NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **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) [1862]  **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 [****],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****],** **other** **[X]:** Comments requested on tentative determination made by the U.S. Department of Energy (DOE) that coverage of miscellaneous gas products is necessary and appropriate to carry out for the purposes of the Energy Policy and Conservation Act ("EPCA"). |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Miscellaneous gas products; Environmental protection (ICS 13.020), Domestic, commercial and industrial heating appliances (ICS 97.100) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Energy Conservation Program: Proposed Determination of Miscellaneous Gas Products as a Covered Consumer Product (10 page(s), in English) |
| **6.** | **Description of content:** Notification of proposed determination and request for comment - The U.S. Department of Energy ("DOE") has tentatively determined that miscellaneous gas products, which are comprised of decorative hearths and outdoor heaters, qualify as covered products under Part A of Title III of the Energy Policy and Conservation Act, as amended ("EPCA"). DOE has tentatively determined that coverage of miscellaneous gas products is necessary and appropriate to carry out the purposes of EPCA, and that the average U.S. household energy use for miscellaneous gas products is likely to exceed 100 kilowatt-hours per year. |
| **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) 6786, 7 February 2022; Title 10 Code of Federal Regulations (CFR) Part 430: <https://www.govinfo.gov/content/pkg/FR-2022-02-07/html/2022-02386.htm> <https://www.govinfo.gov/content/pkg/FR-2022-02-07/pdf/2022-02386.pdf>  This Notification of proposed determination and request for comment is identified by Docket Number EERE-2021-BT-DET-0034. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EERE-2021-BT-DET-0034/document> and provides access to primary 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 8 April 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-2021-BT-DET-0034/document) on Regulations.gov if received within the comment period.  [G/TBT/N/USA/508/Add.1](https://docs.wto.org/imrd/directdoc.asp?DDFDocuments/t/G/Tbtn09/USA508A1.DOC)- Energy Conservation Program: Energy Conservation Standards for Residential Water Heaters, Direct Heating Equipment, and Pool Heaters; [Final Rule](https://www.govinfo.gov/content/pkg/FR-2010-04-16/html/2010-7611.htm) published 16 April 2010 (a [Correction](https://www.govinfo.gov/content/pkg/FR-2010-04-27/html/C1-2010-7611.htm) published 27 April 2010 and notified as [G/TBT/N/USA/508/Add.2](https://docs.wto.org/imrd/directdoc.asp?DDFDocuments/t/G/Tbtn09/USA508A2.DOC)) identified by Docket Number [EE-2006-BT-STD-0129](https://www.regulations.gov/docket/EERE-2006-STD-0129/document).  [G/TBT/N/USA/642/Add.2](https://docs.wto.org/imrd/directdoc.asp?DDFDocuments/q/G/Tbtn11/USA642A2.pdf)- Energy Conservation Program: Energy Conservation Standards for Direct Heating Equipment; [Final Rule](https://www.govinfo.gov/content/pkg/FR-2011-11-18/html/2011-29503.htm) published 18 November 2011 identified by Docket Number [EERE-2011-BT-STD-0047](https://www.regulations.gov/docket/EERE-2011-BT-STD-0047/document).  [USA/635/Add.2](https://docs.wto.org/imrd/directdoc.asp?DDFDocuments/q/G/TBTN11/USA635A2.pdf) - Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces; Energy Conservation Standards for Residential Direct Heating Equipment; [Final rule; technical amendment](https://www.govinfo.gov/content/pkg/FR-2014-07-29/html/2014-17876.htm) published 29 July 2014. |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 8 April 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_1452_00_e.pdf> |