

United States Department of Energy
OMB Control Number 1910-1400
**“Certification Reports, Compliance Statements, Application for a Test Procedure Waiver,
and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject
to Energy or Water Conservation Standards”**
Comment Summary and Responses

On November 23, 2020, the Department published a Notice of Information Collection Extension and Request for Comment Regarding DOE's Information Collection Provisions. 85 FR 74713 (November 23, 2020). The notice can be found [here](#). DOE received comments regarding the information collection practices and procedures which are summarized in this word document.

Comments on necessity of reporting: AHRI and Carrier stated that performance data reporting is necessary and proper to ensure that manufacturers are complying with energy conservation standards. (AHRI, No. 2 at p. 2; Carrier No. 4 at p. 1)

Comments on scope of the information being collected: AHRI stated that the scope of DOE's reporting requirements are at times overbroad, which creates unnecessary burden. AHRI pointed to the Central Air Conditioners and Heat Pump reporting template as an example of overcollection and noted that it includes many more fields than DOE publishes on its public CCMS database. AHRI asked that DOE exercise greater caution in developing its reporting requirements for covered products. AHRI noted that DOE should only collect information necessary to ensure compliance. (AHRI, No. 2 at p. 2)

DOE response: DOE appreciates the feedback from AHRI. DOE notes that its aim is always to limit the collection of information implemented in the regulatory language to only include information necessary to ensure compliance with energy conservation standards. In its regulatory process, DOE outlines the certification requirements in a proposal and requests comment and input from stakeholders prior to finalizing those requirements. DOE is not considering amending its certification regulations as part of this notice. However, it will consider these comments in any future rulemakings that address certification requirements.

Comments on cybersecurity: AHRI stated that most of the data DOE collects is considered confidential business information, and improper disclosure could significantly harm manufacturers. AHRI therefore requested that DOE restrict its data collection only to that which is necessary to demonstrate compliance. AHRI added that DOE should take appropriate measures to protect the confidential data in its possession and inform manufacturers of a breach immediately. (AHRI, No. 2 at p. 2)

DOE response: DOE notes it limits the collection of information implemented in the regulatory language to only include information necessary to ensure compliance with energy conservation standards. Further, DOE's CCMS system is currently secured by password protection. All users are required to register with CCMS and establish usernames and passwords to access CCMS. CCMS complies with the system security standards for Federal systems established by the National Institute of Standards and Technology and set forth in NIST 800-53.

Comments received on certification template release timeline: AHRI stated that DOE is frequently late in releasing reporting templates which creates unnecessary burden on manufacturers and third-party certifiers. AHRI argued that the last-minute release of a template is unjustified as the department knows the data it intends to collect when it promulgates a rule.

AHRI commented that although the reporting requirements for all new test procedure or energy conservation standards are presented in the federal register and code of regulations, the format it is presented in is not useful to stakeholders. AHRI commented that the team of programmers they employ to manage their directory and to facilitate the regulatory reporting need a minimum of 3 months to write the necessary data transfer programs. AHRI added that they cannot begin work on the programming until they have received the final certification template. AHRI noted that DOE continues to deliver late templates despite AHRI having issued multiple requests, held meetings, and filed comments requesting a predictable deadline of at least six months to a year prior to the effective date of a standard.

AHRI called out the change of OMB control number rollout and other “effective immediately” templates as especially burdensome. AHRI noted that a template amendment as small as a change of an OMB control number requires re-coding and re-programming data maps and testing those changes. AHRI listed several instances in which they felt that the timeframe between certification template release and the required certification date was insufficient. AHRI commented that stakeholders must have an ability to plan workflows and predictably allocate resources to reporting. AHRI added that stakeholders cannot make business plans for regulatory compliance unless DOE is transparent and consistent in predictably delivering final reporting templates.

AHRI asks that the office of Management and Budget (OMB) decline DOE’s data collection authorization unless DOE promulgates a regulation that requires the release of the reporting templates concurrent with the corresponding regulatory language in the Federal Register or at least 180 days before the template is effective if the change did not result from a rule change. AHRI added that the lack of adequate notice undermines due process and facially violates the principles of the Paperwork Reduction Act. DOE must release the templates contemporaneously with the final rule. Upon publication of the final rule, DOE has already decided what data it intends to collect, it should also be required to provide adequate notice of the format that it intends to use to collect the data so that stakeholders can respond accordingly. (AHRI, No. 2 at p. 3-6)

DOE response: DOE appreciates the feedback from AHRI. DOE strives to make certification templates available in a timely manner and will work to post new or revised templates well in advance of certification deadlines. DOE notes that in the past, AHRI has requested that DOE post certification templates 6 weeks prior to their required use. Going forward, DOE will make its best effort to release new product certification templates at least 180 days prior to their required use.

DOE explains that typically it does not require manufacturers to recertify on newly posted templates until the annual certification date unless manufacturers are required to do so in

order to demonstrate compliance with amended standards. For example, DOE posted a template for automatic commercial ice makers on December 18, 2017. In the announcement DOE stated, “Submissions made on previous versions of the template do not have to be resubmitted until the August 1, 2018 annual certification date if they comply with the amended performance standards.” DOE notes that it explains the reason a new template is posted in its template announcement and email notification. DOE also notes the CCMS product-template pages maintains a newsfeed on the left side of the CCMS product-template download page (See <https://www.regulations.doe.gov/ccms/templates>).

DOE also notes that the renewal of an OMB control number does not trigger any changes to data maps and should only require updating of a filename in any code.

Comments received on streamlining reporting collection:

The Joint Commenters (The American Lighting Association (ALA), Association of Home Appliance Manufacturers (AHAM), Hearth, Patio & Barbecue Association (HPBA), and the Information Technology Industry Council (ITI) (collectively, the Joint Commenters)) AHRI, and Carrier all expressed strong support for the elimination of duplicative reporting requirements. (The Joint Commenters, No. 3 at p. 2; AHRI, No. 2 at p. 2; Carrier No. 4 at p. 1)

The Joint Commenters and AHRI each expressed support for DOE’s proposal to add fields to CCMS that would allow the CEC to accept CCMS reports in satisfaction of applicable state reporting requirements. (The Joint Commenters, No. 3 at p. 2; AHRI, No. 2 at p. 5) The Joint Commenters and AHRI went further to say they encourage the streamlining of regulatory reporting that DOE can achieve via its CCMS system including those imposed by Energy Star and Natural Resources Canada (NRCAN). (The Joint Commenters, No. 3 at p. 2; AHRI, No. 2 at p. 2) The Joint Commenters noted that this action would be consistent with the Appliance Standards Rulemaking Advisory Committee (ASRAC) recommendation on reporting burden adopted by stakeholders from various points of view on December 5, 2019. (The Joint Commenters, No. 3 at pg. 2) AHRI went on to state that the CCMS is a functional and well-maintained database and reporting system, which is better resourced and more reliable than state-run databases. AHRI noted that it has used available technology to facilitate mass uploads of data to the CCMS, which has been able to accommodate this data transfer consistently and reliably. AHRI commented that streamlining and consolidating the CEC reporting requirements into the CCMS system in the same way that the FTC reporting was previously addressed would be an unqualified benefit to stakeholders. (AHRI, No. 2 at p. 6)

DOE response: DOE will continue to consider revisions to the CCMS that would facilitate a reduction in duplicative reporting under California’s Appliance Efficiency Regulations, as well as others.

Comments received on burden: The Joint Commenters expressed interest in further reducing regulatory burden by working with the Department to reevaluate the annual certification reporting requirement which results in unnecessary paperwork costs for no reason. The Joint Commenters noted that the ASRAC recommendation adopted by vote of stakeholders from varying points of view on December 5, 2019 also recommended that DOE harmonize its

reporting scope with that of the Federal Trade Commission such that only basic models in current production be included in the reporting scope rather than DOE's current scope which indicates models being sold or offered for sale must be reported. The recommendation also urged DOE to eliminate annual reporting such that reporting would be required only when a model is added, removed, or changed in a way that changes energy use. (The Joint Commenters, No. 3 at p. 2)

DOE response: DOE is not considering amending its regulations as part of this notice, however, it will consider these comments in any future rulemakings that address certification requirements.