

April 2, 2019

Ms. Sofie Miller
Senior Advisor
U.S. Department of Energy
Office of Energy Efficiency and Renewable Energy
1000 Independence Ave. SW
Washington, DC 20585

Mr. Dan Cohen
U.S. Department of Energy
Office of the General Counsel
1000 Independence Ave. SW
Washington, DC 20585

Docket EERE-2017-BT-STD-0062

Dear Sofie and Dan:

During the public meeting held on March 21, several participants raised concerns over the lack of detailed explanation of the process that DOE proposes to use for developing future appliance standards. Some participants said they had developed their own diagrams of DOE's proposed process, but struggled to fully understand the Department's intentions. Neither we nor any other can provide meaningful comment on a proposal that has not been adequately described by the agency.

The schematic diagram provided at 84 Federal Register 3925 does not meet the need. It appears to have the narrow purpose of showing the four opportunities to get to the diagram's box that contains the text: "Agency undergoes notice and comment rulemaking to issue a no-standard standard." It does not explicate the full process.

We respectfully request that the Department use the opportunity of the upcoming April 11 public meeting to address this deficiency. Specifically, we ask that the Department prepare for the public record and present at the meeting:

1. A complete narrative description of the typical process for reviewing non-AHSRAE products, including how long DOE expects each step to take, along with opportunities for public comment.
2. A flow chart or timeline that shows the steps in the process for reviewing non-ASHRAE products, along with how long the Department expects each step to take.
3. Items #1 and #2 for ASHRAE products.
4. Items #1 and #2 for rulemakings considering potentially newly-covered products.

In the narratives and diagrams explaining the proposed new processes, please show how test procedure reviews or development would be sequenced with the standards process.

For examples of timelines that DOE has produced in the past that clearly demonstrate to the public how its processes will proceed, please consider the timelines shown for prior rulemakings. For example, slide 11 of the presentation at <https://www.regulations.gov/document?D=EERE-2012-BT-STD-0045-0005> and slide 18 of the presentation at <https://www.regulations.gov/document?D=EERE-2010-BT-STD-0037-0007> show timelines for specific prior DOE rulemakings. For your convenience, I've also attached these timelines to this letter.

We further request that the Department explain how the timeline it proposes will fit within the statutory requirements for periodic reviews of standards and test procedures.

In addition, the Department was unable to answer at the public meeting on March 21 whether the proposed energy savings threshold of 0.5 quads included in the proposal is measured in site, source or full-fuel cycle energy use. We request that DOE clarify the units used. If DOE is using source of full-fuel cycle energy, please explain which definition DOE will use (e.g., how renewable electricity sources affect the rate).

Thank you for considering this request.

Sincerely,

A handwritten signature in black ink, appearing to read "A. deLaski". The signature is fluid and cursive, with a large initial "A" and a distinct "deLaski" following.

Andrew deLaski
Executive Director
Appliance Standards Awareness Project

attachments

Overview: Rulemaking Schedule



Milestone	Date
Standards Framework Document	March 2013
Test Procedure (TP) Notice of Proposed Rulemaking (projected)	Q4 2013
Standards Preliminary Analysis (projected)	Q1 2014
Test Procedure Final Rule (projected)	Q2 2014
Standards Notice of Proposed Rulemaking (projected)	Q1 2015
Standards Final Rule (projected)	Q1 2016
Compliance Date (projected)	Q1 2019

Rulemaking Timeline

