

Appliance Standards Awareness Project  
American Council for an Energy-Efficient Economy  
Earthjustice  
Northwest Energy Efficiency Alliance

October 5, 2021

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

**RE: Docket Number EERE–2012–BT–STD–0045/RIN 1904–AE90: Notice of Proposed Rulemaking for Certification for Ceiling Fan Light Kits, General Service Incandescent Lamps, Incandescent Reflector Lamps, Ceiling Fans, Consumer Furnaces and Boilers, Consumer Water Heaters, Dishwashers, Commercial Clothes Washers, Battery Chargers, and Dedicated-Purpose Pool Pumps**

Dear Dr. Johnson:

This letter constitutes the comments of the Appliance Standards Awareness Project (ASAP), American Council for an Energy-Efficient Economy (ACEEE), Earthjustice, and Northwest Energy Efficiency Alliance (NEEA) for the notice of proposed rulemaking (NOPR) for Certification for Ceiling Fan Light Kits, General Service Incandescent Lamps, Incandescent Reflector Lamps, Ceiling Fans, Consumer Furnaces and Boilers, Consumer Water Heaters, Dishwashers, Commercial Clothes Washers, Battery Chargers, and Dedicated-Purpose Pool Pumps. 86 Fed. Reg. 43120 (August 6, 2021). We appreciate the opportunity to provide input to the Department.

**We support DOE's proposed changes to the certification requirements for the above listed products.**

Certification reporting is an important mechanism of the regulatory process which helps ensure compliance with federal energy conservation standards. In particular, certification reports ensure that DOE has the appropriate information needed to determine whether a particular model complies with the applicable standards. As DOE notes in the NOPR, there are products for which current reporting requirements do not reflect the information needed for determining compliance.<sup>1</sup> In these cases, it is important to remove outdated requirements and revise the reporting requirements to accurately reflect updated standards as DOE has proposed to do in the NOPR. DOE's proposed changes would also help ensure that the certification reports include the necessary information to determine the applicable product class. Finally, EPCA requires DOE to ensure that grid-enabled water heaters are used as Congress intended: in demand response and thermal storage programs.<sup>2</sup> Accordingly, EPCA directs DOE to require the reporting of grid-enabled water heater shipments and activations.<sup>3</sup> DOE's belated proposal to require manufacturers to report annual shipments of grid-enabled water heaters will

---

<sup>1</sup> 86 Fed. Reg. 43127.

<sup>2</sup> 42 U.S.C. § 6295(e)(6).

<sup>3</sup> *Id.* § 6295(e)(6)(C).

provide one of the two pieces of data the Department needs to begin meeting its obligation to police grid-enabled water heater applications. If it has not already done so, we urge the Department to require utilities and other demand response and thermal storage program operators begin reporting annually the quantity of grid-enabled water heaters activated for their programs, so that DOE can make sure the shipments of these products do not significantly exceed the number of activations in appropriate programs.

**We encourage DOE to revise certification reporting requirements in a timely manner.** Some of the changes in the NOPR, which update reporting requirements to accurately reflect current energy conservation standards, are being proposed many years after the standards have gone into effect. For example, for non-weatherized oil-fired furnaces and electric furnaces, there is currently no reporting requirement for standby mode and off mode energy use.<sup>4</sup> However, this information is required in order to verify compliance with the energy conservation standards that went into effect in 2013.<sup>5</sup> This makes it difficult to know if products are in compliance with the appropriate standard. If energy conservation standards for a given product are updated and changes to reporting requirements are needed, DOE should ensure that certification reports are promptly updated to reflect the appropriate regulations.

Thank you for considering these comments.

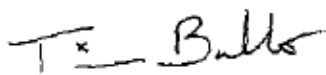
Sincerely,



Kanchan Swaroop  
Technical Advocacy Associate  
Appliance Standards Awareness Project



Christopher Perry, PE  
Research Manager, Buildings Program  
American Council for an Energy Efficient  
Economy



Timothy Ballo  
Senior Attorney  
Earthjustice



Eric Olson  
Interim Senior Manager  
Emerging Technology & Product Management  
Northwest Energy Efficiency Alliance

---

<sup>4</sup> 86 Fed. Reg. 43131-43132.

<sup>5</sup> 10 CFR 430.32(e)(1)(iii).