Appliance Standards Awareness Project
American Council for an Energy-Efficient Economy

July 15, 2025

Mr. David Taggart
U.S. Department of Energy
Office of the General Counsel, GC-1
1000 Independence Avenue SW, Washington, DC 20585

RE: Docket Number EERE–2025–BT–TP–0035: Notice of Proposed Rule; Test Procedures for Commercial Warm Air Furnaces

Dear Mr. Taggart,

This letter constitutes the comments of the Appliance Standards Awareness Project (ASAP) and the American Council for an Energy-Efficient Economy (ACEEE) on the proposed rule for test procedures for commercial warm air furnaces (CWAFs). 90 Fed. Reg 20909 (May 16, 2025). We appreciate the opportunity to provide input to the Department.

In a June 2023 final rule,[1] which was subsequently confirmed in a January 2025 final determination,[2] DOE established an updated energy efficiency metric, thermal efficiency two (TE2), for commercial warm air furnaces ("Appendix B"). The Department is now proposing to rescind in its entirety the amended test procedure.

By statute, DOE must prescribe or amend a test procedure that captures energy efficiency during a representative use cycle.[3] Through the rulemaking that culminated in the June 2023 final rule, DOE determined that the industry test procedure (ASHRAE 90.1-2022) is not reasonably designed to produce test results that reflect energy efficiency during a representative average use cycle. Specifically, thermal efficiency (TE) does not capture jacket losses and part-load operation, and therefore the industry standard does not account for significant variations in energy use across CWAF models. In the December 2024 notice of tentative determination, DOE presented data that showed that a CWAF with a TE of 81% could, depending on jacket losses and part-load operation, have a measured TE2 ranging from 77.5 to 82%.[4] In the current proposed rule, the Department has asserted that DOE previously overestimated the impacts of jacket losses and part-load operation on the energy use of CWAFs. However, DOE has provided no data or analysis to substantiate that claim.

By statute, DOE must also prescribe or amend a test procedure that is not unduly burdensome to conduct. In the June 2023 final rule, DOE estimated testing costs for TE2 based on actual price quotations from third-party laboratories and the estimated cost to develop an alternative energy

[1] 88 Fed. Reg. 36217 (June 2, 2023).
[2] 90 Fed. Reg. 5560 (January 17, 2025).
[3] 42 U.S. Code § 6293(b)(3)
[4] 89 Fed. Reg. 104864 (December 26, 2024).

determination method (AEDM).[5] The Department acknowledged the additional testing costs to determine TE2 compared to TE, but concluded that these additional costs "are not unduly burdensome and are justified due to the improved representativeness of TE2 as compared to TE."[6] In the current proposed rule, the Department has asserted that DOE previously underestimated the burdens of the TE2 test procedure. However, DOE again provides no discussion or analysis to support the change in position.

DOE has not substantiated the claims that the Department has used as rationale to support the proposed rule. It is inappropriate for DOE to rescind Appendix B, and we urge the Department to withdraw the proposed rule.

Thank you for considering these comments.

Sincerely,

Rachel Margolis
Senior Technical Advocacy Associate
Appliance Standards Awareness Project

Matt Malinowski
Director, Buildings Program
American Council for an Energy-Efficient Economy

[5] 88 Fed. Reg. 36230.

[6] DOE determined that the testing cost per unit at a third-party laboratory is $4,200 for TE and $6,400 for TE2. Furthermore, DOE allows manufacturers to use an AEDM for the TE2 metric, significantly reducing costs for industry. 88 Fed. Reg. 36229.