

The Energy Commission offers the following guidance to television manufacturers regarding how the new federal test procedure (78 Fed. Reg. 63823, Oct 25, 2013) interacts with television standards adopted by California and Oregon.

1. Q: What effect does the U.S. Department of Energy's (DOE) Final Rule on a television test procedure have on California's current television test procedure?

A: Federal test procedures have a preemptive effect on state law. This means that once DOE requires manufacturers to use its test procedure, California, Oregon, and other states may not require manufacturers to use a different test procedure. California is transitioning to the new federal test procedure to comply with the law and offers this FAQ to help television manufacturers understand how the transition may affect them.

2. Q: The scope of televisions covered by the DOE is narrower than the scope covered by the Energy Commission (e.g., DOE does not cover televisions without a tuner). Do the test procedure changes apply to the entire set of products in California or just to the subset covered by DOE?

A: The DOE test procedure only preempts the California test procedure for the subset of products covered by DOE. However, the Energy Commission is conducting a rulemaking to amend California standards to harmonize with recent changes made at the federal level. California is proposing to use a single test method – the federal test method – for all televisions. If adopted, that change would render this guidance applicable to all televisions. If not adopted, televisions outside of the scope of the DOE definition of a television would be required to continue using the current state test procedure. Parties interested in following this rulemaking may find additional information at CEC Docket No. 13-AAER-1, or online at <http://energy.ca.gov/appliances/2014rulemaking/index.html>.

3. Q: What are the effective dates of the federal test procedure?

A: The federal test procedure is effective on November 25, 2013, and compliance is required on April 23, 2014.

4. Q: How is the new federal test procedure different from the existing California test procedure?

A: DOE's new federal test procedure is, at its core, similar to the existing state test procedure and produces the measurements required for compliance with state television energy efficiency standards. The most significant differences between the

current state test procedure and the new federal test procedure are: (a) methodology of measuring screen luminance, (b) methodology of measuring and calculating on-mode power for televisions utilizing automatic brightness controls, (c) new timing for power factor measurements, and (d) specification of which audio/video input port(s) to use for testing.

5. Q: When will manufacturers need to begin testing using the new federal test procedure?

A: Manufacturers are required to use the new federal test procedure as the basis for any disclosures or representations about television energy usage beginning on April 23, 2014. However, the Energy Commission strongly recommends that manufacturers use the new federal test procedure in the interim period (between November 25, 2013 and April 23, 2014) and will accept certifications using the federal test procedure as of November 25, 2013. The Energy Commission will also require that laboratories certified to test in 2014 be capable of testing per the federal test procedure.

Manufacturers may also still opt to use the California test procedure until April 23, 2014, but on April 23, 2014, the Commission may ask manufacturers who opted to continue using the California test procedure to retest per the new federal test procedure (see below).

6. Q: If a television model was certified to the California Energy Commission using the state test procedure, will it need to be retested and/or recertified after April 23, 2014 using the new federal test procedure?

A: Yes, if the model continues to be sold or offered for sale in the state after April 23, 2014, it will need to be retested to ensure that disclosures made to the Energy Commission and on the television label conform to the federal test method. As a result, the Energy Commission strongly recommends that manufacturers begin using the new federal test procedure as soon as possible to avoid the need to retest or recertify models after April 23, 2014. The Energy Commission will remove all models certified under the state test procedure from its active appliances database as of April 23, 2014.

7. Q: What if a television model complies with California's efficiency standards using the prior California test procedure but does not comply when using the new federal test procedure?

A: If the television model complies using the state test procedure but does not comply when using the federal test procedure, the television itself may continue to be sold or offered for sale in the state as long as it was manufactured before

April 23, 2014. Televisions manufactured after April 23, 2014 will need to comply using results from the federal test procedure. Televisions that do not comply may not be sold or offered for sale in California.

8. Q: How can I use the DOE test procedure to report retail or highest picture mode luminance (also referred to as “Lhigh”)?

A: Manufacturers should conduct the Lhigh test using section 7.2.4 (LBrightest_Home) or 7.2.5 (LDefault_Retail) of the DOE test procedure (10 C.F.R., Part 430, Subpart B, Appendix H), depending on which setting meets the definition in section 2.3 of “brightest selectable preset picture,” and report the appropriate results. For televisions with a retail mode, the test will generally be conducted using section 7.2.5.

9. Q: How can I use the DOE test procedure to report retail on-mode power consumption to the Energy Commission?

A: After conducting the luminance testing for “brightest selectable preset picture,” manufacturers can conduct on-mode power testing per section 7.1 of the DOE test procedure. The results from that test will yield the on-mode retail power. Note that the Energy Commission only requires manufacturers to report this test result for televisions with a forced menu and a clearly identified home mode or manufacturer’s recommended mode for home use.

10. Q: DOE requires two samples to be tested per basic model. Does the Energy Commission also require two samples to be tested?

A: DOE requires manufacturers to test two samples per basic model for any written or oral *representation* about that appliance, regardless of whether the representation is made to DOE, to the Energy Commission, or to the public. (See 10 C.F.R. §§ 429.11, 429.25; see also 42 U.S.C. § 6293(c).) Therefore, the Energy Commission expects that test results reported to the Energy Commission for televisions manufactured on or after April 23, 2014, will be conducted with two samples tested as a result of DOE’s requirements. .

11. Q: Are there any differences between the State of Oregon and California’s television regulations?

A: The Oregon regulation is meant to mirror the California standards precisely and apply them to another state. The standards levels are the same and the test procedure is the same. The compliance timelines are different, however: in Oregon, the standards are effective for products manufactured on or after January 1, 2014, whereas

the equivalent California standards are effective for products manufactured on or after January 1, 2013.

12. Q: If a manufacturer certifies its television to the Energy Commission and it appears in the California appliance efficiency database, is it considered compliant with Oregon standards and able to be sold in Oregon?

A: Yes, once a television appears in the California appliance efficiency database, it will be automatically added to the multi-state appliance database (www.appliance-standards.org) used by Oregon, signifying compliance with Oregon's standards.

13. Q: What about televisions larger than 1400 square inches? The State of Oregon is requiring that these televisions comply with a 3 watt standby-passive standard. Does the State of California also require televisions greater than 1400 square inches to comply with this standard?

A: The same standard applies in California. This standard was adopted in California in 2004 with an effective date of January 1, 2006 and applied a 3 watt standby-passive standard to televisions of all screen sizes. California updated these regulations for televisions of 1400 square inches or less screen area but did not remove the regulation for other televisions. Therefore the 3 watt standby-passive standard still applies to televisions other than those that were within the scope of California's 2009 rulemaking on televisions.

14. Q: How do I certify a television larger than 1400 square inches?

A: Smaller screen sizes share the same forms as larger screen sizes. These forms are available here:
http://www.energy.ca.gov/appliances/database/forms_instructions_cert/Audio_Video/

15. Q: Where can I get a copy of DOE's new test procedure?

A: The final rule, including a discussion of the changes and rationale, is published in the Federal Register at 78 Fed. Reg. 63823 (Oct. 25, 2013) and is available online at <http://www.regulations.gov/#!documentDetail;D=EERE-2010-BT-TP-0026-0076>.