

To: US Department of Energy
From: Michael P. Abate on behalf of GE Appliances
Re: Ex Parte Communications re: Rulemaking
Date: 02 March 2021

This memorandum documents the videoconference meeting on March 1, 2021 between The US Department of Energy and representatives of Haier US Appliance Solutions *d/b/a* GE Appliances ("GEA"). The participants in the meeting were as follows:

- Todd Kim, DOE
- John Cymbalsky, DOE
- Ami Grace-Tardy, DOE
- Kristin Koernig, DOE
- Michael Raab, DOJ
- Amanda Mundell, DOJ
- Earl Jones, GEA
- John Schlafer, GEA
- Michael Abate, outside counsel for GEA

During the meeting, GEA informed DOE of its intent to participate as *amicus curiae* in two petitions for review currently pending in the Second Circuit, which challenge the Department's recent rules creating a new class of products for residential dishwashers and washer/dryers. *See NRDC et al. v. US Department of Energy et al.*, No. 20-4256 (Dishwasher Rule Litigation); *California v. United States Department of Energy*, No. 21-108 (Washer/Dryer Rule Litigation). GEA provided DOE with its unique perspective on those rules as a large, domestic manufacturer that has made substantial investments in building out its US-based facilities and workforce to produce appliances that adhere to previous DOE standards for energy efficiency and enhance consumer utility. GEA indicated it supports the repeal of the rules as the outcome of the Department's review of the rules in response to Executive Order No. 13,990.

GEA also discussed its views on other rules under review by DOE as part of the process set forth in the Executive Order. Specifically, GEA noted its support for the existing versions of *Test Procedure Interim Waiver Process*, 85 Fed. Reg. 79,802 (Dec. 11, 2020), and *Energy Conservation Program for Appliance Standards: Procedures for Use in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment*, 85 Fed. Reg. 8626 (February 14, 2020). GEA encouraged DOE not to repeal these rules.