



Submitted via regulations.gov

April 14, 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: Proposed Rule; Withdrawal of Determination; Request for comment:
*Energy Conservation Program: Proposed Withdrawal of Determination
of Miscellaneous Gas Products as Covered Consumer Product, EERE-
2025-BT-DET-0019, RIN 1904-AF70, 90 Fed. Reg. 11908 (March 13,
2025)***

Dear Ms. Hegarty:

The American Gas Association (“AGA”), American Public Gas Association (“APGA”), and the National Propane Gas Association (“NPGA”) (collectively, “Joint Commenters”) respectfully submit these comments in response to the above-referenced proceeding regarding the proposed withdrawal of the determination of miscellaneous gas products as a covered consumer product 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

¹ *Energy Conservation Program: Proposed Withdrawal of Determination of Miscellaneous Gas Products as Covered Consumer Product*, EERE-2025-BT-DET-0019, RIN 1904-AF70, 90 Fed. Reg. 11908 (March 13, 2025).

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

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 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 2,300 companies, and 36 state and regional associations representing members in all 50 states. NPGA's membership 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, or liquefied petroleum gas, is used in millions of installations nationwide for home and commercial heating and cooking, in agriculture, in industrial processing, and as a clean air alternative engine fuel for both over-the-road vehicles and industrial lift trucks. NPGA represents appliance manufacturers and distributors of appliances as well as propane marketers that provide the fuel used by the appliances.

Joint Commenters provide the energy needed to fuel miscellaneous gas products, thus making them critical stakeholders. Joint Commenters support and actively invest in energy efficiency.

II. Comments

A. Joint Commenters Support the Withdrawal of the Determination of Miscellaneous Gas Products as a Covered Consumer Product

Joint Commenters strongly support DOE's decision to withdraw its prior determination that miscellaneous gas products, which are comprised of decorative hearth products and outdoor heaters, qualify as covered products under the Energy Policy and Conservation Act, as amended ("EPCA"). As discussed in prior comments filed in this proceeding summarized below, minimum efficiency standards for the products previously identified by DOE in this proceeding are neither "necessary" nor "appropriate" within the meaning of 42 U.S.C. §6292(b)(1)(A), as there is no reasonable potential that efficiency standards for these products would provide significant energy savings or be economically justified.

B. Prior Feedback from Joint Commenters

Joint Commenters have raised concerns regarding this proceeding in multiple prior submissions. On April 8, 2022, in response to DOE's notice of tentative determination, NPGA as well as AGA and APGA submitted detailed comments raising several critical concerns on the agency's proposal to regulate these products.⁴ On July 14, 2022, Joint Commenters, in response to DOE's request for information, submitted comments supporting and reiterating many concerns from comments

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

⁴ Joint Commenters incorporate by reference the comments filed on April 8, 2022 in *Energy Conservation Program: Proposed Determination of Miscellaneous Gas Products as a Covered Consumer Product*, EERE-2021-BT-DET-0034 by AGA and APGA available at <https://www.regulations.gov/comment/EERE-2021-BT-DET-0034-0015> and the comments of NPGA available at <https://www.regulations.gov/comment/EERE-2021-BT-DET-0034-0014>.

submitted by the Hearth, Patio and Barbecue Association.⁵ On December 19, 2022, AGA and APGA, as well as NPGA submitted comments in response to DOE's notification of data availability⁶ echoing the concerns detailed in the comments above that minimum efficiency standards for the products listed are neither necessary nor appropriate under EPCA. Prior comments further urged DOE that, in the event it deems regulation of these products appropriate, it must implement the recommendations from the National Academies of Sciences, Engineering, and Medicine Report.

Consistent with the positions previously submitted by Joint Commenters, we support the withdrawal of determination of miscellaneous gas products as a covered consumer product. Furthermore, Joint Commenters support the comments submitted by the Hearth, Patio and Barbecue Association in support of the withdrawal of determination of miscellaneous gas products as a covered consumer product in response to DOE's recent issuance.

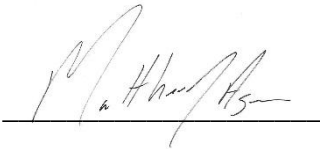
III. Conclusion

As discussed in these comments, Joint Commenters respectfully urge DOE to withdraw the determination of miscellaneous gas products as a covered consumer product. 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.

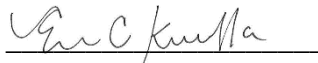
⁵ Joint Commenters incorporate by reference the comments filed on July 14, 2022 in *Energy Conservation Program: Energy Conservation Standards for Miscellaneous Gas Product*, EERE-2022-BT-STD-0017 by AGA, APGA and NPGA available at <https://www.regulations.gov/comment/EERE-2022-BT-STD-0017-0008>. See comments of the Hearth, Patio and Barbecue Association in response to DOE's Notice of Proposed Determination of Coverage (April 8, 2022), is available at <https://www.regulations.gov/comment/EERE-2021-BT-DET-0034-0011>.

⁶ Joint Commenters incorporate by reference the comments filed by AGA and APGA on December 19, 2022 in *Energy Conservation Program: Energy Conservation Standards for Miscellaneous Gas Product*, EERE-2022-BT-STD-0017, available at <https://www.regulations.gov/comment/EERE-2022-BT-STD-0017-0024> and the comments of NPGA available at <https://www.regulations.gov/comment/EERE-2022-BT-STD-0017-0023>.

Respectfully submitted,



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