

## Climate Change, Energy Shocks Increase Focus on Energy Efficiency

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Climate change and steeply rising energy costs stemming from the war in Ukraine, OPEC oil production cuts, and other factors are putting further focus on energy conservation. The Department of Energy (DOE) continues to play a key role in this effort.

This includes DOE reorganization to facilitate the Biden Administration's ambitious agenda for energy efficiency and other energy priorities.<sup>1</sup> It includes DOE efficiency initiatives pursuant to the Inflation Reduction Act.<sup>2</sup> It also includes DOE beefing up its energy efficiency enforcement program with procedures for civil penalty cases.<sup>3</sup> In addition, DOE's feet are being held to the fire due to a consent decree on issuing standards.<sup>4</sup> And we count at least 32 separate regulatory actions on efficiency standards and test procedures pursuant to the Energy Policy and Conservation Act (EPCA)<sup>5</sup> since our July 7, 2022, advisory listing DOE efficiency actions.<sup>6</sup> Stakeholders should make their views known in such rulemaking proceedings—and it bears note that filings are permissible even after the formal comment period has closed.

**DOE Procedures in Civil Penalty Actions.** EPCA provides an opportunity for an on-the-record hearing before an Administrative Law Judge (ALJ) in civil penalty enforcement cases dealing with conservation standards and certification requirements.<sup>7</sup> DOE has announced detailed procedures for administrative adjudication of such cases.<sup>8</sup> These cover complaints, answers, motions, discovery, evidence, burden and standard of proof, hearings before an ALJ, appeals, and other aspects of such proceedings.

**DOE Consent Decree on Standards.** DOE has entered into a consent decree to settle lawsuits brought during the Trump era by energy advocates and states claiming that DOE had failed to comply with deadlines on issuing standards.<sup>9</sup> It requires DOE to issue final rules for standards for 20 categories of consumer products or industrial equipment by specified dates in 2023 and 2024. The standards are for computer room air conditioners, pool heaters, commercial water heaters, room air conditioners, dedicated outdoor air systems, microwave ovens, variable refrigerant flow air conditioners and heat pumps, non-weatherized and mobile home gas furnaces, residential clothes dryers, residential refrigerators and freezers, conventional cooking products, residential clothes washers, electric motors, residential water heaters, distribution transformers, residential dishwashers, furnace fans, oil furnaces and weatherized gas furnaces, walk-in coolers and freezers, and commercial refrigeration equipment.

**New DOE Regulatory Actions.** DOE continues its furious pace to update energy efficiency standards and test procedures—and to roll back Trump-era efficiency rules. We have detailed DOE activity on efficiency rules from Inauguration Day through July 7, 2022, in prior advisories. The following is a list of DOE's efficiency rulemaking activity just since July 7, 2022. (Our August 2022 advisory focused on energy provisions in the Inflation Reduction Act.)<sup>10</sup>

- **Consumer Water Heaters and Residential-Duty Commercial Water Heaters.** DOE has published a supplemental notice of proposed rulemaking (SNOPR) to amend the test procedure for consumer water heaters and residential-duty commercial water heaters. It updates proposals in a January 11, 2022, notice of proposed rulemaking (NOPR). In the SNOPR, DOE proposes additional amendments that would provide additional specificity regarding flow rate tolerances for water heaters with a rated storage volume of less than 2 gallons; allow for voluntary representations at certain additionally specified test conditions for heat pump water heaters;

revise the proposed specifications regarding separate storage tank requirements for certain types of water heaters; provide instructions for testing certain water heaters that store water at a temperature higher than the delivery setpoint; establish a metric and method for determining the effective storage volume of certain storage-type water heaters; and update the proposed methodology for estimating the internal tank temperature of water heaters which cannot be directly measured. Comments were due by August 4, 2022.<sup>11</sup>

- **Air Cleaners.** DOE has issued a determination that air cleaners qualify as a “covered product” under EPCA. DOE has determined that classifying air cleaners as a covered product is necessary or appropriate to carry out the purposes of EPCA, and that the average U.S. household energy use for air cleaners is likely to exceed 100 kilowatt-hours per year.<sup>12</sup> This may be followed by DOE prescribing test procedures and efficiency standards for these products. DOE has proposed to establish definitions, a test procedure, and sampling and representation requirements for air cleaners. The proposed test method references the relevant industry standard, with certain proposed modifications. DOE will hold a webinar on November 9, 2022. Comments are due by December 19, 2022.<sup>13</sup>
- **Electric Motors.** DOE has issued amendments to the scope of its test procedures for electric motors that it says is consistent with related updates to the relevant industry testing standard (*i.e.*, for air-over electric motors, electric motors greater than 500 horsepower, electric motors considered small, inverter-only electric motors, and synchronous electric motors); adds test procedures, an appropriate metric, and supporting definitions for additional electric motors covered under the amended scope; and updates references to industry standards to reference current versions. Furthermore, DOE is adopting certain industry provisions related to the prescribed test conditions to further ensure the comparability of test results. DOE is also amending provisions pertaining to certification testing and the determination of represented values for electric motors other than dedicated-purpose pool pump motors, and re-locating such provisions consistent with the location of the certification requirements for other covered products and equipment. Finally, DOE is adding provisions pertaining to certification testing and the determination of represented values for dedicated-purpose pool pump motors.<sup>14</sup>
- **Commercial Water Heating Equipment.** DOE reopened until August 1, 2022, the comment period on its NOPR on standards for commercial water heaters.<sup>15</sup>
- **Ceiling Fan Light Kits, General Service Incandescent Lamps, Incandescent Reflector Lamps, Ceiling Fans, Consumer Furnaces and Boilers, Consumer Water Heaters, Dishwashers, Commercial Clothes Washers, Battery Chargers, and Dedicated-Purpose Pool Pumps.** DOE has amended the certification provisions for ceiling fan light kits, general service incandescent lamps, incandescent reflector lamps, ceiling fans, consumer furnaces and boilers, consumer water heaters, dishwashers, commercial clothes washers, battery chargers, and dedicated-purpose pool pumps. DOE has amended the certification and reporting provisions for these products and equipment to ensure reporting is consistent with currently applicable energy conservation standards and to ensure that DOE has the information necessary to determine the appropriate classification of products for the application of standards.<sup>16</sup>
- **Walk-in Coolers and Walk-in Freezers.** DOE announced receipt of and published a petition for waiver and interim waiver from Norlake, Inc., dba Refrigerated Solutions Group (RSG), which seeks a waiver for specified walk-in cooler and walk-in freezer (walk-in) refrigeration system basic models from DOE’s test procedure for walk-in refrigeration systems. DOE also gave notification

of an Interim Waiver Order that requires RSG to test and rate the specified walk-in basic models in accordance with the alternate test procedure set forth in the Interim Waiver Order. Comments were due by August 22, 2022.<sup>17</sup>

- **Fans and Blowers.** DOE has proposed to establish a test procedure for fans and blowers, including air-circulating fans, and to adopt through reference the relevant industry test standards as the DOE test procedure for measuring the fan electrical input power (FEP) and for determining the fan energy index (FEI). DOE also has proposed to establish supporting definitions, requirements for alternative energy use determination methods, and sampling requirements to determine the represented values of FEP and FEI. DOE held a webinar on August 2, 2022. Comments were due by September 23, 2022.<sup>18</sup> In addition, DOE has issued a notification of data availability (NODA) publishing preliminary inputs and methodology for its technology, screening, engineering, shipments, markups, life cycle cost, and energy use analysis for standards for air circulating fans. The purpose of this NODA is to provide stakeholders with the opportunity to review and provide comment on DOE's preliminary technical and economic evaluation of air circulating fans, prior to DOE's publication of a NOPR for all fans and blowers. Comments are due by November 28, 2022.<sup>19</sup>
- **Building Energy Codes.** DOE has issued a notice of intent (NOI) to issue a Funding Opportunity Announcement (FOA) entitled "Building Energy Codes, Resilient and Efficient Codes Implementation" in accordance with the Bipartisan Infrastructure Law. The aim of this anticipated FOA is to support successful, widespread, and sustained implementation of updated building energy codes by states, local governments, and across the United States and range of affected stakeholders.<sup>20</sup>
- **Direct Expansion-Dedicated Outdoor Air Systems.** DOE has established definitions for "direct expansion-dedicated outdoor air systems" (DX-DOASes) and "unitary dedicated outdoor air systems" (unitary DOASes). Unitary DOASes are a category of small, large, and very large commercial package air conditioning and heating equipment. In addition, DOE has established a test procedure to measure the energy efficiency of DX-DOASes, which aligns with the most recent version of the relevant industry consensus test standards for DX-DOASes, with certain minor modifications. Lastly, DOE has adopted supporting definitions, energy efficiency metrics for dehumidification and heating modes, and provisions governing public representations as part of this rulemaking.<sup>21</sup>
- **Commercial Unitary Air Conditioners and Heat Pumps.** DOE announced that that it intended to establish a negotiated rulemaking working group under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed test procedures and amended energy conservation standards for commercial unitary air conditioners and heat pumps (CUACs and CUHPs). DOE said that the purpose of the working group would be to discuss and, if possible, reach consensus on a proposed rule regarding test procedures and energy conservation standards for CUACs and CUHPs. Nominations of membership were due by August 12, 2022.<sup>22</sup> The CUAC and CUHP Working Group held meetings on September 20 and 21, 2022. The purpose of the CUAC and CUHP meetings was to undertake a negotiated rulemaking to discuss and, if possible, reach consensus on a proposed rule for test procedures and energy conservation standards for CUAC and CUHP equipment.<sup>23</sup> DOE has also issued a notice of public meetings and webinars for the Working

Group to be held on October 11, 2022; October 12, 2022; November 9, 2022; November 10, 2022; November 29, 2022; November 30, 2022; December 14, 2022; and December 15, 2022.<sup>24</sup>

- **Commercial and Industrial Pumps.** On August 9, 2021, DOE published a request for information (RFI) regarding energy conservation standards for commercial and industrial pumps (pumps). DOE has now published a NODA, with an overview of potential technology/design options and associated estimated national energy savings with preliminary industry net present value estimates for certain pump equipment classes in order to provide stakeholders with additional information and to assist DOE in determining how to proceed with the rulemaking. DOE says that the analysis presented in the NODA is consistent with the scope that DOE proposed in a test procedure NOPR for commercial and industrial pumps published on April 11, 2022. Comments on DOE's analysis were due by September 26, 2022.<sup>25</sup>
- **Ceiling Fans.** DOE has amended its test procedure for ceiling fans to include a definition for "circulating air" for the purpose of the ceiling fan definition; include ceiling fans greater than 24 feet within the scope of the test procedure; include certain belt-driven ceiling fans within the scope of the test procedure; specify that certain very small-diameter ceiling fans are not required to be tested; maintain applicability of the standby power test procedure to large-diameter ceiling fans; specify instructions for testing ceiling fans with certain accessories or features; clarify test voltage for large-diameter ceiling fans; amend the low speed definition and increase low speed tolerance for stability criteria; permit an alternate setup to collect air velocity test data and provide greater specificity regarding sensor orientation; amend the blade thickness measurement requirement; update instrument measurement resolution, represented values, rounding instructions, and enforcement provisions; and codify current guidance on calculating several values reported on the EnergyGuide label. DOE has also updated references to an industry test standard to reference the latest version.<sup>26</sup>
- **External Power Supplies.** DOE has amended its test procedure for external power supplies by clarifying the scope of the test procedure more explicitly; providing more specific instructions for testing single-voltage external power supplies with multiple-output busses and external power supplies shipped without an output cord; providing instructions allowing for functionality unrelated to the external power supply circuit to be disconnected during testing so long as the disconnection does not impact the functionality of the external power supply itself; specifying test requirements for adaptive external power supplies that conform to the industry-based Universal Serial Bus Power Delivery specifications consistent with current test procedure waivers that DOE has already granted for these products; and reorganizing the test procedure to centralize definitions, consolidate generally applicable requirements, and better delineate requirements for single-voltage, multiple-voltage, and adaptive external power supplies.<sup>27</sup>
- **Cooking Products.** DOE has established a test procedure for a category of cooking products, *i.e.*, conventional cooking tops, under a new appendix. The new test procedure adopts the latest version of the relevant industry standard for electric cooking tops with modifications. The modifications adapt the test method to gas cooking tops; normalize the energy use of each test cycle; include measurement of standby mode and off mode energy use; update certain test conditions; and clarify certain provisions. DOE has retitled the prior cooking products test procedure to specify that it is for microwave ovens only. DOE also has corrected the Code of Federal Regulations following an incorrect amendatory instruction in a June 2022 final rule.<sup>28</sup>

- **Consumer Clothes Dryers.** DOE has proposed amended energy conservation standards for consumer clothes dryers. It held a webinar on September 13, 2022. Comments were due by October 24, 2022. Comments regarding the likely competitive impact of the proposed standard were to be sent to the Department of Justice by September 22, 2022.<sup>29</sup>
- **Microwave Ovens.** DOE has issued a proposal to amend standards for microwave ovens. DOE held a webinar on October 11, 2022. Comments are due by November 7, 2022.<sup>30</sup>
- **Consumer Furnaces.** DOE has made available a revised version of the life-cycle-cost (LCC) spreadsheet supporting its NOPR to amend standards for non-weatherized gas furnaces (NWGF) and mobile home gas furnaces (MHGF). It held a webinar on September 6, 2022, to assist stakeholders with operation of the LCC spreadsheet. It also extended the comment period on the NOPR to October 6, 2022, from September 6, 2022.<sup>31</sup>
- **Water-Source Heat Pumps.** DOE has proposed to amend its test procedure for water-source heat pumps, with the main changes being ones to expand the scope of applicability of the test procedure; reference different industry standards than currently referenced; change to a seasonal cooling efficiency metric; and change the test conditions used for the heating metric. DOE has tentatively determined that the amended test procedure would produce results that are more representative of an average use cycle and more consistent with current industry practice without being unduly burdensome to conduct. DOE held a webinar on September 14, 2022. Comments are due by October 31, 2022.<sup>32</sup>
- **General Service Fluorescent Lamps, Incandescent Reflector Lamps, and General Service Incandescent Lamps.** DOE has amended its test procedures for general service fluorescent lamps (GSFLs), incandescent reflector lamps (IRLs), and general service incandescent lamps (GSILs) to update references to industry test standards and provide citations to specific sections of these standards; amend definitions; reference specific sections within industry test standards for further clarity; provide test methods for measuring coloring rendering index (CRI) for incandescent lamps and measuring lifetime of IRLs; clarify test frequency and inclusion of cathode power in measurements for GSFLs; decrease the sample size and specify all metrics for all lamps be measured from the same sample; and align terminology across relevant sections of the Code of Federal Regulations relating to GSFLs, IRLs and GSILs.<sup>33</sup>
- **Portable Electric Spas.** DOE has determined that portable electric spas qualify as a covered product under EPCA. DOE has determined that classifying portable electric spas as a covered product is necessary or appropriate to carry out the purposes of EPCA, and that the average U.S. household energy use for portable electric spas is likely to exceed 100 kilowatt-hours per year.<sup>34</sup> This may be followed by DOE prescribing test procedures and efficiency standards for these products. DOE has issued a notice proposing to establish definitions, a test procedure, and sampling requirements for portable electric spas. The proposed test method references the relevant industry test standard. DOE will hold a webinar on November 17, 2022. Comments are due by December 19, 2022.<sup>35</sup>
- **Miscellaneous Gas Products.** DOE has determined that miscellaneous gas products (MGPs), which comprise decorative hearths and outdoor heaters, qualify as covered products under EPCA. DOE has determined that coverage of MGPs is necessary and appropriate to carry out the purposes of EPCA, and that the average U.S. household energy use for MGPs is likely to

exceed 100 kilowatt-hours per year.<sup>36</sup> This may be followed by DOE prescribing test procedures and efficiency standards for these products.

- **Battery Chargers.** DOE has amended the test procedures for battery chargers to reorganize certain subsections; clarify symbology and references; correct an incorrect cross reference and section title; update the list of battery chemistries; and terminate an existing test procedure waiver because the covered subject models have been discontinued. DOE has also established in new Appendix Y1 a new test procedure for battery chargers that expands coverage to include inductive wireless battery chargers and establishes associated definitions and test provisions; establishes a new test procedure approach that relies on separate metrics for active mode, standby mode, and off mode; and updates the EPS selection criteria. The new test procedure Y1 will be used for the evaluation and issuance of updated efficiency standards, as well as to determine compliance with the updated standards, should such standards be established.<sup>37</sup>
- **Circulator Pumps.** DOE has established definitions, a test procedure, sampling and rating requirements, and enforcement provisions for circulator pumps. Currently, circulator pumps are not subject to DOE test procedures or energy conservation standards. DOE is adopting a test procedure for measuring the circulator energy index for circulator pumps. The test method references the relevant industry test standard. The definitions and test procedures are based on the recommendations of the Circulator Pump Working Group, which was established under the Appliance Standards Rulemaking Federal Advisory Committee.<sup>38</sup>
- **Metal Halide Lamp Fixtures.** DOE has issued a RFI to help it determine whether to amend the current standards for metal halide lamp fixtures (MHLFs). DOE is seeking to determine whether amended standards would result in significant energy savings and whether such standards would be technologically feasible and economically justified. Comments are due by November 7, 2022.<sup>39</sup>
- **Miscellaneous Refrigeration Products.** DOE has granted a waiver to GE Appliances, a Haier Company (GEA) from specified portions of the DOE test procedure for determining the energy consumption of a specified miscellaneous refrigeration product. GEA is required to test and rate the specified basic model of its product in accordance with an alternate test procedure set forth in the Decision and Order.<sup>40</sup>
- **Variable Refrigerant Flow Multi-Split Air Conditioners and Heat Pumps.** DOE has amended the test procedure for variable refrigerant flow (VRF) multi-split air conditioners and heat pumps (VRF multi-split system) to incorporate by reference the latest version of the applicable industry test standard. DOE has also adopted the integrated energy efficiency ratio metric in its test procedure for VRF multi-split systems. Additionally, DOE has adopted provisions in the updated industry test procedure relevant to certification and enforcement, including a controls verification procedure.<sup>41</sup>
- **Central Air Conditioners and Heat Pumps.** DOE has amended its test procedures for central air conditioners and heat pumps that will be required for certification of compliance with applicable energy conservation standards starting January 1, 2023, to address a limited number of specific issues, and make minor corrections to the current test procedures that are required for certification of compliance with applicable energy conservation standards prior to January 1, 2023.<sup>42</sup>

- **Furnace Fans.** DOE has issued a pre-publication Federal Register announcement of the availability of the preliminary analysis it has conducted for purposes of evaluating the need for amended standards for consumer furnace fans, which is set forth in DOE’s preliminary technical support document (TSD) for this rulemaking. DOE will hold webinar on December 5, 2022. Comments are due 60 days after publication in the Federal Register.<sup>43</sup>

**Conclusion.** The federal efficiency program is an important part of a “comprehensive national energy policy,”<sup>44</sup> provided for over 40 years ago under EPCA—in light of severe energy-related challenges stemming from the OPEC Oil Embargo. Energy efficiency remains a high priority as the nation continues to face energy-related challenges. Mandatory efficiency standards will continue to multiply to cover more products, and standards will become more stringent, backed by severe penalties. Interested parties should take advantage of opportunities to participate in DOE efficiency rulemaking proceedings.

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*This advisory is not intended to convey legal advice. It is circulated publicly as a convenience and does not reflect or create an attorney-client relationship.*

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<sup>1</sup> Scott Blake Harris, John A. Hodges, and Stephanie S. Weiner, *DOE Reorganizes and Presses Ahead on Energy Efficiency*, HWG Law (July 7, 2022), <http://www.hwglaw.com/wp-content/uploads/2022/07/DOE-reorganizes-and-presses-ahead-on-energy-efficiency-.pdf>.

<sup>2</sup> John A. Hodges, Stephanie S. Weiner, and Gena E. Cadieux, *Inflation Reduction Act Accelerates Biden Energy Efficiency Agenda*, HWG Law (Aug. 2022), <http://www.hwglaw.com/wp-content/uploads/2022/08/HWG-Energy-Efficiency-Update-August-2022.pdf>.

<sup>3</sup> DOE, *DOE Procedures for Administrative Adjudication of Civil Penalty Actions* (Sept. 2022), [https://www.energy.gov/sites/default/files/2022-09/DOE%20ALJ%20Procedures\\_0.pdf](https://www.energy.gov/sites/default/files/2022-09/DOE%20ALJ%20Procedures_0.pdf).

<sup>4</sup> Consent Decree, *Nat. Res. Def. Council v. Granholm*, No. 1:20-cv-09127-JMF (S.D.N.Y. Sept. 19, 2022).

<sup>5</sup> 42 U.S.C.A. § 6291 *et seq.*

<sup>6</sup> See Scott Blake Harris, John A. Hodges, and Stephanie S. Weiner, *supra* note 1.

<sup>7</sup> 42 U.S.C.A. § 6303(d).

<sup>8</sup> See DOE, *supra* note 3.

<sup>9</sup> See Consent Decree, *supra* note 4.

<sup>10</sup> HWG LLP, *HWG Energy Efficiency Updates*, HWG Law, <https://www.hwglaw.com/practice/energy/energy-efficiency-update/>.

<sup>11</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Consumer Water Heaters and Residential-Duty Commercial Water Heaters, SNOPR, 87 Fed. Reg. 42270 (July 14, 2022).

<sup>12</sup> DOE, Office of Energy Efficiency and Renewable Energy, Final Determination of Air Cleaners as a Covered Consumer Product, Final Rule; Final Determination, *id.* 42297 (July 15, 2022).

<sup>13</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Air Cleaners, NOPR, *id.* 63324 (Oct. 18, 2022).

<sup>14</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Electric Motors, Final Rule, *id.* 63588 (Oct. 19, 2022); *id.* 64689 (Oct. 26, 2022) (Correction).

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- <sup>15</sup> DOE, Office of Energy Efficiency and Renewable Energy, Energy Conservation Standards for Commercial Water Heating Equipment; Reopening of Comment Period, NOPR; Reopening of Public Comment Period, *id.* 43226 (July 20, 2022).
- <sup>16</sup> DOE, Office of Energy Efficiency and Renewable Energy, Certification for Ceiling Fan Light Kits, General Service Incandescent Lamps, Incandescent Reflector Lamps, Ceiling Fans, Consumer Furnaces and Boilers, Consumer Water Heaters, Dishwashers, and Commercial Clothes Washers, Battery Chargers, and Dedicated-Purpose Pool Pumps, Final Rule, *id.* 43952 (July 22, 2022); *id.* 54329 (Sept. 6, 2022) (Correcting Amendments).
- <sup>17</sup> DOE, Office of Energy Efficiency and Renewable Energy, Notification of Petition for Waiver of Norlake, Inc., dba Refrigerated Solutions Group, From the Department of Energy Walk-In Coolers and Walk-In Freezers Test Procedure and Notification of Grant of Interim Waiver, Notification of Petition for Waiver and Grant of an Interim Waiver, *id.* 43808 (July 22, 2022).
- <sup>18</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Fans and Blowers, NOPR, *id.* 44194 (July 25, 2022).
- <sup>19</sup> DOE, Office of Energy Efficiency and Renewable Energy, Energy Conservation Standards for Fans and Blowers, NODA, *id.* 62038 (Oct. 13, 2022).
- <sup>20</sup> DOE, Office of Energy Efficiency and Renewable Energy, Notice of Intent Regarding Bipartisan Infrastructure Law Support for Resilient and Efficient Building Energy Code Implementation, Notice of Intent, *id.* 44373 (July 26, 2022).
- <sup>21</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Direct Expansion-Dedicated Outdoor Air Systems, Final Rule, *id.* 45164 (July 27, 2022).
- <sup>22</sup> DOE, Office of Energy Efficiency and Renewable Energy, Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Intent to Establish a Working Group for Commercial Unitary Air Conditioners and Heat Pumps to Negotiate a Notice of Proposed Rulemaking for Test Procedures and Energy Conservation Standards, Notice of Intent and Solicitation of Nominations for Membership, *id.* 45703 (July 29, 2022).
- <sup>23</sup> DOE, Office of Energy Efficiency and Renewable Energy, Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Open Meetings of the Commercial Unitary Air Conditioner and Commercial Unitary Heat Pump Working Group, Notice of Open Meetings, *id.* 53699 (Sept. 1, 2022).
- <sup>24</sup> DOE, Office of Energy Efficiency and Renewable Energy, Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Open Meetings of the Commercial Unitary Air Conditioner and Commercial Unitary Heat Pump Working Group, Notice of Open Meetings and Webinars, *id.* 60942 (Oct. 7, 2022).
- <sup>25</sup> DOE, Office of Energy Efficiency and Renewable Energy, Energy Conservation Standards for Commercial and Industrial Pumps, NODA, *id.* 49537 (Aug. 11, 2022).
- <sup>26</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Ceiling Fans, Final Rule, *id.* 50396 (Aug. 16, 2022); *id.* 52433 (Aug. 26, 2022) (Final Rule; Correction).
- <sup>27</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for External Power Supplies, Final Rule, *id.* 51200 (Aug. 19, 2022).
- <sup>28</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Cooking Products, Final Rule, *id.* 51492 (Aug. 22, 2022).
- <sup>29</sup> DOE, Office of Energy Efficiency and Renewable Energy, Energy Conservation Standards for Consumer Clothes Dryers, NOPR, *id.* 51734 (Aug. 23, 2022).
- <sup>30</sup> DOE, Office of Energy Efficiency and Renewable Energy, Energy Conservation Standards for Microwave Ovens, SNOPR, *id.* 52282 (Aug. 24, 2022); *id.* 60941 (Oct. 7, 2022) (Extension of the Public Comment Period).
- <sup>31</sup> DOE, Office of Energy Efficiency and Renewable Energy, Energy Conservation Standards for Consumer Furnaces, NODA, *id.* 52861 (Aug. 30, 2022).
- <sup>32</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Water-Source Heat Pumps, NOPR, *id.* 53302 (Aug. 30, 2022).
- <sup>33</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedures for General Service Fluorescent Lamps, Incandescent Reflector Lamps, and General Service Incandescent Lamps, Final Rule, *id.* 53618 (Aug. 31, 2022).
- <sup>34</sup> DOE, Office of Energy Efficiency and Renewable Energy, Final Determination of Portable Electric Spas as a Covered Consumer Product, Final Rule; Final Determination, *id.* 54123 (Sept. 2, 2022).

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- <sup>35</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Portable Electric Spas, NOPR, *id.* 63356 (Oct. 18, 2022).
- <sup>36</sup> DOE, Office of Energy Efficiency and Renewable Energy, Final Determination of Miscellaneous Gas Products as a Covered Consumer Product, Final Rule; Final Determination, *id.* 54330 (Sept. 6, 2022).
- <sup>37</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Battery Chargers, Final Rule, *id.* 55090 (Sept. 8, 2022); *id.* 60867 (Oct. 7, 2022) (Correction).
- <sup>38</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Circulator Pumps, Final Rule, *id.* 57264 (Sept. 19, 2022).
- <sup>39</sup> DOE, Office of Energy Efficiency and Renewable Energy, Energy Conservation Standards for Metal Halide Lamp Fixtures, RFI, *id.* 60555 (Oct. 6, 2022).
- <sup>40</sup> DOE, Office of Energy Efficiency and Renewable Energy, Decision and Order Granting a Waiver to GE Appliances, a Haier Company, From the Department of Energy Miscellaneous Refrigeration Products Test Procedure, Notification of Decision and Order, *id.* 62835 (Oct. 17, 2022).
- <sup>41</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for VRF Multi-Split Systems, Final Rule, *id.* 63860 (Oct. 20, 2022).
- <sup>42</sup> DOE, Office of Energy Efficiency and Renewable Energy, Test Procedure for Central Air Conditioners and Heat Pumps, Final Rule, *id.* 64550 (Oct. 25, 2022).
- <sup>43</sup> DOE, Office of Energy Efficiency and Renewable Energy, Energy Conservation Standards for Consumer Furnace Fans, Notification of Availability of Preliminary Technical Support Document (pre-publication), [https://www.energy.gov/sites/default/files/2022-10/ff\\_ecs\\_pa.pdf](https://www.energy.gov/sites/default/files/2022-10/ff_ecs_pa.pdf).
- <sup>44</sup> S. Rep. No. 516, 95<sup>th</sup> Cong., 1<sup>st</sup> Sess. 116 (1975), U.S.C.C.A.N. 1975, p. 1762 (Conf. Rep.).