National Association of State Energy Officials

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Mr. Peter Cochran
Office of the General Counsel, GC-33,
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Subject: Docket No. EERE-2025-BT-STD-0001

Dear Mr. Cochran:

The National Association of State Energy Officials (NASEO) represents the 56 State, Territory, and District of Columbia Energy Offices, which lead the development of a wide range of energy policies and programs across all energy sectors, including advancing innovative technologies that make energy use more affordable for consumers and businesses. NASEO appreciates the opportunity to provide comments on the U.S. Department of Energy (DOE) Notice of Proposed Rulemaking (NOPR) *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* (Docket EERE-2025-BT-STD-0001).

NASEO does not support the proposed changes in the rulemaking process because they appear to *further* preempt states' rights in ways not envisioned under the 1987 bipartisan *National Appliance Energy Conservation Act* (NAECA). The proposed changes could result in backsliding on existing standards, create lengthy delays to setting new standards, and impede energy- and cost-saving U.S. technological innovations for appliances. The proposed approach would likely diminish the value of high-quality product innovations delivered by U.S.-based manufacturers operating in states across the nation and their ability to successfully compete in global markets. This action would likely decrease energy efficiency resulting in more costly appliance operating costs for consumers and businesses. In addition, these changes would lead to greater demand for electricity at a time when the nation is already faced with unprecedented demand growth, making it more difficult to provide affordable and reliable electricity.

For many years, NASEO has engaged on appliance standards, including the 1987 compromise on the circumstances for preemption of state authority under NAECA. This state-federal compromise resulted in federal appliance standards that have saved consumers money, promoted private sector competition, supported innovation, and increased economic growth by utilizing energy more efficiently to provide the same or even enhanced product function at lower overall costs of operation. According to DOE, federal appliance and equipment standards implemented since 1987 reduced utility bills for U.S. households and businesses by $105 billion in 2024 alone.[1]

Under NAECA (42 U.S.C. § 6297), state standard-setting authority is preempted *only* where a federal energy standard is established for a product and, in exchange, DOE is prohibited from adopting standards less stringent than those already in effect (i.e., no backsliding). When DOE updates a standard promptly, states retain confidence that the federal floor reflects current, cost-effective technologies. This allows states to rely on such standards to help meet their energy planning and policy objectives. However, when a federal standard goes unrevised for an extended period, states do not have such confidence. Their primary recourse is to pursue NAECA's narrow exception to federal pre-emption – state petition for waiver of preemption under § 6297(d). This process is costly and time-consuming. Because the docket contains no description of how the proposed changes will affect the pace at which DOE revisits existing standards, we are concerned that extended periods without updates would *further* preempt state and territory authority. To address these concerns, NASEO recommends that DOE:

1. ***Consult with State and Territory Energy Offices:*** Extend the early stakeholder input opportunity the NOPR proposes for coverage determinations to explicitly engage with State and Territory Energy Offices (e.g., regional discussions) regarding the proposed process change and impacts on covered product manufacturers, consumers, and businesses in their states and territories.
2. ***Commit to Standards Updates Timelines:*** Include in the final rulemaking specific milestones, criteria, and/or intervals at which DOE will review existing standards.
3. ***Streamline the Petition Process:*** In the event a standard has not been reviewed, offer a streamlined, lower-cost (e.g., digitized) path for a state's "§ 6297(d)" petition.

NASEO appreciates the opportunity to provide these comments for DOE's consideration.

Best regards,

David Terry
President, NASEO

[1] Appliance Standards Factsheet, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy. March 2025. https://www.energy.gov/sites/default/files/2025-03/Appliance%20Standards%20Fact%20Sheet-02.pdf