

113TH CONGRESS
2D SESSION

H. R. 4219

To amend the Energy Policy and Conservation Act to provide for the recognition of voluntary certification programs for air conditioning, furnace, boiler, heat pump, and water heater products.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2014

Mr. LATTA (for himself, Mrs. BLACKBURN, and Mr. MATHESON) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Energy Policy and Conservation Act to provide for the recognition of voluntary certification programs for air conditioning, furnace, boiler, heat pump, and water heater products.

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 “Voluntary Certification
5 Program Act of 2014”.

1 **SEC. 2. VOLUNTARY CERTIFICATION PROGRAMS FOR AIR**
2 **CONDITIONING, FURNACE, BOILER, HEAT**
3 **PUMP, AND WATER HEATER PRODUCTS.**

4 Section 326(b) of the Energy Policy and Conserva-
5 tion Act (42 U.S.C. 6296(b)) is amended by adding at
6 the end the following:

7 “(6) VOLUNTARY CERTIFICATION PROGRAMS
8 FOR AIR CONDITIONING, FURNACE, BOILER, HEAT
9 PUMP, AND WATER HEATER PRODUCTS.—

10 “(A) DEFINITION OF BASIC MODEL
11 GROUP.—In this paragraph, the term ‘basic
12 model group’ means a set of models—

13 “(i) that share characteristics that
14 allow the performance of 1 model to be
15 generally representative of the performance
16 of other models within the group; and

17 “(ii) in which the group of products
18 does not necessarily have to share discrete
19 performance.

20 “(B) RELIANCE ON VOLUNTARY CERTIFI-
21 CATION PROGRAMS.—For the purpose of testing
22 to verify the performance rating of, or receiving
23 test reports from manufacturers certifying com-
24 pliance with energy conservation standards and
25 Energy Star specifications established under
26 sections 324A, 325, and 342, the covered prod-

1 ucts described in paragraphs (3), (4), (5), (9),
2 and (11) of section 322(a) and covered equip-
3 ment described in subparagraphs (B), (C), (D),
4 (F), (I), (J), and (K) of section 340(1), the
5 Secretary and Administrator shall rely on vol-
6 untary certification programs that—

7 “(i) are nationally recognized;

8 “(ii) maintain a publicly available list
9 of all certified products and equipment;

10 “(iii) as determined by the Secretary,
11 annually test not less than 10 percent and
12 not more than 30 percent of the basic
13 model group of a program participant;

14 “(iv) require the changing of the per-
15 formance rating or removal of the product
16 or equipment from the program, if
17 verification testing determines that the
18 performance rating does not meet the lev-
19 els the manufacturer has certified to the
20 Secretary;

21 “(v) require the qualification of new
22 participants in the program through test-
23 ing and production of test reports;

1 “(vi) allow for challenge testing of
2 products and equipment within the scope
3 of the program;

4 “(vii) require program participants to
5 certify the performance rating of all cov-
6 ered products and equipment within the
7 scope of the program;

8 “(viii) are conducted by a certification
9 body that is accredited under International
10 Organization for Standardization/Inter-
11 national Electrotechnical Commission
12 (ISO/IEC) Standard 17065;

13 “(ix) provide to the Secretary—

14 “(I) an annual report of all test
15 results;

16 “(II) prompt notification when
17 program testing results in—

18 “(aa) the rerating of the
19 performance rating of a product
20 or equipment; or

21 “(bb) the delisting of a
22 product or equipment; and

23 “(III) test reports, on the request
24 of the Secretary or the Administrator,
25 for Energy Star compliant products,

1 which shall be treated as confidential
2 business information as provided for
3 under section 552(b)(4) of title 5,
4 United States Code (commonly known
5 as the ‘Freedom of Information Act’);
6 “(x) use verification testing that—

7 “(I) is conducted by an inde-
8 pendent test laboratory that is accred-
9 ited under International Organization
10 for Standardization/International
11 Electrotechnical Commission (ISO/
12 IEC) Standard 17025 with a scope
13 covering the tested products or equip-
14 ment;

15 “(II) follows the test procedures
16 established under this title; and

17 “(III) notes in each test report
18 any instructions specified by the man-
19 ufacturer or the representative of the
20 manufacturer for the purpose of con-
21 ducting the verification testing; and

22 “(xi) satisfy such other requirements
23 as the Secretary has determined—

24 “(I) are essential to ensure
25 standards compliance; or

1 “(II) have consensus support
2 achieved through a negotiated rule-
3 making process.

4 “(C) ADMINISTRATION.—

5 “(i) IN GENERAL.—The Secretary
6 shall not require—

7 “(I) manufacturers to participate
8 in a voluntary certification program
9 described in subparagraph (B); or

10 “(II) participating manufacturers
11 to provide information that can be ob-
12 tained through a voluntary certifi-
13 cation program described in subpara-
14 graph (B).

15 “(ii) LIST OF COVERED PRODUCTS.—
16 The Secretary or the Administrator may
17 maintain a publicly available list of covered
18 products and equipment certified under a
19 program described in subparagraph (B)
20 that distinguishes between—

21 “(I) covered products and equip-
22 ment verified by the program; and

23 “(II) products not verified by the
24 program.

1 “(iii) REDUCTION OF REQUIRE-
2 MENTS.—Any rules promulgated by the
3 Secretary that require testing of products
4 or equipment for certification of perform-
5 ance ratings shall on average reduce re-
6 quirements and burdens for manufacturers
7 participating in a voluntary certification
8 program described in subparagraph (B) for
9 the products or equipment relative to other
10 manufacturers.

11 “(iv) PERIODIC TESTING BY PROGRAM
12 NONPARTICIPANTS.—In addition to certifi-
13 cation requirements, the Secretary shall re-
14 quire a manufacturer that does not partici-
15 pate in a voluntary certification program
16 described in subparagraph (B)—

17 “(I) to verify the accuracy of the
18 performance rating of the product or
19 equipment through periodic testing
20 using the testing methods described in
21 clause (iii) or (x) of subparagraph
22 (B); and

23 “(II) to provide to the Secretary
24 test results and, on request, test re-
25 ports verifying the certified perform-

1 ance for each basic model group of
2 the manufacturer.

3 “(v) RESTRICTIONS ON TEST LABORA-
4 TORIES.—

5 “(I) IN GENERAL.—Subject to
6 subclause (II), with respect to covered
7 products and equipment, a voluntary
8 certification program described in
9 subparagraph (B) shall not be a test
10 laboratory that conducts the testing
11 on products or equipment within the
12 scope of the program.

13 “(II) LIMITATION.—Subclause
14 (I) shall not apply to Energy Star
15 specifications established under sec-
16 tion 324A.

17 “(vi) EFFECT ON OTHER AUTHOR-
18 ITY.—Nothing in this paragraph limits the
19 authority of the Secretary or the Adminis-
20 trator to test products or equipment or to
21 enforce compliance with any law (including
22 regulations).”.

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