



Submitted via regulations.gov

March 13, 2025

Ms. Julia Hegarty
U.S. Department of Energy
Office of Energy Efficiency and Renewable Energy
Building Technologies Office, EE-5B
1000 Independence Avenue SW
Washington, DC 20585-0121

**Re: Final rule; Delay of effective date; Request for comment:
*Energy Conservation Program: Energy Conservation Standards for
Consumer Water Heaters, EERE-2017-BT-STD-0019, RIN 1904-AF65,
90 Fed. Reg. 9951 (February 20, 2025)***

Dear Ms. Hegarty:

The American Gas Association (“AGA”), American Public Gas Association (“APGA”), and National Propane Gas Association (“NPGA”) (collectively, “Joint Commenters”) respectfully submit these comments in response to the above-referenced proceeding regarding the final rule, delay of effective date, and request for comment pertaining to energy conservation standards for consumer water heaters issued by the U.S. Department of Energy (“DOE”).¹

I. Identity and Interest

AGA, founded in 1918, represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 79 million residential, commercial, and industrial natural gas customers in the U.S., of which 94 percent — more than 74 million customers — receive their gas from AGA members. AGA is an advocate for natural gas utility companies and their customers and provides a broad range of programs and services for member natural gas pipelines, marketers, gatherers, international natural gas companies, and industry associates. Today, natural gas meets more than one-third of the United States’ energy needs.²

APGA is the trade association for more than 730 communities across the U.S. that own and operate their retail natural gas distribution entities. They include not-for-profit gas distribution systems

¹ *Energy Conservation Program: Energy Conservation Standards for Consumer Water Heaters, EERE-2017-BT-STD-0019, RIN 1904-AF65, 90 Fed. Reg. 9951 (February 20, 2025).*

² For more information, please visit www.aga.org.

owned by municipalities and other local government entities, all locally accountable to the citizens they serve. Public gas systems focus on providing safe, reliable, and affordable energy to their customers and support their communities by delivering fuel to be used for cooking, clothes drying, and space and water heating, as well as for various commercial and industrial applications.³

NPGA is the national trade association of the propane industry with a membership of about 2,400 companies, and 36 state and regional associations that represent members in all 50 states. Membership in NPGA includes retail marketers of propane gas who deliver the fuel to the end user, propane producers, transporters and wholesalers, and manufacturers and distributors of equipment, containers, and appliances. Propane gas fuels millions of installations nationwide for home and commercial heating and cooking, in agriculture, industrial processing, and as a clean air alternative engine fuel for both over-the-road vehicles and industrial lift trucks. Roughly 75% of NPGA's members have fewer than 100 employees and are considered small businesses.

Joint Commenters provide the energy needed to fuel consumer water heaters, thus making them critical stakeholders. Joint Commenters support and actively invest in energy efficiency.

II. Comments

A. Joint Commenters Support Delay of Effective Date

Joint Commenters strongly support DOE's decision to delay the effective date of this rulemaking and respectfully urge the agency to extend the delay further.⁴

B. Prior Feedback from Joint Commenters

Joint Commenters have consistently raised significant concerns regarding this rulemaking. On August 22, 2024, in response to the notice of data availability for this rule, Joint Commenters submitted detailed feedback identifying various critical flaws and concerns.⁵ On September 26, 2023, in response to the notice of proposed rulemaking, Joint Commenters provided substantial feedback outlining multiple errors and concerns with the proposed rule.⁶ The issues raised in the

³ For more information, please visit www.apga.org.

⁴ Joint Commenters note that the U.S. House of Representatives passed a resolution (H.J. Res. 20) to disapprove *Energy Conservation Program: Energy Conservation Standards for Consumer Water Heaters*, EERE-2017-BT-STD-0019, RIN 1904-AF65, 90 Fed. Reg. 9951 (February 20, 2025) and the matter has been paced on the Senate calendar. Delay in the effective date is warranted to allow the legislative process to conclude.

⁵ *Energy Conservation Program: Energy Conservation Standards for Consumer Water Heaters*, EERE-2017-BT-STD-0019, RIN 1904-AF65, 89 Fed. Reg. 59692 (July 23, 2024), available at <https://www.regulations.gov/comment/EERE-2017-BT-STD-0019-1439>. Joint Commenters incorporate by reference the aforementioned comments into this submission.

⁶ Joint Commenters incorporate by reference the comments filed on September 26, 2023 in *Energy Conservation Program: Energy Conservation Standards for Consumer Water Heaters*, EERE-2017-BT-STD-0019 by AGA, APGA, NPGA, and Spire Inc., Spire Missouri Inc., and Spire Alabama Inc., ("2023 Comments") available at <https://www.regulations.gov/comment/EERE-2017-BT-STD-0019-1181>. See *Energy Conservation Program: Energy Conservation Standards for Consumer Water Heaters*, EERE-2017-BT-STD-0019, RIN 1904-AD91, 88 Fed. Reg. 49058 (July 28, 2023). Additionally, AGA, APGA, NPGA, and Rinnai filed comments with the Department of Justice on August 23, 2023 in this proceeding, available at

prior comments remain pertinent to the final rule and the delay in the effective date since many of the concerns raised remain unaddressed, which underscores the necessity of further delaying the final rule's effective date.

Despite Joint Commenters' feedback, DOE proceeded with the final rule without making substantive changes to address these concerns. Therefore, Joint Commenters reiterate the prior comments submitted in this proceeding, which are incorporated by reference into this submission. Notably, on February 15, 2025, DOE stated that it was "creating a new energy efficiency category for natural gas tankless water heaters."⁷ This is a position supported by the Joint Commenters as evidenced by the prior submitted comments.

III. Conclusion

As discussed in these comments, Joint Commenters respectfully urge DOE to further delay the effective date of this rule.

Joint Commenters thank DOE for its review and consideration of these comments. If you have any questions regarding this submission, please do not hesitate to contact the undersigned.

Respectfully submitted,

<https://www.regulations.gov/comment/EERE-2017-BT-STD-0019-0441>, which is also incorporated by reference into this submission.

⁷ DOE, "Energy Department Acts to Lower Prices and Increase Consumer Choice with Household Appliances," dated February 14, 2025, available at <https://www.energy.gov/articles/energy-department-acts-lower-prices-and-increase-consumer-choice-household-appliances>.



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Cc: Mr. Uchechukwu “Emeka” Eze, (U.S. DOE, Office of General Counsel).