

KYLE PITSOR

Vice President, Government Relations

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Submitted Online: <https://www.regulations.gov>
Or Via Email: MotorsCCE2014CE0019@ee.doe.gov

Ms. Ashley Armstrong
US Department of Energy
Buildings Technologies Program
Mail Stop EE-5B
1000 Independence Ave, SW
Washington, DC 20585-0121

NEMA Follow-On Comments on Energy Conservation Program: Certification, Compliance, Labeling, and Enforcement for Electric Motors and Small Electric Motors

Docket Number: EERE-2014-BT-CE-0019
RIN: 1904-AD25

Dear Ms. Armstrong,

As the leading trade association representing the manufacturers of electrical and medical imaging equipment, the National Electrical Manufacturers Association (NEMA) provides the attached comments on the Department of Energy's Notice of Proposed Rulemaking for Certification, Compliance, Labeling, and Enforcement requirements for Electric Motors and Small Electric Motors. These comments are a follow-up to those recently submitted on behalf of NEMA Motor and Generator Section member companies¹.

NEMA, founded in 1926 and headquartered in Arlington, Virginia, represents nearly 400 electrical and medical imaging manufacturers. Our combined industries account for more than 350,000 American jobs and more than 6,500 facilities across the U.S. Domestic production exceeds \$117 billion per year.

Please find our detailed follow-up comments attached. Our Member companies count on your careful consideration and we look forward to an outcome that meets their expectations. If you have any questions on these comments, please contact Alex Boesenberg of NEMA at 703-841-3268 or alex.boesenberg@nema.org.

Sincerely,



Kyle Pitsor
Vice-President, Government Relations

¹ <https://www.regulations.gov/document?D=EERE-2014-BT-CE-0019-0010>

NEMA Follow-On Comments on Energy Conservation Program: Certification, Compliance, Labeling, and Enforcement for Electric Motors and Small Electric Motors

General Comments:

NEMA reiterates our previous comment that the DOE issue a SNOPR following processing of all public comments, given their significance and our conclusion that this is in fact an effort to amend energy conservation standards for motors outside of the statutory requirements for amending energy conservation standards.

At the time we submitted our initial comments, NEMA indicated the short amount of time given to provide comments did not provide enough time to consider fully all the issues raised in the NOPR and that we would submit some additional information after the closing of the comment period. This document represents that additional information and comment.

NEMA Response to Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

The numbering of comments below conforms to the original list of questions in the NOPR.

2. In this proposal, DOE is proposing to define the term “independent” at 10 CFR 431.12 and 431.442 and applying these requirements to the laboratories used by manufacturers for determining the efficiency of their basic modes. As part of this proposal, DOE is revising the requirements currently located in Section 431.18, which require that testing laboratories be accredited by NIST/NVLAP laboratory, accredited by a laboratory accreditation program having a mutual recognition program with NIST/NVLAP, or a laboratory accredited by an organization classified by DOE as an accreditation body. DOE seeks comment regarding whether DOE should also require that independent labs be accredited and what accreditations such laboratories should have.

NEMA Comment: NVLAP is an accreditation body. It accredits testing facilities which demonstrate that the testing facility is able to properly perform the required tests using proper test equipment and procedures. Part of the accreditation process is to determine that the test facility is operated independent of influence of the manufacturer if the facility is owned by the manufacturer. DOE should not make any changes in the rules and regulations that prohibit manufacturers from using their own test facilities when properly accredited.

CSA and UL are certification bodies. CSA is also an accredited body. The CSA Energy Efficiency Verification Service does certify the value of efficiency and that certification is needed for sales in Canada. As a part of the EEV Service CSA does examine the testing facility and approves it for use in the same way that NVLAP does for accreditation. According to CSA, under Canadian law an accreditation body cannot “accredit” a third party, so CSA uses a different name than "accreditation" for its examination. DOE should continue to recognize that this is equivalent to an accreditation by an agency such as NVLAP and not require a separate accreditation when a manufacturer participates in the CSA EEV Service for certification. UL uses test facilities that have been accredited by other agencies.

7. DOE requests comment on its proposal to retain a minimum sample size of 5 units for basic models rated by testing at an independent laboratory unless fewer than five individual units of a basic model are manufactured over a period of 180 days.

NEMA Comment: NEMA agrees with the intent of DOE's comments concerning retaining the 180 day time period criteria. However, in the changes to Part 429 and 431 at the end of the NOPR DOE is eliminating the 180 day period by deleting the present 431.17 that refers to it and has not proposed in the NOPR any text for Part 429 that provides for it. DOE needs to properly include this 180 day time period in the revisions proposed for Part 429.

Accordingly, under the new proposed text for 429.63(b) the DOE should retain this text from the proposed-deleted section 431.17

“(2) *Selection of units for testing.* For each basic model selected for testing,² a sample of units shall be selected at random and tested. The sample shall be comprised of production units of the basic model, or units that are representative of such production units. The sample size shall be not fewer than five units, except that when fewer than five units of a basic model would be produced over a reasonable period of time (approximately 180 days), then each unit shall be tested. In a test of compliance with a represented average or nominal efficiency:”

NEMA Comment: There is some concern over how to address customer supply issues when all units (of 5 or less) produced in the 180 day period must be tested before certification can be done so that none of the units can be shipped within those 180 days. It is preferred that DOE provide for such a contingency. This is not a problem if an AEDM is used for the basic model, as it is a concern only if certification is done by testing. Accordingly, we propose the DOE allow individual units to be tested for compliance in such an instance and reported to DOE per normal process.

9. DOE requests comment on its proposal to adopt a sampling plan for electric motors similar to those used for other consumer products and commercial equipment. Additionally, DOE requests comment on its proposal to use the formulas from 10 CFR 431.17(b)(2)(i) and 10 CFR 431.17(b)(2)(ii) and add them to 10 CFR 429.138 to verify representations used for labeling.

NEMA Comment: With regards to 429.138 NEMA observes that DOE is introducing a third and different sampling plan applicable to the same value of efficiency for electric motors. This new proposed sampling plan “for purposes of the prohibited acts related to labeling” is also in conflict with the sampling plan for labeling in Appendix D to Subpart C of Part 429 when represented nominal full-load efficiency (RE) “is the represented average full-load efficiency when the test is to determine compliance with the labeled efficiency value”. Further the proposed sampling plan in 429.138 is missing all of the associated details as found in the NOPR for the other sampling plans. We do not understand the purpose of this new sampling plan nor why the test condition on the value of RE is different from that in the other sampling plans when RE is the same referenced nominal full-load efficiency.

15. DOE requests comment regarding whether model number, basic model number, or some other type of design information should be required on the nameplate to permit DOE and customers to tie a certification of compliance to a particular unit being distributed in commerce.

NEMA Comment: Existing nameplate requirements are adequate. There is no evidence that changes to nameplate requirements will be of any benefit to consumers or industry. Third party certification, if maintained by DOE, will also add cost to nameplate approval and change-making, adding administrative burden without tangible benefit.

Presently the CC number ties each basic model to a certification report. If DOE proposes anything else then there would have to be an identifier that is marked on the motor and is included in the certification report. Maintaining this additional listing information could become very difficult and would add an uncalculated burden on motor manufacturers whose impact has not been evaluated by this NOPR.