

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](#).