



### **Hydraulic Institute Board Position on Changes to Section 6311(1)(A) of EPCA (February 28, 2014)**

The Hydraulic Institute Board of Directors, in a special meeting today, voted overwhelmingly in favor of preserving the current language in the Energy Policy and Conservation Act of 1975, whereby pumps are encompassed by Section 6311(1)(A) of EPCA and state regulation of pumps is preempted by the Federal Statute. The HI Board is opposed to any changes in the current preemption status for pumps.

This position is reinforced by the Hydraulic Institute's current good faith negotiations with the U.S. DOE and energy advocates regarding national energy efficiency regulations on pumps through the Appliance Standards Rulemaking Advisory Committee (ASRAC). Two ASRAC working group meetings have been held to date, in December and January; two additional meetings will be held in March; and monthly meeting to July are scheduled to reach a consensus on energy efficiency standards for pumps. HI is also actively engaged in writing a new pump test procedure in cooperation with DOE, HI 40.6, which will be introduced to support agreed-upon efficiency performance metrics.

### **Background Information from U.S. Department of Energy**

Section 6297(b) of EPCA, made applicable to certain types of industrial equipment, including pumps, through section 6316(a) of EPCA, sets forth the general rule of preemption for energy conservation standards before a Federal standard becomes effective for a particular type of covered equipment. That provision states that "no State regulation [] concerning the energy efficiency, energy use or water use of the covered equipment shall be effective with respect to such covered [equipment]", unless certain enumerated exceptions apply. The listed exceptions are inapplicable to pumps.

Section 6311(1)(A) of EPCA states that a "pump" is a type of covered industrial equipment. Therefore, any state regulation of pumps is currently preempted by law. Preemption for pumps would continue after any Federal standard becomes effective pursuant to section 6297(c) of EPCA.

### **Please direct any communications regarding the Hydraulic Institute or its position on this matter to:**

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