

Appliance Standards Awareness Project  
Consumer Federation of America  
National Consumer Law Center  
Natural Resources Defense Council  
Northwest Energy Efficiency Alliance

November 28, 2023

Mr. Lucas Adin  
U.S. Department of Energy  
Office of Energy Efficiency and Renewable Energy  
Building Technologies, EE-5B  
1000 Independence Avenue SW, Washington, DC 20585

**RE: Docket Number EERE-2023-BT-CE-0001: Notice of Proposed Rulemaking for Certification Requirements, Labeling Requirements, and Enforcement Provisions for Certain Consumer Products and Commercial Equipment**

Dear Mr. Adin:

This letter constitutes the comments of the Appliance Standards Awareness Project (ASAP), the Consumer Federation of America (CFA), the National Consumer Law Center (NCLC) on behalf of its low-income clients, the Natural Resources Defense Council (NRDC), and the Northwest Energy Efficiency Alliance (NEEA) on the Notice of Proposed Rulemaking (NOPR) for Certification Requirements, Labeling Requirements, and Enforcement Provisions for Certain Consumer Products and Commercial Equipment. 88 Fed. Reg. 67458 (September 29, 2023). We appreciate the opportunity to provide input to the Department.

We are generally supportive of the NOPR, which proposes new and amended reporting requirements for twenty categories of regulated products<sup>1</sup>. The proposed reporting requirements will ensure that DOE has relevant information to determine whether certified models comply with the corresponding energy efficiency standard<sup>2</sup>. The NOPR addresses a range of amendments to reporting requirements<sup>3</sup> including

---

<sup>1</sup> *Consumer products*: air cleaners, battery chargers, ceiling fan light kits, central air conditioners and heat pumps, dehumidifiers, dishwashers, external power supplies, pool heaters, portable air conditioners, and residential clothes washers. *Commercial equipment*: automatic commercial ice makers, commercial water heating equipment, commercial and industrial pumps, compressors, computer room air conditioners, dedicated-purpose pool pump motors, direct expansion-dedicated outdoor air systems, single package vertical units, small commercial air conditioners and heat pumps, and walk-in coolers and freezers.

<sup>2</sup> Including the determination of appropriate product class, or, in some cases, the appropriate categorization of consumer or commercial equipment.

<sup>3</sup> The NOPR also includes one new labeling requirement for walk-in coolers and freezers.

updating references to new appendices, removing obsolete reporting requirements, aligning terminology and updating the reported efficiency metrics, and providing rounding instructions. Clarity in what is required to report for certification will help to ensure that data reported to the compliance certification management system (CCMS) is complete and submitted in a uniform manner. . Below we highlight a few proposals in particular that we support along with areas where we think clarifications could be helpful. We encourage DOE to promptly finalize the certification requirements given the approaching reporting deadlines for certain products.

**We support the proposed certification requirements for commercial water heating equipment.** In particular, we support the inclusion of input rating as a reporting requirement for commercial electric storage water heaters. As DOE notes in the NOPR, this provision will help ensure that equipment that is certified under §429.44 meets the input threshold of 12 kW that is defined for commercial equipment.

**We encourage DOE to provide additional clarity regarding the external power supplies reporting provisions for the output cord.** In §429.37 and the draft certification template<sup>4</sup>, DOE proposes to require the reporting of “the specifications of the recommended or included output cord” for external power supplies. While we agree that it makes sense to require the reporting of relevant information about the output cord, we are concerned that the term “specifications” is too vague. In the DOE public webinar<sup>5</sup>, gauge and length were listed as specifications. For additional clarity, we encourage DOE to list the specifications that the Department is seeking so that it can collect the specific relevant information necessary for the performance validation of external power supplies.

**It appears that DOE has omitted certain computer room air conditioner (CRAC) configurations.** In §429.43 (ix)(B) and the draft certification template, the listed configurations of a CRAC model that a manufacturer will certify compliance with an NsenCOP standard do not include roof-mounted or wall-mounted types. However, DOE included these configurations in the April 2023 test procedure final rule, which also reflects the additions in the AHRI 1360-2022 standard. For completeness, we encourage DOE to include those configurations in the certification reporting requirements and expand the listed product codes in the product certification template to include these configurations.

**We support the proposed certification requirements for room air cleaners.** DOE has proposed that clean air delivery rates (CADRs; in CFM) for smoke, dust, and pollen (if measured) be reported. We understand that the recently finalized energy conservation standards for air cleaners are based upon PM<sub>2.5</sub> CADR per Watt, which is calculated from the measured values of smoke CADR and dust CADR. However, smoke, dust, and pollen CADRs are commonly used by manufacturers in marketing these products. Furthermore, the ENERGY STAR specification for air cleaners has required the reporting of smoke, dust, and pollen CADRs since 2011.<sup>6</sup> We believe that the proposed CADR reporting requirements

---

<sup>4</sup> <https://www.regulations.gov/document/EERE-2023-BT-CE-0001-0002>. p. 13.

<sup>5</sup> <https://www.regulations.gov/document/EERE-2023-BT-CE-0001-0004>. p. 15.

<sup>6</sup> [https://www.energystar.gov/sites/default/files/Room\\_Air\\_Cleaners\\_Program\\_Requirements%20V1.2.pdf](https://www.energystar.gov/sites/default/files/Room_Air_Cleaners_Program_Requirements%20V1.2.pdf) ; [https://www.energystar.gov/products/spec/air\\_cleaner\\_specification\\_version\\_1\\_2\\_pd](https://www.energystar.gov/products/spec/air_cleaner_specification_version_1_2_pd)

will help ensure that CADR performance claims can be trusted metrics that can be used by consumers in making purchasing decisions.

We also support the room size reporting requirement for room air cleaners. The physical dimensions of a room influence the capacity of the air cleaner that would be needed to adequately clean the air in that space. In the 2023 final rule for the test procedure, DOE included provisions for determining effective room size, and we believe that certification of this value will again help ensure that consumers have appropriate information to make informed purchasing decisions, i.e. selecting a properly sized unit. We note that the proposed regulatory language refers to “room size” while the test procedure specifies “effective room size.” We encourage DOE to specify “effective room size” in the regulatory language and the draft certification template to be consistent with the language in the test procedure.

**We encourage DOE to consider edits to clarify the proposed regulatory language.** In the attached Appendix A, we have provided some non-substantive suggestions intended to clarify elements of DOE’s proposed regulatory text. In addition, in our review of the draft certification templates, we have noticed some inconsistencies between the proposed regulatory text in 10 CFR 429 and the language in the certification templates. We encourage the Department to ensure that there is alignment between the documents.

Thank you for considering these comments.

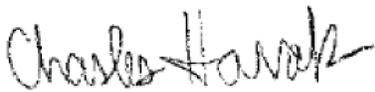
Sincerely,



Rachel Margolis  
Technical Advocacy Associate  
Appliance Standards Awareness Project



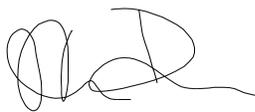
Courtney Griffin  
Director of Consumer Product Safety  
Consumer Federation of America



Charles Harak, Esq.  
National Consumer Law Center  
(On behalf of its low-income clients)



Joe Vukovich  
Energy Efficiency Advocate  
Natural Resources Defense Council



Nicole Dunbar, PE  
Codes & Standards Engineer  
Northwest Energy Efficiency Alliance

## Appendix A. Non-substantive

(recommended deletions are shown in ~~strikethrough~~ and additions in blue text)

### *§429.16 Central air conditioners and central air conditioning heat pumps.*

In the October 2022 test procedure final rule, DOE defined Variable-speed communicating coil-only central air conditioner or heat pump and Variable-speed non-communicating coil-only central air conditioner or heat pump.<sup>7</sup> We note that the terms used in this NOPR—“non-communicating control” and “communicating control”—are not precisely defined. Even though we think the intent is likely to be understood by the regulated community, for clarity, we encourage DOE to align the certification language in this section and the certification template with existing language and recommend to rephrase “whether the represented value is meets the definition of variable speed non-communicating coil-only”

### *§429.19 Dishwashers.*

DOE has removed the reference to the (now-obsolete) AHAM DW-1-2010, which we think is appropriate. The capacity in number of place settings remains a reporting requirement, however, it appears that “place settings” is now nowhere defined in §429.19 or Appendices C1 and C2 (or references therein). We encourage DOE to ensure that “place settings” is defined in the CFR. In addition, in this section, we note that “kilowatt hours” is not consistently hyphenated (or not hyphenated).

### *§429.39 Battery chargers.*

We note the inconsistency in the style of maintenance mode power  $P_m$ — the letter ‘m’ appears as a subscript in all references in this section except the instance in (a)(1)(ii).

### *§429.43 Commercial heating, ventilating, air conditioning (HVAC) equipment.*

(v) Single package vertical air conditioners:

(B) ...airflow ~~rate~~ of outdoor ventilation air

(vi) Single package heat pumps:

(B) airflow ~~rate~~ of outdoor ventilation air (rate is redundant here)

(xi) Direct-expansion dedicated outdoor air systems:

(A) When certifying compliance with an ISMRE2 standard: the integrated seasonal moisture removal efficiency 2 (ISMRE2 in lbs~~:~~ of moisture per kilowatt-hour), and the rated supply airflow ~~rate~~ for 100% outdoor air applications

(3) \* \* \*

(iii) For direct-expansion dedicated outdoor air systems with ventilation energy recovery systems, method of determination of the EATR (name and version of certified performance modeling software or if the device was directly tested), sensible effectiveness, and latent effectiveness of the ventilation energy recovery system (~~name and version of certified performance modeling software or if the device~~

---

<sup>7</sup> <https://www.regulations.gov/document/EERE-2021-BT-TP-0030-0027>. p. 64589.

~~was directly tested~~). The test method (i.e., Option 1, or Option 2) for units rated based on testing and motor control settings (including rotational speed) for energy recovery wheels shall also be provided.

(vii) Single package vertical heat pumps:

(B) ...compressor break-in period duration

It appears that in the draft certification template for single package vertical air-conditioners, the compressor break-in period duration field does not appear.

(ix) Computer room air-conditioners:

(B) ...condenser heat rejection medium (air, water, or glycol-cooled solution)

*§429.53 Walk-in coolers and walk-in freezers.*

(b)(2)(i)(H) For doors with anti-sweat heater controls, the temperature (in degrees Fahrenheit) and/or relative humidity (in percent, %) conditions at which the anti-sweat heater turns on in-degrees Fahrenheit.

We note that “antisweat” appears both hyphenated and non-hyphenated in this section.

*§429.59 Pumps.*

(b)(2)(i) calculated driver power input at each load point i ( $P_{ini}$ )

*§429.62 Portable air conditioners.*

(b)(2)...the duct configuration used for testing (single-duct or dual-duct), the ability to operate in both duct configurations (yes or no)

(b)(3)...the full-load seasonally adjusted cooling capacity ( $SACC_{Full_{Full}}$ )

Also, the current portable air conditioner test procedure specifies that variable-speed units calculate  $SACC_{Full_{SD}}$  and  $SACC_{Full_{DD}}$  for single- and dual-duct configurations. This distinction should be reflected in the certification template.

*§429.67 Air-cooled, three-phase, small commercial package air conditioning and heating equipment with a cooling capacity of less than 65,000 British thermal units per hour and air-cooled, three-phase, variable refrigerant flow multi-split air conditioners and heat pumps with a cooling capacity of less than 65,000 British thermal units per hour.*

(3)(i) rated external static pressure in inches of water;