

## Comments for the Record



# Comment to Department of Energy on Conservation Standards for Dedicated-Purpose Pool Pumps

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I appreciate the opportunity to comment on the Department of Energy's (DOE) [direct final rule](#), titled "Energy Conservation Program: Energy Conservation Standards for Dedicated-Purpose Pool Pumps." This rule represents one of many energy efficiency rules promulgated in recent years. However, unlike the vast majority of DOE efficiency rules, the department has taken the peculiar and expedited route of publishing this measure as a direct final rule. Additionally, considering this is the first time DOE has sought to establish efficiency standards for this product category, it may be more prudent to consider them in a more deliberate fashion. Because of the following reasons, DOE ought to reconsider this course of action and proceed with promulgating this rule under typical notice-and-comment procedure.

One of the most pressing issues is the overall level of regulatory costs. With potential lifetime costs of \$2.6 billion, this rule is one of 22 final DOE rules in recent years with regulatory costs exceeding \$1 billion. Additionally, it is by far the most expensive rule for the pump and pumping equipment manufacturing industry. The second most expensive – efficiency standards for pumps – [costs \\$300 million](#). DOE only finalized those standards last year. That a rule establishing standards for a particular subset of pumps is more costly than one for pumps in general raises additional questions. And implementing these standards in such an expedited manner as a direct final rule likely only adds to that industry's cumulative regulatory burden in a deleterious way.

Aside from the more cumulative, macro-level concerns, there are also significant implications for consumers. Per DOE's analysis, the installation cost of a typical "Standard-Size Self-Priming Pool Filter Pump" will increase by \$372 – a 77 percent increase. Other pump categories will see price increases of anywhere between \$9 and \$66. As with any given efficiency standard rulemaking, DOE can justify these increases with LCC savings; it is important to note that those savings accrue over multiple years as opposed to the instance of purchase. As such, it affects consumers more acutely.

Given the significant economic impacts noted above, it seems less than prudent to attempt to forgo the normal rulemaking process. In fact, given the rule's January 18, 2017 publication date, promulgating it as a direct final rule contravenes the current administration's "Regulatory Freeze Pending Review" [memo](#). That memo sought to provide an additional period of consideration for rules that had undergone typical notice-and-comment procedure; allowing an expedited rule, with no clear effect on "critical health, safety, financial, or national security matters," to advance so quickly seems like an even more egregious action.

Thank you again for the opportunity to comment on this rulemaking. If you have any questions about my comment, please do not hesitate to contact me via phone or email.