

DOE Releases Proposed New Energy Conservation Standards for Battery Chargers and Electronic Power Supplies

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The Department of Energy (DOE) released a Notice of Proposed Rulemaking (NPR) that seeks to amend existing energy conservation standards for Class A external power supplies (EPSs), and create new energy conservation standards for non-Class A EPSs and battery chargers. DOE will publish the NPR in the *Federal Register* shortly, and plans to hold a public meeting on May 2, 2012.

Background

The Energy Policy and Conservation Act (EPCA) allows DOE to set and amend energy conservation standards for several types of consumer products (defined as “covered products”), including battery chargers and EPSs. 42 U.S.C. § 6295(u). Under EPCA, DOE must determine whether the more stringent standards it proposes—in addition to saving a significant amount of energy—are both technologically feasible and economically justified. *Id.* §§ 6295(o)(2)(A), 6295(o)(3)(B).

Before setting conservation standards, however, DOE must first develop test procedures to measure the energy efficiency, energy use, or estimated annual operating cost of each covered product. *Id.* § 6293(b)(3). Manufacturers of covered products must use the test procedures to certify to DOE that their products comply with the applicable energy conservation standards, and also when making public representations about energy use or efficiency. *Id.* § 6293(c). DOE uses the same test procedures to check that covered products are in compliance with conservation standards. 42 U.S.C. § 6295(s). The current test procedures for battery chargers and EPSs can be found at title 10, Code of Federal Regulations (CFR), part 430, subpart B, appendices Y and Z.

There is also no “backsliding” under EPCA: once a conservation standard is set, DOE cannot amend it to increase the maximum allowable energy use or decrease the minimum required energy efficiency. *Id.* § 6295(o)(1). It is also the case that federal conservation standards generally supersede similar state conservation standards. *Id.* § 6297. California's newly enacted regulations¹ setting energy efficiency standards for battery chargers would, for example, likely be preempted if the NOPR is adopted as a final rule.

Scope

The NPR *both* amends the existing conservation standards for Class A EPSs *and* creates new ones for non-Class A EPSs. The existing Class A standards were set by Congress and became effective on July 1, 2008. *Id.* § 6295(u)(3)(A). They specifically exclude any device that (1) requires approval as a medical device by the Federal Food and Drug Administration, or (2) that powers the charger of a detachable battery pack or charges the battery of a product that is fully or primarily motor operated. *Id.* § 6291(36)(C)(ii). DOE is now considering developing standards for these non-Class A products.

According to DOE, all EPSs covered under the NPR share the following four criteria: (1) they are designed to convert line voltage AC input into lower voltage AC or DC output; (2) they are sold with, or intended to be used with, a separate end-use product that constitutes the primary load; (3) they are contained in a separate physical enclosure from the end-use product; and (4) they are connected to the end-use product with a removable or hard-wired electrical connection, cable, cord, or other wiring.

EPCA broadly defines a battery charger as a device that charges batteries for consumer products, and includes battery chargers embedded in other consumer products. *Id.* § 6291(32). DOE has made it clear that all devices that meet this definition are within the scope of the NPR. While battery chargers, like EPSs, are used in conjunction with consumer products, such as cell phones, DOE draws an important distinction: unlike EPSs, the definition for battery chargers is not limited to products plugged into an electrical wall outlet. And they can be entirely embedded in another consumer product, entirely separate from another consumer product, or partly inside or outside another consumer product. In this regard, for example, in-vehicle battery chargers are covered by the NPR.

The broad scope of the NPR will impact a wide array of consumer products that use EPSs and battery chargers. Examples include: cell phones, laptops, tablet computers, digital cameras, power tools, electric razors, and electric toothbrushes, as well as larger consumer products, such as electric golf carts, bicycles, scooters, wheelchairs, and lawn mowers. The standards, however, do not apply to electric automobiles.

Cost/Benefit

At this point, DOE has tentatively concluded that the proposed standards are both technologically feasible and economically justified, and would result in significant energy savings. DOE also notes that, other than high-power EPSs, products are commercially available that meet the proposed standards. DOE also touts that the standards would result in greenhouse gas emissions reductions on the order of 46.5 million metric tons between 2013–2042.

If adopted, the new standards go into effect for all battery chargers and EPSs manufactured in, or imported into, the United States on July 1, 2013.

1 Cal. Code. Regs. tit. 20, §§1601-1608.