" means a nominal 60 watt tubular fluorescent lamp that is 96 inches in length and 1½ inches in diameter, and conforms to ANSI standard C78.81–2003 (Data Sheet 7881–ANSI–3006–1).

(O) The term "F96T12HO/ES lamp" means a nominal 95 watt tubular fluorescent lamp that is 96 inches in length and 1½ inches in diameter, and conforms to ANSI standard C78.81–2003 (Data Sheet 7881–ANSI–1017–1).

(P) The term "replacement ballast" means a ballast that—

(i) is designed for use to replace an existing ballast in a previously installed luminaire;

(ii) is marked "FOR REPLACEMENT USE ONLY";

(iii) is shipped by the manufacturer in packages containing not more than 10 ballasts; and

(iv) has output leads that when fully extended are a total length that is less than the length of the lamp with which the ballast is intended to be operated.

(30)(A) Except as provided in subparagraph (E), the term "fluorescent lamp" means a low pressure mercury electric-discharge source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into light, including only the following:

(i) Any straight-shaped lamp (commonly referred to as 4-foot medium bi-pin lamps) with medium bi-pin bases of nominal overall length of 48 inches and rated wattage of 28 or more.

(ii) Any U-shaped lamp (commonly referred to as 2-foot U-shaped lamps) with medium bi-pin bases of nominal overall length between 22 and 25 inches and rated wattage of 28 or more.

(iii) Any rapid start lamp (commonly referred to as 8-foot high output lamps) with recessed double contact bases of nominal overall length of 96 inches and 0.800 nominal amperes, as defined in ANSI C78.1–1978 and related supplements.

(iv) Any instant start lamp (commonly referred to as 8-foot slimline lamps) with single pin bases of nominal over-

all length of 96 inches and rated wattage of 52 or more, as defined in ANSI C78.3–1978 (R1984) and related supplement ANSI C78.3a–1985.

(B) The term "general service fluorescent lamp" means fluorescent lamps which can be used to satisfy the majority of fluorescent applications, but does not include any lamp designed and marketed for the following nongeneral lighting applications:

(i) Fluorescent lamps designed to promote plant growth.

(ii) Fluorescent lamps specifically designed for cold temperature installations.

(iii) Colored fluorescent lamps.

(iv) Impact-resistant fluorescent lamps.

(v) Reflectorized or aperture lamps.

(vi) Fluorescent lamps designed for use in reprographic equipment.

(vii) Lamps primarily designed to produce radiation in the ultra-violet region of the spectrum.

(viii) Lamps with a color rendering index of 87 or greater.

(C) Except as provided in subparagraph (E), the term "incandescent lamp" means a lamp in which light is produced by a filament heated to incandescence by an electric current, including only the following:

(i) Any lamp (commonly referred to as lower wattage nonreflector general service lamps, including any tungsten-halogen lamp) that has a rated wattage between 30 and 199 watts, has an E26 medium screw base, has a rated voltage or voltage range that lies at least partially within 115 and 130 volts, and is not a reflector lamp.

(ii) Any lamp (commonly referred to as a reflector lamp) which is not colored or designed for rough or vibration service applications, that contains an inner reflective coating on the outer bulb to direct the light, an R, PAR, ER, BR, BPAR, or similar bulb shapes with E26 medium screw bases, a rated voltage or voltage range that lies at least partially within 115 and 130 volts, a diameter which exceeds 2.25 inches, and has a rated wattage that is 40 watts or higher.

(iii) Any general service incandescent lamp (commonly referred to as a high- or higher-wattage lamp) that has a rated wattage above 199 watts (above 205 watts for a high wattage reflector lamp).

(D) GENERAL SERVICE INCANDESCENT LAMP.—

(i) IN GENERAL.—The term "general service incandescent lamp" means a standard incandescent or halogen type lamp that—

(I) is intended for general service applications;

(II) has a medium screw base;

(III) has a lumen range of not less than 310 lumens and not more than 2,600 lumens or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens; and

(IV) is capable of being operated at a voltage range at least partially within 110 and 130 volts.

(ii) EXCLUSIONS.—The term "general service incandescent lamp" does not include the following incandescent lamps:

(I) An appliance lamp.
(II) A black light lamp.
(III) A bug lamp.
(IV) A colored lamp.
(V) An infrared lamp.
(VI) A left-hand thread lamp.
(VII) A marine lamp.
(VIII) A marine signal service lamp.
(IX) A mine service lamp.
(X) A plant light lamp.
(XI) A reflector lamp.
(XII) A rough service lamp.
(XIII) A shatter-resistant lamp (including a shatter-proof lamp and a shatter-protected lamp).
(XIV) A sign service lamp.
(XV) A silver bowl lamp.
(XVI) A showcase lamp.
(XVII) A 3-way incandescent lamp.
(XVIII) A traffic signal lamp.
(XIX) A vibration service lamp.
(XX) A G shape lamp (as defined in ANSI C78.20–2003 and C79.1–2002 with a diameter of 5 inches or more.
(XXI) A T shape lamp (as defined in ANSI C78.20–2003 and C79.1–2002) and that uses not more than 40 watts or has a length of more than 10 inches.
(XXII) A B, BA, CA, F, G16–1/2, G–25, G30, S, or M–14 lamp (as defined in ANSI C79.1–2002 and ANSI C78.20–2003) of 40 watts or less.

(E) The terms "fluorescent lamp" and "incandescent lamp" do not include any lamp excluded by the Secretary, by rule, as a result of a determination that standards for such lamp would not result in significant energy savings because such lamp is designed for special applications or has special characteristics not available in reasonably substitutable lamp types.

(F) The term "incandescent reflector lamp" means a lamp described in subparagraph (C)(ii).

(G) The term "average lamp efficacy" means the lamp efficacy readings taken over a statistically significant period of manufacture with the readings averaged over that period.

(H) The term "base" means the portion of the lamp which connects with the socket as described in ANSI C81.61–1990.

(I) The term "bulb shape" means the shape of lamp, especially the glass bulb with designations for bulb shapes found in ANSI C79.1–1980 (R1984).

(J) The term "color rendering index" or "CRI" means the measure of the degree of color shift objects undergo when illuminated by a light source as compared with the color of those same objects when illuminated by a reference source of comparable color temperature.

(K) The term "correlated color temperature" means the absolute temperature of a blackbody whose chromaticity most nearly resembles that of the light source.

(L) The term "IES" means the Illuminating Engineering Society of North America.

(M) The term "lamp efficacy" means the lumen output of a lamp divided by its wattage, expressed in lumens per watt (LPW).

(N) The term "lamp type" means all lamps designated as having the same electrical and lighting characteristics and made by one manufacturer.

(O) The term "lamp wattage" means the total electrical power consumed by a lamp in watts, after the initial seasoning period referenced in the appropriate IES standard test procedure and including, for fluorescent, arc watts plus cathode watts.

(P) The terms "life" and "lifetime" mean length of operating time of a statistically large group of lamps between first use and failure of 50 percent of the group in accordance with test procedures described in the IES Lighting Handbook-Reference Volume.

(Q) The term "lumen output" means total luminous flux (power) of a lamp in lumens, as measured in accordance with applicable IES standards as determined by the Secretary.

(R) The term "tungsten-halogen lamp" means a gas-filled tungsten filament incandescent lamp containing a certain proportion of halogens in an inert gas.

(S)(i) The term "medium base compact fluorescent lamp" means an integrally ballasted fluorescent lamp with a medium screw base and a rated input voltage of 115 to 130 volts and which is designed as a direct replacement for a general service incandescent lamp.

(ii) The term "medium base compact fluorescent lamp" does not include—

(I) any lamp that is—

(aa) specifically designed to be used for special purpose applications; and

(bb) unlikely to be used in general purpose applications, such as the applications described in subparagraph (D); or

(II) any lamp not described in subparagraph (D) that is excluded by the Secretary, by rule, because the lamp is—

(aa) designed for special applications; and

(bb) unlikely to be used in general purpose applications.

(T) APPLIANCE LAMP.—The term "appliance lamp" means any lamp that—

(i) is specifically designed to operate in a household appliance and has a maximum wattage of 40 watts, including an oven lamp, refrigerator lamp, and vacuum cleaner lamp; and

(ii) when sold at retail, is designated and marketed for the intended application, with—

(I) the designation on the lamp packaging; and

(II) marketing materials that identify the lamp as being for appliance use.

(U) CANDELABRA BASE INCANDESCENT LAMP.—The term "candelabra base incandescent lamp" means a lamp that uses candelabra screw base as described in ANSI C81.61–2006, Specifications for Electric Bases, common designations E11 and E12.

(V) INTERMEDIATE BASE INCANDESCENT LAMP.—The term "intermediate base incandescent lamp" means a lamp that uses an intermediate screw base as described in ANSI C81.61–2006, Specifications for Electric Bases, common designation E17.

(W) MODIFIED SPECTRUM.—The term "modified spectrum" means, with respect to an incandescent lamp, an incandescent lamp that—

(i) is not a colored incandescent lamp; and

(ii) when operated at the rated voltage and wattage of the incandescent lamp—

(I) has a color point with (x,y) chromaticity coordinates on the Commission Internationale de l'Eclairage (C.I.E.) 1931 chromaticity diagram that lies below the black-body locus; and

(II) has a color point with (x,y) chromaticity coordinates on the C.I.E. 1931 chromaticity diagram that lies at least 4 MacAdam steps (as referenced in IESNA LM16) distant from the color point of a clear lamp with the same filament and bulb shape, operated at the same rated voltage and wattage.

(X) ROUGH SERVICE LAMP.—The term "rough service lamp" means a lamp that—

(i) has a minimum of 5 supports with filament configurations that are C–7A, C–11, C–17, and C–22 as listed in Figure 6–12 of the 9th edition of the IESNA Lighting handbook, or similar configurations where lead wires are not counted as supports; and

(ii) is designated and marketed specifically for "rough service" applications, with—

(I) the designation appearing on the lamp packaging; and

(II) marketing materials that identify the lamp as being for rough service.

(Y) 3-WAY INCANDESCENT LAMP.—The term "3-way incandescent lamp" includes an incandescent lamp that—

(i) employs 2 filaments, operated separately and in combination, to provide 3 light levels; and

(ii) is designated on the lamp packaging and marketing materials as being a 3-way incandescent lamp.

(Z) SHATTER-RESISTANT LAMP, SHATTER-PROOF LAMP, OR SHATTER-PROTECTED LAMP.—The terms "shatter-resistant lamp", "shatter-proof lamp", and "shatter-protected lamp" mean a lamp that—

(i) has a coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to con-

tain the glass if the glass envelope of the lamp is broken; and

(ii) is designated and marketed for the intended application, with—

(I) the designation on the lamp packaging; and

(II) marketing materials that identify the lamp as being shatter-resistant, shatter-proof, or shatter-protected.

(AA) VIBRATION SERVICE LAMP.—The term "vibration service lamp" means a lamp that—

(i) has filament configurations that are C–5, C–7A, or C–9, as listed in Figure 6–12 of the 9th Edition of the IESNA Lighting Handbook or similar configurations;

(ii) has a maximum wattage of 60 watts;

(iii) is sold at retail in packages of 2 lamps or less; and

(iv) is designated and marketed specifically for vibration service or vibration-resistant applications, with—

(I) the designation appearing on the lamp packaging; and

(II) marketing materials that identify the lamp as being vibration service only.

(BB) GENERAL SERVICE LAMP.—

(i) IN GENERAL.—The term "general service lamp" includes—

(I) general service incandescent lamps;

(II) compact fluorescent lamps;

(III) general service light-emitting diode (LED or OLED) lamps; and

(IV) any other lamps that the Secretary determines are used to satisfy lighting applications traditionally served by general service incandescent lamps.

(ii) EXCLUSIONS.—The term "general service lamp" does not include—

(I) any lighting application or bulb shape described in any of subclauses (I) through (XXII) of subparagraph (D)(ii); or

(II) any general service fluorescent lamp or incandescent reflector lamp.

(CC) LIGHT-EMITTING DIODE; LED.—

(i) IN GENERAL.—The terms "light-emitting diode" and "LED" means a p-n junction solid state device the radiated output of which is a function of the physical construction, material used, and exciting current of the device.

(ii) OUTPUT.—The output of a light-emitting diode may be in—

(I) the infrared region;

(II) the visible region; or

(III) the ultraviolet region.

(DD) ORGANIC LIGHT-EMITTING DIODE; OLED.—The terms "organic light-emitting diode" and "OLED" mean a thin-

film light-emitting device that typically consists of a series of organic layers between 2 electrical contacts (electrodes).

(EE) COLORED INCANDESCENT LAMP.—The term "colored incandescent lamp" means an incandescent lamp designated and marketed as a colored lamp that has—

(i) a color rendering index of less than 50, as determined according to the test method given in C.I.E. publication 13.3–1995; or

(ii) a correlated color temperature of less than 2,500K, or greater than 4,600K, where correlated temperature is computed according to the Journal of Optical Society of America, Vol. 58, pages 1528–1595 (1986).

(31)(A) The term "water use" means the quantity of water flowing through a showerhead, faucet, water closet, or urinal at point of use, determined in accordance with test procedures under section 323.

(B) The term "ASME" means the American Society of Mechanical Engineers.

(C) The term "ANSI" means the American National Standards Institute.

(D) The term "showerhead" means any showerhead (including a handheld showerhead), except a safety shower showerhead.

(E) The term "faucet" means a lavatory faucet, kitchen faucet, metering faucet, or replacement aerator for a lavatory or kitchen faucet.

(F) The term "water closet" has the meaning given such term in ASME A112.19.2M–1990, except such term does not include fixtures designed for installation in prisons.

(G) The term "urinal" has the meaning given such term in ASME A112.19.2M–1990, except such term does not include fixtures designed for installation in prisons.

(H) The terms "blowout", "flushometer tank", "low consumption", and "flushometer valve" have the meaning given such terms in ASME A112.19.2M–1990.

(32) The term "battery charger" means a device that charges batteries for consumer products, including battery chargers embedded in other consumer products.

(33)(A) The term "commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and ware washing equipment that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue before cleaning the items.

(B) The Secretary may modify the definition of "commercial prerinse spray valve" by rule—

(i) to include products—

(I) that are extensively used in conjunction with commercial dishwashing and ware washing equipment;

(II) the application of standards to which would result in significant energy savings; and

(III) the application of standards to which would meet the criteria specified in section 325(o)(4); and

(ii) to exclude products—

(I) that are used for special food service applications;

(II) that are unlikely to be widely used in conjunction with commercial dishwashing and ware washing equipment; and

(III) the application of standards to which would not result in significant energy savings.

(34) The term "dehumidifier" means a self-contained, electrically operated, and mechanically encased assembly consisting of—

(A) a refrigerated surface (evaporator) that condenses moisture from the atmosphere;

(B) a refrigerating system, including an electric motor;

(C) an air-circulating fan; and

(D) means for collecting or disposing of the condensate.

(35)(A) The term "distribution transformer" means a transformer that—

(i) has an input voltage of 34.5 kilovolts or less;

(ii) has an output voltage of 600 volts or less; and

(iii) is rated for operation at a frequency of 60 Hertz.

(B) The term "distribution transformer" does not include—

(i) a transformer with multiple voltage taps, the highest of which equals at least 20 percent more than the lowest;

(ii) a transformer that is designed to be used in a special purpose application and is unlikely to be used in general purpose applications, such as a drive transformer, rectifier transformer, auto-transformer, Uninterruptible Power System transformer, impedance transformer, regulating transformer, sealed and nonventilating transformer, machine tool transformer, welding transformer, grounding transformer, or testing transformer; or

(iii) any transformer not listed in clause (ii) that is excluded by the Secretary by rule because—

(I) the transformer is designed for a special application;

(II) the transformer is unlikely to be used in general purpose applications; and

(III) the application of standards to the transformer would not result in significant energy savings.

(36) EXTERNAL POWER SUPPLY.—

(A) EXTERNAL POWER SUPPLY.—

(i) IN GENERAL.—The term "external power supply" means an external power supply circuit that is used to convert household electric current into DC current or lower-voltage AC current to operate a consumer product.

(ii) EXCLUSION.—The term "external power supply" does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

(I) light-emitting diodes providing illumination;

(II) organic light-emitting diodes providing illumination; or

(III) ceiling fans using direct current motors.

(B) ACTIVE MODE.—The term "active mode" means the mode of operation when an external power supply is con-

nected to the main electricity supply and the output is connected to a load.

(C) CLASS A EXTERNAL POWER SUPPLY.—

(i) IN GENERAL.—The term "class A external power supply" means a device that—

(I) is designed to convert line voltage AC input into lower voltage AC or DC output;

(II) is able to convert to only 1 AC or DC output voltage at a time;

(III) is sold with, or intended to be used with, a separate end-use product that constitutes the primary load;

(IV) is contained in a separate physical enclosure from the end-use product;

(V) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and

(VI) has nameplate output power that is less than or equal to 250 watts.

(ii) EXCLUSIONS.—The term "class A external power supply" does not include any device that—

(I) requires Federal Food and Drug Administration listing and approval as a medical device in accordance with section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c); or

(II) powers the charger of a detachable battery pack or charges the battery of a product that is fully or primarily motor operated.

(D) NO-LOAD MODE.—The term "no-load mode" means the mode of operation when an external power supply is connected to the main electricity supply and the output is not connected to a load.

(37) The term "illuminated exit sign" means a sign that—

(A) is designed to be permanently fixed in place to identify an exit; and

(B) consists of an electrically powered integral light source that—

(i) illuminates the legend "EXIT" and any directional indicators; and

(ii) provides contrast between the legend, any directional indicators, and the background.

(38) The term "low-voltage dry-type distribution transformer" means a distribution transformer that—

(A) has an input voltage of 600 volts or less;

(B) is air-cooled; and

(C) does not use oil as a coolant.

(39) The term "pedestrian module" means a light signal used to convey movement information to pedestrians.

(40) The term "refrigerated bottled or canned beverage vending machine" means a commercial refrigerator that cools bottled or canned beverages and dispenses the bottled or canned beverages on payment.

(41) The term "standby mode" means the lowest power consumption mode, as established on an individual product basis by the Secretary, that—

(A) cannot be switched off or influenced by the user; and

(B) may persist for an indefinite time when an appliance is—

(i) connected to the main electricity supply; and

(ii) used in accordance with the instructions of the manufacturer.

(42) The term "torchiere" means a portable electric lamp with a reflector bowl that directs light upward to give indirect illumination.

(43) The term "traffic signal module" means a standard 8-inch (200mm) or 12-inch (300mm) traffic signal indication that—

(A) consists of a light source, a lens, and all other parts necessary for operation; and

(B) communicates movement messages to drivers through red, amber, and green colors.

(44) The term "transformer" means a device consisting of 2 or more coils of insulated wire that transfers alternating current by electromagnetic induction from 1 coil to another to change the original voltage or current value.

(45)(A) The term "unit heater" means a self-contained fan-type heater designed to be installed within the heated space.

(B) The term "unit heater" does not include a warm air furnace.

(46) HIGH INTENSITY DISCHARGE LAMP.—

(A) IN GENERAL.—The term "high intensity discharge lamp" means an electric-discharge lamp in which—

(i) the light-producing arc is stabilized by the arc tube wall temperature; and

(ii) the arc tube wall loading is in excess of 3 Watts/cm.

(B) INCLUSIONS.—The term "high intensity discharge lamp" includes mercury vapor, metal halide, and high-pressure sodium lamps described in subparagraph (A).

(47) MERCURY VAPOR LAMP.—

(A) IN GENERAL.—The term "mercury vapor lamp" means a high intensity discharge lamp in which the major portion of the light is produced by radiation from mercury typically operating at a partial vapor pressure in excess of 100,000 Pa (approximately 1 atm).

(B) INCLUSIONS.—The term "mercury vapor lamp" includes clear, phosphor-coated, and self-ballasted screw base lamps described in subparagraph (A).

(48) MERCURY VAPOR LAMP BALLAST.—The term "mercury vapor lamp ballast" means a device that is designed and marketed to start and operate mercury vapor lamps intended for general illumination by providing the necessary voltage and current.

(49) The term "ceiling fan" means a nonportable device that is suspended from a ceiling for circulating air via the rotation of fan blades.

(50) The term "ceiling fan light kit" means equipment designed to provide light from a ceiling fan that can be—

(A) integral, such that the equipment is attached to the ceiling fan prior to the time of retail sale; or

(B) attachable, such that at the time of retail sale the equipment is not physically attached to the ceiling fan, but may be included inside the ceiling fan at the time of sale or sold separately for subsequent attachment to the fan.

(51) The term "medium screw base" means an Edison screw base identified with the prefix E–26 in the "American National Standard for Electric Lamp Bases", ANSI/IEC C81.61–2003, published by the American National Standards Institute.

(52) DETACHABLE BATTERY.—The term "detachable battery" means a battery that is—

(A) contained in a separate enclosure from the product; and

(B) intended to be removed or disconnected from the product for recharging.

(53) SPECIALTY APPLICATION MERCURY VAPOR LAMP BALLAST.—The term "specialty application mercury vapor lamp ballast" means a mercury vapor lamp ballast that—

(A) is designed and marketed for operation of mercury vapor lamps used in quality inspection, industrial processing, or scientific use, including fluorescent microscopy and ultraviolet curing; and

(B) in the case of a specialty application mercury vapor lamp ballast, the label of which—

(i) provides that the specialty application mercury vapor lamp ballast is "For specialty applications only, not for general illumination"; and

(ii) specifies the specific applications for which the ballast is designed.

(54) BPAR INCANDESCENT REFLECTOR LAMP.—The term "BPAR incandescent reflector lamp" means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

(55) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

(A) BR INCANDESCENT REFLECTOR LAMP.—The term "BR incandescent reflector lamp" means a reflector lamp that has—

(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

(ii) a finished size and shape shown in ANSI C78.21–1989, including the referenced reflective characteristics in part 7 of ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

(B) BR30.—The term "BR30" means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

(C) BR40.—The term "BR40" means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

(56) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

(A) ER INCANDESCENT REFLECTOR LAMP.—The term "ER incandescent reflector lamp" means a reflector lamp that has—

(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

(ii) a finished size and shape shown in ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

(B) ER30.—The term "ER30" means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

(C) ER40.—The term "ER40" means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

(57) R20 INCANDESCENT REFLECTOR LAMP.—The term "R20 incandescent reflector lamp" means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.

(58) BALLAST.—The term "ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions (voltage, current, and waveform) for starting and operating.

(59) BALLAST EFFICIENCY.—

(A) IN GENERAL.—The term "ballast efficiency" means, in the case of a high intensity discharge fixture, the efficiency of a lamp and ballast combination, expressed as a percentage, and calculated in accordance with the following formula: Efficiency = P_{out}/P_{in}.

(B) EFFICIENCY FORMULA.—For the purpose of subparagraph (A)—

(i) P_{out}shall equal the measured operating lamp wattage;

(ii) P_{in} shall equal the measured operating input wattage;

(iii) the lamp, and the capacitor when the capacitor is provided, shall constitute a nominal system in accordance with the ANSI Standard C78.43–2004;

(iv) for ballasts with a frequency of 60 Hz, P_{in} and P_{out} shall be measured after lamps have been stabilized according to section 4.4 of ANSI Standard C82.6–2005 using a wattmeter with accuracy specified in section 4.5 of ANSI Standard C82.6–2005; and

(v) for ballasts with a frequency greater than 60 Hz, P_{in} and P_{out} shall have a basic accuracy of ± 0.5 percent at the higher of—

(I) 3 times the output operating frequency of the ballast; or

(II) 2 kHz for ballast with a frequency greater than 60 Hz.

(C) MODIFICATION.—The Secretary may, by rule, modify the definition of "ballast efficiency" if the Secretary determines that the modification is necessary or appropriate to carry out the purposes of this Act.

(60) ELECTRONIC BALLAST.—The term "electronic ballast" means a device that uses semiconductors as the primary means to control lamp starting and operation.

(61) GENERAL LIGHTING APPLICATION.—The term "general lighting application" means lighting that provides an interior or exterior area with overall illumination.

(62) METAL HALIDE BALLAST.—The term "metal halide ballast" means a ballast used to start and operate metal halide lamps.

(63) METAL HALIDE LAMP.—The term "metal halide lamp" means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

(64) METAL HALIDE LAMP FIXTURE.—The term "metal halide lamp fixture" means a light fixture for general lighting application designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

(65) PROBE-START METAL HALIDE BALLAST.—The term "probe-start metal halide ballast" means a ballast that—

(A) starts a probe-start metal halide lamp that contains a third starting electrode (probe) in the arc tube; and

(B) does not generally contain an igniter but instead starts lamps with high ballast open circuit voltage.

(66) PULSE-START METAL HALIDE BALLAST.—

(A) IN GENERAL.—The term "pulse-start metal halide ballast" means an electronic or electromagnetic ballast that starts a pulse-start metal halide lamp with high voltage pulses.

(B) STARTING PROCESS.—For the purpose of subparagraph (A)—

(i) lamps shall be started by first providing a high voltage pulse for ionization of the gas to produce a glow discharge; and

(ii) to complete the starting process, power shall be provided by the ballast to sustain the discharge through the glow-to-arc transition.

* * * * * * *

TEST PROCEDURES

SEC. 323. (a) GENERAL RULE.—All test procedures and related determinations prescribed or made by the Secretary with respect to any covered product (or class thereof) which are in effect on the date of enactment of the National Appliance Energy Conservation Act of 1987 shall remain in effect until the Secretary amends such test procedures and related determinations under subsection (b).

(b) AMENDED AND NEW PROCEDURES.—

(1) TEST PROCEDURES.—

(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

(i) amend test procedures with respect to any covered product, if the Secretary determines that amend-

ed test procedures would more accurately or fully comply with the requirements of paragraph (3); or

(ii) publish notice in the Federal Register of any determination not to amend a test procedure.

(B) The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 6292(b) of this title.

(C) The Secretary shall direct the National Institute of Standards and Technology to assist in developing new or amended test procedures.

(2) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the Federal Register proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period shall not be less than 60 days and may be extended for good cause shown to not more than 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved.

(3) Any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure [energy efficiency, energy use, water use (in the case of showerheads, faucets, water closets and urinals)], *as applicable, energy efficiency, energy use, water use*, or estimated annual operating cost of a covered product during a representative average use cycle or period of use, as determined by the Secretary, and shall not be unduly burdensome to conduct.

(4) If the test procedure is a procedure for determining estimated annual operating costs, such procedure shall provide that such costs shall be calculated from measurements of energy use [or, in the case of showerheads, faucets, water closets, or urinals,] *or, as applicable,* water use in a representative average use cycle or period of use, as determined by the Secretary, and from representative average unit costs of the energy needed to operate such product during such cycle, [or in the case of showerheads, faucets, water closets, or urinals,] *or, as applicable,* representative average unit costs of water and wastewater treatment service resulting from the operation of such products during such cycle. The Secretary shall provide information to manufacturers with respect to representative average unit costs of energy, water, and wastewater treatment.

(5) With respect to fluorescent lamp ballasts manufactured on or after January 1, 1990, and to which standards are applicable under section 325, the Secretary shall prescribe test procedures that are in accord with ANSI standard C8202–1984 or other test procedures determined appropriate by the Secretary.

(6) With respect to fluorescent lamps and incandescent reflector lamps to which standards are applicable under subsection (i) of section 325, the Secretary shall prescribe test procedures, to be carried out by accredited test laboratories, that take into consideration the applicable IES or ANSI standard.

(7)(A) Test procedures for showerheads and faucets to which standards are applicable under subsection (j) of section 325 shall be the test procedures specified in ASME A112.18.1M–1989 for such products.

(B) If the test procedure requirements of ASME A112.18.1M–1989 are revised at any time and approved by ANSI, the Secretary shall amend the test procedures established by subparagraph (A) to conform to such revised ASME/ANSI requirements unless the Secretary determines, by rule, that to do so would not meet the requirements of paragraph (3).

(8)(A) Test procedures for water closets and urinals to which standards are applicable under subsection (k) of section 325 shall be the test procedures specified in ASME A112.19.6–1990 for such products.

(B) If the test procedure requirements of ASME A112.19.6–1990 are revised at any time and approved by ANSI, the Secretary shall amend the test procedures established by subparagraph (A) to conform to such revised ASME/ANSI requirements unless the Secretary determines, by rule, that to do so would not meet the requirements of paragraph (3).

(9) Test procedures for illuminated exit signs shall be based on the test method used under version 2.0 of the Energy Star program of the Environmental Protection Agency for illuminated exit signs.

(10)(A) Test procedures for distribution transformers and low voltage dry-type distribution transformers shall be based on the "Standard Test Method for Measuring the Energy Consumption of Distribution Transformers" prescribed by the National Electrical Manufacturers Association (NEMA TP 2–1998).

(B) The Secretary may review and revise the test procedures established under subparagraph (A).

(C) For purposes of section 346(a), the test procedures established under subparagraph (A) shall be considered to be the testing requirements prescribed by the Secretary under section 346(a)(1) for distribution transformers for which the Secretary makes a determination that energy conservation standards would—

(i) be technologically feasible and economically justified; and

(ii) result in significant energy savings.

(11) Test procedures for traffic signal modules and pedestrian modules shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for traffic signal modules, as in effect on the date of enactment of this paragraph.

(12)(A) Test procedures for medium base compact fluorescent lamps shall be based on the test methods for compact fluorescent lamps used under the August 9, 2001, version of the Energy Star program of the Environmental Protection Agency and the Department of Energy.

(B) Except as provided in subparagraph (C), medium base compact fluorescent lamps shall meet all test requirements for regulated parameters of section 325(cc).

(C) Notwithstanding subparagraph (B), if manufacturers document engineering predictions and analysis that support expected attainment of lumen maintenance at 40 percent rated life and lamp lifetime, medium base compact fluorescent lamps may be marketed

before completion of the testing of lamp life and lumen maintenance at 40 percent of rated life.

(13) Test procedures for dehumidifiers shall be based on the test criteria used under the Energy Star Program Requirements for Dehumidifiers developed by the Environmental Protection Agency, as in effect on the date of enactment of this paragraph unless revised by the Secretary pursuant to this section.

(14) The test procedure for measuring flow rate for commercial prerinse spray valves shall be based on American Society for Testing and Materials Standard F2324, entitled "Standard Test Method for Pre-Rinse Spray Valves".

(15) The test procedure for refrigerated bottled or canned beverage vending machines shall be based on American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 32.1–2004, entitled "Methods of Testing for Rating Vending Machines for Bottled, Canned or Other Sealed Beverages".

(16)(A)(i) Test procedures for ceiling fans shall be based on the "Energy Star Testing Facility Guidance Manual: Building a Testing Facility and Performing the Solid State Test Method for ENERGY STAR Qualified Ceiling Fans, Version 1.1" published by the Environmental Protection Agency.

(ii) Test procedures for ceiling fan light kits shall be based on the test procedures referenced in the Energy Star specifications for Residential Light Fixtures and Compact Fluorescent Light Bulbs, as in effect on the date of enactment of this paragraph.

(B) The Secretary may review and revise the test procedures established under subparagraph (A).

(17) CLASS A EXTERNAL POWER SUPPLIES.—Test procedures for class A external power supplies shall be based on the "Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies" published by the Environmental Protection Agency on August 11, 2004, except that the test voltage specified in section 4(d) of that test method shall be only 115 volts, 60 Hz.

(18) METAL HALIDE LAMP BALLASTS.—Test procedures for metal halide lamp ballasts shall be based on ANSI Standard C82.6–2005, entitled "Ballasts for High Intensity Discharge Lamps—Method of Measurement".

(c) RESTRICTION ON CERTAIN REPRESENTATIONS.—(1) No manufacturer, distributor, retailer, or private labeler may make any representation—

(A) in writing (including a representation on a label); or

(B) in any broadcast advertisement,

with respect to the energy use or efficiency [or, in the case of showerheads, faucets, water closets, and urinals,] *or, as applicable,* water use of a covered product to which a test procedure is applicable under subsection (a) or the cost of energy consumed by such product, unless such product has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.

(2) Effective 180 days after an amended or new test procedure applicable to a covered product is prescribed or established under subsection (b), no manufacturer, distributor, retailer, or private labeler may make any representation—

(A) in writing (including a representation on a label); or

(B) in any broadcast advertisement,

with respect to energy use or efficiency [or, in the case of showerheads, faucets, water closets, and urinals,] *or, as applicable,* water use of such product or cost of energy consumed by such product, unless such product has been tested in accordance with such amended or new test procedures and such representation fairly discloses the results of such testing.

(3) On the petition of any manufacturer, distributor, retailer, or private labeler, filed not later than the 60th day before the expiration of the period involved, the 180-day period referred to in paragraph (2) may be extended by the Secretary with respect to the petitioner (but in no event for more than an additional 180 days) if the Secretary determines that the requirements of paragraph (2) would impose an undue hardship on such petitioner.

(d) CASE IN WHICH TEST PROCEDURE IS NOT REQUIRED.—(1) The Secretary is not required to publish and prescribe test procedures for a covered product (or class thereof) if the Secretary determines, by rule, that test procedures cannot be developed which meet the requirements of subsection (b)(3) and publishes such determination in the Federal Register, together with the reasons therefor.

(2) For purposes of section 327, a determination under paragraph (1) with respect to any covered product or class shall have the same effect as would a standard prescribed for a covered product (or class).

(e) AMENDMENT OF STANDARD.—(1) In the case of any amended test procedure which is prescribed pursuant to this section, the Secretary shall determine, in the rulemaking carried out with respect to prescribing such procedure, to what extent, if any, the proposed test procedure would alter the measured energy efficiency, measured energy use, or measured water use of any covered product as determined under the existing test procedure.

(2) If the Secretary determines that the amended test procedure will alter the measured efficiency or measured use, the Secretary shall amend the applicable energy conservation standard during the rulemaking carried out with respect to such test procedure. In determining the amended energy conservation standard, the Secretary shall measure, pursuant to the amended test procedure, the energy efficiency, energy use, or water use of a representative sample of covered products that minimally comply with the existing standard. The average of such energy efficiency, energy use, or water use levels determined under the amended test procedure shall constitute the amended energy conservation standard for the applicable covered products.

(3) Models of covered products in use before the date on which the amended energy conservation standard becomes effective (or revisions of such models that come into use after such date and have the same energy efficiency, energy use, or water use characteristics) that comply with the energy conservation standard applicable to such covered products on the day before such date shall be deemed to comply with the amended energy conservation standard.

(4) The Secretary's authority to amend energy conservation standards under this subsection shall not affect the Secretary's obligation to issue final rules as described in section 325.

(f) ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.—(1) Not later than 2 years after the date of enactment of this subsection, the Secretary shall prescribe testing requirements for refrigerated bottled or canned beverage vending machines.

(2) To the maximum extent practicable, the testing requirements prescribed under paragraph (1) shall be based on existing test procedures used in industry.

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ENERGY CONSERVATION STANDARDS

SEC. 325. (a) PURPOSES.—The purposes of this section are to—

(1) provide Federal energy conservation standards applicable to covered products; and

(2) authorize the Secretary to prescribe amended or new energy conservation standards for each type (or class) of covered product.

(b) STANDARDS FOR REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—(1) The following is the maximum energy use allowed in kilowatt hours per year for the following products (other than those described in paragraph (2)) manufactured on or after January 1, 1990:

	Energy Standards Equations
Refrigerators and Refrigerator-Freezers with manual defrost	16.3 AV+316
Refrigerator-Freezers—partial automatic defrost	21.8 AV+429
Refrigerator-Freezers—automatic defrost with:	
Top mounted freezer without ice	23.5 AV+471
Side mounted freezer without ice	27.7 AV+488
Bottom mounted freezer without ice	27.7 AV+488
Top mounted freezer with through the door ice service	26.4 AV+535
Side mounted freezer with through the door ice	30.9 AV+547
Upright Freezers with:	
Manual defrost	10.9 AV+422
Automatic defrost	16.0 AV+623
Chest Freezers and all other freezers	14.8 AV+223

(2) The standards described in paragraph (1) do not apply to refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet or freezers with total refrigerated volume exceeding 30 cubic feet.

(3)(A)(i) The Secretary shall publish a proposed rule, no later than July 1, 1988, to determine if the standards established by paragraph (1) should be amended. The Secretary shall publish a final rule no later than July 1, 1989, which shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1993. If such a final rule is not published before January 1, 1990, any amendment of such standards shall apply to products manufactured on or after January 1, 1995. Nothing in this subsection provides any justification or defense for a failure by the Secretary to comply with the nondiscretionary duty to publish final rules by the dates stated in this paragraph.

(ii)(I) If the Secretary does not publish a final rule before January 1, 1990, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, the regulations which established standards for such products and were promulgated by the California Energy Commission on Decem-

ber 14, 1984, to be effective January 1, 1992 (or any amendments to such standards that are not more stringent than the standards in the original regulations), shall apply in California to such products, effective beginning January 1, 1993, and shall not be preempted after such effective date by any energy conservation standard established in this section or prescribed, on or after January 1, 1990, under this section.

(II) If the Secretary does not publish a final rule before January 1, 1992, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, State regulations which apply to such products manufactured on or after January 1, 1995, shall apply to such products until the effective date of a rule issued under this section with respect to such products.

(B) After the publication of a final rule under subparagraph (A), the Secretary shall publish a final rule no later than five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for the products described in paragraph (1).

(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

(i) the effective date of the previous amendment; or

(ii) if the previous final rule did not amend the standards, the earliest date by which the previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

(4) REFRIGERATORS AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—

(A) IN GENERAL.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014.

(B) AMENDED STANDARDS.—The final rule shall contain any amended standards.

(c) STANDARDS FOR ROOM AIR CONDITIONERS.—(1) The energy efficiency ratio of room air conditioners shall be not less than the following for products manufactured on or after January 1, 1990:

Product Class:	Ratio
Without Reverse Cycle and With Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	9.0
14,000 to 19,999 Btu	8.8
20,000 and more Btu	8.2
Without Reverse Cycle and Without Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	8.5
14,000 to 19,999 Btu	8.5
20,000 and more Btu	8.2
With Reverse Cycle and With Louvered Sides	8.5
With Reverse Cycle, Without Louvered Sides	8.0

(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established under para-

graph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

(B) After January 1, 1992, the Secretary shall publish a final rule no later than five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for room air conditioners.

(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

(i) the effective date of the previous amendment; or

(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

(d) STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—(1) The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps shall be not less than the following:

(A) Split Systems: 10.0 for products manufactured on or after January 1, 1992.

(B) Single Package Systems: 9.7 for products manufactured on or after January 1, 1993.

(2) The heating seasonal performance factor of central air conditioning heat pumps shall be not less than the following:

(A) Split Systems: 6.8 for products manufactured on or after January 1, 1992.

(B) Single Package Systems: 6.6 for products manufactured on or after January 1, 1993.

(3)(A) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1999. The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (2) shall be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 2002.

(B) The Secretary shall publish a final rule after January 1, 1994, and no later than January 1, 2001, to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2006.

(4) STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—

(A) DEFINITIONS.—In this paragraph:

(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term "small duct, high velocity system" means a heating and cooling product that contains a blower and indoor coil combination that—

(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms "through-the-wall central air conditioner" and "through-the-wall central air conditioning heat pump" mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

(I) is not weatherized;

(II) is clearly and permanently marked for installation only through an exterior wall;

(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

(B) SMALL-DUCT HIGH-VELOCITY SYSTEMS.—

(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio for small-duct high-velocity systems shall be not less than—

(I) 11.00 for products manufactured on or after January 23, 2006; and

(II) 12.00 for products manufactured on or after January 1, 2015.

(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor for small-duct high-velocity systems shall be not less than—

(I) 6.8 for products manufactured on or after January 23, 2006; and

(II) 7.2 for products manufactured on or after January 1, 2015.

(C) SUBSEQUENT RULEMAKINGS.—The Secretary shall conduct subsequent rulemakings for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps, and small duct, high velocity systems as part of any rulemaking under this section used to review or revise standards for other central air conditioners and heat pumps.

(e) STANDARDS FOR WATER HEATERS; POOL HEATERS; DIRECT HEATING EQUIPMENT.—(1) The energy factor of water heaters shall

be not less than the following for products manufactured on or after January 1, 1990:

(A) Gas Water Heater:	.62 − (.0019 x Rated Storage Volume in gallons)
(B) Oil Water Heater:	.59 − (.0019 x Rated Storage Volume in gallons)
(C) Electric Water Heater:	.95 − (.00132 x Rated Storage Volume in gallons)

(2) The thermal efficiency of pool heaters manufactured on or after January 1, 1990, shall not be less than 78 percent.

(3) The efficiencies of gas direct heating equipment manufactured on or after January 1, 1990, shall be not less than the following:

Wall	
Fan type	
Up to 42,000 Btu/hour	73% AFUE
Over 42,000 Btu/hour	74% AFUE
Gravity type	
Up to 10,000 Btu/hour	59% AFUE
Over 10,000 Btu/hour up to 12,000 Btu/hour	60% AFUE
Over 12,000 Btu/hour up to 15,000 Btu/hour	61% AFUE
Over 15,000 Btu/hour up to 19,000 Btu/hour	62% AFUE
Over 19,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour	65% AFUE
Floor	
Up to 37,000 Btu/hour	56% AFUE
Over 37,000 Btu/hour	57% AFUE
Room	
Up to 18,000 Btu/hour	57% AFUE
Over 18,000 Btu/hour up to 20,000 Btu/hour	58% AFUE
Over 20,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour	65% AFUE

(4)(A) The Secretary shall publish final rules no later than January 1, 1992, to determine whether the standards established by paragraph (1), (2), or (3) for water heaters, pool heaters, and direct heating equipment should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1995.

(B) The Secretary shall publish a final rule no later than January 1, 2000, to determine whether standards in effect for such products should be amended. Such rule shall provide that any such amendment shall apply to products manufactured on or after January 1, 2005.

(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

(A) DEFINITIONS.—In this paragraph:

(i) COVERED WATER HEATER.—The term "covered water heater" means—

(I) a water heater; and

(II) a storage water heater, instantaneous water heater, and unfired hot water storage tank (as defined in section 340).

(ii) FINAL RULE.—The term "final rule" means the final rule published under this paragraph.

(B) PUBLICATION OF FINAL RULE.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform

efficiency descriptor and accompanying test methods for covered water heaters.

(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

(i) the energy factor descriptor for water heaters established under this subsection; and

(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

(D) EFFECT OF FINAL RULE.—

(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

(E) CONVERSION FACTOR.—

(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

(v) PERIOD.—Clause (iv) shall apply during the period—

(I) beginning on the date of publication of the conversion factor in the Federal Register; and

(II) ending on the later of 1 year after the date of publication of the conversion factor, or December 31, 2015.

(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

(i) does not have a residential use and can be clearly described in the final rule; and

(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of

enactment of this paragraph) to the category under section 342(a)(5).

(G) OPTIONS.—The descriptor set by the final rule may be—

(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

(ii) the thermal efficiency and standby loss descriptors in use as of that date;

(iii) a revised version of the thermal efficiency and standby loss descriptors;

(iv) a hybrid of descriptors; or

(v) a new approach.

(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

(i) was manufactured prior to the effective date of the final rule; and

(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.

(6) ADDITIONAL STANDARDS FOR GRID-ENABLED WATER HEATERS.—

(A) DEFINITIONS.—In this paragraph:

(i) ACTIVATION LOCK.—The term "activation lock" means a control mechanism (either a physical device directly on the water heater or a control system integrated into the water heater) that is locked by default and contains a physical, software, or digital communication that must be activated with an activation key to enable the product to operate at its designed specifications and capabilities and without which activation the product will provide not greater than 50 percent of the rated first hour delivery of hot water certified by the manufacturer.

(ii) GRID-ENABLED WATER HEATER.—The term "grid-enabled water heater" means an electric resistance water heater that—

(I) has a rated storage tank volume of more than 75 gallons;

(II) is manufactured on or after April 16, 2015;

(III) has—

(aa) an energy factor of not less than 1.061 minus the product obtained by multiplying—

(AA) the rated storage volume of the tank, expressed in gallons; and

(BB) 0.00168; or

(bb) an equivalent alternative standard prescribed by the Secretary and developed pursuant to paragraph (5)(E);

(IV) is equipped at the point of manufacture with an activation lock; and

(V) bears a permanent label applied by the manufacturer that—

(aa) is made of material not adversely affected by water;

(bb) is attached by means of non-water-soluble adhesive; and

(cc) advises purchasers and end-users of the intended and appropriate use of the product with the following notice printed in 16.5 point Arial Narrow Bold font:

"IMPORTANT INFORMATION: This water heater is intended only for use as part of an electric thermal storage or demand response program. It will not provide adequate hot water unless enrolled in such a program and activated by your utility company or another program operator. Confirm the availability of a program in your local area before purchasing or installing this product.".

(B) REQUIREMENT.—The manufacturer or private labeler shall provide the activation key for a grid-enabled water heater only to a utility or other company that operates an electric thermal storage or demand response program that uses such a grid-enabled water heater.

(C) REPORTS.—

(i) MANUFACTURERS.—The Secretary shall require each manufacturer of grid-enabled water heaters to report to the Secretary annually the quantity of grid-enabled water heaters that the manufacturer ships each year.

(ii) OPERATORS.—The Secretary shall require utilities and other demand response and thermal storage program operators to report annually the quantity of grid-enabled water heaters activated for their programs using forms of the Energy Information Agency or using such other mechanism that the Secretary determines appropriate after an opportunity for notice and comment.

(iii) CONFIDENTIALITY REQUIREMENTS.—The Secretary shall treat shipment data reported by manufacturers as confidential business information.

(D) PUBLICATION OF INFORMATION.—

(i) IN GENERAL.—In 2017 and 2019, the Secretary shall publish an analysis of the data collected under subparagraph (C) to assess the extent to which shipped products are put into use in demand response and thermal storage programs.

(ii) PREVENTION OF PRODUCT DIVERSION.—If the Secretary determines that sales of grid-enabled water heaters exceed by 15 percent or greater the quantity of such products activated for use in demand response and thermal storage programs annually, the Secretary shall, after opportunity for notice and comment, establish procedures to prevent product diversion for non-program purposes.

(E) COMPLIANCE.—

(i) IN GENERAL.—Subparagraphs (A) through (D) shall remain in effect until the Secretary determines under this section that—

(I) grid-enabled water heaters do not require a separate efficiency requirement; or

(II) sales of grid-enabled water heaters exceed by 15 percent or greater the quantity of such products activated for use in demand response and thermal storage programs annually and procedures to prevent product diversion for non-program purposes would not be adequate to prevent such product diversion.

(ii) EFFECTIVE DATE.—If the Secretary exercises the authority described in clause (i) or amends the efficiency requirement for grid-enabled water heaters, that action will take effect on the date described in subsection (m)(4)(A)(ii).

(iii) CONSIDERATION.—In carrying out this section with respect to electric water heaters, the Secretary shall consider the impact on thermal storage and demand response programs, including any impact on energy savings, electric bills, peak load reduction, electric reliability, integration of renewable resources, and the environment.

(iv) REQUIREMENTS.—In carrying out this paragraph, the Secretary shall require that grid-enabled water heaters be equipped with communication capability to enable the grid-enabled water heaters to participate in ancillary services programs if the Secretary determines that the technology is available, practical, and cost-effective.

(f) STANDARDS FOR FURNACES AND BOILERS.—(1) Furnaces (other than furnaces designed solely for installation in mobile homes) manufactured on or after January 1, 1992, shall have an annual fuel utilization efficiency of not less than 78 percent, except that—

(A) boilers (other than gas steam boilers) shall have an annual fuel utilization efficiency of not less than 80 percent and gas steam boilers shall have an annual fuel utilization efficiency of not less than 75 percent; and

(B) the Secretary shall prescribe a final rule not later than January 1, 1989, establishing an energy conservation standard—

(i) which is for furnaces (other than furnaces designed solely for installation in mobile homes) having an input of less than 45,000 Btu per hour and manufactured on or after January 1, 1992;

(ii) which provides that the annual fuel utilization efficiency of such furnaces shall be a specific percent which is not less than 71 percent and not more than 78 percent; and

(iii) which the Secretary determines is not likely to result in a significant shift from gas heating to electric resistance heating with respect to either residential construction or furnace replacement.

(2) Furnaces which are designed solely for installation in mobile homes and which are manufactured on or after September 1, 1990, shall have an annual fuel utilization efficiency of not less than 75 percent.

(3) BOILERS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

(B) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with a tankless domestic water heating coil) with automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

(ii) SINGLE INPUT RATE.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clauses (i) and (ii) shall

limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.

(C) EXCEPTION.—A boiler that is manufactured to operate without any need for electricity or any electric connection, electric gauges, electric pumps, electric wires, or electric devices shall not be required to meet the requirements of this paragraph.

(4)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine whether the standards established by paragraph (2) for mobile home furnaces should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1994.

(B) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established by this subsection for furnaces (including mobile home furnaces) should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2002.

(C) After January 1, 1997, and before January 1, 2007, the Secretary shall publish a final rule to determine whether standards in effect for such products should be amended. Such rule shall contain such amendment, if any, and provide that any amendment shall apply to products manufactured on or after January 1, 2012.

(D) Notwithstanding any other provision of this Act, if the requirements of subsection (o) are met, not later than December 31, 2013, the Secretary shall consider and prescribe energy conservation standards or energy use standards for electricity used for purposes of circulating air through duct work.

(g) STANDARDS FOR DISHWASHERS; CLOTHES WASHERS; CLOTHES DRYERS, FLUORESCENT LAMP BALLASTS.—(1) Dishwashers manufactured on or after January 1, 1988, shall be equipped with an option to dry without heat.

(2) All rinse cycles of clothes washers shall include an unheated water option, but may have a heated water rinse option, for products manufactured on or after January 1, 1988.

(3) Gas clothes dryers shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1988.

(4)(A) The Secretary shall publish final rules no later than January 1, 1990, to determine if the standards established under this subsection for products described in paragraphs (1), (2), and (3) should be amended. Such rules shall provide that any amendment shall apply to products the manufacture of which is completed on or after January 1, 1993.

(B) After January 1, 1990, the Secretary shall publish a final rule no later than five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for such products.

(C) Any such amendment shall apply to products manufactured after a date which is five years after—

(i) the effective date of the previous amendment; or

(ii) if the previous final rule did not amend the standard, the earliest date by which a previous amendment could have been in effect;

except that in no case may any amended standard apply to products manufactured within 3 years after publication of the final rule establishing such standard.

(5) Except as provided in paragraph (6), each fluorescent lamp ballast—

(A)(i) manufactured on or after January 1, 1990;

(ii) sold by the manufacturer on or after April 1, 1990; or

(iii) incorporated into a luminaire by a luminaire manufacturer on or after April 1, 1991; and

(B) designed—

(i) to operate at nominal input voltages of 120 or 277 volts;

(ii) to operate with an input current frequency of 60 Hertz; and

(iii) for use in connection with an F40T12, F96T12, or F96T12HO lamps;

shall have a power factor of 0.90 or greater and shall have a ballast efficacy factor not less than the following:

Application for Operation of	Ballast Input Voltage	Total Nominal Lamp Watts	Ballast Efficacy Factor
one F40T12 lamp	120	40	1.805
	277	40	1.805
two F40T12 lamps	120	80	1.060
	277	80	1.050
two F96T12 lamps	120	150	0.570
	277	150	0.570
two F96T12HO lamps	120	220	0.390
	277	220	0.390

(6) The standards described in paragraph (5) do not apply to (A) a ballast which is designed for dimming or for use in ambient temperatures of 0° F or less, or (B) a ballast which has a power factor of less than 0.90 and is designed and labeled for use only in residential building applications.

(7)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established under paragraph (5) should be amended, including whether such standards should be amended so that they would be applicable to ballasts described in paragraph (6) and other fluorescent lamp ballasts. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

(B) After January 1, 1992, the Secretary shall publish a final rule no later than five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for fluorescent lamp ballasts, including whether such standards should be amended so that they would be applicable to additional fluorescent lamp ballasts.

(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

(i) the effective date of the previous amendment; or

(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

(8)(A) Each fluorescent lamp ballast (other than replacement ballasts or ballasts described in subparagraph (C))—

(i)(I) manufactured on or after July 1, 2009;

(II) sold by the manufacturer on or after October 1, 2009; or

(III) incorporated into a luminaire by a luminaire manufacturer on or after July 1, 2010; and

(ii) designed—

(I) to operate at nominal input voltages of 120 or 277 volts;

(II) to operate with an input current frequency of 60 Hertz; and

(III) for use in connection with F34T12 lamps, F96T12/ES lamps, or F96T12HO/ES lamps;

shall have a power factor of 0.90 or greater and shall have a ballast efficacy factor of not less than the following:

Application for operation of	Ballast input voltage	Total nominal lamp watts	Ballast efficacy factor
One F34T12 lamp	120/277	34	2.61
Two F34T12 lamps	120/277	68	1.35
Two F96T12/ES lamps	120/277	120	0.77
Two F96T12HO/ES lamps	120/277	190	0.42.

(B) The standards described in subparagraph (A) shall apply to all ballasts covered by subparagraph (A)(ii) that are manufactured on or after July 1, 2010, or sold by the manufacturer on or after October 1, 2010.

(C) The standards described in subparagraph (A) do not apply to—

(i) a ballast that is designed for dimming to 50 percent or less of the maximum output of the ballast;

(ii) a ballast that is designed for use with 2 F96T12HO lamps at ambient temperatures of negative 20°F or less and for use in an outdoor sign; or

(iii) a ballast that has a power factor of less than 0.90 and is designed and labeled for use only in residential applications.

(9) RESIDENTIAL CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—

(A) IN GENERAL.—A top-loading or front-loading standard-size residential clothes washer manufactured on or after January 1, 2011, shall have—

(i) a Modified Energy Factor of at least 1.26; and

(ii) a water factor of not more than 9.5.

(B) AMENDMENT OF STANDARDS.—

(i) IN GENERAL.—Not later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for clothes washers manufactured on or after January 1, 2015.

(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.

(iii) OTHER AMENDMENTS TO STANDARDS.—The Secretary may prescribe a new or amended energy conservation standard for clothes washers in accordance with this section, including—

(I) a design requirement; and

(II) a performance standard which prescribes one of the following:

(aa) A minimum level of energy efficiency.

(bb) A maximum quantity of energy use.

(cc) A minimum level of water efficiency.

(dd) A maximum quantity of water use.

(ee) A minimum level of energy efficiency and a minimum level of water efficiency.

(ff) A maximum quantity of energy use and a maximum quantity of water use.

(10) RESIDENTIAL DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—

(A) IN GENERAL.—A dishwasher manufactured on or after January 1, 2010, shall—

(i) for a standard size dishwasher not exceed 355 kWh/year and 6.5 gallons per cycle; and

(ii) for a compact size dishwasher not exceed 260 kWh/year and 4.5 gallons per cycle.

(B) AMENDMENT OF STANDARDS.—

(i) IN GENERAL.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018.

(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.

(iii) OTHER AMENDMENTS TO STANDARDS.—The Secretary may prescribe a new or amended energy conservation standard for dishwashers in accordance with this section, including—

(I) a design requirement; and

(II) a performance standard which prescribes one of the following:

(aa) A minimum level of energy efficiency.

(bb) A maximum quantity of energy use.

(cc) A minimum level of water efficiency.

(dd) A maximum quantity of water use.

(ee) A minimum level of energy efficiency and a minimum level of water efficiency.

(ff) A maximum quantity of energy use and a maximum quantity of water use.

(h) STANDARDS FOR KITCHEN RANGES AND OVENS.—(1) Gas kitchen ranges and ovens having an electrical supply cord shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1990.

(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established for kitchen ranges and ovens in this subsection should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

(B) The Secretary shall publish a final rule no later than January 1, 1997, to determine whether standards in effect for such products should be amended. Such rule shall apply to products manufactured on or after January 1, 2000.

(i) GENERAL SERVICE FLUORESCENT LAMPS, GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS, AND INCANDESCENT REFLECTOR LAMPS.—

(1) STANDARDS.—

(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term "effective date" means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≦35 W	45	75.0	36

FLUORESCENT LAMPS—Continued

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
2-foot U-shaped	>35 W	69	68.0	36
	≦35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≦65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≦100 W	45	80.0	18

INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

(iii) R20 incandescent reflector lamps rated 45 watts or less.

(D) EFFECTIVE DATES.—

(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

(2) Notwithstanding section 332(a)(5) and section 332(b), it shall not be unlawful for a manufacturer to sell a lamp which is in compliance with the law at the time such lamp was manufactured.

(3) Not less than 36 months after the date of the enactment of this subsection, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than the end of the 54-month period beginning on the date of the enactment of this subsection to determine if the standards established under paragraph

(1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date such final rule is published.

(4) Not less than eight years after the date of the enactment of this subsection, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than nine years and six months after the date of the enactment of this subsection to determine if the standards in effect for fluorescent lamps and incandescent lamps should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date such final rule is published.

(5) Not later than the end of the 24-month period beginning on the date labeling requirements under section 324(a)(2)(C) become effective, the Secretary shall initiate a rulemaking procedure to determine if the standards in effect for fluorescent lamps and incandescent lamps should be amended so that they would be applicable to additional general service fluorescent and shall publish, not later than 18 months after initiating such rulemaking, a final rule including such amended standards, if any. Such rule shall provide that the amendment shall apply to products manufactured after a date which is 36 months after the date such rule is published.

(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

(A) RULEMAKING BEFORE JANUARY 1, 2014.—

(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

(I) standards in effect for general service lamps should be amended to establish more stringent standards than the standards specified in paragraph (1)(A); and

(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales collected by the Secretary from manufacturers.

(ii) SCOPE.—The rulemaking—

(I) shall not be limited to incandescent lamp technologies; and

(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

(I) the impact of any amendment on manufacturers, retiring and repurposing existing equip-

ment, stranded investments, labor contracts, workers, and raw materials; and

(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the sale of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

(vi) STATE PREEMPTION.—Neither section 327(b) nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect as of the date of enactment of the Energy Independence and Security Act of 2007.

(B) RULEMAKING BEFORE JANUARY 1, 2020.—

(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

(I) standards in effect for general service incandescent lamps should be amended to reflect lumen ranges with more stringent maximum wattage than the standards specified in paragraph (1)(A); and

(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales data collected by the Secretary from manufacturers.

(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

(7)(A) With respect to any lamp to which standards are applicable under this subsection or any lamp specified in section 346, the Secretary shall inform any Federal entity proposing actions which would adversely impact the energy consumption or energy efficiency of such lamp of the energy conservation consequences of such action. It shall be the responsibility of such Federal entity to carefully consider the Secretary's comments.

(B) Notwithstanding section 325(n)(1), the Secretary shall not be prohibited from amending any standard, by rule, to permit increased energy use or to decrease the minimum required energy efficiency of any lamp to which standards are applicable under this subsection if such action is warranted as a result of other Federal action (including restrictions on materials or processes) which would have the effect of either increasing the energy use or decreasing the energy efficiency of such product.

(8) Not later than the date on which standards established pursuant to this subsection become effective, or, with respect to high-intensity discharge lamps covered under section 346, the effective date of standards established pursuant to such section, each manufacturer of a product to which such standards are applicable shall file with the Secretary a laboratory report certifying compliance with the applicable standard for each lamp type. Such report shall include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12-month period. With respect to lamp types which are not manufactured during the 12-month period preceding the date such standards become effective, such report shall be filed with the Secretary not later than the date which is 12 months after the date manufacturing is commenced and shall include the lumen output and wattage consumption for each such lamp type as an average of measurements taken during such 12-month period.

(j) STANDARDS FOR SHOWERHEADS AND FAUCETS.—(1) The maximum water use allowed for any showerhead manufactured after January 1, 1994, is 2.5 gallons per minute when measured at a flowing water pressure of 80 pounds per square inch. Any such showerhead shall also meet the requirements of ASME/ANSI A112.18.1M–1989, 7.4.3(a).

(2) The maximum water use allowed for any of the following faucets manufactured after January 1, 1994, when measured at a flowing water pressure of 80 pounds per square inch, is as follows:

Lavatory faucets	2.5 gallons per minute
Lavatory replacement aerators	2.5 gallons per minute
Kitchen faucets	2.5 gallons per minute
Kitchen replacement aerators	2.5 gallons per minute
Metering faucets	0.25 gallons per cycle

(3)(A) If the maximum flow rate requirements or the design requirements of ASME/ANSI Standard A112.18.1M–1989 are amended to improve the efficiency of water use of any type or class of

showerhead or faucet and are approved by ANSI, the Secretary shall, not later than 12 months after the date of such amendment, publish a final rule establishing an amended uniform national standard for that product at the level specified in the amended ASME/ANSI Standard A112.18.1M and providing that such standard shall apply to products manufactured after a date which is 12 months after the publication of such rule, unless the Secretary determines, by rule published in the Federal Register, that adoption of a uniform national standard at the level specified in such amended ASME/ANSI Standard A112.18.1M—

(i) is not technologically feasible and economically justified under subsection (o);

(ii) is not consistent with the maintenance of public health and safety; or

(iii) is not consistent with the purposes of this Act.

(B)(i) As part of the rulemaking conducted under subparagraph (A), the Secretary shall also determine if adoption of a uniform national standard for any type or class of showerhead or faucet more stringent than such amended ASME/ANSI Standard A112.18.1M—

(I) would result in additional conservation of energy or water;

(II) would be technologically feasible and economically justified under subsection (o); and

(III) would be consistent with the maintenance of public health and safety.

(ii) If the Secretary makes an affirmative determination under clause (i), the final rule published under subparagraph (A) shall waive the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of showerhead or faucet if such State regulation—

(I) is more stringent than amended ASME/ANSI Standard A112.18.1M for such type or class of showerhead or faucet and the standard in effect for such product on the day before the date on which a final rule is published under subparagraph (A); and

(II) is applicable to any sale or installation of all products in such type or class of showerhead or faucet.

(C) If, after any period of five consecutive years, the maximum flow rate requirements of the ASME/ANSI standard for showerheads are not amended to improve the efficiency of water use of such products, or after any such period such requirements for faucets are not amended to improve the efficiency of water use of such products, the Secretary shall, not later than six months after the end of such five-year period, publish a final rule waiving the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of showerhead or faucet if such State regulation—

(i) is more stringent than the standards in effect for such type of class of showerhead or faucet; and

(ii) is applicable to any sale or installation of all products in such type or class of showerhead or faucet.

(k) STANDARDS FOR WATER CLOSETS AND URINALS.—(1)(A) Except as provided in subparagraph (B), the maximum water use allowed in gallons per flush for any of the following water closets manufactured after January 1, 1994, is the following:

Gravity tank-type toilets	1.6 gpf.
Flushometer tank toilets	1.6 gpf.
Electromechanical hydraulic toilets	1.6 gpf.
Blowout toilets	3.5 gpf.

(B) The maximum water use allowed for any gravity tank-type white 2-piece toilet which bears an adhesive label conspicuous upon installation consisting of the words "Commercial Use Only" manufactured after January 1, 1994, and before January 1, 1997, is 3.5 gallons per flush.

(C) The maximum water use allowed for flushometer valve toilets, other than blowout toilets, manufactured after January 1, 1997, is 1.6 gallons per flush.

(2) The maximum water use allowed for any urinal manufactured after January 1, 1994, is 1.0 gallon per flush.

(3)(A) If the maximum flush volume requirements of ASME Standard A112.19.6–1990 are amended to improve the efficiency of water use of any low consumption water closet or low consumption urinal and are approved by ANSI, the Secretary shall, not later than 12 months after the date of such amendment, publish a final rule establishing an amended uniform national standard for that product at the level specified in amended ASME/ANSI Standard A112.19.6 and providing that such standard shall apply to products manufactured after a date which is one year after the publication of such rule, unless the Secretary determines, by rule published in the Federal Register, that adoption of a uniform national standard at the level specified in such amended ASME/ANSI Standard A112.19.6—

(i) is not technologically feasible and economically justified under subsection (o);

(ii) is not consistent with the maintenance of public health and safety; or

(iii) is not consistent with the purposes of this Act.

(B)(i) As part of the rulemaking conducted under subparagraph (A), the Secretary shall also determine if adoption of a uniform national standard for any type or class of low consumption water closet or low consumption urinal more stringent than such amended ASME/ANSI Standard A112.19.6 for such product—

(I) would result in additional conservation of energy or water;

(II) would be technologically feasible and economically justified under subsection (o); and

(III) would be consistent with the maintenance of public health and safety.

(ii) If the Secretary makes an affirmative determination under clause (i), the final rule published under subparagraph (A) shall waive the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of low consumption water closet or low consumption urinal if such State regulation—

(I) is more stringent than amended ASME/ANSI Standard A112.19.6 for such type or class of low consumption water closet or low consumption urinal and the standard in effect for such product on the day before the date on which a final rule is published under subparagraph (A); and

(II) is applicable to any sale or installation of all products in such type or class of low consumption water closet or low consumption urinal.

(C) If, after any period of five consecutive years, the maximum flush volume requirements of the ASME/ANSI standard for low consumption water closets are not amended to improve the efficiency of water use of such products, or after any such period such requirements for low consumption urinals are not amended to improve the efficiency of water use of such products, the Secretary shall, not later than six months after the end of such five-year period, publish a final rule waiving the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of water closet or urinal if such State regulation—

(i) is more stringent than the standards in effect for such type or class of water closet or urinal; and

(ii) is applicable to any sale or installation of all products in such type or class of water closet or urinal.

(l) STANDARDS FOR OTHER COVERED PRODUCTS.—(1) The Secretary may prescribe an energy conservation standard for any type (or class) of covered products of a type specified in paragraph (20) of section 322(a) if the requirements of subsections (o) and (p) are met and the Secretary determines that—

(A) the average per household energy use within the United States by products of such type (or class) exceeded 150 kilowatt-hours (or its Btu equivalent) for any 12-month period ending before such determination;

(B) the aggregate household energy use within the United States by products of such type (or class) exceeded 4,200,000,000 kilowatt-hours (or its Btu equivalent) for any such 12-month period;

(C) substantial improvement in the energy efficiency of products of such type (or class) is technologically feasible; and

(D) the application of a labeling rule under section 324 to such type (or class) is not likely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) which achieve the maximum energy efficiency which is technologically feasible and economically justified.

(2) Any new or amended standard for covered products of a type specified in paragraph (20) of section 322(a) shall not apply to products manufactured within five years after the publication of a final rule establishing such standard.

(3) The Secretary may, in accordance with subsections (o) and (p), prescribe an energy conservation standard for television sets. Any such standard may not become effective with respect to products manufactured before January 1, 1992.

(4) ENERGY EFFICIENCY STANDARDS FOR CERTAIN LAMPS.—

(A) IN GENERAL.—The Secretary shall prescribe an energy efficiency standard for rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps in accordance with this paragraph.

(B) BENCHMARKS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consulta-

tion with the National Electrical Manufacturers Association, shall—

(i) collect actual data for United States unit sales for each of calendar years 1990 through 2006 for each of the 5 types of lamps described in subparagraph (A) to determine the historical growth rate of the type of lamp; and

(ii) construct a model for each type of lamp based on coincident economic indicators that closely match the historical annual growth rate of the type of lamp to provide a neutral comparison benchmark to model future unit sales after calendar year 2006.

(C) ACTUAL SALES DATA.—

(i) IN GENERAL.—Effective for each of calendar years 2010 through 2025, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

(I) collect actual United States unit sales data for each of 5 types of lamps described in subparagraph (A); and

(II) not later than 90 days after the end of each calendar year, compare the lamp sales in that year with the sales predicted by the comparison benchmark for each of the 5 types of lamps described in subparagraph (A).

(ii) CONTINUATION OF TRACKING.—

(I) DETERMINATION.—Not later than January 1, 2023, the Secretary shall determine if actual sales data should be tracked for the lamp types described in subparagraph (A) after calendar year 2025.

(II) CONTINUATION.—If the Secretary finds that the market share of a lamp type described in subparagraph (A) could significantly erode the market share for general service lamps, the Secretary shall continue to track the actual sales data for the lamp type.

(D) ROUGH SERVICE LAMPS.—

(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for rough service lamps demonstrates actual unit sales of rough service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for rough service lamps.

(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the

date of the issuance of the finding under clause (i)(I), the Secretary shall require rough service lamps to—

(I) have a shatter-proof coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken and to provide effective containment over the life of the lamp;

(II) have a maximum 40-watt limitation; and

(III) be sold at retail only in a package containing 1 lamp.

(E) VIBRATION SERVICE LAMPS.—

(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for vibration service lamps demonstrates actual unit sales of vibration service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for vibration service lamps.

(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require vibration service lamps to—

(I) have a maximum 40-watt limitation; and

(II) be sold at retail only in a package containing 1 lamp.

(F) 3-WAY INCANDESCENT LAMPS.—

(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for 3-way incandescent lamps demonstrates actual unit sales of 3-way incandescent lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for 3-way incandescent lamps.

(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall require that—

(I) each filament in a 3-way incandescent lamp meet the new maximum wattage requirements for

the respective lumen range established under subsection (i)(1)(A); and

(II) 3-way lamps be sold at retail only in a package containing 1 lamp.

(G) 2,601–3,300 LUMEN GENERAL SERVICE INCANDESCENT LAMPS.—Effective beginning with the first year that the reported annual sales rate demonstrates actual unit sales of 2,601–3,300 lumen general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens (or, in the case of a modified spectrum, in the lumen range of 1,951 through 2,475 lumens) that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall impose—

(i) a maximum 95-watt limitation on general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens; and

(ii) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

(H) SHATTER-RESISTANT LAMPS.—

(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for shatter-resistant lamps demonstrates actual unit sales of shatter-resistant lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for shatter-resistant lamps.

(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall impose—

(I) a maximum wattage limitation of 40 watts on shatter resistant lamps; and

(II) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

(I) RULEMAKINGS BEFORE JANUARY 1, 2025.—

(i) IN GENERAL.—Except as provided in clause (ii), if the Secretary issues a final rule prior to January 1, 2025, establishing an energy conservation standard for any of the 5 types of lamps for which data collection is required under any of subparagraphs (D) through (G), the requirement to collect and model data for that type of lamp shall terminate unless, as part of the rulemaking, the Secretary determines that continued tracking is necessary.

(ii) BACKSTOP REQUIREMENT.—If the Secretary imposes a backstop requirement as a result of a failure to complete an accelerated rulemaking in accordance with clause (i)(II) of any of subparagraphs (D) through

(G), the requirement to collect and model data for the applicable type of lamp shall continue for an additional 2 years after the effective date of the backstop requirement.

(m) AMENDMENT OF STANDARDS.—

[(1) IN GENERAL.—Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish—

[(A) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subsection (n)(2); or

[(B) a notice of proposed rulemaking including new proposed standards based on the criteria established under subsection (o) and the procedures established under subsection (p).]

(1) IN GENERAL.—The Secretary may, for any product, publish a notice of proposed rulemaking including new proposed standards for such product based on the criteria established under subsection (o) and the procedures established under subsection (p).

(2) NOTICE.—If the Secretary publishes a notice under paragraph (1), the Secretary shall—

(A) publish a notice stating that the analysis of the Department is publicly available; and

(B) provide an opportunity for written comment.

[(3) AMENDMENT OF STANDARD; NEW DETERMINATION.—

[(A) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under paragraph (1)(B), the Secretary shall publish a final rule amending the standard for the product.

[(B) NEW DETERMINATION.—Not later than 3 years after a determination under paragraph (1)(A), the Secretary shall make a new determination and publication under subparagraph (A) or (B) of paragraph (1).

[(4) APPLICATION TO PRODUCTS.—

[(A) IN GENERAL.—Except as provided in subparagraph (B), an amendment prescribed under this subsection shall apply to—

[(i) with respect to refrigerators, refrigerator-freezers, freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, fluorescent lamp ballasts, and kitchen ranges and ovens, such a product that is manufactured after the date that is 3 years after publication of the final rule establishing an applicable standard; and

[(ii) with respect to central air conditioners, heat pumps, water heaters, pool heaters, direct heating equipment, and furnaces, such a product that is manufactured after the date that is 5 years after publication of the final rule establishing an applicable standard.

[(B) OTHER NEW STANDARDS.—A manufacturer shall not be required to apply new standards to a product with re-

spect to which other new standards have been required during the prior 6-year period.]

(3) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under paragraph (1), the Secretary shall publish a final rule amending the standard for the product.

(4) APPLICATION TO PRODUCTS.—An amendment prescribed under this subsection shall apply to a product that is manufactured after the date that is 5 years after publication of the final rule establishing an applicable standard.

(5) 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) a progress report every 180 days on compliance with this section, including a specific plan to remedy any failures to comply with deadlines for action established under this section; and

(B) all required reports to the Court or to any party to the Consent Decree in State of New York v Bodman, Consolidated Civil Actions No. 05 Civ. 7807 and No. 05 Civ. 7808.

(n) PETITION FOR [AN AMENDED STANDARD] *AMENDMENT OR REVOCATION OF STANDARD*.—(1) With respect to each covered product described in paragraphs (1) through (11), and in paragraphs (13) and (14) of section 322(a), any person may petition the Secretary to conduct a rulemaking to determine for a covered product if the standards contained either in the last final rule required under subsections (b) through (i) of this section or in a final rule published under this section should be amended *or revoked*.

[(2) The Secretary shall grant a petition if he finds that it contains evidence which, assuming no other evidence were considered, provides an adequate basis for amending the standards under the following criteria—

[(A) amended standards will result in significant conservation of energy;

[(B) amended standards are technologically feasible; and

[(C) amended standards are cost effective as described in subsection (o)(2)(B)(i)(II).

The grant of a petition by the Secretary under this subsection creates no presumption with respect to the Secretary's determination of any of the criteria in a rulemaking under this section.]

(2) The Secretary shall grant a petition to determine if standards for a covered product should be amended or revoked if the Secretary finds that such petition contains evidence, assuming no other evidence were considered, that such standards—

(A) result in additional costs to consumers;

(B) do not result in significant conservation of energy or water;

(C) are not technologically feasible; and

(D) result in such covered product not being commercially available in the United States to all consumers.

(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

(4) [NEW OR AMENDED STANDARDS.] *NEW, AMENDED, OR REVOKED STANDARDS.*—[Not later than 3 years]

(A) Not later than 3 years after the date of granting a petition for new or amended standards, the Secretary shall publish in the Federal Register—

[(A)] *(i)* a final rule that contains the new or amended standards; or

[(B)] *(ii)* a determination that no new or amended standards are necessary.

(B) Not later than 180 days after the date of granting a petition to revoke standards, the Secretary shall publish in the Federal Register—

(i) a final rule revoking the standards; or

(ii) a determination that it is not necessary to revoke the standards.

(C) The grant of a petition by the Secretary under this subsection creates no presumption with respect to the Secretary's determination of any of the criteria in a rulemaking under this section.

(D) Standards that have been revoked pursuant to subparagraph (B) shall be considered to be in effect for purposes of section 327.

(5) An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

(A) the effective date of the previous amendment pursuant to this part; or

(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within [3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, fluorescent lamp ballasts, general service fluorescent lamps, incandescent reflector lamps, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct heating equipment and furnaces)] *5 years* after publication of the final rule establishing a standard.

(o) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—(1) The Secretary may not prescribe any amended standard which increases the maximum allowable energy use[, or, in the case of showerheads, faucets, water closets, or urinals,], *or, as applicable,* water use, or decreases the minimum required energy efficiency, of a covered product.

[(2)(A) Any new or amended energy conservation standard prescribed by the Secretary under this section for any type (or class) of covered product shall be designed to achieve the maximum improvement in energy efficiency, or, in the case of showerheads, faucets, water closets, or urinals, water efficiency, which the Secretary determines is technologically feasible and economically justified.

[(B)(i) In determining whether a standard is economically justified, the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed its burdens by, to the greatest extent practicable, considering—

[(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard;

[(II) the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

[(III) the total projected amount of energy, or as applicable, water, savings likely to result directly from the imposition of the standard;

[(IV) any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard;

[(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

[(VI) the need for national energy and water conservation; and

[(VII) other factors the Secretary considers relevant.

[(ii) For purposes of clause (i)(V), the Attorney General shall make a determination of the impact, if any, of any lessening of competition likely to result from such standard and shall transmit such determination, not later than 60 days after the publication of a proposed rule prescribing or amending an energy conservation standard, in writing to the Secretary, together with an analysis of the nature and extent of such impact. Any such determination and analysis shall be published by the Secretary in the Federal Register.

[(iii) If the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy, and as applicable, water, savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure, there shall be a rebuttable presumption that such standard level is economically justified. A determination by the Secretary that such criterion is not met shall not be taken into consideration in the Secretary's determination of whether a standard is economically justified.

[(3) The Secretary may not prescribe an amended or new standard under this section for a type (or class) of covered product if—

[(A) for products other than dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens, a test procedure has not been prescribed pursuant to section 323 with respect to that type (or class) of product; or

[(B) the Secretary determines, by rule, that the establishment of such standard will not result in significant conservation of energy or, in the case of showerheads, faucets, water closets, or urinals, water, or that the establishment of such standard is not technologically feasible or economically justified.

For purposes of section 327, a determination under subparagraph (B) with respect to any type (or class) of covered products shall have the same effect as would a standard prescribed for such type (or class).]

(2) REQUIREMENTS.—

(A) DESIGN.—Any new or amended energy conservation standard prescribed by the Secretary under this section for any type (or class) of covered product shall be designed to achieve the maximum improvement in, as applicable, energy efficiency or water efficiency, which the Secretary determines is technologically feasible and economically justified.

(B) TEST PROCEDURES.—If the Secretary determines that a test procedure should be prescribed or amended in accordance with section 323 for a type (or class) of covered product, the Secretary may not prescribe a new or amended energy conservation standard under this section for such type (or class) of covered product unless the Secretary has prescribed or amended (and published in the Federal Register) a test procedure for such type (or class) of covered product at least 180 days before publishing a notice of proposed rulemaking with respect to the new or amended energy conservation standard.

(C) SIGNIFICANT CONSERVATION.—The Secretary may not prescribe a new or amended energy conservation standard under this section for a type (or class) of covered product if the Secretary determines that the establishment and imposition of such energy conservation standard will not result in significant conservation of, as applicable, energy or water.

(D) TECHNOLOGICALLY FEASIBLE AND ECONOMICALLY JUSTIFIED.—The Secretary may not prescribe a new or amended energy conservation standard under this section for a type (or class) of covered product unless the Secretary determines that the establishment and imposition of such energy conservation standard is technologically feasible and economically justified.

(E) DISCLOSURE.—The Secretary may not prescribe a new or amended energy conservation standard under this section for a type (or class) of covered product unless the Secretary, not later than the date on which the standard is prescribed, publicly discloses each meeting held by the Secretary, during the 5-year period preceding such date, with any entity that—

(i) has ties to the People's Republic of China or the Chinese Communist Party;

(ii) has produced studies regarding, or advocated for, regulations or policy to limit, restrict, or ban the use of any type of energy; and

(iii) has applied for or received Federal funds.

(3) FACTORS FOR DETERMINATION.—

(A) ECONOMIC ANALYSIS.—

(i) DETERMINATION.—Prior to prescribing any new or amended energy conservation standard under this section for any type (or class) of covered product, the Secretary shall conduct a quantitative economic impact analysis of imposition of the energy conservation standard that determines the predicted—

(I) effects of imposition of the energy conservation standard on costs and monetary benefits to consumers of the products subject to such energy conservation standard, including—

(aa) costs to low-income households; and

(bb) variations in costs to consumers based on differences in regions, including rural populations, cost of living comparisons, and climatic differences;

(II) effects of imposition of the energy conservation standard on employment; and

(III) lifecycle costs for the covered product, including costs associated with the purchase, installation, maintenance, disposal, and replacement of the covered product.

(ii) NOTICE AND COMMENT.—The Secretary shall provide public notice in the Federal Register and at least 60 days for public comment on the quantitative economic impact analysis conducted under clause (i).

(B) PROHIBITION ON ADDITIONAL COSTS TO THE CONSUMER.—The Secretary may not determine that imposition of an energy conservation standard is economically justified unless the Secretary, based on an economic analysis under subparagraph (A), determines that—

(i) imposition of such energy conservation standard is not likely to result in additional net costs to the consumer, including any increase in net costs associated with the purchase, installation, maintenance, disposal, and replacement of the covered product; and

(ii) the monetary value of the energy savings and, as applicable, water savings, that the consumer will receive as a result of such energy conservation standard during the first 3 years after purchasing and installing a covered product complying with such energy conservation standard, as calculated under the applicable test procedure, will be greater than any increased costs to the consumer of the covered product due to imposition of such energy conservation standard, including increased costs associated with the purchase, installation, maintenance, disposal, and replacement of the covered product.

(C) REQUIRED ENERGY OR WATER SAVINGS.—The Secretary may not determine that imposition of an energy conservation standard is economically justified unless the Secretary determines that compliance with such energy conservation standard will result in—

(i) a reduction of at least 0.3 quads of site energy over 30 years; or

(ii) at least a 10 percent reduction in energy or water use of the covered product.

(D) CRITERIA RELATED TO PERFORMANCE.—The Secretary may not determine that imposition of an energy conservation standard is economically justified unless the Secretary determines that imposition of such energy conservation standard will not result in any lessening of the utility or

the performance of the applicable covered product, taking into consideration the effects of such energy conservation standard on—

(i) the compatibility of the covered product with existing systems;

(ii) the life span of the covered product;

(iii) the operating conditions of the covered product;

(iv) the duty cycle, charging time, and run time of the covered product, as applicable;

(v) the maintenance requirements of the covered product; and

(vi) the replacement and disposal requirements for the covered product.

(E) TECHNOLOGICAL INNOVATION.—The Secretary may not determine that imposition of an energy conservation standard is economically justified unless the Secretary determines that imposition of such energy conservation standard is not likely to result in the unavailability in the United States of a type (or class) of products based on what type of fuel the product consumes.

(F) OTHER CONSIDERATIONS.—

(i) IN GENERAL.—In determining whether imposition of an energy conservation standard is economically justified, the Secretary—

(I) shall prioritize the interests of consumers;

(II) may not consider estimates of the social costs or social benefits associated with incremental greenhouse gas emissions; and

(III) shall consider—

(aa) the economic impact, including any regulatory burden, of the standard on the manufacturers and on the consumers of the products subject to such standard;

(bb) the savings in operating costs, including consumer fuel costs, throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

(cc) the total projected amount of energy, or, as applicable, water, savings likely to result directly from the imposition of the standard;

(dd) the need for national energy and water conservation;

(ee) the impact of any lessening of market competition, as determined in writing by the Attorney General under clause (ii), that is likely to result from the imposition of the standard;

(ff) whether the imposition of the energy conservation standard is likely to result price discrimination; and

(gg) other factors the Secretary considers relevant.

(ii) ATTORNEY GENERAL DETERMINATION.—For purposes of clause (i)(III)(ee), the Attorney General shall make a determination of the impact, if any, of any lessening of market competition likely to result from such standard and shall transmit such determination, not later than 60 days after the publication of a proposed rule prescribing or amending an energy conservation standard, in writing to the Secretary, together with an analysis of the nature and extent of such impact. Any such determination and analysis shall be published by the Secretary in the Federal Register.

(G) REGULATORY REVIEW.—

(i) EVALUATION.—Not later than 2 years after the issuance of any final rule prescribing a new or amended energy conservation standard under this section for any type (or class) of covered product, the Secretary shall evaluate the rule to determine whether such energy conservation standard is technologically feasible and economically justified and whether the regulatory impact analysis for such rule remains accurate.

(ii) EFFECT.—Notwithstanding any other provision of this part, if the Secretary determines, based on an evaluation under clause (i), that an energy conservation standard is not technologically feasible or economically justified—

(I) the Secretary shall publish such determination and such energy conservation standard shall have no force or effect (except that such energy conservation standard shall be considered to be in effect for purposes of section 327); and

(II) the Secretary may publish a final rule amending the energy conservation standard for the type (or class) of covered product to be technologically feasible and economically justified in accordance with this subsection, which amendment shall apply to such a product that is manufactured after the date that is 3 years after publication of such final rule.

(4) The Secretary may not prescribe an amended or new standard under this section if the Secretary finds (and publishes such finding) that interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of the Secretary's finding. The failure of some types (or classes) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a standard for other types (or classes).

(5) The Secretary may set more than 1 energy conservation standard for products that serve more than 1 major function by setting 1 energy conservation standard for each major function.

(6) REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.—

(A) IN GENERAL.—In any rulemaking to establish a new or amended standard, the Secretary may consider the establishment of separate standards by geographic region for furnaces (except boilers), central air conditioners, and heat pumps.

(B) NATIONAL AND REGIONAL STANDARDS.—

(i) NATIONAL STANDARD.—If the Secretary establishes a regional standard for a product, the Secretary shall establish a base national standard for the product.

(ii) REGIONAL STANDARDS.—If the Secretary establishes a regional standard for a product, the Secretary may establish more restrictive standards for the product by geographic region as follows:

(I) For furnaces, the Secretary may establish 1 additional standard that is applicable in a geographic region defined by the Secretary.

(II) For any cooling product, the Secretary may establish 1 or 2 additional standards that are applicable in 1 or 2 geographic regions as may be defined by the Secretary.

(C) BOUNDARIES OF GEOGRAPHIC REGIONS.—

(i) IN GENERAL.—Subject to clause (ii), the boundaries of additional geographic regions established by the Secretary under this paragraph shall include only contiguous States.

(ii) ALASKA AND HAWAII.—The States of Alaska and Hawaii may be included under this paragraph in a geographic region that the States are not contiguous to.

(iii) INDIVIDUAL STATES.—Individual States shall be placed only into a single region under this paragraph.

(D) PREREQUISITES.—In establishing additional regional standards under this paragraph, the Secretary shall—

(i) establish additional regional standards only if the Secretary determines that—

(I) the establishment of additional regional standards will produce significant energy savings in comparison to establishing only a single national standard; and

(II) the additional regional standards are economically justified under ⟦this paragraph⟧ *this subsection*; and

(ii) consider the impact of the additional regional standards on consumers, manufacturers, and other market participants, including product distributors, dealers, contractors, and installers.

(E) APPLICATION; EFFECTIVE DATE.—

(i) BASE NATIONAL STANDARD.—Any base national standard established for a product under this paragraph shall—

(I) be the minimum standard for the product; and

(II) apply to all products manufactured or imported into the United States on and after the effective date for the standard.

(ii) REGIONAL STANDARDS.—Any additional and more restrictive regional standard established for a product under this paragraph [shall apply to any such product installed on or after the effective date of the standard in States in which the Secretary has designated the standard to apply] *shall apply, in States in which the Secretary has designated the standard to apply, to any such product that is manufactured or imported into the United States on or after the effective date of the standard*.

(F) CONTINUATION OF REGIONAL STANDARDS.—

(i) IN GENERAL.—In any subsequent rulemaking for any product for which a regional standard has been previously established, the Secretary shall determine whether to continue the establishment of separate regional standards for the product.

(ii) REGIONAL STANDARD NO LONGER APPROPRIATE.—Except as provided in clause (iii), if the Secretary determines that regional standards are no longer appropriate for a product, beginning on the effective date of the amended standard for the product—

(I) there shall be 1 base national standard for the product with Federal enforcement; and

(II) State authority for enforcing a regional standard for the product shall terminate.

(iii) REGIONAL STANDARD APPROPRIATE BUT STANDARD OR REGION CHANGED.—

(I) STATE NO LONGER CONTAINED IN REGION.—Subject to subclause (III), if a State is no longer contained in a region in which a regional standard that is more stringent than the base national standard applies, the authority of the State to enforce the regional standard shall terminate.

(II) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that an existing regional standard for a State is equal to the revised base national standard—

(aa) the authority of the State to enforce the regional standard shall terminate on the effective date of the revised base national standard; and

(bb) the State shall be subject to the revised base national standard.

(III) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that the standard for a State is lower than the previously approved regional standard, the State may continue to enforce the previously approved standard level.

(iv) WAIVER OF FEDERAL PREEMPTION.—Nothing in this paragraph diminishes the authority of a State to enforce a State regulation for which a waiver of Federal preemption has been granted under section 327(d).

(G) ENFORCEMENT.—

(i) BASE NATIONAL STANDARD.—

(I) IN GENERAL.—The Secretary shall enforce any base national standard.

(II) TRADE ASSOCIATION CERTIFICATION PROGRAMS.—In enforcing the base national standard, the Secretary shall use, to the maximum extent practicable, national standard nationally recognized certification programs of trade associations.

(ii) REGIONAL STANDARDS.—

(I) ENFORCEMENT PLAN.—Not later than 90 days after the date of the issuance of a final rule that establishes a regional standard, the Secretary shall initiate a rulemaking to develop and implement an effective enforcement plan for regional standards for the products that are covered by the final rule.

(II) RESPONSIBLE ENTITIES.—Any rules regarding enforcement of a regional standard shall clearly specify which entities are legally responsible for compliance with the standards and for making any required information or labeling disclosures.

(III) FINAL RULE.—Not later than 15 months after the date of the issuance of a final rule that establishes a regional standard for a product, the Secretary shall promulgate a final rule covering enforcement of regional standards for the product.

(IV) INCORPORATION BY STATES AND LOCALITIES.—A State or locality may incorporate any Federal regional standard into State or local building codes or State appliance standards.

(V) STATE ENFORCEMENT.—A State agency may seek enforcement of a Federal regional standard in a Federal court of competent jurisdiction.

(H) INFORMATION DISCLOSURE.—

(i) IN GENERAL.—Not later than 90 days after the date of the publication of a final rule that establishes a regional standard for a product, the Federal Trade Commission shall undertake a rulemaking to determine the appropriate 1 or more methods for disclosing information so that consumers, distributors, contractors, and installers can easily determine whether a specific piece of equipment that is installed in a specific building is in conformance with the regional standard that applies to the building.

(ii) METHODS.—A method of disclosing information under clause (i) may include—

(I) modifications to the Energy Guide label; or

(II) other methods that make it easy for consumers and installers to use and understand at the point of installation.

(iii) COMPLETION OF RULEMAKING.—The rulemaking shall be completed not later 15 months after the date of the publication of a final rule that establishes a regional standard for a product.

(p) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Any new or amended energy conservation standard shall be prescribed in accordance with the following procedure:

(1) A proposed rule which prescribes an amended or new energy conservation standard or prescribes no amendment or no new standard for a type (or class) of covered products shall be published in the Federal Register. In prescribing any such proposed rule with respect to a standard, the Secretary shall determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for each type (or class) of covered products. If such standard is not designed to achieve such efficiency or use, the Secretary shall state in the proposed rule the reasons therefor.

(2) After the publication of such proposed rulemaking, the Secretary shall, in accordance with section 336, afford interested persons an opportunity, during a period of not less than 60 days, to present oral and written comments (including an opportunity to question those who make such presentations, as provided in such section) on matters relating to such proposed rule, including—

(A) whether the standard to be prescribed is economically justified (**[**taking into account those factors which the Secretary must consider under subsection (o)(2)**]** *as determined in accordance with subsection (o)*) or will result in the effects described in subsection (o)(4);

(B) whether the standard will achieve the maximum improvement in energy efficiency which is technologically feasible;

(C) if the standard will not achieve such improvement, whether the reasons for not achieving such improvement are adequate; and

(D) whether such rule should prescribe a level of energy use or efficiency which is higher or lower than that which would otherwise apply in the case of any group of products within the type (or class) that will be subject to such standard.

(3) A final rule prescribing an amended or new energy conservation standard or prescribing no amended or new standard for a type (or class) of covered products shall be published as soon as is practicable, but not less than 90 days, after publication of the proposed rule in the Federal Register.

(4) DIRECT FINAL RULES.—

(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and

contains recommendations with respect to an energy or water conservation standard—

(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a "direct final rule"); or

(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

(B) PUBLIC COMMENT.—The Secretary shall solicit public comment for a period of at least 110 days with respect to each direct final rule issued by the Secretary under subparagraph (A)(i).

(C) WITHDRAWAL OF DIRECT FINAL RULES.—

(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i) or any alternative joint recommendation; and

(II) based on the rulemaking record relating to the direct final rule, the Secretary determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule under subsection (o), section 342(a)(6)(B), or any other applicable law.

(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.

(q) SPECIAL RULE FOR CERTAIN TYPES OR CLASSES OF PRODUCTS.—(1) A rule prescribing an energy conservation standard for

a type (or class) of covered products shall specify a level of energy use or efficiency higher or lower than that which applies (or would apply) for such type (or class) for any group of covered products which have the same function or intended use, if the Secretary determines that covered products within such group—

(A) consume a different kind of energy from that consumed by other covered products within such type (or class); or

(B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard from that which applies (or will apply) to other products within such type (or class).

In making a determination under this paragraph concerning whether a performance-related feature justifies the establishment of a higher or lower standard, the Secretary shall consider such factors as the utility to the consumer of such a feature, and such other factors as the Secretary deems appropriate.

(2) Any rule prescribing a higher or lower level of energy use or efficiency under paragraph (1) shall include an explanation of the basis on which such higher or lower level was established.

(r) INCLUSION IN STANDARDS OF TEST PROCEDURES AND OTHER REQUIREMENTS.—Any new or amended energy conservation standard prescribed under this section shall include, where applicable, test procedures prescribed in accordance with section 323 and may include any requirement which the Secretary determines is necessary to assure that each covered product to which such standard applies meets the required minimum level of energy efficiency or maximum quantity of energy use specified in such standard.

(s) DETERMINATION OF COMPLIANCE WITH STANDARDS.—Compliance with, and performance under, the energy conservation standards (except for design standards authorized by this part) established in, or prescribed under, this section shall be determined using the test procedures and corresponding compliance criteria prescribed under section 323.

(t) SMALL MANUFACTURER EXEMPTION.—(1) Subject to paragraph (2), the Secretary may, on application of any manufacturer, exempt such manufacturer from all or part of the requirements of any energy conservation standard established in or prescribed under this section for any period not longer than the 24-month period beginning on the date such rule becomes effective, if the Secretary finds that the annual gross revenues of such manufacturer from all its operations (including the manufacture and sale of covered products) does not exceed $8,000,000 for the 12-month period preceding the date of the application. In making such finding with respect to any manufacturer, the Secretary shall take into account the annual gross revenues of any other person who controls, is controlled by, or is under common control with, such manufacturer.

(2) The Secretary may not exercise the authority granted under paragraph (1) with respect to any type (or class) of covered product subject to an energy conservation standard under this section unless the Secretary makes a finding, after obtaining the written views of the Attorney General, that a failure to allow an exemption under paragraph (1) would likely result in a lessening of competition.

(u) BATTERY CHARGER AND EXTERNAL POWER SUPPLY ELECTRIC ENERGY CONSUMPTION.—(1)(A) Not later than 18 months after the date of enactment of this subsection, the Secretary shall, after providing notice and an opportunity for comment, prescribe, by rule, definitions and test procedures for the power use of battery chargers and external power supplies.

(B) In establishing the test procedures under subparagraph (A), the Secretary shall—

(i) consider existing definitions and test procedures used for measuring energy consumption in standby mode and other modes; and

(ii) assess the current and projected future market for battery chargers and external power supplies.

(C) The assessment under subparagraph (B)(ii) shall include—

(i) estimates of the significance of potential energy savings from technical improvements to battery chargers and external power supplies; and

(ii) suggested product classes for energy conservation standards.

(D) Not later than 18 months after the date of enactment of this subsection, the Secretary shall hold a scoping workshop to discuss and receive comments on plans for developing energy conservation standards for energy use for battery chargers and external power supplies.

(E) EXTERNAL POWER SUPPLIES AND BATTERY CHARGERS.—

(i) ENERGY CONSERVATION STANDARDS.—

(I) EXTERNAL POWER SUPPLIES.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall issue a final rule that determines whether energy conservation standards shall be issued for external power supplies or classes of external power supplies.

(II) BATTERY CHARGERS.—Not later than July 1, 2011, the Secretary shall issue a final rule that prescribes energy conservation standards for battery chargers or classes of battery chargers or determine that no energy conservation standard is technically feasible and economically justified.

(ii) For each product class, any energy conservation standards issued under clause (i) shall be set at the lowest level of energy use that—

(I) meets the criteria and procedures of subsections (o), (p), (q), (r), (s), and (t); and

(II) would result in significant overall annual energy savings, considering standby mode and other operating modes.

(2) The Secretary and the Administrator shall collaborate and develop programs (including programs under section 324A and other voluntary industry agreements or codes of conduct) that are designed to reduce standby mode energy use.

(3) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—

(A) IN GENERAL.—Subject to subparagraphs (B) through (E), a class A external power supply manufactured on or

after the later of July 1, 2008, or the date of enactment of this paragraph shall meet the following standards:

Active Mode	
Nameplate Output	**Required Efficiency (decimal equivalent of a percentage)**
Less than 1 watt	0.5 times the Nameplate Output
From 1 watt to not more than 51 watts	The sum of 0.09 times the Natural Logarithm of the Nameplate Output and 0.5
Greater than 51 watts	0.85
No-Load Mode	.....
Nameplate Output	**Maximum Consumption**
Not more than 250 watts	0.5 watts

(B) NONCOVERED SUPPLIES.—A class A external power supply shall not be subject to subparagraph (A) if the class A external power supply is—

(i) manufactured during the period beginning on July 1, 2008, and ending on June 30, 2015; and

(ii) made available by the manufacturer as a service part or a spare part for an end-use product—

(I) that constitutes the primary load; and

(II) was manufactured before July 1, 2008.

(C) MARKING.—Any class A external power supply manufactured on or after the later of July 1, 2008 or the date of enactment of this paragraph shall be clearly and permanently marked in accordance with the External Power Supply International Efficiency Marking Protocol, as referenced in the "Energy Star Program Requirements for Single Voltage External AC–DC and AC–AC Power Supplies, version 1.1" published by the Environmental Protection Agency.

(D) AMENDMENT OF STANDARDS.—

(i) FINAL RULE BY JULY 1, 2011.—

(I) IN GENERAL.—Not later than July 1, 2011, the Secretary shall publish a final rule to determine whether the standards established under subparagraph (A) should be amended.

(II) ADMINISTRATION.—The final rule shall—

(aa) contain any amended standards; and

(bb) apply to products manufactured on or after July 1, 2013.

(ii) FINAL RULE BY JULY 1, 2021.—

(I) IN GENERAL.—Not later than July 1, 2021 the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

(II) ADMINISTRATION.—The final rule shall—

(aa) contain any amended standards; and

(bb) apply to products manufactured on or after July 1, 2023.

(E) NONAPPLICATION OF NO-LOAD MODE ENERGY EFFICIENCY STANDARDS TO EXTERNAL POWER SUPPLIES FOR CERTAIN SECURITY OR LIFE SAFETY ALARMS OR SURVEILLANCE SYSTEMS.—

(i) DEFINITION OF SECURITY OR LIFE SAFETY ALARM OR SURVEILLANCE SYSTEM.—In this subparagraph:

(I) IN GENERAL.—The term "security or life safety alarm or surveillance system" means equipment designed and marketed to perform any of the following functions (on a continuous basis):

(aa) Monitor, detect, record, or provide notification of intrusion or access to real property or physical assets or notification of threats to life safety.

(bb) Deter or control access to real property or physical assets, or prevent the unauthorized removal of physical assets.

(cc) Monitor, detect, record, or provide notification of fire, gas, smoke, flooding, or other physical threats to real property, physical assets, or life safety.

(II) EXCLUSION.—The term "security or life safety alarm or surveillance system" does not include any product with a principal function other than life safety, security, or surveillance that—

(aa) is designed and marketed with a built-in alarm or theft-deterrent feature; or

(bb) does not operate necessarily and continuously in active mode.

(ii) NONAPPLICATION OF NO-LOAD MODE REQUIREMENTS.—The No-Load Mode energy efficiency standards established by this paragraph shall not apply to an external power supply manufactured before the effective date of the amendment under subparagraph (D)(ii) that—

(I) is an AC-to-AC external power supply;

(II) has a nameplate output of 20 watts or more;

(III) is certified to the Secretary as being designed to be connected to a security or life safety alarm or surveillance system component; and

(IV) on establishment within the External Power Supply International Efficiency Marking Protocol, as referenced in the "Energy Star Program Requirements for Single Voltage External Ac–Dc and Ac–Ac Power Supplies", published by the Environmental Protection Agency, of a distinguishing mark for products described in this clause, is permanently marked with the distinguishing mark.

(iii) ADMINISTRATION.—In carrying out this subparagraph, the Secretary shall—

(I) require, with appropriate safeguard for the protection of confidential business information, the submission of unit shipment data on an annual basis; and

(II) restrict the eligibility of external power supplies for the exemption provided under this subparagraph on a finding that a substantial number of the external power supplies are being marketed to or installed in applications other than security or life safety alarm or surveillance systems.

(iv) TREATMENT IN RULE.—In the rule under subparagraph (D)(ii) and subsequent amendments the Secretary may treat some or all external power supplies designed to be connected to a security or life safety alarm or surveillance system as a separate product class or may extend the nonapplication under clause (ii).

(4) END-USE PRODUCTS.—An energy conservation standard for external power supplies shall not constitute an energy conservation standard for the separate end-use product to which the external power supply is connected.

(5) EXEMPT SUPPLIES.—

(A) FEBRUARY 10, 2014, RULE.—

(i) IN GENERAL.—An external power supply shall not be subject to the final rule entitled "Energy Conservation Program: Energy Conservation Standards for External Power Supplies", published at 79 Fed. Reg. 7845 (February 10, 2014), if the external power supply—

(I) is manufactured during the period beginning on February 10, 2016, and ending on February 10, 2020;

(II) is marked in accordance with the External Power Supply International Efficiency Marking Protocol, as in effect on February 10, 2016;

(III) meets, where applicable, the standards under paragraph (3)(A), and has been certified to the Secretary as meeting International Efficiency Level IV or higher of the External Power Supply International Efficiency Marking Protocol, as in effect on February 10, 2016; and

(IV) is made available by the manufacturer as a service part or a spare part for an end-use product that—

(aa) constitutes the primary load; and

(bb) was manufactured before February 10, 2016.

(ii) REPORTING.—The Secretary may require manufacturers of products exempted pursuant to clause (i) to report annual total units shipped as service and spare parts that fall below International Efficiency Level VI.

(iii) LIMITATION OF EXEMPTION.—The Secretary may issue a rule, after providing public notice and opportunity for public comment, to limit the applicability of

the exemption established under clause (i) if the Secretary determines that the exemption is resulting in a significant reduction of the energy savings that would otherwise result from the final rule described in such clause.

(B) AMENDED STANDARDS.—

(i) IN GENERAL.—The Secretary may exempt an external power supply from any amended standard under this subsection if the external power supply—

(I) is manufactured within four years of the compliance date of the amended standard;

(II) complies with applicable marking requirements adopted by the Secretary prior to the amendment;

(III) meets the standards that were in effect prior to the amendment; and

(IV) is made available by the manufacturer as a service part or a spare part for an end-use product that—

(aa) constitutes the primary load; and

(bb) was manufactured before the compliance date of the amended standard.

(ii) REPORTING.—The Secretary may require manufacturers of a product exempted pursuant to clause (i) to report annual total units shipped as service and spare parts that do not meet the amended standard.

(v) REFRIGERATED BEVERAGE VENDING MACHINES.—(1) Not later than 4 years after the date of enactment of this subsection, the Secretary shall prescribe, by rule, energy conservation standards for refrigerated bottle or canned beverage vending machines.

(2) In establishing energy conservation standards under this subsection, the Secretary shall use the criteria and procedures prescribed under subsections (o) and (p).

(3) Any energy conservation standard prescribed under this subsection shall apply to products manufactured 3 years after the date of publication of a final rule establishing the energy conservation standard.

(w) ILLUMINATED EXIT SIGNS.—An illuminated exit sign manufactured on or after January 1, 2006, shall meet the version 2.0 Energy Star Program performance requirements for illuminated exit signs prescribed by the Environmental Protection Agency.

(x) TORCHIERES.—A torchiere manufactured on or after January 1, 2006—

(1) shall consume not more than 190 watts of power; and

(2) shall not be capable of operating with lamps that total more than 190 watts.

(y) LOW VOLTAGE DRY-TYPE DISTRIBUTION TRANSFORMERS.—The efficiency of a low voltage dry-type distribution transformer manufactured on or after January 1, 2007, shall be the Class I Efficiency Levels for distribution transformers specified in table 4–2 of the "Guide for Determining Energy Efficiency for Distribution Transformers" published by the National Electrical Manufacturers Association (NEMA TP–1–2002).

(z) TRAFFIC SIGNAL MODULES AND PEDESTRIAN MODULES.—Any traffic signal module or pedestrian module manufactured on or after January 1, 2006, shall—

(1) meet the performance requirements used under the Energy Star program of the Environmental Protection Agency for traffic signals, as in effect on the date of enactment of this subsection; and

(2) be installed with compatible, electrically connected signal control interface devices and conflict monitoring systems.

(aa) UNIT HEATERS.—A unit heater manufactured on or after the date that is 3 years after the date of enactment of this subsection shall—

(1) be equipped with an intermittent ignition device; and

(2) have power venting or an automatic flue damper.

(bb) MEDIUM BASE COMPACT FLUORESCENT LAMPS.—(1) A bare lamp and covered lamp (no reflector) medium base compact fluorescent lamp manufactured on or after January 1, 2006, shall meet the following requirements prescribed by the August 9, 2001, version of the Energy Star Program Requirements for Compact Fluorescent Lamps, Energy Star Eligibility Criteria, Energy-Efficiency Specification issued by the Environmental Protection Agency and Department of Energy:

(A) Minimum initial efficacy.

(B) Lumen maintenance at 1000 hours.

(C) Lumen maintenance at 40 percent of rated life.

(D) Rapid cycle stress test.

(E) Lamp life.

(2) The Secretary may, by rule, establish requirements for color quality (CRI), power factor, operating frequency, and maximum allowable start time based on the requirements prescribed by the August 9, 2001, version of the Energy Star Program Requirements for Compact Fluorescent Lamps.

(3) The Secretary may, by rule—

(A) revise the requirements established under paragraph (2); or

(B) establish other requirements, after considering energy savings, cost effectiveness, and consumer satisfaction.

(cc) DEHUMIDIFIERS.—(1) Dehumidifiers manufactured on or after October 1, 2007, shall have an Energy Factor that meets or exceeds the following values:

Product Capacity (pints/day):	**Minimum Energy Factor (Liters/kWh)**
25.00 or less	1.00
25.01 – 35.00	1.20
35.01 – 54.00	1.30
54.01 – 74.99	1.50
75.00 or more	2.25.

(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

Product Capacity (pints/day):	Minimum Energy Factor (liters/kWh)
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5.

(dd) COMMERCIAL PRERINSE SPRAY VALVES.—Commercial prerinse spray valves manufactured on or after January 1, 2006, shall have a flow rate of not more than 1.6 gallons per minute.

(ee) MERCURY VAPOR LAMP BALLASTS.—Mercury vapor lamp ballasts (other than specialty application mercury vapor lamp ballasts) shall not be manufactured or imported after January 1, 2008.

(ff) CEILING FANS AND CEILING FAN LIGHT KITS.—(1)(A) All ceiling fans manufactured on or after January 1, 2007, shall have the following features:

(i) Fan speed controls separate from any lighting controls.

(ii) Adjustable speed controls (either more than 1 speed or variable speed).

(iii) The capability of reversible fan action, except for—

(I) fans sold for industrial applications;

(II) fans sold for outdoor applications; and

(III) cases in which safety standards would be violated by the use of the reversible mode.

(B) The Secretary may define the exceptions described in clause (iv) in greater detail, but shall not substantively expand the exceptions.

(2)(A) Ceiling fan light kits with medium screw base sockets manufactured on or after January 1, 2007, shall be packaged with screw-based lamps to fill all screw base sockets.

(B) The screw-based lamps required under subparagraph (A) shall—

(i) meet the Energy Star Program Requirements for Compact Fluorescent Lamps, version 3.0, issued by the Department of Energy; or

(ii) use light sources other than compact fluorescent lamps that have lumens per watt performance at least equivalent to comparably configured compact fluorescent lamps meeting the Energy Star Program Requirements described in clause (i).

(3) Ceiling fan light kits with pin-based sockets for fluorescent lamps manufactured on or after January 1, 2007 shall—

(A) meet the Energy Star Program Requirements for Residential Light Fixtures version 4.0 issued by the Environmental Protection Agency; and

(B) be packaged with lamps to fill all sockets.

(4)(A) By January 1, 2007, the Secretary shall consider and issue requirements for any ceiling fan lighting kits other than those covered in paragraphs (2) and (3), including candelabra screw base sockets.

(B) The requirements issued under subparagraph (A) shall be effective for products manufactured 2 years after the date of the final rule.

(C) If the Secretary fails to issue a final rule by the date specified in subparagraph (A), any type of ceiling fan lighting kit described in subparagraph (A) that is manufactured after January 1, 2009—

(i) shall not be capable of operating with lamps that total more than 190 watts; and

(ii) shall be packaged with lamps to fill all sockets.

(5)(A) After January 1, 2010, the Secretary may consider, and issue, if the requirements of subsections (o) and (p) are met, amended energy efficiency standards for ceiling fan light kits.

(B) Any amended standards issued under subparagraph (A) shall apply to products manufactured not earlier than 2 years after the date of publication of the final rule establishing the amended standard.

(6)(A) Notwithstanding any other provision of this Act, the Secretary may consider, and issue, if the requirements of subsections (o) and (p) are met, energy efficiency or energy use standards for electricity used by ceiling fans to circulate air in a room.

(B) In issuing the standards under subparagraph (A), the Secretary shall consider—

(i) exempting, or setting different standards for, certain product classes for which the primary standards are not technically feasible or economically justified; and

(ii) establishing separate exempted product classes for highly decorative fans for which air movement performance is a secondary design feature.

(7) Section 327 shall apply to the products covered in paragraphs (1) through (4) beginning on the date of enactment of this subsection, except that any State or local labeling requirement for ceiling fans prescribed or enacted before the date of enactment of this subsection shall not be preempted until the labeling requirements applicable to ceiling fans established under section 324 take effect.

(gg) STANDBY MODE ENERGY USE.—

(1) DEFINITIONS.—

(A) IN GENERAL.—Unless the Secretary determines otherwise pursuant to subparagraph (B), in this subsection:

(i) ACTIVE MODE.—The term "active mode" means the condition in which an energy-using product—

(I) is connected to a main power source;

(II) has been activated; and

(III) provides 1 or more main functions.

(ii) OFF MODE.—The term "off mode" means the condition in which an energy-using product—

(I) is connected to a main power source; and

(II) is not providing any standby or active mode function.

(iii) STANDBY MODE.—The term "standby mode" means the condition in which an energy-using product—

(I) is connected to a main power source; and

(II) offers 1 or more of the following user-oriented or protective functions:

(aa) To facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.

(bb) Continuous functions, including information or status displays (including clocks) or sensor-based functions.

(B) AMENDED DEFINITIONS.—The Secretary may, by rule, amend the definitions under subparagraph (A), taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission.

(2) TEST PROCEDURES.—

(A) IN GENERAL.—Test procedures for all covered products shall be amended pursuant to section 323 to include standby mode and off mode energy consumption, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission, with such energy consumption integrated into the overall energy efficiency, energy consumption, or other energy descriptor for each covered product, unless the Secretary determines that—

(i) the current test procedures for a covered product already fully account for and incorporate the standby mode and off mode energy consumption of the covered product; or

(ii) such an integrated test procedure is technically infeasible for a particular covered product, in which case the Secretary shall prescribe a separate standby mode and off mode energy use test procedure for the covered product, if technically feasible.

(B) DEADLINES.—The test procedure amendments required by subparagraph (A) shall be prescribed in a final rule no later than the following dates:

(i) December 31, 2008, for battery chargers and external power supplies.

(ii) March 31, 2009, for clothes dryers, room air conditioners, and fluorescent lamp ballasts.

(iii) June 30, 2009, for residential clothes washers.

(iv) September 30, 2009, for residential furnaces and boilers.

(v) March 31, 2010, for residential water heaters, direct heating equipment, and pool heaters.

(vi) March 31, 2011, for residential dishwashers, ranges and ovens, microwave ovens, and dehumidifiers.

(C) PRIOR PRODUCT STANDARDS.—The test procedure amendments adopted pursuant to subparagraph (B) shall not be used to determine compliance with product standards established prior to the adoption of the amended test procedures.

(3) INCORPORATION INTO STANDARD.—

(A) IN GENERAL.—Subject to subparagraph (B), based on the test procedures required under paragraph (2), any final rule establishing or revising a standard for a covered product, adopted after July 1, 2010, shall incorporate standby mode and off mode energy use into a single amended or new standard, pursuant to subsection (o), if feasible.

(B) SEPARATE STANDARDS.—If not feasible, the Secretary shall prescribe within the final rule a separate standard for standby mode and off mode energy consumption, if justified under subsection (o).

(hh) METAL HALIDE LAMP FIXTURES.—

(1) STANDARDS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall contain—

(i) a pulse-start metal halide ballast with a minimum ballast efficiency of 88 percent;

(ii) a magnetic probe-start ballast with a minimum ballast efficiency of 94 percent; or

(iii) a nonpulse-start electronic ballast with—

(I) a minimum ballast efficiency of 92 percent for wattages greater than 250 watts; and

(II) a minimum ballast efficiency of 90 percent for wattages less than or equal to 250 watts.

(B) EXCLUSIONS.—The standards established under subparagraph (A) shall not apply to—

(i) fixtures with regulated lag ballasts;

(ii) fixtures that use electronic ballasts that operate at 480 volts; or

(iii) fixtures that—

(I) are rated only for 150 watt lamps;

(II) are rated for use in wet locations, as specified by the National Electrical Code 2002, section 410.4(A); and

(III) contain a ballast that is rated to operate at ambient air temperatures above 50°C, as specified by UL 1029–2001.

(C) APPLICATION.—The standards established under subparagraph (A) shall apply to metal halide lamp fixtures manufactured on or after the later of—

(i) January 1, 2009; or

(ii) the date that is 270 days after the date of enactment of this subsection.

(2) FINAL RULE BY JANUARY 1, 2012.—

(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall publish a final rule to determine whether the standards established under paragraph (1) should be amended.

(B) ADMINISTRATION.—The final rule shall—

(i) contain any amended standard; and

(ii) apply to products manufactured on or after January 1, 2015.

(3) FINAL RULE BY JANUARY 1, 2019.—

(A) IN GENERAL.—Not later than January 1, 2019, the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

(B) ADMINISTRATION.—The final rule shall—

(i) contain any amended standards; and

(ii) apply to products manufactured after January 1, 2022.

(4) DESIGN AND PERFORMANCE REQUIREMENTS.—Notwithstanding any other provision of law, any standard established pursuant to this subsection may contain both design and performance requirements.

(ii) APPLICATION DATE.—Section 327 applies—

(1) to products for which energy conservation standards are to be established under subsection (l), (u), or (v) beginning on the date on which a final rule is issued by the Secretary, except that any State or local standard prescribed or enacted for the product before the date on which the final rule is issued shall not be preempted until the energy conservation standard established under subsection (l), (u), or (v) for the product takes effect; and

(2) to products for which energy conservation standards are established under subsections (w) through (hh) on the date of enactment of those subsections, except that any State or local standard prescribed or enacted before the date of enactment of those subsections shall not be preempted until the energy conservation standards established under subsections (w) through (hh) take effect.

REQUIREMENTS OF MANUFACTURERS

SEC. 326. (a) IN GENERAL.—Each manufacturer of a covered product to which a rule under section 324 applies shall provide a label which meets, and is displayed in accordance with, the requirements of such rule. If such manufacturer or any distributor, retailer, or private labeler of such product advertises such product in a catalog from which it may be purchased, such catalog shall contain all information required to be displayed on the label, except as otherwise provided by rule of the Commission. The preceding sentence shall not require that a catalog contain information respecting a covered product if the distribution of such catalog commenced before the effective date of the labeling rule under section 324 applicable to such product.

(b) NOTIFICATION.—(1) Each manufacturer of a covered product to which a rule under section 324 applies shall notify the Secretary or the Commission—

(A) not later than 60 days after the date such rule takes effect, of the models in current production (and starting serial numbers of those models) to which such rule applies; and

(B) prior to commencement of production, of all models subsequently produced (and starting serial numbers of those models) to which such rule applies.

(2) If requested by the Secretary or Commission, the manufacturer of a covered product to which a rule under section 324 applies shall provide, within 30 days of the date of the request, the data from which the information included on the label and required by the rule was derived. Data shall be kept on file by the manufacturer for a period specified in the rule.

(3) When requested—

(A) by the Secretary for purposes of ascertaining whether a product subject to a standard established in or prescribed under section 325 is in compliance with that standard, or

(B) by the Commission for purposes of ascertaining whether the information set out on a label of a product, as required under section 324, is accurate,

each manufacturer of such a product shall supply at his expense a reasonable number of such covered products to any laboratory designated by the Secretary or the Commission, as the case may be. Any reasonable charge levied by the laboratory for such testing shall be borne by the United States, if and to the extent provided in appropriation Acts.

(4) Each manufacturer of a covered product to which a rule under section 324 applies shall annually, at a time specified by the Commission, supply to the Commission relevant data respecting energy consumption or water use developed in accordance with the test procedures applicable to such product under section 323.

(5) A rule under section 323, 324, or 325 may require the manufacturer or his agent to permit a representative designated by the Commission or the Secretary to observe any testing required by this part and inspect the results of such testing.

(c) DEADLINE.—Each manufacturer shall use labels reflecting the range data required to be disclosed under section 324(c)(1)(B) after the expiration of 60 days following the date of publication of any revised table of ranges unless the rule under section 324 provides for a later date. The Commission may not require labels be changed to reflect revised tables of ranges more often than annually.

(d) INFORMATION REQUIREMENTS.—(1) For purposes of carrying out this part, the Secretary may require, under this part or other provision of law administered by the Secretary, each manufacturer of a covered product to submit information or reports to the Secretary with respect to energy efficiency, energy use, [or, in the case of showerheads, faucets, water closets, and urinals,] *or, as applicable,* water use of such covered product and the economic impact of any proposed energy conservation standard, as the Secretary determines may be necessary to establish and revise test procedures, labeling rules, and energy conservation standards for such product and to insure compliance with the requirements of this part. In making any determination under this paragraph, the Secretary shall consider existing public sources of information, including nationally recognized certification programs of trade associations.

(2) The Secretary shall exercise authority under this section in a manner designed to minimize unnecessary burdens on manufacturers of covered products.

(3) The provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 shall apply with respect to information obtained under this subsection to the same extent and in the same manner as they apply with respect to energy information obtained under section 11 of such Act.

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PART C—CERTAIN INDUSTRIAL EQUIPMENT

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ENERGY CONSERVATION STANDARDS FOR HIGH-INTENSITY DISCHARGE LAMPS, DISTRIBUTION TRANSFORMERS, AND SMALL ELECTRIC MOTORS

SEC. 346. (a)(1) The Secretary shall, within 30 months after the date of the enactment of the Energy Policy Act of 1992, prescribe testing requirements for those high-intensity discharge lamps and distribution transformers for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

(2) The Secretary shall, within 18 months after the date on which testing requirements are prescribed by the Secretary pursuant to paragraph (1), prescribe, by rule, energy conservation standards for those high-intensity discharge lamps and distribution transformers for which the Secretary prescribed testing requirements under paragraph (1).

(3) Any standard prescribed under paragraph (2) with respect to high-intensity discharge lamps shall apply to such lamps manufactured 36 months after the date such rule is published.

(b)(1) The Secretary shall, within 30 months after the date of the enactment of the Energy Policy Act of 1992, prescribe testing requirements for those small electric motors for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

(2) The Secretary shall, within 18 months after the date on which testing requirements are prescribed by the Secretary pursuant to paragraph (1), prescribe, by rule, energy conservation standards for those small electric motors for which the Secretary prescribed testing requirements under paragraph (1).

(3) Any standard prescribed under paragraph (2) shall apply to small electric motors manufactured 60 months after the date such rule is published or, in the case of small electric motors which require listing or certification by a nationally recognized testing laboratory, 84 months after such date. Such standards shall not apply to any small electric motor which is a component of a covered product under section 322(a) or a covered equipment under section 340.

[(c) In establishing any standard under this section, the Secretary shall take into consideration the criteria contained in section 325(n).**]**

(d) The Secretary shall, within six months after the date on which energy conservation standards are prescribed by the Secretary for high-intensity discharge lamps and distribution transformers pursuant to subsection (a)(2) and small electric motors pursuant to subsection (b)(2), prescribe labeling requirements for such lamps, transformers, and small electric motors.

(e) Beginning on the date which occurs six months after the date on which a labeling rule is prescribed for a product under subsection (d), each manufacturer of a product to which such a rule applies shall provide a label which meets, and is displayed in accordance with, the requirements of such rule.

(f)(1) After the date on which a manufacturer must provide a label for a product pursuant to subsection (e)—

(A) each such product shall be considered, for purposes of paragraphs (1) and (2) of section 332(a), a new covered product to which a rule under section 324 applies; and

(B) it shall be unlawful for any manufacturer or private labeler to distribute in commerce any new product for which an energy conservation standard is prescribed under subsection (a)(2) or (b)(2) which is not in conformity with the applicable energy conservation standard.

(2) For purposes of section 333(a), paragraph (1) of this subsection shall be considered to be a part of section 332.

(g) NO NEW OR REVISED STANDARDS FOR DISTRIBUTION TRANSFORMERS.—

(1) IN GENERAL.—Beginning on the date of enactment of this subsection, the Secretary may not prescribe any new or amended energy conservation standard under part B or this part for distribution transformers, including those distribution transformers for which the Secretary prescribed testing requirements under subsection (a)(1) and low-voltage dry-type distribution transformers.

(2) EFFECT ON EXISTING STANDARDS.—Paragraph (1) does not affect any energy conservation standards prescribed under part B or this part before the date of enactment of this subsection.

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MINORITY VIEWS

H.R. 4626, the "Don't Mess With My Home Appliances Act," will raise electricity costs and threaten our ability to compete with China in the artificial intelligence race. The bill amends the Energy Policy and Conservation Act (EPCA) to add burdensome, duplicative, and contradictory procedures to the Department of Energy's (DOE) processes for issuing energy efficiency standards. It also gives future administrations the ability to revoke existing standards, potentially violating the statute's anti-backsliding provisions. For these reasons, the Minority strongly opposes H.R. 4626.

H.R. 4626 will significantly limit DOE's ability to finalize and enforce energy conservation standards. The bill amends EPCA to make substantial changes to DOE's ability to finalize energy efficiency standards for appliances. It amends test procedures required for finalizing a standard in several ways. If the bill were enacted, test procedures would have several new requirements, including an economic analysis, minimum energy savings, performance and compatibility factors, and market and competition review. The bill would also prohibit the banning of a product based on a type of fuel and ban DOE from factoring in social costs of greenhouse gas emissions in its determination.

While some of these test requirements may sound like good faith efforts to protect consumers, they are in fact designed to protect industry and slow down DOE's rulemaking process. EPCA already requires energy conservation standards to result in significant savings and be technologically feasible and economically justifiable. H.R. 4626 adds cumbersome and duplicative hurdles to the existing rulemaking process, which would hamper efforts to improve the efficiency of household appliances and slow down rulemaking processes. Additionally, EPCA already prohibits DOE from banning or eliminating products that use a particular fuel, such as gas. The Majority report also argues that H.R. 4626 is necessary to protect consumer choice, but the law already requires that DOE must ensure consumers have access to the product features they value. Additionally, consumers have access to more products on the market now than before the efficiency standards program was developed. Any claim that appliance efficiency standards limit consumer choice is faulty and misleading, reflecting a poor understanding of EPCA.

H.R. 4626 also amends EPCA to allow a future administration to revoke existing standards. The bill directs DOE to evaluate energy efficiency standards two years after they are finalized—likely after manufacturers have already invested in upgrading their products—allowing the agency to revoke the standard if they are no longer technologically feasible or economically justified. This is not only duplicative of what the agency already considers in finalizing efficiency standards but could lead to the gutting of DOE's efficiency

standards program. The bill does not address how this new authority interacts with EPCA's anti-backsliding provisions, thus creating statutory ambiguity.

H.R. 4626 was amended in the Subcommittee Markup to further weaken energy efficiency standards. Language was added to the bill to extend compliance dates for all products, delaying cost savings for consumers. Moreover, additional cumbersome considerations were included for DOE to examine when issuing efficiency standards. These changes only serve to slow and limit energy savings for consumers.

In addition to delaying efficiency standards and robbing Americans of their ability to save energy in their homes and businesses, H.R. 4626 creates uncertainty in the marketplace for manufacturers and distributors by slowing down and compromising the efficiency standards process. DOE already employs a transparent and deliberative process that is capable of working with industry and delivering savings to Americans. In fact, many efficiency standards are set as a result of consensus agreements between industry partners and consumer advocates, balancing energy savings, reliability, and the performance of household appliances and commercial and industrial equipment.[1]

DOE's appliance and equipment standards program promotes energy security and grid reliability and resiliency by reducing peak demand.[2] Electricity demand is rapidly rising in the United States, largely due to the expansion of data centers powering artificial intelligence tools. In just three years, load growth from data centers is expected to triple.[3] And this growth comes at a cost; research shows that utilities have passed on more than $4 billion in infrastructure costs to consumers to accommodate the increase in electricity demand from data centers.[4] However, energy efficiency measures can play a key role in helping reduce demand on the electric grid to power the growth of data centers, bolstering U.S. competitiveness with China. For example, the appliance standards that the Trump Administration is proposing to roll back would reduce demand on the electric grid by over 6 gigawatts in 2040.[5] By undermining DOE's energy efficiency standards process, H.R. 4626 further cements the United States into using more energy, raising consumer electric costs, and ceding ground to China in the AI race.

As a result of energy efficiency standards, American consumers already save up to $500 a year on utility bills.[6] Unfortunately, the Trump Administration is threatening additional consumer savings by proposing to rollback standards that were projected to save consumers $43 billion.[7] Appliance standards are a crucial tool to lower costs for consumers, reduce planet-warming emissions, and help the U.S. meet rising demand in electricity growth from data cen-

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[1] Department of Energy, *DOE Finalizes Four Consensus-based Efficiency Standards to Save Americans Billions on Utility Bills* (Apr. 16, 2024) (press release).

[2] Department of Energy, *Appliance and Equipment Standards Program Overview* (Mar. 2025).

[3] Department of Energy, *DOE Releases New Report Evaluating Increase in Electricity Demand from Data Centers* (Dec. 20, 2024) (press release).

[4] Union of Concerned Scientists, *Connection Costs: Loophole Costs Customers Over $4 Billion to Connect Data Centers to Power Grid* (Sept. 2025).

[5] Appliance Standards Awareness Project, *Potential Lost Savings from DOE's Proposed Rollbacks of Efficiency Standards* (Aug. 2025).

[6] *See* note 2.

[7] *See* note 5.

ters. At a time when electricity prices are up thirteen percent nationwide, it is imperative to support programs that cut costs for American consumers and businesses, like DOE's appliance and equipment standards program.

For the reasons stated above, we dissent from the views contained in the Committee's report.

FRANK PALLONE, JR.,
Ranking Member.

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