

## DRAFT DOER Guidelines for Implementing the Appliance Efficiency Standards at 225 CMR 9.00

### 1. Authority

Pursuant to G.L. c. 25B, the Department of Energy Resources (DOER) has adopted regulations at 225 CMR 9.00 (Appliance Efficiency Standards) for testing the energy efficiency of certain appliances and lamps listed therein. These Guidelines provide details on how DOER will apply those regulations.

### 2. Definitions

The terms used in these Guidelines, are defined as follows:

Appliance Efficiency Standards: 225 CMR 9.00

Covered Installer: Installer of Covered Products

Covered Manufacturer: Manufacturer of Covered Products

Covered Product: Appliance or product with an energy or water standard specified in 225 CMR 9.03.

Covered Seller: Distributor or Retailer of Covered Products

Proxy Standard: A required or voluntary energy or water efficiency standard set by an entity other than the Commonwealth of Massachusetts and is listed in 225 CMR 9.03 including, but not limited to, voluntary Energy Star and Water Sense standards and required standards set forth in the California Code of Regulations.

SASD: The NEEP State Appliance Standards Database at <https://neep.org/SASD>

### 3. Application of the Guidelines

M.G. L. c. 25B §3 provides a list of new appliances sold, offered for sale or installed in the Massachusetts, to which the statute, the Appliance Efficiency Standards, and these Guidelines apply. The statute specifically exempts new appliances or lamps manufactured in the Massachusetts and sold outside Massachusetts; new appliances or lamps manufactured outside Massachusetts and sold at wholesale inside Massachusetts for final retail sale and installation outside Massachusetts; appliances or lamps installed in manufactured homes at the time of construction; or appliances or lamps designed expressly for installation and use in recreational vehicles.

### 4. Manufacturer Requirements

#### 4.1. Certification

Covered Manufacturers must certify products to DOER beginning January 1, 2022. Covered Products may not be shipped for sale in Massachusetts unless they have been certified to DOER as meeting the required standards. Covered Manufacturers must certify Covered Products to DOER in the Northeast Energy Efficiency Partnerships State Appliance Standards Database (SASD), which can be found at <https://neep.org/SASD>.

#### 4.2. Coordination with the Department of Occupational Licensure Plumbing Board Approved Products database

For Covered Products that are regulated by the Board of State Examiners of Plumbers and Gas Fitters (Plumbing Board), including water closets, urinals, showerheads, and faucets, Covered Manufacturers must certify Covered Products as set forth herein and in the Plumbing Board's Accepted Plumbing Products Online System, available at [https://licensing.reg.state.ma.us/pubLic/pl\\_products/pb\\_pre\\_form.asp](https://licensing.reg.state.ma.us/pubLic/pl_products/pb_pre_form.asp).

#### 4.3. Labeling Covered Products

Covered Manufacturers of Covered Products shall identify each model offered for sale in Massachusetts as in compliance with the Appliance Efficiency Standards, by means of a mark, label or tag on the product and packaging at the time of sale or installation. If 225 CMR 9.03 explicitly lists a Proxy Standard, that Proxy Standard's label is sufficient to illustrate that the Covered Product complies with the Appliance Efficiency Standards. For Covered Products that do not use a Proxy Standard, Covered Manufacturers shall clearly label its specified efficiency (e.g. gpm, lm/W, etc.) on each Covered Product. In addition, Covered Manufacturers shall label each Covered Product with the Covered Manufacturer's name and the Covered Product's brand name.

#### 4.4. Testing Covered Products

Covered Manufacturers shall test units of each model of their Covered Products, using the applicable test method listed in 225 CMR 9.03. DOER will honor tests required for a Proxy Standard certification used in 225 CMR 9.03. Covered Manufacturers of Covered Products that do not use a Proxy Standard must submit test results, using the method defined in 225 CMR 9.03, to DOER via e-mail to [DOER.ApplianceStandards@mass.gov](mailto:DOER.ApplianceStandards@mass.gov). Once a Covered Product is offered for sale in Massachusetts, DOER reserves the right to test up to five Covered Products per year, per Covered Manufacturer, to verify compliance with the Appliance Efficiency Standards. If a Covered Product meets the efficiency standards specified in 225 CMR 9.03, DOER will pay for the test. If a Covered Product does not meet the efficiency standards, the Covered Manufacturer will pay for the test.

A Covered Manufacturer may appeal the results of a test by notifying DOER at [DOER.ApplianceStandards@mass.gov](mailto:DOER.ApplianceStandards@mass.gov) within 30 days of receipt of the test results. DOER may evaluate any evidence of the test's failure to accurately measure compliance and issue a final determination within 90 days. DOER will not evaluate appeals challenging the validity of a Proxy Standard.

### 5. Covered Seller and Installer Requirements

#### 5.1. Covered Sellers

Beginning on January 1, 2023, Covered Sellers may only offer Covered Products for sale or installation in Massachusetts that are certified as compliant with the Appliance Efficiency Standards in the SASD database. Covered Sellers may offer Covered Products that do not comply with the Appliance Efficiency Standards for sale or distribution in other states.

#### 5.2. Covered Installers

Beginning on January 1, 2023, Covered Installers may only install Covered Products in Massachusetts that are certified as compliant with the Appliance Efficiency Standards in the SASD database.

## 6. Enforcement

### 6.1. Compliance

- a. Any discrepancy between the SASD database and the Accepted Plumbing Products Online System ([https://licensing.reg.state.ma.us/pubLic/pl\\_products/pb\\_pre\\_form.asp](https://licensing.reg.state.ma.us/pubLic/pl_products/pb_pre_form.asp)) of these Guidelines, may be reported to both [DOER.ApplianceStandards@mass.gov](mailto:DOER.ApplianceStandards@mass.gov) and [plumbing.products@mass.gov](mailto:plumbing.products@mass.gov).
- b. DOER's enforcement activities may include, but are not limited to:
  1. Technical assistance, training, and outreach to Covered Sellers and Covered Installers to ensure compliance
  2. Random inspections of Covered Sellers
  3. Random inspections of installations of Covered Products

If DOER or its designee finds potential violations, it may provide a remediation plan for the Covered Seller or Covered Installer. DOER or its designee may not make a random visit more than once per calendar year to the same location of a Covered Seller or Covered Installer unless a violation is found.

### 6.2. Complaints

- a. DOER will maintain an online form on its Appliance Standards webpage where any party can notify the agency that a Covered Manufacturer, Covered Seller, or Covered Installer has not complied with the Appliance Efficiency Standards.
- b. Any Covered Manufacturer, Covered Seller, or Covered Installer, who is not in compliance with the Appliance Efficiency Standards may be reported using the complaint form described herein.
- c. DOER will investigate all complaints and report the results to the Attorney General's Office as set forth in section 6.4 below.

### 6.3. Public Notice of Non-Compliant Product

DOER may publish a list of Covered Products in violation of 225 CMR 9.04(5) on its Appliance Standards webpage. The list may include the following information:

- Name of the Covered Manufacturer;
- Category, brand name, and model number of Covered Product;
- Nature of the violation;
- Date of violation;
- Any change in status since the date of violation;
- Date the violation was referred to the Attorney General's Office;
- Any related investigation initiated pursuant to the Massachusetts Consumer Protection Act, G.L. c. 93A.

### 6.4. Report Violations to Attorney General's Office

DOER will provide periodic reports of violations of the Appliance Efficiency Standards to the Attorney General's Office. DOER and the Attorney General's Office will determine whether to impose civil penalties according to the Massachusetts Consumer Protection Act, G.L. c. 93A.

