

114TH CONGRESS
1ST SESSION

H. R. 1785

To amend the Energy Policy and Conservation Act to provide for the recognition of voluntary verification programs for air conditioning, furnace, boiler, heat pump, and water heater products.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2015

Mr. LATTA (for himself, Mr. COOPER, and Mrs. BLACKBURN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Energy Policy and Conservation Act to provide for the recognition of voluntary verification programs for air conditioning, furnace, boiler, heat pump, and water heater products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voluntary Verification
5 Program Act of 2015”.

1 **SEC. 2. VOLUNTARY VERIFICATION PROGRAMS FOR AIR**
2 **CONDITIONING, FURNACE, BOILER, HEAT**
3 **PUMP, AND WATER HEATER PRODUCTS.**

4 Section 326(b) of the Energy Policy and Conserva-
5 tion Act (42 U.S.C. 6296(b)) is amended by adding at
6 the end the following:

7 “(6) VOLUNTARY VERIFICATION PROGRAMS FOR
8 AIR CONDITIONING, FURNACE, BOILER, HEAT PUMP,
9 AND WATER HEATER PRODUCTS.—

10 “(A) RELIANCE ON VOLUNTARY
11 VERIFICATION PROGRAMS.—For the purpose of
12 verifying compliance with energy conservation
13 standards and Energy Star specifications estab-
14 lished under sections 324A, 325, and 342 for
15 covered products described in paragraphs (3),
16 (4), (5), (9), and (11) of section 322(a) and
17 covered equipment described in subparagraphs
18 (B), (C), (D), (F), (I), (J), and (K) of section
19 340(1), the Secretary and Administrator of the
20 Environmental Protection Agency (in this para-
21 graph referred to as the ‘Administrator’)
22 shall—

23 “(i) rely on voluntary verification pro-
24 grams that are recognized by the Secretary
25 or the Administrator according to criteria

1 that have consensus support established
2 through a negotiated rulemaking; and

3 “(ii) not later than 180 days after the
4 date of enactment of the Voluntary
5 Verification Program Act of 2015, initiate
6 a negotiated rulemaking described in
7 clause (i) to establish criteria for achieving
8 recognition by the Secretary or the Admin-
9 istrator as an approved voluntary
10 verification program, which at a minimum
11 shall ensure that voluntary verification
12 programs—

13 “(I) are nationally recognized;

14 “(II) maintain a publicly avail-
15 able list of all verified products and
16 equipment;

17 “(III) require the changing of the
18 performance rating or removal of the
19 product or equipment from the pro-
20 gram if testing determines that the
21 performance rating does not meet the
22 levels the manufacturer has verified to
23 the Secretary or the Administrator;

24 “(IV) require the qualification of
25 new participants in the program

1 through testing and production of test
2 reports;

3 “(V) allow for challenge testing
4 of products and equipment within the
5 scope of the program;

6 “(VI) require program partici-
7 pants to verify the performance rating
8 of all covered products and equipment
9 within the scope of the voluntary
10 verification program;

11 “(VII) provide to the Secretary
12 or the Administrator—

13 “(aa) prompt notification
14 when program testing results
15 in—

16 “(AA) the rerating of
17 the performance rating of a
18 product or equipment; or

19 “(BB) the delisting of a
20 product or equipment; and

21 “(bb) test reports, on the re-
22 quest of the Secretary or the Ad-
23 ministrator, for Energy Star
24 compliant products, which shall
25 be treated as confidential busi-

1 ness information as provided for
2 under section 552(b)(4) of title
3 5, United States Code (commonly
4 known as the ‘Freedom of Infor-
5 mation Act’); and

6 “(VIII) meet any additional re-
7 quirements or standards that the Sec-
8 retary or the Administrator shall es-
9 tablish consistent with this clause.

10 “(B) ADMINISTRATION.—

11 “(i) IN GENERAL.—Neither the Sec-
12 retary nor the Administrator shall re-
13 quire—

14 “(I) manufacturers to participate
15 in a voluntary verification program
16 described in subparagraph (A); or

17 “(II) participating manufacturers
18 to provide information that can be ob-
19 tained through a voluntary
20 verification program described in sub-
21 paragraph (A).

22 “(ii) LIST OF COVERED PRODUCTS.—
23 The Secretary or the Administrator may
24 maintain a publicly available list of covered
25 products and equipment verified under

1 subparagraph (A) that distinguishes be-
2 tween—

3 “(I) covered products and equip-
4 ment verified by a program described
5 in subparagraph (A); and

6 “(II) products not verified by a
7 program described in subparagraph
8 (A).

9 “(iii) PERIODIC VERIFICATION TEST-
10 ING.—The Secretary and the Adminis-
11 trator shall not subject a manufacturer
12 that participates in a voluntary verification
13 program described in subparagraph (A),
14 and that is in compliance with subpara-
15 graph (A)(ii) (I) through (VIII), to addi-
16 tional periodic verification testing to verify
17 the accuracy of the performance rating of
18 the product or equipment, if the voluntary
19 verification program subjects covered prod-
20 ucts to periodic verification testing and
21 provides test results to the Secretary or
22 the Administrator on request.

23 “(iv) EFFECT ON OTHER AUTHOR-
24 ITY.—Nothing in this paragraph limits the
25 authority of the Secretary or the Adminis-

1 trator to enforce compliance with any
2 law.”.

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