

## **DEPARTMENT OF ENERGY**

### **Statement of Regulatory and Deregulatory Priorities**

The Department of Energy (DOE or the Department) makes vital contributions to the Nation's welfare through its activities focused on improving national security, energy supply, energy efficiency, environmental remediation, and energy research. The Department's mission is to ensure America's security and prosperity by addressing its energy, environmental, and nuclear challenges through transformative science and technology solutions.

Through its regulatory and deregulatory activities, the Department works to ensure it both achieves its critical mission, and implements the administration's initiative to reduce regulation and control regulatory costs as outlined in Executive Order (E.O.) 13771, "Reducing Regulation and Controlling Regulatory Costs." As such, the Department strives to act in a prudent and financially responsible manner in the expenditure of funds, from both public and private sources, and manages appropriately the costs associated with private expenditures required for compliance with DOE regulations. Ultimately, DOE aims to promote meaningful regulatory burden reduction, while also achieving its regulatory objectives and striving to meet its statutory obligations.

### ***Regulatory and Deregulatory Priorities***

DOE's regulatory and deregulatory priorities reflect the Department's efforts to achieve meaningful burden reduction while continuing to achieve the Department's statutory obligations. To that end, DOE is including three ongoing rulemakings in its Regulatory Plan this year and highlighting two completed actions.

DOE is pursuing a rulemaking to establish procedures to reduce the risk to the United States with regard to the procurement of certain foreign-supplied bulk-power system electric equipment. Specifically, on May 1, 2020, the President issued E.O. 13920, "Securing the United States Bulk-Power

System”. To implement the Executive Order, DOE is developing regulations that govern the process and procedures that the Secretary of Energy would use to identify, assess, and address the acquisition or use in the United States (U.S.) of foreign supplied bulk-power system electric equipment that poses an undue risk to the bulk-power system, and/or constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the U.S., which is sourced in whole or in substantial part, outside of the U.S.

There are two other proposed rulemakings in DOE’s Regulatory Plan that are deregulatory actions aimed at reducing regulatory costs and burdens. The first action would establish a short cycle product class for clothes washers and clothes dryers of 30 minutes each (45 minutes for front-loading clothes washers). The other action would harmonize the Department’s definition of a “showerhead” with the American Society of Mechanical Engineers’ (ASME) consensus standard so that, for products with multiple showerheads, compliance with the water conservation standard would be based on each individual showerhead.

DOE has also completed a rule to modernize the procedures for establishing energy conservation standards and test procedures as part of DOE’s Appliance Program, also known as the “Process Rule.” Lastly, DOE has completed a rule in response to a petition for a new product class of short cycle dishwashers, which is characterized by a 60 minute or less normal wash cycle.

### ***Retrospective Analyses of Existing Rules***

As part of the Administration’s objective of reducing regulatory burdens, as set forth in E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs (issued on January 30, 2017) and E.O. 13777, “Enforcing the Regulatory Reform Agenda” (issued on February 24, 2017), the Department has included two ongoing deregulatory actions in the 2020 Regulatory Plan that specifically target existing concerns regarding consumer choice and align DOE regulations with existing consensus standards. The

first action addresses issues of consumer choice regarding the current cycle length for clothes washers and clothes dryers, similar to DOE's now completed rulemaking for a new product class of short normal cycle dishwashers. The Department has proposed to establish a separate product class for residential clothes washers and clothes dryers with cycle times of less than 30 minutes (45 minutes for front-loading clothes washers). If adopted, DOE's proposal would also provide opportunities for manufacturers to develop and offer new products to better meet consumer needs to accomplish regular or normal clothes washing and drying.

The second action would revise the existing definition of showerheads to be consistent with the ASME definition, which was adopted in 2018. The current definition provides that for products with multiple showerheads, the water use of all the showerheads must not exceed the 2.5 gallon per minute water conservation standard. This deregulatory action would realign the definition of a "showerhead" with congressional intent so that, for products with multiple showerheads, compliance with the water conservation standard would be based on each individual showerhead. Additionally, the National Technology Transfer and Advancement Act of 1995 and OMB Circular A-119 require DOE (along with all other Federal agencies) to use voluntary consensus standards instead of government-unique standards in their regulatory activities, except where inconsistent with law or otherwise impractical. The rule would also allow manufacturers to increase consumer choice by offering new products that consist of multiple showerheads, each with a limit of 2.5 gallons per minute.

Lastly, DOE highlights the completion of two deregulatory actions. First, the Procedures for Use in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment (commonly referred to as the "Process Rule"), clarifies the process DOE will now follow when considering new or revised energy conservation standards or test procedures in addition to making specific rulemaking procedures binding on DOE, and revised certain provisions to bring consistency with existing statutory requirements. The Process Rule also expanded early

opportunities for public input, set a significant energy savings threshold for updating standards, established a window between finalizing test procedure rules and initiating standards proposals, and delineating procedures for rulemaking under the separate direct final rule and negotiated rulemaking authorities. The rule went into effect on April 14, 2020.

DOE also finalized a rule in response to a petition for rulemaking that establishes a new product class for short-cycle dishwashers that address consumer choice with regard to the current length of the normal dishwasher cycle. This action allows manufacturers to innovate and develop technologies that accomplish daily, regular, or typical use of a dishwasher to completely wash and dry a full load of normally soiled dishes (*i.e.*, the normal cycle time) of less than one hour. The new product class also provides manufacturers the opportunity to offer products that meet consumer demand for short dishwasher cycle times. This rule went into effect on November 30, 2020.