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Vice President, Government Relations

July 17, 2015

VIA EMAIL TO: Regulatory.Review@hq.doe.gov

Mr. Aaron Stevenson
U.S. Department of Energy
Office of the Assistant General Counsel
Legislation, Regulation, and Energy Efficiency
1000 Independence Ave, SW
Washington, DC 20585

Reducing Regulatory Burden: Request for Information (RFI)

Dear Mr. Stevenson,

The National Electrical Manufacturers Association (NEMA) appreciates the opportunity to provide the attached comments on the Request for Information to Reduce Regulatory Burden as announced in the U.S. Federal Register Vol. 80, No. 127, beginning on page 38019. These comments are submitted on behalf of NEMA Motor and Generator Section member companies.

As you may know, NEMA is the association of electrical equipment and medical imaging manufacturers, founded in 1926 and headquartered in Arlington, Virginia. The National Electrical Manufacturers Association (NEMA) represents nearly 400 electrical and medical imaging manufacturers. Our combined industries account for more than 400,000 American jobs and more than 7,000 facilities across the U.S. Domestic production exceeds \$117 billion per year.

Please find our detailed comments below. If you have any questions on these comments, please contact Alex Boesenberg of NEMA at 703-841-3268 or alex.boesenberg@nema.org.

Sincerely,

A handwritten signature in black ink that reads "Kyle Pitsor". The signature is written in a cursive, flowing style.

Kyle Pitsor
Vice President, Government Relations

NEMA Comments on Reducing Regulatory Burden Request for Information (RFI)

Regarding Executive order 13563, NEMA requests the DOE consider the following concerns in regard to the Small Electric Motor final rule of March 9, 2010¹ and the associated regulations found in 10 CFR Part 431.

The DOE RFI specifically asks in item [5] “are there rules that are still necessary, but have not operated as well as expected such that a modified, stronger, or slightly different approach is justified?”

The Small Electric Motor rule in question was a first attempt to categorize and regulate both polyphase and single phase small electrical motors from ¼ to 3 horsepower. Neither the DOE nor the motor manufacturers were fully prepared for the variety of issues that arose in this rulemaking. As a result we believe the definitions, performance levels, and lack of labeling requirements in the final rule do not provide the motor manufacturers or motor buyers with adequate means to apply the rule in a manner that will deliver the intended benefit that DOE predicted.

First, the 2010 Small Electric Motor rule’s regulations were based on NEMA standards from 1987. While this was the current version of the standard in 1992 when Congress directed the DOE to conduct this rulemaking in EPCAct, subsequent updates to the MG-1 standard were not considered by DOE. While NEMA supports the use of industry standards by DOE whenever feasible and we endorsed the application of MG-1 1987 at the time, the evolution of the electric motor market since along with the development of the electric motor regulation has resulted in several issues with regards to identifying the pertinent characteristics that define a “small electric motor”. For example, a primary issue was whether or not enclosed motors should be included in the rulemaking. Also, the resulting Small Electric Motor rule as promulgated does not provide accurate equipment class definitions or performance metrics consistent with today’s practices in the U.S. market to select and procure products. The result of this ambiguity is a rule that can be much too easily circumvented with unregulated motors, which negates the predictions and intentions for energy savings in the rule.

Second, besides issues of circumvention the Small Electric Motor rule and regulation uses some different terminology and metrics than the Electric Motor regulation², causing mismatch between the application and effectiveness of the two which has resulted in unintended confusion and burden on manufacturers – the subject of this DOE RFI. Examples of this include: the DOE establishment of average efficiency levels for classification vs. the industry standard use of NEMA nominal efficiency levels, lack of harmonization with other global regulations and test methods, to name just two.

NEMA and its members have been made aware that DOE may consider amendments to the Small Electric Motor rule that could broaden the scope of covered product and which might reference industry standards as opposed to standards created by DOE. While we agree with this approach in concept, we suggest that it is equally important to eliminate overlap and confusion between rules.

¹ Docket Number EERE–2007–BT–STD–0007

http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/40

² http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/50

Since there is perceived overlap in motor ratings between the Small Electric Motor rule and the one regulating integral horsepower motors, our customers – OEMs and end users - are confused.

NEMA proposes that the DOE, in revisiting the current Small Electric Motor regulation, also seek to correct the issues in the first rule that have made it ineffective in the market place and burdensome to manufacturers. In keeping with the directions of EO13563, we specifically ask the DOE to recognize the aforementioned mismatch and reduce the associated burden by including in the next Small Electric Motor rulemaking concrete plans to identify and mitigate mismatches in terminology and scope so that burden and confusion between these two regulations is reduced or eliminated.