NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** United States of America  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:** Office of Energy Efficiency and Renewable Energy (OEERE), Department of Energy (DOE) [1875]  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  Please submit comments to: USA WTO TBT Enquiry Point, Email: [usatbtep@nist.gov](mailto:usatbtep@nist.gov) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****],3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Commercial heating and air-conditioning equipment; Air conditioning machines comprising a motor-driven fan and elements for changing the temperature and humidity, incl. those machines in which the humidity cannot be separately regulated; parts thereof (HS code(s): 8415); Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps; parts thereof (excl. air conditioning machines of heading 8415) (HS code(s): 8418); Machinery, plant or laboratory equipment whether or not electrically heated (excl. furnaces, ovens and other equipment of heading 8514), for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilising, pasteurising, steaming, drying, evaporating, vaporising, condensing or cooling (excl. those used for domestic purposes); instantaneous or storage water heaters, non-electric; parts thereof (HS code(s): 8419); Electric instantaneous or storage water heaters and immersion heaters; electric space-heating apparatus and soil-heating apparatus; electro-thermic hairdressing apparatus, e.g. hairdryers, hair curlers and curling tong heaters, and hand dryers; electric smoothing irons; other electro-thermic appliances of a kind used for domestic purposes; electric heating resistors (other than those of heading 8545); parts thereof (HS code(s): 8516); Environmental protection (ICS code(s): 13.020); Ventilators. Fans. Air-conditioners (ICS code(s): 23.120); Heat pumps (ICS code(s): 27.080) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Energy Conservation Program: Energy Conservation Standards for Air Cooled, Three-Phase, Small Commercial Air Conditioners and Heat Pumps With a Cooling Capacity of Less Than 65,000 Btu/h and Air-Cooled, Three-Phase, Variable Refrigerant Flow Air Conditioners and Heat Pumps With a Cooling Capacity of Less Than 65,000 Btu/h; (23 page(s), in English) |
| **6.** | **Description of content:** Notice of proposed rulemaking and request for comment - The Energy Policy and Conservation Act, as amended ("EPCA"), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including small, large, and very large commercial package air conditioning and heating equipment, of which air cooled, three-phase, small commercial air conditioners and heat pumps with a cooling capacity of less than 65,000 Btu/h and air-cooled, three-phase, variable refrigerant flow air conditioners and heat pumps with a cooling capacity of less than 65,000 Btu/h are categories. EPCA requires the U.S. Department of Energy ("DOE" or "the Department") to consider the need for amended standards each time the relevant industry standard is amended with respect to the standard levels or design requirements applicable to that equipment, or periodically under a six-year-lookback review provision. For the three-phase equipment that is the subject of this notice of proposed rulemaking ("NOPR"), DOE is proposing amended energy conservation standards that rely on new efficiency metrics and align with amended efficiency levels in the industry standard. DOE has preliminarily determined that it lacks clear and convincing evidence required by the statute to adopt standards more stringent than the levels specified in the industry standard. This NOPR also announces a webinar to receive comment on these proposed standards and associated analyses and results. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Prevention of deceptive practices and consumer protection; Protection of the environment |
| **8.** | **Relevant documents:**  87 Federal Register (FR) 18290, 30 March 2022; Title 10 Code of Federal Regulations (CFR) Part 431:  <https://www.govinfo.gov/content/pkg/FR-2022-03-30/html/2022-06450.htm> <https://www.govinfo.gov/content/pkg/FR-2022-03-30/pdf/2022-06450.pdf>  This notice of proposed rulemaking and request for comment is identified by Docket Number EERE-2022-BT-STD-0008. The Docket Folder is available from Regulations.gov at <https://www.regulations.gov/docket/EERE-2022-BT-STD-0008/document> and provides access to primary documents as well as comments received. Documents are also accessible from [Regulations.gov](http://www.regulations.gov/) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](mailto:usatbtep@nist.gov) by or before [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 31 May 2022. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with the regulator and will also be submitted to the [Docket](https://www.regulations.gov/docket/EERE-2022-BT-STD-0008/document) on Regulations.gov if received within the comment period.  [G/TBT/N/USA/952 and G/TBT/N/USA/952/Add.1](https://eping.wto.org/en/Search?domainIds=1&documentSymbol=usa%2F952) - Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment, a Notice of proposed rulemaking (NOPR) and announcement of public meeting and a Final Rule identified by Docket Number [EERE-2014-BT-STD-0015](https://www.regulations.gov/docket/EERE-2014-BT-STD-0015/document).  [G/TBT/N/USA/1659](https://docs.wto.org/imrd/directdoc.asp?DDFDocuments/t/G/TBTN20/USA1659.DOCX) - Energy Conservation Program: Energy Conservation Standards for Computer Room Air Conditioners and Air-Cooled, Three-Phase, Small Commercial Package Air Conditioning and Heating Equipment With a Cooling Capacity of Less Than 65,000 Btu/h, Notification of data availability and request for information, identified by Docket Number [EERE-2020-BT-STD-0008](https://www.regulations.gov/docket/EERE-2020-BT-STD-0008/document). |
| **9.** | **Proposed date of adoption:** To be determined  **Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 31 May 2022 |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  <https://members.wto.org/crnattachments/2022/TBT/USA/22_2461_00_e.pdf> |