

## **DEPARTMENT OF ENERGY**

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

The Department of Energy (Department or DOE) 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:

- Promote dependable, affordable and environmentally sound production and distribution of energy;
- Advance energy efficiency and conservation;
- Provide responsible stewardship of the Nation's nuclear weapons;
- Provide a responsible resolution to the environmental legacy of nuclear weapons production; and
- Strengthen U.S. scientific discovery, economic competitiveness, and improve quality of life through innovations in science and technology.

The Department's regulatory activities are essential to achieving its critical mission and to implementing the President's clean energy and climate initiatives. Among other things, the Regulatory Plan and the Unified Agenda contain the rulemakings the Department will be engaged in during the coming year to fulfill the Department's commitment to meeting deadlines for issuance of energy conservation standards and related test procedures. The Regulatory Plan and Unified Agenda also reflect the Department's continuing commitment to cut costs, reduce regulatory burden, and increase responsiveness to the public.

### **Review of Regulations under Executive Order 13990**

Pursuant to Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis," DOE reviewed all regulations, orders, guidance documents and policies promulgated or adopted between January 20, 2017, and January 20, 2021, and determined whether these actions are consistent with the policy goals of protecting public health and the environment, including reducing greenhouse gas emissions and bolstering the Nation's resilience to the

impacts of climate change. DOE identified fourteen rulemakings that the Department will review under E.O. 13990.

In response to E.O. 13990, DOE published ten notices of proposed rulemakings or technical determinations re-evaluating rulemakings finalized in the prior four years. Four of these publications were explicitly required to be published in 2021. First, DOE published two notices of proposed rulemaking in 2021 that remove unnecessary obstacles to DOE's ability to develop energy conservation standards and test procedures for consumer products and commercial/industrial equipment. Second, DOE published two technical determinations that determined that the latest version of a commercial building code and residential building code are more efficient than the prior versions of these codes, paving the path for states to adopt these codes.

Other 2021 proposed Departmental appliance standards program actions triggered by E.O. 13990 but based on DOE statutory authorities included a rule to revert to the prior, water-saving definition of showerheads; a rule to remove a product class for dishwashers, clothes washers and clothes dryers that had the effect of removing standards from these products; a rule to streamline the test procedure waiver process; a rule to broaden the definition of general service lamps; and a rule proposing to reinterpret a features provision for some types of consumer products and commercial equipment.

### **Energy Efficiency Program for Consumer Products and Commercial Equipment**

The Energy Policy and Conservation Act requires DOE to set appliance efficiency standards at levels that achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. The Department continues to follow its schedule for setting new appliance efficiency standards by both addressing its backlog of rulemakings with missed statutory deadlines and advancing rulemakings with upcoming statutory deadlines. In the August 2021 Energy Policy Act of 2005 Report to Congress, DOE notes that it plans to publish 31 actions relating to energy conservation standards, including four final rules, and 31 actions related to test procedures, including six final rules, before the end of 2021. See: <https://www.energy.gov/eere/buildings/reports-and-publications>. These rulemakings are expected to save American consumers billions of dollars in energy costs over a 30-year timeframe.

In the Department's 2021 Fall Regulatory Plan, DOE is highlighting three important appliance rules. The first rule is "Energy Conservation Standards for Commercial Water Heating Equipment." DOE estimates that the energy conservation standards rulemaking for commercial water heating equipment will result in energy savings for combined natural gas and electricity of up to 1.8 quads over 30 years and the net benefit to the Nation will be between \$2.26 billion and \$6.75 billion.

The second rule is "Procedures, Interpretations, and Policies for Consideration in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment." This rulemaking is focused on both the procedural requirements as well as the methodologies used to establish all DOE energy conservation standards and their related test procedures. DOE anticipates that the contemplated revisions would allow DOE to eliminate inefficiencies that lengthen the rulemaking process and consume DOE and stakeholder resources without appreciable benefit, while not affecting the ability of the public to participate in the agency's rulemaking process. Eliminating these inefficiencies would allow DOE to more quickly develop energy conservation standards that deliver benefits to the Nation, including environmental benefits such as reductions in greenhouse gas emissions.

The third rule is "Backstop Requirement for General Service Lamps." This rulemaking would codify in the Code of Federal Regulations the 45 lumens per watt backstop requirement for general service lamps ("GSLs") that Congress prescribed in the Energy Policy and Conservation Act, as amended. Codifying the statutory standard, which would also prohibit sales of GSLs that do not meet a minimum 45 lumens per watt standard, is estimated to result in total net benefits of \$3.3 billion to \$4.9 billion per year.

### **Federal Agency Leadership in Climate Change**

Beyond the appliance program, DOE is supporting Federal agency leadership in climate change in various ways, including in its Federal government energy efficiency rulemakings. DOE is highlighting one rule supporting Federal agency leadership in climate change under the Energy Conservation and Production Act. The rule establishes baseline Federal energy efficiency performance standards for the

construction of new Federal commercial and multi-family high-rise residential buildings. The total incremental first cost savings under the rule is \$32.67 million per year, with a potential cost reduction in new Federal construction costs of 0.85%, and life-cycle cost net savings of \$161.9 million. Compared to the prior building standard, DOE expects a 4,472,870 metric ton reduction in carbon dioxide emissions over 30 years.