NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** United States of America  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:** Office of Energy Efficiency and Renewable Energy (OEERE), Department of Energy (DOE) [1851]  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  Please submit comments to: USA WTO TBT Enquiry Point, Email: [usatbtep@nist.gov](mailto:usatbtep@nist.gov) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****X],** **5.7.1 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Consumer water heaters and residential-duty commercial water heaters; Electric instantaneous or storage water heaters and immersion heaters; electric space heating apparatus and soil heating apparatus; electro-thermic hair-dressing apparatus, e.g. hair dryers, hair curlers and curling tong heaters, and hand dryers; electric smoothing irons; other electro-thermic appliances of a kind used for domestic purposes; electric heating resistors (other than those of heading 8545); parts thereof (HS 8516); Quality (ICS 03.120), Environmental protection (ICS 13.020), Test conditions and procedures in general (ICS 19.020), Installations in buildings (ICS 91.140), Domestic, commercial and industrial heating appliances (ICS 97.100) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Energy Conservation Program: Test Procedure for Consumer Water Heaters and Residential-Duty Commercial Water Heaters (61 page(s), in English) |
| **6.** | **Description of content:** Notice of proposed rulemaking and request for comment - The U.S. Department of Energy (DOE) proposes to amend the test procedure for consumer water heaters and residential-duty commercial water heaters to update the procedure to the latest versions of the industry standards that are incorporated by reference and to consider  procedures that are included in a draft industry standard, which is not currently incorporated by reference. DOE also proposes to interpret the statutory definition of consumer water heater to cover larger capacity heat pump type units as commercial equipment and proposes several new definitions for water heaters that cannot be  appropriately tested with the current DOE test procedure, along with test methods to test these products. DOE is seeking comment from interested parties on the proposals. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Prevention of deceptive practices and consumer protection; Protection of the environment |
| **8.** | **Relevant documents:**  87 Federal Register (FR) 1554, 11 January 2021; Title 10 Code of Federal Regulations (CFR) Parts 429, 430, and 431:  <https://www.govinfo.gov/content/pkg/FR-2022-01-11/html/2021-27004.htm> <https://www.govinfo.gov/content/pkg/FR-2022-01-11/pdf/2021-27004.pdf>  This notice of proposed rulemaking & request for comment is identified by Docket Number EERE-2019-BT-TP-0032. The Docket Folder is available from Regulations.gov at <https://www.regulations.gov/docket/EERE-2019-BT-TP-0032/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) by or before [4pm](https://time.is/EST) [Eastern Time](https://www.timeanddate.com/worldclock/) on 14 March 2022. 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-2019-BT-TP-0032/document) on Regulations.gov if received within the comment period.  DOE will hold a webinar on Tuesday, 25 January 2022, from [1:00 p.m. to 5:00 p.m.](https://time.is/EST) [Eastern Time](https://www.timeanddate.com/worldclock/). See section V, "Public Participation," for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.  Energy Conservation Program: Test Procedures for Consumer Water Heaters and Residential-Duty Commercial Water Heaters; Request for Information, published 16 April 2020, identified by Docket Number [EERE-2019-BT-TP-0032](https://www.regulations.gov/docket/EERE-2019-BT-TP-0032/document): <https://www.govinfo.gov/content/pkg/FR-2020-04-16/html/2020-07732.htm><https://www.govinfo.gov/content/pkg/FR-2020-04-16/pdf/2020-07732.pdf>  [G/TBT/N/USA/868/Add.1](https://docs.wto.org/imrd/directdoc.asp?DDFDocuments/q/G/TBTN13/USA868A1.pdf) - Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Test Procedures for Residential and Commercial Water Heaters; [Final Rule](http://www.gpo.gov/fdsys/pkg/FR-2014-07-11/html/2014-15656.htm) identified by Docket Number [EERE-2011-BT-TP-0042](https://www.regulations.gov/docket/EERE-2011-BT-TP-0042/document).  [G/TBT/N/USA/987/Add.3](https://docs.wto.org/imrd/directdoc.asp?DDFDocuments/t/G/TBTN15/USA987A3.DOC) - Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Test Procedures for Consumer and Commercial Water Heaters; [Final Rule](https://www.govinfo.gov/content/pkg/FR-2016-12-29/html/2016-29994.htm) identified by Docket Number [EERE-2015-BT-TP-0007](https://www.regulations.gov/docket/EERE-2015-BT-TP-0007/document).  [G/TBT/N/USA/1124/Add.1](https://docs.wto.org/imrd/directdoc.asp?DDFDocuments/t/G/TBTN16/USA1124A1.DOC) - Energy Conservation Program for Certain Commercial and Industrial Equipment: Test Procedure for Commercial Water Heating Equipment; [Final Rule](https://www.govinfo.gov/content/pkg/FR-2016-11-10/html/2016-26211.htm) identified by Docket Number [EERE-2014-BT-TP-0008](https://www.regulations.gov/docket/EERE-2014-BT-TP-0008/document). |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 14 March 2022 |
| **11.** | **Texts available from: National enquiry point [** **]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  <https://members.wto.org/crnattachments/2022/TBT/USA/22_0335_00_e.pdf> |