

## H.R. 8: EPCA Technical Corrections and Clarifications

### Section 3151 – Modifying Product Definitions

This provision amends the Energy Policy and Conservation Act to modify the process for changing definitions of covered products and equipment. Although the Secretary may modify a definition in order to address significant changes in the product or market or in order to better enable improvements in product efficiency, any modification and reasons for doing so must be published in the Federal Register, made available for public comment, and obtain consensus support through a process established by –

1. Rulemaking in accordance with the National Rulemaking Act of 1990, or
2. Stakeholders representing relevant points of view (e.g. manufacturing representatives, states, and energy efficiency advocates) issuing a joint statement recommending a modified definition.

The provision also details the effect of a modified definition for newly covered or excluded products and equipment.

### Section 3152 – Clarifying Rulemaking Procedures

This provision amends the Energy Policy and Conservation Act to add steps to the Department of Energy’s (DOE) rulemaking process and adds additional requirements for prescribing new or amended standards.

- The provision calls for public input on rule design options, opportunities for voluntary, nonregulatory actions, and the identification of significant subgroups of consumers and manufacturers that merit analysis.
- The provision also requires two additional steps in DOE’s rulemaking process. Public review and comment would include technical and economic assumptions and models used to establish a standard as well as cumulative impacts of existing government energy use standards and broader energy conservation standards on manufacturers of covered products.
- The provision also restricts test procedure amendments by designating a 6-month public comment period on proposed standards after the publication of a final rule revising the test procedure. This additional period for public input would apply to any proposed standards that are not yet finalized. The Secretary would be able to propose an amendment for test procedures while bypassing the public comment period if the amendment(s) has consensus support achieved through -
  1. Rulemaking in accordance with the Negotiated Rulemaking Act of 1990 or if
  2. Stakeholders representing relevant points of view (e.g. manufacturing representatives, states, and energy efficiency advocates) issuing a joint statement recommending that a supplemental notice of proposed rulemaking is not necessary for that type or class of appliance.