

MEMORANDUM

RE: Ex Parte Communications in Connection with  
Docket No EERE-2014-BT-CE-0019  
Energy Conservation Program: Certification, Compliance, Labeling, and Enforcement for  
Electric Motors and Small Electric Motors; Proposed Rule

To: [expartecommunications@hq.doe.gov](mailto:expartecommunications@hq.doe.gov)

From: Alex Boesenberg, Manager of Regulatory Affairs  
National Electrical Manufacturers Association

Date: July 14, 2016

This memorandum memorializes a communication involving NEMA Staff and members and DOE staff in connection with this proceeding on July 1, 2016. The National Electrical Manufacturers Association (NEMA) and its members appreciate the opportunity to meet with the Department of Energy's staff regarding industry concerns for the Certification, Compliance, Labeling, and Enforcement for Electric Motors and Small Electric Motors; Proposed Rule.

Attendees of the meeting were as follows:

Ashley Armstrong (DOE)  
Laura Barhydt (DOE)  
Michael Kido (DOE)  
Alex Boesenberg (NEMA Staff)  
Rob Boteler (NIDEC)  
John Malinowski (ABB)  
Jim Creevy (ABB)  
Ian Rice (ABB)  
Jared Zumstein (Bluffton Motor Works)  
Silvio Billo (Bluffton Motor Works)  
Don Lanser (NIDEC)  
Joseph Eaves (NEMA)  
Clark Silcox (NEMA, part time)  
Dan Delaney (Regal Beloit)  
Rick Budzinski (ABB, by phone)  
Steve Ruffing (NIDEC, by phone)  
Craig Updyke (NEMA, part time)

The meeting was convened at 10am Eastern Time on the date noted above. Attendees were reminded to conduct the meeting in accordance with NEMA Anti-Trust Guidelines and were advised that it would be an ex parte meeting and this letter would be filed with the DOE regarding the discussions.

Attendees introduced themselves. It was noted that the purpose of the meeting was for industry to relay concerns about the NOPR to DOE and also it was an opportunity for the DOE to correct any noted misinterpretations of the intent and wording of the Notice of Proposed Rule, thus improving industry understanding and ability to comment.

DOE staff then presented a brief summary of the content and intent of the NOPR by topic, comparing it to the current regulations.

DOE stated the intent of the NOPR was to make standards more enforceable, i.e. to give DOE more tools to enforce standards.

NEMA members expressed concern that the NOPR would seem to eliminate manufacturer investments in the NVLAP program and require outside testing. DOE noted that manufacturers could still deploy NVLAP facilities, but “independent” certification qualification and verification must be performed. The word “independent” was noted as appearing in statute specific to motor regulations, unlike some other regulations, and the NOPR reflects DOE’s new interpretation of how to satisfy this requirement.

Industry noted concern at the additional cost and time burdens that independent review might cause. DOE noted they are open to alternative proposals from industry as to how to approach testing and certification.

The proposed use of a lower control level (LCL) approach with respect to certification was discussed at length. Industry perceive that an LCL in application would likely result in products that pass today being failed in the future under an LCL approach. The current approach of NEMA Nominal allows for wider variation in performance due to production variation and other influences. NEMA Nominal is a globally accepted approach, and industry expressed concern that the DOE proposal could disrupt the global market with respect to certification, markings and associated trade. Furthermore, the need to overdesign existing products to assure they pass an LCL approach method could be argued to constitute a change in the energy conservation standard, conducted without any impact analysis. DOE noted they are open to alternate proposals, but stressed that products that fall below the standard should not be introduced into the market. Industry expressed a strong desire to keep requirements and markets harmonized as much as possible. NEMA members expressed concern that the energy conservation standards were being amended by this NOPR.

A question about small motor certification was raised. As written the proposal seems to only allow three frame sizes, causing potential coverage confusion and other issues. DOE requested NEMA provide additional comments and suggestions on this point.

DOE noted that the NOPR attempts to clarify applicability and responsibility of conformance to standards on importers as well as manufacturers and requested comments as to how to improve and increase awareness and compliance with this.

NEMA members asked if DOE felt the NOPR changes would improve importation enforcement, to which DOE agreed.

Industry asked DOE to clarify the proposal that a motor nameplate include the efficiency at all voltages the motor is intended to operate, or marked as able to operate at. DOE advised that their intent was that the lowest efficiency be noted, whatever that operating voltage might be.

Industry expressed concern as to how to approach made-to-order products with respect to CC/MIN code and reporting. For products which are adaptations of a basic model, it seemed that this would cover that condition, but how to address custom made motors and report and mark them was unclear. DOE requested comment and suggestions on this point.

Industry asked several questions for clarity around the proposed Manufacturer ID Number, MIN, and noted confusion as to how it would be applied. DOE noted that anyone could obtain a MIN

and apply it to labeling, but the MIN holder would be the responsible party for compliance and enforcement. How to use MIN with respect to embedded products which might use more than one motor supplier was not as clear. Industry also noted a desire to continue use of CC numbers if possible. NEMA was asked to provide comments and suggestions on MIN/CC with as much detail as possible.

With respect to the implementation period of 6 months, industry expressed concern that this was not enough time. DOE noted this length of time is assigned by statute.

The meeting was concluded at 2pm Eastern Time.

NEMA and its members again thank the U.S. Department of Energy for this meeting. We look forward to working with the DOE further on this important project. If you have any questions on these comments, please contact me at 703-841-3268 or [alex.boesenberg@nema.org](mailto:alex.boesenberg@nema.org).

Sincerely,



Alex Boesenberg  
Manager, Regulatory Affairs  
National Electrical Manufacturers Association