

Supporting Statement for Paperwork Reduction Act Submission
OMB Control Number 1910-1400 – Compliance Statement: Energy or Water Conservation Standards for Appliances

This supporting statement provides additional information regarding the Department of Energy (DOE) request for extension of the existing clearance for the above named package of information collections. The numbered questions correspond to the order shown on Office of Management and Budget (OMB) Form 83-I, “Instructions for Completing OMB Form 83-I.”

1. Legal Requirements

The Energy Policy and Conservation Act (EPCA) mandates the use of uniform energy and water conservation standards and testing procedures for covered products. DOE has previously established compliance reporting requirements in 10 CFR §430.62. The authority for certification reporting under Title 10, Code of Federal Regulations, Part 430 (10 CFR Part 430) is section 326(d) of Part B of Title III of EPCA which states:

“For purposes of carrying out this part, the Secretary may require, under this part [42 U.S.C. §§6291 et seq.] 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, water use of such covered product ... to ensure compliance with the requirements of this part.” 42 U.S.C. 6296(d).

2. Uses of the Data

Compliance certification information and recordkeeping requirements are used by DOE and Customs Service officials. They facilitate voluntary compliance with and are necessary for DOE enforcement of the energy conservation standards established for the covered products under section 325 of EPCA (42 U.S.C. §6295).

3. Information Technology

DOE expects extensive use of automated and electronic information record keeping, data collection, and data correlation by manufacturers to reduce reporting burden. Manufacturers already have the capability of creating a paper document that records existing or new product performance data, including energy efficiency, which can be signed by a responsible company official and submitted to DOE either electronically or through postal mail.

Further, the compliance certification and enforcement provisions for consumer products require manufacturers to establish, maintain, and retain records of underlying test data, calculations, statistical methods, and application of testing methods. 10 CFR

section 430.62(d). Such records would be submitted to DOE only upon request, and the rule requires that the manufacturers organize and index such records to make them readily accessible for review.

4. Availability of Similar Data

The energy efficiency, energy use, or water use information required to fulfill the certification requirements under EPCA is not available from sources other than individual manufacturers. However, with respect to the existing record-keeping requirements, DOE understands that manufacturers already maintain these types of records.

5. Impacts on Small Businesses or Other Small Entities

DOE has limited discretion to apply different requirements to small manufacturers as compared with other types of manufacturers within the industry. EPCA mandates the use of uniform testing procedures and energy and/or water conservation standards for all covered consumer products and contains the basic requirements for certification. EPCA also contains a “small manufacturer exemption” for consumer product manufacturers. (42 U.S.C. §6295(t)) Nevertheless, DOE believes that complying with the compliance certification record-keeping provisions that currently exist for consumer products (excluding the cost of compliance with the energy efficiency standards and test procedures directly imposed by EPCA) would not affect a significant number of small manufacturers, and would have only limited impact on such businesses.

The statistical sampling provisions incorporated in 10 CFR section 430.24 for consumer products are designed to keep the testing burden on manufacturers as low as possible, while still providing confidence that the test results of units tested can be applied to units of the same basic model. By minimizing the amount of testing required, the foregoing steps will also minimize record-keeping burden.

6. Obstacles to Reducing Burden

To ensure compliance, EPCA requires that each manufacturer of a covered product submit information or reports to DOE with respect to energy efficiency, energy use, or water use of such covered product. 42 U.S.C. 6296(d). Manufacturers are required to submit a compliance statement and certification report for any new basic model of a product. 10 CFR section 430.62. Without such information, it would be very difficult, if not impossible, to properly assess a manufacturer's compliance with the statutory energy conservation standards.

7. Special Circumstances

Information collections in this package have been examined in view of DOE requirements, statutes, external regulations or interagency reporting requirements, and are collected in a manner that is consistent with 5 CFR 1320 guidelines.

8. Public Comments and Outside Consultations

As part of its rulemaking process, DOE holds public meetings and hearings to address issues and gather information relevant to energy conservation standards, test procedures, and compliance and certification for each covered product. Also, DOE solicits written comments from the public, including comments about paperwork reduction requirements. Also see appendix A to subpart C of 10 CFR Part 430.

9. Payments and Gifts

DOE remunerates only contractors for work performed in connection with a rulemaking activity. Gifts are not applicable.

10. Assurances of Confidentiality

Assurances of confidentiality are provided under 10 CFR section 430.75.

11. Sensitive Questions

There are no collections of sensitive, personal, or private information.

12. Estimated Burden Hours and Costs

DOE understands that much of the information required for compliance certification and reporting is routinely compiled by manufacturers and used in catalogs, industry directories, utility programs, and marketing materials. Where existing information can fulfill a compliance certification or reporting requirement, it can be applied to the requirements under, for example, 10 CFR section 430.62, thus reducing burden hours and costs to the levels estimated below.

The estimated total burden hours for compliance and certification, reporting, and recordkeeping for 150 respondents is 4,507 hours. The estimated total annual cost associated with these burden hours is \$228,956 (4,507 hours x \$50.80/hour).

13. Estimated Cost (Other Than Burden)

Total estimated costs (other than burden) to respondents are \$525,000 (\$3500 x 150 respondents).

14. Annualized Cost to the Federal Government

DOE estimates the total annual costs to the Federal Government to be \$115,000 (1,000 hours x \$26 per hour x 2.5 to include overhead + \$50,000 for support staff).

15. Program Adjustments

In addition to the continued collection of information under existing requirements, there will be an estimated 102 more respondents, as a result of the standards for products covered under EPCA, as amended by the Energy Policy Act of 2005. DOE believes that the burden hours per respondent will remain consistent with its previous estimates.

16. Publication Schedule

Information and data collections are not published.

17. Display of Expiration Date

DOE intends to display an expiration date on the Compliance Statement and Certification Report, at appendix A to subpart F of Part 430.

18. Exceptions to Certification Statement

DOE has taken no exception to the certification statement on OMB Form 83-I.