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) [1864]  **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]:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Portable electric spas; Environmental protection (ICS 13.020), Miscellaneous domestic and commercial equipment (ICS 97.180) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Energy Conservation Program: Proposed Determination of Portable Electric Spas as a Covered Consumer Product (8 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 portable electric spas qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act, as amended ("EPCA"). DOE has tentatively determined that coverage of portable electric spas is necessary and appropriate to carry out the purposes of EPCA and that the average U.S. household energy use for portable electric spas is likely to exceed 100 kilowatt-hours per year.  If, after public comment, DOE issues a final determination of coverage for this product, DOE may prescribe both test procedures and energy conservation standards for this product. DOE will publish a final decision on coverage as a separate notice, which is an action that will be completed prior to the initiation of any test procedure or energy conservation standards rulemaking. If DOE determines that coverage is warranted, DOE will proceed with its typical rulemaking process for both test procedures and standards. DOE is not proposing test procedures or energy conservation standards as part of this proposed determination. If DOE proceeds with a rulemaking to establish energy conservation standards, DOE would determine if portable electric spas satisfy the provisions of [42 U.S.C. 6295(l)(1)](https://www.govinfo.gov/content/pkg/USCODE-2020-title42/html/USCODE-2020-title42-chap77.htm) during the course of that rulemaking. |
| **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) 8745, 16 February 2022; Title 10 Code of Federal Regulations (CFR) Part 430:  <https://www.govinfo.gov/content/pkg/FR-2022-02-16/html/2022-03190.htm> <https://www.govinfo.gov/content/pkg/FR-2022-02-16/pdf/2022-03190.pdf>  This notice of proposed rulemaking is identified by Docket Number EERE-2022-BT-DET-0006. The Docket Folder is available from Regulations.gov at <https://www.regulations.gov/docket/EERE-2022-BT-DET-0006/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 on 18 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-2022-BT-DET-0006/document) on Regulations.gov if received within the comment period. |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 18 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_1677_00_e.pdf> |