AIR-CONDITIONING, HEATING, & REFRIGERATION INSTITUTE
we make life better™

2111 Wilson Boulevard Suite 500 Arlington VA 22201-3001 USA
Phone 703 524 8800 | Fax 703 562 1942
www.ahrinet.org

July 11, 2016

Matthew Zogby
Office of Assistant General Counsel
for Legislation, Regulation, and Energy Efficiency
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Re: Regulatory Burden RFI

Dear Mr. Zogby:

These comments are submitted by the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) in response to the U.S. Department of Energy's (DOE) notice in the May 10, 2016 Federal Register requesting information to assist DOE in reviewing existing regulations pursuant to Executive Order 13563 "Improving Regulation and Regulatory Review" and to facilitate making DOE's regulatory program more effective and less burdensome in reaching its regulatory objectives. These comments build on comments which AHRI had submitted in response to previous Request for Information (RFI) notices issued by DOE.

DOE's Rulemaking Process

AHRI believes that DOE's current rulemaking process as it relates to setting efficiency standards under Title III, Part B of the Energy Policy and Conservation Act of 1975, contains fundamental errors that make it impossible for the agency to make reasoned determinations that the benefits of proposed rules justify their costs, that impose higher burdens on society than necessary to meet regulatory objectives, and that do not adequately account for the cumulative cost of regulations. As a result, DOE is failing to meet the requirements of Executive Order 13563. AHRI further believes that the only way short of legislative change to meet the purposes of that Executive Order is to undertake rulemaking, through the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) process, to amend DOE's Process Rule.[1] A negotiated rulemaking on the Process Rule will allow DOE to implement the goals of Executive Order 13563 in each efficiency standard or test procedure rulemaking going forward, and eliminate process that has created flawed cost benefit analysis in recent past rulemakings.

A retrospective review reveals that over the course of recent rulemakings, DOE has implemented new requirements based upon unreasonable cost benefit analysis heavily biased to exaggerate the benefits of proposed rules and unfairly underestimate their costs. As a result, an ASRAC negotiated rulemaking should be initiated to address key issues, which include but are not limited to the following:

[1] 10 C.F.R. § 430 SubPt B, App'x A (7)(b).

DOE Must Follow the Requirements of its Process Rule and Refrain from Publishing an Amended Efficiency Standard Rulemaking Until the Related Test Procedure is Final

Multiple times in the past few years,[2] DOE has published proposed test procedures in advance of or in tandem with proposed amended energy conservation minimums, contrary to the Process Rule. AHRI has raised this issue in its comments on each occasion, with little acknowledgment or response from DOE. In each instance, DOE has failed to provide a reasoned rationale for its departure from its commitment, as prescribed in the Process Rule, to provide for the early establishment of test procedures, in order to enable for a meaningful notice and comment period on the efficiency standard.

For example, in the recent rulemaking on Commercial Packaged Boilers, DOE published the Proposed Test Procedure on March 17, 2016 and the NOPR to revise the efficiency standards a week later, on March 24, 2016 (81 *Fed Reg.* 15,836). Given the amendments included in the Proposed Test Procedure, AHRI twice requested (April 1, 2016 and May 6, 2016 letters) that, as stipulated in the Process Rule, DOE suspend the amended efficiency standard rulemaking until after the Proposed Test Procedure was finalized and that DOE re-open the docket for further comment on the efficiency standard once the amended test procedure was published. This is a reasonable and viable path for DOE to meet the requirements of the Process Rule, which have a substantive impact on all stakeholders *and* DOE's ability to adequately analyze the proposed efficiency standard as it will actually be enforced. Otherwise, DOE's analysis of the impact of the efficiency standard, both on the costs to consumers and manufacturers, and to the benefits of energy savings, has no basis in what reality will actually be. DOE declined to comply with AHRI's request.

---

[2] Walk in Coolers and Freezers - This rule was issued in June 2014. DOE issued a test procedure for these products less than a month before the final efficiency standard. Consequently, the supporting analysis was based on ratings determined from an incompletely defined test procedure.

Furnace Fan Efficiency- The test procedure for measuring furnace fan efficiency was finalized in January, 2014. The furnace fan efficiency standard was issued in July 2014. Although the test procedure was finalized several months before the efficiency standard rule, the analysis conducted to support the efficiency standard rule was based on the proposed test procedure rather than the finalized test procedure. This impacted DOE's assessment of the proposed energy conservation standards on the utility of the product and DOE's ability to recognize that it will result in the unavailability of a covered product. It also resulted in the underestimation of product lifecycle costs, overestimation of energy savings, underestimation of payback periods, and underestimation of the hardship on consumers with low or fixed incomes.

See also

Commercial Refrigeration Equipment: standard issued March 28, 2014; test procedure issued April 21, 2014.

Commercial Packaged Boilers: test procedure NOPR March 17, 2016; standard NOPR March 24, 2016

Commercial Water Heaters: test procedure NOPR May 9, 2016; standard NOPR May 31, 2016

AHRI believes that DOE is legally required to follow the provisions of the Process Rule, based upon both that rule and the provisions of EPCA. It is also the only way to meet the requirements of a Cost Benefit Analysis that accurately determines both energy savings and consumer and manufacturer costs. The tandem proposal of test procedure and standard revisions: (1) inhibits stakeholders' fair evaluation of the standard; and (2) violates codified DOE procedures that have a substantive impact.

It is axiomatic to any meaningful notice and comment process under the Administrative Procedure Act that manufacturers be able to test currently manufactured equipment to determine how products are affected by proposed efficiency standards. When test procedures used to make that assessment are in flux, it places the manufacturer in the position of spending time and resources to collect potentially useless data and undermines its ability to provide relevant input on efficiency NOPRs because the method by which the standard will be applied and the data was collected may change. The dilemma is aggravated when a manufacturer advocates for a change to the proposed procedure, which is one of the fundamental administrative protections of the notice and comment process. A manufacturer can guess at how DOE will respond to its test procedure comments, what changes DOE might make to the test procedure in response, and what the impact on the efficiency standard will be, but they should not have to guess. Guessing is not a sound basis for effective and fair public policy. DOE is required to give stakeholders the opportunity to submit meaningful comments, and the joint proposal of test procedures and standards eliminates that opportunity. *See* 42 U.S.C. §§ 6306(a), 6314(b).

Additionally, because DOE is well aware of the substantive detriment that a tandem proposal for test procedure and standard presents to stakeholders, it codified a procedure designed to avoid this disadvantage. 10 C.F.R. § 430 SubPt B, App'x A (7)(b). Through this federal regulation, DOE has committed to finalizing amended test procedures before introducing applicable amended standards. *Id*. DOE has recently demonstrated a pattern of disregarding the Process Rule and has suggested it is merely a "guideline." DOE's own actions prove this untrue – DOE has several guidelines published on its website, yet DOE chose to codify the Process Rule and the requirement to finalize test procedures prior to the notice of proposed rulemakings for efficiency standards in the *Code of Federal Regulations*. This makes it something more than just "guidance." AHRI also notes that the original publication of the Process Rule in the *Federal Register* made no such equivocation. The preamble declared that "[t]he publication of this rule is an important step in institutionalizing the procedural improvements identified in this process." 61 Fed. Reg. 36,975. And "DOE will use the approach for all new rulemakings." *Id.* The Administrative Procedure Act requires agencies to abide by their policies and procedures, especially where those rules have a substantive effect. *U.S. v. Heffner, 420 F.2d 809 (4th Cir. 1969); Adams v. Bell*, 711 F.2d 161, 183 (D.C. Cir. 1983). This is important, because non-final test procedures have the substantive effect of increasing costs to stakeholders and diminishing their ability to comment on efficiency standards. Furthermore, when DOE does publish "guidelines" on compliance with its regulations, manufacturers are expected to comply with those guidelines or be penalized. DOE is simply not free to impose regulatory obligations on itself and then ignore them at its whim and fancy.

There is also a fundamental problem that proposed revised test procedures may result in different efficiency ratings for the products and equipment at issue. As DOE is aware, test procedure amendments may not substantively affect efficiency standards. When DOE has developed an amended test procedure, DOE is required to follow the provisions of 42 U.S.C. § 6293(e). That section states that "[i]n the case of any amended test procedure…the Secretary shall determine, in the rulemaking carried out with respect to

prescribing such procedure, to what extent, if any, the proposed test procedure would alter the measured energy efficiency…of any covered product as determined under the existing test procedure." 42 U.S.C. § 6293(e)(1). DOE routinely states its "assumption" that new test procedures do not affect measured efficiency. However, DOE has conducted only "limited" testing to arrive at that conclusion, or simply makes a statement that any effect is "*de minimus*" without providing any of the relevant data or even a description of the testing and anlaysis that led to that conclusion. This prevents manufacturers and stakeholders from meaningfully commenting on the potential effect of a test procedure change and constitutes a clear failure by DOE to meet EPCA's statutory requirements.

DOE should not undertake any further rulemaking activity unless the test procedure that will be used to enforce a proposed efficiency standard is final, in compliance with the requirements of the Process Rule. This is the only way that final, adopted test procedures can be used to analyze the impact of the proposed efficiency standards, *as they will be enforced* on consumers and manufacturers, creating the claimed energy savings. Contrast this with DOE's current approach, that although NOPR analysis is conducted using *proposed* test procedures, final rule analysis will be based upon whatever is the most recently adopted test procedure.[3] Manufacturers are left to comment on the NOPR based upon some unknown determination by DOE of whether these will be the same thing. Those test procedures must also, as noted above, provide DOE's analysis of the impact of the test procedure change on the efficiency standards, as required by Section 6293(e).[4] Stakeholders should be provided that analysis and a meaningful opportunity to fully review and comment upon it prior to DOE issuing the final rule.

In a recent rulemaking,[5] DOE recognized that AHRI has continually requested that the Department stop publishing proposed test procedures concurrently with proposed amended standards. DOE's dismissed AHRI's concerns with the assurances that the proposed test procedures "gives enough insight as to the changes under consideration" to reasonably consider the changes in the NOPR. From a legal and rational perspective, DOE's dismissal of AHRI's concerns is deeply troubling. It basically says the notice and comment period for the test procedure has no point. It completely disregards the very purpose of the notice and comment process and the Administrative Procedure Act, through which the industry experts on test procedures, the engineers who design and manufacture these products, provide comments on the changes DOE is proposing. The issue is not whether there is sufficiency insight into the changes DOE is considering. It is instead, if stakeholders disagree with those changes, or propose alternatives, what the final test procedure will be. While DOE is stating that it has provided the questions, what stakeholders need to evaluate the NOPR is the *answers.*

On the contrary, these experts have suggestions and recommendations on proposed test procedures that should be considered. Courts have held that an agency must conduct notice-and-comment rulemaking: "(1) to allow the agency to benefit from the expertise and input of the parties who file comments with regard to the proposed rule, and (2) to see to it that the agency maintains a flexible and open-minded

[3] 81 Fed. Reg. 15,836 at 15,846 (March 24, 2016).
[4] These statutory provisions reflect that the procedures of establishing both test procedures and efficiency standards have real substantive impact. When DOE shortcuts, circumvents or disregards these procedural steps, it can have a drastic impact on the substantive requirements of an efficiency rule and costs to consumers and equipment manufacturers.
[5] At 81 *Fed. Reg.* 15,846

attitude towards its own rules, which might be lost if the agency had already put its credibility on the line in the form of 'final' rules." *National Tour Brokers Ass'n v. U.S.*, 591 F.2d 896, 902 (D.C. Cir. 1978).

Despite multiple express requests for an explanation on why DOE is repeatedly failing to follow the requirements of the Process Rule, DOE has never offered a legitimate reason why it has decided to simultaneously publish proposed test procedures in tandem with proposed standards. *See* Commercial Boilers April 21, 2016, Public Meeting Transcript at pp. 89-90. Given the complexity, the burden, and the affirmative obligation to permit stakeholder comment, particularly expert stakeholder comment, as stated above, and in AHRI's multiple requests to DOE on this issue, DOE should amend the Process Rule to clarify its compliance with this requirement. This is particularly important given the origin of the Process Rule, a Congressional moratorium on DOE rulemaking in order to enable DOE to address several concerns, one of which was simultaneous or late test procedure and efficiency NOPRs.

DOE Should Revise its Process Rule to Ensure its Economic Analysis Utilizes Discount Rates in a Consistent and Fair Manner for All Aspects of its Rulemakings

In recent rulemakings, DOE provides a range of discount rates for various issues but applies them in an inconsistent manner. In addition, DOE groups results from its analysis of different factors using different discount rates into one overall result that does not portray an accurate representation of the true costs to manufacturers and benefits to consumers. A recent study conducted by the American Action Forum that shows the extent to which these differences can impact the economic justification.[6] DOE cannot conduct the required cost benefit analysis by using different discount rates and combining final results on environmental "benefits" of the rule based on multiple discount rates.[7] Simply put, stakeholders cannot reproduce DOE's work in order to evaluate it. "A good analysis should be transparent and your results must be reproducible." OMB Circular A-4, September 17, 2003.

DOE is deviating from the guidance of OMB Circular No. A-94 (Rev'd October 29, 1992) to utilize a 7 percent discount rate, Of course, if a different discount rate is appropriate, DOE should clearly present its reasoning so that stakeholders can understand the basis for that determination and comment on it as necessary. Accordingly, the Process Rule should be amended to clarify how DOE determines the appropriate discount rate for its analysis and how it applies and weights the various rates to ensure costs and benefits are treated equally.

---

[6] https://www.americanactionforum.org/research/discounting-consumers-wishful-thinking-leads-higher-costs-fewer-jobs/

[7] For example, "Total benefits for both the 3-percent and 7-percent cases are presented using only the average SCC with a 3-percent discount rate. In the rows labeled "7% plus CO2 range" and "3% plus CO2 range," the operating cost and NOx benefits are calculated using the labeled discount rate, and those values are added to the full range of CO2 values." 81 Fed. Reg. at 15,841. Similarly, NPV of consumer costs and benefits are analyzed using both a 7-percent rate (citing OMB Guidance) and a 3-percent rate. DOE justifies the use of the 3-percent rate for equipment purchases and energy savings, based upon the yield on U.S. treasury notes, without any justification as to why that is preferable to the OMB Guidance of 7-percent, or how total benefits are determined using rates that vary so widely. 81 Fed. Reg. at 15,903.

DOE Must Clarify How it Factors Cumulative Regulatory Impact into the Cost Benefit Analysis

In multiple recent proposed rules, DOE notes that it "conducts an analysis" of cumulative regulatory burden and looks at other regulations that could affect manufacturers three years before and after the 2019 compliance date. DOE's analysis consists entirely of listing these rules in the *Federal Register*. See *81 Fed. Reg. at 15,900.* In that rule, DOE identified nine separate rules that impact various manufacturers, totaling over 290 million dollars for four of those rules alone. The remaining five rules are "TBD" in terms of the industry conversion costs. Yet DOE does absolutely nothing with this information. There is no reasoning as to how these costs will impact manufacturer's ability to comply with the proposed standards, or how they will meet the increased expenses in terms of time, testing and demands on employees. These important concerns, which will have a real impact on the costs to manufactures of complying with this particular rule given the cumulative burden, are not factored into, or analyzed as part of the cost *at all.* Accordingly, DOE's Process Rule should be amended to include guidance on the process for including cumulative costs into its economic analysis, with supporting analysis made available to stakeholders, in order to ensure that the Cost Benefit Analysis reasonably reflects the real-world benefits and costs.

DOE Should Amend the Process Rule to Ensure that Costs and Benefits are Measured Over a Similar Timeframe and Area of Impact

DOE rulemakings utilize timeframes for claimed benefits such as the social cost of carbon and costs such as indirect employment impacts in a grossly disproportionate manner.[8] Furthermore, when it comes to environmental impacts, DOE looks to *global benefits* to the world population but limits all costs to *domestic manufacturers* and *purchasers* of the relevant equipment. As a result, DOE's analysis always contains a fundamental mismatch. DOE implicitly acknowledges this by repeatedly noting, but not resolving, the discrepancy.

Even assuming DOE had the authority to turn EPCA into an environmental statute, a point on which AHRI disagrees, there is no reason why America's contribution to climate change cannot be based on an analysis that compares costs to benefits on an apples-to-apples basis (*i.e.,* nationally). DOE should amend the Process Rule to clarify how it will harmonize the timeframes and impact of costs and benefits to ensure that one is not unfairly weighted against the other.

DOE is Conducting its Economic Analysis Outside of its Statutory Authority

In several instances in recent rulemakings on commercial equipment, DOE erroneously states that "the standards that DOE prescribes for covered equipment shall be designed to achieve the *maximum improvement in energy efficiency* that is technologically feasible and economically justified." *See* 81 *Fed. Reg*. 15837, 15841, 15847, 15911, 15917. In fact, the statutory framework set forth in EPCA contemplates that DOE will adopt industry standards minimums set by ASHRAE, but grants DOE permission to exceed ASHRAE minimums if it can establish by clear and convincing evidence that the proposed more stringent standards would result in "significant additional conservation of energy" while

[8] While DOE bases its manufacturer impact analysis ("MIA") and industry net present value ("INPV") analysis on a 30-year period, it notes that the benefits from SCC extend beyond the 2100 through 2300. 81 Fed. Reg. at 15840.

also being "technologically feasible and economically justified."[9] This is a fundamentally different authority than DOE has under the consumer provisions of EPCA, and it reflects the reliance on the ASHRAE 90.1 process, in which DOE participates, for commercial equipment. Specifically, 42 U.S.C. 6316(a) and (b) clarify which consumer provisions apply to specified commercial equipment, and which do not. Section 6295(o)(2), the consumer provision granting DOE authority to amend standards, in which the "maximum improvement in energy efficiency" language is provided, is not applicable to commercial packaged boilers, as is clearly stated by Section 6316(a). Furthermore, while the list of factors for DOE to consider in amending standards for commercial equipment in Section 6313 is similar to that in the consumer provisions of Section 6295, the commercial provisions specifically omit a paragraph similar to Section 6295(o)(2)(A), in which the "maximum improvement" language is contained. Thus, DOE's entire analysis in these rulemakings is predicated on a fundamental flaw.

For commercial equipment, section 6314 (a)(4)(A) requires that DOE adopt the test procedures that are those generally accepted by the industry or rating procedures developed by AHRI, as referenced in ASHRAE. For example, when those procedures are amended, DOE is *required* to amend the test procedure to be consistent with the amended industry test procedure "unless the Secretary determines, by rule, published in the Federal Register and supported by clear and convincing evidence, that to do so would not meet the requirements" for test procedures set forth in Section 6314.[10] However, in recent test procedure rulemakings, DOE has made no such showing. DOE must change this practice going forward and should amend the Process Rule to clarify that DOE will use the ASHRAE test procedure in adopting and enforcing proposed efficiency standards, in absence of the required showing.

This is not a matter of style over substance. The commercial provisions of EPCA were enacted after the consumer provisions, and were specifically designed and intended by Congress to reflect the ASHRAE process that was already in place for certain types of commercial equipment. This is why the commercial provisions refer to ASHRAE and consumer provisions do not. This is why the "clear and convincing" threshold for exceeding ASHRAE, both for test procedures and efficiency standards, is required for commercial equipment and for consumer products it is not. And this is why for consumer products DOE is required to adopt the "maximum improvement" in energy efficiency but for certain commercial equipment it is not. The consumers purchasing commercial equipment are very different from consumers purchasing a product for their home. They have a level of understanding of the cost and efficiency tradeoffs, and often are already purchasing higher efficiency equipment when it is safe and cost effective to do so. AHRI finds troubling DOE's repeated reference to a mandatory "maximum improvement" in efficiency, because it reflects an analysis that blatantly disregarded the crucial flexibility that the DOE has to more fully consider negative impacts on industry—particularly on small business and job loss. Without meeting these higher requirements, DOE cannot conduct the appropriate cost benefit analysis required under EPCA's statutory provisions.

DOE Should Incorporate a Retrospective Review in its Determination of Whether to Amend Existing Standards

AHRI understands the purposes of Executive Order 13563, but as opposed to a every other year review of regulations that is based almost entirely on third parties identifying concerns to DOE, DOE should amend

[9] 42 U.S.C. 6313(a)(6)(A)(ii)(II).
[10] 42 U.S.C. § 6314(4)(B).

the Process Rule to require a retrospective review of whether the current standards, as they have been implemented in the market, achieved the energy savings and had the costs that DOE anticipated in the Final Rule adopting them. Simply put, DOE should be required to determine if the current standards *actually worked* before proposing new more stringent standards. Most anything can be justified on paper, or on a theoretical basis, but efficiency requirements have real world impacts, both benefits and costs, and DOE should be required to analyze those impacts as part of its determination of whether new standards are justified. As part of any Request for Information, DOE could request input on this issue from manufacturers, consumer groups, and energy efficiency advocates. Otherwise, DOE is making determinations in a virtual world, not a real one. For example, DOE started its rulemaking process to determine whether residential air-conditioning standards should be amended before the last set of standards was even effective.[11] This is particularly troubling as DOE's determination includes a market analysis, and the markets based upon regional efficiency standards, which were created for the first time ever in the prior rule, did not yet exist.[12] There is no way, in such a situation, DOE's Cost Benefit Analysis can be realistic, or even reasonable. A tailored, retrospective analysis requirement would provide all stakeholders with the real world analysis they need to meaningfully analyze a proposed rule.

Analysis of Existing Rules

We have comments on the following recent rulemaking activities.

Residential Central Air Conditioner and Heat Pump Test Procedure

This rule was issued on June 8, 2016. Although DOE has determined that the changes to the test procedure will not change the measured energy efficiency of these products, it has acknowledged that there will be some test burden. In this specific circumstance DOE must take all reasonable steps to minimize the testing burden. We maintain that DOE should revisit the testing requirements for 1) models of Multi-Split, Multi-Circuit, or Multi-Heat Mini-Split Split Systems that can have either non-ducted indoor units or ducted indoor units and 2) two-speed products. Additionally, this rule requires manufacturers to certify data and information that has not been previously required. Some of the requested information is considered by our members to be confidential. This information must be collected in a way that both minimizes the reporting burden and maintains the security of any confidential business information that is part of the submittal. At present the appropriate reporting form has not been developed.

Water Heater Universal Efficiency Descriptor Test Procedure

In the comments we submitted on July 18, 2014, we expressed objections to the addition of certification and enforcement requirements covering the rated storage volume of storage type water heaters in the rule revising the test procedure to measure the efficiency of water heaters. On September 29, 2014 AHRI filed a petition with DOE to repeal these certification and enforcement requirements. We clearly showed that the new certification requirement will raise the current minimum efficiency requirement for 30 and 40 gallon gas water heaters, for 50, 65, 80, 100 and 120 gallon electric water heaters and for 30 gallon oil

[11] Request for Information (November 4, 2014).
[12] The effective date of regional standards was January 1, 2015; the RFI to amend those standards was issued 2 months earlier, on November 4, 2014.

water heaters. We noted that a test procedure change which increases the federal minimum efficiency standards violates the statutory regulations governing the process by which DOE establishes and revises minimum efficiency standards. That petition was published in the November 7, 2014 Federal Register with a 60 day comment period. There were 19 comments submitted that supported AHRI's petition. There were no comments submitted that opposed the change requested in our petition. The comment period ended over 18 months ago yet DOE has taken no further action to address our petition.

Test Procedures for Commercial Packaged Boilers and Commercial Water Heating Equipment

Both of these test procedures are currently being revised so our concern is not directly related to the existing test procedures. However, the proposed procedures include an issue that is analogous to the issue noted above for the current residential water heater test procedure. In this case DOE is proposing to add certification and enforcement requirements covering the input rate of gas and oil-fired products. The input rate for these products is validated by the third party testing agencies that certify models for compliance with nationally recognized product safety standards. The input rate shown on the product's nameplate is the input rate verified by the third party testing agency. DOE should accept and use that information rather than establish its own, different certification requirements.

DOE Questions

The May 10, 2016 Federal Register notice listed 10 questions intended to assist in the formulation of comments. The comments above generally address some of the issues raised in those questions. Also, comments previously submitted by AHRI did specifically address some of these questions. To those we add the following for the question noted.

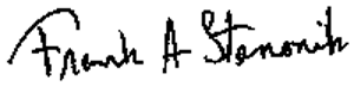
(7) Are there regulations, reporting requirements, or regulatory processes that are unnecessarily complicated or could be streamlined to achieve regulatory objectives in more efficient ways?

DOE should consider ways to harmonize rulemakings that are separate and distinct but which apply to the same covered products. If the process for these types of rulemakings can be synchronized, the regulatory burden on manufacturers can be reduced. Manufacturers typically have design cycles for the different products which they manufacture. The normal process is to go through the complete design cycle for a given product type and then move on to other products one at a time. When distinct DOE requirements are imposed on the same product on different schedules, this orderly process is disrupted and for some products the manufacturer is driven towards a never-ending design cycle for that product. This imposes unnecessary costs on manufacturers as well as disrupting the design cycle for the company's other products, which were not subject to those requirements. We encourage DOE to consider whether there are ways to coordinate or synchronize these types of rulemakings.

In a similar vein, DOE should avoid the imposition of separate standards for products that may be components of another covered product already subject to minimum efficiency standards. If the performance of the component is addressed within the efficiency requirements applicable to the covered product that incorporates that component, then the component should not be subject to another, separate efficiency requirement.

We appreciate this opportunity to provide comments to assist DOE in improving its regulatory process and reducing the regulatory burden on manufacturers.

Respectfully submitted,



Frank A. Stanonik
Chief Technical Advisor