§ 6316. Administration, penalties, enforcement, and preemption

(a) The provisions of section 6296 (a), (b), and (d) of this title, the provisions of subsections (l) through (s) of section 6295 of this title, and section 6297 through 6306 of this title shall apply with respect to this part (other than the equipment specified in subparagraphs (B) through (G) of section 6311 (1) of this title) to the same extent and in the same manner as they apply in part A. In applying such provisions for the purposes of this part—

(1) references to sections 6293, 6294, and 6295 of this title shall be considered as references to sections 6314, 6315, and 6313 of this title, respectively;
(2) references to “this part” shall be treated as referring to part A–1;
(3) the term “equipment” shall be substituted for the term “product”;  
(4) the term “Secretary” shall be substituted for “Commission” each place it appears (other than in section 6303(c) of title);
(5) section 6297 (a) of this title shall be applied, in the case of electric motors, as if the National Appliance Energy Conservation Act of 1987 was the Energy Policy Act of 1992;
(6) section 6297 (b)(1) of this title shall be applied as if electric motors were fluorescent lamp ballasts and as if the National Appliance Energy Conservation Amendments of 1988 were the Energy Policy Act of 1992;
(7) section 6297 (b)(4) of this title shall be applied as if electric motors were fluorescent lamp ballasts and as if paragraph (5) of section 6295 (g) of this title were section 6313 of this title;
(8) notwithstanding any other provision of law, a regulation or other requirement adopted by a State or subdivision of a State contained in a State or local building code for new construction concerning the energy efficiency or energy use of an electric motor covered under this part is not superseded by the standards for such electric motor established or prescribed under section 6313 (b) of this title if such regulation or requirement is identical to the standards established or prescribed under such section; and
(9) in the case of commercial clothes washers, section 6297 (b)(1) of this title shall be applied as if the National Appliance Energy Conservation Act of 1987 was the Energy Policy Act of 2005.

(b) The provisions of section 6295 (p)(5) of this title, section 6296 (a), (b), and (d) of this title, section 6297 (a) of this title, and sections 6298 through 6306 of this title shall apply with respect to the equipment specified in subparagraphs (B) through (G) of section 6311 (1) of this title to the same extent and in the same manner as they apply in part A. In applying such provisions for the purposes of such equipment, paragraphs (1), (2), (3), and (4) of subsection (a) of this section shall apply.

(A) A standard prescribed or established under section 6313 (a) of this title shall, beginning on the effective date of such standard, supersede any State or local regulation concerning the energy efficiency or energy use of a product for which a standard is prescribed or established pursuant to such section.

(B) Notwithstanding subparagraph (A), a standard prescribed or established under section 6313 (a) of this title shall not supersede a standard for such a product contained in a State or local building code for new construction if—
(i) the standard in the building code does not require that the energy efficiency of such product exceed the applicable minimum energy efficiency requirement in amended ASHRAE/IES Standard 90.1; and

(ii) the standard in the building code does not take effect prior to the effective date of the applicable minimum energy efficiency requirement in amended ASHRAE/IES Standard 90.1.

(C) Notwithstanding subparagraph (A), a standard prescribed or established under section 6313 (a) of this title shall not supersede the standards established by the State of California set forth in Table C–6, California Code of Regulations, Title 24, Part 2, Chapter 2–53, for water-source heat pumps below 135,000 Btu per hour (cooling capacity) that become effective on January 1, 1993.

(D) Notwithstanding subparagraph (A), a standard prescribed or established under section 6313 (a) of this title shall not supersede a State regulation which has been granted a waiver by the Secretary. The Secretary may grant a waiver pursuant to the terms, conditions, criteria, procedures, and other requirements specified in section 6297 (d) of this title.

(c) With respect to any electric motor to which standards are applicable under section 6313 (b) of this title, the Secretary shall require manufacturers to certify, through an independent testing or certification program nationally recognized in the United States, that such motor meets the applicable standard.

(d) (1) Except as provided in paragraphs (2) and (3), section 6297 of this title shall apply with respect to very large commercial package air conditioning and heating equipment to the same extent and in the same manner as section 6297 of this title applies under part A 3 on August 8, 2005.

(2) Any State or local standard issued before August 8, 2005, shall not be preempted until the standards established under section 6313 (a)(9) of this title take effect on January 1, 2010.

(e) (1) (A) Subsections (a), (b), and (d) of section 6296 of this title, subsections (m) through (s) of section 6295 of this title, and sections 6298 through 6306 of this title shall apply with respect to commercial refrigerators, freezers, and refrigerator-freezers to the same extent and in the same manner as those provisions apply under part A. 3

(B) In applying those provisions to commercial refrigerators, freezers, and refrigerator-freezers, paragraphs (1), (2), (3), and (4) of subsection (a) of this section shall apply.

(2) (A) Section 6297 of this title shall apply to commercial refrigerators, freezers, and refrigerator-freezers for which standards are established under paragraphs (2) and (3) of section 6313 (c) of this title to the same extent and in the same manner as those provisions apply under part A 3 on August 8, 2005, except that any State or local standard issued before August 8, 2005, shall not be preempted until the standards established under paragraphs (2) and (3) of section 6313 (c) of this title take effect.

(B) In applying section 6297 of this title in accordance with subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) of this section shall apply.

(3) (A) Section 6297 of this title shall apply to commercial refrigerators, freezers, and refrigerator-freezers for which standards are established under section 6313 (c)(4) of this title to the same extent and in the same manner as the provisions apply under part A 3 on the date of publication of the final rule by the Secretary, except that any State or local standard issued before the date of publication of the final rule by the Secretary shall not be preempted until the standards take effect.

(B) In applying section 6297 of this title in accordance with subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) of this section shall apply.
(4) (A) If the Secretary does not issue a final rule for a specific type of commercial refrigerator, freezer, or refrigerator-freezer within the time frame specified in section 6313 (c)(5) of this title, subsections (b) and (c) of section 6297 of this title shall not apply to that specific type of refrigerator, freezer, or refrigerator-freezer for the period beginning on the date that is 2 years after the scheduled date for a final rule and ending on the date on which the Secretary publishes a final rule covering the specific type of refrigerator, freezer, or refrigerator-freezer. 

(B) Any State or local standard issued before the date of publication of the final rule shall not be preempted until the final rule takes effect.

(5) (A) In the case of any commercial refrigerator, freezer, or refrigerator-freezer to which standards are applicable under paragraphs (2) and (3) of section 6313 (c) of this title, the Secretary shall require manufacturers to certify, through an independent, nationally recognized testing or certification program, that the commercial refrigerator, freezer, or refrigerator-freezer meets the applicable standard.

(B) The Secretary shall, to the maximum extent practicable, encourage the establishment of at least 2 independent testing and certification programs.

(C) As part of certification, information on equipment energy use and interior volume shall be made available to the Secretary.

(f) (1) (A) (i) Except as provided in clause (ii), section 6297 of this title shall apply to automatic commercial ice makers for which standards have been established under section 6313 (d)(1) of this title to the same extent and in the same manner as the section applies under part A 3 on August 8, 2005.

(ii) Any State standard issued before August 8, 2005, shall not be preempted until the standards established under section 6313 (d)(1) of this title take effect.

(B) In applying section 6297 of this title to the equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) of this section shall apply.

(2) (A) (i) Except as provided in clause (ii), section 6297 of this title shall apply to automatic commercial ice makers for which standards have been established under section 6313 (d)(2) of this title to the same extent and in the same manner as the section applies under part A 3 on the date of publication of the final rule by the Secretary.

(ii) Any State standard issued before the date of publication of the final rule by the Secretary shall not be preempted until the standards established under section 6313 (d)(2) of this title take effect.

(B) In applying section 6297 of this title in accordance with subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) of this section shall apply.

(3) (A) If the Secretary does not issue a final rule for a specific type of automatic commercial ice maker within the time frame specified in section 6313 (d) of this title, subsections (b) and (c) of section 6297 of this title shall no longer apply to the specific type of automatic commercial ice maker for the period beginning on the day after the scheduled date for a final rule and ending on the date on which the Secretary publishes a final rule covering the specific type of automatic commercial ice maker.

(B) Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

(4) (A) The Secretary shall monitor whether manufacturers are reducing harvest rates below tested values for the purpose of bringing non-complying equipment into compliance.
(B) If the Secretary finds that there has been a substantial amount of manipulation with respect to harvest rates under subparagraph (A), the Secretary shall take steps to minimize the manipulation, such as requiring harvest rates to be within 5 percent of tested values.

(g) (1) (A) If the Secretary does not issue a final rule for commercial clothes washers within the timeframe specified in section 6313 (e)(2) of this title, subsections (b) and (c) of section 6297 of this title shall not apply to commercial clothes washers for the period beginning on the day after the scheduled date for a final rule and ending on the date on which the Secretary publishes a final rule covering commercial clothes washers.

(B) Any State or local standard issued before the date on which the Secretary publishes a final rule shall not be preempted until the standards established under section 6313 (e)(2) of this title take effect.

(2) The Secretary shall undertake an educational program to inform owners of laundromats, multifamily housing, and other sites where commercial clothes washers are located about the new standard, including impacts on washer purchase costs and options for recovering those costs through coin collection.

(h) Walk-in coolers and walk-in freezers.—

(1) Covered types.—

(A) Relationship to other law.—

(i) In general.— Except as otherwise provided in this subsection, section 6297 of this title shall apply to walk-in coolers and walk-in freezers for which standards have been established under paragraphs (1), (2), and (3) of section 6313 (f) of this title to the same extent and in the same manner as the section applies under part A 3 on December 19, 2007.

(ii) State standards.— Any State standard prescribed before December 19, 2007, shall not be preempted until the standards established under paragraphs (1) and (2) of section 6313 (f) of this title take effect.

(B) Administration.— In applying section 6297 of this title to equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

(2) Final rule not timely.—

(A) In general.— If the Secretary does not issue a final rule for a specific type of walk-in cooler or walk-in freezer within the timeframe established under paragraph (4) or (5) of section 6313 (f) of this title, subsections (b) and (c) of section 6297 of this title shall no longer apply to the specific type of walk-in cooler or walk-in freezer during the period—

(i) beginning on the day after the scheduled date for a final rule; and

(ii) ending on the date on which the Secretary publishes a final rule covering the specific type of walk-in cooler or walk-in freezer.

(B) State standards.— Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

(3) California.— Any standard issued in the State of California before January 1, 2011, under title 20 of the California Code of Regulations, that refers to walk-in coolers and walk-in freezers, for which standards have been established under paragraphs (1), (2), and (3) of section 6313 (f) of this title, shall not be preempted until the standards established under section 6313 (f)(3) of this title take effect.

Footnotes
1 So in original. Probably should be “sections”.
2 So in original. Section 6295 (p) of this title does not contain a par. (5).
3 See References in Text note below.
References in Text


The references to “part A” in subsecs. (b)(1), (d)(1), (e)(1)(A), (2)(A), (3)(A), (f)(1)(A)(i), (2)(A)(i), and (h)(1)(A)(i) are shown in those subsecs. as they appear in the original Act. Those references in the original probably should have been to “part B”, meaning part B of title III of Pub. L. 94–163, which is classified generally to part A of this subchapter.

Amendments

2007—Subsec. (a). Pub. L. 110–140, § 312(e)(1), substituted “subparagraphs (B) through (G)” for “subparagraphs (B), (C), (D), (E), and (F)” in introductory provisions.

Subsec. (b)(1). Pub. L. 110–140, §§ 308(b), 312(e)(1), inserted “section 6295 (p)(5) of this title,” after “The provisions of” and substituted “subparagraphs (B) through (G)” for “subparagraphs (B), (C), (D), (E), and (F)”.


Subsec. (b)(1). Pub. L. 109–58, § 136(h)(2), substituted “part A” for “part B”, which for purposes of codification had been translated as “part A” thus requiring no change in text.

Subsecs. (d) to (g). Pub. L. 109–58, § 136(h)(3), added subsecs. (d) to (g).


Subsec. (a). Pub. L. 102–486, § 122(e)(1)(A), inserted “(other than the equipment specified in subparagraphs (B), (C), (D), and (F)) of section 6311 (l) of this title)” after “to this part” and substituted “the provisions of subsections (l) through (s) of section 6295 of this title, and section 6297” for “and sections 6298”.

Subsec. (a)(1). Pub. L. 102–486, § 122(e)(1)(B), substituted “6294 and 6295 of this title” for “and 6294 of this title” and “6314, 6315, and 6313 of this title, respectively” for “6314 and 6315 of this title, respectively”.


Subsecs. (b), (c). Pub. L. 102–486, § 122(e)(2), added subsecs. (b) and (c).

Effective Date of 2007 Amendment

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.