

**UNITED STATES CODE
TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 77 - ENERGY CONSERVATION
SUBCHAPTER III - IMPROVING ENERGY EFFICIENCY**

PART A - ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS OTHER THAN AUTOMOBILES

Sec. 6291. Definitions

For purposes of this part:

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(32) The term "battery charger" means a device that charges batteries for consumer products, including battery chargers embedded in other consumer products.

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(36) External Power Supply.

(A) In general.

The term "external power supply" means an external power supply circuit that is used to convert household electric current into DC current or lower-voltage AC current to operate a consumer product.

(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

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- (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.

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(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.

Sec. 6293. Test procedures

(a) General rule

All test procedures and related determinations prescribed or made by the Secretary with respect to any covered product (or class thereof) which are in effect on March 17, 1987, shall remain in effect until the Secretary amends such test procedures and related determinations under subsection (b) of this section.

(b) Amended and new procedures

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(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.

Sec. 6295. Energy conservation standards

[* * * * *]

(u) Battery charger and external power supply electric energy consumption

- (1) (A) Not later than 18 months after August 8, 2005, the Secretary shall, after providing notice and an opportunity for comment, prescribe, by rule, definitions and test procedures for the power use of battery chargers and external power supplies.

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(B) In establishing the test procedures under subparagraph (A), the Secretary shall –

- (i) consider existing definitions and test procedures used for measuring energy consumption in standby mode and other modes; and
- (ii) assess the current and projected future market for battery chargers and external power supplies.

(C) The assessment under subparagraph (B)(ii) shall include –

- (i) estimates of the significance of potential energy savings from technical improvements to battery chargers and external power supplies; and
- (ii) suggested product classes for energy conservation standards.

(D) Not later than 18 months after August 8, 2005, the Secretary shall hold a scoping workshop to discuss and receive comments on plans for developing energy conservation standards for energy use for battery chargers and external power supplies.

(E) External power supplies and battery chargers.—

(i) Energy conservation standards.—

(I) External power supplies. —

Not later than 2 years after the date of enactment of this subsection, the Secretary shall issue a final rule that determines whether energy conservation standards shall be issued for external power supplies or classes of external power supplies.

(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.

(ii) For each product class, any energy conservation standards issued under clause (i) shall be set at the lowest level of energy use that –

(I) meets the criteria and procedures of subsections (o), (p), (q), (r), (s), and (t) of this section; and

(II) would result in significant overall annual energy savings, considering standby mode and other operating modes.

(2) The Secretary and the Administrator shall collaborate and develop programs (including programs under section 6294a of this title and other voluntary industry agreements or codes of conduct) that are designed to reduce standby mode energy use.

(3) 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 |

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| | |
|---------------------------------------|---|
| From 1 watt to not more than 51 watts | The sum of 0.09 times the Natural Logarithm or 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.

(II) Administration.—

The final rule shall—

- (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.

(II) Administration. —

The final rule shall—

- (aa) contain any amended standards; and
- (bb) apply to products manufactured on or after July 1, 2017.

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(4) 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.

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(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

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- (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.

(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).

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(ii) Application date

Section 6297 of this title applies —

- (1) to products for which energy conservation standards are to be established under subsection (l), (u), or (v) of this section beginning on the date on which a final rule is issued by the Secretary, except that any State or local standard prescribed or enacted for the product before the date on which the final rule is issued shall not be preempted until the energy conservation standard established under subsection (l), (u), or (v) of this section for the product takes effect; and
- (2) to products for which energy conservation standards are established under subsections (w) through (hh) of this section on August 8, 2005, except that any

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State or local standard prescribed or enacted before August 8, 2005, shall not be preempted until the energy conservation standards established under subsections (w) through (hh) of this section take effect.