

DOE ECS CRE Pre-Publication Conversation

January 21, 2025

Agenda

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- Introductions (Souhrada/All)
- Statement of Antitrust Compliance (Souhrada)
- Background_(Souhrada/All)
- Summary & Discussion (Andes/Bandza/All)
- Possible Next Steps (Souhrada/Andes/Bandza/All)
- Adjournment (All)

Statement of Antitrust Compliance

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There shall be no discussion or activities for the purpose of arriving at any understanding or agreement regarding price, the terms or conditions of sale, distribution, volume of production, territories or customers.

There shall be no discussion or activity for the purpose of preventing any person or persons from gaining access to any market or customer for goods or services, nor any agreement or understanding to refrain from purchasing or using any material, equipment, services, or supplies.

There shall be no discussion or activity which may be construed as forestalling or limiting research and development.

We, of course, expect your consideration and full compliance with these guidelines, both while in attendance at this NAFEM meeting and at all times in your business.

- On Dec. 20, 2024, DOE published a [pre-publication Federal Register final rule](#) pertaining to ECS for CRE
- The final rule sent to Federal Register and published in **the Jan. 21, 2025 Federal Register** (90 Fed. Reg. 7464)
- The effective date is **March 24, 2025**
- Compliance begins January 22, 2029
- Information may be found in the docket – [EERE-2017-BT-STD-0007](#) and [commercial refrigeration equipment](#)
- Prior to the pre-publication, NAFEM commented on the:
 - [Notice of Proposed Rulemaking](#) (88 Fed. Reg. 70196; Oct. 10, 2023)
 - [Notification of Data Availability](#) (89 Fed. Reg. 68788; Aug. 28, 2024)
- AHRI, NAFEM and NAMA collaborated on comments development and outreach to:
 - SBA Office of Advocacy
 - OIRA/OMB
 - Members of Congress

Summary & Discussion

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- A. Compliance Period – 4 years (3 years in proposed rule)
- B. Trial Standard Level (TSL) – 3 (5 in proposed rule)
 - 1. Less stringent than the NOPR for “22 out of the 28 directly analyzed equipment classes.” (p. 7484.) (96% of shipments.)
 - 2. TSL 3 chosen due to “the updates made to single- speed and variable-speed compressors, screening out design options such as evaporator fan controls and microchannel condensers, and updated baseline design options.” (*Id.*)
 - a. NOPR: “Approximately 11 percent of shipments would meet the proposed levels by the analyzed compliance year.” (p. 7568.)
 - b. Final: “[A]pproximately 49 percent of shipments would meet the levels adopted in this final rule (*i.e.*, TSL 3). Therefore, compared to the October 2023 NOPR, fewer models would require redesign to meet the adopted TSL in this final rule.” (*Id.*)
 - 3. “[A]pproximately 91 percent of affected CRE purchasers would experience a net benefit . . . at TSL 3.” (p. 7486.)
- C. Limited Discussion of Food Safety
- D. No Standards for Certain “Large Capacity CRE”
- E. No Standards for Buffet or Prep Tables, Blast Chillers or Freezers
- F. Other Observations?

Possible Next Steps

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- Explore Congression Review Act (CRA) Resolution
- File Petitions
- Evaluate Potential Impact of Trump Administration “Freeze Order”/Memorandum
- Additional Actions?