Setting Standards for Excellence

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Vice President, Government Relations

March 9, 2016

Ms. Brenda Edwards
U.S. Department of Energy
Building Technologies Program
1000 Independence Avenue, SW
Washington, DC 20585-0121

Re: Energy Conservation Program: Certification and Enforcement – Import Data Collection Notice of Proposed Rulemaking

Docket Number: EERE–2015–BT–CE–0019
Regulatory Information Number: 1990–AA44

Dear Ms. Edwards,

As the trade association representing the manufacturers of electrical, medical imaging, and radiation therapy manufacturers, the National Electrical Manufacturers Association (NEMA) provides the attached comments on the Department of Energy Notice of Proposed Rulemaking on Certification and Enforcement – Import Data Collection, published in the Federal Register on December 29, 2015.

NEMA, founded in 1926 and headquartered in Arlington, Virginia, represents nearly 400 electrical and medical imaging manufacturers. Our combined industries account for more than 400,000 American jobs and more than 7,000 facilities across the U.S. Domestic production exceeds $117 billion per year.

Please find our detailed comments attached. Our member companies count on your careful consideration of these comments and look forward to an outcome that meets their expectations.

If you have any questions, please contact Craig Updyke of NEMA at 703-841-3294 or craig.updyke@nema.org.

Sincerely,

Kyle Pitsor
Vice President, Government Relations

attachment

NEMA Comments on DOE Notice of Proposed Rulemaking
Certification and Enforcement – Import Data Collection

Executive Summary

- NEMA supports Department of Energy (DOE) enforcement of federal energy conservation standards and prevention of entry into the U.S. of products and equipment intended for use in the U.S. that do not meet those standards.
- NEMA manufacturers of products subject to energy conservation standards report to the Department in accordance with existing regulations about all of the products they intend to bring on the U.S. market. NEMA members are concerned that the Department's import data collection proposal duplicates this reporting for products to be imported and, moreover, that the proposal falls short in addressing willful non-compliance.
- NEMA members recommend the Department allow multiple paths for importers of covered products to provide confirmation of admissibility of their products.
- The Department should consider applying a trusted trader approach, especially for high volume importers, that would reduce importers' burdens and the Department's while focusing DOE resources on non-compliance.
- Any approach must support continued importation of products that are not covered by energy conservation standards, including products not for sale or use in the U.S.
- NEMA recommends that the process of importing finished equipment containing one or more covered products be minimally burdensome while facilitating effective enforcement by the Department in collaboration with U.S. Customs and Border Protection (CBP). DOE should report to the public clearly on the status of its work with CBP and bring the agency into follow-on discussions on this initiative.
- DOE should develop a clear plan for education of importers and their customs brokers as well as pilot testing with willing importers.
- DOE should proceed to a Supplemental Notice of Proposed Rulemaking and further meetings with stakeholders.

Full Commentary

NEMA notes the Department of Energy (DOE) efforts toward more active and rigorous oversight with regard to imported products that are subject to minimum energy conservation standards. Sales lost to non-compliant products negatively impact manufacturers and importers that devote significant time and resources to providing compliant products. By reducing the availability of non-compliant products, DOE defends the energy savings projected to accrue to the U.S. as part of its product rulemakings and defends legitimate and compliant products against unfair competition. We appreciate that the DOE is seeking to facilitate clearance of incoming products unless detention of a suspect product is absolutely necessary. However, we are

concerned that the proposed rule does not do enough to address willful non-compliance while at the same time proposes to add a notable reporting burden on responsible importers. The balance needs to shift. Enforcement must be focused on the non-compliant, not on policing the already-compliant. While arguably easier, the proposed approach does not actually address the main problem.

The introductory portion of the December 29, 2016, Notice of Proposed Rulemaking (NOPR or "Notice") on Import Data Collection clearly states that the Department has the authority to require importers of products covered by energy conservation standards to submit "information and reports" and that the Department intends to use the new International Trade Data System and Automated Commercial Environment (ACE) being developed by U.S. Customs and Border Protection (CBP) to facilitate timely submission of such information and reports. We believe a clearer statement of the problem DOE intends to address will help the Department focus its attention on those areas that need the most work, i.e. the prevention of entry of non-compliant products.

In the NOPR DOE requested specific comments in response to the following questions:

1. *DOE requests comment on the requirement that importers importing covered products or equipment subject to DOE energy conservation standards that are within the listed HTS codes provide a certification of admissibility to DOE. Further, DOE requests comment as to whether covered products or equipment subject to or are being considered for DOE energy conservation standards are currently imported using other HTS codes.*

In general, NEMA supports DOE's ultimate goal to enforce federal energy conservation standards and prevent entry in the customs territory of the United States of products and equipment intended for sale or ultimate use in the U.S. that do not meet those standards. We note the extensive list of HTS codes the Department has provided in the NOPR that, as DOE explained at the February 19 public meeting, is intended to encompass the universe of products and equipment either covered by federal energy conservation standards or containing embedded components that are covered. At this time, NEMA is not aware of any HTS codes that should be added.

NEMA noted with interest the Department's clarifications at the public meeting that the HTS codes are not part of the proposed regulatory text and that "regardless of HTS code, DOE proposes to require a certification of admissibility *only regarding goods that are or contain a covered product or equipment subject to an energy conservation standard*" (emphasis added). In other words, it appears that if a product classified within one of the listed HTS codes is neither a product subject to an energy conservation standard nor contains a component subject to such a standard, then the importer would not be required to submit a certification regarding admissibility with respect to DOE regulations.

This raises a question that was addressed in part at the public meeting: how will importers of equipment containing embedded covered components know that presence

of those regulated components require them to submit a certification of admissibility for each? We appreciate the comment from DOE at the public meeting that carefully structured questions posed by the Department to importers and their agents via the ACE system may help make an importer more aware of what products require certification, but this is a partial solution at best and does not address willful non-compliance. We suggest the DOE include in this rulemaking clear outreach and awareness plans to educate importers.

On the question of whether a certification of admissibility should be required prior to importation, many of our member companies that manufacture or import products and equipment that are covered directly by a DOE standard view the proposed additional certification requirement to be a troubling administrative burden. These companies report as needed and annually to the Department under compliance and certification requirements about all of the products they intend to bring on to the market. We disagree with the DOE assessment that the proposed reporting requirements are not economically significant and are researching this in cooperation with other trade associations. Following this investigation, we intend to submit additional information to the Department.

At best, there remains uncertainty and confusion about the justification for the proposed additional burden. Through the Department's databases of annual certifications (which are updated by companies as needed when new products are to be brought onto the market) DOE should have available listings of all the products by manufacturer and basic model number that are eligible to be placed on the U.S. market. Put another way, we believe the DOE should consider devoting more attention to leveraging existing data collections rather than require redundant reporting.[1]

Existing DOE systems for enforcement have focused primarily on administrative compliance, which targets only those manufacturers who make a good faith effort toward compliance. We recommend that existing and new enforcement methods prioritize violations related to failure to certify or performance violations in order to avoid placing a disproportionate burden on manufacturers who focus on compliance. NEMA is concerned that the collection of import data will focus only on those manufacturers and

[1] *See* Executive Order 12291 (February 17, 1981) (giving the Director of OMB authority to "identify duplicative, overlapping and conflicting rules, existing or proposed, and existing or proposed rules that are inconsistent with the policies underlying statutes governing agencies other than the issuing agency or with the purposes of this Order, and, in each such case, *require appropriate interagency consultation to minimize or eliminate such duplication, overlap, or conflict*); Executive Order 12866 (September 30, 1993) ("Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of other Federal agencies); Executive Order 13563 (January 18, 2011) (agencies should take into account the cost of cumulative regulation); and Executive Order 13576 (June 13, 2011) ("To strengthen that trust and deliver a smarter and leaner Government, my Administration will reinforce the performance and management reform gains achieved thus far; systematically identify additional reforms necessary to *eliminate wasteful, duplicative, or otherwise inefficient programs*; and publicize these reforms so that they may serve as a model across the Federal Government." (emphasis added)).

importers who certify and will not capture those who either fail to certify or ignore the certification requirements.

We appreciate DOE efforts to minimize the collection of additional information but still gather enough to facilitate the Department's targeting and CBP's location and detention of an offending package within a shipment. As noted above, we are not convinced this additional information reporting targets the correct audience, making it an unnecessary burden.

At the public meeting, the Department conceded that, although it should not be taking place, importers are bringing products into the U.S. that have not been certified to DOE. The Department asserted that the approach proposed in the NOPR would assist DOE in identifying all importers of covered equipment and in bringing them into compliance with the annual reporting requirements. DOE stated that "it is extremely common" for the Department to find non-compliant imports and that "random selections of [imported] products" often finds non-compliance. However, evidence of non-compliance is anecdotal and no statistics are available in this area, the Department stated. We do not share the DOE view that the approach outlined in the NOPR would effectively combat the aforementioned non-compliant imports; we request additional information to better illustrate the DOE position on this matter. That said, requiring submission of data on imports could improve the structured process of importing and solicit greater involvement from customs brokers in clamping down on evasion by importers of energy conservation standards.

In addition, in footnote 8 of the NOPR the Department states, "The HTS codes that would require a certification to DOE would be updated to reflect the then-current version of the HTS." It is not clear how frequently and expeditiously DOE will update its list. We request clarification on this point. The HTS is typically updated several times annually and significant changes are made every five years. We also ask how stakeholders will be informed that changes to the list have been made.

> *2. DOE requests comment on its proposal to require, for a shipment that contains covered products or equipment subject to a DOE energy conservation standard, that the importer state whether the product or equipment has been certified to DOE as compliant with all applicable energy conservation standards and, if so, provide the [Compliance Certification Management System] CCMS ticket number, the CCMS attachment identification number, and line number associated with the specific basic model.*

At a high level, the concept of Department's proposal to require importers to state simply whether the product or equipment has been certified to DOE as compliant with all applicable energy conservation standards appears to make sense. However, we are concerned how the specifics of this proposal would apply to specific covered products within NEMA scope, and more specifically how it would be effective at enforcing the compliance of embedded component products which fall under regulation. In addition, we are concerned that DOE is proposing to require submission of more data than is

necessary to support execution of the functions outlined in the proposal (i.e., enforcement of energy conservation standards on imported products and equipment). We also request that DOE describe what methods would be implemented to identify importers that fail to identify covered products.

DOE and CBP have set the right tone so far in terms of trade facilitation – clearing imports quickly so they can get to their destination – but the agencies are apparently aware that non-compliant products are still entering the U.S. in part due to the current system. We do not want the needed focus on enforcement and compliance that includes this proposed rule to carry negative implications for importers of compliant products.

At the recent public meeting, the Department claimed that submission of the additional data (CCMS ticket number, attachment identification number, and line number) would be necessary to allow DOE to advise CBP about exactly which shipment contains a product that would need to be detained. Our understanding is that the Department's intent is to gather this additional information because it is critical to the process of enforcement. We request additional information from the Department in defense of this position, so as to better understand and comment on it. We welcome the Department's stated willingness to consider suggestions from stakeholders for other possible approaches and for different approaches for different types of regulated products. NEMA members recommend DOE allow multiple paths for importers of covered products to provide confirmation of admissibility for their products including, but not necessarily limited to, the following options:

- Provide the Brand and Basic Model Number supporting the CCMS certification of the product being imported
- Provide the Brand and Individual Model Number supporting the CCMS certification of the product being imported
- Other methods to be determined.

In addition, we are concerned that the DOE does not have the resources to review and police the extensive amount of information that the proposed rule would entail, potentially adding up to hundreds if not thousands of submissions each day, and to collaborate in real-time with CBP. We ask the Department to detail more clearly how they intend to accommodate and process the substantial amount of information a final rule could entail. (Please see additional details below under Battery Chargers.)

Electric motors

NEMA motor manufacturers are concerned about the statement in the NOPR that "certain electric motors, such as NEMA Design C and IEC Design H, are not currently subject to the energy conservation standards for electric motors, 10 CFR431.25". It is our understanding that Design C motors are currently classified as Subtype 2 motors under the Energy Independence and Security Act (EISA) of 2007 and as such are required to comply with the federal minimum standard for energy efficiency.

In general, motor manufacturers are concerned by the sequence of rulemakings, with the NOPR for Import Data Collection having come in advance of a proposal to revise Compliance Certification (CC) regulations for motors (as mentioned in the NOPR at footnote 10). Integral horsepower electric motors have been issued CC numbers, but small electric motors have not been issued CC numbers at this time.

NEMA manufacturers want to make sure that covered electric motors and small motors in current and future regulations will be subject to any final import certification/data collection requirements.

Another specific issue that needs to be addressed is private labeling. Motors may be private labeled by motor manufacturers under their brand but manufactured by a different manufacturer. We ask the DOE if such motors should utilize the compliance number of the manufacturing company, or of the importing company.

External power supplies and battery chargers

Currently there are more than 8,000 external power supplies (EPS) listed by DOE as covered products[2]; this total will only increase with the recent scope change. These are usually components of an imported product. The shipping, labeling, notification and identification of these products inside their composite products are not currently required for the import of these products. As the DOE rulemaking expands to include battery chargers, it is important to consider that there are more than 21,000 battery chargers listed in the California database[3] that are covered by the current DOE battery charger test procedure. This volume suggests that DOE would need to make significant efforts to work with importers to pilot and test any new documentation requirements and would need to have in place significant new resources available to receive and analyze any information provided by importers.

Lighting

Specifically, for importers of a high number of models of covered lighting products, a requirement to provide the "line number associated with the specific basic model" in the CCMS report would necessitate significant and costly adjustments to existing compliance processes. It is unclear how DOE can justify this burden. This is compounded for products that include one or more covered components. Confusion and administrative burden will rise if DOE proceeds with its stated intention to require importers of a covered product that also contains component(s) that are covered to certify both the finished good and the underlying components.

[2] U. S. Department of Energy's Compliance Certification Database, https://www.regulations.doe.gov/certification-data/, February 25, 2016.
[3] https://cacertappliances.energy.ca.gov

Distribution transformers

Importers of high volumes of distribution transformers would have a larger burden due to the high number of shipments; the amount of paperwork would be unwieldy for both DOE and the manufacturer, with very limited ability for DOE to decipher the differences in products. For the annual CCMS reporting, many distribution transformer manufacturers use a kVA-grouping approach, reporting only the least and most efficient model numbers. This approach was developed in cooperation with DOE since this industry is not a "catalog number" business. Since unique identification numbers are used, the repeat use of such numbers is extremely small. Providing a cross reference for every unit on a shipment to a specific model number on a CCMS template could be done, but would significantly increase the burden on the importer while providing a highly questionable value to DOE. In this case, the information requested and provided would become burdensome for both the importer and DOE.

As noted above, NEMA is also concerned about the burden, complications and adjustment costs to be imposed on and absorbed by importers of all covered products within NEMA's scope. The emergence of ACE and the associated "single window" for submission of compliance documentation, which has been touted as a measure to reduce red tape and facilitate trade, does not justify the creation by the Department of new administrative burdens on importers. CBP recently announced delays in the rollout of ACE. NEMA and its members want to work with DOE and CBP to identify potential alternatives that would provide the Department with enough information to execute effective enforcement while minimizing the reporting burden on companies that have already filed their annual CCMS reports.

We encourage DOE to more deeply consider applying a "trusted trader" approach, especially for high volume importers. At the public meeting, DOE expressed openness to possible "trusted trader" system and invited comments on how it might work. This would need to leverage the already extensive CCMS compliance certification process. NEMA is willing to work with DOE to explore development of such a program to minimize burdens on importers and manufacturers while ensuring DOE has necessary data for effective enforcement.

In addition, for each of the product areas mentioned above, products that are covered by but do not meet energy conservation standards are imported currently because they are not intended for sale in the U.S. One specific example would be covered products being imported into the U.S. that do not meet the U.S. energy conservation standard but do meet the Canadian standard. As discussed further below, DOE must ensure that a final rule provides sufficient flexibility to allow this commerce to continue, since it is tied directly to U.S. employment and exports.

NEMA members do not want to have compliant products stopped at the border and we appreciate the DOE's stated intent at the public meeting to prevent this as well. To reduce the likelihood of disruptions of imports of compliant products, DOE and CBP

should cooperate with manufacturers and importers on measures to build capacity, confidence, and informed compliance.

We note with disappointment that CBP was not represented at the meeting, and believe that the agency's insight and contributions would have helped the discussions substantially. For instance, the tools, techniques, and processes employed by CBP are not fully understood by many stakeholders. This lack of knowledge led to significant discussion during the public meeting. Lacking adequate information about CBP practices, stakeholders logically cannot comment effectively on what information the DOE should gather from importers or how it should be reported. We ask the DOE to more clearly summarize its work to date with CBP and also to specifically invite and encourage CBP experts to not only contribute to the discussion but also to attend follow-on meetings for this rulemaking in person.

DOE and CBP should also consider pilot testing and recruiting interested importers to participate in these tests. CBP has tested ACE with importers of products covered by regulations administered by other federal government agencies. At the public meeting, DOE expressed openness to training and testing with stakeholders in the proposed 23-month period between the effective date of the final rule and the mandatory compliance date and we encourage the DOE to explore this more fully.

> *3. DOE requests comment on the requirement that importers submit a certification of admissibility to DOE for all covered products and equipment subject to an energy conservation standard that is contained in the shipment, either as a final product or a component part of a final product.*

As noted in our response to Question 2 above, NEMA generally supports the proposal to require importers of equipment containing components covered by a DOE minimum performance standard to state whether the component is compliant with all applicable federal energy conservation standards, but we have concerns that this will be effective.

In the proposal, DOE does recognize that some products imported into the U.S. are not intended for final sale in the U.S. Specifically, we note with satisfaction the footnote #6 in the NOPR that states clearly that products imported in the U.S. that are not for sale or use in the U.S. are not covered by DOE energy conservation standards. As stated in the footnote, products or equipment or packaging thereof "when distributed in commerce" must bear "a stamp or label stating not for NOT FOR SALE OR USE IN THE UNITED STATES" and "such product is, in fact, not distributed in commerce for use in the United States." The footnote also makes clear reference to a prior ruling by CBP that "equipment subject to the standards set by the Department of Energy…that are not compliant with those standards, *may be* imported in the United States for the purposes of exportation, and placed in either a foreign trade zone or customs bonded warehouse pursuant to that purpose" (emphasis added).

We ask the DOE to clarify how they intend to verify or audit these exemption declarations.

NEMA interprets that this exemption applies to products being imported in non-commercial quantities as samples or for testing as well as to products or equipment that are covered by DOE energy conservation standards but do not meet those standards because they are being imported as inputs to a U.S.-based manufacturing or assembly process for an assembly or final product that is exported from the U.S.

For example, a luminaire manufacturer could import fluorescent ballasts that do not meet the DOE energy conservation standard so that those ballasts can be installed in complete luminaires that are only exported (i.e., not sold in the U.S.). Similarly, a distributor or equipment manufacturer may import covered electric motors that do not meet the U.S. standards (and are labelled accordingly) because they are to be embedded in original equipment that is exported. The use of a foreign trade zone or customs bonded warehouse is allowed but not required for the importation of these products.

In follow-on proposals the DOE must address these scenarios and provide regulatory clarity. If covered components or sub-components may not be imported in the U.S. for the purpose of manufacturing products and equipment for export, there would be negative implications for employment in U.S.-based manufacturing and assembly operations.

Similarly, at the public meeting DOE posited that importers could be given the option to declare that the product they are importing is not required to meet energy conservation standards because it does not fall within the scope of the standards. When asked if this were to be allowed then how often the Department would audit those statements, the Department responded that certifications are now checked on a weekly basis and that the frequency of audit would depend on the volume of declarations.

In general, NEMA supports the proposal from the Department to allow importers to positively declare that the product they are importing is exempt from energy conservation standards if the Department demonstrates in writing they are able to aggressively evaluate the veracity of such statements and quickly act on those that are judged to be false.

> *4. DOE requests comment on requiring importers to indicate in the import declaration to DOE whether the covered product or equipment being imported and subject to DOE energy conservation standards is a final product or a component of a final product and, if the covered product or equipment is a component, the brand name and individual model number of the final product. DOE also requests comment regarding whether the reporting burden on importers would be less to provide this information as part of the certification of admissibility or as part of a compliance certification report submitted through CCMS.*

As noted above, NEMA generally supports the DOE proposal to require importers to indicate on the import declaration whether the covered product being imported is a final

product or a component of a final product. NEMA also supports the proposal that the importer be required to provide additional information. As DOE discusses in the NOPR, it may be expected that the brand name of the final product would already be included as a matter of course in filings with CBP for importation. The individual model number may also be included in the import documentation. However, we have heard from member companies that this is not always the case.

We echo comments from the public meeting that the DOE-intended use of model numbers in reporting must accommodate the fact that model numbers are often similar between manufacturers and even between disparate products, so model numbers alone are insufficient and potentially misleading/confusing. Model numbering for covered products may exist in a range of numbers or letters embedded or codes that indicate the destination as the U.S. market or another market. DOE and CBP should not restrict or mandate coding of model numbers for covered products. Any submission tool expecting to use model numbers should accept any coding for model numbers used or utilized by manufacturers.

Accordingly, DOE should include provisions to allow importers to provide a list of brands and model numbers that could be linked to the covered component, as manufacturers often source components from multiple vendors and should not be required to know with any specificity the exact brand and model of component that is contained in each final product being imported.

At the public meeting, DOE clarified via some examples that the proposed requirement would cover importers of final products that contain one or more covered products and that the brand name and model number requirements pertain to the embedded covered products. Although there is recognition that this type of reporting would be burdensome, it appears at this time to be a useful approach.

However, NEMA suggests that DOE should provide more background and justification for its determination that provision of the brand name and individual model number of the imported final product would be needed to support its compliance and enforcement efforts. NEMA recommends that the process not be overly burdensome for the importer of finished equipment containing one or more embedded covered products, but that DOE receive the information it needs to perform its compliance and enforcement functions “at the border” working with CBP.

> *5. DOE requests comment on its proposal to collect additional product specific information only (e.g., brand, individual model number) regarding imported covered products and equipment subject to energy conservation standards that the importer has not certified to DOE as meeting applicable energy conservation standards, and whether, as DOE anticipates, this would result in less burden to those required to file certifications of admissibility.*

As compared to the proposed alternative, NEMA supports DOE’s proposal to require additional information be provided by importers of covered products and/or products and

equipment subject to DOE energy conservation standards for which the annual certification has not been made via CCMS.

However, NEMA suggests that the individual model number of the covered product or equipment would be unnecessary and overly burdensome. As an alternative, NEMA considers submission of all combinations of basic model numbers for the finished good that include covered components might be required, as this is consistent with the CCMS reporting requirements and would be less costly and burdensome. DOE could also require a statement of the nominal efficiency of an electric motor subject to energy conservation standards in order to enable quick checking against those standards.

In the case of electric motors, for which DOE is proposing requiring inclusion of the Compliance Certification number, NEMA is concerned about coordination with and timing of the forthcoming Certification Compliance and Enforcement (CCE) rulemaking. NEMA is also concerned about the coverage of small electric motors, for which DOE has not concluded an enforcement rulemaking. At the public meeting, DOE expressed confidence that the electric motor CCE rule, a separate new rule for the CCMS system, and the Import Data Collection final rule would all be concluded within the next two years. There are other pending rules or future rules that will be impacted in a similar manner. NEMA looks forward to working with the Department to meet that timeline, but reminds the Department that manufacturers must be given adequate time to adjust their internal business processes in order to facilitate timely and cost-effective compliance with each new regulation.

> *6. DOE requests comment on requiring importers to file the certification of admissibility through ACE.*

NEMA supports the proposal to submit import declaration materials through CBP's ACE system. However, we note that CBP is still developing and rolling out the system. Schedule changes were announced by CBP earlier this month and to date there is little indication that CBP and DOE are working together. DOE's final rule must contain a circuit breaker that does not hold importers responsible for not submitting certifications via ACE if DOE and CBP have not completed their work such that ACE is not available on or after the mandatory compliance date. The DOE should also detail how additions to ACE necessary to this import data rule will be accommodated by CBP, i.e. does CBP have the resources to accommodate any needed modifications and testing for DOE over and above the work CBP is doing with other Partner Government Agencies?

To that end, NEMA encourages DOE to better explain its plans or work to develop templates for inclusion in the ACE portal that allow for efficient entry of the requested certification information through the "single window" and to cooperate operationally in real time with CBP. In this context, we ask DOE to clarify what role CBP's Centers of Excellence and Expertise (CEEs) that handle products and equipment listed in the NOPR's Table III.1 of HTS codes can play in facilitating importation of compliant products and enabling an increase in resources devoted to monitoring enforcement.

As noted above under NEMA's response to Question 2, NEMA encourages DOE to work with CBP to use the proposed two-year period prior to mandatory compliance to run pilot testing projects with willing importers.

In conclusion, NEMA strongly encourages DOE to recognize the importance and complexity of this rulemaking by pursuing its proposal, broached at the public meeting, to proceed to a Supplemental Notice of Proposed Rulemaking (SNOPR) rather than a Final Rule, supported by additional workshops and stakeholder meetings to better outline the process and steps needed to effectively enforce importation. In our view, proceeding to a SNOPR would be consistent with the Department's approach to facilitating informed compliance with energy conservation standards and deterring importation of products that do not comply.

END