

Exemptions

from the *Energy Efficiency Regulations*

WHO IS A “DEALER”?

A “dealer” is a person whose business:

- manufactures energy-using products in Canada; or
- imports energy-using products into Canada; or
- sells or leases energy-using products that are obtained, directly or indirectly, from a person who manufactures energy-using products in Canada or imports them into Canada.

REGULATED ENERGY-USING PRODUCTS

The Regulations specify the following as energy-using products:

- automatic ice-makers;
- clothes dryers;
- clothes washers;
- dehumidifiers;
- dishwashers;
- electric motors (1 to 200 HP/0.746 to 150 kW);
- electric ranges;
- electric water heaters;
- fluorescent lamp ballasts;
- general service fluorescent lamps;
- general service incandescent reflector lamps;
- freezers;
- gas boilers;
- gas furnaces;
- gas ranges;

(continued overleaf)

The *Energy Efficiency Act* and the *Energy Efficiency Regulations* set energy efficiency standards for specified energy-using products and describe the responsibilities of dealers for these products. For household appliances and room air conditioners, the Act and the Regulations also require dealers to attach an EnerGuide label to their product.

All specified energy-using products must meet the prescribed energy efficiency standard. Dealers who import energy-using products or ship them between provinces must also ensure the product is listed in the Natural Resources Canada (NRCan) List of Compliant Products. If the product is not listed, the dealer must send an energy efficiency report to NRCan, providing information about the product and its energy efficiency.

Under certain conditions described in this fact sheet, a dealer is exempt from the above requirements.

Under what conditions are dealers exempted from sending an energy efficiency report and meeting the prescribed energy efficiency standard?

There are three reasons a dealer can be exempted from sending an energy efficiency report and meeting the energy efficiency standard:

- The dealer is importing or shipping between provinces an energy-using product that will be modified to meet the energy efficiency standard.

The dealer has 90 days to ensure that the product is modified and meets the energy efficiency standard.

Within 120 days after the product was imported or shipped, the dealer must send an energy efficiency report to NRCan with the following information:

- product type (from the list on page 4 of *Guide to Canada’s Energy Efficiency Regulations*);

- gas water heaters;
- ground- or water-source heat pumps;
- integrated over/under washer-dryers;
- internal water-loop heat pumps;
- large air conditioners, heat pumps and condensing units;
- oil-fired boilers;
- oil-fired furnaces;
- oil-fired water heaters;
- packaged terminal air conditioners and heat pumps;
- refrigerators and combination refrigerator-freezers;
- room air conditioners;
- single-phase and three-phase single-package central air conditioners and heat pumps; and
- single-phase and three-phase split-system central air conditioners and heat pumps.

The Regulations apply to an energy-using product even when it is part of a larger machine.

- model number*;
- brand name, if any;
- manufacturer;
- name of the organization or province that carried out the product energy performance verification and authorized the verification mark that will be put on the product; and
- specific information about the product's energy efficiency, as set out in Schedule IV of the *Energy Efficiency Regulations*. Look for the product name in column I of Schedule IV, the relevant CSA or CGA standard in column II, and the type of information to include in the energy efficiency report in column III.

2. The dealer is importing or shipping between provinces an energy-using product that will be incorporated into another product and then exported from Canada.

In this case, the dealer has 90 days to ensure that the product is exported from Canada.†

Within 120 days after the product was imported or shipped between provinces, the dealer must send NRCan proof that the product has been exported.† A copy of customs document B-13A or a copy of the bill of lading are acceptable proofs of export. The document submitted must include the following description:

- product type (from the list on page 4 of *Guide to Canada's Energy Efficiency Regulations*);
- model number*;
- brand name, if any; and
- manufacturer.

* For electric motors, the energy efficiency report should indicate the product's unique motor identifier, or UMI, instead of the model number. For a definition of UMI, see Fact Sheet 6 – "Electric Motors and the *Energy Efficiency Regulations*."

† Motor dealers are exempt from these time limits to export the product and to provide proof of export. However, the dealer must keep a record of the name and address of the person from whom the product was obtained, the quantity and description of the product, the date the product was received by the dealer, the date the dealer sold the product, and the name and address of the purchaser. Information concerning a non-compliant motor must be provided to NRCan on request. As well, dealers may not sell at the retail level in Canada or lease in Canada a non-compliant motor or a product that contains a non-compliant motor.

NOTE:

If a product was manufactured before the compliance date for that product (see the *Guide to Canada's Energy Efficiency Regulations* for compliance dates), the dealer is not required to send an energy efficiency report to NRCan, affix an EnerGuide label to the product or meet the federal energy efficiency standard. However, when importing, the dealer must include the required information on the customs release document, regardless of the date of manufacture.

3. The dealer is importing or shipping between provinces only to export from Canada.

Dealers who import energy-using products into Canada, or ship them from one province to another, in order to export them directly out of Canada, do not have to comply with energy efficiency labelling or reporting requirements.

How will NRCan monitor exemptions?

For all importations of energy-using products, dealers must indicate the purpose of import on the customs release document. The purpose can be one of the following:

- for sale or lease in Canada without modification;
- for sale or lease in Canada after being modified to comply with the prescribed energy efficiency standard; or
- for use as a component in a product being exported from Canada.

For shipments between provinces, NRCan will conduct marketplace monitoring and inspections and will work in close cooperation with provincial authorities.

Using these sources of information, NRCan will monitor energy-using products that have been imported into Canada or shipped between provinces for modification or export. NRCan will contact dealers if the necessary reports have not been submitted or if more information is required.

Additional information

Copies of the *Energy Efficiency Act (Statutes of Canada 1992, Chapter 36)* and the *Energy Efficiency Regulations (Canada Gazette, Part II, Volume 128, Number 22, November 2, 1994; Volume 129, Number 24, November 29, 1995; Volume 131, Number 25, December 10, 1997; and Volume 133, Number 1, January 6, 1999)* are available in most public and university libraries and may be purchased in some bookstores.

This document is one of seven fact sheets providing information on the *Energy Efficiency Act* and the *Energy Efficiency Regulations*:

Fact Sheet 1 – “Energy Efficiency Reports Under Section 5 of the *Energy Efficiency Act*”

Fact Sheet 2 – “Importing an Energy-Using Product into Canada”

Fact Sheet 3 – “Verification Marks for Energy Efficiency”

Fact Sheet 4 – “Exemptions from the *Energy Efficiency Regulations*”

Fact Sheet 5 – “EnerGuide Labels for Energy-Using Products”

Fact Sheet 6 – “Electric Motors and the *Energy Efficiency Regulations*”

Fact Sheet 7 – “Lighting Products and the *Energy Efficiency Regulations*”

To obtain more information or to receive other fact sheets, contact:

Housing, Buildings and Regulations Division
Office of Energy Efficiency
Natural Resources Canada
580 Booth Street, 18th Floor
Ottawa, ON K1A 0E4
Fax: (613) 947-0373

Helpful web sites

- *Energy Efficiency Regulations*: <http://regulations.nrcan.gc.ca>
- Office of Energy Efficiency: <http://oeo.nrcan.gc.ca>

*Cette fiche est également disponible en français sous le titre
«Exemptions des dispositions du Règlement sur l'efficacité énergétique».*

