

This final document represents the definitive view of the agency on the questions addressed and may be relied upon by the regulated industry and members of the public.

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Product: Commercial Packaged Boilers

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The following is a U.S. Department of Energy (DOE or the Department) guidance document regarding the entity responsible for certifying a commercial packaged boiler. This guidance document represents the Department's interpretation of its existing regulations and is exempt from the notice and comment requirements of the Administrative Procedure Act. See 5 U.S.C. § 553(b)(A).

DOE is clarifying the entity responsible for certifying a commercial packaged boiler. In accordance with [10 CFR 429.12](#), each manufacturer of a basic model of commercial packaged boiler is required to submit a certification report to DOE certifying that each basic model distributed in commerce meets the applicable energy conservation standard(s). A manufacturer of a commercial packaged boiler, as defined in [10 CFR 431.82](#), includes any entity that manufactures, assembles, produces, or imports a commercial packaged boiler, and a commercial packaged boiler includes boilers that are built using components which may be produced by one or more original equipment manufacturers (OEMs).

Specifically, a manufacturer of a commercial packaged boiler is any person who manufactures, produces, assembles or imports a commercial packaged boiler, including any person who: (1) Manufactures, produces, assembles or imports a commercial packaged boiler in its entirety; (2) Manufactures, produces, assembles or imports a commercial packaged boiler in part, and specifies or approves the boiler's components, including burners or other components produced by others, as for example by specifying such components in a catalogue by make and model number or parts number; or (3) Is any vendor or installer who sells a commercial packaged boiler that consists of a combination of components that is not specified or approved by a person described in paragraph (1) or (2) of this definition. 10 CFR 431.82.

Thus, in this guidance document, DOE explains which entity is responsible for certifying a commercial packaged boiler to DOE under various scenarios. The definition of a "manufacturer of a commercial packaged boiler" provides the framework to determine which person is considered the manufacturer for regulatory purposes and therefore is subject to the certification requirements in 10 CFR §§ 429.12 and [429.60](#).

(1) A person who manufactures, produces, assembles or imports a commercial packaged boiler by *building or importing* the commercial packaged boiler *in its entirety* is responsible for certifying the commercial packaged boiler, including the individual model numbers for each combination of commercial packaged boiler components (e.g., heat exchanger, burner, and controls).

(2)(a) A person who manufactures, produces, assembles or imports a commercial packaged boiler by *building or importing* the *heat exchanger component* of the commercial packaged boiler and specifying or approving the boiler's components, including burners or other components produced by others (e.g., controls), in a combination that is not certified under (1) is responsible for certifying such combination.

(2)(b) A person who manufactures, produces, assembles or imports a commercial packaged boiler by *building or importing* the *burner component* of the commercial packaged boiler and specifies or approves the boiler's components, including the heat exchanger or other components produced by others (e.g., controls), in a combination that is not certified under (1) or (2)(a) is responsible for certifying such combination.

(3) Finally, a vendor or installer who does not build (i.e., is not a traditional OEM) or import either the heat exchanger or burner component but who manufactures, produces, assembles or imports a commercial packaged boiler by selling the components in an entirely new combination to make a different basic model of commercial packaged boiler that has not been certified under (1) or (2) (e.g., distributing in commerce a commercial packaged boiler made up of components in a new combination) is responsible for certifying such a commercial packaged boiler.

Each basic model of commercial packaged boiler must be tested and certified to DOE as compliant with the applicable energy conservation standard(s) in accordance with 10 CFR 429.12 and 429.60. Because commercial packaged boiler components are often made by more than one entity and assembled in different combinations, this guidance should provide clarity as to which entity is considered the manufacturer under different circumstances.