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

## **Part A: Justification**

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**OMB No. 1910-1400**

*DOE Forms 220.1-220.101, Certification Templates*

September 2024

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U.S. Department of Energy  
Washington, DC 20585

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## 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 the 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 Package under OMB No. 1910-1400. The 60-Day Federal Register Notice was published on September 26, 2023 [88 FR 65994].

Forms included within this collection include certification report templates for the following covered products: (1) Consumer refrigerators, refrigerator-freezers and freezers (220.1); (2) Room air conditioners (220.2); (3) Central air conditioners and central air conditioning heat pumps (220.89, 220.90); (4) Consumer water heaters (220.6, 220.92); (5) Consumer furnaces and boilers (220.7); (6) Dishwashers (220.8); (7) Residential clothes washers (220.9); (8) Clothes dryers (220.68, 220.69); (9) Direct heating equipment (220.11); (10) Cooking products (220.12, 220.76, 220.98, 220.99); (11) Pool heaters (220.13); (12) Fluorescent lamp ballasts (220.14); (13) General service fluorescent lamps (220.15); (14) Faucets (220.18); (15) Showerheads (220.19); (16) Water closets (220.20); (17) Urinals (220.21); (18) Ceiling fans (220.22); (19) Ceiling fan light kits (220.94); (20) Torchieres (220.25); (21) General service lamps including, compact fluorescent lamps (220.102), general service incandescent lamps (220.17), integrated light-emitting diode lamps (220.103), and candelabra base incandescent lamps and intermediate base incandescent lamps (220.32); (22) Dehumidifiers (220.27); (23) External power supplies (220.28, 220.30, 220.83); (24) Battery chargers (220.82, 220.93); (25) incandescent reflector lamps (220.16, 220.81); (26) Commercial warm air furnaces (220.36); (27) Commercial refrigerators, freezers, and refrigerator-freezers (220.34, 220.35); (28) Commercial heating and air conditioning equipment (220.38, 220.40, 220.73, 220.74, 220.75, 220.96); (29) Commercial water heating equipment (220.41, 220.42, 220.43, 220.44); (30) Automatic commercial ice makers (220.45); (31) Commercial clothes washers (220.46); (32) Distribution transformers (220.47, 220.48, 220.49, 220.50, 220.51, 220.52); (33) Illuminated exit signs (220.53); (34) Traffic signal modules and pedestrian modules (220.54); (35) Commercial unit heaters (220.55); (36) Commercial pre-rinse spray valves (220.56); (37) Refrigerated bottled or canned beverage vending machines (220.57); (38) Walk-in coolers and walk-in freezers and certain components (220.58, 220.59, 220.60); (39) Metal halide lamp ballasts and fixtures (220.62); (40) Furnace fans (220.84); (41) Pumps (220.86, 220.87); (42) Commercial packaged boilers (220.70, 220.71); (43) Consumer miscellaneous refrigeration equipment (220.85); (44) Portable air conditioners (220.95); (45) Compressors (220.101); (46) Electric motors and small electric motors (220.77, 220.78, 220.79); (47) dedicated-purpose pool pump motors (220.97); and (48) air cleaners (220.100).

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 has also published a rulemaking proposal for various covered products and covered equipment that would 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 September 29, 2023, DOE published a notice of proposed rulemaking titled “Certification Requirements, Labeling Requirements, and Enforcement Provisions for Certain Consumer Products and Commercial Equipment” [88 FR 67458].

This notice proposed 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. Some proposed changes do not affect reporting forms. Forms to be modified as a result of this collection revision include certification report templates for the following covered products: (1) Central air conditioners and heat pumps (220.89); (2) Pool heaters (220.13); (3) External power supplies (220.28, 220.30, 220.83); (4) Three-phase less than 65,000 Btu/h air-cooled commercial unitary air conditioners and heat pumps (220.39); (5) Commercial water heating equipment (220.41, 220.43); (6) Automatic commercial ice makers (220.45); (7) Walk-in coolers and freezers (220.59, 220.60); (8) Three-phase less than 65,000 Btu/h air-cooled variable refrigerant flow (VRF) air conditioners and heat pumps (220.39); (9) Computer room air conditioners (220.74); (10) Single-package vertical air conditioners and heat pumps (220.75); (11) Dishwashers (220.8); (12) Battery chargers (220.82); (13) Dedicated purpose pool pump motors (220.97); (14) Residential clothes washers (220.9); (15) Portable air conditioners (220.95); (16) Direct-expansion dedicated outdoor air systems (220.96); and (17) Air cleaners (220.100).

## 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 B<sup>2</sup> 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 C<sup>3</sup> 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.

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. This notice proposes to modify the current labeling requirements for walk-in cooler and freezer panels in 10 CFR § 431.305 to establish labeling requirements for circulator pumps 10 CFR § 431.466.

DOE's currently approved information collection includes the following seven 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: Central air conditioners and heat pumps; Pool heaters; Ceiling fan light kits; Dehumidifiers; External power supplies; Three-phase less than 65,000 Btu/h air-cooled commercial unitary air conditioners and heat pumps; Commercial water heaters; Automatic commercial ice makers; Walk-in coolers and freezers; Three-phase less than 65,000 Btu/h Variable refrigerant flow (VRF) air conditioners and heat pumps; Computer room air conditioners; Single-package vertical air conditioners and heat pumps; Dishwashers; Battery chargers; Commercial and industrial pumps; Dedicated purpose pool pump motors; Residential clothes washers; Portable air conditioners; Direct-expansion dedicated outdoor air systems; Air cleaners; and Compressors. (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))

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 the covered products and equipment addressed in this proposed rule. See title 10 of the Code of Federal Regulations (“CFR”) part 429, and part 431 for electric motors. In the case of electric instantaneous water heaters, dedicated purpose pool pump motors, and air cleaners, which do not currently have reporting requirements, DOE is proposing reporting requirements in this notice for inclusion in 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.

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.

Each of DOE’s compliance certification templates are designed identically, consisting of two components: (1) a certification tab, and (2) an input tab. All templates include the same information on the certification tab. This tab contains the template-specific form number, OMB control number, the burden disclosure statement, instructions for completing the form, the template version number, the required compliance statement and signature line (10 CFR Part 429.12(c)), input cells for certifiers to report whether they are a U.S. manufacturer or importer, and the certifier’s contact information. DOE’s regulations also allow a third party to certify on behalf of a manufacturer. 10 CFR 429.12(g) Every



certification tab also includes a section for third party representatives to specify their contact information, if applicable.

The input tab for each template collects both general product certification information as required in 10 CFR Part 429.12(b) and product specific certification requirements outlined in 10 CFR 429.14 through 429.69. The general certification information includes product class, manufacturer name, brand name, basic model number<sup>1</sup>, individual model number<sup>2</sup>, the status of the basic model being certified (i.e., new, discontinued, correction to a previous certification, existing model, or failed an industry certification program), test sample size, whether the certification is based on a test procedure waiver and the date of such a waiver, and whether the certification is based on relief from an applicable energy conservation standard and the date such relief was issued by DOE's Office of Hearings and Appeals. The product specific certification information varies by template and typically collects capacity and efficiency metrics relevant for determining compliance with the appropriate energy conservation standard. For certain products, DOE also collects information needed in order to conduct the applicable test procedure for a given product.

### 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.**

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<sup>1</sup> For external power supplies manufacturers may elect to certify based on design families and in that case would submit the design family model number and the individual manufacturer's model numbers covered by that design family must be submitted for each brand. For distribution transformers, manufacturers may elect to certify using kVA groupings, in which case the manufacturer would certify the kVA grouping model number for each brand.

<sup>2</sup> For commercial HVAC, water heating, and refrigeration equipment, an individual manufacturer model number may be identified as a "private model number."

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 5 CFR 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.**

On September 26, 2023, the Department published DOE published a 60-Day Federal Register Notice announcing the extension of this information collection. 88 FR 65994. In this notice, DOE invited comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility,

and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. DOE received comments regarding the information collection content, which are summarized and responded to in a separate word document. This document is titled, “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.”

In addition, DOE periodically conducts notice-and-comment rulemakings to update its product specific certification requirements and collect feedback from stakeholders on DOE’s certification process including the availability of data, frequency of collection, and data elements collected. Most recently, on September 29, 2023, DOE published a notice of proposed rulemaking titled “Certification Requirements, Labeling Requirements, and Enforcement Provisions for Certain Consumer Products and Commercial Equipment” [88 FR 67458]. This notice proposed changes 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. DOE also held a public meeting via webinar on October 26, 2023<sup>3</sup> to provide an overview of the amendments proposed in the September 2023 notice of proposed rulemaking and solicit comments and feedback from persons outside of DOE regarding collection of data.

Lastly, DOE’s Compliance Certification Management System (CCMS) includes both a phone number and email feature to allow users to contact DOE and the site administrators at any time in order to ask technical questions or provide feedback on any aspect of the certification process including the clarity of instructions, reporting format, and on the data elements to be report. DOE also informally meets with trade associations and other stakeholders that use CCMS. DOE routinely reviews this information to improve and update its certification processes.

DOE has offered stakeholders being affected by this revision multiple opportunities to provide feedback on its certification process. Therefore, DOE has not conducted informal, small group sessions to solicit additional feedback from stakeholders.

## **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.**

None of the data to be submitted under the proposed regulations in this notice is specifically identified as confidential business information. 10 CFR 429.7(c) specifies the procedure for submitting any data

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<sup>3</sup> A transcript of the public meeting can be found here: [www.regulations.gov/docket/EERE-2023-BT-CE-0001-0006](http://www.regulations.gov/docket/EERE-2023-BT-CE-0001-0006)

that a manufacturer believes should be treated as confidential and exempt by law from public disclosure.

### **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 the products and equipment that would be 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 CAC/HPs, DWs, RCWs, dehumidifiers, EPSs, battery chargers, CRACs, 3-phase ACUACs and ACUHPs with cooling capacity of less than 65,000 Btu/h three-phase, less than 65,000 Btu/h ACUACs and ACUHPs, 3-phase VRF with cooling capacity of less than 65,000 Btu/h three-phase, less than 65,000 Btu/h VRF, electric storage CWHs, ACIMs, walk-ins, commercial and industrial pumps, portable ACs, compressors, and SPVUs, and CFLs, 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. Additionally, for portable ACs, manufacturers may optionally submit certification reports to DOE and the costs associated with certification requirements for portable ACs were already accounted for in the January 2020 Portable ACs ECS Final Rule.

DOE's proposed amendments would require new certification reporting for manufacturers and importers of electric pool heaters, commercial electric instantaneous water heaters, dedicated purpose pool pump motors, direct expansion dedicated outdoor air systems, air cleaners, and compressors. DOE

estimates there are 14 manufacturers of electric pool heaters, 12 manufacturers of DX-DOAS, nine manufacturers of commercial electric instantaneous water heaters, five manufacturers of DPPPMs, and 43 manufacturers of air cleaners 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 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.

Table A1 below shows the additional reporting burden that DOE estimated for products affected by the September 29, 2023 proposed rule, as well as the total reporting burden for all other products that are included in the extension of the existing information collection.

**Table A1. Estimated Respondent Hour Burden<sup>4</sup>**

Information Collection	Type of Respondents	Number of Respondents	Annual Number of Responses	Burden Hours Per Response	Annual Burden Hours	Annual Reporting Frequency
DOE F 220.13 (new)	Manufacturer	14	14	35	490	1
DOE F 220.43 (new)	Manufacturer	9	9	35	315	1
DOE F 220.96 (new)	Manufacturer	12	12	35	420	1
DOE F 220.97 (new)	Manufacturer	5	5	35	175	1
DOE F 220.100 (new)	Manufacturer	43	43	35	1505	1
Certification of Compliance Federal Standards	Manufacturer	2,000	20,000	35	700,000	10
Supplemental Testing Instructions (STI)	Manufacturer	100 (part of 2000 above)	3,000	16	48,000	30
Test Procedure (TP) Waiver	Manufacturer	25 (part of 2000 above)	50	160	8,000	2
Extension of representation	Manufacturer	25 (part of 2000 above)	50	160	8,000	2
Labeling	Manufacturer	205 (part of 2000 above)	9,060	1	9,060	44.2
<b>TOTAL</b>		<b>2,083</b>	<b>32,243</b>		<b>775,965</b>	

<sup>4</sup> 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.



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

DOE updated the estimated wage rate using data provided in comments submitted by American Lighting Association (ALA) *et al.* in response to the August 2017 Information Collection Extension notice<sup>5</sup> and data from the Bureau of Labor Statistics (BLS) Occupation Employment and Wage Statistics.<sup>6</sup> In the ALA *et al.* comment, Association of Home Appliance Manufacturers (AHAM) and National Electrical Manufacturers Association (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.

**Table A2. Employee Type Matched to the BLS Occupation Profile**

Employee Type (from ALA <i>et al.</i> )	BLS Occupation Profile Number	BLS Occupation Profile Description	Mean Hourly Wage
Product / Compliance / Design Engineer	17-2141	Mechanical Engineers	\$50.59
Lab Technician	17-3027	Mechanical Engineering Technologists and Technicians	\$32.69
Plant / Product Manager	11-3051	Industrial Production Managers	\$60.53
Data Entry Personnel	43-9021	Data Entry Keyers	\$19.29
Compliance Officers	13-1041	Compliance Officers	\$38.55
Regulatory Affairs	23-1011	Lawyers	\$84.84
Other	43-0000	Office and Administrative Support Occupations	\$23.05

Based on the mean hourly wage from the BLS, DOE estimated a blended wage rate of \$44.43 per hour using the AHAM percentage of total reporting hours and \$51.41 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 Compensation<sup>7</sup> to estimate the fully burdened labor rate of an employee to the employer. Based on data from the June 2024 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 \$73 per hour when rounded to the nearest dollar.<sup>8</sup>

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

<sup>5</sup> <https://www.regulations.gov/comment/EERE-2017-BT-CRT-0054-0005>

<sup>6</sup> DOE used data from the April 2024 release. See: <https://www.bls.gov/oes/>

<sup>7</sup> <https://www.bls.gov/news.release/pdf/ecec.pdf>

<sup>8</sup>  $\$51.41 / 0.703 = \$73.13$



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 below shows the new additional estimated burden associated with products covered by the September 23, 2023 proposed rule, and the existing estimated cost burden for all other products covered by the existing information collection that DOE has proposed to extend.

**Table A3. Estimated Respondent Cost Burden**

Total Annual Burden Hours	Hourly Wage Rate	Total Respondent Costs
2905 (new)	\$73	\$212,065
773,060(existing)	\$73	\$56,433,380
775,965	\$73	\$56,645,445

### 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 estimates the total additional annual reporting and recordkeeping burden imposed on the Federal government will be \$545,617.28. This estimate accounts for time spent by 2 Federal staff and 3 contractors to maintain the certification templates and CCMS website. DOE is already using an online collection system as its method for submission for certain covered consumer products and commercial equipment. The annual cost is to maintain the system, set up new users, respond to user questions, and review certifications

Team Member	Hourly Wage Rate	Wage as % of Total Comp <sup>9</sup>	Fully Burdened Hourly Rate	Yearly Hours	Annual Cost
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<sup>9</sup> <https://www.bls.gov/news.release/pdf/ecec.pdf>

DOE Lawyer <sup>10</sup>	\$76.58	61.6%	\$124.32	624	\$77,576
DOE Engineer <sup>11</sup>	\$54.53	61.6%	\$88.52	624	\$55,236
Contractor Support Staff (admin) <sup>12</sup>	\$23.05	70.3%	\$32.79	2080	\$68,203
Contractor Database Architect <sup>13</sup>	\$65.88	70.3%	\$93.71	2080	\$194,917
Contractor Engineering Support <sup>14</sup>	\$50.59	70.3%	\$71.96	2080	\$149,677
Total					\$545,609

## 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 September 23, 2023 proposed rule, “Certification Requirements, Labeling Requirements, and Enforcement Provisions for Certain Consumer Products and Commercial Equipment.” 88 FR 67458. Since the last PRA revision, the estimated fully burdened labor rate has increased. Therefore, the estimates in this section reflect the increased labor rate estimate and the estimated annual burden of existing requirements has been adjusted.

**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	32,243	83	0	32,160
Total Time Burden (Hr)	775,965	2,905	0	773,060
Total Cost Burden	\$56,645,445	\$212,065	\$4,638,360	\$51,795,020

## 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.**

<sup>10</sup> <https://www.bls.gov/oes/current/oes231011.htm>

<sup>11</sup> <https://www.bls.gov/oes/current/oes172141.htm>

<sup>12</sup> <https://www.bls.gov/oes/current/oes430000.htm>

<sup>13</sup> <https://www.bls.gov/oes/current/oes151243.htm>

<sup>14</sup> <https://www.bls.gov/oes/current/oes172141.htm>

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.