NOTIFICATION

Addendum

The following communication, dated 31 August 2021, is being circulated at the request of the delegation of the United States of America.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Title:** Energy Conservation Program for Appliance Standards: Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters

|  |  |
| --- | --- |
| **Reason for Addendum:** | |
| [  ] | Comment period changed - date: |
| [  ] | Notified measure adopted - date: |
| [  ] | Notified measure published - date: |
| [  ] | Notified measure enters into force - date: |
| [  ] | Text of final measure available from[[1]](#footnote-1): |
| [  ] | Notified measure withdrawn or revoked - date:  Relevant symbol if measure re-notified: |
| [X] | Content or scope of notified measure changed and text available from1: <https://www.govinfo.gov/content/pkg/FR-2021-08-27/html/2021-18017.htm>  <https://www.govinfo.gov/content/pkg/FR-2021-08-27/pdf/2021-18017.pdf>  <https://members.wto.org/crnattachments/2021/TBT/USA/modification/21_5469_00_e.pdf>  New deadline for comments (if applicable): 27/09/2021 |
| [  ] | Interpretive guidance issued and text available from1: |
| [  ] | Other: |

**Description:** TITLE: Energy Conservation Program for Appliance Standards: Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy

ACTION: Notification of proposed interpretive rule; request for comment

SUMMARY: On 15 January 2021, the Department of Energy (DOE or Department) published a final interpretive rule in the Federal Register determining that, in the context of residential furnaces, commercial water heaters, and similarly-situated products or equipment, use of non-condensing technology (and associated venting) constitutes a performance-related "feature" under the Energy Policy and Conservation Act, as amended (EPCA), that cannot be eliminated through adoption of an energy conservation standard. DOE deems it prudent to revisit its interpretation. For the reasons stated in this document, the Department proposes to return to its previous and long-standing interpretation (in effect prior to the 15 January 2021 final interpretive rule), under which the technology used to supply heated air or hot water is not a performance-related "feature" that provides a distinct consumer utility under EPCA. DOE requests comment on its proposed interpretation. Once DOE has arrived at a final interpretation, the Department plans to again evaluate whether amended energy conservation standards would result in significant savings of energy, be technologically feasible, and be economically justified, consistent with its interpretation.

DOE will accept comments, data, and information regarding this proposed interpretive rule no later than 27 September 2021.

This notification of proposed interpretive rule; request for comment and previous actions notified under the symbol [G/TBT/N/USA/1655](http://tbtims.wto.org/en/Notifications/Search?ProductsCoveredHSCodes=&ProductsCoveredICSCodes=&DoSearch=True&ExpandSearchMoreFields=False&NotifyingMember=&DocumentSymbol=usa%2F1655&DistributionDateFrom=&DistributionDateTo=&SearchTerm=&ProductsCovered=&DescriptionOfContent=&CommentPeriod=&FinalDateForCommentsFrom=&FinalDateForCommentsTo=&ProposedDateOfAdoptionFrom=&ProposedDateOfAdoptionTo=&ProposedDateOfEntryIntoForceFrom=&ProposedDateOfEntryIntoForceTo=&ReasonForAddendum=) are identified by Docket Number EERE-2018-BT-STD-0018. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EERE-2018-BT-STD-0018/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](http://www.regulations.gov/) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](mailto:usatbtep@nist.gov). Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the [Docket](https://www.regulations.gov/docket/EERE-2018-BT-STD-0018/document) on Regulations.gov if received within the comment period.

**\_\_\_\_\_\_\_\_\_\_**

1. This information can be provided by including a website address, a pdf attachment, or other information on where the text of the final/modified measure and/or interpretive guidance can be obtained. [↑](#footnote-ref-1)