

.....
(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To amend the Energy Policy and Conservation Act with respect to energy conservation for consumer products and industrial equipment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Energy Policy and Conservation Act with respect to energy conservation for consumer products and industrial equipment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Appliance Standards Reform Act of 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONSUMER PRODUCTS

- Sec. 101. Definitions.
- Sec. 102. Coverage of energy conservation program.
- Sec. 103. Test procedures.
- Sec. 104. Labeling.
- Sec. 105. Energy conservation standards.
- Sec. 106. Standards for other covered products.
- Sec. 107. Process for amendments to standards.
- Sec. 108. Criteria for Prescribing New or Amended Standards.
- Sec. 109. Procedure for prescribing new or amended standards.
- Sec. 110. Determination of compliance with standards.
- Sec. 111. Small manufacturer exemption.
- Sec. 112. Standby mode energy use.
- Sec. 113. Requirements of manufacturers.
- Sec. 114. Effect on other law.
- Sec. 115. Authority to obtain information.
- Sec. 116. Administrative and judicial review.
- Sec. 117. Authorization of appropriations.

TITLE II—CERTAIN INDUSTRIAL EQUIPMENT

- Sec. 201. Definitions.
- Sec. 202. Purposes and coverage.
- Sec. 203. Standards.
- Sec. 204. Test procedures.
- Sec. 205. Labeling.
- Sec. 206. Administration, penalties, enforcement, and preemption.
- Sec. 207. High intensity discharge lamps.

1 **TITLE I—CONSUMER PRODUCTS**

2 **SEC. 101. DEFINITIONS.**

3 Section 321 of the Energy Policy and Conservation
4 Act (42 U.S.C. 6291) is amended as follows:

5 (1) In paragraph (1)—

6 (A) by striking the semicolon after “indi-
7 viduals” and inserting a period; and

8 (B) by striking “without regard to whether
9 such article of such type is in fact distributed
10 in commerce for personal use or consumption
11 by an individual, except that such” and insert-
12 ing “Such term shall not include a type or cat-

1 egory of articles that the Secretary determines
2 will not, in fact, to any significant extent, be
3 distributed in commerce for personal use or
4 consumption by an individual. Such”.

5 (2) In paragraph (2), by striking “specified in
6 section 322” and inserting “specified in, or classified
7 by the Secretary under, section 322, or any other
8 product for which the Secretary is required to con-
9 duct a rulemaking procedure under section 325”.

10 (3) In paragraph (6)(B), by striking “(17), and
11 (20)” and inserting “and (17)”.

12 (4) By striking paragraph (35) and inserting
13 the following:

14 “(35) MISCELLANEOUS REFRIGERATION PROD-
15 UCT.—The term ‘miscellaneous refrigeration prod-
16 uct’ means a refrigeration product that is a con-
17 sumer product other than a refrigerator, refriger-
18 erator-freezer, or freezer. Such term includes coolers
19 and combination cooler refrigeration products.”.

20 (5) By striking paragraphs (37), (38), and (39)
21 and inserting the following:

22 “(37) EFFECTIVE DATE.—The term ‘effective
23 date’ means, with respect to a requirement or rule
24 prescribed under this part, the date by which such
25 requirement or rule has legal effect, regardless if

1 such date is prior to the compliance date required by
2 such requirement or rule.

3 “(38) COMPLIANCE DATE.—The term ‘compli-
4 ance date’ means, with respect to a requirement or
5 rule prescribed under this part, the date by which
6 compliance with such requirement or rule is re-
7 quired.

8 “(39) PORTABLE AIR CONDITIONER.—The term
9 ‘portable air conditioner’ means a portable encased
10 assembly, other than a packaged terminal air condi-
11 tioner (as defined in section 340(10)(A)), room air
12 conditioner, or dehumidifier, that delivers cooled,
13 conditioned air to an enclosed space, and is powered
14 by single phase electric current. Such term includes
15 a source of refrigeration and may include additional
16 means for air circulation and heating.”

17 (6) By striking paragraphs (43), (44), (46),
18 (47), (48), (53), (61), (62), (63), (64), (65), and
19 (66).

20 **SEC. 102. COVERAGE OF ENERGY CONSERVATION PRO-**
21 **GRAM.**

22 (a) CONSUMER PRODUCTS COVERED.—

23 (1) IN GENERAL.—Section 322(a) of the En-
24 ergy Policy and Conservation Act (42 U.S.C.
25 6292(a)) is amended—

1 (A) in paragraph (14), by striking “and in-
2 candescent reflector lamps” and inserting “me-
3 dium screw base compact fluorescent lamps,
4 general service lamps, incandescent reflector
5 lamps, intermediate screw base incandescent
6 lamps, and candelabra base incandescent
7 lamps”;

8 (B) by striking paragraph (19);

9 (C) by redesignating paragraph (20) as
10 paragraph (24); and

11 (D) by inserting after paragraph (18) the
12 following:

13 “(19) Battery chargers.

14 “(20) Miscellaneous refrigeration products.

15 “(21) Portable air conditioners.

16 “(22) Dehumidifiers.

17 “(23) Microwave ovens.”.

18 (2) CONFORMING AMENDMENTS.—

19 (A) Section 324(a)(3) of the Energy Policy
20 and Conservation Act (42 U.S.C. 6294(a)(3)) is
21 amended by striking “paragraph (20)” and in-
22 serting “paragraph (24)”.

23 (B) Section 324(b)(1)(B) of the Energy
24 Policy and Conservation Act (42 U.S.C.

1 6294(b)(1)(B)) is amended by striking “(20) of
2 section” and inserting “(24) of section”.

3 (C) Section 324(b)(3) of the Energy Policy
4 and Conservation Act (42 U.S.C. 6294(b)(3)) is
5 amended by striking “paragraph (20)” and in-
6 serting “paragraph (24)”.

7 (D) Section 324(b)(5) of the Energy Policy
8 and Conservation Act (42 U.S.C. 6294(b)(5)) is
9 amended by striking “paragraph (20)” and in-
10 serting “paragraph (24)”.

11 (E) Section 325(l)(1) of the Energy Policy
12 and Conservation Act (42 U.S.C. 6295(l)(1)) is
13 amended by striking “paragraph (20)” and in-
14 serting “paragraph (24)”.

15 (F) Section 325(l)(2) of the Energy Policy
16 and Conservation Act (42 U.S.C. 6295(l)(2)) is
17 amended by striking “paragraph (20)” and in-
18 serting “paragraph (24)”.

19 (b) SPECIAL CLASSIFICATION OF CONSUMER PROD-
20 UCT.—Section 322(b) of the Energy Policy and Conserva-
21 tion Act (42 U.S.C. 6292(b)) is amended—

22 (1) in paragraph (1), by striking “The Sec-
23 retary may classify a type of consumer product as
24 a covered product if he determines that” and insert-
25 ing “Upon the receipt of a petition from an inter-

1 ested stakeholder to classify a type of consumer
2 product as a covered product, the Secretary may
3 classify such type as a covered product if the Sec-
4 retary determines that”;

5 (2) by redesignating paragraph (2) as para-
6 graph (4); and

7 (3) by inserting after paragraph (1) the fol-
8 lowing:

9 “(2) Before classifying a type of consumer product
10 as a covered product under this subsection, the Secretary
11 shall provide an opportunity for public comment on the
12 proposed classification.

13 “(3) The Secretary shall publish in the Federal Reg-
14 ister a final determination to classify a type of consumer
15 product as a covered product under this subsection before
16 issuing, with respect to such type of product, any of the
17 following:

18 “(A) A notice of a proposed rulemaking pro-
19 posing a test procedure under section 323.

20 “(B) A request for information under section
21 325(l).

22 “(C) A notice of a proposed rulemaking pre-
23 scribing an energy conservation standard under sec-
24 tion 325.”.

1 (c) MODIFYING DEFINITIONS OF COVERED PROD-
2 UCTS.—

3 (1) IN GENERAL.—Section 322 of the Energy
4 Policy and Conservation Act (42 U.S.C. 6292) is
5 amended by adding at the end the following:

6 “(c) MODIFYING DEFINITIONS OF COVERED PROD-
7 UCTS.—

8 “(1) IN GENERAL.—For any covered product
9 for which a definition is provided in section 321, the
10 Secretary may, by rule, unless prohibited herein,
11 modify such definition in order to—

12 “(A) address significant changes in the
13 product or the market occurring since the defi-
14 nition was established; or

15 “(B) better enable improvements in the en-
16 ergy efficiency of the product and related en-
17 ergy using systems.

18 “(2) ANTIBACKSLIDING EXEMPTION.—Section
19 325(o)(1) shall not apply to adjustments to covered
20 product definitions made pursuant to this sub-
21 section.

22 “(3) PROCEDURE FOR MODIFYING DEFINI-
23 TION.—

24 “(A) IN GENERAL.—Notice of any adjust-
25 ment to the definition of a covered product and

1 an explanation of the reasons therefor shall be
2 published in the Federal Register and oppor-
3 tunity provided for public comment.

4 “(B) CONSENSUS REQUIRED.—Any
5 amendment to the definition of a covered prod-
6 uct under this subsection must have consensus
7 support, as reflected in—

8 “(i) the outcome of negotiations con-
9 ducted in accordance with the subchapter
10 III of chapter 5 of title 5, United States
11 Code (commonly known as the ‘Negotiated
12 Rulemaking Act of 1990’); or

13 “(ii) the Secretary’s receipt of a state-
14 ment that is submitted jointly by inter-
15 ested persons that are fairly representative
16 of relevant points of view (including rep-
17 resentatives of manufacturers of covered
18 products, States, and efficiency advocates),
19 as determined by the Secretary, which con-
20 tains a recommended modified definition
21 for a covered product.

22 “(4) EFFECT OF A MODIFIED DEFINITION.—

23 “(A) IN GENERAL.—For any type or class
24 of consumer product which becomes a covered
25 product pursuant to this subsection—

1 “(i) the Secretary may establish test
2 procedures for such type or class of cov-
3 ered product pursuant to section 323 and
4 energy conservation standards pursuant to
5 subsections (o) and (p) of section 325;

6 “(ii) the Commission may prescribe
7 labeling rules pursuant to section 324 if
8 the Commission determines that labeling in
9 accordance with that section is techno-
10 logically and economically feasible and like-
11 ly to assist consumers in making pur-
12 chasing decisions;

13 “(iii) section 327 shall begin to apply
14 to such type or class of consumer product
15 on the date on which it becomes a covered
16 product; and

17 “(iv) standards previously promul-
18 gated under section 325 shall not apply to
19 such type or class of product.

20 “(B) APPLICABILITY.—For any type or
21 class of consumer product which ceases to be a
22 covered product pursuant to this subsection, the
23 provisions of this part shall no longer apply to
24 the type or class of consumer product.”.

1 (2) CONFORMING AMENDMENT.—Section 336
2 of the Energy Policy and Conservation Act (42
3 U.S.C. 6306) is amended by striking “section 323,”
4 each place it appears and inserting “section 322,
5 323,”.

6 **SEC. 103. TEST PROCEDURES.**

7 (a) GENERAL RULE.—Section 323(a) of the Energy
8 Policy and Conservation Act (42 U.S.C. 6293(a)) is
9 amended by striking “the date of enactment of the Na-
10 tional Appliance Energy Conservation Act of 1987” and
11 inserting “the date that is the day before the date of en-
12 actment of the Appliance Standards Reform Act of 2018”.

13 (b) DISCRETIONARY AMENDMENTS TO TEST PROCE-
14 DURES.—Section 323(b) of the Energy Policy and Con-
15 servation Act (42 U.S.C. 6293(b)) is amended—

16 (1) in paragraph (1), by striking subparagraph
17 (A) and inserting the following:

18 “(A) AMENDMENT.—The Secretary may,
19 but not earlier than 5 years after the effective
20 date for a test procedure for a covered product,
21 if applicable—

22 “(i) review the test procedures for
23 such product; and

24 “(ii) amend such procedures if the
25 Secretary determines that amended test

1 procedures would more accurately or fully
2 comply with the requirements of paragraph
3 (3).

4 “(B) PRODUCTS CLASSIFIED BY THE SEC-
5 RETARY.—The Secretary may, in accordance
6 with the requirements of this subsection, pre-
7 scribe test procedures for any consumer product
8 classified as a covered product under section
9 322(b).

10 “(C) NIST ASSISTANCE.—The Secretary
11 may request the National Institute of Stand-
12 ards and Technology to assist in developing new
13 or amended test procedures.

14 “(D) INDUSTRY STANDARDS.—

15 “(i) IN GENERAL.—Unless a test pro-
16 cedure explicitly specified in this part is in
17 effect for a covered product, notwith-
18 standing the 5-year limitation in subpara-
19 graph (A), if the Secretary determines, at
20 any time, that an applicable generally ac-
21 cepted industry testing procedure or rating
22 procedure for such covered product is
23 available, the Secretary shall adopt the
24 procedure as the test procedure for such
25 covered product.

1 “(ii) AMENDMENTS TO INDUSTRY
2 TESTING PROCEDURE OR RATING PROCE-
3 DURE.—In adopting a generally accepted
4 industry testing procedure or rating proce-
5 dure pursuant to this subparagraph, the
6 Secretary may amend or exclude only those
7 portions of such procedure that the Sec-
8 retary determines are—

9 “(I) materially inaccurate, as
10 proven by clear and convincing evi-
11 dence using test data (anonymized to
12 protect confidential or identifying in-
13 formation) that is made publicly avail-
14 able for review and comment;

15 “(II) inconsistent with law; or

16 “(III) otherwise impracticable
17 pursuant to criteria set forth in OMB
18 Circular A-119, or any similar suc-
19 cessor circular.

20 “(E) ADOPTION UPON NOTICE.—If an in-
21 terested person notifies the Secretary that a
22 generally applicable industry testing procedure
23 or rating procedure has been established or
24 amended, not later than 12 months after such
25 notice, the Secretary shall adopt such procedure

1 or amendment to such procedure, as applicable,
2 pursuant to subparagraph (D).

3 “(F) TECHNICAL CORRECTIONS AND
4 CLARIFICATIONS.—

5 “(i) Notwithstanding the 5-year limi-
6 tation in subparagraph (A), at any time
7 upon petition from an interested person to
8 amend a test procedure to make technical
9 corrections or clarifications, the Secretary
10 may amend such test procedure to make
11 such technical corrections or clarifications.
12 Not later than 90 days after the receipt of
13 such a petition, the Secretary shall pub-
14 lish—

15 “(I) a notice in the Federal Reg-
16 ister of a proposed rulemaking to
17 amend such test procedure; or

18 “(II) a notice of the Secretary’s
19 determination not to grant such peti-
20 tion.

21 “(ii) If the Secretary publishes a no-
22 tice of proposed rulemaking under clause
23 (i)(I), the Secretary shall issue a final rule
24 relating to such proposed rulemaking not

1 later than 60 days after the last day of the
2 comment period.”;

3 (2) in paragraph (3)—

4 (A) by striking “and shall not” and insert-
5 ing “shall not”; and

6 (B) by inserting “, and shall ensure that
7 test results from testing done in accordance
8 with the procedures are repeatable and repro-
9 ducible” after “to conduct”;

10 (3) by striking paragraphs (9), (10), and (11);

11 (4) in paragraph (12)(B), by striking “section
12 325(cc)” and inserting “section 325(bb)”;

13 (5) by striking paragraph (18).

14 (c) RESTRICTION ON CERTAIN REPRESENTATIONS.—

15 Section 323(c) of the Energy Policy and Conservation Act
16 (42 U.S.C. 6293(c)) is amended—

17 (1) in paragraph (1)—

18 (A) in the matter following subparagraph

19 (B), by striking “with respect to” and inserting
20 “of”; and

21 (B) by adding at the end the following:

22 “Such restriction does not apply to a represen-
23 tation of any other product-related metric that
24 is not a representation of energy use, energy ef-
25 ficiency, water use, or cost of energy consumed,

1 even if such other product-related metric is per-
2 tinent to, or included in, a test procedure pre-
3 scribed by the Secretary.”;

4 (2) in paragraph (2)—

5 (A) in the matter following subparagraph
6 (B), by striking “with respect to” and inserting
7 “of”; and

8 (B) by adding at the end the following:
9 “Such restriction does not apply to a represen-
10 tation of any other product-related metric that
11 is not a representation of energy use, energy ef-
12 ficiency, water use, or cost of energy consumed,
13 even if such other product-related metric is per-
14 tinent to, or included in, a test procedure pre-
15 scribed by the Secretary.”; and

16 (3) in paragraph (3)—

17 (A) by inserting “or an organization rep-
18 resenting any of those entities,” after “private
19 labeler.”;

20 (B) by striking “petitioner” and inserting
21 “petitioner or the applicable entity represented
22 by a petitioner organization”; and

23 (C) by inserting “or on the applicable enti-
24 ty” after “hardship on such petitioner”.

1 (d) TEST PROCEDURE WAIVERS; CONCURRENT COM-
2 PLIANCE AND EFFECTIVE DATES.—Section 323 of the
3 Energy Policy and Conservation Act (42 U.S.C. 6293) is
4 amended by striking subsection (f) and inserting the fol-
5 lowing:

6 “(f) WAIVER.—

7 “(1) REQUEST.—A manufacturer, a group of
8 manufacturers, or an organization representing one
9 or more manufacturers may submit a request to the
10 Secretary for a waiver or interim waiver with respect
11 to application of all or part of a test procedure
12 under this part to a type (or class) of covered prod-
13 ucts.

14 “(2) GRANT OF WAIVER.—The Secretary may
15 grant a waiver, or interim waiver, described in para-
16 graph (1) if the Secretary determines that —

17 “(A) the type (or class) of covered product
18 for which the waiver was requested contains a
19 design characteristic that prevents testing of
20 the product according to the prescribed test
21 procedures; or

22 “(B) the prescribed test procedures evalu-
23 ate the product in a manner so unrepresenta-
24 tive of its true energy or water consumption

1 characteristics as to provide materially inaccurate comparative data.

2
3 “(3) CONDITIONS OF WAIVER.—In granting a
4 waiver or interim waiver under this subsection, the
5 Secretary—

6 “(A) shall specify an alternate test procedure to apply with respect to such covered product;
7
8

9 “(B) shall specify such other conditions on
10 the waiver or interim waiver as the Secretary
11 determines appropriate; and

12 “(C) shall not change the energy use or efficiency metric that the manufacturer must use
13 to certify compliance with the applicable energy
14 conservation standard and to make representations about the energy use or efficiency of the
15 covered product.
16
17

18 “(4) COVERAGE.—The granting of a waiver or
19 interim waiver by the Secretary under this subsection does not exempt a covered product from any
20 other requirement that is in effect pursuant to this
21 part.
22

23 “(5) APPLICATION.—A waiver or interim waiver
24 granted under this subsection in response to a request by an organization representing one or more
25

1 manufacturers shall apply to all manufacturers iden-
2 tified by such organization in such request.

3 “(g) CONCURRENT COMPLIANCE AND EFFECTIVE
4 DATES.—The effective date determined under subsection
5 (c) shall be the applied date for representations, certifi-
6 cations, and enforcement testing of the applicable covered
7 product, unless the Secretary determines that such applied
8 date shall, instead, be the compliance date of the related
9 the related energy efficiency, energy use, or water use
10 standard.”.

11 **SEC. 104. LABELING.**

12 Section 324 of the Energy Policy and Conservation
13 Act (42 U.S.C. 6294) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (2)—

16 (i) by striking subparagraph (C);

17 (ii) by redesignating subparagraphs
18 (D) through (I) as subparagraphs (C)
19 through (H), respectively; and

20 (iii) by amending subparagraph (F)

21 (as so redesignated) to read as follows:

22 “(F) Not later than 1 year after the date
23 of enactment of the Appliance Standards Re-
24 form Act of 2018, the Commission shall, after
25 notice and comment, complete a rulemaking to

1 allow for electronic labeling instead of physical
2 labeling for covered products with suitable elec-
3 tronic displays.”; and

4 (B) in paragraph (5)—

5 (i) by striking subparagraphs (B) and
6 (C); and

7 (ii) by striking “(A) For covered prod-
8 ucts” and inserting “For covered prod-
9 ucts”;

10 (2) in subsection (b)(1)—

11 (A) in subparagraph (A), by striking “on
12 the date of the enactment of the National Ap-
13pliance Energy Conservation Act of 1987” and
14 inserting “on the date that is the day before the
15 date of enactment of the Appliance Standards
16 Reform Act of 2018”; and

17 (B) in subparagraph (B), by striking
18 “After the date of the enactment of the Na-
19 tional Appliance Energy Conservation Act of
20 1987 and not” and inserting “Not”;

21 (3) in subsection (c)—

22 (A) in paragraph (6), by striking “effective
23 date” and inserting “compliance date”; and

1 (B) in paragraph (9), by striking “para-
2 graph (2)(I)” and inserting “paragraph
3 (2)(H)”;

4 (4) in subsection (d)—

5 (A) in the heading, by striking “EFFEC-
6 TIVE DATE” and inserting “COMPLIANCE
7 DATE”; and

8 (B) by striking “effective date of” and in-
9 serting “compliance date of”; and

10 (5) in subsection (f), by adding at the end the
11 following: “The Secretary, the Commission, and the
12 Administrator of the Environmental Protection
13 Agency shall reconcile and coordinate the require-
14 ments for all submissions of information required
15 under this section, including the timing, format, and
16 method of such submissions, to reduce duplicative
17 requirements for multiple submissions of similar in-
18 formation.”.

19 **SEC. 105. ENERGY CONSERVATION STANDARDS.**

20 (a) STANDARDS FOR REFRIGERATORS, REFRIG-
21 ERATOR-FREEZERS, AND FREEZERS.—

22 (1) REPEAL.—Section 325 of the Energy Policy
23 and Conservation Act (42 U.S.C. 6295) is amended
24 by striking subsection (b).

1 (2) CONFORMING AMENDMENT.—Section
2 327(c) of the Energy Policy and Conservation Act is
3 amended—

4 (A) by striking “section 325(b)(3)(A)(ii),”

5 and

6 (B) by striking “325(j)(3),” and inserting
7 “325(j)(3)”.

8 (b) STANDARDS FOR CERTAIN AIR CONDITIONERS
9 AND HEAT PUMPS.—Section 325(d) of the Energy Policy
10 and Conservation Act (42 U.S.C. 6295(d)) is amended to
11 read as follows:

12 “(d) THROUGH-THE-WALL CENTRAL AIR CONDI-
13 TIONERS, THROUGH-THE-WALL CENTRAL AIR CONDI-
14 TIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOC-
15 ITY SYSTEMS.—For purposes of the application of any
16 provision of this part to small duct, high velocity systems,
17 through-the-wall central air conditioners, or through-the-
18 wall central air conditioning heat pumps, the following
19 definitions apply:

20 “(1) SMALL DUCT, HIGH VELOCITY SYSTEM.—

21 The term ‘small duct, high velocity system’ means a
22 heating and cooling product that contains a blower
23 and indoor coil combination that—

24 “(A) is designed for, and produces, at least

25 1.2 inches of external static pressure when op-

1 erated at the certified air volume rate of 220–
2 350 CFM per rated ton of cooling; and

3 “(B) when applied in the field, uses high
4 velocity room outlets generally greater than
5 1,000 fpm that have less than 6.0 square inches
6 of free area.

7 “(2) THROUGH-THE-WALL CENTRAL AIR CONDI-
8 TIONER; THROUGH-THE-WALL CENTRAL AIR CONDI-
9 TIONING HEAT PUMP.—The terms ‘through-the-wall
10 central air conditioner’ and ‘through-the-wall central
11 air conditioning heat pump’ mean a central air con-
12 ditioner or heat pump, respectively, that is designed
13 to be installed totally or partially within a fixed-size
14 opening in an exterior wall, and—

15 “(A) is not weatherized;

16 “(B) is clearly and permanently marked
17 for installation only through an exterior wall;

18 “(C) has a rated cooling capacity no great-
19 er than 30,000 Btu/hr;

20 “(D) exchanges all of its outdoor air across
21 a single surface of the equipment cabinet; and

22 “(E) has a combined outdoor air exchange
23 area of less than 800 square inches (split sys-
24 tems) or less than 1,210 square inches (single

1 packaged systems) as measured on the surface
2 area described in subparagraph (D).

3 “(3) REVISION.—The Secretary may revise the
4 definitions contained in this subsection through pub-
5 lication of a final rule.”.

6 (c) STANDARDS FOR WATER HEATERS.—Section
7 325(e) of the Energy Policy and Conservation Act (42
8 U.S.C. 6295(e)) is amended—

9 (1) in the heading, by striking “; POOL HEAT-
10 ERS; DIRECT HEATING EQUIPMENT”;

11 (2) by striking “effective date” each place it ap-
12 pears and inserting “compliance date”;

13 (3) by striking paragraphs (1) through (4);

14 (4) by redesignating paragraphs (5) and (6) as
15 paragraphs (1) and (2), respectively; and

16 (5) in paragraph (2), as redesignated,

17 (A) in subparagraph (A)(ii)(III)(bb), by
18 striking “(5)(E)” and inserting “(1)(E)”; and

19 (B) in subparagraph (E)(ii)—

20 (i) in the heading, by striking “EF-
21 FECTIVE” and inserting “COMPLIANCE”;

22 and

23 (ii) by striking “that action will take
24 effect on the date described in subsection

25 (m)(4)(A)(ii)” and inserting “the compli-

1 ance date for that action is the date de-
2 scribed in subsection (m)(4)(A)”.

3 (d) STANDARDS FOR BOILERS.—Section 325(f) of
4 the Energy Policy and Conservation Act (42 U.S.C.
5 6295(f)) is amended to read as follows:

6 “(f) STANDARDS FOR BOILERS.—

7 “(1) IN GENERAL.—Subject to paragraphs (2)
8 and (3), boilers manufactured on or after September
9 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utiliza- tion Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

10 “(2) AUTOMATIC MEANS FOR ADJUSTING
11 WATER TEMPERATURE.—

12 “(A) IN GENERAL.—The manufacturer
13 shall equip each gas, oil, and electric hot water
14 boiler (other than a boiler equipped with a
15 tankless domestic water heating coil) with auto-
16 matic means for adjusting the temperature of
17 the water supplied by the boiler to ensure that
18 an incremental change in inferred heat load

1 produces a corresponding incremental change in
2 the temperature of water supplied.

3 “(B) SINGLE INPUT RATE.—For a boiler
4 that fires at 1 input rate, the requirements of
5 this subparagraph may be satisfied by providing
6 an automatic means that allows the burner or
7 heating element to fire only when the means
8 has determined that the inferred heat load can-
9 not be met by the residual heat of the water in
10 the system.

11 “(C) NO INFERRED HEAT LOAD.—When
12 there is no inferred heat load with respect to a
13 hot water boiler, the automatic means described
14 in subparagraphs (A) and (B) shall limit the
15 temperature of the water in the boiler to not
16 more than 140 degrees Fahrenheit.

17 “(D) OPERATION.—A boiler described in
18 subparagraph (A) or (B) shall be operable only
19 when the automatic means described in sub-
20 paragraphs (A), (B), and (C) is installed.

21 “(3) EXCEPTION.—A boiler that is manufac-
22 tured to operate without any need for electricity or
23 any electric connection, electric gauges, electric
24 pumps, electric wires, or electric devices shall not be

1 required to meet the requirements of this para-
2 graph.”.

3 (e) STANDARDS FOR FLUORESCENT LAMP BAL-
4 LASTS.—Section 325(g) of the Energy Policy and Con-
5 servation Act (42 U.S.C. 6295(g)) is amended—

6 (1) in the heading, by striking “DISHWASHERS;
7 CLOTHES WASHERS; CLOTHES DRYERS,”;

8 (2) in paragraph (5), by striking “paragraph
9 (6)” and inserting “paragraph (2)”;

10 (3) in paragraph (6), by striking “paragraph
11 (5)” and inserting “paragraph (1)”;

12 (4) in paragraph (7)(A)—

13 (A) by striking “paragraph (5)” and in-
14 serting “paragraph (1)”;

15 (B) by striking “paragraph (6)” and in-
16 serting “paragraph (2)”;

17 (5) in paragraph (7)(C)(i), by striking “effec-
18 tive date” and inserting “compliance date”;

19 (6) in paragraph (7)(C)(ii), by striking “effec-
20 tive” and inserting “required”;

21 (7) by striking paragraphs (1), (2), (3), (4),
22 (9), and (10); and

23 (8) by redesignating paragraphs (5) through
24 (8) as paragraphs (1) through (4), respectively.

1 (f) STANDARDS FOR KITCHEN RANGES AND
2 OVENS.—Section 325 of the Energy Policy and Conserva-
3 tion Act (42 U.S.C. 6295) is amended by striking sub-
4 section (h).

5 (g) STANDARDS FOR CERTAIN LAMPS.—Section
6 325(i) of the Energy Policy and Conservation Act (42
7 U.S.C. 6295(i)) is amended—

8 (1) in paragraph (5)—

9 (A) by striking “date labeling” and insert-
10 ing “compliance date of the labeling”; and

11 (B) by striking “become effective”;

12 (2) in paragraph (6)(A)—

13 (A) in clause (iii), by striking “an effective
14 date” and inserting “a compliance date”; and

15 (B) in clause (iv)—

16 (i) in the heading by striking “EFFEC-
17 TIVE” and inserting “COMPLIANCE”; and

18 (ii) by striking “effective dates” and
19 inserting “compliance dates”;

20 (3) in paragraph (6)(B)—

21 (A) in clause (iii), by striking “an effective
22 date” and inserting “a compliance date”; and

23 (B) in clause (iv)—

24 (i) in the heading by striking “EFFEC-
25 TIVE” and inserting “COMPLIANCE”; and

1 (ii) by striking “effective dates” and
2 inserting “compliance dates”; and

3 (4) in paragraph (8)—

4 (A) by striking “date on which standards
5 established pursuant to this subsection become
6 effective” and inserting “compliance date of the
7 standards established pursuant to this sub-
8 section”;

9 (B) by striking “effective date of stand-
10 ards” and inserting “compliance date of stand-
11 ards”; and

12 (C) by striking “the date such standards
13 become effective” and inserting “the compliance
14 date of such standards”.

15 (h) ILLUMINATED EXIT SIGNS.—Section 325 of the
16 Energy Policy and Conservation Act (42 U.S.C. 6295) is
17 amended by striking subsection (w).

18 (i) LOW-VOLTAGE DRY-TYPE DISTRIBUTION TRANS-
19 FORMERS.—Section 325 of the Energy Policy and Con-
20 servation Act (42 U.S.C. 6295) is amended by striking
21 subsection (y).

22 (j) TRAFFIC SIGNAL MODULES AND PEDESTRIAN
23 MODULES.—Section 325 of the Energy Policy and Con-
24 servation Act (42 U.S.C. 6295) is amended by striking
25 subsection (z).

1 (k) DEHUMIDIFIERS.—Section 325 of the Energy
2 Policy and Conservation Act (42 U.S.C. 6295) is amended
3 by striking subsection (cc).

4 (l) MERCURY VAPOR LAMP BALLASTS.—Section
5 325(ee) of the Energy Policy and Conservation Act (42
6 U.S.C. 6295(ee) is amended by inserting “(as defined in
7 section 340)” after “Mercury vapor lamp ballasts”.

8 (m) METAL HALIDE LAMP FIXTURES.—Section 325
9 of the Energy Policy and Conservation Act (42 U.S.C.
10 6295) is amended by striking subsection (hh).

11 (n) CONTINUITY OF STANDARDS.—Section 325 of
12 the Energy Policy and Conservation Act (42 U.S.C. 6295)
13 is amended by adding at the end the following:

14 “(hh) CONTINUITY OF STANDARDS.—With respect to
15 a type (or class) of covered product that is subject to this
16 part on the date of enactment of the Appliance Standards
17 Reform Act of 2018, any energy conservation standard
18 that is in effect with respect such type (or class) of covered
19 product on the day before such date of enactment shall
20 remain in effect until the Secretary amends such standard
21 in accordance with the applicable provisions of this part.”.

22 **SEC. 106. STANDARDS FOR OTHER COVERED PRODUCTS.**

23 Section 325(l) of the Energy Policy and Conservation
24 Act (42 U.S.C. 6295(l)) is amended—

1 (1) by redesignating paragraphs (1) through
2 (4) as paragraphs (3) through (6), respectively;

3 (2) by inserting before paragraph (3) (as so re-
4 designated), the following:

5 “(1) REQUEST FOR INFORMATION.—

6 “(A) IN GENERAL.—Not earlier than 6
7 months after the date of publication in the Fed-
8 eral Register of a final test procedure pre-
9 scribed under section 323, if applicable, for a
10 covered product specified in or classified pursu-
11 ant to section 322, the Secretary may publish
12 in the Federal Register a request for informa-
13 tion on whether an energy conservation stand-
14 ard should be prescribed for such type (or
15 class) of covered product.

16 “(B) CONTENTS.—A request for informa-
17 tion under subparagraph (A) shall—

18 “(i) solicit, and provide an oppor-
19 tunity for, comment on—

20 “(I) whether the standard should
21 be prescribed, based on the criteria es-
22 tablished under subsection (o);

23 “(II) identification of design op-
24 tions; and

1 “(III) voluntary or other non-reg-
2 ulatory measures available or possible
3 to achieve similar results as a stand-
4 ard to be prescribed by a rule; and

5 “(ii) include any available supporting
6 data (anonymized to protect confidential or
7 identifying information) that the Secretary
8 may rely on to determine whether a stand-
9 ard should be prescribed.

10 “(2) PRELIMINARY DETERMINATION AND NO-
11 TICE.—Not later than 6 months after the publica-
12 tion of a request for information under paragraph
13 (1) on whether an energy conservation standard for
14 any type (or class) of covered products of a type
15 specified in or classified pursuant to section 322
16 should be prescribed, the Secretary shall publish—

17 “(A) a notice of the determination of the
18 Secretary that, based on the criteria established
19 under subsection (o), with respect to such type
20 (or class) of product, the Secretary will not
21 publish a proposed rule in accordance with sub-
22 section (p); or

23 “(B) a notice of the determination of the
24 Secretary that, based on the criteria established
25 under subsection (o), with respect to such type

1 (or class) of product, the Secretary will publish
2 a proposed rule in accordance with subsection
3 (p).”;

4 (3) in paragraph (3) (as so redesignated), by
5 striking “the requirements of subsections (o) and
6 (p)” and inserting “the requirements of this sub-
7 section and subsections (o) and (p)”;

8 (4) in paragraph (6) (as so redesignated), in
9 subparagraph (I)(ii), by striking “effective date”
10 and inserting “compliance date”.

11 **SEC. 107. PROCESS FOR AMENDMENTS TO STANDARDS.**

12 (a) AMENDMENT PROCESS.—Section 325(m) of the
13 Energy Policy and Conservation Act (42 U.S.C. 6295(m))
14 is amended—

15 (1) by striking paragraph (1) and inserting the
16 following:

17 “(1) PRELIMINARY DETERMINATION AND NO-
18 TICE.—Not later than 6 months after the publica-
19 tion of a request for information under paragraph
20 (5) on whether an energy conservation standard pre-
21 scribed by a final rule published under this section
22 for a type (or class) of covered products should be
23 amended, the Secretary shall publish—

24 “(A) a notice of the determination of the
25 Secretary that, based on the criteria established

1 under subsection (o), with respect to such type
2 (or class) of product, the Secretary will not
3 publish a proposed rule in accordance with sub-
4 section (p); or

5 “(B) a notice of the determination of the
6 Secretary that, based on the criteria established
7 under subsection (o), with respect to such type
8 (or class) of product, the Secretary will publish
9 a proposed rule in accordance with subsection
10 (p).”;

11 (2) by striking paragraph (3) and inserting the
12 following:

13 “(3) PETITIONS.—Any person may petition the
14 Secretary to publish a request for information under
15 paragraph (5). The grant of such a petition by the
16 Secretary creates no presumption with respect to the
17 Secretary’s determination of any of the criteria in a
18 rulemaking under this section. Not later than 6
19 months after the date of receiving such a petition,
20 the Secretary shall publish in the Federal Register
21 notice of, and explanation for, the decision of the
22 Secretary to grant, deny, or delay the petition.”;

23 (3) in paragraph (4)(A)—

24 (A) by striking clauses (i) and (ii); and

1 (B) by striking “shall apply to—” and in-
2 serting “shall apply with respect to a product
3 that is manufactured after the date that is 5
4 years after publication of the final rule pre-
5 scribing an applicable standard.”; and

6 (4) by striking paragraph (5) and inserting the
7 following:

8 “(5) REQUEST FOR INFORMATION.—

9 “(A) IN GENERAL.—With respect to a type
10 (or class) of covered product for which an
11 amendment process for an energy conservation
12 standard that applies to such product is not
13 specifically provided in this part, the Secretary
14 may, based on the initiative of the Secretary or
15 on a petition described in paragraph (3), pub-
16 lish in the Federal Register a request for infor-
17 mation on whether an energy conservation
18 standard for such type (or class) of covered
19 products prescribed by a final rule published
20 under this section should be amended.

21 “(B) CONTENTS.—A request for informa-
22 tion under subparagraph (A) shall—

23 “(i) solicit, and provide an oppor-
24 tunity for, comment on—

1 “(I) whether the standard should
2 be amended, based on the criteria es-
3 tablished under subsection (o);

4 “(II) identification of design op-
5 tions; and

6 “(III) voluntary or other non-
7 regulatory measures that are or may
8 be available to achieve similar results
9 as those that would be achieved by the
10 amended standard to be prescribed by
11 a rule; and

12 “(ii) include any available supporting
13 data (anonymized to protect confidential or
14 identifying information) that the Secretary
15 may rely on to determine whether a stand-
16 ard prescribed by a final rule published
17 under this section should be amended.

18 “(C) PUBLICATION DATE.—A request for
19 information under subparagraph (A) may, with
20 respect to a type (or class) of covered products,
21 be published not earlier than—

22 “(i) 6 months after the date of publi-
23 cation in the Federal Register of a final
24 test procedure prescribed under section

1 323 for such type (or class) of covered
2 product, if applicable; and

3 “(ii) the later of—

4 “ (I) 8 years after the date of
5 publication of—

6 “ (aa) a notice published in
7 accordance with paragraph
8 (1)(A) with respect to such type
9 (or class) of product; or

10 “(bb) a final rule—

11 “ (AA) prescribing an
12 amended or new standard
13 for such type (or class) of
14 covered product; or

15 “ (BB) stating that no
16 amended or new standard
17 for such type (or class) of
18 covered product shall be pre-
19 scribed; or

20 “ (II) 5 years after the date by
21 which compliance with such amended
22 or new standard is required under a
23 final rule described in subclause
24 (I)(bb)(AA).”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) PETITIONS.—

2 (A) Section 325 of the Energy Policy and
3 Conservation Act (42 U.S.C. 6295) is amended
4 by striking subsection (n).

5 (B) Section 336(c)(2) of the Energy Policy
6 and Conservation Act (42 U.S.C. 6306(c)(2)) is
7 amended by striking “325(n)” and inserting
8 “325(m)(3)”.

9 (C) Section 346 of the Energy Policy and
10 Conservation Act (42 U.S.C. 6317) is amended
11 by striking subsection (c).

12 (D) Section 325(i)(7)(B) of the Energy
13 Policy and Conservation Act (42 U.S.C.
14 6295(i)(7)(B)) is amended by striking “Not-
15 withstanding section 325(n)(1), the” and in-
16 serting “The”.

17 (2) GRID-ENABLED WATER HEATER.—Section
18 325(e)(6)(E)(ii) of the Energy Policy and Conserva-
19 tion Act (42 U.S.C. 6295(e)(6)(E)(ii)) is amended
20 by striking “subsection (m)(4)(A)(ii)” and inserting
21 “subsection (m)(4)(A)”.

22 **SEC. 108. CRITERIA FOR PRESCRIBING NEW OR AMENDED**
23 **STANDARDS.**

24 Section 325(o) of the Energy Policy and Conserva-
25 tion Act (42 U.S.C. 6295(o)) is amended—

1 (1) in paragraph (2)(B)—

2 (A) in clause (i)—

3 (i) in subclause (I) by inserting “, in-
4 cluding the quantitative economic impact
5 on small businesses and low-income house-
6 holds” after “such standard”;

7 (ii) in subclause (VI) by striking
8 “and” at the end;

9 (iii) by striking subclause (VII); and

10 (iv) by adding at the end the fol-
11 lowing:

12 “(VII) the impact, including the quantitative
13 economic impact, on employment in the United
14 States that is likely to result from the imposition of
15 the standard;

16 “(VIII) the cumulative economic impact, includ-
17 ing the cumulative quantitative economic impact, of
18 such standard and any other standard or regulatory
19 requirement promulgated by the Secretary or other
20 regulatory agency affecting energy use, energy effi-
21 ciency, or water use of the covered product for which
22 the standard is in effect, on the manufacturers and
23 on the consumers of the products subject to such
24 standard; and

1 “(IX) any other factor that the Secretary con-
2 siders relevant, except that the Secretary may not
3 consider environmental impacts of energy, such as
4 emissions of carbon dioxide or other emissions, in
5 determining whether a standard is economically jus-
6 tified.”;

7 (B) in clause (ii), by adding at the end the
8 following: “If the Attorney General does not
9 transmit such determination and any applicable
10 analysis to the Secretary by the end of such 60-
11 day period, the notice and comment period for
12 the proposed rule shall be extended by the Sec-
13 retary in a commensurate manner. If the Attor-
14 ney General determines there will be such an
15 impact, the Secretary shall specifically address
16 such impact in the Federal Register.”;

17 (C) in clause (iii)—

18 (i) by striking “less than three” and
19 inserting “more than five”;

20 (ii) by striking “there shall be a re-
21 buttable presumption that such standard
22 level is economically justified” and insert-
23 ing “for purposes of this subsection, such
24 standard level shall not be economically
25 justified”; and

1 (iii) by striking the last sentence; and

2 (D) by adding at the end the following new

3 clause:

4 “(iv) If the Secretary finds that, for 20 percent or
5 more of consumers, the savings in operating costs
6 throughout the estimated average life of the covered prod-
7 uct of the type (or class) which are likely to result from
8 the imposition of a proposed standard are less than any
9 increase in the price of, or in the initial charges for, or
10 maintenance expenses of, the covered product which are
11 likely to result from the imposition of the standard, for
12 purposes of this paragraph, such standard shall not be
13 economically justified.”;

14 (2) in paragraph (3)—

15 (A) in subparagraph (A), by striking “for
16 products other than dishwashers, clothes wash-
17 ers, clothes dryers, and kitchen ranges and
18 ovens,”; and

19 (B) by adding at the end the following:

20 “For purposes of this paragraph, the term ‘sig-
21 nificant conservation of energy’ means con-
22 servation of a total amount of energy greater
23 than one quadrillion British thermal units (or
24 the equivalent amount of energy savings in kilo-
25 watt hours) nationwide over a period of 30

1 years, or at least 50 kilowatt hours of average
2 annual per-household use (or the Btu equiva-
3 lent, as such term is described in section
4 322(b)(4)(B)).”;

5 (3) by striking paragraph (5);

6 (4) in paragraph (6)(E)—

7 (A) in the heading, by striking “EFFEC-
8 TIVE DATE” and inserting “COMPLIANCE
9 DATE”;

10 (B) in clause (i)(II), by striking “effective
11 date” and inserting “compliance date”; and

12 (C) in clause (ii) by striking the period at
13 the end and inserting the following: “, except
14 that for products manufactured or imported
15 into the United States prior to the compliance
16 date for the regional standard, such standard
17 shall only apply to products that are installed
18 or commissioned on or after the date that is 1
19 year after such compliance date.”;

20 (5) in paragraph (6)(F)(ii)—

21 (A) by striking “effective date” and insert-
22 ing “compliance date”; and

23 (B) by adding at the end the following:

1 “Application of the base national standard
2 under this clause shall not be subject to
3 paragraph (1).”; and

4 (6) in paragraph (6)(G)(ii), by striking sub-
5 clauses (IV) and (V).

6 **SEC. 109. PROCEDURE FOR PRESCRIBING NEW OR AMEND-**
7 **ED STANDARDS.**

8 Section 325(p) of the Energy Policy and Conserva-
9 tion Act (42 U.S.C. 6295(p)) is amended—

10 (1) by striking paragraph (1) and inserting the
11 following:

12 “(1) PROPOSED RULE.—(A) If the Secretary
13 publishes a notice under subsection (l)(2)(B) or sub-
14 section (m)(1)(B) with respect to a type (or class)
15 of covered products, the Secretary shall, not later
16 than 60 days after publication of such notice, pub-
17 lish a proposed rule in the Federal Register which—

18 “(i) prescribes a new or amended en-
19 ergy conservation standard for such type
20 (or class) of covered product; or

21 “(ii) states that no amended or new
22 standard for such type (or class) of cov-
23 ered product shall be prescribed.

24 “(B) In prescribing any such proposed rule
25 with respect to a standard, the Secretary shall deter-

1 mine the maximum improvement in energy efficiency
2 or maximum reduction in energy use that is techno-
3 logically feasible for each type (or class) of covered
4 products. If such standard is not designed to achieve
5 such efficiency or use, the Secretary shall state in
6 the proposed rule the reasons therefor.

7 “(C) For any proposed rule under this sub-
8 section prescribing a new or amended energy con-
9 servation standard the Secretary shall—

10 “(i) make available to the public a draft
11 technical support document containing any
12 analysis (including supporting data) performed
13 prior to the date of publication of the proposed
14 rule; and

15 “(ii) include in such proposed rule—

16 “(I) any preliminary analysis of con-
17 sumer life-cycle costs, impact on manufac-
18 turers, net present value, and energy im-
19 pacts for such proposed new or amended
20 standard; and

21 “(II) the technical and economic ana-
22 lytical assumptions, methods, and models
23 used to justify the standard.”; and

24 (2) in paragraph (2), by striking “60” and in-
25 serting “75”.

1 **SEC. 110. DETERMINATION OF COMPLIANCE WITH STAND-**
2 **ARDS.**

3 Section 325(s) of the Energy Policy and Conservation
4 Act (42 U.S.C. 6295(s)) is amended by inserting “The
5 Secretary shall not require more than one test procedure
6 to apply to a covered product or class thereof.” after the
7 first sentence.

8 **SEC. 111. SMALL MANUFACTURER EXEMPTION.**

9 Section 325(t)(1) of the Energy Policy and Conserva-
10 tion Act (42 U.S.C. 6295(t)(1)) by striking “date such
11 rule becomes effective” and inserting “compliance date of
12 such rule”.

13 **SEC. 112. STANDBY MODE ENERGY USE.**

14 Section 325(gg)(2) of the Energy Policy and Con-
15 servation Act (42 U.S.C. 6295(gg)(2)) is amended to read
16 as follows:

17 “(2) TEST PROCEDURES.—Test procedures for
18 all covered products shall include standby mode and
19 off mode energy consumption, taking into consider-
20 ation the most current versions of Standards 62301
21 and 62087 of the International Electrotechnical
22 Commission, with such energy consumption inte-
23 grated into the overall energy efficiency, energy con-
24 sumption, or other energy descriptor for each cov-
25 ered product, unless the Secretary determines that
26 such an integrated test procedure is technically in-

1 feasible for a particular covered product, in which
2 case the Secretary shall prescribe a separate standby
3 mode and off mode energy use test procedure for the
4 covered product, if technically feasible.”.

5 **SEC. 113. REQUIREMENTS OF MANUFACTURERS.**

6 Section 326 of the Energy Policy and Conservation
7 Act (42 U.S.C. 6296) is amended—

8 (1) in subsection (a), by striking “effective
9 date” and inserting “compliance date”;

10 (2) in subsection (b)—

11 (A) in paragraph (3), by striking “at his
12 expense”;

13 (B) by striking paragraph (4); and

14 (C) by redesignating paragraph (5) as
15 paragraph (4); and

16 (3) in subsection (d)—

17 (A) in paragraph (2), by adding at the end
18 the following: “Information or reports required
19 pursuant to this section shall be required only
20 with respect to new, changed, or deleted models.
21 The Secretary, the Commission, and the Ad-
22 ministrators of the Environmental Protection
23 Agency shall coordinate such that only one sub-
24 mission shall be required.”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(4) If the Secretary prescribes or amends a standard
4 or test procedure under this part, the Secretary shall issue
5 related templates under the Compliance Certification
6 Management System not later than 1 year prior to the
7 compliance date of the standard or test procedure, or else
8 extend such compliance date accordingly.”.

9 **SEC. 114. EFFECT ON OTHER LAW.**

10 (a) IN GENERAL.—Section 327 of the Energy Policy
11 and Conservation Act (42 U.S.C. 6297) is amended—

12 (1) in subsection (b), by striking “on the date
13 of enactment of the National Appliance Energy Con-
14 servation Act of 1987 and ending on the effective
15 date of an energy conservation standard established
16 under section 325 for any covered product” and in-
17 serting “on the date a consumer product is specified
18 in, or classified by the Secretary under, section 322
19 as a covered product and ending on the effective
20 date of an energy conservation standard established
21 under section 325 for such covered product”;

22 (2) in subsection (c)—

23 (A) in the matter preceding paragraph (1),
24 by inserting “or enforceable” after “and effec-
25 tive”;

1 (B) in paragraph (7), by adding “or” at
2 the end;

3 (C) in paragraph (8) by striking “; and”
4 and inserting a period; and

5 (D) by striking paragraph (9);

6 (3) in subsection (d)—

7 (A) in paragraph (1)(A), by striking “Any
8 State” and inserting “Not earlier than 5 years
9 after the compliance date of an energy con-
10 servation standard under section 325, any
11 State”;

12 (B) in paragraph (3)(C)(i), by striking “ef-
13 fective date” and inserting “compliance date”;

14 (C) in paragraph (5)(B) by striking “effec-
15 tive date” and inserting “compliance date”; and

16 (D) in paragraph (6), by striking “any
17 person subject to such State regulation may file
18 a petition with the Secretary requesting the
19 Secretary to withdraw the rule issued under
20 paragraph (1)” and all that follows through the
21 end and inserting “the application of such rule
22 shall expire upon the effective date of the
23 amendment. Nothing in this subsection shall be
24 construed to prohibit the State from filing a
25 subsequent petition under this subsection.”;

1 (4) in subsection (f) by striking “new construc-
2 tion” each place it appears and inserting “new con-
3 struction (which shall not include replacement or in-
4 stallation of a covered product in an existing struc-
5 ture)”; and

6 (5) by adding at the end the following new sub-
7 section:

8 “(h) STATE INFORMATION PROVISIONS.—No State
9 may ban or penalize a person from the sale or distribution
10 of a covered product—

11 “(1) for not providing information to the State
12 relating to a Federal energy conservation standard
13 for the covered product issued under this part, in-
14 cluding information relating to the energy efficiency,
15 energy use, or water consumption of the covered
16 product; or

17 “(2) due to the covered product not being listed
18 in a State database relating to a standard issued
19 under this part for the energy efficiency, energy use,
20 or water consumption the covered product.”.

21 (b) PREEMPTIONS.—Section 325 of the Energy Pol-
22 icy and Conservation Act (42 U.S.C. 6295) is amended
23 by striking subsection (ii).

1 **SEC. 115. AUTHORITY TO OBTAIN INFORMATION.**

2 Section 329(a) of the Energy Policy and Conserva-
3 tion Act (42 U.S.C. 6299(a)) is amended—

4 (1) by striking “subpenas” and inserting “sub-
5 poenas”; and

6 (2) by striking “subpena” and inserting “sub-
7 poena”.

8 **SEC. 116. ADMINISTRATIVE AND JUDICIAL REVIEW.**

9 Section 336(b)(1) of the Energy Policy and Con-
10 servation Act (42 U.S.C. 6306(b)(1)) is amended by in-
11 serting “Court of Appeals for the District of Columbia
12 Circuit or the” before “court of appeals for the”.

13 **SEC. 117. AUTHORIZATION OF APPROPRIATIONS.**

14 Part B of title III of the Energy Policy and Conserva-
15 tion Act (42 U.S.C. 6291 et seq.) is amended by striking
16 section 339.

17 **TITLE II—CERTAIN INDUSTRIAL**
18 **EQUIPMENT**

19 **SEC. 201. DEFINITIONS.**

20 (a) COVERED EQUIPMENT.—Section 340(1) of the
21 Energy Policy and Conservation Act (42 U.S.C. 6311(1))
22 is amended—

23 (1) by redesignating subparagraph (L) as sub-
24 paragraph (S);

25 (2) by inserting after subparagraph (K) the fol-
26 lowing:

1 “(L) Single package vertical air condi-
2 tioners and single package vertical heat pumps.

3 “(M) Distribution transformers.

4 “(N) Metal halide lamp fixtures.

5 “(O) High intensity discharge lamps.

6 “(P) Small electric motors.

7 “(Q) Illuminated exit signs.

8 “(R) Traffic signal modules and pedestrian
9 modules.”; and

10 (3) in subparagraph (S) (as redesignated by
11 paragraph (1)), by striking the period at the end
12 and inserting “or any other type of industrial equip-
13 ment for which the Secretary is required to conduct
14 a rulemaking under section 342.”.

15 (b) INDUSTRIAL EQUIPMENT.—Section 340(2) of the
16 Energy Policy and Conservation Act (42 U.S.C. 6311(2))
17 is amended—

18 (1) in subparagraph (A)—

19 (A) in clause (ii), by inserting “, except
20 that such term shall not include any article of
21 equipment that the Secretary determines will
22 not, in fact, to any significant extent, be dis-
23 tributed in commerce” before the semicolon;

24 (B) in clause (iii)—

1 (i) by striking “321(a)(2)” and insert-
2 ing “321(2)”; and

3 (ii) by striking the semicolon and in-
4 sserting a period;

5 (C) in the matter following clause (iii), by
6 striking “without regard to whether such article
7 is in fact distributed in commerce for industrial
8 or commercial use.”; and

9 (2) in subparagraph (B)—

10 (A) by striking “and unfired” and insert-
11 ing “unfired”; and

12 (B) by inserting “, single package vertical
13 air conditioners and single package vertical heat
14 pumps, distribution transformers, metal halide
15 lamp fixtures, high intensity discharge lamps,
16 illuminated exit signs, traffic signal modules
17 and pedestrian modules, and small electric mo-
18 tors” after “hot water storage tanks”.

19 (c) TECHNICAL CHANGES.—Section 340 of the En-
20 ergy Policy and Conservation Act (42 U.S.C. 6311) is
21 amended—

22 (1) in paragraph (7)—

23 (A) by striking “and”; and

1 (B) by inserting “, ‘ballast’, ‘compliance
2 date’, and ‘effective date’” before “have the
3 same meaning”;

4 (2) by redesignating paragraph (23) as para-
5 graph (24); and

6 (3) by redesignating the second paragraph (22),
7 relating to the definition of “single package vertical
8 air conditioner”, as paragraph (23).

9 (d) ADDITIONS.—Section 340 of the Energy Policy
10 and Conservation Act (42 U.S.C. 6311) is amended by
11 adding at the end the following:

12 “(25) HIGH INTENSITY DISCHARGE LAMP.—

13 “(A) IN GENERAL.—The term ‘high inten-
14 sity discharge lamp’ means an electric-discharge
15 lamp in which—

16 “(i) the light-producing arc is sta-
17 bilized by the arc tube wall temperature;
18 and

19 “(ii) the arc tube wall loading is in ex-
20 cess of 3 Watts/cm.

21 “(B) INCLUSIONS.—The term ‘high inten-
22 sity discharge lamp’ includes mercury vapor,
23 metal halide, and high-pressure sodium lamps
24 described in subparagraph (A).

25 “(26) MERCURY VAPOR LAMP.—

1 “(A) IN GENERAL.—The term ‘mercury
2 vapor lamp’ means a high intensity discharge
3 lamp in which the major portion of the light is
4 produced by radiation from mercury typically
5 operating at a partial vapor pressure in excess
6 of 100,000 Pa (approximately 1 atm).

7 “(B) INCLUSIONS.—The term ‘mercury
8 vapor lamp’ includes clear, phosphor-coated,
9 and self-ballasted screw base lamps described in
10 subparagraph (A).

11 “(27) MERCURY VAPOR LAMP BALLAST.—The
12 term ‘mercury vapor lamp ballast’ means a device
13 that is designed and marketed to start and operate
14 mercury vapor lamps intended for general illumina-
15 tion by providing the necessary voltage and current.

16 “(28) SPECIALTY APPLICATION MERCURY
17 VAPOR LAMP BALLAST.—The term ‘specialty applica-
18 tion mercury vapor lamp ballast’ means a mercury
19 vapor lamp ballast that—

20 “(A) is designed and marketed for oper-
21 ation of mercury vapor lamps used in quality
22 inspection, industrial processing, or scientific
23 use, including fluorescent microscopy and ultra-
24 violet curing; and

1 “(B) in the case of a specialty application
2 mercury vapor lamp ballast, the label of
3 which—

4 “(i) provides that the specialty appli-
5 cation mercury vapor lamp ballast is ‘For
6 specialty applications only, not for general
7 illumination’; and

8 “(ii) specifies the specific applications
9 for which the ballast is designed.

10 “(29) METAL HALIDE BALLAST.—The term
11 ‘metal halide ballast’ means a ballast used to start
12 and operate metal halide lamps.

13 “(30) METAL HALIDE LAMP.—The term ‘metal
14 halide lamp’ means a high intensity discharge lamp
15 in which the major portion of the light is produced
16 by radiation of metal halides and their products of
17 dissociation, possibly in combination with metallic
18 vapors.

19 “(31) METAL HALIDE LAMP FIXTURE.—The
20 term ‘metal halide lamp fixture’ means a light fix-
21 ture for general lighting application designed to be
22 operated with a metal halide lamp and a ballast for
23 a metal halide lamp.

24 “(32) GENERAL LIGHTING APPLICATION.—The
25 term ‘general lighting application’ means lighting

1 that provides an interior or exterior area with overall
2 illumination.

3 “(33) TRANSFORMER.—The term ‘transformer’
4 means a device consisting of 2 or more coils of insu-
5 lated wire that transfers alternating current by elec-
6 tromagnetic induction from 1 coil to another to
7 change the original voltage or current value.

8 “(34) DISTRIBUTION TRANSFORMER.—

9 “(A) The term ‘distribution transformer’
10 means a transformer that—

11 “(i) has an input voltage of 34.5 kilo-
12 volts or less;

13 “(ii) has an output voltage of 600
14 volts or less; and

15 “(iii) is rated for operation at a fre-
16 quency of 60 Hertz.

17 “(B) The term “distribution transformer”
18 does not include—

19 “(i) a transformer with multiple volt-
20 age taps, the highest of which equals at
21 least 20 percent more than the lowest;

22 “(ii) a transformer that is designed to
23 be used in a special purpose application
24 and is unlikely to be used in general pur-
25 pose applications, such as a drive trans-

1 former, rectifier transformer, auto-trans-
2 former, Uninterruptible Power System
3 transformer, impedance transformer, regu-
4 lating transformer, sealed and nonven-
5 tilating transformer, machine tool trans-
6 former, welding transformer, grounding
7 transformer, or testing transformer; or

8 “(iii) any transformer not listed in
9 clause (ii) that is excluded by the Sec-
10 retary by rule because—

11 “(I) the transformer is designed
12 for a special application;

13 “(II) the transformer is unlikely
14 to be used in general purpose applica-
15 tions; and

16 “(III) the application of stand-
17 ards to the transformer would not re-
18 sult in significant energy savings.

19 “(35) LOW-VOLTAGE DRY-TYPE DISTRIBUTION
20 TRANSFORMER.—The term ‘low-voltage dry-type dis-
21 tribution transformer’ means a distribution trans-
22 former that—

23 “(A) has an input voltage of 600 volts or
24 less;

25 “(B) is air-cooled; and

1 “(C) does not use oil as a coolant.

2 “(36) ILLUMINATED EXIT SIGN.—The term ‘il-
3 luminated exit sign’ means a sign that—

4 “(A) is designed to be permanently fixed in
5 place to identify an exit; and

6 “(B) consists of an electrically powered in-
7 tegral light source that—

8 “(i) illuminates the legend ‘EXIT’
9 and any directional indicators; and

10 “(ii) provides contrast between the
11 legend, any directional indicators, and the
12 background.

13 “(37) PEDESTRIAN MODULE.—The term ‘pe-
14 destrian module’ means a light signal used to convey
15 movement information to pedestrians.

16 “(38) TRAFFIC SIGNAL MODULE.—The term
17 ‘traffic signal module’ means a standard 8-inch
18 (200mm) or 12-inch (300mm) traffic signal indica-
19 tion that—

20 “(A) consists of a light source, a lens, and
21 all other parts necessary for operation; and

22 “(B) communicates movement messages to
23 drivers through red, amber, and green colors.”.

1 **SEC. 202. PURPOSES AND COVERAGE.**

2 (a) PETITION.—Section 341(b) of the Energy Policy
3 and Conservation Act (42 U.S.C. 6312(b)) is amended—

4 (1) by striking “The Secretary” and inserting
5 “In response to a petition submitted by an inter-
6 ested person, the Secretary”; and

7 (2) by striking “he determines” and inserting
8 “the Secretary determines”.

9 (b) MODIFYING DEFINITIONS OF COVERED EQUIP-
10 MENT.—

11 (1) IN GENERAL.—Section 341 of the Energy
12 Policy and Conservation Act (42 U.S.C. 6312) is
13 amended by adding at the end the following:

14 “(d) MODIFYING DEFINITIONS OF COVERED EQUIP-
15 MENT.—

16 “(1) IN GENERAL.—For any covered equipment
17 for which a definition is provided in section 340, the
18 Secretary may, by rule, unless prohibited herein,
19 modify such definition in order to—

20 “(A) address significant changes in the
21 product or the market occurring since the defi-
22 nition was established; or

23 “(B) better enable improvements in the en-
24 ergy efficiency of the equipment and related en-
25 ergy using systems.

1 “(2) ANTIBACKSLIDING EXEMPTION.—Section
2 325(o)(1) shall not apply to adjustments to covered
3 product definitions made pursuant to this sub-
4 section.

5 “(3) PROCEDURE FOR MODIFYING DEFINI-
6 TION.—

7 “(A) IN GENERAL.—Notice of any adjust-
8 ment to the definition of a type of covered
9 equipment and an explanation of the reasons
10 therefor shall be published in the Federal Reg-
11 ister and opportunity provided for public com-
12 ment.

13 “(B) CONSENSUS REQUIRED.—Any
14 amendment to the definition of a type of cov-
15 ered equipment under this subsection must have
16 consensus support, as reflected in—

17 “(i) the outcome of negotiations con-
18 ducted in accordance with the subchapter
19 III of chapter 5 of title 5, United States
20 Code (commonly known as the ‘Negotiated
21 Rulemaking Act of 1990’); or

22 “(ii) the Secretary’s receipt of a state-
23 ment that is submitted jointly by inter-
24 ested persons that are fairly representative
25 of relevant points of view (including rep-

1 representatives of manufacturers of covered
2 equipment, States, and efficiency advo-
3 cates), as determined by the Secretary,
4 which contains a recommended modified
5 definition for a type of covered equipment.

6 “(4) EFFECT OF A MODIFIED DEFINITION.—

7 “(A) For any type or class of equipment
8 which becomes covered equipment pursuant to
9 this subsection—

10 “(i) the Secretary may establish test
11 procedures for such type or class of cov-
12 ered equipment pursuant to section 343
13 and energy conservation standards pursu-
14 ant to subsections (o) and (p) of section
15 325;

16 “(ii) the Secretary may prescribe la-
17 beling rules pursuant to section 344 if the
18 Secretary determines that labeling in ac-
19 cordance with that section is techno-
20 logically and economically feasible and like-
21 ly to assist purchasers in making pur-
22 chasing decisions;

23 “(iii) section 327 shall begin to apply
24 to such type or class of equipment on the

1 date on which such type or class becomes
2 covered equipment; and

3 “(iv) standards previously promul-
4 gated under section 325, 342, or 346 shall
5 not apply to such type or class of covered
6 equipment.

7 “(B) For any type or class of equipment
8 which ceases to be covered equipment pursuant
9 to this subsection the provisions of this part
10 shall no longer apply to the type or class of
11 equipment.”.

12 (2) CONFORMING AMENDMENTS PROVIDING
13 FOR JUDICIAL REVIEW.—

14 (A) Section 345(a)(1) of the Energy Policy
15 and Conservation Act (42 U.S.C. 6316(a)(1)) is
16 amended to read as follows:

17 “(1) the references to sections 322, 323, 324,
18 and 325 of this Act shall be considered as references
19 to sections 341, 343, 344, and 342 of this Act, re-
20 spectively;”.

21 **SEC. 203. STANDARDS.**

22 (a) ESTABLISHMENT OF NEW AND AMENDED
23 STANDARDS.—Section 342(a) of the Energy Policy and
24 Conservation Act (42 U.S.C. 6313(a)) is amended—

25 (1) by striking paragraphs (1) through (4);

1 (2) by redesignating paragraphs (5) and (6) as
2 paragraphs (1) and (2), respectively;

3 (3) in paragraph (2), as so redesignated—

4 (A) in subparagraph (A)—

5 (i) in clause (i), by inserting “single
6 package vertical air conditioners and single
7 package vertical heat pumps,” after “pack-
8 aged terminal heat pumps,”; and

9 (ii) in clause (ii)(II), by adding at the
10 end the end the following: “For purposes
11 of this subclause, the term ‘significant ad-
12 ditional conservation of energy’ means con-
13 servation of a total amount of energy
14 greater than one quadrillion British ther-
15 mal units (or the equivalent amount of en-
16 ergy savings in kilowatt hours) nationwide
17 over a period of 30 years. In determining
18 additional conservation of energy, the Sec-
19 retary shall test a statistically significant
20 sample of affected products and disclose
21 the results of such testing to the public,
22 providing an opportunity for notice and
23 comment. In disclosing such results, the
24 Secretary shall redact such information
25 that identifies manufacturer or model

1 numbers, and anonymize data in order to
2 protect confidential or identifying informa-
3 tion.”

4 (B) in subparagraph (B)—

5 (i) in clause (ii)—

6 (I) in subclause (I), by inserting
7 “, including the quantitative economic
8 impact on small businesses and low-
9 income households” after “subject to
10 the standard”;

11 (II) by redesignating subclauses
12 (VI) and (VII) as subclauses (VIII)
13 and (IX), respectively;

14 (III) by inserting after subclause
15 (V) the following new subclauses:

16 “(VI) the impact, including the
17 quantitative economic impact, on em-
18 ployment in the United States likely
19 to result from the imposition of the
20 standard;

21 “(VII) the cumulative economic
22 impact, including the cumulative
23 quantitative economic impact, of such
24 standard and any other standard or
25 regulatory requirement promulgated

1 by the Secretary or other regulatory
2 agency affecting energy use or energy
3 efficiency of the product for which the
4 standard is in effect, on the manufac-
5 turers and on the consumers of the
6 product subject to such standard;”;
7 and

8 (IV) in subclause (IX) (as so re-
9 designated), by inserting “, except
10 that the Secretary may not consider
11 environmental impacts of energy, such
12 as emissions of carbon dioxide or
13 other emissions, for purposes of this
14 clause” before the period at the end;
15 and

16 (ii) in clause (iii)—

17 (I) in subclause (I), by striking
18 “covered”; and

19 (II) in subclause (II)(aa), by
20 striking “subparagraph” and inserting
21 “paragraph”;

22 (C) in subparagraph (C)—

23 (i) by striking clause (vi);

24 (ii) by redesignating clauses (iv) and

25 (v) as clauses (v) and (vi), respectively;

1 (iii) in clause (v), as so redesignated,
2 in subclause (II), by striking “covered”;

3 (iv) by striking clauses (i) through
4 (iii) and inserting the following:

5 “(i) REQUEST FOR INFORMA-
6 TION.—

7 “(I) IN GENERAL.—With re-
8 spect to a class of covered equip-
9 ment for which there is not a
10 uniform national standard estab-
11 lished in accordance with sub-
12 paragraphs (A) and (B) or for
13 which an amendment process for
14 an energy conservation standard
15 that applies to such product is
16 not specifically provided in this
17 part, the Secretary may conduct
18 an evaluation of such class of
19 covered equipment and based on
20 the initiative of the Secretary or
21 on a petition described in sub-
22 clause (II), publish a request for
23 information on whether an en-
24 ergy conservation standard for
25 the class of covered equipment

1 should be established or amend-
2 ed. Such a request for informa-
3 tion shall—

4 “(aa) solicit, and pro-
5 vide an opportunity for,
6 comment on—

7 “(AA) whether the
8 standard should be estab-
9 lished or amended, based on
10 whether such standard is
11 likely to result in significant
12 additional conservation of
13 energy and likely to be tech-
14 nologically feasible and eco-
15 nomically justified as deter-
16 mined in accordance with
17 subparagraph (B);

18 “(BB) identification of
19 design options; and

20 “(CC) voluntary or
21 other nonregulatory meas-
22 ures that are or may be
23 available to achieve similar
24 results as those that would

1 be achieved by such a stand-
2 ard; and

3 “(bb) include any avail-
4 able supporting data
5 (anonymized to protect con-
6 fidential or identifying infor-
7 mation) that the Secretary
8 may rely on to determine
9 whether a standard should
10 be established or amended.

11 “(II) PETITIONS.—Any per-
12 son may petition the Secretary to
13 publish a request for information
14 under subclause (I). The grant of
15 such a petition by the Secretary
16 creates no presumption with re-
17 spect to the Secretary’s deter-
18 mination of any of the factors in
19 a rulemaking under this para-
20 graph. Not later than 6 months
21 after the date of receiving such a
22 petition, the Secretary shall pub-
23 lish in the Federal Register no-
24 tice of, and explanation for, the

1 decision of the Secretary to
2 grant, deny, or delay the petition.

3 “(ii) PUBLICATION DATE.—A request
4 for information under clause (i) may, with
5 respect to a class of covered equipment, be
6 published not earlier than—

7 “(I) 6 months after the date of
8 publication in the Federal Register of
9 a final test procedure prescribed
10 under section 343 for such class of
11 covered equipment, if applicable;

12 “(II) the later of—

13 “(aa) 8 years after the date
14 of publication of a notice with re-
15 spect to such class of covered
16 equipment in accordance with
17 clause (iii)(I); or

18 “(bb) 8 years after the date
19 of the publication of a final
20 rule—

21 “(AA) establishing or
22 prescribing an amended
23 standard for such class of
24 covered equipment; or

1 “(BB) stating that no
2 standard for such class of
3 covered equipment shall be
4 established or amended; and

5 “(III) 5 years after the date by
6 which compliance with a standard is
7 required under a final rule described
8 in item (bb)(AA).

9 “(iii) NOTICE.—Except as otherwise
10 provided in this part, not later than 6
11 months after the publication of a request
12 for information under clause (i) on wheth-
13 er an energy conservation standard pre-
14 scribed by a final rule published under this
15 section for a class of covered equipment
16 should be established or amended, the Sec-
17 retary shall publish—

18 “(I) a notice of the determination
19 of the Secretary that the standard for
20 the class of equipment should not be
21 established or amended because such
22 standard is not likely to result in sig-
23 nificant additional conservation of en-
24 ergy or is not likely to be techno-
25 logically feasible and economically jus-

1 tified as determined in accordance
2 with subparagraph (B); or

3 “(II) a notice of the determina-
4 tion of the Secretary that the stand-
5 ard for the class of equipment should
6 be established or amended because
7 such a standard is likely to result in
8 significant additional conservation of
9 energy and is likely to be techno-
10 logically feasible and economically jus-
11 tified as determined in accordance
12 with subparagraph (B).

13 “(iv) RULE.—If the Secretary pub-
14 lishes a notice under clause (iii)(II) that an
15 energy conservation standard for a class of
16 covered equipment should be established or
17 amended, the Secretary shall prescribe
18 such standard for such class of covered
19 equipment in conformance with the proce-
20 dure for prescribing a new or amended en-
21 ergy conservation standard for covered
22 products under section 325(p).”; and

23 (v) in clause (v), as so redesignated,
24 in subclause (II), by striking “effective

1 date” and inserting “compliance date”;

2 and

3 (D) in subparagraph (D)—

4 (i) in the matter preceding clause (i),
5 by striking “A standard amended by the
6 Secretary under this paragraph shall be-
7 come effective” and inserting “Compliance
8 with a standard amended by the Secretary
9 under this paragraph shall be required”;

10 (ii) in clause (i), by striking “effective
11 date” and inserting “compliance date”;

12 (iii) in clause (ii), by striking “effec-
13 tive date” and inserting “compliance
14 date”; and

15 (iv) in the matter following clause
16 (ii)—

17 (I) by inserting “compliance
18 with” before “an energy conservation
19 standard amended by the”; and

20 (II) by striking “shall become ef-
21 fective” and inserting “shall be re-
22 quired”; and

23 (4) by striking paragraphs (7) through (10).

1 (b) ELECTRIC MOTORS.—Section 342(b)(4) of the
2 Energy Policy and Conservation Act (42 U.S.C.
3 6313(b)(4)) is amended—

4 (1) by striking “effective date” and inserting
5 “compliance date” each place it appears; and

6 (2) in subparagraph (B)(ii)—

7 (A) by inserting “compliance with” after
8 “the earliest date by which”; and

9 (B) by striking “effective” and inserting
10 “required”.

11 (c) COMMERCIAL REFRIGERATORS, FREEZERS, AND
12 REFRIGERATOR-FREEZERS.—Section 342(c) of the En-
13 ergy Policy and Conservation Act (42 U.S.C. 6313(c)) is
14 amended—

15 (1) in paragraph (5)—

16 (A) in subparagraph (A) by striking “,
17 with the standard levels effective” inserting “.
18 Compliance with such standard levels shall be
19 required”; and

20 (B) in subparagraph (B) by striking “with
21 the standard levels effective” inserting “.
22 Compliance with such standard levels shall be re-
23 quired”; and

24 (2) in paragraph (6)(B)—

1 (A) by striking “later than 3 years after
2 the effective date” and inserting “earlier than
3 5 years after the compliance date”; and

4 (B) by striking “the Secretary shall” and
5 inserting “the Secretary may”.

6 (d) AUTOMATIC COMMERCIAL ICE MAKERS.—Section
7 342(d)(3)(B) of the Energy Policy and Conservation Act
8 (42 U.S.C. 6313(d)(3)(B)) is amended—

9 (1) by striking “later than 5 years after the ef-
10 fective” and inserting “earlier than 5 years after the
11 compliance”; and

12 (2) by striking “the Secretary shall issue” and
13 inserting “the Secretary may issue”.

14 (e) COMMERCIAL CLOTHES WASHERS.—Section 342
15 of the Energy Policy and Conservation Act (42 U.S.C.
16 6313) is amended by striking subsection (e).

17 (f) WALK-IN COOLERS AND WALK-IN FREEZERS.—
18 Section 342(f) of the Energy Policy and Conservation Act
19 (42 U.S.C. 6313(f)) is amended—

20 (1) by striking paragraphs (1), (2), (3), and
21 (6);

22 (2) by redesignating paragraphs (4) and (5) as
23 paragraphs (1) and (2), respectively;

24 (3) in paragraph (1), as redesignated, in sub-
25 paragraph (B)(ii)—

1 (A) in the heading, by striking “EFFEC-
2 TIVE” and inserting “COMPLIANCE”; and

3 (B) by striking “an effective date” and in-
4 serting “a compliance date”; and

5 (4) in paragraph (2), as redesignated—

6 (A) in subparagraph (A)—

7 (i) by striking “January 1, 2020” and
8 inserting “June 1, 2023”; and

9 (ii) by striking “paragraph (4)” and
10 inserting “paragraph (1)”; and

11 (B) in subparagraph (B)(ii)—

12 (i) in the heading, by striking “EF-
13 FECTIVE” and inserting “COMPLIANCE”;

14 and

15 (ii) by striking “an effective date”
16 and inserting “a compliance date”.

17 (g) METAL HALIDE LAMP FIXTURES.—Section 342
18 of the Energy Policy and Conservation Act (42 U.S.C.
19 6313) is amended by adding at the end the following new
20 subsection:

21 “(h) METAL HALIDE LAMP FIXTURES.—

22 “(1) CONTINUATION OF CURRENT PRAC-
23 TICES.—Any energy conservation standard or deter-
24 mination that is in effect with respect to metal ha-
25 lide lamp fixtures pursuant to this Act on the date

1 that is the day before the date of enactment of the
2 Appliance Standards Reform Act of 2018 (including
3 the rule titled ‘Energy Conservation Program: En-
4 ergy Conservation Standards for Metal Halide Lamp
5 Fixtures’ published on February 10, 2014 (79 Fed.
6 Reg. 7746)) shall remain in effect until the Sec-
7 retary amends such standard or determination in ac-
8 cordance with the applicable provisions of this Act.

9 “(2) TREATMENT.—The Secretary shall take
10 such steps as necessary to ensure that any standard
11 or determination described in paragraph (1) treats
12 metal halide lamp fixtures as covered equipment for
13 purposes of this part.”

14 (h) ILLUMINATED EXIT SIGNS.—Section 342 of the
15 Energy Policy and Conservation Act (42 U.S.C. 6313) is
16 further amended by adding at the end the following new
17 subsection:

18 “(i) ILLUMINATED EXIT SIGNS.—

19 “(1) CONTINUATION OF CURRENT PRAC-
20 TICES.—Any energy conservation standard or deter-
21 mination that is in effect with respect to illuminated
22 exit signs pursuant to this Act on the date that is
23 the day before the date of enactment of the Appli-
24 ance Standards Reform Act of 2018 shall remain in
25 effect until the Secretary amends such standard or

1 determination in accordance with the applicable pro-
2 visions of this Act.

3 “(2) TREATMENT.—The Secretary shall take
4 such steps as necessary to ensure that any standard
5 or determination described in paragraph (1) treats
6 illuminated exit signs as covered equipment for pur-
7 poses of this part.”.

8 (i) DISTRIBUTION TRANSFORMERS.—Section 342 of
9 the Energy Policy and Conservation Act (42 U.S.C. 6313)
10 is further amended by adding at the end the following new
11 subsection:

12 “(j) DISTRIBUTION TRANSFORMERS.—

13 “(1) CONTINUATION OF CURRENT PRAC-
14 TICES.—Any energy conservation standard or deter-
15 mination that is in effect with respect to distribution
16 transformers pursuant to this Act on the date that
17 is the day before the date of enactment of the Appli-
18 ance Standards Reform Act of 2018 (including the
19 rule titled ‘Energy Conservation Program: Energy
20 Conservation Standards for Distribution Trans-
21 formers’ published on April 18, 2014 (78 Fed. Reg.
22 23336) shall remain in effect until the Secretary
23 amends such standard or determination in accord-
24 ance with the applicable provisions of this Act.

1 “(2) TREATMENT.—The Secretary shall take
2 such steps as necessary to ensure that any standard
3 or determination described in paragraph (1) treats
4 distribution transformers as covered equipment for
5 purposes of this part.”.

6 (j) TRAFFIC SIGNAL MODULES AND PEDESTRIAN
7 MODULES.—Section 342 of the Energy Policy and Con-
8 servation Act (42 U.S.C. 6313) is further amended by
9 adding at the end the following new subsection:

10 “(k) TRAFFIC SIGNAL MODULES AND PEDESTRIAN
11 MODULES.—

12 “(1) CONTINUATION OF CURRENT PRAC-
13 TICES.—Any energy conservation standard or deter-
14 mination that is in effect with respect to traffic sig-
15 nal modules or pedestrian modules pursuant to this
16 Act on the date that is the day before the date of
17 enactment of the Appliance Standards Reform Act
18 of 2018 shall remain in effect until the Secretary
19 amends such standard or determination in accord-
20 ance with the applicable provisions of this Act.

21 “(2) TREATMENT.—The Secretary shall take
22 such steps as necessary to ensure that any standard
23 or determination described in paragraph (1) treats
24 traffic signal modules and pedestrian modules as
25 covered equipment for purposes of this part.”.

1 (k) CONTINUITY OF STANDARDS.—Section 342 of the
2 Energy Policy and Conservation Act (42 U.S.C. 6313) is
3 further amended by adding at the end the following new
4 subsection:

5 “(1) CONTINUITY OF STANDARDS.—

6 “(1) CONTINUED EFFECTIVENESS.—Except as
7 provided in paragraph (2), any energy conservation
8 standard that is in effect with respect to a class of
9 covered equipment on the date that is the day before
10 the date of enactment of the Appliance Standards
11 Reform Act of 2018 shall remain in effect until the
12 Secretary amends such standard in accordance with
13 the applicable provisions of this Act.

14 “(2) WALK-IN COOLERS AND WALK-IN FREEZ-
15 ERS.—Paragraph (1) shall not apply with respect to
16 the standards specified in paragraphs (1) through
17 (3) of subsection (f) of this section, as in effect on
18 the date that is the day before the date of enactment
19 of the Appliance Standards Reform Act of 2018.”.

20 **SEC. 204. TEST PROCEDURES.**

21 (a) PRESCRIPTION BY SECRETARY; REQUIRE-
22 MENTS.—Section 343(a) of the Energy Policy and Con-
23 servation Act (42 U.S.C. 6314(a)) is amended—

24 (1) by striking paragraph (1) and inserting the
25 following:

1 “(1) TEST PROCEDURES.—

2 “(A) IN GENERAL.—The Secretary—

3 “(i) may conduct an evaluation of
4 each class of covered equipment; and

5 “(ii) if, based on such evaluation, the
6 Secretary determines that amended test
7 procedures would more accurately or fully
8 comply with the requirements of para-
9 graphs (2) and (3), shall prescribe test
10 procedures for the class in accordance with
11 this section.

12 “(B) CONTINUATION OF CURRENT PROCE-
13 DURES.—With respect to a class of covered
14 equipment that is subject to this part on the
15 date of enactment of the Appliance Standards
16 Reform Act of 2018, any test procedure or re-
17 lated determination that is in effect pursuant to
18 this Act on the day before such date of enact-
19 ment shall remain in effect until the Secretary
20 amends such test procedure or related deter-
21 mination in accordance with the applicable pro-
22 visions of this part.”;

23 (2) in paragraph (4)—

24 (A) in subparagraph (A), by inserting “sin-
25 gles package vertical air conditioners, single

1 package vertical heat pumps,” after “packaged
2 terminal heat pumps,”; and

3 (B) by striking subparagraph (B) and in-
4 serting the following:

5 “(B) If such an industry testing procedure or rating
6 procedure is amended, the Secretary shall, within 180
7 days of a petition from an interested stakeholder, adopt,
8 in full, such amended generally accepted industry testing
9 procedure or rating procedure, unless the Secretary deter-
10 mines that statistically significant test data (anonymized
11 to protect confidential or identifying information) proves
12 by clear and convincing evidence that the adoption of such
13 test procedure or rating procedure is inconsistent with law
14 or otherwise impracticable pursuant to criteria set forth
15 in OMB Circular A–119 (or any similar successor cir-
16 cular).”;

17 (3) in paragraph (6)(E)(i)—

18 (A) by striking “by rule” and inserting “by
19 rule and within 180 days”; and

20 (B) by striking “and supported by clear
21 and convincing evidence” and inserting “that
22 statistically significant test data (anonymized to
23 protect confidential or identifying information)
24 proves by clear and convincing evidence that the
25 adoption of such test procedure or rating proce-

1 dure is inconsistent with law or otherwise im-
2 practicable pursuant to criteria set forth in
3 OMB Circular A–119 (or any similar successor
4 circular), or”;

5 (4) in paragraph (7)(B)(i), by striking “and
6 supported by clear and convincing evidence” and in-
7 serting “that statistically significant test data
8 (anonymized to protect confidential or identifying in-
9 formation) proves by clear and convincing evidence
10 that the adoption of such test procedure or rating
11 procedure is inconsistent with law or otherwise im-
12 practicable pursuant to criteria set forth in OMB
13 Circular A–119 (or any similar successor circular),
14 or”; and

15 (5) by adding at the end the following new
16 paragraphs:

17 “(10) ILLUMINATED EXIT SIGNS.—Test proce-
18 dures for illuminated exit signs shall be based on the
19 test method used under version 2.0 of the Energy
20 Star program of the Environmental Protection
21 Agency for illuminated exit signs.

22 “(11) DISTRIBUTION TRANSFORMERS AND
23 LOW-VOLTAGE DRY-TYPE DISTRIBUTION TRANS-
24 FORMERS.—

1 “(A) Test procedures for distribution
2 transformers and low-voltage dry-type distribu-
3 tion transformers shall be based on the ‘Stand-
4 ard Test Method for Measuring the Energy
5 Consumption of Distribution Transformers’
6 prescribed by the National Electrical Manufac-
7 turers Association (NEMA TP 2–1998).

8 “(B) The Secretary may review and revise
9 the test procedures established under subpara-
10 graph (A).

11 “(C) For purposes of section 346(a), the
12 test procedures established under subparagraph
13 (A) shall be considered to be the testing re-
14 quirements prescribed by the Secretary under
15 such section 346(a) for distribution trans-
16 formers for which the Secretary makes a deter-
17 mination that energy conservation standards
18 would—

19 “(i) be technologically feasible and
20 economically justified; and

21 “(ii) result in significant energy sav-
22 ings.

23 “(12) TRAFFIC SIGNAL MODULES AND PEDES-
24 TRIAN MODULES.—Test procedures for traffic signal
25 modules and pedestrian modules shall be based on

1 the test method used under the Energy Star pro-
2 gram of the Environmental Protection Agency for
3 traffic signal modules, as in effect on August 8,
4 2005.”.

5 (b) REEVALUATIONS.—Section 343(c) of the Energy
6 Policy and Conservation Act (42 U.S.C. 6314(c)) is
7 amended—

8 (1) in paragraph (1)—

9 (A) by striking “shall, not later than 3
10 years after the date of prescribing a test proce-
11 dure under this section (and from time to time
12 thereafter), conduct a reevaluation of such pro-
13 cedure” and inserting “may conduct a reevalua-
14 tion of a test procedure under this section”;
15 and

16 (B) by striking “he deems relevant” and
17 inserting “the Secretary deems relevant”;

18 (2) in paragraph (2), by striking “he shall
19 promptly publish” and inserting “unless otherwise
20 provided in this section, not earlier than 5 years
21 after the effective date for a test procedure for a
22 covered product, the Secretary shall publish”; and

23 (3) by adding at the end the following:

24 “(3) In establishing any amended test procedure
25 under this subsection, the Secretary shall follow the proce-

1 dures and meet the requirements specified in section
2 323(e).”.

3 (c) PROHIBITED REPRESENTATIONS.—Section
4 343(d) of the Energy Policy and Conservation Act (42
5 U.S.C. 6314(d)) is amended—

6 (1) in paragraph (1), by adding at the end the
7 following: “Such restriction does not apply to a rep-
8 resentation of any other equipment-related metric
9 that is not a representation of energy consumption
10 or cost of energy consumed, even if such other prod-
11 uct-related metric is pertinent to, or included in, a
12 test procedure prescribed by the Secretary.”;

13 (2) in paragraph (2)—

14 (A) by inserting “or an organization rep-
15 resenting any of those entities,” after “private
16 labeler.”;

17 (B) by striking “180-day” and inserting
18 “180-day or 360-day”;

19 (C) by striking “petitioner” and inserting
20 “petitioner or the applicable entity represented
21 by a petitioner organization”; and

22 (D) by inserting “, or on the applicable en-
23 tity,” after “on such petitioner”; and

24 (3) by adding at the end the following:

1 “(3) The Secretary may extend the 180-day or 360-
2 day period referred to in paragraph (1) if the Secretary
3 determines that the test procedure will alter measured en-
4 ergy efficiency.”.

5 (d) TEST PROCEDURE WAIVERS.—Section 343 of the
6 Energy Policy and Conservation Act (42 U.S.C. 6314) is
7 amended by adding at the end the following:

8 “(f) WAIVER.—

9 “(1) REQUEST.—A manufacturer, a group of
10 manufacturers, or an organization representing one
11 or more manufacturers may submit a request to the
12 Secretary for a waiver or interim waiver with respect
13 to application of all or part of a test procedure
14 under this part to a class of covered equipment.

15 “(2) GRANT OF WAIVER.—The Secretary may
16 grant a waiver, or interim waiver, described in para-
17 graph (1) if the Secretary determines that—

18 “(A) the class of covered equipment for
19 which the waiver was requested contains a de-
20 sign characteristic that prevents testing of the
21 product according to the prescribed test proce-
22 dures; or

23 “(B) the prescribed test procedures evalu-
24 ate the equipment in a manner so unrepresenta-
25 tive of its true energy consumption characteris-

1 tics as to provide materially inaccurate com-
2 parative data.

3 “(3) CONDITIONS OF WAIVER.—In granting a
4 waiver or interim waiver under this subsection, the
5 Secretary—

6 “(A) shall specify an alternate test proce-
7 dure to apply with respect to such class of cov-
8 ered equipment;

9 “(B) shall specify such other conditions on
10 the waiver or interim waiver as the Secretary
11 determines appropriate; and

12 “(C) shall not change the energy use or ef-
13 ficiency metric that the manufacturer must use
14 to certify compliance with the applicable energy
15 conservation standard and to make representa-
16 tions about the energy use or efficiency of the
17 covered equipment.

18 “(4) COVERAGE.—The granting of a waiver or
19 interim waiver by the Secretary under this sub-
20 section does not exempt any covered equipment from
21 any other requirement that is in effect pursuant to
22 this part.

23 “(5) APPLICATION.—A waiver or interim waiver
24 granted under this subsection in response to a re-
25 quest by an organization representing one or more

1 manufacturers shall apply to all manufacturers iden-
2 tified by such organization in such request.”.

3 (e) CONCURRENT COMPLIANCE DATES.—Section 343
4 of the Energy Policy and Conservation Act (42 U.S.C.
5 6314) is further amended by adding at the end the fol-
6 lowing:

7 “(g) CONCURRENT COMPLIANCE AND EFFECTIVE
8 DATES.—The effective date determined under subsection
9 (d) shall be the applied date for representations, certifi-
10 cations, and enforcement testing of the applicable covered
11 equipment, unless the Secretary determines that such ap-
12 plied date shall, instead, be the compliance date of the re-
13 lated energy efficiency or energy use standard.”.

14 **SEC. 205. LABELING.**

15 Section 344 of the Energy Policy and Conservation
16 Act (42 U.S.C. 6315) is amended—

17 (1) in subsection (a), by striking “he shall” and
18 inserting “the Secretary shall”;

19 (2) in subsection (d), by striking “subsection
20 (h)” and inserting “ subsection (j)”;

21 (3) in subsection (e)—

22 (A) by striking “subsection (h)” and in-
23 serting “subsection (j)”;

24 (B) by inserting “single package vertical
25 air conditioners and single package vertical heat

1 pumps,” before “and unfired hot water storage
2 tanks”; and

3 (C) by inserting “single package vertical
4 air conditioner and single package vertical heat
5 pump,” before “and unfired hot water storage
6 tank”

7 (4) by redesignating subsections (f) through (k)
8 as subsections (g) through (l), respectively;

9 (5) by inserting after subsection (e) the fol-
10 lowing:

11 “(f) DISTRIBUTION TRANSFORMERS.—In the case of
12 any—

13 “(1) low-voltage dry-type distribution trans-
14 formers subject to energy conservation standards
15 under this part, labeling requirements shall be based
16 on the ‘Dry Type Transformers for General Applica-
17 tions’ prescribed by the National Electrical Manufac-
18 turers Association (NEMA ST20–2014);

19 “(2) medium-voltage dry-type distribution
20 transformers subject to energy conservation stand-
21 ards under this part, labeling requirements shall be
22 based on the ‘IEEE Standard for General Require-
23 ments for Dry-Type Distribution and Power Trans-
24 formers’ prescribed by the Institute for Electrical

1 and Electronic Engineers (IEEE Std C57.12.01–
2 2015); and

3 “(3) liquid-immersed distribution transformers
4 subject to energy conservation standards under this
5 part, labeling requirements shall be based on the
6 ‘IEEE Standard for General Requirements for Liq-
7 uid-Immersed Distribution, Power, and Regulating
8 Transformers’ prescribed by the Institute for Elec-
9 trical and Electronic Engineers (IEEE Std
10 C57.12.00–2015).”;

11 (6) in subsection (l), as redesignated by para-
12 graph (4), by striking “effective date” and inserting
13 “compliance date”; and

14 (7) by adding at the end the following new sub-
15 section:

16 “(m) CONTINUATION OF CURRENT LABELING.—Ex-
17 cept with respect to distribution transformers subject to
18 the labeling requirements under subsection (f), with re-
19 spect to a class of covered equipment that is subject to
20 this part on the date of enactment of the Appliance Stand-
21 ards Reform Act of 2018, any labeling rule that is in effect
22 pursuant to this Act on the day before such date of enact-
23 ment shall remain in effect until the Secretary amends
24 such labeling rule in accordance with the applicable provi-
25 sions of this part.”.

1 **SEC. 206. ADMINISTRATION, PENALTIES, ENFORCEMENT,**
2 **AND PREEMPTION.**

3 Section 345 of the Energy Policy and Conservation
4 Act (42 U.S.C. 6316) is amended as follows:

5 (1) In subsection (a)—

6 (A) in paragraph (9), by striking “and”
7 after the semicolon;

8 (B) in paragraph (10), by striking “section
9 340(1)(L) beginning on the date” and all that
10 follows through “equipment takes effect.” and
11 inserting “340(1)(S); and”; and

12 (C) by adding at the end the following:

13 “(11) section 327 shall apply with respect to
14 the equipment described in section 340(1)(R), except
15 that a regulation concerning standards for pedes-
16 trian modules adopted by the California Energy
17 Commission before January 1, 2005, and any
18 amendment to such a regulation that was developed
19 to align California regulations to changes in the In-
20 stitute for Transportation Engineers standards, enti-
21 tled ‘Performance Specification: Pedestrian Traffic
22 Control Signal Indications’, shall not be pre-
23 empted.”.

24 (2) In subsection (e)—

25 (A) by striking paragraphs (2) through
26 (4); and

1 (B) by redesignating paragraph (5) as
2 paragraph (2).

3 (3) By amending subsection (f) to read as fol-
4 lows:

5 “(f)(1) The Secretary shall monitor whether manu-
6 facturers are reducing harvest rates below tested values
7 for the purpose of bringing non-complying equipment into
8 compliance.

9 “(2) If the Secretary finds that there has been a sub-
10 stantial amount of manipulation with respect to harvest
11 rates under paragraph (1), the Secretary shall take steps
12 to minimize the manipulation, such as requiring harvest
13 rates to be within 5 percent of tested values.”.

14 (4) In subsection (g), by striking “(g)(1)(A) If
15 the Secretary” and all that follows through “(2) The
16 Secretary” and inserting “(g) The Secretary”.

17 (5) By striking subsection (h).

18 **SEC. 207. HIGH INTENSITY DISCHARGE LAMPS.**

19 (a) CONTINUATION OF CURRENT PRACTICES AND
20 TREATMENT.—Section 346 of the Energy Policy and Con-
21 servation Act (42 U.S.C. 6317) is amended by adding at
22 the end the following new subsection:

23 “(g) HIGH INTENSITY DISCHARGE LAMPS.—

24 “(1) CONTINUATION OF CURRENT PRAC-
25 TICES.—Any energy conservation standard or deter-

1 mination that is in effect with respect to high inten-
2 sity discharge lamps pursuant to this Act on the
3 date that is the day before the date of enactment of
4 the Appliance Standards Reform Act of 2018 (in-
5 cluding the final determination titled ‘Energy Con-
6 servation Program: Energy Conservation Standards
7 for High-Intensity Discharge Lamps’ published in
8 the Federal Register on December 9, 2015 (80 Fed.
9 Reg. 76355)) shall remain in effect until the Sec-
10 retary amends such standard or determination in ac-
11 cordance with the applicable provisions of this Act.

12 “(2) TREATMENT.—The Secretary shall take
13 such steps as necessary to ensure that any standard
14 or determination described in paragraph (1) treats
15 high intensity discharge lamps as covered equipment
16 for purposes of this part.”.

17 (b) TECHNICAL AMENDMENTS.—

18 (1) The table of contents for the Energy Policy
19 and Conservation Act is amended by amending the
20 item relating to section 346 to read as follows:

 “Sec. 346. Energy conservation standards for high intensity discharge lamps,
 distribution transformers, and small electric motors.”.

21 (2) Section 325(i)(8) of the Energy Policy and
22 Conservation Act (42 U.S.C. 6295(i)(8)) is amended
23 by striking “high-intensity” and inserting “high in-
24 tensity”.

1 (3) The heading for section 346 of the Energy
2 Policy and Conservation Act (42 U.S.C. 6317) is
3 amended by striking “HIGH-INTENSITY” and insert-
4 ing “HIGH INTENSITY”.

5 (4) Section 346 of the Energy Policy and Con-
6 servation Act (42 U.S.C. 6317) is amended by strik-
7 ing “high-intensity” each place it appears and in-
8 serting “high intensity”.