

FREQUENTLY ASKED QUESTIONS – CERTIFICATION
CONSUMER PRODUCTS
UPDATED MARCH 16, 2010

Manufacturers and/or private labelers who have not submitted a certification report and compliance statement for the products identified in [Question 1](#) are in violation of Federal regulations and are subject to enforcement, including civil penalties and injunctive action to prohibit distribution of covered products in commerce in the United States. You should submit the required documents immediately in order to limit potential civil penalties.

The information provided below is intended to help companies understand their responsibilities under the energy efficiency/water conservation regulations, with respect to the requirement to certify compliance with the regulations. It is not intended to create or remove any rights or duties, nor is it intended to affect any other aspect of EPCA or DOE regulations. *You should consult [10 CFR 430.62](#) and other sections cited below for complete information.*

- 1) Which consumer products are subject to the certification requirements?**
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- 12) I heard manufacturers will be required to submit certification reports and compliance statements for products that had not been subject to the certification requirements before. Is that true?**

- *What additional consumer products will be subject to the certification requirements?*
- *When is my certification report and compliance statement due?*
- *What information must I submit?*

13) May I apply for a small manufacturer exemption?

1) Which consumer products are subject to the certification requirements?

- (1) Central air conditioners
- (2) Central air conditioning heat pumps
- (3) Clothes washers
- (4) Clothes dryers
- (5) Direct heating equipment
- (6) Dishwashers
- (7) Faucets
- (8) Furnaces
- (9) General service fluorescent lamps
- (10) Incandescent reflector lamps
- (11) Pool heaters
- (12) Refrigerators, refrigerator-freezers, and freezers
- (13) Room air conditioners
- (14) Showerheads
- (15) Urinals
- (16) Water closets
- (17) Water heaters

As of July 6, 2010:

- (18) Ceiling fans
- (19) Ceiling fan light kits with sockets for medium screw base lamps or pin-based fluorescent lamps
- (20) Ceiling fan light kits with sockets other than medium screw base lamps or pin-based fluorescent lamps
- (21) Compact fluorescent lamps (Medium base)
- (22) Dehumidifiers
- (23) External power supplies (Class A only), including switch-selectable single-voltage voltage external power supplies
- (24) Torchieres

- *Does “medium base compact fluorescent lamp” include...?*

A medium base compact fluorescent lamp is an integrally ballasted fluorescent lamp with a medium screw base (E-26), a rated input voltage range of 115 to 130 volts and which is designed as a direct replacement for a general service incandescent lamp. This does not include any lamp that meets BOTH of the following criteria:

- 1) The lamp is specifically designed to be used for special purpose applications; and
- 2) The lamp is unlikely to be used in general purpose applications.

Lamps that are used for street lighting; aviation, marine, transportation, or underwater service; medical service; decorative or showcase service; or that produce colored light *generally* do not fall within the definition of a medium base CFL; however, you must determine that your lamp meets both of the above criteria.

- *Are fluorescent lamp ballasts subject to these requirements?*

Fluorescent lamp ballasts are not currently subject to the reporting requirements.

2) Who is required to submit a certification report and compliance statement?

A manufacturer or a private labeler of some covered consumer products is required to submit certification reports and compliance statements.

- *What is a manufacturer?*

For purposes of the certification requirements, any person who manufactures, produces, assembles, or imports a consumer product is a “manufacturer.”

- *What is a private labeler?*

A “private labeler” is the owner of a brand or trademark on the label of a consumer product which bears a private label. A product is considered to “bear a private label” if the product or its container is labeled with the brand or trademark of a person other than the manufacturer and the manufacturer’s brand or trademark is not on the product or container.

In other words, a private labeler is a company that sells consumer products under its name, but does not produce them.

- *If a product is privately labeled, which party is responsible for certification?*

A basic model must be certified; under the current regulations, either party may submit the required certification report and compliance statement. Regardless of which party submits the required documentation, the basic model must be certified before it is distributed in commerce in the U.S.

If the manufacturer distributes the basic model in commerce in the U.S., both the manufacturer and the private labeler may be held responsible for the failure to certify. Once either party has certified the basic model, the other party is covered by that certification.

If the manufacturer is overseas and does not distribute the product in commerce in the U.S. and the private labeler does distribute the product in commerce in the U.S., then the private labeler is responsible for certifying the product. (DOE will accept a certification from a manufacturer in this scenario, and that certification will fulfill the private labeler's responsibility to certify.)

3) What is the purpose of these reporting requirements?

A certification report provides information to DOE to help us verify a manufacturer's (or private labeler's) compliance with the applicable energy efficiency or water conservation standard and helps us develop information regarding the products in the marketplace. A manufacturer must provide a certification report for each basic model. A certification report should be filed every time a new basic model is introduced. In addition, a manufacturer is required to report when production of a basic model has ceased and is no longer being distributed.

A compliance statement is the actual certification by the manufacturer or private labeler that its basic models comply with the applicable standards; that it performed the required testing in conformance with the specified testing procedures; that the information it reported in its certification report(s) is true, accurate and complete; and that it is aware of the penalties it faces for noncompliance and/or making false statements.

4) What information is required to be included in the certification report?

In general, the certification report must include, for each basic model:

- the product type
- the product class (please see [10 CFR 430.32](#) for more information on the product classes) – be sure product classes are identified exactly as specified in [430.32](#)
- the manufacturer's name
- the private labeler's name(s) (if applicable)
- the manufacturer's model number(s).

In addition, each covered product requires specific additional information. Refer to [10 CFR 430.62\(a\)\(4\)\(i\)-\(xxii\)](#) for greater detail, including the form in which measurements should be presented. An abbreviated summary follows:

- *Central air conditioners*—seasonal energy efficiency ratio; model number of ducted air mover (if applicable)
- *Central air conditioning heat pumps*—seasonal energy efficiency ratio; heating seasonal performance factor; model number of ducted air mover (if applicable)
- *Clothes washers*—energy factor; capacity
- *Clothes dryers*—energy factor; voltage
- *Direct heating equipment*—annual fuel utilization efficiency; capacity
- *Dishwashers*—energy factor

- *Faucets*—maximum water use for each faucet; or maximum water use for each flow control mechanism with a listing of accompanied faucets by model number
- *Furnaces*—annual fuel utilization efficiency
- *General service fluorescent lamps*—testing lab’s NVLAP identification number or other NVLAP-approved accreditation identification; production date codes; 12-month average lamp efficacy; lamp wattage; 12-month average Color Rendering Index
- *Incandescent reflector lamps*—testing lab’s NVLAP identification number or other NVLAP-approved accreditation identification; production date codes; 12-month average lamp efficacy; lamp wattage
- *Pool heaters*—thermal efficiency
- *Refrigerators, refrigerator-freezers, and freezers*—annual energy use; total adjusted volume
- *Room air conditioners*—energy efficiency ratio; capacity
- *Showerheads*—maximum water use; list of accompanied showerheads by model numbers
- *Urinals*—maximum water use
- *Water closets*—maximum water use
- *Water heaters*—energy factor; rated storage volume

As of July 6, 2010:

- *Ceiling fans*—model number
- *Ceiling fan light kits with sockets for medium screw base lamps or pin-based fluorescent lamps*—efficacy
- *Ceiling fan light kits with sockets other than medium screw base lamps or pin-based fluorescent lamps*—model number
- *Medium base compact fluorescent lamps*—minimum initial efficacy; lumen maintenance at 1,000 hours; lumen maintenance at 40 percent of rated life; rapid cycle stress test; lamp life
- *Dehumidifiers*—energy factor; capacity
- *Class A external power supplies*—active mode efficiency percentage; no-load mode power consumption; nameplate output power; if missing from nameplate, output current of highest- and lowest-voltage models within design family
- *Class A switch-selectable single-voltage voltage external power supplies*—average active mode efficiency percentage; no-load mode power consumption at lowest and highest selectable output voltage; nameplate output power; if missing from nameplate, output current
- *Torchieres*—model number

5) What information is required to be included in the compliance statement?

For consumer products, the compliance statement must contain all the information and be filed in the format set forth in [Appendix A to Subpart F of Part 430](#). Please refer to that appendix to see the format for the statement. The compliance statement must certify:

- The basic model complies with the applicable energy conservation or water conservation standard.
- All required testing has been conducted in accordance with the test requirements in [Subpart B of Part 430](#).
- All information in the certification report is true, accurate, and complete.
- The manufacturer/private labeler submitting the certification report is aware of the penalties associated with violation of the Act, including the penalties for knowingly filing a false statement to the government.

Please note that the compliance statement MUST be signed.

6) May I have a third party submit my certification report and compliance statement?

You may elect to use a third party to submit the certification report, in accordance with [430.62\(e\)](#). However, you may not use a third party to submit your compliance statement. If a third party submits a certification report on your behalf, you should submit a compliance statement in accordance with [430.62\(a\)](#) that states that the information reported in the certification report submitted on [date] (or covering [x] models) by [name of your third party representative] is true, accurate and complete.

- *I am a third party representative. What do I need to submit?*

You must submit all the information required on a certification report (see [Question 4](#) above). You must also include the name(s) of the manufacturers or private labelers who authorized you to submit their certification report(s) on their behalf.

7) How do I submit the required information?

Please use certified mail and submit to:
Appliance Standards Program (EE-2J)
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585-0121

8) What if I have never filed a certification report or compliance statement?

You should file a certification report for each basic model that is currently in production and/or in distribution.

9) Do international companies need to report?

Yes, if your company imports covered products in the United States or if you are manufacturer who sells products in the United States, you must comply with [10 CFR Part 430](#). Any person who imports a covered product is considered a “manufacturer” under Part 430. Covered products that are not in compliance may be refused admission into the

customs territory of the United States. DOE will pursue enforcement actions against foreign manufacturers who distribute covered products in the United States and who fail to comply with the applicable regulations.

- *Who is an “importer”?*

An importer is a person (company, etc.) who is legally responsible for the entry of a product into the customs territory of the United States. An importer may be domestic or foreign and may be a manufacturer, a private labeler, a freight forwarder or any other responsible party.

10) I participate in the ENERGY STAR program. Do I still need to submit certification reports and compliance statements?

Yes, you still need to submit certification reports and compliance statements to DOE under [part 430](#). ENERGY STAR is a voluntary program managed by the EPA. A product listed in the ENERGY STAR program obviously should meet the minimum federal standards. The requirements to submit certification reports and compliance statements are separate, however, and you must file these documents with DOE to fulfill your obligations under [part 430](#).

11) I manufacture/import/label general service fluorescent lamps and/ or incandescent reflector lamps. What information should I provide?

The certification report for general service fluorescent lamps and incandescent reflector lamps should include

- The testing laboratory’s National Voluntary Laboratory Accreditation Program (NVLAP) identification number or other NVLAP-approved accreditation identification;
 - Production date codes (and accompanying decoding scheme);
 - 12-month average lamp efficacy in lumens per watt;
 - Lamp wattage; and
 - For general service fluorescent lamps only, 12-month average Color Rendering Index.
- *Where can I get a list of NVLAP test laboratories?*

A list of laboratories accredited to perform energy efficiency testing for lighting products is available online at <http://ts.nist.gov/Standards/scopes/eelit.htm>.

- *How do I certify new models since I do not have 12-month test data?*

The regulations provide different certification procedures for new models of general service fluorescent lamps and incandescent reflector lamps. See [430.62\(b\)\(2\)](#) for detailed instructions.

12) I heard manufacturers will be required to submit certification reports and compliance statements for products that had not been subject to the certification requirements before. Is that true?

Yes. On January 5, 2010, DOE published a final rule that adopted certification requirements for 6 additional consumer product types.

- *What additional consumer products will be subject to the certification requirements?*
 - (1) Ceiling fans
 - (2) Ceiling fan light kits
 - (3) Medium base compact fluorescent lamps
 - (4) Dehumidifiers
 - (5) External power supplies, Class A
 - (6) Torchieres

- *When is my certification report and compliance statement due?*

You must submit your certification report and compliance statement no later than July 6, 2010.

- *What information must I submit?*

See [Question 4](#) and [Question 5](#) above.

13) May I apply for a small manufacturer exemption?

Any manufacturer of a covered product with annual gross revenues that do not exceed \$8,000,000 from all its operations (including the manufacture and sale of covered products) for the 12-month period preceding the date of application may apply for an exemption. **However:**

- 1) Only the conservation standards (10 CFR 430.32) are subject to exemption. DOE cannot grant an exemption from any other regulation.
- 2) Exemptions are granted for a limited duration. You cannot get a permanent exemption from a conservation standard.
- 3) DOE will grant an exemption only when the Secretary finds, after obtaining the written views of the Attorney General, that a failure to allow an exemption would likely result in a lessening of competition.
- 4) Exemptions can only be granted for up to two years from the date compliance with the standard is required. For example, if a standard took effect on March 1, 2008, DOE could not grant an exemption from that standard because the standard has been in effect for 2 years. As another example, if a standard took effect on September 1, 2008, DOE could grant an exemption, but only through September 1, 2010. Before applying for an exemption you should consider that applications must be published in the Federal Register for a comment

period of 60 days, unless otherwise specified, before an exemption can be granted. An exemption is not retro-active and does not excuse past non-compliance.