



Legislative Bulletin.....December 4, 2012

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H.R. 6582 - American Energy Manufacturing Technical Corrections Act

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(Aderholt, R-AL)**

Order of Business: The bill is scheduled to be considered on December 4, 2012, under a motion to suspend the rules and pass the bill.

Summary: The Energy Policy and Conservation Act of 2007 applied energy efficiency standards to numerous products, including walk-in coolers, commercial freezers, and water heaters. This legislation makes revisions to several of those mandates in the underlying legislation. A section-by-section breakdown is below:

Section 2 - Walk-In Coolers & Walk-In Freezers: The legislation amends the Energy Policy and Conservation Act of 2007 (42 U.S.C. 6313) and allows the Secretary to waive certain requirements for walk-in coolers and freezers that do not meet the specified “r-value” but still provide the same amount of reduced energy consumption.

Background: An “r-value” indicates insulation’s resistance to heat flow. A factor in determining the “r-value” is the thickness of the insulation. Requiring products to meet an “r-value” without exception prohibits technologies that are just as efficient but utilize other materials or innovations, or are not as thick.

This section previously passed the House as H.R. 4850, on June 26, 2012, by voice vote. The RSC Legislative Bulletin for H.R. 4850 can be [viewed here](#).

Section 3 – Water Heaters: The legislation directs the Secretary of Energy to publish a rule, within one year, that establishes a uniform efficiency descriptor and test methods for water heaters.

The Secretary shall also establish a conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule. This conversion factor will not affect the minimum efficiency requirements for water heaters. This section applies to water heaters, storage water heaters, instantaneous water heaters, and unfired water storage tanks.

Background: The language of this section is similar to H.R. 482, which was introduced by Rep. Cooper (D-TN) and Rep. Blackburn (R-TN). According to the sponsors of H.R. 482, this legislation would establish a uniform efficiency descriptor for all water heaters. There are currently two procedures for testing water heaters for the energy efficiency, and the test depends on the size of the water heater. This legislation establishes one test for all water heaters, regardless of size.

Section 4 – Over the Counter, Self-Contained, Medium Temperature Commercial

Refrigerators: The legislation defines the term “service over the counter, self-contained, medium temperature commercial refrigerator” as a medium temperature commercial refrigerator:

“with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.”

The legislation mandates that any service over the counter, self-contained, or medium temperature commercial refrigerator that is manufactured on or after January 1, 2012, have a total daily energy consumption (in kilowatt hours per day) of not more than 0.6 731.0A TDA + 1.0.

Section 5 – Small Duct, High Velocity Systems and Administrative Changes: The legislation defines “small duct, high velocity system” as a heating and cooling product that contains a blower and indoor coil combination that:

“(1) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220-350 CFM per rated ton of cooling; and (2) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.”

The legislation defines “through-the-wall central air conditioner” and “through-the-wall central air conditioning heat pump” as a central air conditioner or heat pump, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and:

“(1) is not weatherized; (2) is clearly and permanently marked for installation only through an exterior wall; (3) has a rated cooling capacity no greater than 30,000 Btu/hr; (4) exchanges all of its outdoor air across a single surface of the equipment cabinet; and (5) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems).”

The legislation sets the following minimum seasonal energy efficiency ratios for small-duct high-velocity systems:

- For products manufactured on or after January 23, 2006: 11.00
- For products manufactured on or after January 1, 2015: 12.00

The legislation sets the following minimum heating seasonal performance factors for small-duct high-velocity systems:

- For products manufactured on or after January 23, 2006: 6.8
- For products manufactured on or after January 1, 2015: 7.2

Additionally, current law allows individuals to petition the Secretary to conduct a rulemaking to determine if the standards for a covered product should be amended. This legislation directs the Secretary to publish a notice in the Federal Register, within 180 days of receiving a petition, explaining the decision of the Secretary to grant or deny the petition.

Section 6 – Coordination of Research and Development of Energy Efficient Technologies for Industry: The Secretary is directed to establish collaborative research and development partnerships with programs within the Office of Energy Efficiency and Renewable Energy, the Office of Electricity Delivery and Energy Reliability, and the Office of Science. The legislation sets criteria for these partnerships and requires a report to Congress, within 2 years of enactment and biennially thereafter, that details the Secretary’s actions to carry out these partnerships.

Section 7 – Reducing Barriers to the Deployment of Industrial Energy Efficiency: The Secretary shall coordinate with the industrial sector, and other stakeholders, to conduct a study of the legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets). This study shall also include examples of successful state and federal policies that resulted in greater use of industrial energy efficiency, as well as successful private initiatives that resulted in greater use of industrial energy efficiency, and cost-effective policies used by foreign countries to foster industrial energy efficiency. Additionally, the study will include estimated economic benefits to the national economy of providing the industrial sector with federal energy efficiency matching grants of \$5,000,000,000 for 5- and 10-year periods. The Secretary is directed to submit a report to Congress, within 2 years after enactment, on the results of this study.

Section 8 – Best Practices for Advanced Metering: Within 180 days after enactment, the Secretary of Energy and the Secretary of Defense shall issue a report to describe best practices for the use of advanced metering of energy use in federal facilities, buildings, and equipment by federal agencies.

Section 9 – Federal Energy Management and Data Collection Standard: The legislation directs the energy manager at certain facilities to use the web-based tracking system to certify compliance with the requirements for energy and water evaluation.

Section 10 - Technical Corrections: The legislation makes several technical corrections to the Energy Independence and Security Act of 2007, and the Energy Policy and Conservation Act of 2005. The corrections are mainly limited to reordering, renumbering, editing the punctuation, etc.

Outside Group Support:

- AHRI - Air-Conditioning, Heating, and Refrigeration Institute
- IECA - Industrial Energy Consumers of America

Committee Action: H.R. 6582 was introduced on November 2, 2012, and referred to the House Energy and Commerce Subcommittee on Energy and Power, that took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No CBO report detailing the cost to taxpayers is available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The legislation sets minimum energy efficiency requirements for small-duct high-velocity systems as well as for over the counter, self-contained, or medium temperature commercial refrigerators. According to the Committee, these efficiency standards have been developed and agreed to through industry consensus and will provide greater regulatory certainty to manufacturers that are subject to Department of Energy regulations and rulemakings.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Aderholt states “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3--The Commerce Clause and Article I, Section 8, Clause 18--Necessary and Proper Clause.” The statement can be [found here](#).

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