

112TH CONGRESS  
2D SESSION

# H. R. 6582

To allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2012

Mr. ADERHOLT (for himself, Mr. CARNAHAN, Mrs. BLACKBURN, Mr. COOPER, Mr. ROE of Tennessee, Mr. WESTMORELAND, Mr. WHITFIELD, and Mr. SHIMKUS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive.

- 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.**
- 4       This Act may be cited as the “American Energy Man-
- 5       ufacturing Technical Corrections Act”.

## 1 SEC. 2. INNOVATIVE COMPONENT TECHNOLOGIES.

## 2 Section 342(f) of the Energy Policy and Conservation

3 Act (42 U.S.C. 6313(f)) is amended—

7                   (2) by adding at the end the following new  
8 paragraph:

9                 “(6) INNOVATIVE COMPONENT TECH-  
10                 NOLOGIES.—Subparagraph (C) of paragraph (1)  
11                 shall not apply to a walk-in cooler or walk-in freezer  
12                 component if the component manufacturer has dem-  
13                 onstrated to the satisfaction of the Secretary that  
14                 the component reduces energy consumption at least  
15                 as much as if such subparagraph were to apply. In  
16                 support of any demonstration under this paragraph,  
17                 a manufacturer shall provide to the Secretary all  
18                 data and technical information necessary to fully  
19                 evaluate its application.”.

**20 SEC. 3. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED  
21 WATER HEATERS.**

22 Section 325(e) of the Energy Policy and Conservation  
23 Act (42 U.S.C. 6295(e)) is amended by adding at the end  
24 the following:

25           “(5) UNIFORM EFFICIENCY DESCRIPTOR FOR  
26           COVERED WATER HEATERS.—

“(A) DEFINITIONS.—In this paragraph:

**“(i) COVERED WATER HEATER.—The**

3 term ‘covered water heater’ means—

“(I) a water heater; and

“(II) a storage water heater, in-

stantaneous water heater, and unfired

water storage tank (as defined in sec-

<sup>8</sup> *ibid.*, section 340).

“(ii) FIN

9                             “(ii) FINAL RULE.—The term ‘final  
10 rule’ means the final rule published under  
11 this paragraph.

**“(B) PUBLICATION OF FINAL RULE.—Not**

13 later than 180 days after the date of enactment  
14 of this paragraph, the Secretary shall publish a  
15 final rule that establishes a uniform efficiency  
16 descriptor and accompanying test methods for  
17 covered water heaters.

“(C) PURPOSE.—The purpose of the final

rule shall be to replace with a uniform efficiency descriptor—

“(i) the energy factor descriptor for

water heaters established under this sub-section; and

“(ii) the thermal efficiency and stand-

25 by loss descriptors for storage water heat-

1           ers, instantaneous water heaters, and  
2           unfired water storage tanks established  
3           under section 342(a)(5).

4           “(D) EFFECT OF FINAL RULE.—

5           “(i) IN GENERAL.—Notwithstanding  
6           any other provision of this title, effective  
7           beginning on the effective date of the final  
8           rule, the efficiency standard for covered  
9           water heaters shall be denominated accord-  
10          ing to the efficiency descriptor established  
11          by the final rule.

12          “(ii) EFFECTIVE DATE.—The final  
13          rule shall take effect 1 year after the date  
14          of publication of the final rule under sub-  
15          paragraph (B).

16          “(E) CONVERSION FACTOR.—

17          “(i) IN GENERAL.—The Secretary  
18          shall develop a mathematical conversion  
19          factor for converting the measurement of  
20          efficiency for covered water heaters from  
21          the test procedures in effect on the date of  
22          enactment of this paragraph to the new  
23          energy descriptor established under the  
24          final rule.

1                     “(ii) APPLICATION.—The conversion  
2                     factor shall apply to models of covered  
3                     water heaters affected by the final rule and  
4                     tested prior to the effective date of the  
5                     final rule.

6                     “(iii) EFFECT ON EFFICIENCY RE-  
7                     QUIREMENTS.—The conversion factor shall  
8                     not affect the minimum efficiency require-  
9                     ments for covered water heaters otherwise  
10                    established under this title.

11                    “(iv) USE.—During the period de-  
12                    scribed in clause (v), a manufacturer may  
13                    apply the conversion factor established by  
14                    the Secretary to rerate existing models of  
15                    covered water heaters that are in existence  
16                    prior to the effective date of the rule de-  
17                    scribed in clause (v)(II) to comply with the  
18                    new efficiency descriptor.

19                    “(v) PERIOD.—Subclause (E) shall  
20                    apply during the period—

21                    “(I) beginning on the date of  
22                    publication of the conversion factor in  
23                    the Federal Register; and

24                    “(II) ending on April 16, 2015.

1                 “(F) EXCLUSIONS.—The final rule may  
2                 exclude a specific category of covered water  
3                 heaters from the uniform efficiency descriptor  
4                 established under this paragraph if the Sec-  
5                 retary determines that the category of water  
6                 heaters—

7                         “(i) does not have a residential use  
8                 and can be clearly described in the final  
9                 rule; and

10                         “(ii) are effectively rated using the  
11                 thermal efficiency and standby loss  
12                 descriptors applied (as of the date of en-  
13                 actment of this paragraph) to the category  
14                 under section 342(a)(5).

15                 “(G) OPTIONS.—The descriptor set by the  
16                 final rule may be—

17                         “(i) a revised version of the energy  
18                 factor descriptor in use as of the date of  
19                 enactment of this paragraph;

20                         “(ii) the thermal efficiency and stand-  
21                 by loss descriptors in use as of that date;

22                         “(iii) a revised version of the thermal  
23                 efficiency and standby loss descriptors;

24                         “(iv) a hybrid of descriptors; or

25                         “(v) a new approach.

1                 “(H) APPLICATION.—The efficiency  
2 descriptor and accompanying test method estab-  
3 lished under the final rule shall apply, to the  
4 maximum extent practicable, to all water heat-  
5 ing technologies in use as of the date of enact-  
6 ment of this paragraph and to future water  
7 heating technologies.

8                 “(I) PARTICIPATION.—The Secretary shall  
9 invite interested stakeholders to participate in  
10 the rulemaking process used to establish the  
11 final rule.

12                 “(J) TESTING OF ALTERNATIVE  
13 DESCRIPTORS.—In establishing the final rule,  
14 the Secretary shall contract with the National  
15 Institute of Standards and Technology, as nec-  
16 essary, to conduct testing and simulation of al-  
17 ternative descriptors identified for consider-  
18 ation.

19                 “(K) EXISTING COVERED WATER HEAT-  
20 ERS.—A covered water heater shall be consid-  
21 ered to comply with the final rule on and after  
22 the effective date of the final rule and with any  
23 revised labeling requirements established by the  
24 Federal Trade Commission to carry out the  
25 final rule if the covered water heater—

1                         “(i) was manufactured prior to the ef-  
2                         fective date of the final rule; and  
3                         “(ii) complied with the efficiency  
4                         standards and labeling requirements in ef-  
5                         fect prior to the final rule.”.

6 SEC. 4. SERVICE OVER THE COUNTER, SELF-CONTAINED,  
7 MEDIUM TEMPERATURE COMMERCIAL RE-  
8 FRIGERATORS.

9       Section 342(c) of the Energy Policy and Conservation  
10 Act (42 U.S.C. 6313(c)) is amended—

11 (1) in paragraph (1)—

12 (A) by redesignating subparagraph (C) as  
13 subparagraph (E); and

16               “(C) The term ‘service over the counter,  
17               self-contained, medium temperature commercial  
18               refrigerator’ or ‘(SOC–SC–M)’ means a me-  
19               dium temperature commercial refrigerator—

20                         “(i) with a self-contained condensing  
21                         unit and equipped with sliding or hinged  
22                         doors in the back intended for use by sales  
23                         personnel, and with glass or other trans-  
24                         parent material in the front for displaying  
25                         merchandise; and

1                         “(ii) that has a height not greater  
2                         than 66 inches and is intended to serve as  
3                         a counter for transactions between sales  
4                         personnel and customers.

5                         “(D) The term ‘TDA’ means the total dis-  
6                         play area ( $\text{ft}^2$ ) of the refrigerated case, as de-  
7                         fined in AHRI Standard 1200.”;

8                         (2) by redesignating paragraphs (4) and (5) as  
9                         paragraphs (5) and (6), respectively; and

10                         (3) by inserting after paragraph (3) the fol-  
11                         lowing:

12                         “(4) Each SOC-SC-M manufactured on or  
13                         after January 1, 2012, shall have a total daily en-  
14                         ergy consumption (in kilowatt hours per day) of not  
15                         more than  $0.6 \times \text{TDA} + 1.0$ .”.

16 **SEC. 5. SMALL DUCT HIGH VELOCITY SYSTEMS AND ADMIN-  
17                         ISTRATIVE CHANGES.**

18                         (a) THROUGH-THE-WALL CENTRAL AIR CONDI-  
19                         TIONERS, THROUGH-THE-WALL CENTRAL AIR CONDI-  
20                         TIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOC-  
21                         ITY SYSTEMS.—Section 325(d) of the Energy Policy and  
22                         Conservation Act (42 U.S.C. 6295(d)) is amended by add-  
23                         ing at the end the following:

24                         “(4) STANDARDS FOR THROUGH-THE-WALL  
25                         CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL

1       CENTRAL AIR CONDITIONING HEAT PUMPS, AND  
2       SMALL DUCT, HIGH VELOCITY SYSTEMS.—

3           “(A) DEFINITIONS.—In this paragraph:

4               “(i) SMALL DUCT, HIGH VELOCITY  
5               SYSTEM.—The term ‘small duct, high ve-  
6               locity system’ means a heating and cooling  
7               product that contains a blower and indoor  
8               coil combination that—

9                   “(I) is designed for, and pro-  
10                  duces, at least 1.2 inches of external  
11                  static pressure when operated at the  
12                  certified air volume rate of 220–350  
13                  CFM per rated ton of cooling; and

14                   “(II) when applied in the field,  
15                  uses high velocity room outlets gen-  
16                  erally greater than 1,000 fpm that  
17                  have less than 6.0 square inches of  
18                  free area.

19               “(ii) THROUGH-THE-WALL CENTRAL  
20               AIR CONDITIONER; THROUGH-THE-WALL  
21               CENTRAL AIR CONDITIONING HEAT  
22               PUMP.—The terms ‘through-the-wall cen-  
23               tral air conditioner’ and ‘through-the-wall  
24               central air conditioning heat pump’ mean a  
25               central air conditioner or heat pump, re-

1                   spectively, that is designed to be installed  
2                   totally or partially within a fixed-size open-  
3                   ing in an exterior wall, and—

- 4                         “(I) is not weatherized;
- 5                         “(II) is clearly and permanently  
6                         marked for installation only through  
7                         an exterior wall;
- 8                         “(III) has a rated cooling capac-  
9                         ity no greater than 30,000 Btu/hr;
- 10                        “(IV) exchanges all of its outdoor  
11                         air across a single surface of the  
12                         equipment cabinet; and
- 13                        “(V) has a combined outdoor air  
14                         exchange area of less than 800 square  
15                         inches (split systems) or less than  
16                         1,210 square inches (single packaged  
17                         systems) as measured on the surface  
18                         area described in subclause (IV).

19                         “(iii) REVISION.—The Secretary may  
20                         revise the definitions contained in this sub-  
21                         paragraph through publication of a final  
22                         rule.

23                         “(B) SMALL-DUCT HIGH-VELOCITY SYS-  
24                         TEMS.—

1                 “(i) SEASONAL ENERGY EFFICIENCY  
2                 RATIO.—The seasonal energy efficiency  
3                 ratio for small-duct high-velocity systems  
4                 shall be not less than—

5                 “(I) 11.00 for products manufac-  
6                 tured on or after January 23, 2006;  
7                 and

8                 “(II) 12.00 for products manu-  
9                 factured on or after January 1, 2015.

10                “(ii) HEATING SEASONAL PERFORM-  
11                ANCE FACTOR.—The heating seasonal per-  
12                formance factor for small-duct high-veloc-  
13                ity systems shall be not less than—

14                “(I) 6.8 for products manufac-  
15                tured on or after January 23, 2006;  
16                and

17                “(II) 7.2 for products manufac-  
18                tured on or after January 1, 2015.

19                “(C) SUBSEQUENT RULEMAKINGS.—The  
20                Secretary shall conduct subsequent rulemakings  
21                for through-the-wall central air conditioners,  
22                through-the-wall central air conditioning heat  
23                pumps, and small duct, high velocity systems as  
24                part of any rulemaking under this section used

1           to review or revise standards for other central  
2           air conditioners and heat pumps.”.

3         (b) DUTY TO REVIEW COMMERCIAL EQUIPMENT.—

4 Section 342(a)(6) of the Energy Policy and Conservation  
5 Act (42 U.S.C. 6313(a)(6)) is amended—

6           (1) in subparagraph (A)(i), by inserting “the  
7           standard levels or design requirements applicable  
8           under that standard to” immediately before “any  
9           small commercial”; and

10          (2) in subparagraph (C)—

11           (A) in clause (i)—

12           (i) by striking “Not later than 6 years  
13           after issuance of any final rule establishing  
14           or amending a standard, as required for a  
15           product under this part,” and inserting  
16           “Every 6 years,”; and

17           (ii) by inserting after “the Secretary  
18           shall” the following: “conduct an evalua-  
19           tion of each class of covered equipment  
20           and shall”; and

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

22           “(vi) For any covered equipment as to  
23           which more than 6 years has elapsed since  
24           the issuance of the most recent final rule  
25           establishing or amending a standard for

1           the product as of the date of enactment of  
2           this clause, the first notice required under  
3           clause (i) shall be published by December  
4           31, 2013.”.

5       (c) PETITION FOR AMENDED STANDARDS.—Section  
6 325(n) of the Energy Policy and Conservation Act (42  
7 U.S.C. 6295(n)) is amended—

8           (1) by redesignating paragraph (3) as para-  
9           graph (5); and

10          (2) by inserting after paragraph (2) the fol-  
11          lowing:

12           “(3) NOTICE OF DECISION.—Not later than  
13          180 days after the date of receiving a petition, the  
14          Secretary shall publish in the Federal Register a no-  
15          tice of, and explanation for, the decision of the Sec-  
16          retary to grant or deny the petition.

17           “(4) NEW OR AMENDED STANDARDS.—Not  
18          later than 3 years after the date of granting a peti-  
19          tion for new or amended standards, the Secretary  
20          shall publish in the Federal Register—

21           “(A) a final rule that contains the new or  
22          amended standards; or

23           “(B) a determination that no new or  
24          amended standards are necessary.”.

## 1 SEC. 6. TECHNICAL CORRECTIONS.

2 (a) TITLE III OF ENERGY INDEPENDENCE AND SE-  
3 CURITY ACT OF 2007—ENERGY SAVINGS THROUGH IM-  
4 PROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

5 (1) Section 325(u) of the Energy Policy and  
6 Conservation Act (42 U.S.C. 6295(u)) (as amended  
7 by section 301(c) of the Energy Independence and  
8 Security Act of 2007 (121 Stat. 1550)) is amend-  
9 ed—

10 (A) by redesignating paragraph (7) as  
11 paragraph (4); and

12 (B) in paragraph (4) (as so redesignated),  
13 by striking “supplies is” and inserting “supply  
14 is”.

15 (2) Section 302(b) of the Energy Independence  
16 and Security Act of 2007 (121 Stat. 1551) is  
17 amended by striking “6313(a)” and inserting  
18 “6314(a)”.

19 (3) Section 342(a)(6) of the Energy Policy and  
20 Conservation Act (42 U.S.C. 6313(a)(6)) (as amend-  
21 ed by section 305(b)(2) of the Energy Independence  
22 and Security Act of 2007 (121 Stat. 1554)) is  
23 amended—

24 (A) in subparagraph (B)—

25 (i) by striking “If the Secretary” and  
26 inserting the following:

1                     “(i) IN GENERAL.—If the Secretary”;  
2                         (ii) by striking “clause (ii)(II)” and  
3                         inserting “subparagraph (A)(ii)(II)”;  
4                         (iii) by striking “clause (i)” and in-  
5                         serting “subparagraph (A)(i)”; and  
6                         (iv) by adding at the end the fol-  
7                         lowing:

8                     “(ii) FACTORS.—In determining  
9                         whether a standard is economically justi-  
10                         fied for the purposes of subparagraph  
11                         (A)(ii)(II), the Secretary shall, after receiv-  
12                         ing views and comments furnished with re-  
13                         spect to the proposed standard, determine  
14                         whether the benefits of the standard ex-  
15                         ceed the burden of the proposed standard  
16                         by, to the maximum extent practicable,  
17                         considering—

18                     “(I) the economic impact of the  
19                         standard on the manufacturers and  
20                         on the consumers of the products sub-  
21                         ject to the standard;

22                     “(II) the savings in operating  
23                         costs throughout the estimated aver-  
24                         age life of the product in the type (or  
25                         class) compared to any increase in the

1                   price of, or in the initial charges for,  
2                   or maintenance expenses of, the prod-  
3                   ucts that are likely to result from the  
4                   imposition of the standard;

5                   “(III) the total projected quan-  
6                   tity of energy savings likely to result  
7                   directly from the imposition of the  
8                   standard;

9                   “(IV) any lessening of the utility  
10                  or the performance of the products  
11                  likely to result from the imposition of  
12                  the standard;

13                  “(V) the impact of any lessening  
14                  of competition, as determined in writ-  
15                  ing by the Attorney General, that is  
16                  likely to result from the imposition of  
17                  the standard;

18                  “(VI) the need for national en-  
19                  ergy conservation; and

20                  “(VII) other factors the Sec-  
21                  retary considers relevant.

22                  “(iii) ADMINISTRATION.—

23                  “(I) ENERGY USE AND EFFI-  
24                  CIENCY.—The Secretary may not pre-  
25                  scribe any amended standard under

1                   this paragraph that increases the  
2                   maximum allowable energy use, or de-  
3                   creases the minimum required energy  
4                   efficiency, of a covered product.

5                   “(II) UNAVAILABILITY.—

6                   “(aa) IN GENERAL.—The  
7                   Secretary may not prescribe an  
8                   amended standard under this  
9                   subparagraph if the Secretary  
10                  finds (and publishes the finding)  
11                  that interested persons have es-  
12                  tablished by a preponderance of  
13                  the evidence that a standard is  
14                  likely to result in the unavail-  
15                  ability in the United States in  
16                  any product type (or class) of  
17                  performance characteristics (in-  
18                  cluding reliability, features, sizes,  
19                  capacities, and volumes) that are  
20                  substantially the same as those  
21                  generally available in the United  
22                  States at the time of the finding  
23                  of the Secretary.

24                  “(bb) OTHER TYPES OR  
25                  CLASSES.—The failure of some

types (or classes) to meet the criterion established under this sub-clause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.”;

and

21                         (5) Section 345 of the Energy Policy and Con-  
22                         servation Act (42 U.S.C. 6316) (as amended by sec-  
23                         tion 312(e) of the Energy Independence and Secu-  
24                         rity Act of 2007 (121 Stat. 1567)) is amended—

1                             (A) by striking “subparagraphs (B)  
2                             through (G)” each place it appears and inserting  
3                             “subparagraphs (B), (C), (D), (I), (J), and  
4                             (K)”;  
5                             (B) by striking “part A” each place it ap-  
6                             pears and inserting “part B”;  
7                             (C) in subsection (a)—  
8                                 (i) in paragraph (8), by striking  
9                                 “and” at the end;  
10                                 (ii) in paragraph (9), by striking the  
11                                 period at the end and inserting “; and”;  
12                                 and  
13                                 (iii) by adding at the end the fol-  
14                                 lowing:  
15                             “(10) section 327 shall apply with respect to  
16                             the equipment described in section 340(1)(L) begin-  
17                             ning on the date on which a final rule establishing  
18                             an energy conservation standard is issued by the  
19                             Secretary, except that any State or local standard  
20                             prescribed or enacted for the equipment before the  
21                             date on which the final rule is issued shall not be  
22                             preempted until the energy conservation standard  
23                             established by the Secretary for the equipment takes  
24                             effect.”;

(E) in subsection (h)(3), by striking “section 342(f)(3)” and inserting “section 342(f)(4”).

20 (A) in clause (i)—

21 (i) by striking the comma after  
22 “household appliance” and inserting  
23 “and”; and

24 (ii) by striking “and is sold at retail.”;

25 and

(B) in clause (ii), by inserting “when sold at retail,” before “is designated”.

15 (B) in clause (ii), by striking “; and” and  
16 inserting a period; and

17 (C) by striking clause (iii).

1       amended by striking “6995(i)” and inserting  
2       “6295(i)”).

3                 (12) Section 325(b) of the Energy Independence  
4       and Security Act of 2007 (121 Stat. 1596) is  
5       amended by striking “6924(c)” and inserting  
6       “6294(c)”).

7                 (13) This subsection and the amendments made  
8       by this subsection take effect as if included in the  
9       Energy Independence and Security Act of 2007  
10      (Public Law 110–140; 121 Stat. 1492).

11                 (b) ENERGY POLICY ACT OF 2005.—

12                 (1) Section 325(g)(8)(C)(ii) of the Energy Pol-  
13       icy and Conservation Act (42 U.S.C.  
14       6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B)  
15       of the Energy Policy Act of 2005) is amended by  
16       striking “20F” and inserting “20°F”.

17                 (2) This subsection and the amendment made  
18       by this subsection take effect as if included in the  
19       Energy Policy Act of 2005 (Public Law 109–58; 119  
20       Stat. 594).

21                 (c) ENERGY POLICY AND CONSERVATION ACT.—

22                 (1) Section 340(2)(B) of the Energy Policy and  
23       Conservation Act (42 U.S.C. 6311(2)(B)) is amend-  
24       ed—

1                             (A) in clause (xi), by striking “and” at the  
2                             end;

3                             (B) in clause (xii), by striking the period  
4                             at the end and inserting “; and”; and

5                             (C) by adding at the end the following:  
6                                 “(xiii) other motors.”.

7                             (2) Section 343(a) of the Energy Policy and  
8                             Conservation Act (42 U.S.C. 6314(a)) is amended  
9                             by striking “Air-Conditioning and Refrigeration In-  
10                             stitute” each place it appears in paragraphs (4)(A)  
11                             and (7) and inserting “Air-Conditioning, Heating,  
12                             and Refrigeration Institute”.

