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Mr. Michael Helmer
Principal Deputy Assistant Secretary
Office of Critical Minerals and Energy Innovation
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585-0121

RE: Comments of the National Association of Manufacturers on DOE’s Notice of Proposed Rulemaking on the 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 (“Process Rule”); Docket No. EERE-2025-BT-STD-0001; RIN 1904-AF72; 91 Fed. Reg. 42034 (July 7, 2026)

Dear Mr. Helmer:

The National Association of Manufacturers (NAM) respectfully submits these comments on the proposed rulemaking issued by the Department of Energy (“DOE” or “the agency”) entitled, *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*, commonly referred to as “the Process Rule” (“the proposed rule” or “the proposal”). The NAM appreciates the opportunity to submit comments on the proposal and supports the DOE’s commitment to streamlining and modernizing regulatory processes to ensure they are informed by thorough analysis and the input of manufacturers.

The NAM is the voice of the manufacturing community and the leading advocate for a policy agenda that supports and empowers the 13 million people who make things in America. As the largest manufacturing association in the U.S., the NAM’s membership includes businesses of all sizes, across all industrial sectors, and in all 50 states. Manufacturers collectively contribute \$2.9 trillion to the U.S. economy—and right-sized, commonsense regulations are critical to sustaining the manufacturing strength that underpins our nation’s prosperity.

As both producers and users of energy, manufacturers are committed to maximizing energy efficiency and producing more energy-efficient consumer products that deliver cost savings, help reduce energy demand, and enhance America’s innovation edge. Manufacturers strongly support sensible efficiency and waste reduction measures across all sectors of the economy.

The NAM supports the DOE’s efforts to restore elements of the 2020 Process Rule through this proposed rulemaking. This proposal would improve predictability by making procedural rules legally binding, increase opportunities for comment and public participation in the rulemaking process, and provide commonsense deference to existing industry testing standards that have a proven track record. Along with these positive provisions, the NAM respectfully requests that the

DOE make additional targeted clarifications in its final rule to strengthen certainty for manufacturers and maintain federal preemption for energy efficiency standards.

Restoring Certainty Through Binding Procedures

Under the proposal, the DOE would be required to follow stricter procedures when issuing new rulemakings that increase efficiency standards. When procedural rules are legally binding, regulated entities can trust that the agency will follow a consistent analytical roadmap, reducing arbitrary shifts between regulatory cycles. Given that manufacturers must make significant financial investment decisions when developing new products, regulatory certainty is essential to remain competitive in the global market.

Unlike the 2020 Process Rule, this proposal would make it optional to use stricter procedures if the DOE is pursuing “deregulatory actions”. While manufacturers agree that it is important to apply binding procedural requirements to standards that increase stringency, the NAM also encourages the DOE to define the precise criteria for how “deregulatory actions” will be handled and to consider if the procedures for these actions should also be mandatory. This would prevent enforcement gaps or administrative uncertainty.

Ahead of the publication of the final rule, the NAM respectfully requests that the DOE clarify these terms to ensure there is a durable process for industry to understand how changes are made to efficiency standards.

Increasing Transparency and Effectiveness Through Expanded Comment Periods and Early Assessments

The NAM believes that the most effective regulatory process is one that leaves a reasonable amount of time for the public and industry to engage with policymakers while also heeding to statutory timing requirements. This ensures the open sharing of ideas, market data, and business information that may not be otherwise incorporated by the Department when a new rule or efficiency standard is initially proposed. It allows for thorough examination and analysis of data that can inform better outcomes, especially given the highly technical nature of the products being regulated, the planning timelines associated with new product lines, and the processes in which they are manufactured.

That is why the NAM supports the proposal’s reinstatement of a 75-day comment period for both pre-Notices of Proposed Rulemakings and Notices of Proposed Rulemakings, as was originally proposed in the 2020 Process Rule. We also support the reinstatement of the early assessment requirement before a standard can be amended, as well as the reinstatement of the 180-day timeframe between the finalization of a test procedure and the issuance of a proposed standard.

These changes will ensure the public and industry will have ample time to weigh in with information and provide sound data that can determine if new standards are required and, if so, what is scientifically and economically feasible to meet.

We would ask that the DOE clarify how these expanded opportunities would be treated in conjunction with the Energy Policy and Conservation Act’s (EPCA) statutory timing requirements to reduce legal risk and uncertainty for manufacturers.

Federal Preemption for Energy Efficiency Standards is Vital to Manufacturing Growth and Competitiveness

Manufacturers rely on certainty, predictability, and durability in the regulatory environment to inform their investment decisions. The adoption of conflicting energy efficiency rules by individual state markets leads to product complications and drives up costs for both manufacturers and consumers.. That is why the NAM has long supported maintaining the DOE's primary role in setting energy efficiency standards and preempting efforts by the states to enact their own. This is a bedrock principle enshrined in EPCA.

In a final rule, the NAM encourages the DOE to ensure any changes to the process rule, or any future deregulatory actions, make clear that federal preemption of energy efficiency standards remains in force.

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The NAM appreciates the DOE's consideration of the information and recommendations in these comments to ensure that any final rule is reasonable and incorporates the feedback and expertise of the manufacturers making these critical products. We look forward to continuing to work with the DOE to develop effective and sensible energy efficiency standards that provide certainty and predictability to manufacturers as they develop the next generation of consumer products for the American people and for the global market.

Sincerely,



Mike Davin
Senior Director, Energy and Resources Policy



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Vice President, Domestic Policy