



OREGON
DEPARTMENT OF
ENERGY

Oregon Administrative Rules

State-Regulated

Appliance Efficiency Standards

OAR 330-092-0005 to 330-092-0070
(for ORS 469.229-469.261)

Effective March 1, 2008

Oregon Department of Energy
625 Marion Street NE
Salem, OR 97301-3737
(503) 378-4040 or Toll-Free 1-800-221-8035
Fax (503) 373-7806

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DIVISION 92
MINIMUM ENERGY EFFICIENCY STANDARDS
FOR STATE-REGULATED APPLIANCES AND EQUIPMENT

330-092-0005

Purpose

- (1) The purpose of these rules is to establish procedures to govern the enforcement and amendment of standards found in ORS 469.229 through 469.261, which establish minimum energy efficiency standards for equipment and appliances for sale or use in Oregon that are not federally regulated.

330-092-0010

Definitions

As used in OAR 330-092-0010 through 330-092-046:

- (1) “Director” means the Director of the Oregon Department of Energy.
- (2) “Department” means the Oregon Department of Energy.
- (3) “Equipment” means a category of equipment or appliances regulated by ORS 469.229 to ORS 469.261 and described in OAR 330-092-0015, below.
- (4) “Multi-State Compliance System” or M-SCS means the multi-state database program located at www.appliancestandards.org to register and list compliant equipment.
- (5) “Product” means a particular model number or series available from a particular manufacturer, as distinct from a category of equipment.

330-092-0015

Effective Dates for Equipment Regulated Pursuant to ORS 469.229

- (1) The following list specifies the effective dates for equipment for which Oregon minimum energy efficiency standards have been adopted:
 - (a) Automatic commercial ice cube machines as defined in ORS 469.229(1): Effective date January 1, 2008 for sale of equipment and January 1, 2009 for installation. Federal standards are scheduled to become effective January 1, 2010.
 - (b) Bottle-type water dispensers, as defined in ORS 469.229 (3): Effective date September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation.
 - (c) Commercial hot food holding cabinets, as defined in ORS 469.229(5): Effective date September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation.
 - (d) Commercial refrigerators and freezers, as defined in ORS 469.229(7): Effective date January 1, 2008 for sale of equipment and January 1, 2009 for installation.
 - (e) Compact audio products, as defined in ORS 469.229(8): Effective date September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation.
 - (f) Digital versatile disc players and digital versatile disc recorders, as defined in ORS 469.229(11): Effective date September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation.
 - (g) Metal halide lamp fixtures, as defined by ORS 469.229(15): Effective date January 1, 2008 for sale of equipment and January 1, 2009 for installation.
 - (h) Portable electric spas, as defined in ORS 469.229(17): Effective date September 1, 2009 for sale of equipment in Oregon and September 1, 2010 for installation.

- (i) Single-voltage external AC to DC power supplies, as defined in ORS 469.229(22): Effective date January 1, 2008 for sale of equipment and January 1, 2009 for installation. Federal regulations are scheduled to become effective in July 1, 2008.
 - (j) Unit heaters, as defined in ORS 469.229(26): Effective date January 1, 2008 for sale of equipment and January 1, 2009 for installation. Federal regulations are scheduled to become effective in August, 2008.
- (2) The following equipment described in ORS 469.229 through 469.233, is currently federally regulated and not subject to further regulation under ORS 469.229 or these rules:
- (a) Commercial clothes washers, as defined in ORS 469(4).
 - (b) Commercial pre-rinse spray valves, as defined in ORS 469.229 (6).
 - (c) Illuminated exit signs, as defined in ORS 469.229(13).
 - (d) Incandescent reflector lamps, as defined in ORS 469.229(23).
 - (e) Torchieres, as defined in ORS 469.229(24).
 - (f) Traffic signal modules, as defined in ORS 469.229(25).
 - (g) Walk-in refrigerators and walk-in freezers, as defined in ORS 469.229(27).

330-092-0020

Minimum Energy Efficiency Standards and Test Methods

- (1) Except as provided in ORS 469.299(2), a person may not sell or offer for sale a product described in OAR 330-092-0015 unless the energy efficiency of the product meets or exceeds the minimum energy efficiency standards specified in ORS 469.233.

330-092-0025

Reporting Product Compliance Through the Multi-State Compliance System

- (1) Manufacturers of Oregon-regulated equipment except single voltage external AC to DC power supplies shall report compliance by registering a product on the Multi-State Compliance System website (www.appliancestandards.org) or by registering products with the California Energy Commission Appliances Database (<http://www.energy.ca.gov/appliances/appliance/>). Products registered on the CEC Appliances Database will be automatically entered on the M-SCS database.
- (2) Manufacturers of Oregon-regulated single voltage external AC to DC power supplies shall report compliance in accordance with the provisions of OAR 330-092-0035(5).
- (3) Questions concerning the M-SCS or the California Appliances Database should be directed to the Oregon Department of Energy’s Appliance Efficiency Standards Program Manager, 503-378-4040, 625 Marion St. N.E., Salem OR 97301.

330-092-0030

Effect of Registration

- (1) To be sold or used in Oregon after the effective dates described in OAR 330-092-0016, Oregon-regulated products except for single voltage external AC to DC power supplies must be listed as “Compliant” in the M-SCS database. Products that are not listed in the database or are listed as “Needing Attestation” or “Non-Compliant” may not be sold or used in Oregon after the applicable effective date.

330-092-0035

Manufacturer Certification of Information Entered in the Multi-State Compliance System

- (1) Manufacturers of Oregon-regulated equipment except single voltage external AC to DC power supplies must certify to the Oregon Department of Energy with a letter signed by a responsible

officer in the organization, such as the Chief Financial Officer, Government Relations Officer, Chief Engineer or Technical Officer, that:

- (a) The information related to the products listed by the manufacturer in the Multi-State Compliance System is true and accurate; and
 - (b) The products have been tested in accordance with test methods specified in ORS 469.233 or in these rules, as appropriate.
- (2) Manufacturers of Oregon-regulated single voltage external AC to DC power supplies must certify to the Oregon Department of Energy with a letter signed by a responsible officer in the organization, such as the Chief Financial Officer, Government Relations Officer, Chief Engineer or Technical Officer, that:
- (a) Their products sold in Oregon comply with the minimum energy efficiency standards in ORS 469,233;
 - (b) The labeling of these products complies with the requirements in OAR 330-092-0045(6)(b); and
 - (c) The products have been tested in accordance with test methods specified in ORS 469.233 or in these rules, as appropriate.
- (3) A single letter may certify compliance for multiple products, but the letter must list each product to which it applies separately. Additional certifications are required when new products are listed.
- (4) The letter may be sent by mail, or by e-mail with electronic signature, to the Oregon Department of Energy's Appliance Efficiency Standards Program Manager, 503-378-4040, 625 Marion St. N.E., Salem OR 97301.
- (5) The Department will update the database as needed to reflect that compliance letters have been received.

330-092-0040

Determination of Compliance

- (1) Products for which the Oregon minimum energy efficiency standards are identical to or lower than standards adopted in California, and that have been approved by the California Energy Commission, will automatically be certified as compliant for sale and use in Oregon.
- (2) Products for which Oregon minimum energy efficiency standards are not identical to standards adopted in California, or that have not been approved by the California Energy Commission, must be approved by the Oregon Department of Energy and will be designated under Oregon status in the Multi-State Compliance System as requiring manufacturer attestation until they are approved.
- (3) Products which do not comply with the appliance efficiency standards set forth in ORS 469.233 will be designated as "Non-Compliant."
- (4) A manufacturer may request the Department to change the status of a product from "Needing Attestation" or "Non-Compliant" to "Compliant" if they believe it is incorrectly listed. The Department may require the manufacturer to submit or resubmit certification pursuant to OAR 330-092-0035 and any other documentation demonstrating that the product meets the applicable minimum energy efficiency standard.
- (5) The Department may require the manufacturer to provide test results or other documentation verifying that a product meets Oregon's minimum energy efficiency standards for that category of equipment.

330-092-0045

Labeling

- (1) Except as provided in subsections (2) through (5) of this section, a product which is listed as “Compliant” in the M-SCS database will be deemed to meet Oregon’s labeling requirements if that product is permanently, legibly and conspicuously marked, labeled or tagged on an accessible place on each unit with the following information:
 - (a) Manufacturer’s name or brand name or trademark, which shall be either the name, brand or trademark of the listed manufacturer reporting compliance pursuant to OAR 330-092-0035;
 - (b) Model number; and
 - (c) Date of manufacture, indicating at least the year and month. If the date is in a code that is not readily accessible to the lay person, the manufacturer shall immediately, upon request, provide the code to the Department.
- (2) For lamps, the information required by subsection (1) of this section shall be permanently, legibly, and conspicuously displayed on an accessible place on each unit, on the unit’s packaging, or, where the unit is contained in a group of several units in a single package, on the packaging of the group.
- (3) For single voltage external AC to DC power supplies, each power supply shall be marked on its nameplate with the appropriate numeral, specified below, if it meets or exceeds both the no-load and the average active mode efficiency requirements associated with that numeral at each tested voltage and frequency value marked on its nameplate, when tested in accordance with the test method in ORS 469.233(7)(b).
 - (a) “III” for those models certified under OAR 330-092-0035 as complying with the Oregon standards effective January 1, 2008, but not certified in California as complying with the California standards effective July 1, 2008. For models that are able to operate at both 115 volts/60 Hz and 230 volts/50 Hz, but show compliance only at 115 volts, the Roman numeral “III” marking shall include a reference to “115V.”
 - (b) “IV” for those models certified in California as complying with the California standards effective July 1, 2008. For models that are able to operate at both 115 volts/60 Hz and 230V/50 Hz, but show compliance only at 115 volts, the Roman numeral “IV” marking shall include a reference to “115V.”
 - (c) The mark shall comply with the following:
 - (i) Format. Roman numeral: III or IV (for models showing compliance only at 115 volts, the Roman numeral marking shall so designate).
 - (ii) Font. Preferred Times Roman (or other plain serif fonts).
 - (iii) Size. Legible.
 - (iv) Color. Text to contrast with the nameplate background, except that if the marking required by these regulations is molded into the housing of the external power supply, the text need not contrast with the nameplate background.
- (4) The Department may waive marking, labeling or tagging requirements for products marked, labeled or tagged in compliance with federal requirements.
- (5) The Department may grant a waiver from these labeling requirements on a case-by-case basis for a category of equipment if it determines:
 - (a) Oregon’s labeling requirements would be different and more burdensome than requirements in other states with similar standards.
 - (b) Current labeling materially complies with the intent of Oregon’s labeling requirements.
 - (c) Compliance with subsection (1) would be impractical.
 - (d) Labeling is unnecessary.
 - (e) No waiver will be made for an individual manufacturer or individual product.

Determination of Non-Compliance

- (1) If a manufacturer has not submitted certification to the Department pursuant to OAR 330-092-0035 for a product, the Department may change the Oregon status in the M-SCS to “Needing Attestation” and require the manufacturer to provide such certification within 30 days. If certification is not received within 30 days, the Department may change the status to “Non-Compliant” until such time as the certification is provided.
- (2) The Department may review any product if it has cause to believe the product may not comply with Oregon’s appliance efficiency standards.
- (3) The Department will notify a manufacturer in writing of its review of a product for compliance with the appropriate appliance energy efficiency standard, including:
 - (a) Identification of the product.
 - (b) An explanation of deficiencies in compliance with the applicable standards, testing requirements, or labeling requirements.
 - (c) The action the Department proposes to take if it determines the product is non-compliant or the information supplied to the Department through the database or other means is in error.
- (4) The manufacturer must respond to the notice of deficiency within fifteen days of mailing.
- (5) The Department will make its final determination within fifteen days of receiving the manufacturer’s response.

330-092-0055

Appeals

- (1) A manufacturer may request reconsideration of the Department’s order in writing. The Department will respond within fifteen days of receipt of a request for reconsideration.
- (2) A manufacturer may appeal an action taken by Department staff to the Director. An appeal shall state as clearly as possible the original request, the action taken by staff, and any relevant information demonstrating why the manufacturer believes the Department action is in error.
- (3) The Director will respond to an appeal within fifteen days.

330-092-0060

Postponing Operative Date of Minimum Energy Efficiency Standards

- (1) As provided in ORS 469.261(1)(c), the Department may adopt rules to postpone for up to one year the operative date of any minimum energy efficiency standard for one of the following reasons.
 - (a) Adjoining states with similar standards have postponed the operative date of their corresponding minimum energy efficiency standard; or.
 - (b) Failure to modify the operative date of any of the minimum efficiency standards would impose a substantial hardship on manufacturers, retailers, or the public.
- (2) If at the end of the first postponement period the director determines that adjoining states have further postponed the operative date of minimum efficiency standards and the requirements of subparagraph (A) of ORS 469.229(1)(c) continue to be met, the director may postpone the operative date for not more than one additional year.

330-092-0065

Adopting and Updating Minimum Energy Efficiency Standards

- (1) As provided in ORS 469.261(1), the Department may adopt rules to update minimum energy efficiency standards or to establish new minimum energy efficiency standards, including test methods and labeling requirements. Minimum energy efficiency standards adopted pursuant to this subsection may not take effect until one year following their adoption by the Director.

- (2) The Department may consider any of the following reasons in determining whether to adopt new minimum energy efficiency standards pursuant to subsection (1) of this section.
- (a) To promote energy conservation in Oregon. For example, new standards may be established if technological improvements have become available, or if there is a critical need for additional savings in Oregon.
 - (b) To achieve cost-effectiveness. For example, new standards may be established if costs have been substantially reduced, or if energy prices have substantially increased. Alternatively, standards may be eased if there is substantial evidence demonstrating it is economically or technologically impractical for manufacturers to meet the standard, or to meet the standard by a particular date.
 - (c) Due to federal action or to the outcome of collaborative consultations with manufacturers and the energy departments of other states. In addition, standards may be amended to be consistent with standards adopted in other states, with particular attention to standards on Washington and California.

330-092-0070

Mailing List

- (1) Pursuant to ORS 183.355(8), the Department will establish a mailing list of manufacturers for each category of regulated equipment and other interested parties to give notice of program information including proposed rulemaking.