

May 27, 2026

Ms. Julia Hegarty
U.S. Department of Energy
Office of Critical Minerals and Energy Innovation
Building Technologies Office, CM-5B
100 Independence Avenue SW
Washington, DC 20585-0121

Re: Comments in Support of Amended Compliance Dates for Commercial Water Heating Equipment and Consumer Furnaces Rules and Further Revision to the Rules, *Energy Conservation Program: Notification of Petition for Rulemaking*, EERE-2026-BT-STD-0001, 91 Fed. Reg. 22477 (April 27, 2026)

Dear Ms. Hegarty:

On April 27, 2026, the Department of Energy (“Department” or “DOE”) issued a Notice of Petition for Rulemaking (“NOPR”) seeking public comment on whether the Department should undertake a rulemaking to consider extending the compliance dates for energy efficiency standards for residential natural gas and propane furnaces and commercial water heaters.¹ The undersigned organizations, which represent a variety of diverse stakeholder interests, submit these comments in support of extending the compliance deadline for the aforementioned rules until January 1, 2030. Additionally, the organizations urge DOE to initiate rulemakings to amend or revoke the rules and establish separate product classes, as the current rules harm consumers economically and leave them with fewer appliance options that best meet their household or business needs.

Beginning this year, the flawed DOE efficiency standards referenced above will make it illegal to manufacture and sell certain natural gas and propane appliances that have been on the market for decades and are installed in millions of homes and businesses across the United States. Currently, the compliance date for the commercial water heater rule is October 6, 2026,² and the compliance date for the consumer furnace rule is December 18, 2028.³ These rules, once in effect, will raise costs, eliminate consumer choice, and place undue burden on vulnerable communities that want affordable heat and hot water. Also, a petition for certiorari challenging the final efficiency standards is pending before the Supreme Court – and the United States Solicitor General

¹ *Notification of Petition for Rulemaking; Request for Comment*, 91 Fed. Reg. 22477 (April 27, 2026).

² *Energy Conservation Program: Energy Conservation Standards for Commercial Water Heating Equipment*, 88 Fed. Reg. 69,686 (Oct. 6, 2023).

³ *Energy Conservation Program: Energy Conservation Standards for Consumer Furnaces*, 88 Fed. Reg. 87,502 (Dec. 18, 2023).

has asked the Court to take action in the case. Absent an extension of the compliance dates, these flawed standards may go into effect before the Court even acts on the petition. Furthermore, manufacturers of both the appliances and the associated venting equipment, as well as contractors, wholesalers, distributors, homebuilders, and others in the supply chain, are in limbo regarding important business decisions.

Moreover, the rules, if left unchanged, will force expensive home and building renovations to accommodate replacement appliances with vastly different venting and drainage systems. DOE's own data shows that 30% of senior-only households, 26% of low-income households, 27% of small businesses, and 39% of mobile home consumers will face higher costs as a result of the new regulations. The rules are neither pro-consumer nor pro-affordability, as they will negatively affect families with higher installation costs or eliminate natural gas and propane as a fuel option altogether. DOE should make changes to these rules to prevent hardship, inequity, or unfair distribution of burdens on all consumers, but especially the consumer segments noted above.

After further review of the two final rules, DOE determined that both rules are factually and legally flawed. Consistent with these determinations, DOE recently filed a brief at the Supreme Court in support of a pending petition seeking Court review of a D.C. Circuit decision upholding the rules at issue in this proceeding.⁴ DOE asked the Supreme Court to: 1) grant the petition for a writ of certiorari, 2) vacate the judgment of the Court of Appeals that upheld these regulations,⁵ and 3) remand the matter back to the lower court.⁶ DOE explained that the rules are based on a flawed reading of the Energy Policy and Conservation Act, and that the Department is committed to protecting consumers' freedom to choose from a variety of goods and appliances. Moreover, DOE stated that it is considering issuing a new rulemaking to fix the errors.

The undersigned organizations agree with DOE that the rules require correction and urge the Department both to extend the compliance deadlines and to initiate new rulemakings that preserve consumer choice and lower costs for homeowners and businesses. To accomplish this goal, DOE should establish separate product classes with different efficiency standards so that both condensing and non-condensing appliances remain available for consumers.

DOE should extend the compliance deadlines for both rules until January 1, 2030, to provide regulatory certainty while judicial review of these rules is pending and related regulatory matters remain active. Absent an extension, these rules will impose serious and avoidable hardship on households, businesses, and communities across the United States. Amending the compliance dates would aid in maintaining energy affordability and would preserve energy choice.

⁴ Petition for Writ of Certiorari at Supreme Court of the United States, *AGA v. DOE*, No. 25-879 (Jan. 20, 2026).

⁵ See *AGA, et al. v. DOE*, Case No. 22-1030 (D.C. Cir. 2025).

⁶ Brief of the Federal Respondents, filed April 28, 2026, in *AGA v. DOE*, No. 25-879, available at https://www.supremecourt.gov/DocketPDF/25/25-879/405546/20260428153159320_25-879%20American%20Gas%20Response.pdf.

Thank you for your consideration.

Sincerely,

Alabama Natural Gas Association
American Gas Association
American Public Gas Association
Building Industry Association of Washington
Carolinas Natural Gas Coalition
Competitive Enterprise Institute
Consumer Energy Alliance
Distribution Contractors Association
DuraVent Group
Energy Association of Pennsylvania
Florida Natural Gas Association
Gas and Oil Association of West Virginia
GPA Midstream Association
GPSA Association
Heating, Air-conditioning, & Refrigeration Distributors International
Independent Petroleum Association of America
Indiana Energy Association
Metal-Fab, Inc.
Meter, Valve & Control Inc.
National Apartment Association
National Association of Home Builders
National Association of REALTORS®
National Energy & Fuels Institute
National Multifamily Housing Council
National Propane Gas Association
Natural Gas Association of Georgia
New Jersey Utilities Association
Northeast Gas Association
Pennsylvania Utility Contractors Association
Plastics Pipe Institute
SGA Natural Gas Association
Texas Gas Association
U.S. Chamber of Commerce
Utility Workers Union of America