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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To amend the Energy Policy and Conservation Act to prohibit the Secretary of Energy from prescribing any new or amended energy conservation standard for a product that is not technologically feasible and economically justified, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. LESKO introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Energy Policy and Conservation Act to prohibit the Secretary of Energy from prescribing any new or amended energy conservation standard for a product that is not technologically feasible and economically justified, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hands Off Our Home
5 Appliances Act”.

1 **SEC. 2. PRESCRIBING NEW OR AMENDED ENERGY CON-**
2 **SERVATION STANDARDS.**

3 (a) AMENDMENT OF STANDARDS.—

4 (1) IN GENERAL.—Section 325(m)(1) of the
5 Energy Policy and Conservation Act (42 U.S.C.
6 6295(m)(1)) is amended to read as follows:

7 “(1) IN GENERAL.—The Secretary may, for any
8 product, publish a notice of proposed rulemaking in-
9 cluding new proposed standards for such product
10 based on the criteria established under subsection
11 (o) and the procedures established under subsection
12 (p).”.

13 (2) AMENDMENT OF STANDARD.—Section
14 325(m)(3) of the Energy Policy and Conservation
15 Act (42 U.S.C. 6295(m)(3)) is amended to read as
16 follows:

17 “(3) AMENDMENT OF STANDARD.—Not later
18 than 2 years after a notice is issued under para-
19 graph (1), the Secretary shall publish a final rule
20 amending the standard for the product.”.

21 (b) PETITION FOR AMENDED STANDARD.—Section
22 325(n) of the Energy Policy and Conservation Act (42
23 U.S.C. 6295(n)) is amended—

24 (1) in the subsection heading, by striking “AN
25 AMENDED STANDARD” and inserting “AMENDMENT
26 OR REVOCATION OF STANDARD”;

1 (2) in paragraph (1), by inserting “or revoked”
2 after “should be amended”;

3 (3) by amending paragraph (2) to read as fol-
4 lows:

5 “(2) The Secretary shall grant a petition to de-
6 termine if energy conservation standards for a cov-
7 ered product should be amended or revoked if the
8 Secretary finds that such petition contains evidence,
9 assuming no other evidence were considered, that
10 such standards—

11 “(A) result in additional costs to con-
12 sumers;

13 “(B) do not result in significant conserva-
14 tion of energy or water;

15 “(C) are not technologically feasible; and

16 “(D) result in such covered product not
17 being commercially available in the United
18 States to all consumers.”; and

19 (4) in paragraph (4)—

20 (A) by striking “NEW OR AMENDED
21 STANDARDS.” and inserting “NEW, AMENDED,
22 OR REVOKED STANDARDS.”;

23 (B) by redesignating subparagraphs (A)
24 and (B) as clauses (i) and (ii), respectively;

1 (C) by striking “Not later than 3 years”
2 and inserting “(A) Not later than 3 years”; and

3 (D) by adding at the end the following:

4 “(B) Not later than 180 days after the date of
5 granting a petition to revoke standards, the Sec-
6 retary shall publish in the Federal Register—

7 “(i) a final rule revoking the standards; or

8 “(ii) a determination that it is not nec-
9 essary to revoke the standards.

10 “(C) The grant of a petition by the Secretary
11 under this subsection creates no presumption with
12 respect to the Secretary’s determination of any of
13 the criteria in a rulemaking under this section.”.

14 (c) CRITERIA.—Paragraphs (2) and (3) of section
15 325(o) of the Energy Policy and Conservation Act (42
16 U.S.C. 6295(o)) are amended to read as follows:

17 “(2) REQUIREMENTS.—

18 “(A) DESIGN.—Any new or amended en-
19 ergy conservation standard prescribed by the
20 Secretary under this section for any type (or
21 class) of covered product shall be designed to
22 achieve the maximum improvement in energy
23 efficiency, or, in the case of showerheads, fau-
24 cets, water closets, or urinals, water efficiency,

1 which the Secretary determines is techno-
2 logically feasible and economically justified.

3 “(B) TEST PROCEDURES.—The Secretary
4 may not prescribe a new or amended energy
5 conservation standard under this section for a
6 type (or class) of covered product if a test pro-
7 cedure has not been prescribed pursuant to sec-
8 tion 323 with respect to that type (or class) of
9 product.

10 “(C) SIGNIFICANT CONSERVATION.—The
11 Secretary may not prescribe a new or amended
12 energy conservation standard under this section
13 for a type (or class) of covered product if the
14 Secretary determines that the establishment
15 and imposition of such energy conservation
16 standard will not result in significant conserva-
17 tion of—

18 “(i) energy; or

19 “(ii) in the case of showerheads, fau-
20 cets, water closets, or urinals, water.

21 “(D) TECHNOLOGICALLY FEASIBLE AND
22 ECONOMICALLY JUSTIFIED.—The Secretary
23 may not prescribe a new or amended energy
24 conservation standard under this section for a
25 type (or class) of covered product unless the

1 Secretary determines that the establishment
2 and imposition of such energy conservation
3 standard is technologically feasible and eco-
4 nomically justified.

5 “(3) FACTORS FOR DETERMINATION.—

6 “(A) ECONOMIC ANALYSIS.—Prior to pre-
7 scribing any new or amended energy conserva-
8 tion standard under this section for any type
9 (or class) of covered product, the Secretary
10 shall conduct a quantitative economic impact
11 analysis of imposition of the energy conserva-
12 tion standard that determines the predicted—

13 “(i) effects of imposition of the energy
14 conservation standard on costs and mone-
15 tary benefits to consumers of the products
16 subject to such energy conservation stand-
17 ard, including—

18 “(I) costs to low-income house-
19 holds; and

20 “(II) variations in costs to con-
21 sumers based on differences in re-
22 gions, including climatic differences;

23 “(ii) effects of imposition of the en-
24 ergy conservation standard on employment;
25 and

1 “(iii) lifecycle costs for the covered
2 product, including costs associated with
3 the purchase, installation, maintenance,
4 disposal, and replacement of the covered
5 product.

6 “(B) PROHIBITION ON ADDITIONAL COSTS
7 TO THE CONSUMER.—The Secretary may not
8 determine that imposition of an energy con-
9 servation standard is economically justified un-
10 less the Secretary, based on an economic anal-
11 ysis under subparagraph (A), determines that—

12 “(i) imposition of such energy con-
13 servation standard is not likely to result in
14 additional net costs to the consumer, in-
15 cluding any increase in net costs associated
16 with the purchase, installation, mainte-
17 nance, disposal, and replacement of the
18 covered product; and

19 “(ii) the monetary value of the energy
20 savings and, as applicable, water savings,
21 that the consumer will receive as a result
22 of such energy conservation standard dur-
23 ing the first 3 years after purchasing and
24 installing a covered product complying with
25 such energy conservation standard, as cal-

1 culated under the applicable test proce-
2 dure, will be greater than any increased
3 costs to the consumer of the covered prod-
4 uct due to imposition of such energy con-
5 servation standard, including increased
6 costs associated with the purchase, instal-
7 lation, maintenance, disposal, and replace-
8 ment of the covered product.

9 “(C) REQUIRED ENERGY OR WATER SAV-
10 INGS.—The Secretary may not determine that
11 imposition of an energy conservation standard
12 is economically justified unless the Secretary
13 determines that compliance with such energy
14 conservation standard will result in—

15 “(i) a reduction of at least 0.3 quads
16 of site energy over 30 years; or

17 “(ii) at least a 10 percent reduction in
18 energy or water use of the covered product.

19 “(D) CRITERIA RELATED TO PERFORM-
20 ANCE.—The Secretary may not determine that
21 imposition of an energy conservation standard
22 is economically justified unless the Secretary
23 determines that imposition of such energy con-
24 servation standard will not result in any less-
25 ening of the utility or the performance of the

1 applicable covered product, taking into consid-
2 eration the effects of such energy conservation
3 standard on—

4 “(i) the compatibility of the covered
5 product with existing systems;

6 “(ii) the life span of the covered prod-
7 uct;

8 “(iii) the operating conditions of the
9 covered product;

10 “(iv) the duty cycle, charging time,
11 and run time of the covered product, as
12 applicable;

13 “(v) the maintenance requirements of
14 the covered product; and

15 “(vi) the replacement and disposal re-
16 quirements for the covered product.

17 “(E) CRITERIA RELATED TO MARKET COM-
18 PETITION AND PRICE DISCRIMINATION.—The
19 Secretary may not determine that imposition of
20 an energy conservation standard is economically
21 justified unless the Secretary determines that
22 imposition of the energy conservation standard
23 is not likely to result in—

24 “(i) any lessening of market competi-
25 tion; or

1 “(ii) price discrimination.

2 “(F) TECHNOLOGICAL INNOVATION.—The
3 Secretary may not determine that imposition of
4 an energy conservation standard is economically
5 justified unless the Secretary determines that
6 imposition of such energy conservation standard
7 is not likely to result in the unavailability in the
8 United States of a type (or class) of products
9 based on what type of fuel the product con-
10 sumes.

11 “(G) OTHER CONSIDERATIONS.—In deter-
12 mining whether imposition of an energy con-
13 servation standard is economically justified, the
14 Secretary—

15 “(i) shall prioritize the interests of
16 consumers;

17 “(ii) may not consider estimates of
18 the social costs or social benefits associated
19 with incremental greenhouse gas emissions;
20 and

21 “(iii) shall consider—

22 “(I) the economic impact of the
23 standard on the manufacturers and
24 on the consumers of the products sub-
25 ject to such standard;

1 “(II) the savings in operating
2 costs throughout the estimated aver-
3 age life of the covered product in the
4 type (or class) compared to any in-
5 crease in the price of, or in the initial
6 charges for, or maintenance expenses
7 of, the covered products which are
8 likely to result from the imposition of
9 the standard;

10 “(III) the total projected amount
11 of energy, or as applicable, water, sav-
12 ings likely to result directly from the
13 imposition of the standard;

14 “(IV) the need for national en-
15 ergy and water conservation; and

16 “(V) other factors the Secretary
17 considers relevant.

18 “(H) REGULATORY REVIEW.—

19 “(i) EVALUATION.—Not later than 2 years
20 after the issuance of any final rule prescribing
21 a new or amended energy conservation standard
22 under this section for any type (or class) of cov-
23 ered product, the Secretary shall evaluate the
24 rule to determine whether such energy con-
25 servation standard is technologically feasible

1 and economically justified and whether the reg-
2 ulatory impact analysis for such rule remains
3 accurate.

4 “(ii) EFFECT.—Notwithstanding any other
5 provision of this part, if the Secretary deter-
6 mines, based on an evaluation under clause (i),
7 that an energy conservation standard is not
8 technologically feasible or economically justi-
9 fied—

10 “(I) the Secretary shall publish such
11 determination and such energy conserva-
12 tion standard shall have no force or effect;
13 and

14 “(II) the Secretary may publish a
15 final rule amending the energy conserva-
16 tion standard for the type (or class) of cov-
17 ered product to be technologically feasible
18 and economically justified in accordance
19 with this subsection, which amendment
20 shall apply to such a product that is manu-
21 factured after the date that is 2 years
22 after publication of such final rule.”.

23 **SEC. 3. CONFORMING AMENDMENTS.**

24 (a) REGIONAL STANDARDS.—Section
25 325(o)(6)(D)(i)(II) of the Energy Policy and Conservation

1 Act (42 U.S.C. 6295(o)(6)(D)(i)(II)) is amended by strik-
2 ing “this paragraph” and inserting “this subsection”.

3 (b) PROCEDURE FOR PRESCRIBING NEW OR AMEND-
4 ED STANDARDS.—Section 325(p)(2)(A) of the Energy
5 Policy and Conservation Act (42 U.S.C. 6295(p)(2)(A))
6 is amended by striking “taking into account those factors
7 which the Secretary must consider under subsection
8 (o)(2)” and inserting “as determined in accordance with
9 subsection (o)”.

10 (c) ENERGY CONSERVATION STANDARDS FOR HIGH-
11 INTENSITY DISCHARGE LAMPS, DISTRIBUTION TRANS-
12 FORMERS, AND SMALL ELECTRIC MOTORS.—Section 346
13 of the Energy Policy and Conservation Act (42 U.S.C.
14 6317) is amended by striking subsection (c).