

(2) FINAL RULE NOT TIMELY.—

(A) IN GENERAL.—If the Secretary does not issue a final rule for a specific type of walk-in cooler or walk-in freezer within the time-frame established under paragraph (4) or (5) of section 6313(f) of this title, subsections (b) and (c) of section 6297 of this title shall no longer apply to the specific type of walk-in cooler or walk-in freezer during the period—

- (i) beginning on the day after the scheduled date for a final rule; and
- (ii) ending on the date on which the Secretary publishes a final rule covering the specific type of walk-in cooler or walk-in freezer.

(B) STATE STANDARDS.—Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

(3) CALIFORNIA.—Any standard issued in the State of California before January 1, 2011, under title 20 of the California Code of Regulations, that refers to walk-in coolers and walk-in freezers, for which standards have been established under paragraphs (1), (2), and (3) of section 6313(f) of this title, shall not be preempted until the standards established under section 6313(f)(4) of this title take effect.

(Pub. L. 94-163, title III, §345, as added Pub. L. 95-619, title IV, §441(a), Nov. 9, 1978, 92 Stat. 3272; amended Pub. L. 102-486, title I, §122(e), Oct. 24, 1992, 106 Stat. 2815; Pub. L. 105-388, §5(a)(7), Nov. 13, 1998, 112 Stat. 3478; Pub. L. 109-58, title I, §136(h), Aug. 8, 2005, 119 Stat. 643; Pub. L. 110-140, title III, §§308(b), 312(e), Dec. 19, 2007, 121 Stat. 1561, 1567; Pub. L. 112-210, §10(a)(5), Dec. 18, 2012, 126 Stat. 1524.)

Editorial Notes

REFERENCES IN TEXT

The National Appliance Energy Conservation Act of 1987, referred to in subsec. (a)(5), (9), is Pub. L. 100-12, Mar. 17, 1987, 101 Stat. 103. For complete classification of this Act to the Code, see Short Title of 1987 Amendment note set out under section 6201 of this title and Tables.

The Energy Policy Act of 1992, referred to in subsec. (a)(5), (6), is Pub. L. 102-486, Oct. 24, 1992, 106 Stat. 2776. For complete classification of this Act to the Code, see Short Title note set out under section 13201 of this title and Tables.

The Energy Policy Act of 2005, referred to in subsec. (a)(9), is Pub. L. 109-58, Aug. 8, 2005, 119 Stat. 594. For complete classification of this Act to the Code, see Short Title note set out under section 15801 of this title and Tables.

The National Appliance Energy Conservation Amendments of 1988, referred to in subsec. (a)(6), is Pub. L. 100-357, June 28, 1988, 102 Stat. 671. For complete classification of this Act to the Code, see Short Title of 1988 Amendments note set out under section 6201 of this title and Tables.

Section 6313(c)(4) and (c)(5) of this title, referred to in subsec. (e)(3)(A), (4)(A), were redesignated section 6313(c)(5) and (c)(6) of this title, respectively, by Pub. L. 112-210, §4(2), Dec. 18, 2012, 126 Stat. 1517.

AMENDMENTS

2012—Pub. L. 112-210, §10(a)(5)(B), made technical amendment to references in original act which appear in subsecs. (b)(1), (d)(1), (e)(1)(A), (2)(A), (3)(A), (f)(1)(A)(i), (2)(A)(i), and (h)(1)(A)(i) as references to part A.

Subsec. (a). Pub. L. 112-210, §10(a)(5)(A), substituted “subparagraphs (B), (C), (D), (I), (J), and (K)” for “subparagraphs (B) through (G)” in introductory provisions. Subsec. (a)(10). Pub. L. 112-210, §10(a)(5)(C), added par. (10).

Subsec. (b)(1). Pub. L. 112-210, §10(a)(5)(A), (D), substituted “section 6295(p)(4)” for “section 6295(p)(5)” and “subparagraphs (B), (C), (D), (I), (J), and (K)” for “subparagraphs (B) through (G)”.

Subsec. (h)(3). Pub. L. 112-210, §10(a)(5)(E), substituted “section 6313(f)(4)” for “section 6313(f)(3)”.

2007—Subsec. (a). Pub. L. 110-140, §312(e)(1), substituted “subparagraphs (B) through (G)” for “subparagraphs (B), (C), (D), (E), and (F)” in introductory provisions.

Subsec. (b)(1). Pub. L. 110-140, §§308(b), 312(e)(1), inserted “section 6295(p)(5) of this title,” after “The provisions of” and substituted “subparagraphs (B) through (G)” for “subparagraphs (B), (C), (D), (E), and (F)”.

Subsec. (h). Pub. L. 110-140, §312(e)(2), added subsec. (h).

2005—Subsec. (a)(9). Pub. L. 109-58, §136(h)(1), added par. (9).

Subsec. (b)(1). Pub. L. 109-58, §136(h)(2), substituted “part A” for “part B”, which for purposes of codification had been translated as “part A” thus requiring no change in text.

Subsecs. (d) to (g). Pub. L. 109-58, §136(h)(3), added subsecs. (d) to (g).

1998—Subsec. (c). Pub. L. 105-388 inserted “standard” after “meets the applicable”.

1992—Pub. L. 102-486, §122(e)(3), substituted “enforcement, and preemption” for “and enforcement” in section catchline.

Subsec. (a). Pub. L. 102-486, §122(e)(1)(A), inserted “(other than the equipment specified in subparagraphs (B), (C), (D), (E), and (F) of section 6311(l) of this title)” after “to this part” and substituted “, the provisions of subsections (l) through (s) of section 6295 of this title, and section 6297” for “and sections 6298”.

Subsec. (a)(1). Pub. L. 102-486, §122(e)(1)(B), substituted “, 6294, and 6295 of this title” for “and 6294 of this title” and “6314, 6315, and 6313 of this title, respectively” for “6314 and 6315 of this title, respectively”.

Subsec. (a)(5) to (8). Pub. L. 102-486, §122(e)(1)(C)–(E), added pars. (5) to (8).

Subsecs. (b), (c). Pub. L. 102-486, §122(e)(2), added subsecs. (b) and (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-210 effective as if included in the Energy Independence and Security Act of 2007, Pub. L. 110-140, see section 10(a)(13) of Pub. L. 112-210, set out as a note under section 6291 of this title.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 6317. Energy conservation standards for high-intensity discharge lamps, distribution transformers, and small electric motors**(a) High-intensity discharge lamps and distribution transformers**

(1) The Secretary shall, within 30 months after October 24, 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 pre-

scribed 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) Small electric motors

(1) The Secretary shall, within 30 months after October 24, 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 6292(a) of this title or a covered equipment under section 6311 of this title.

(c) Consideration of criteria under other law

In establishing any standard under this section, the Secretary shall take into consideration the criteria contained in section 6295(n) of this title.

(d) Prescription of labeling requirements by Secretary

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) Compliance by manufacturers with labeling requirements

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) New covered products; distribution of non-conforming products prohibited; construction with other law

(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 sec-

tion 6302(a) of this title, a new covered product to which a rule under section 6294 of this title 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 6303(a) of this title, paragraph (1) of this subsection shall be considered to be a part of section 6302 of this title.

(Pub. L. 94-163, title III, §346, as added Pub. L. 95-619, title IV, §441(a), Nov. 9, 1978, 92 Stat. 3272; amended Pub. L. 102-486, title I, §124(a), Oct. 24, 1992, 106 Stat. 2832.)

Editorial Notes

AMENDMENTS

1992—Pub. L. 102-486 amended section generally, substituting provisions requiring energy conservation standards for high-intensity discharge lamps, distribution transformers, and small electric motors, for provisions authorizing appropriations for fiscal years 1978 and 1979.

Statutory Notes and Related Subsidiaries

ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM

Pub. L. 116-260, div. Z, title I, §1006, Dec. 27, 2020, 134 Stat. 2432, provided that:

“(a) DEFINITIONS.—In this section:

“(1) QUALIFIED ENERGY EFFICIENT TRANSFORMER.—The term ‘qualified energy efficient transformer’ means a transformer that meets or exceeds the applicable energy conservation standards described in the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act [Dec. 27, 2020]).

“(2) QUALIFIED ENERGY INEFFICIENT TRANSFORMER.—The term ‘qualified energy inefficient transformer’ means a transformer with an equal number of phases and capacity to a transformer described in any of the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act) that—

“(A) does not meet or exceed the applicable energy conservation standards described in paragraph (1); and

“(B)(i) was manufactured between January 1, 1987, and December 31, 2008, for a transformer with an equal number of phases and capacity as a transformer described in the table in subsection (b)(2) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act); or

“(ii) was manufactured between January 1, 1992, and December 31, 2011, for a transformer with an equal number of phases and capacity as a transformer described in the table in paragraph (1) or (2) of subsection (c) of that section (as in effect on the date of enactment of this Act).

“(3) QUALIFIED ENTITY.—The term ‘qualified entity’ means an owner of industrial or manufacturing facilities, commercial buildings, or multifamily residential buildings, a utility, or an energy service company that fulfills the requirements of subsection (c).

“(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy (in this section referred to as the ‘Secretary’) shall establish a program to provide rebates to qualified entities for expenditures made by the qualified en-

tity for the replacement of a qualified energy inefficient transformer with a qualified energy efficient transformer.

“(c) REQUIREMENTS.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence—

“(1) that the entity purchased a qualified energy efficient transformer;

“(2) of the core loss value of the qualified energy efficient transformer;

“(3) of the age of the qualified energy inefficient transformer being replaced;

“(4) of the core loss value of the qualified energy inefficient transformer being replaced—

“(A) as measured by a qualified professional or verified by the equipment manufacturer, as applicable; or

“(B) for transformers described in subsection (a)(2)(B)(i), as selected from a table of default values as determined by the Secretary in consultation with applicable industry; and

“(5) that the qualified energy inefficient transformer has been permanently decommissioned and scrapped.

“(d) AUTHORIZED AMOUNT OF REBATE.—The amount of a rebate provided under this section shall be—

“(1) for a 3-phase or single-phase transformer with a capacity of not less than 10 and not greater than 2,500 kilovolt-amperes, twice the amount equal to the difference in Watts between the core loss value (as measured in accordance with paragraphs (2) and (4) of subsection (c)) of—

“(A) the qualified energy inefficient transformer; and

“(B) the qualified energy efficient transformer; or

“(2) for a transformer described in subsection (a)(2)(B)(i), the amount determined using a table of default rebate values by rated transformer output, as measured in kilovolt-amperes, as determined by the Secretary in consultation with applicable industry.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2022 and 2023.

“(f) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on December 31, 2023.”

STUDY OF UTILITY DISTRIBUTION TRANSFORMERS;
REPORT TO CONGRESS

Pub. L. 102-486, title I, §124(c), Oct. 24, 1992, 106 Stat. 2833, directed the Secretary to evaluate the practicability, cost-effectiveness, and potential energy savings of replacing or upgrading utility distribution transformers during routine maintenance and, not later than 18 months after Oct. 24, 1992, report the findings of the evaluation to Congress with recommendations.

PART B—STATE ENERGY CONSERVATION PLANS

Editorial Notes

CODIFICATION

This part, originally designated part C and subsequently redesignated part D by Pub. L. 95-619, title IV, §441(a), Nov. 9, 1978, 92 Stat. 3267, was changed to part B for purposes of codification.

§ 6321. Findings; purpose; definitions

(a) Findings

Congress finds that—

(1) the development and implementation by States of laws, policies, programs, and procedures to conserve and to improve efficiency in the use of energy will have an immediate and substantial effect in reducing the rate of

growth of energy demand and in minimizing the adverse social, economic, political, and environmental impacts of increasing energy consumption;

(2) the development and implementation of energy conservation programs by States will most efficiently and effectively minimize any adverse economic or employment impacts of changing patterns of energy use and meet local economic, climatic, geographic, and other unique conditions and requirements of each State; and

(3) the Federal Government has a responsibility to foster and promote comprehensive energy conservation programs and practices by establishing guidelines for such programs and providing overall coordination, technical assistance, and financial support for specific State initiatives in energy conservation.

(b) Purpose

It is the purpose of this part to promote the conservation of energy and reduce the rate of growth of energy demand by authorizing the Secretary to establish procedures and guidelines for the development and implementation of specific State energy conservation programs and to provide Federal financial and technical assistance to States in support of such programs.

(c) Definitions

In this part:

(1) Appliance

The term “appliance” means any article, such as a room air-conditioner, refrigerator-freezer, or dishwasher, which the Secretary classifies as an appliance for purposes of this part.

(2) Building

The term “building” means any structure which includes provision for a heating or cooling system, or both, or for a hot water system.

(3) Energy audit

The term “energy audit” means any process which identifies and specifies the energy and cost savings which are likely to be realized through the purchase and installation of particular energy conservation measures or renewable-resource energy measures and which—

(A) is carried out in accordance with rules of the Secretary; and

(B) imposes—

(i) no direct costs, with respect to individuals who are occupants of dwelling units in any State having a supplemental State energy conservation plan; and

(ii) only reasonable costs, as determined by the Secretary, with respect to any person not described in clause (i).

Rules referred to in subparagraph (A) may include minimum qualifications for, and provisions with respect to conflicts of interest of, persons carrying out such energy audits.

(4) Energy conservation measure

The term “energy conservation measure” means a measure which modifies any building, building system, energy consuming device associated with the building, or industrial plant,