



August 21, 2026

Via www.regulations.gov

Michael Helmer
Principal Deputy Assistant Secretary
Office of Critical Minerals and Energy Innovation
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585-0121

Re: Joint Comments on DOE's Notice of Proposed Rulemaking on the "Process Rule";
Docket No. EERE-2025-BT-STD-0001; RIN 1904-AF72; 91 Fed. Reg. 42034 (July 7,
2026).

Dear Mr. Helmer:

The Air Conditioning Contractors of America (ACCA); American Lighting Association (ALA); Air-Conditioning, Heating, and Refrigeration Institute (AHRI); Air Movement and Control Association (AMCA) International; Association of Home Appliance Manufacturers (AHAM); Consumer Technology Association (CTA); 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); Outdoor Power Equipment Institute (OPEI); Plumbing-Heating-Cooling Contractors Association

(PHCC); Plumbing Manufacturers International (PMI); and Pool & Hot Tub Alliance (PHTA) (collectively, Joint Commenters) write to provide comments on the Department of Energy's (DOE or Department) Notice of Proposed Rulemaking (NPR) 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 NPR); Docket No. EERE-2025-BT-STD-0001; RIN 1904-AF72; 91 Fed. Reg. 42034 (July 7, 2026).

The Joint Commenters commend DOE for proposing to return, in large part, to the February and August 2020 version of the Process Rule. This NPR reflects the recommendation the Joint Commenters have advanced across multiple proceedings in this docket: that a rule which is binding, predictable, and grounded in the 2020 framework best serves consumers, manufacturers, and the Department alike.¹ The Joint Commenters support the great majority of the NPR's proposed provisions and offer the following comments on specific provisions where clarification, calibration, or further explanation would strengthen the final rule.

I. DOE Should Finalize The Proposed Return To The 2020 Process Rule's Procedural Structure.

The NPR proposes to reinstate several structural features of the 2020 Process Rule that the Joint Commenters have consistently supported.

A. The Joint Commenters Support Making The Process Rule Binding.

DOE proposes to make the Process Rule binding on DOE again, though only for actions that increase stringency; deregulatory or non-stringency actions remain discretionary. The Joint Commenters support the proposal to make the rule binding on DOE in principle. A solid, transparent, and predictable process should govern any decision to amend, or not amend, DOE's energy conservation standards. We recommend, however, that the proposed carve-out for deregulatory or non-stringency actions not apply retroactively to standards already finalized. Some of the Joint Commenters may have specific feedback on DOE's proposal on the nonbinding application of the Process Rule for deregulatory or non-stringency actions.

Overall, the Joint Commenters appreciate DOE's broader effort to streamline requirements and reduce unnecessary regulatory burden, and we recognize the value of preserving some amount of flexibility. Our concern is procedural, not substantive. Manufacturers have built product lines, tooling, and certification schedules around the compliance timelines tied to standards currently in force, and those investments deserve a transparent, predictable process if it is proposed that they be changed. Applying the Process Rule's binding procedures evenhandedly does not constrain the Department's discretion to revisit standards going forward (though, importantly, EPCA does

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

so constrain the Department). It simply ensures that any changes to standards already in force are made through the same structured process DOE is otherwise proposing to restore, so that stakeholders retain the ability to weigh in before compliance obligations they have already invested in are altered.

B. The Joint Commenters Support The 2020 Assessment Structure.

The NOPR reinstates the 2020 structure requiring an early assessment step followed by either a Framework Document and Preliminary Analysis or an Advanced Notice of Proposed Rulemaking, narrowing the more flexible menu of options DOE has used since 2024. The Joint Commenters support this full reversion to the 2020 approach, consistent with our longstanding view that an early assessment step, including retention of the NODA/Preliminary Analysis stage, improves the quality and predictability of the rulemaking record.

C. The Joint Commenters Support Restoring The Gap Between Test Procedures And Standards.

DOE proposes to restore the 180-day gap between finalization of a test procedure and issuance of a standards NOPR, measured from the standards NOPR's publication date, as under the 2020 rule, rather than from the close of the comment period as under the 2021 rule. The Joint Commenters support this full reversion. As we stated in our 2018 RFI comments, a standards rulemaking should not be initiated until at least six months after publication of a final test procedure rule, and longer for new test procedures.

D. The Joint Commenters Support A 75-Day Minimum Comment Period.

DOE proposes to reinstate a 75-day minimum comment period for both pre-NOPR and NOPR stage documents, up from the current 60-day minimum. The Joint Commenters support this full reversion to the 75-day minimum comment period, consistent with our longstanding opposition to case-by-case shortening of comment periods. Comments are most useful to the Department when stakeholders have ample opportunity to review DOE's proposal and provide reasoned, thoughtful, and supported feedback. Regulated entities often need time to determine the impact of proposed standards, often through testing, on their products and technologies. In fact, a 75-day comment period speeds and facilitates the Department's comment review process, providing potential Joint Commenters the time to consult and aggregate similar comments into consensus positions. These Joint Comments being a good example of that process in action.

II. DOE Should Calibrate The Proposed Economic Justification And Significant Energy Savings Thresholds And Confirm The Walk-Up Methodology.

DOE proposes new presumptive consumer economic thresholds, specifically an installed cost increase of up to 10 percent, a share of consumers with net cost of up to 20 percent, and a

maximum payback of 50 percent of product lifetime, along with a dual significant energy savings test of 10 percent or a 2-quad reduction in full-fuel-cycle (FFC) energy use over 30 years. DOE also requests comment on alternative ranges of 5 to 15 percent or 0.5 to 5 quads.

The Joint Commenters support the underlying objective of clear, transparent, and objective thresholds that give stakeholders a predictable basis for evaluating proposed standards. We note that the 2020 Process Rule's threshold, 0.3 quads or 10 percent, was measured in site energy, while the NOPR's proposed threshold of 2 quads or 10 percent is measured on a full-fuel-cycle basis, a different metric rather than simply a different number. Some of the Joint Commenters may have specific feedback on DOE's proposed thresholds. Jointly, however, we stress that any threshold DOE finalizes should not apply retroactively, for reasons like those cited above in Section I.A. Furthermore, we ask DOE to ensure that the thresholds, however calibrated, remain objective and reasonable rather than set so high as to foreclose future standards.

Separately, DOE proposes to replace the current “walk-down” method for selecting a standard level with a “walk-up” approach. The Joint Commenters do not oppose this change. We emphasize that the most important procedural step for DOE to preserve is whether a walk-down or walk-up process is used, DOE should add a step to compare the incremental costs and benefits of each TSL with the levels surrounding it.

III. DOE Should Preserve the 2021 Clarification Permitting Direct Final Rules Following Negotiated Rulemaking.

DOE proposes to reinstate 2020-era language on negotiated rulemaking and direct final rules (DFRs), while preserving the 2021 clarification that consensus proposals developed under the Negotiated Rulemaking Act may proceed to a DFR. The Joint Commenters strongly support this approach. The proposal to retain the clarification, rather than reverting fully to the 2020 text, should be finalized as proposed. Negotiated rulemaking is one way regulated entities can best provide input on standards and is an important tool in DOE's toolbox for ensuring standards are balanced and justified.

IV. DOE Should Finalize the Proposed Deference to ASHRAE and Industry Consensus Test Standards.

DOE proposes to reinstate 2020 language providing that DOE will adopt ASHRAE Standard 90.1 levels except in very limited circumstances, together with a codified definition of the clear-and-convincing-evidence standard DOE must satisfy to depart from those levels. The Joint Commenters support this full reversion to 2020 language. As we have stated previously, clear and convincing evidence is an appropriately high bar for DOE to depart from consensus test procedures and standards and is a materially higher standard than arbitrary and capricious.

The NOPR similarly reinstates 2020 language limiting DOE's ability to modify industry consensus test standards, including some of the Joint Commenters' consensus standards, to only

what is necessary for EPCA compliance. The Joint Commenters support this full reversion to the 2020 presumption favoring industry consensus standards. Some of the Joint Commenters may have specific feedback on DOE's proposal on Section 9: ASHRAE Equipment.

V. DOE Should Finalize the Proposed Reversion on Coverage Determinations.

DOE proposes to reinstate full 2020 language requiring that final coverage determinations for new consumer products or equipment be published before DOE initiates any test procedure or standards rulemaking, and at least 180 days before publication of a test procedure NOPR. The Joint Commenters support this proposal to finalize coverage determinations before commencing substantive rulemaking on test procedures or standards. Sequencing coverage determinations ahead of test procedure or standards rulemaking gives manufacturers predictability about regulatory scope, allowing them to allocate resources accordingly, and keeps the threshold question of coverage from being folded into more technical rulemaking decisions.

VI. DOE Should Finalize the Proposed Objectives Language on Consumer Choice and Market Competition.

The proposed rule adds a new "objectives" section addressing preservation of product availability and choice, including features, sizes, capacities, and performance characteristics such as reliability; promotion of market competition and innovation; separate reporting of a rule's global and domestic costs and benefits; and elimination of counterproductive requirements that raise appliance costs. The Joint Commenters support the proposed consumer choice and availability language, consistent with our view that revising the Process Rule is one of the best ways to ensure consumers can continue choosing from a variety of affordable and efficient products.

VII. DOE's Proposed Treatment of Environmental Factors and Rulemaking Prioritization Warrants Further Discussion.

DOE proposes to strike the specific environmental and emissions monetization impact factor from the list of considerations DOE weighs when selecting a standard level, replacing it with a reference to other factors the Secretary considers relevant. The Joint Commenters note that DOE has historically evaluated environmental impact as part of its standards analysis but has not expressly relied solely or in large part on Social Cost of Carbon or other greenhouse gas emissions monetization to justify a selected standard level. The Joint Commenters will likely provide additional comments on this topic in the context of the companion Analytic Framework Request for Information.

Separately, DOE proposes to make its annual spring request for comment on rulemaking prioritization discretionary and case-by-case, rather than the fixed yearly commitment established in 2020. While we do not object to DOE's proposal, we note that the annual prioritization exercise could serve as a useful tool for DOE to identify which rulemakings will

produce the greatest energy savings and which standards do not warrant amendment at this time. Thus, we hope that DOE will still conduct this important exercise annually.

VIII. DOE's Proposed Date Clarification Requires No Position at This Time, and Several RFI Topics Remain Appropriately Deferred.

The proposed rule retains the existing effective-date and compliance-date distinction and adds new language defining the “prescribed” date of a rule as its Federal Register publication date, consistent with *NRDC v. Abraham*.² The Joint Commenters thank DOE for this clarification, which confirms that EPCA's 60-day window to petition for judicial review runs from the date of publication rather than the later effective or compliance date. The Joint Commenters will supplement these comments through the Analytic Framework docket if further analysis reveals implications for federal preemption of state actions that warrant DOE's attention.

Finally, the proposed rule does not propose Process Rule changes addressing several topics raised in the RFI record, including cumulative regulatory burden methodology, retrospective review of existing standards, certification rulemaking sequencing, uncertainty level review, statutory lookback period reform, error correction provisions, and stakeholder engagement and transparency. DOE is instead deferring these topics to the companion Analytic Framework proceeding or treating current practice as adequate. The Joint Commenters do not believe further Process Rule comment is needed on these topics at this time, and we reiterate our intent to comment further on topics as necessary in the Analytic Framework RFI.

IX. The Joint Commenters

The Air Conditioning Contractors of America (ACCA), is a national association of heating, ventilation, air conditioning, and refrigeration (HVACR) contractors. ACCA members are a backbone of the American economy and way of life. Contractors are responsible for designing, installing, and maintaining HVACR systems that protect our food supply, ensure modern medicine is possible, enable data centers to operate, and provide essential comfort and air quality needs to every home, healthcare facility, and office building in the country. ACCA members are recognized as the industry's leaders and are responsible for more than \$22 billion in annual sales.

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.

² 355 F.3d 179, 187 (2d Cir. 2004).

ALA represents over 1,200 member companies in the residential lighting, ceiling fan and controls industries in the United States, Canada and the Caribbean. Member companies are manufacturers, manufacturers' representatives, retail showrooms, and lighting designers that have the expertise to educate and serve their customers.

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 more than 1200 companies, 80 percent of which are startups and small businesses. CTA also owns and produces CES®, which convened tech leaders and over 4100 exhibiting companies in Las Vegas in January. Our members are the world's leading innovators, helping support more than 17 million American jobs.

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 560 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.

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.

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.

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.

OPEI is an international trade association representing more than 100 manufacturers and their suppliers of gas and electric-powered outdoor power equipment, golf carts, and personal transport and utility vehicles. OPEI member products are ubiquitous in U.S. households and businesses, including equipment such as lawnmowers, garden tractors, grass trimmers, chain saws, snow throwers, generators, utility vehicles and other similarly powered lawn and garden and vehicle applications. The industry currently contributes approximately \$16 billion to U.S. GDP, domestically ships nearly 40 million products each year, estimates as many as 250 million legacy products in service across the U.S., and sells and services these products through a diverse network of service-provider and retail channels.

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. PMI member companies' plumbing products are found in the majority of homes, commercial buildings, schools, restaurants, manufacturing facilities,

hospitals, and hotels across the nation, and continue to raise the bar in developing the most advanced water-efficient plumbing products.

The Pool & Hot Tub Alliance (PHTA), a nonprofit organization with more than 4,000 members from around the world, was established in 1956 to support, promote, and protect the common interests of the \$62 billion pool, hot tub, and spa industry. PHTA provides education, advocacy, standards development, research, and market growth initiatives to increase members' professionalism, knowledge, and profitability. Additionally, PHTA promotes the use of pools by expanding swimming, water safety, and related research and outreach activities aimed at introducing more people to swimming, making swimming environments safer, and keeping pools open to serve communities.

The Joint Commenters appreciate the opportunity to submit these comments on DOE's Process Rule NOPR 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
American Lighting Association
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
Outdoor Power Equipment Institute
Plumbing-Heating-Cooling Contractors Association
Plumbing Manufacturers International
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