



June 2, 2025

Via regulations.gov

Lou Hrkman
Principal Deputy Assistant Secretary
Energy Efficiency and Renewable Energy
1000 Independence Avenue SW
Washington, DC 20585-0121

Re: Joint Comments on DOE's Request for Information on the "Process Rule"; Docket No. EERE-2025-BT-STD-0001; RIN 1904-AF72; 90 Fed. Reg. 16093 (Apr. 16, 2025)

Dear Mr. Hrkman:

The Air-Conditioning, Heating, and Refrigeration Institute (AHRI); Air Movement and Control Association (AMCA) International; Association of Home Appliance Manufacturers (AHAM); Consumer Technology Association (CTA); Hearth, Patio & Barbecue Association (HPBA); Heating, Air-Conditioning, Refrigeration Distributors International (HARDI); National Association of Manufacturers (NAM); National Automatic Merchandising Association (NAMA); North American Association of Food Equipment Manufacturers (NAFEM); National Electrical Manufacturers Association (NEMA); Plumbing-Heating-Cooling Contractors Association (PHCC); Plumbing Manufacturers International (PMI); and Power Tool Institute (PTI) (collectively Joint Commenters) write to provide our comments concerning the Department of Energy's (DOE or Department) Request for Information concerning Energy Conservation Program: Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Certain Commercial/Industrial Equipment (Process Rule RFI); Docket No. EERE-2025-BT-STD-0001; RIN 1904-AF72; 90 Fed. Reg. 16093 (Apr. 16, 2025).

The Joint Commenters have long been supporters of DOE's appliance standards program which, through its regulation of energy and water efficiency and consumption, ensures a national market for appliances and equipment. **We strongly support DOE's review of its current rule known**

as the “Process Rule,” which includes the process by which DOE establishes and analyzes new and amended standards and test procedures. Revising this foundational rule is one of the best ways to ensure consumers can continue choosing from a variety of affordable and efficient appliances. **Ultimately, we urge the Department to, at a minimum, consider returning—in whole or in large part—to the February and August 2020 version of the Process Rule.**¹

I. DOE Should Return To The 2020 Version Of The Process Rule.

After a detailed, thorough notice and comment process, in February and August of 2020, DOE published final rules amending the rule, then known as the 1996 Process Improvement Rule. The Joint Commenters—together and separately—commented at length regarding our views on needed improvements to DOE’s standards setting and test procedure development processes and DOE’s analytical framework for establishing and amending standards. We continue to stand by the views we provided then and incorporate those comments by reference here.² We urged the Department to make the rule binding to ensure that the process was consistently followed and made additional recommendations. The Department carefully considered the comments it received and subsequently finalized, in February and August of 2020, rational, sensible changes to the Process Rule.

Unfortunately, as DOE notes in the Process Rule RFI, almost immediately after the administration changed, in 2021, DOE started unraveling the comprehensive, commonsense changes it made in 2020. DOE published a final rule in December 2021 that reverted to a non-binding process rule and removed the significant energy savings threshold implemented in the 2020 version of the rule. In DOE’s subsequent energy conservation standards proposed rules, many of which were finalized, the Department consistently diverted from the 2021 version of the Process Rule to, for example, shorten comment periods, thereby reducing stakeholder feedback. DOE further amended the Process Rule with a final rule issued in 2024.

The collective impact of the 2021 and 2024 final rules revising the Process Rule was to weaken and dismantle the rational changes the 2020 version of the rule made to strengthen DOE’s process and analytical framework. Accordingly, the Joint Commenters strongly support DOE now reviewing the Process Rule again. To that end, we urge DOE to:

1. **Prioritize its review and revision of the Process Rule**, including the second phase of its review on the assumptions, models, and methodologies used in setting standards. This rule is critical to ensure standards are reasonable and consumers’ ability to choose among a variety of affordable appliances is maintained.

¹ See 85 Fed. Reg. 8626 (Feb. 14, 2020), clarified in 85 Fed. Reg. 50937 (Aug. 19, 2020).

² See Docket No. EERE-2017-BT-STD-0062.

2. **Return in whole or in large part to the 2020 Process Rule.** That version of the rule adequately addresses most of the issues DOE raises in the current RFI.³
3. **Return to a rule that is mandatory for the Department to follow** so that stakeholders know how the analysis and rulemaking process will unfold and can adequately participate.

If there are portions of the rulemaking process that require flexibility, as DOE indicated when it pulled back the 2020 version of the rule, we recommend that DOE build that flexibility into the rule rather than allowing itself to divert from the rule. For the Process Rule to have any meaning or value, DOE needs to follow it. History has demonstrated time and again that if the rule is not binding, DOE will deviate from it.⁴

Importantly, we note that policy swings from administration to administration do not benefit consumers or regulated parties. Continuous changes to the Process Rule (and other rules) divert manufacturer resources away from research and development of new consumer features. Instead, a rule that is clear, consistent, transparent, and relatively agreed upon by stakeholders will stand the test of time, much like the 1996 rule managed to do for more than two decades.

Thus, we urge DOE to carefully consider all points of view and finalize a Process Rule that will endure. And we appreciate and strongly support DOE's Process Rule RFI and stated intent to change the rule using the notice and comment process.

II. DOE Should Prioritize Revision Of Its Analytical Framework.

DOE indicated that it intends to more closely review the assumptions, models, and methodologies used in setting energy conservation standards. DOE noted that many of these topics were addressed in a report issued by the National Academies of Sciences, Engineering, and Medicine (NAS) in 2021 and have been the subject of comments submitted by several stakeholders including many of the Joint Commenters. DOE stated that these considerations will be addressed in a separate RFI, and we look forward to providing the Department with detailed comments at that time.

³ Additional changes are needed to update the assumptions, models, and methodologies used in setting energy conservation standards and the Joint Commenters will provide more detail on those in response to DOE's upcoming RFI focused on those topics.

⁴ For example, in 2010, DOE—somewhat inconspicuously and without notice and comment—posted on its website a unilateral statement broadly applicable to all rulemakings that waived portions of the 1996 Process Rule by indicating that, in “appropriate cases,” DOE would eliminate the early phases of the rulemaking process and move directly to notices of proposed rulemaking. And, after revision of the 2020 rule to make the rule non-binding, DOE immediately began deviating from the rule in every rulemaking. Even now, we note that the proposed rules DOE published on May 16, 2025 do not follow or reference the Process Rule. Lasting change is best achieved by following even the existing version of the rule.

The NAS report is an independent assessment that updates to the analytical framework for setting standards are needed. The Joint Commenters agree with many, though perhaps not all, of the recommendations in that report and believe they are worth exploring. We have also commented in various individual standards rulemakings on the needed updates to DOE's methodology. Thus, we have detailed suggestions on how DOE can improve its assumptions, models, and methodologies. Among other things, we believe that this portion of DOE's review and revision of the Process Rule will be the best place to provide necessary additional detail on how DOE's rulemaking methodology can better comply with EPCA's mandate to protect product performance and features.

We urge DOE to efficiently prioritize this second RFI effort as well. The analytical framework has serious flaws and changes are needed to modernize the analysis and ensure it adequately protects consumer interests.

III. The Joint Commenters

AHRI represents more than 330 manufacturers of heating, ventilation, air-conditioning, and refrigeration (HVACR) and water heating equipment. It is an internationally recognized advocate for the HVACR industry and certifies the performance of many of the products manufactured by its members. In North America, the annual economic activity resulting from the HVACR industry is more than \$211 billion. In the United States alone, AHRI member companies, along with distributors, contractors, and technicians employ more than 700,000 people.

AMCA is a not-for-profit association of manufacturers of fans, dampers, louvers, air curtains, and other air-system components for commercial HVAC, industrial-process, and power-generation applications. With programs such as product testing and certification, laboratory accreditation, and international-standards development, its mission is to advance the knowledge, growth, and integrity of the movement and control industry on behalf of more than 400 member companies worldwide.

AHAM represents more than 150 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers' lives. The home appliance industry is a significant segment of the economy, measured by the contributions of home appliance manufacturers, wholesalers, and retailers to the U.S. economy. In all, the industry drives nearly \$200 billion in economic output throughout the U.S. and manufactures products with a factory shipment value of more than \$50 billion.

CTA is North America's largest technology trade association, representing over 1200 American companies ranging from global leaders to the startups and small businesses that make up 80% of our membership. We also own and produce CES®, the world's most powerful tech event. Our members are the world's leading innovators – from startups to global brands – helping support more than 18 million American jobs. CTA members operate in competitive marketplaces to produce innovative products that fuel American economic growth, consumer empowerment, and global leadership.

HPBA is the North American industry association for manufacturers, retailers, distributors, representatives, service firms, and allied associates for all types of fireplace, stove, heater, barbecue, and outdoor living appliances and accessories. HPBA provides professional member services and industry support in government relations, events, market research, education, certifications, consumer education, and industry promotion.

HARDI is a trade association made up of over 1,100 member companies, more than 550 of which are U.S.-based wholesale distribution companies. Over 80 percent of HARDI's distributor members are categorized as small businesses that, together, employ more than 60,000 U.S. workers. These members represent over \$40 billion in annual sales and an estimated 75 percent of the U.S. wholesale distribution market for heating, ventilation, air conditioning, and refrigeration (HVACR) equipment, supplies, and controls.

NAFEM is a trade association of more than 600 commercial foodservice equipment and supply manufacturers – a \$17 billion industry. These businesses, their employees, and the products they manufacture, support the food-away-from-home market – which includes more than one million locations in the U.S. and countless more around the world. NAFEM supports, and its members actively seek, opportunities to engage with DOE in the regulatory process to assure certainty and clarity to its regulated members that manufacture equipment relied upon by our society to safely provide food away from home.

NAM is the largest manufacturing association in the United States, representing manufacturers of all sizes, in every industrial sector and in all 50 states. Manufacturing drives American prosperity—the industry employs 13 million people in the U.S., contributes \$2.94 trillion annually to the U.S. economy and accounts for nearly 53% of all private sector research and development in the nation.

NAMA is the association representing the \$40+ billion U.S. convenience services industry. With nearly 1,000 member companies — including many of the world's most recognized brands — NAMA provides advocacy, education, and research for its membership. Through traditional vending and micro markets, office coffee and pantry services, product manufacturing, and small-drop distribution, convenience services meet the needs of over 40 million American consumers daily at work, home, school, and on the go.

NEMA is the leading trade organization representing America's electroindustry, with more than 300 member companies directly employing over 460,000 U.S. workers in more than 12,500 facilities across all 50 states and contributing more than \$270 billion to the U.S. economy annually. NEMA members are leading producers of manufactured goods for the grid, industrial, built environment, and mobility sectors, with U.S. consumption exceeding \$340 billion annually.

PHCC is the oldest construction trades association in the country representing approximately 3,200 plumbing and HVACR contractors employing over 64,000 professionals across the United States. Since 1883, this organization and its members have been focused on the safe installation and maintenance of plumbing and HVAC systems.

PMI is the nation's leading trade association for plumbing product manufacturers. Its members produce 90 percent of the plumbing products sold in the United States and employ thousands of workers in over 70 locations in 30 states. Our member companies' plumbing products are found in the majority of homes, commercial buildings, schools, restaurants, manufacturing facilities, hospitals, and hotels across the nation. Examples of these products include, but are not limited to kitchen and bathroom faucets, toilets, showerheads, urinals, fixture fittings, sinks, whirlpools/tubs, bottle filling stations, water dispensers and water fountains. PMI member companies continue to raise the bar in developing the most advanced water-efficient plumbing products.

PTI represents the market-leading brands in the areas of portable and stationary power tools. Founded in 1968, PTI's primary objectives are to encourage high standards of safety in the manufacture of power tools (and lithium-ion batteries); to prepare and distribute information about safe use of power tools; to promote the common business interests of the power tool industry; to represent the industry before government; and to educate the public as to the usefulness and importance of power tools.

The Joint Commenters appreciate the opportunity to submit these comments on DOE's Process Rule RFI and would be glad to discuss these matters in more detail should you so request.

Respectfully Submitted,

Air-Conditioning, Heating, and Refrigeration Institute
Air Movement and Control Association International
Association of Home Appliance Manufacturers
Consumer Technology Association
Hearth, Patio, and Barbecue Association
Heating, Air-conditioning, & Refrigeration Distributors International
National Association of Manufacturers
National Automatic Merchandising Association
North American Association of Food Equipment Manufacturers
National Electrical Manufacturers Association
Plumbing-Heating-Cooling Contractors Association
Plumbing Manufacturers International
Power Tool Institute