23.107-3 Energy-consuming products and water-consuming products.

(a) *Authorities.*

(1) Energy Policy and Conservation Act (42 U.S.C. 6361(a)(1)).

(2) National Energy Conservation Policy Act (42 U.S.C. 8253, 8259b, and 8262g).

(3) Executive Order 11912 of April 13, 1976, Delegations of Authority under the Energy Policy and Conservation Act.

(4) Executive Order 13221 of July 31, 2001, *Energy-Efficient Standby Power Devices*.

(b) *Programs —*

(1) ENERGY STAR® *Program*. The ENERGY STAR® program is a voluntary product-labeling initiative that identifies and promotes energy and water efficiency and the reduction of *greenhouse gas* emissions. This joint U.S. EPA and Department of Energy program helps buyers save money and protect the environment through energy- and water-efficient *products* and practices.

(2) *Federal Energy Management Program (FEMP).* FEMP publishes *acquisition* guidance to help Federal buyers meet requirements for purchasing energy-efficient and water-efficient *products*. In addition, in product categories not covered by the ENERGY STAR® program, FEMP sets efficiency requirements for product categories that have the potential to generate significant Federal energy savings.

(c) *Procedures.* To the maximum extent practicable in accordance with 23.104(a), unless a justification, exception, or exemption applies (see 23.104(a), 23.105, and 23.106, respectively)—

(1) When acquiring energy- and water-consuming *products* listed in the ENERGY STAR® Program or FEMP—

(i) Agencies *shall* purchase ENERGY STAR® certified or FEMP-designated *products*; and

(ii) For *products* that consume power in a standby mode and are listed on FEMP's Low Standby Power Devices product listing at https://www.energy.gov/eere/femp/low-standby-power-product-list, agencies *shall*—

(A) Purchase items that meet FEMP's standby power wattage recommendation or document the reason for not purchasing such items; or

(B) If FEMP has listed a product without a corresponding wattage recommendation, purchase items that use no more than one watt in their standby power consuming mode. When it is impracticable to meet the one-watt requirement, agencies *shall* purchase items with the lowest standby wattage practicable; and

(2) When *contracting* for services or *construction* that will include the provision of energy- and water-consuming *products*, agencies *shall* specify *products* that comply with the applicable

requirements in paragraph (c)(1) of this section.

(d) *Resources.*

(1) For information on *products* under the ENERGY STAR® Program, go to https://www.energystar.gov/products.

(2) For information on *energy-efficient products*, go to https://www.energy.gov/eere/femp/search-energy-efficient-products.

(3) For information on low standby power *products*, go to https://www.energy.gov/eere/femp/low-standby-power-product-purchasing-requirements-and-compliance-resources.

Parent topic: 23.107 Statutory purchasing programs.