

For More Information Contact:
Marianne DiMascio or
Brian Fadie
info@standardsasap.org

www.appliance-standards.org

Q & A APPLIANCE STANDARDS QUESTIONS AND ANSWERS

Appliance standards implementation

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Your state has adopted appliance standards. What's next?

This fact sheet provides suggestions for implementing state appliance standards while acknowledging that each state's procedures will differ in accordance with its statute and any implementing regulations. Most states will address some or all of the following topics when implementing state appliance standards:

- Regulations
- Certification and listing
- Labeling or marking
- Compliance
- Enforcement

While not a separate step, communication with and outreach to stakeholders throughout the process can improve outcomes. For example, a state¹ can set up a web page to alert manufacturers of upcoming rulemakings or send a letter to distributors, retailers, and contractors notifying them about compliance dates for new appliance standards. States have undertaken more or less outreach activity depending on available resources.

Regulations

States often conduct formal rulemaking processes following bill passage to write appliance standards regulations into code. Some states forego this step, instead relying on the detailed language in the law. For example, in recent years, [Washington](#) and [Vermont](#) conducted rulemakings while Hawaii and Colorado did not. The state agency charged with implementing the appliance standards requirements typically conducts the rulemaking. In

most cases, the final regulations will list the definitions, efficiency standards, test procedures, and requirements for certification and labeling of products.

Certification and listing

States usually require manufacturers of covered products to certify to the state or to existing certification bodies that their products meet the state's standards. These entities maintain public databases that list compliant products. States can also require a letter of attestation from the manufacturer to certify the product. To the greatest extent possible, Appliance Standards Awareness Project (ASAP) recommends that states utilize existing certification bodies and their databases to reduce the need for duplicative administrative activity. In this way, a manufacturer would need to certify its products only once, rather than to each state, and state agencies would not need to develop their own certification process or database.

Existing certification bodies include:

- The U.S. Environmental Protection Agency's (EPA's) ENERGY STAR®
- EPA's WaterSense
- The California Energy Commission (CEC) (the CEC database is known as MAEDbS)
- Industry trade groups (e.g., Heating and Ventilating Institute for residential ventilating fans)
- A portal under development by the U.S. Climate Alliance and Northeast Energy Efficiency Partnerships (NEEP) for products not covered by the preceding options

¹ We use *state* or *states* in this document to refer to a state agency, state authority, or organization tasked with carrying out the implementation.

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Product manufacturers are responsible for certifying their products and generally play a role in educating their supply chains about products that meet standards in each state. Product distributors, retailers, and contractors are responsible for ensuring that the products they sell comply with applicable standards.

Labeling or marking

ASAP recommends that manufacturers of products covered by state appliance standards identify products offered for sale or installation in the state as in compliance with the state's standards through a mark, label, or tag on the product and packaging at the time of sale or installation. Labels indicating compliance already exist for many of the products recommended for state standards. States can further reduce administrative activities by adopting these existing labels. Labeling also streamlines manufacturer compliance by allowing the use of the same label across states.

Compliance

While compliance with state appliance standards is accomplished primarily through the certification process, it is important (though not necessary) that state agencies tasked with implementing the standards have additional authority to check for compliance. Many of the laws authorize these agencies to, at their discretion, conduct spot checks of retailers (including online) to ensure only compliant products are being sold. If noncompliant products are found, the agency may opt to inform and educate the noncompliant party (manufacturers, retailers, distributors, or installers) about noncompliance. The agency may also refer the issue to the attorney general.

States can achieve more robust compliance by allowing complaints about noncompliance to be filed with the implementing state agency and/or attorney general, which should have the authority to investigate any such complaints.

Enforcement

Most states have the discretion to enforce the regulations if violations are found to have occurred.

Typically, either the state implementing agency or the attorney general can issue warnings, institute enforcement proceedings, and assess penalties. Since the overall goal is compliance with the regulations, implementors may opt to inform and educate manufacturers, retailers, and distributors about noncompliance instead of or in addition to a warning for a first offense.

Staff at [ASAP](#), the [U.S. Climate Alliance](#), and [NEEP](#) are working on implementation resources and are available to assist states.

Examples from Hawaii and Washington.



Hawaii appliance standards page [link](#).



Washington Department of Commerce: Appliance standards page [link](#)
Appliance standards rules [link](#).