
Supporting Statement for Certification Reports, for Certain Consumer Products and Commercial Equipment Subject to Energy or Water Conservation Standards

Part A: Justification

OMB No. 1910-1400

*DOE Forms 220.7,220.8, 220.81,220.16,220.17, 220.22,220.23,220.24,220.46,
220.73, 220.80, 220.82,220.87 Certification Templates*

DOE Form 220.97 Shipments

November 2021

U.S. Department of Energy
Washington, DC 20585

Table of Contents

Part A: Justification.....	i
Introduction.....	2
A.1. Legal Justification.....	3
A.2. Needs and Uses of Data.....	6
A.3. Use of Technology.....	7
A.4. Efforts to Identify Duplication.....	7
A.5. Provisions for Reducing Burden on Small Businesses.....	8
A.6. Consequences of Less-Frequent Reporting.....	8
A.7. Compliance with 5 CFR 1320.5.....	9
A.8. Summary of Consultations Outside of the Agency.....	10
A.9. Payments or Gifts to Respondents.....	11
A.10. Provisions for Protection of Information.....	11
A.11. Justification for Sensitive Questions.....	11
A.12A. Estimate of Respondent Burden Hours	11
A.12B. Estimate of Annual Cost to Respondent for Burden Hours	13
A.13. Other Estimated Annual Cost to Respondents.....	15
A.14. Annual Cost to the Federal Government.....	15
A.15. Reasons for Changes in Burden.....	15
A.16. Collection, Tabulation, and Publication Plans.....	15
A.17. OMB Number and Expiration Date.....	15
A.18. Certification Statement.....	16

Introduction

Provide a brief introduction of the Information Collection Request. Include the purpose of this collection, note the publication of the 60-Day Federal Register Notice, and provide the list of forms within this collection.

The U.S. Department of Energy (DOE) intends to revise a currently approved collection with the Office of Management and Budget (OMB), the Certification Reports, Compliance Statements for Certain Consumer Products and Commercial/Industrial Equipment subject to Energy or Water Conservation Standards Package under OMB No. 1910-1400.

Certification of compliance to DOE is a mechanism that helps manufacturers understand their obligations for distributing models of covered products and equipment that are subject to energy conservation standards. Certification reports include characteristics of covered products or equipment used to determine which standard applies to a given basic model, and they also help DOE identify models and/or regulated entities that may not be in compliance with the applicable regulations.

DOE is intending to publish four rulemaking proposals for various covered products and covered equipment that are proposing to amend the information collection requirements for certain products and equipment subject to energy conservation standards. For the products and equipment addressed in this revision, DOE has identified areas in which the certification reporting requirements are not consistent with the information required to verify compliance with current energy conservation standards, new information that needs to be collected pursuant to statutory direction, and new models that will need to be submitted as a result of a change to a definition for products where compliance with certification requirements is already required.

- On August 6th, 2021, DOE published a notice of proposed rulemaking titled “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” (RIN: 1904-AE90).
- DOE also intends to publish a notice of proposed rulemaking titled “Notice of proposed rulemaking regarding the test procedures for variable refrigerant flow air conditioners and heat pumps,” which proposes to make changes to the certification provisions for VRFs subject to energy conservation standards (RIN: 1904-AE43). DOE is proposing to revise the collection of information approval to account the revised proposed certification requirements, which include gathering and maintaining the data needed, certifying compliance, and completing and reviewing the collection of information.
- DOE intends to publish a supplemental proposed rulemaking for ceiling fans that will expand the scope of the test procedure to include LDCFs with a diameter greater than 24 feet. If DOE amends the test procedures scope as proposed in this SNOPR, manufacturers of ceilings fans with a diameter greater than 24 feet will be required to certify compliance with energy conservation standards (in 10 CFR 430.32(s)(2)(ii)) beginning 180 days after publication of a test procedure final rule in the Federal Register. (42 U.S.C. 6293(c)(2)) DOE is proposing to revise

the collection of information approval under OMB Control Number 1910-1400 to account for the paperwork burden associated with the expanded scope of LDCFs with a diameter greater than 24 feet, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, certifying compliance, and completing and reviewing the collection of information.

- In another proposed rulemaking for electric motors, DOE is proposing to require that within one year of publication of this final rule updating or amending DOE's electric motors regulations, all nationally recognized certification programs must reassess the evaluation criteria necessary for a certification program to be classified by DOE as nationally recognized and either submit a letter to DOE certifying that no change to their program is needed, or submit a letter describing the measures implemented to ensure the evaluation criteria in the proposed paragraph 10 CFR 429.73(b) are met. DOE is proposing to revise the collection of information approval under OMB Control Number 1910-1400 to account the paperwork burden associated with this resubmittal.

These notices propose changes to certain information collection for these products and equipment to help ensure reporting is consistent with currently applicable energy conservation standards and metrics and to ensure DOE has the information necessary to determine the appropriate classification of products for the application of standards. Forms to be modified as a result of this collection revision include certification report templates for the following covered products: (1) Consumer furnaces and boilers; (2) Dishwashers; (3) General service incandescent lamps; (4) Incandescent reflector lamps; (5) Ceiling fans; (6) Ceiling fan light kits; (7) Battery chargers; (8) Commercial clothes washers; (9) Dedicated Purpose pool pumps; (10) Variable Refrigerant Flow Multi-Split Air Conditioners and Heat Pumps; and (11) Ceiling Fans. One form is expected to be added as a result of this collection revision include shipments for grid-enabled consumer water heaters. There is not a form for the certification program collection.

A.1. Legal Justification

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.

Pursuant to the Energy Policy and Conservation Act of 1975 ("EPCA" or "the Act"), Public Law 94-163 (42 U.S.C. § 6291–6317, as codified), DOE regulates the energy efficiency of a number of consumer products, and commercial and industrial equipment. Title III, Part B² of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency of covered consumer products ("covered products"). Title III, Part C³ of EPCA, added by Public Law 95-619, Title IV, § 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency of covered commercial and industrial equipment (collectively referred to as "covered equipment").

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. For consumer products, relevant provisions of the Act specifically include definitions (42 U.S.C. § 6291),

energy conservation standards (42 U.S.C. § 6295), test procedures (42 U.S.C. § 6293), labeling provisions (42 U.S.C. § 6294), and the authority to require information and reports from manufacturers (42 U.S.C. § 6296). For covered equipment, relevant provisions of the Act include definitions (42 U.S.C. § 6311), energy conservation standards (42 U.S.C. § 6313), test procedures (42 U.S.C. § 6314), labeling provisions (42 U.S.C. § 6315), and the authority to require information and reports from manufacturers (42 U.S.C. § 6316).

EPCA authorizes DOE to enforce compliance with the energy and water conservation standards established for the covered products and covered equipment (42 U.S.C. § 6299-6305; 42 U.S.C. § 6316). Additionally, EPCA authorizes the Secretary of Energy to prescribe reporting and recordkeeping rules for the covered products, stating that:

For purposes of carrying out this part, the Secretary may require, under this part 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)). This authorization is generally extended to covered equipment as well (42 U.S.C. § 6316(a) and (b)).

Under the authority provided in EPCA, DOE has promulgated enforcement regulations that include reporting requirements and records retention requirements for covered products and equipment. See title 10 of the Code of Federal Regulations (“CFR”) part 429. The certification regulations ensure that DOE has the information it needs to assess whether regulated products and equipment sold in the United States comply with the law. On March 7, 2011, the Department published in the Federal Register a final rule regarding Certification, Compliance, and Enforcement for Consumer Products and Commercial and Industrial Equipment, which revised, consolidated, and streamlined the Department's existing certification, compliance, and enforcement regulations for certain consumer products and commercial and industrial equipment covered under EPCA. 76 FR 12422. Since that time, DOE has also completed multiple rulemakings regarding Certification for specific covered products or equipment. See, for example, the May 5, 2014, final rule regarding certification of commercial and industrial HVAC, refrigeration, and water heating equipment, where DOE adopted certification regulations and supplemental testing instructions as a result of a negotiated rulemaking. 79 FR 25486.

On December 18, 2014, Congress enacted the EPS Service Parts Act of 2014 (Public Law 113-263, “Service Parts Act”). This law exempted manufacturers of certain External Power Supplies (EPS) that were made available as service and spare parts for end-use products manufactured before February 10, 2016 from the energy conservation standards that DOE promulgated in its February 2014 rule. See 79 FR 7846 (Feb. 10, 2014). Additionally, the Service Parts Act permits DOE to require manufacturers of an EPS that is exempt from the 2016 standards to report to DOE the total number of such EPS units that are shipped annually as service and spare parts and that do not meet those standards (42 U.S.C. § 6295(u) (5)(A)(ii)). In a final rule published on May 16, 2016, DOE adopted reporting requirements for EPS manufacturers, to provide the total number of exempt EPS units sold as service and spare parts for which the manufacturer is claiming exemption from the current standards, which this information collection covers. 81 FR 30157.

Additionally, EPCA directs DOE to establish labeling requirements for covered industrial and commercial equipment when specified criteria is met. If the Department has prescribed test procedures for any class of covered equipment, a labeling rule applicable to such class of covered equipment must be prescribed (42 U.S.C. § 6315(a)). DOE has established labeling requirements under the authority in 42 U.S.C. § 6315 for electric motors (10 CFR § 431.31), walk-in coolers and freezers (10 CFR § 431.305), and pumps (10 CFR § 431.466), which also fall under this information collection.

DOE's currently approved information collection includes the following six aspects of the appliance standards program: (1) gathering data and submitting the certification and compliance reports, including supplemental testing instructions, for each basic model distributed in commerce in the U.S.; (2) maintaining records underlying the certified ratings for each basic model including test data and the associated calculations; (3) applications for a test procedure waiver, which manufacturers may elect to submit if they manufacture a basic model that cannot be tested pursuant to the DOE test procedure; (4) applications requesting an extension of the date by which representations must be made in accordance with any new or amended DOE test procedure; (5) labeling of certain covered equipment; (6) submitting shipments/sales information for select products; and (7) applications for electric motors certification bodies to be recognized.

This collection includes all covered products and equipment subject to DOE's regulatory requirements described in 10 CFR § 429, 430, and 431. More specifically, DOE's certification and compliance requirements are described in 10 CFR § 431.35-36 for electric motors and 10 CFR § 429 for all other products. DOE's records retention requirements are described in 10 CFR § 429.71. DOE's application for a test procedure waiver process is described in 10 CFR § 430.27 and 431.401. EPCA authorizes the Secretary of Energy to grant an extension of the date by which representations must be made in accordance with any new or amended DOE test procedure ((42 U.S.C § 6293(c)(3) and 42 U.S.C § 6313(d)(2))). The labeling requirements for electric motors, walk-in coolers and freezers, and pumps are at 10 CFR § 431.31, 431.305, and 431.466, respectively.

DOE is revising its currently approved information collection for the following covered products and equipment: Ceiling fan light kits (CFLKs), General Service Incandescent Lamps (GSILs), Incandescent Reflector Lamps (IRLs), Ceiling fans, Furnaces and Boilers, Water Heaters, Dishwashers, Commercial Clothes Washers (CCWs), Battery Chargers, Dedicated Purpose Pool pumps (DPPPs), Variable Refrigerant Flow Multi-Split Air Conditioners and Heat pumps (VRFs); Ceiling Fans, and Electric Motors. (42 U.S.C. 6292(a)(4-6) and (14); 42 U.S.C. 6295(u) and (ff); 42 U.S.C. 6311(1)(A) and (H))

Under EPCA, the energy conservation program consists essentially of four parts: (1) testing, (2) labeling, (3) the establishment of Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291; 42 U.S.C. 6311), test procedures (42 U.S.C. 6293; 42 U.S.C. 6314), labeling provisions (42 U.S.C. 6294; 42 U.S.C. 6315), energy conservation standards (42 U.S.C. 6295; 42 U.S.C. 6313), and the authority to require information and reports from manufacturers (42 U.S.C. 6296; 42 U.S.C. 6316).

The Federal testing requirements consist of test procedures that manufacturers of covered products and equipment must use as the basis for: (1) certifying to DOE that their products or equipment comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s); 42 U.S.C.

6316(a)), and (2) making representations about the efficiency of those consumer products or industrial equipment (42 U.S.C. 6293(c); 42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the products or equipment comply with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s); 42 U.S.C. 6316(a))

EPCA authorizes DOE to enforce compliance with the energy and water conservation standards established for covered products and equipment. (42 U.S.C. 6299-6305; 42 U.S.C. 6316(a)-(b)) DOE has promulgated enforcement regulations that include reporting requirements for covered products and equipment including CFLs, GSILs, IRLs, ceiling fans, consumer furnaces and boilers, consumer water heaters, dishwashers, CCWs, battery chargers, DPPP, and VRFs. See title 10 of the Code of Federal Regulations (“CFR”) part 429. The certification regulations ensure that DOE has the information it needs to assess whether regulated products and equipment sold in the United States comply with the law.

EPCA, as amended by the Energy Efficiency Improvement Act of 2015, requires manufacturers to report the quantity of grid-enabled water heaters that the manufacturer ships each year and requires DOE to keep the shipment data reported by manufacturers as confidential business information. (42 U.S.C. 6295(e)(6)(C)(i)-(iii)) DOE is proposing to add reporting requirements to 10 CFR 429.17 that would require manufacturers to report the total number of grid-enabled water heaters shipped each year for sale in the U.S., along with the calendar year that the shipments cover, in accordance with the aforementioned requirement of EPCA.

DOE is revising the information collected on the energy and water efficiency of certain consumer products and commercial equipment manufactured for distribution in commerce in the United States. Specifically, DOE is submitting for approval paperwork requirements associated with gathering data and submitting the certification and compliance reports for each basic model distributed in commerce in the U.S.

A.2. Needs and Uses of Data

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection

This is a revision of a currently approved collection (OMB Control #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). The certification and compliance reports, supplemental testing instructions, and shipments/sales information will continue to be used by the Department to assess compliance with energy and water conservation standards and associated regulations. The data maintained by the manufacturer will be used to calculate the certified ratings for each basic model in preparation for submitting the certification report, and it may be provided to DOE upon request so that DOE can verify that the manufacturer conducted the DOE test procedure, applied the appropriate sampling plans, correctly calculated the certified rating for a basic model, and is compliant with the Federal energy or water conservation standards. DOE currently uses the information collected to systematically enforce applicable energy and water conservation standards for covered products and commercial and industrial equipment and

provide for more accurate, comprehensive information about the energy and water use characteristics of products sold in the United States.

A.3. Use of Technology

Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

DOE currently requires manufacturers or their representatives to prepare and submit certification reports using DOE's electronic Web-based tool, the Compliance and Certification Management System (CCMS), which is the primary mechanism for submitting certification reports to DOE. Manufacturers of electric motors may alternatively submit certification reports via certified mail. Although DOE allows for certification via certified mail for certain product types, 100% of certifications are done electronically.

CCMS currently has product specific templates which manufacturers are required to use when submitting certification data to DOE. See <http://www.regulations.doe.gov/ccms>. DOE believes the availability of electronic filing through the CCMS system reduces reporting burdens, streamlines the process, and provides the Department with needed information in a standardized, more accessible form. This electronic filing system also ensures that records are recorded in a permanent, systematic way. Moreover, manufacturers also rely on CCMS reporting to satisfy certain reporting requirements established by the Federal Trade Commission (FTC) under 16 CFR § 305.8, thereby reducing duplicative reporting.

A.4. Efforts to Identify Duplication

Describe efforts to identify duplication.

In limited cases, some of the energy efficiency, energy use, or water use information required to fulfill the certification requirements under DOE's regulations can be obtained from other publicly available product directories, such as the Air-Conditioning, Heating, and Refrigeration Institute directory of certified products, the International Association of Plumbing and Mechanical Officials product listing directory, the ENERGY STAR product listing, and the California Energy Commission's appliance efficiency database. These directories typically only contain information on the energy use or efficiency of a subset of basic models that are covered by DOE's regulatory program. These voluntary programs allow manufacturers to submit ratings information. To a certain extent, DOE allows the use of voluntary programs in its certification process to help avoid duplication of efforts and undue reporting burden. For example, the manufacturer must use the same test results for a given basic model to determine his or her certified rating assuming the testing was done in accordance with DOE's testing and sampling procedures. DOE allows manufacturers, at their discretion, to elect a third-party, (e.g. a voluntary trade organization or a third-party laboratory), to file the certification report on its behalf.

DOE cannot ensure the information maintained in other publicly available databases has been collected in accordance with DOE's testing procedures, sampling plans for certification testing, and certification requirements. There is no comprehensive alternative database that contains all of the information for basic models of covered products and covered equipment distributed in commerce in the U.S. as required by DOE's certification program that DOE could use to satisfy these provisions. Instead, in

instances when similar information is required for multiple programs, DOE encourages manufacturers to utilize the same testing and rating information to minimize duplication as much as possible.

DOE understands that manufacturers already maintain these types of records in the normal course of design, engineering, and performance testing a product. Thus, DOE believes that the records retention requirements in 10 CFR § 429.71 are part of everyday business for most manufacturers.

As discussed, DOE collects certification information for the Federal Trade Commission as well. Thus, manufacturers subject to FTC's labeling regulations, as well as DOE's regulatory program for energy and water conservation, will only have to submit a single certification report and compliance statement to the Department through CCMS to satisfy the requirements of both agencies.

A.5. Provisions for Reducing Burden on Small Businesses

If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Small businesses that manufacture or import covered products or equipment subject to Federal energy or water conservation standards must certify each basic model prior to distribution in commerce, and annually thereafter. Consequently, DOE expects small businesses to be impacted by this collection of information. DOE has tried to minimize the reporting burden as much as possible by: (1) accepting only electronic submissions; (2) providing preformatted templates that clearly lay out the certification and compliance requirements for each product; and (3) allowing manufacturers to group individual models into basic models for the purposes of certification to reduce the number of discrete models reported to the Department.

A.6. Consequences of Less-Frequent Reporting

Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Manufacturer self-certification provides the foundation for the Department of Energy's ability to effectively enforce its regulations without engaging in the exorbitant expense of testing every model of covered consumer products and commercial/industrial equipment manufactured and distributed in U.S. commerce. DOE, instead, relies upon manufacturers to test their own products and provide DOE with the minimally required information to demonstrate the compliance of those products with federal energy conservation standards through annual submission of certification reports. DOE further educates consumers and distributors in the marketplace about the efficiency of these products by publicly posting the information provided by manufacturers in their certification reports.

DOE's existing regulations require that manufacturers certify: (1) new basic models before distribution in commerce; (2) existing basic models, whose certified rating remains valid, annually; (3) existing basic models, whose design is altered resulting in a change in rating that is more consumptive or less efficient, at the time the design change is made; and (4) previously certified basic models that have been discontinued annually. If a manufacturer does not comply with the annual reporting requirements in 10 CFR § 429, there is a risk that a basic model of covered equipment could be sold into the market with energy or water efficiency below the required federal levels. This would have two negative effects as it

relates to enforcement: (1) it would distort the market by rewarding a company that is in violation because its products would be more cost-competitive than the products of a company that is in compliance; and (2) it would prevent the nation from benefiting from cost-effective energy savings with each non-compliant unit sold. Lowering the frequency of certification would also significantly reduce the data quality of the certification database DOE publishes to inform consumers of models and their efficiencies available on the marketplace.

DOE is not aware of any technological or legal obstacles to reducing burden. DOE understands that manufacturers of consumer products and commercial equipment routinely test their products, as energy efficiency and water savings are key marketing materials for purchasers.

A.7. Compliance with 5 CFR 1320.5

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Of the special circumstances listed above, one may apply to this information collection: (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The Department collects both public and confidential information from manufacturers as part of its certification and compliance process. Specifically, the Department believes that making data accessible to the public provides increased transparency and accountability to the Department's regulatory regime. At the same time, the Department recognizes that certain information may be confidential in nature and exempt by law from public disclosure. To balance these interests, DOE has adopted a framework for addressing the public disclosure of information submitted to DOE under Part 429, while protecting valid claims of confidential business information. First, certain categories of certification information will be considered a matter of public record that DOE makes available to the public on its website. Second, for all other information submitted pursuant to Part 429, DOE's regulations provide a mechanism for submitting parties to claim confidentiality on a case-by-case basis at the time of submission. DOE may defer acting on any requests for confidentiality until DOE receives a request for the disclosure of the information covered by the request. The information will be treated as confidential until DOE acts on

the request and all subsequent appeal proceedings have been exhausted. This approach provides submitters with an opportunity to express claims of confidentiality with particularity at the time the information is submitted, including a request for information to remain confidential for a set period of time, such as prior to a public product launch. Furthermore, it will allow the Department to determine whether a particular piece of information is exempt from public disclosure by law on a case-by-case, fact specific basis. In this way, DOE can both consider confidentiality claims effectively, and respond to disclosure requests promptly, while protecting against unlawful disclosure of information.

A.8. Summary of Consultations Outside of the Agency

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency’s notice, required by 5CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.

DOE is submitting this request in association with four notices of proposed rulemakings.

- On August 6th 2021, DOE published a notice proposed rulemaking titled “Proposed Rulemaking Pertaining to Revised Certification Requirements 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” in the federal register. 86 FR 43120 (August 6, 2021). DOE sought comment from interested parties regarding all aspects of the proposal. The comment period closed on October 5, 2021, and DOE is looking at the comments now.
- DOE also intends to publish a notice of proposed rulemaking titled “Notice of proposed rulemaking regarding the test procedures for variable refrigerant flow air conditioners and heat pumps” (RIN: 1904-AE43), which will request comments on the changes proposed to the certification requirements for VRFs.
- DOE intends to publish a supplemental proposed rulemaking for ceiling fans that will expand the scope of the test procedure to include LDCFs with a diameter greater than 24 feet, which will request comments on the changes associated with the definition that would trigger certification for these basic models 180 days after the effective date of the final rule.
- In a proposed rulemaking for electric motors, DOE is proposing that all nationally recognized certification programs must reassess the evaluation criteria necessary for a certification program to be classified by DOE as nationally recognized and either submit a letter to DOE certifying that no change to their program is needed, or submit a letter describing the measures implemented to ensure the evaluation criteria in the proposed paragraph 10 CFR 429.73(b) are met. DOE is seeking comments on this proposal.

DOE will summarize the comments received in response to these proposals once the comment period for all of the notices close.

A.9. Payments or Gifts to Respondents

Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no payment or gift to any respondents. Respondents are required to comply by regulation.

A.10. Provisions for Protection of Information

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

DOE has identified the annual shipments of grid-enabled water heaters as confidential business information.

A.11. Justification for Sensitive Questions

Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why DOE considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature in this collection of information.

A.12A. Estimate of Respondent Burden Hours

Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'.

DOE has estimated the total annual reporting and recordkeeping burden imposed on manufacturers of CFLs, GSILs, IRLs, ceiling fans, consumer furnaces and boilers, consumer water heaters, dishwashers, CCWs, battery chargers, DPPP, and VRFs subject to the amended certification reporting requirements as a result of this proposed revision. These estimates take into account the time necessary to develop any additional testing documentation, maintain any additional documentation supporting the development of the certified rating for each basic model, complete any additional certification, and submit any additional required documents to DOE electronically.

DOE has tentatively determined that these proposed revisions would not impose additional costs for manufacturers of CFLs, GSILs, IRLs, ceiling fans, dishwashers, CCWs, battery chargers, VRFs, most

consumer furnaces and boilers, and most consumer water heaters, because manufacturers of these products or equipment are already submitting certification reports to DOE and should have readily available the information that DOE is proposing to collect as part of this rulemaking. DOE has also tentatively determined that these proposed revisions would not impose additional costs for manufacturers of DPPP's because the proposals only clarify the existing certification requirements.

DOE has tentatively determined that the proposed amendments would not impose additional costs for manufacturers of VRF multi-split systems because manufacturers of this equipment are already submitting certification reports to DOE and as part of testing to the proposed amended test procedure (which references the updated industry test procedure AHRI 1230-2021) should have readily available the information that DOE is proposing to collect as part of this rulemaking. DOE has also determined that several of the proposed STI reporting requirements are already required for certification to the AHRI database^[1] and all VRF multi-split system manufacturers are AHRI members. Consequently, DOE has tentatively determined that any additional time spent compiling information that is readily available from testing would be negligible compared to the current estimated average certification reporting burden. DOE also tentatively determines that manufacturers would rely on existing record keeping systems to maintain the additional information reported.

DOE's proposed amendments for the reporting requirements for electric steam boilers would require new certification reporting for electric steam boilers manufacturers and importers. DOE estimates there are four manufacturers of electric steam boilers that would have to submit annual certification reports to DOE for those products based on the proposed reporting requirements. DOE estimated that it will take each respondent approximately 35 hours total per submission, per year to comply with the certification requirements based on 20 hours of technician/technical work and 15 hours clerical work to actually submit the CCMS templates. For the purposes of estimating burden, DOE assumed that each electric steam boiler manufacturer will submit a single CCMS template during the course of the year, which is encompassed in the 35 hours total per company, per year estimate.

For grid-enabled consumer water heaters, DOE is proposing to add reporting requirements to 10 CFR 429.17 that would require manufacturers and importers to report the total number of grid-enabled water heaters shipped each year in accordance with the requirement in EPCA. The following are DOE estimates of the total annual reporting and recordkeeping burden imposed on manufacturers of grid-enabled consumer water heaters.

For ceiling fans, DOE has reviewed the market for ceiling fans with a diameter greater than 24 feet and has identified 4 models currently being offered for sale by 2 manufacturers, both of which already certify compliance with the current energy conservation standards for ceiling fans. As a result of this market assessment, DOE did not find any new or additional respondents that would be required submit information as a result of the proposed expansion of scope for LDCF's. DOE has tentatively determined that these proposed amendments would not impose additional costs for manufacturers of ceiling fans because manufacturers of these products or equipment are already submitting certification reports to DOE and should have readily available the information that DOE would collect if the proposed expansion of scope is finalized as part of this rulemaking. The addition of four basic models to certification reports

^[1] and^[1] The AHRI Database is available at: <https://www.ahridirectory.org/> (last accessed May 10, 2021)

will simply expand their current CCMS excel templates by a row per basic model, which is trivial compared to the total number of ceiling fans they are already submitting.

For electric motors, there are three nationally recognized certification programs. DOE estimated that drafting and submitting a letter to DOE certifying that no change to their program is needed or drafting and submitting a letter describing the measures implemented to ensure the criteria in the proposed paragraph 429.73(b) are met would require approximately 10 hours for each nationally recognized certification program. Therefore, DOE estimated that the three nationally recognized certification programs would spend approximately 30 hours to draft and submit these letters to DOE.

Table A1. Estimated Respondent Hour Burden¹

Information Collection	Type of Respondents	Number of Respondents	Annual Number of Responses	Burden Hours Per Response	Annual Burden Hours	Annual Reporting Frequency
DOE F 220.7 – Residential Furnaces	Manufacturer	4	4	35	140	1
DOE F 220.97 – Grid Enabled Water Heater	Manufacturer	5	5	35	175	1
Letter	Certification Program	3	3	10	30	1
TOTAL		12	12		345	

A.12B. Estimate of Annual Cost to Respondent for Burden Hours

DOE updated the estimated wage rate using data provided in comments submitted by ALA *et al.* in response to the August 2017 Information Collection Extension notice² and data from the Bureau of Labor Statistics (BLS) Occupation Employment and Wage Statistics.³ In the ALA *et al.* comment, AHAM and NEMA provided the percentage of total reporting hours by employee type. DOE matched occupation profiles from BLS’s Occupational Employment and Wage Statistics to these employee types provided by AHAM and NEMA. Table A2 displays the BLS occupation profile used for each employee type listed in the ALA *et al.* comment and the associated BLS mean hour wage for each BLS occupation profile.

¹ These estimates take into account the time necessary to develop testing documentation, maintain records underlying the certified rating, complete the certification, submit all required documents to DOE electronically, and applying for a test procedure waiver and/or an extension of representation requirements, as needed.

² <https://www.regulations.gov/comment/EERE-2017-BT-CRT-0054-0005>

³ DOE used data from the May 2020 release. See: <https://www.bls.gov/oes/>

Table A2. Employee Type Matched to the BLS Occupation Profile

Employee Type (from ALA et al.)	BLS Occupation Profile Number	BLS Occupation Profile Description	Mean Hourly Wage
Product / Compliance / Design Engineer	17-2141	Mechanical Engineers	\$45.94
Lab Technician	17-3027	Mechanical Engineering Technologists and Technicians	\$29.27
Plant / Product Manager	11-3051	Industrial Production Managers	\$56.82
Data Entry Personnel	43-9021	Data Entry Keyers	\$17.24
Compliance Officers	13-1041	Compliance Officers	\$36.35
Regulatory Affairs	23-1011	Lawyers	\$71.59
Other	43-0000	Office and Administrative Support Occupations	\$20.38

Based on the mean hourly wage from the BLS, DOE estimated a blended wage rate of \$39.99 per hour using the AHAM percentage of total reporting hours and \$46.77 per hour using the NEMA percentage of total reporting hours reporting. DOE used the higher NEMA blended wage rate to calculate the estimated reporting burden. DOE also used BLS’s Employer Costs for Employee Compensation⁴ to estimate the fully burdened labor rate of an employee to the employer. Based on data from the December 2020 report, BLS estimated that wages and salary account for 70.3 percent of an employee’s total compensation for the private industry worker. Therefore, DOE estimated the fully burdened labor rate is \$67 per hour when rounded to the nearest dollar.⁵

DOE used this updated wage estimate to calculate the total annual reporting and recordkeeping burden imposed on manufacturers of all consumer products and commercial and industrial equipment. These estimates take into account the time necessary to develop testing documentation, maintain records underlying the certified rating, complete the certification, submit all required documents to DOE electronically, and applying for a test procedure waiver and/or an extension of representation requirements, as needed.

Table A3. Estimated Respondent Cost Burden

Information Collection	Total Annual Burden Hours	Hourly Wage Rate	Total Respondent Costs
DOE F 220.7 – Residential Furnaces	140	\$67	\$9,380
DOE F 220.97 – Grid Enabled Water Heater	175	\$67	\$11,725
Letter	30	\$67	\$2,010
TOTAL	345		\$23,115

⁴ <https://www.bls.gov/bls/news-release/ecec.htm#current>

⁵ \$46.77 / 0.703 = \$66.53

A.13. Other Estimated Annual Cost to Respondents

Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

DOE estimates there to be no other annual costs to respondents as all the capital and operation costs associated with the collection of this information would already be made as part of customary business practices.

A.14. Annual Cost to the Federal Government

Provide estimates of annualized cost to the Federal government.

DOE does not expect the total annual reporting and recordkeeping burden imposed on the Federal government to change as a result of the revision request.

A.15. Reasons for Changes in Burden

Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.

This PRA revision adds the costs associated with the increased reporting requirements for electric steam boiler manufacturers and grid-enabled consumer water heater manufacturers to the existing approved burden estimate.

Table A4. ICR Summary of Burden

	Requested	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Previously Approved
Total Number of Responses	32,173	12	0	32,161
Total Time Burden (Hr)	773,406	345	0	773,061
Total Cost Burden	\$77,329,215	\$23,115	0	\$77,306,100

A.16. Collection, Tabulation, and Publication Plans

For collections whose results will be published, outline the plans for tabulation and publication.

A subset of this dataset will be published online. The certification data that DOE has identified as public will be placed in DOE's certification database at: <http://www.regulations.doe.gov/certification-data/>.

Applications for test procedure waivers are published in the Federal Register for comment, as required by DOE's regulations.

A.17. OMB Number and Expiration Date

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

DOE is not seeking to remove the OMB expiration date.

A.18. Certification Statement

Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

There are no exceptions.