

118TH CONGRESS  
1ST SESSION

# H. R. 6192

To amend the Energy Policy and Conservation Act to prohibit the Secretary of Energy from prescribing any new or amended energy conservation standard for a product that is not technologically feasible and economically justified, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2023

Mrs. LESKO introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend the Energy Policy and Conservation Act to prohibit the Secretary of Energy from prescribing any new or amended energy conservation standard for a product that is not technologically feasible and economically justified, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hands Off Our Home  
5 Appliances Act”.

1 **SEC. 2. PRESCRIBING NEW OR AMENDED ENERGY CON-**  
2 **SERVATION STANDARDS.**

3 (a) AMENDMENT OF STANDARDS.—

4 (1) IN GENERAL.—Section 325(m)(1) of the  
5 Energy Policy and Conservation Act (42 U.S.C.  
6 6295(m)(1)) is amended to read as follows:

7 “(1) IN GENERAL.—The Secretary may, for any  
8 product, publish a notice of proposed rulemaking in-  
9 cluding new proposed standards for such product  
10 based on the criteria established under subsection  
11 (o) and the procedures established under subsection  
12 (p).”.

13 (2) AMENDMENT OF STANDARD.—Section  
14 325(m)(3) of the Energy Policy and Conservation  
15 Act (42 U.S.C. 6295(m)(3)) is amended to read as  
16 follows:

17 “(3) AMENDMENT OF STANDARD.—Not later  
18 than 2 years after a notice is issued under para-  
19 graph (1), the Secretary shall publish a final rule  
20 amending the standard for the product.”.

21 (b) PETITION FOR AMENDED STANDARD.—Section  
22 325(n) of the Energy Policy and Conservation Act (42  
23 U.S.C. 6295(n)) is amended—

24 (1) in the subsection heading, by striking “AN  
25 AMENDED STANDARD” and inserting “AMENDMENT  
26 OR REVOCATION OF STANDARD”;

1           (2) in paragraph (1), by inserting “or revoked”  
2 after “should be amended”;

3           (3) by amending paragraph (2) to read as fol-  
4 lows:

5           “(2) The Secretary shall grant a petition to de-  
6 termine if energy conservation standards for a cov-  
7 ered product should be amended or revoked if the  
8 Secretary finds that such petition contains evidence,  
9 assuming no other evidence were considered, that  
10 such standards—

11                   “(A) result in additional costs to con-  
12 sumers;

13                   “(B) do not result in significant conserva-  
14 tion of energy or water;

15                   “(C) are not technologically feasible; and

16                   “(D) result in such covered product not  
17 being commercially available in the United  
18 States to all consumers.”; and

19           (4) in paragraph (4)—

20                   (A) by striking “NEW OR AMENDED  
21 STANDARDS.” and inserting “NEW, AMENDED,  
22 OR REVOKED STANDARDS.”;

23                   (B) by redesignating subparagraphs (A)  
24 and (B) as clauses (i) and (ii), respectively;

1 (C) by striking “Not later than 3 years”  
2 and inserting “(A) Not later than 3 years”; and

3 (D) by adding at the end the following:

4 “(B) Not later than 180 days after the date of  
5 granting a petition to revoke standards, the Sec-  
6 retary shall publish in the Federal Register—

7 “(i) a final rule revoking the standards; or

8 “(ii) a determination that it is not nec-  
9 essary to revoke the standards.

10 “(C) The grant of a petition by the Secretary  
11 under this subsection creates no presumption with  
12 respect to the Secretary’s determination of any of  
13 the criteria in a rulemaking under this section.”.

14 (c) CRITERIA.—Paragraphs (2) and (3) of section  
15 325(o) of the Energy Policy and Conservation Act (42  
16 U.S.C. 6295(o)) are amended to read as follows:

17 “(2) REQUIREMENTS.—

18 “(A) DESIGN.—Any new or amended en-  
19 ergy conservation standard prescribed by the  
20 Secretary under this section for any type (or  
21 class) of covered product shall be designed to  
22 achieve the maximum improvement in energy  
23 efficiency, or, in the case of showerheads, fau-  
24 cets, water closets, or urinals, water efficiency,

1           which the Secretary determines is techno-  
2           logically feasible and economically justified.

3           “(B) TEST PROCEDURES.—The Secretary  
4           may not prescribe a new or amended energy  
5           conservation standard under this section for a  
6           type (or class) of covered product if a test pro-  
7           cedure has not been prescribed pursuant to sec-  
8           tion 323 with respect to that type (or class) of  
9           product.

10          “(C) SIGNIFICANT CONSERVATION.—The  
11          Secretary may not prescribe a new or amended  
12          energy conservation standard under this section  
13          for a type (or class) of covered product if the  
14          Secretary determines that the establishment  
15          and imposition of such energy conservation  
16          standard will not result in significant conserva-  
17          tion of—

18                   “(i) energy; or

19                   “(ii) in the case of showerheads, fau-  
20                   cets, water closets, or urinals, water.

21          “(D) TECHNOLOGICALLY FEASIBLE AND  
22          ECONOMICALLY JUSTIFIED.—The Secretary  
23          may not prescribe a new or amended energy  
24          conservation standard under this section for a  
25          type (or class) of covered product unless the

1 Secretary determines that the establishment  
2 and imposition of such energy conservation  
3 standard is technologically feasible and eco-  
4 nomically justified.

5 “(3) FACTORS FOR DETERMINATION.—

6 “(A) ECONOMIC ANALYSIS.—Prior to pre-  
7 scribing any new or amended energy conserva-  
8 tion standard under this section for any type  
9 (or class) of covered product, the Secretary  
10 shall conduct a quantitative economic impact  
11 analysis of imposition of the energy conserva-  
12 tion standard that determines the predicted—

13 “(i) effects of imposition of the energy  
14 conservation standard on costs and mone-  
15 tary benefits to consumers of the products  
16 subject to such energy conservation stand-  
17 ard, including—

18 “(I) costs to low-income house-  
19 holds; and

20 “(II) variations in costs to con-  
21 sumers based on differences in re-  
22 gions, including climatic differences;

23 “(ii) effects of imposition of the en-  
24 ergy conservation standard on employment;  
25 and

1           “(iii) lifecycle costs for the covered  
2           product, including costs associated with  
3           the purchase, installation, maintenance,  
4           disposal, and replacement of the covered  
5           product.

6           “(B) PROHIBITION ON ADDITIONAL COSTS  
7           TO THE CONSUMER.—The Secretary may not  
8           determine that imposition of an energy con-  
9           servation standard is economically justified un-  
10          less the Secretary, based on an economic anal-  
11          ysis under subparagraph (A), determines that—

12           “(i) imposition of such energy con-  
13           servation standard is not likely to result in  
14           additional net costs to the consumer, in-  
15           cluding any increase in net costs associated  
16           with the purchase, installation, mainte-  
17           nance, disposal, and replacement of the  
18           covered product; and

19           “(ii) the monetary value of the energy  
20           savings and, as applicable, water savings,  
21           that the consumer will receive as a result  
22           of such energy conservation standard dur-  
23           ing the first 3 years after purchasing and  
24           installing a covered product complying with  
25           such energy conservation standard, as cal-

1           culated under the applicable test proce-  
2           dure, will be greater than any increased  
3           costs to the consumer of the covered prod-  
4           uct due to imposition of such energy con-  
5           servation standard, including increased  
6           costs associated with the purchase, instal-  
7           lation, maintenance, disposal, and replace-  
8           ment of the covered product.

9           “(C) REQUIRED ENERGY OR WATER SAV-  
10          INGS.—The Secretary may not determine that  
11          imposition of an energy conservation standard  
12          is economically justified unless the Secretary  
13          determines that compliance with such energy  
14          conservation standard will result in—

15                 “(i) a reduction of at least 0.3 quads  
16                 of site energy over 30 years; or

17                 “(ii) at least a 10 percent reduction in  
18                 energy or water use of the covered product.

19          “(D) CRITERIA RELATED TO PERFORM-  
20          ANCE.—The Secretary may not determine that  
21          imposition of an energy conservation standard  
22          is economically justified unless the Secretary  
23          determines that imposition of such energy con-  
24          servation standard will not result in any less-  
25          ening of the utility or the performance of the



1 applicable covered product, taking into consid-  
2 eration the effects of such energy conservation  
3 standard on—

4 “(i) the compatibility of the covered  
5 product with existing systems;

6 “(ii) the life span of the covered prod-  
7 uct;

8 “(iii) the operating conditions of the  
9 covered product;

10 “(iv) the duty cycle, charging time,  
11 and run time of the covered product, as  
12 applicable;

13 “(v) the maintenance requirements of  
14 the covered product; and

15 “(vi) the replacement and disposal re-  
16 quirements for the covered product.

17 “(E) CRITERIA RELATED TO MARKET COM-  
18 PETITION AND PRICE DISCRIMINATION.—The  
19 Secretary may not determine that imposition of  
20 an energy conservation standard is economically  
21 justified unless the Secretary determines that  
22 imposition of the energy conservation standard  
23 is not likely to result in—

24 “(i) any lessening of market competi-  
25 tion; or

1 “(ii) price discrimination.

2 “(F) TECHNOLOGICAL INNOVATION.—The  
3 Secretary may not determine that imposition of  
4 an energy conservation standard is economically  
5 justified unless the Secretary determines that  
6 imposition of such energy conservation standard  
7 is not likely to result in the unavailability in the  
8 United States of a type (or class) of products  
9 based on what type of fuel the product con-  
10 sumes.

11 “(G) OTHER CONSIDERATIONS.—In deter-  
12 mining whether imposition of an energy con-  
13 servation standard is economically justified, the  
14 Secretary—

15 “(i) shall prioritize the interests of  
16 consumers;

17 “(ii) may not consider estimates of  
18 the social costs or social benefits associated  
19 with incremental greenhouse gas emissions;  
20 and

21 “(iii) shall consider—

22 “(I) the economic impact of the  
23 standard on the manufacturers and  
24 on the consumers of the products sub-  
25 ject to such standard;

1           “(II) the savings in operating  
2           costs throughout the estimated aver-  
3           age life of the covered product in the  
4           type (or class) compared to any in-  
5           crease in the price of, or in the initial  
6           charges for, or maintenance expenses  
7           of, the covered products which are  
8           likely to result from the imposition of  
9           the standard;

10           “(III) the total projected amount  
11           of energy, or as applicable, water, sav-  
12           ings likely to result directly from the  
13           imposition of the standard;

14           “(IV) the need for national en-  
15           ergy and water conservation; and

16           “(V) other factors the Secretary  
17           considers relevant.

18           “(H) REGULATORY REVIEW.—

19           “(i) EVALUATION.—Not later than 2 years  
20           after the issuance of any final rule prescribing  
21           a new or amended energy conservation standard  
22           under this section for any type (or class) of cov-  
23           ered product, the Secretary shall evaluate the  
24           rule to determine whether such energy con-  
25           servation standard is technologically feasible

1 and economically justified and whether the reg-  
2 ulatory impact analysis for such rule remains  
3 accurate.

4 “(ii) EFFECT.—Notwithstanding any other  
5 provision of this part, if the Secretary deter-  
6 mines, based on an evaluation under clause (i),  
7 that an energy conservation standard is not  
8 technologically feasible or economically justi-  
9 fied—

10 “(I) the Secretary shall publish such  
11 determination and such energy conserva-  
12 tion standard shall have no force or effect;  
13 and

14 “(II) the Secretary may publish a  
15 final rule amending the energy conserva-  
16 tion standard for the type (or class) of cov-  
17 ered product to be technologically feasible  
18 and economically justified in accordance  
19 with this subsection, which amendment  
20 shall apply to such a product that is manu-  
21 factured after the date that is 2 years  
22 after publication of such final rule.”.

23 **SEC. 3. CONFORMING AMENDMENTS.**

24 (a) REGIONAL STANDARDS.—Section  
25 325(o)(6)(D)(i)(II) of the Energy Policy and Conservation

1 Act (42 U.S.C. 6295(o)(6)(D)(i)(II)) is amended by strik-  
2 ing “this paragraph” and inserting “this subsection”.

3 (b) PROCEDURE FOR PRESCRIBING NEW OR AMEND-  
4 ED STANDARDS.—Section 325(p)(2)(A) of the Energy  
5 Policy and Conservation Act (42 U.S.C. 6295(p)(2)(A))  
6 is amended by striking “taking into account those factors  
7 which the Secretary must consider under subsection  
8 (o)(2)” and inserting “as determined in accordance with  
9 subsection (o)”.

10 (c) ENERGY CONSERVATION STANDARDS FOR HIGH-  
11 INTENSITY DISCHARGE LAMPS, DISTRIBUTION TRANS-  
12 FORMERS, AND SMALL ELECTRIC MOTORS.—Section 346  
13 of the Energy Policy and Conservation Act (42 U.S.C.  
14 6317) is amended by striking subsection (c).

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