

DOE Again Proposes Energy Conservation Standards for Battery Chargers

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The U.S. Department of Energy (DOE) has issued a long-awaited supplemental notice of proposed rulemaking (SNOPR) for energy conservation standards for battery chargers. 80 Fed. Reg. 52,850 (Sept. 1, 2015). The SNOPR stems from contention over a 2012 DOE proposal and reflects the influential role of California efficiency standards. Comments are due at DOE by November 2, 2015. Comments on proposed DOE test procedures for battery chargers are due by October 20, 2015. 80 Fed. Reg. 46,855 (Aug. 6, 2015).

The ubiquitous role of battery chargers, impact of standards, and industry's knowledge of the market provide strong incentives for industry participation in the rulemaking. A key issue in the SNOPR is DOE's proposal that some standards be higher than standards in its 2012 proposal and align with the more stringent California levels. In its 2012 proposal, DOE did not consider the California levels to be justified as national standards. The SNOPR takes into account subsequent information that DOE has gathered on the effect of the California standards.

This should be subjected to searching inquiry in the SNOPR rulemaking to determine whether the higher California levels are indeed warranted as DOE standards. The outcome will turn substantially on whether the California standards have become de facto national standards, followed by industry even where not required. Industry input on this and other issues will be critical, and the resulting DOE rule will impact manufacturing, marketing, and industry costs.

DOE's initial standards proposal.

In 2012, DOE proposed standards for battery chargers and external power supplies (EPS). 77 Fed. Reg. 18,478 (Mar. 27, 2012). One of the major issues concerned California Energy Commission (CEC) rulemaking on new standards for battery charger systems (BCS) distributed in California, standards which some other states had chosen to follow. The CEC rules were announced in January 2012, before DOE issued its proposal but did not go into effect until February 2013. The CEC standards were given limited consideration in DOE's analysis supporting DOE's 2012 proposal: DOE assumed that the fraction of battery chargers sold in California would shift to the CEC levels.

The CEC standards were a matter of considerable dispute in the DOE rulemaking. They were more stringent in some instances than DOE's proposed standards. CEC and efficiency advocacy groups urged DOE to set standards at the more stringent California levels. Industry generally resisted this, including on the grounds that the California standards were not justifiable for national DOE standards.

DOE defers action on battery chargers in light of California's rules.

After considerable deliberation, DOE in 2014 issued standards for EPS but decided to consider standards for battery chargers at a later date. 79 Fed. Reg. 7846 (Feb. 10, 2014). DOE believed

that manufacturers were already making efforts to meet CEC's levels for BCS and were unlikely to create separate classes for California (and other states following the CEC rules) and for the rest of the country. This raised issues on whether the CEC levels that were more stringent than DOE's proposal might indeed be feasible for DOE standards.

DOE then asked for comment on whether revisions to DOE's battery charger analysis were needed in light of the fact that CEC's standards for BCS had been in effect for over one year. 79 Fed. Reg. 27,774 (May 15, 2014). DOE noted inconsistencies between its own testing and ratings in the CEC database, which raised questions as to potential ambiguity in the DOE test procedure -- since DOE and CEC both were using the DOE test procedure.

DOE's new standards proposal.

For its September 1, 2015 SNOPR, DOE revised its analysis in light of the new CEC standards and as a result is proposing new standards for battery chargers. The new standards, if adopted, would apply two years after the publication of the final rule for the rulemaking. The SNOPR assumes that the CEC standards that went into effect in 2013 had moved the market nationally, not just in California.

DOE is soliciting comments on a number of issues. These include updating DOE's engineering analysis and shifting standards levels to more closely align with the CEC standards. DOE also wants comments on using the CEC database. In addition, DOE wants comments on economic impacts of the proposal on battery charger and battery charger application manufacturers. DOE says that it welcomes comments on any aspect of its proposal.

DOE's test procedure proposal.

DOE has also proposed various amendments to its test procedures for battery chargers. 80 Fed. Reg. 46,855 (Aug. 6, 2015). Comments are due by October 20, 2015.

The proposal would harmonize the instrument resolution and uncertainty requirements with international standards for measuring standby power. It would also update and propose new battery selection criteria for multi-voltage, multi-capacity battery chargers, and provide steps on how to select a battery when more than one battery meets the selection criteria. It also addresses conditioning and discharging lead acid batteries.

DOE is soliciting comments on incorporating international standards, DOE's proposed battery selection criteria, and exclusion of back-up battery chargers from the scope of the test procedure. DOE also wants comments on its proposal to amend the sampling and certification requirements for battery chargers. DOE says that it welcomes comments on any aspect of its proposal.