

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2561 Rayburn House Office Building
Washington, DC 20515-6515

November 2, 2023

The Honorable Jennifer M. Granholm
Secretary
U.S. Department of Energy
1000 Independence Ave. SW
Washington, DC 20585

Dear Secretary Granholm:

The House Committee on Small Business writes to inquire about the recent proposed rule change to the energy conservation standards for commercial refrigeration equipment. This proposed rule would decrease the maximum estimated energy consumption permissible for commercial refrigeration equipment.¹ This rule would require the small businesses that manufacture commercial refrigeration equipment to abandon or redesign many of their product lines—an extremely costly endeavor.² It appears that the Department of Energy (DOE) may not have properly considered small entities during this rulemaking process.

It is important for agencies to examine small business interests—which make up 99.9 percent of all businesses in the United States—when passing any new rule. America’s small businesses deserve to have their voices heard and considered. We therefore request the following information as soon as possible but no later than November 16, 2023:

1. What is the estimated cost burden to small businesses that manufacture commercial refrigeration equipment if trial standard level 4 was implemented as compared to the proposed regulation, which uses trial standard level 5?³
2. Since 2018, how many regulation compliance exceptions has DOE’s Office of Hearings and Appeals granted annually to small businesses that manufacture commercial refrigeration equipment?
3. In Table VI.1, DOE estimates a nearly 10 percent conversion cost to revenue rate for Manufacture C—does DOE believe this to be reasonable given the average rate of 1.7 percent?⁴

¹ Energy Conservation Program: Energy Conservation Standards for Commercial Refrigerators, Freezers, and Refrigerator-Freezers, 88 FR 70196 (to be codified at 10 C.F.R. § 431).

² *Id.* at 70297-8.


³ *Id.* at 70257-8.


⁴ *Id.* at 70298.


4. In Table VI.1, DOE estimates a nearly 10 percent conversion cost to revenue rate for Manufacture E—does DOE believe this to be reasonable given the average rate of 1.7 percent?⁵
5. What additional costs would a small business, such as a restaurant, incur when purchasing new commercial refrigeration equipment that complies with these updated standards?
6. Does the DOE anticipate that only accepting comments for 60 days, instead of the recommended 75 days, will reduce the number of comments it receives from small businesses?⁶


To schedule the delivery of your response or ask any related follow-up questions, please contact the Committee on Small Business Majority Staff at (202) 225-5821. The Committee on Small Business has broad authority to investigate “problems of all types of small business” under House Rule X. Thank you in advance for your cooperation with this inquiry.

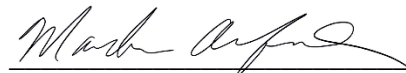
In God We Trust,

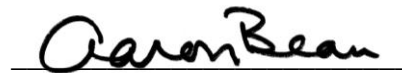

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⁵ *Id.* at 70298.

⁶ Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Certain Commercial/Industrial Equipment 10 C.F.R. § 430 (Appendix A to Subpart C).