

## Comments for the Record



# Comment to Department of Energy on Conservation Standards for Residential Central Air Conditioners

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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 Residential Central Air Conditioners and Heat 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. 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. At \$12.3 billion in total burdens during the rule's lifetime, this rulemaking represents the [seventh most expensive DOE rule](#) since at least 2005. Granted, the rule also has significant benefits that may justify it in a vacuum. However, it is hardly the only rule affecting this industry. In recent years, there have been five other rulemakings setting efficiency standards for air conditioning and heating manufacturers with lifetime costs in excess of \$1 billion. DOE ought to more thoroughly examine the cumulative implications of these regulatory burdens. Introducing this series of standards in such an expedited manner as a direct final rule likely does not allow that level of introspection.

Aside from the more cumulative, macro-level concerns, there are also significant implications for consumers. In DOE's analysis of the Life-Cycle Costs (LCC), certain product categories ("Split-System Central Air Conditioners" and "Split-System Central Heat Pumps") will see notable price increases due to higher installed costs. For Split-System Central Air Conditioners, consumers could see per-unit price increases of \$126 to \$192, depending upon the region. For Split-System Central Heat Pumps, prices could increase by \$145. 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 6, 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.