PUBLIC LAW 110–140—DEC. 19, 2007

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Public Law 110–140
110th Congress

An Act

Dec. 19, 2007
[H.R. 6]

To move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Energy Independence and Security Act of 2007.
42 USC 17001 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Independence and Security Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"(4) The Administrator, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under paragraph (1) or (3) of this subsection or the limitation specified in paragraph (2) of this subsection, if he determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, and the emission products of such fuel or fuel additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of the motor vehicle, motor vehicle engine, nonroad engine or nonroad vehicle in which such device or system is used) to achieve compliance by the vehicle or engine with the emission standards with respect to which it has been certified pursuant to sections 206 and 213(a). The Administrator shall take final action to grant or deny an application submitted under this paragraph, after public notice and comment, within 270 days of the receipt of such an application.". Notice. Deadline.

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

SEC. 301. EXTERNAL POWER SUPPLY EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (36)—

(A) by striking "(36) The" and inserting the following:

"(36) EXTERNAL POWER SUPPLY.—

"(A) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(B) ACTIVE MODE.—The term 'active mode' means the mode of operation when an external power supply is connected to the main electricity supply and the output is connected to a load.

"(C) CLASS A EXTERNAL POWER SUPPLY.—

"(i) IN GENERAL.—The term 'class A external power supply' means a device that—

"(I) is designed to convert line voltage AC input into lower voltage AC or DC output;

"(II) is able to convert to only 1 AC or DC output voltage at a time;

"(III) is sold with, or intended to be used with, a separate end-use product that constitutes the primary load;

"(IV) is contained in a separate physical enclosure from the end-use product;

"(V) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and

"(VI) has nameplate output power that is less than or equal to 250 watts.

"(ii) EXCLUSIONS.—The term 'class A external power supply' does not include any device that—

"(I) requires Federal Food and Drug Administration listing and approval as a medical device in accordance with section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c); or

"(II) powers the charger of a detachable battery pack or charges the battery of a product that is fully or primarily motor operated.

"(D) NO-LOAD MODE.—The term 'no-load mode' means the mode of operation when an external power supply is connected to the main electricity supply and the output is not connected to a load."; and

(2) by adding at the end the following:

"(52) DETACHABLE BATTERY.—The term 'detachable battery' means a battery that is—

"(A) contained in a separate enclosure from the product; and

"(B) intended to be removed or disconnected from the product for recharging.".

(b) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

"(17) CLASS A EXTERNAL POWER SUPPLIES.—Test procedures for class A external power supplies shall be based on the 'Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies' published by the Environmental Protection Agency on August 11, 2004, except that the test voltage specified in section 4(d) of that test method shall be only 115 volts, 60 Hz.".

(c) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) is amended by adding at the end the following:

"(6) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (D), a class A external power supply manufactured on or after the later of July 1, 2008, or the date of enactment of this paragraph shall meet the following standards:

"Active Mode	
"Nameplate Output	**Required Efficiency (decimal equivalent of a percentage)**
Less than 1 watt	0.5 times the Nameplate Output
From 1 watt to not more than 51 watts	The sum of 0.09 times the Natural Logarithm of the Nameplate Output and 0.5
Greater than 51 watts	0.85
"No-Load Mode	
"Nameplate Output	**Maximum Consumption**
Not more than 250 watts	0.5 watts

"(B) NONCOVERED SUPPLIES.—A class A external power supply shall not be subject to subparagraph (A) if the class A external power supply is—

"(i) manufactured during the period beginning on July 1, 2008, and ending on June 30, 2015; and

"(ii) made available by the manufacturer as a service part or a spare part for an end-use product—

"(I) that constitutes the primary load; and

"(II) was manufactured before July 1, 2008.

"(C) MARKING.—Any class A external power supply manufactured on or after the later of July 1, 2008 or the date of enactment of this paragraph shall be clearly and permanently marked in accordance with the External Power Supply International Efficiency Marking Protocol, as referenced in the 'Energy Star Program Requirements for Single Voltage External AC–DC and AC–AC Power Supplies, version 1.1' published by the Environmental Protection Agency.

"(D) AMENDMENT OF STANDARDS.—

"(i) FINAL RULE BY JULY 1, 2011.—

"(I) IN GENERAL.—Not later than July 1, 2011, the Secretary shall publish a final rule to determine whether the standards established under subparagraph (A) should be amended. Publication.

"(II) ADMINISTRATION.—The final rule shall— Applicability.

"(aa) contain any amended standards; and

"(bb) apply to products manufactured on or after July 1, 2013.

"(ii) FINAL RULE BY JULY 1, 2015.—

"(I) IN GENERAL.—Not later than July 1, 2015 the Secretary shall publish a final rule to determine whether the standards then in effect should be amended. Publication.

"(II) ADMINISTRATION.—The final rule shall— Applicability.

"(aa) contain any amended standards; and

"(bb) apply to products manufactured on or after July 1, 2017.

"(7) END-USE PRODUCTS.—An energy conservation standard for external power supplies shall not constitute an energy conservation standard for the separate end-use product to which the external power supplies is connected.".

SEC. 302. UPDATING APPLIANCE TEST PROCEDURES.

Deadline. Federal Register, publication.

(a) CONSUMER APPLIANCES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking "(1)" and all that follows through the end of the paragraph and inserting the following:

"(1) TEST PROCEDURES.—

"(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

"(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

"(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

"(II) publish in the Federal Register the reasons why the direct final rule was withdrawn. Federal Register, publication.

"(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

"(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.".

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting "section 325(p)(5)," after "The provisions of".

SEC. 309. BATTERY CHARGERS.

Section 325(u)(1)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(1)(E)) is amended—

(1) by striking "(E)(i) Not" and inserting the following:

"(E) EXTERNAL POWER SUPPLIES AND BATTERY CHARGERS.—

"(i) ENERGY CONSERVATION STANDARDS.—

"(I) EXTERNAL POWER SUPPLIES.—Not";

(2) by striking "3 years" and inserting "2 years";

(3) by striking "battery chargers and" each place it appears; and

(4) by adding at the end the following:

"(II) BATTERY CHARGERS.—Not later than July 1, 2011, the Secretary shall issue a final rule that prescribes energy conservation standards for battery chargers or classes of battery chargers or determine that no energy conservation standard is technically feasible and economically justified.". Deadline. Regulations.

SEC. 310. STANDBY MODE.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (u)—

(A) by striking paragraphs (2), (3), and (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (2) and (3), respectively;

(2) by redesignating subsection (gg) as subsection (hh);

(3) by inserting after subsection (ff) the following:

"(gg) STANDBY MODE ENERGY USE.—

"(1) DEFINITIONS.—

"(A) IN GENERAL.—Unless the Secretary determines otherwise pursuant to subparagraph (B), in this subsection:

"(i) ACTIVE MODE.—The term 'active mode' means the condition in which an energy-using product—

"(I) is connected to a main power source;

"(II) has been activated; and

"(III) provides 1 or more main functions.

"(ii) OFF MODE.—The term 'off mode' means the condition in which an energy-using product—

"(I) is connected to a main power source; and

"(II) is not providing any standby or active mode function.

"(iii) STANDBY MODE.—The term 'standby mode' means the condition in which an energy-using product—

"(I) is connected to a main power source; and

"(II) offers 1 or more of the following user-oriented or protective functions:

"(aa) To facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.

"(bb) Continuous functions, including information or status displays (including clocks) or sensor-based functions.

"(B) AMENDED DEFINITIONS.—The Secretary may, by rule, amend the definitions under subparagraph (A), taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission.

"(2) TEST PROCEDURES.—

"(A) IN GENERAL.—Test procedures for all covered products shall be amended pursuant to section 323 to include standby mode and off mode energy consumption, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission, with such energy consumption integrated into the overall energy efficiency, energy consumption, or other energy descriptor for each covered product, unless the Secretary determines that—

"(i) the current test procedures for a covered product already fully account for and incorporate the standby mode and off mode energy consumption of the covered product; or

"(ii) such an integrated test procedure is technically infeasible for a particular covered product, in which case the Secretary shall prescribe a separate standby mode and off mode energy use test procedure for the covered product, if technically feasible.

Regulations.

"(B) DEADLINES.—The test procedure amendments required by subparagraph (A) shall be prescribed in a final rule no later than the following dates:

"(i) December 31, 2008, for battery chargers and external power supplies.

"(ii) March 31, 2009, for clothes dryers, room air conditioners, and fluorescent lamp ballasts.

"(iii) June 30, 2009, for residential clothes washers.

"(iv) September 30, 2009, for residential furnaces and boilers.

"(v) March 31, 2010, for residential water heaters, direct heating equipment, and pool heaters.

"(vi) March 31, 2011, for residential dishwashers, ranges and ovens, microwave ovens, and dehumidifiers.

"(C) PRIOR PRODUCT STANDARDS.—The test procedure amendments adopted pursuant to subparagraph (B) shall

not be used to determine compliance with product standards established prior to the adoption of the amended test procedures.

"(3) INCORPORATION INTO STANDARD.—

"(A) IN GENERAL.—Subject to subparagraph (B), based on the test procedures required under paragraph (2), any final rule establishing or revising a standard for a covered product, adopted after July 1, 2010, shall incorporate standby mode and off mode energy use into a single amended or new standard, pursuant to subsection (o), if feasible.

"(B) SEPARATE STANDARDS.—If not feasible, the Secretary shall prescribe within the final rule a separate standard for standby mode and off mode energy consumption, if justified under subsection (o)."; and

(4) in paragraph (2) of subsection (hh) (as redesignated by paragraph (2)), by striking "(ff)" each place it appears and inserting "(gg)".

SEC. 311. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) APPLIANCES.—

(1) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended by striking paragraph (2) and inserting the following:

"(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

"Product Capacity (pints/day):	**Minimum Energy Factor (liters/kWh)**
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5.".

(2) RESIDENTIAL CLOTHES WASHERS AND RESIDENTIAL DISHWASHERS.—Section 325(g) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)) is amended by adding at the end the following:

"(9) RESIDENTIAL CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—

"(A) IN GENERAL.—A top-loading or front-loading standard-size residential clothes washer manufactured on or after January 1, 2011, shall have—

"(i) a Modified Energy Factor of at least 1.26; and

"(ii) a water factor of not more than 9.5.

"(B) AMENDMENT OF STANDARDS.—

"(i) IN GENERAL.—Not later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for clothes washers manufactured on or after January 1, 2015.

Deadline. Regulations.