

DOE Announces Changes to the Energy Conservation Standards Process

November 16, 2010 -- The Department of Energy today announced it is making changes to expedite its rulemaking process. Historically, the Department has had difficulty meeting deadlines imposed by Congress for adopting energy efficiency standards. The Department has already taken steps to improve its internal management of the rulemaking process, and is now making further changes designed to make the rulemaking process more efficient. Those changes are as follows:

1. Notice of Proposed Rule

The energy conservation standards rulemaking process typically began with a framework document, followed by a preliminary analysis. Only after these two steps were completed did the Department issue a proposed rule for public comment. While the framework document and preliminary analysis provide useful information, there are more efficient ways of gathering data. Accordingly, in appropriate cases, the Department will gather the needed preliminary data informally and begin the public rulemaking process with the issuance of a proposed rule for public comment.

2. Moving Analytical Information to Technical Support Document

The typical energy conservation standards Federal Register document has been several hundred pages long. These documents are so long, in large part, because the Department summarizes a great deal of the underlying analysis available in other documents. These summaries must be thoroughly reviewed to ensure that they accurately reflect the underlying data – even though the decisions are based on the data not the summaries. Going forward, the Department will provide references in the rulemaking documents to the analytical information in the technical support documents or elsewhere in the docket. Doing so will shorten the rulemaking documents, allow the process to proceed more efficiently, and allow the public to focus on the policy choices made by the rulemaking.

3. Establish a Standing Negotiated Rulemaking Committee

Negotiated rulemaking is a process by which an agency attempts to develop a consensus proposal for regulation in consultation with all interested parties and before issuing a proposed rule. It allows an agency to address comments from interested parties in issuing a proposed rule. We believe this process, when done correctly, yields both better and faster decisions. Accordingly, the Department will now use negotiated rulemakings as a means to engage the public, gather data and information, and, attempt to reach consensus among interested parties in order to advance the rulemaking process.

The above described changes are another step in DOE's effort to save energy for American consumers and businesses by clearing the backlog of energy conservation standards rulemakings, and ensuring that future statutory deadlines are met. The changes are designed to make DOE's rulemaking process more efficient while ensuring robust public participation.