

## Advocacy Comments on NAS Energy Efficiency Rulemaking Report

On December 28, 2021, the National Academies of Sciences, Engineering, and Medicine (NAS) published a report that reviews and provides findings and recommendations on the Department of Energy's (DOE) methods for setting energy efficiency standards for covered products.<sup>1</sup> Within the report, NAS outlines several findings and recommendations for improving DOE's processes for establishing and modifying energy efficiency standards. In light of the report's findings, Advocacy wrote a comment letter to DOE on May 13, 2022.

Advocacy asked DOE to reopen the comment docket for the 2021 final process rule<sup>2</sup> to allow the public the opportunity to review and comment on the findings of the NAS report as they pertain to the rulemaking.

Advocacy made the following additional comments:

- DOE should reconsider the use of comparative analysis and provide proper and thorough analyses for its rulemakings. DOE should include its justification for a chosen energy savings standard.
- DOE should make the NAS report available to the public in the dockets for both process rules. DOE should also solicit public comment on how best to implement the findings of the report.
- Updates to energy efficiency standards directly impact small businesses. As such, the DOE process rule should recognize the requirement for the agency to conduct proper and thorough Regulatory Flexibility Act analyses for its rulemakings.

For more information, please contact Prianka Sharma by calling (202) 205-6938 or sending an email to [prianka.sharma@sba.gov](mailto:prianka.sharma@sba.gov).

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<sup>1</sup> *Review of Methods Used by the U.S. Department of Energy in Setting Appliance and Equipment Standards*, National Academies of Sciences, Engineering, and Medicine, The National Academies Press, (December 28, 2021), <https://www.nationalacademies.org/our-work/review-of-methods-for-setting-building-and-equipment-performance-standards#sectionPublications>

<sup>2</sup> Energy Conservation Program for Appliance Standards: Procedures, Interpretations, and Policies for Consideration in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment, 86 Fed. Reg. 18901 (April 12, 2021).

