



Comments of the Natural Resource Defense Council on
The Department of Energy's
Request for Information on Reducing Regulatory Burden
Submitted on June 18, 2012

On behalf of the Natural Resources Defense Council and our more than 1.3 million members and online activists, we submit the following comments in response to the Department of Energy's (DOE) Request for Information on Reducing Regulatory Burden. (77 Federal Register 28518, May 15, 2012) NRDC has spent decades working to build and improve the Department of Energy's ("DOE") federal appliance standards programs because of the important energy, environmental, and consumer benefits of appliance efficiency standards. According to analysis by the Appliance Standards Awareness Project, existing standards reduced electricity use by 7 percent in 2010, avoided the carbon dioxide emissions equivalent to 51 coal fired power plants, and will save consumers a net present value of \$1.1 trillion. As evidenced by this analysis, DOE appliance efficiency standards have produced large net benefits, both for consumers and the environment. NRDC participated in the enactment of the first federal legislation establishing efficiency standards and has been active in all significant rulemakings since then. NRDC submitted comments on the *Preliminary Plan for Retrospective Analysis of Existing Rules* (76 Federal Register 40646, July 11, 2011) on August 1, 2011 and reiterates some of those comments here. NRDC is supportive of DOE's efforts to conduct retrospective analyses of rules to determine their effects, both positive and negative, while ensuring that they achieve the maximum energy savings that are economically feasible and technologically justified.

DOE should not let retrospective review further delay the schedule for new and updated energy conservation standards

While we are supportive of DOE's efforts to conduct retrospective analysis, this review should not interfere with or come before DOE's obligation to meet legal deadlines for new rules. While we commend DOE's efforts to catch up on past due rules at the beginning of the Obama administration, we note that DOE has started to fall behind on its legal deadlines. Specifically, DOE published final rules for refrigerators, refrigerator-freezers, and freezers and clothes washers after the statutory deadline and has yet to publish final rules for batter chargers and external power supplies, walk-in coolers and freezers and metal halide lamp fixtures, for which the statutory deadline has passed. Retrospective analysis of past rules should not cause DOE to miss any statutory or court ordered deadlines for these or other rules

DOE is obligated under EPCA to review energy conservation standards every 6 years.

As DOE noted in its *Preliminary Plan for Retrospective Analysis of Existing Rules*, the Energy Policy and Conservation Act (EPCA) requires DOE to review energy conservation standards every 6 years and test procedures every 7 years. (*Preliminary Plan*, page 8, April 11, 2011). As NRDC has commented to DOE in the past, there are several products which are currently overdue for review under this provision. NRDC submitted a memorandum to DOE on April 11, 2011 and attached as Appendix A, explaining DOE's obligations under the 6 year review provision. In particular, Table 1 denotes the products which are

currently overdue for review under this provision, as explained in Appendix A. We urge DOE to revisit these rules as soon as possible.

Table 1. Products due for 6-year reviews

Product	Last final rule issued
Water closets	1998
Urinals	1998
Faucets	1998
Showerheads	1998
Commercial warm air furnaces	2001
Commercial water heaters	2001
Commercial packaged air conditioning and heating equipment (water-source and evaporatively-cooled) ⁵	2001
Commercial packaged air conditioning and heating equipment (air source)	2005
Ceiling fans and ceiling fan light kits	2005
Low voltage dry-type distribution transformers	2005
Unit heaters	2005
Commercial prerinse spray valves	2005
Torchieres (light fixtures)	2005
Medium-base compact fluorescent lamps	2005
Illuminated exit signs	2005
Traffic signal and pedestrian modules	2005

DOE must not violate EPCA’s “anti-backsliding” provision in any revisions of past rules

As NRDC has commented previously, when examining existing rules, EPCA does not allow DOE to adopt less efficient standards. See *Natural Resources Defense Council v. Abraham*, 355 F.3d 179, 196 (2d Cir. 2004).

Thank you for the opportunity to comment.

Sincerely,



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