



**PLUMBING-HEATING-COOLING
CONTRACTORS ASSOCIATION®**

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May 27, 2026

Ms. Julia Hegarty
U.S. Department of Energy
Office of Energy Efficiency and Renewable Energy
Building Technologies Office, EE-5B
1000 Independence Avenue SW
Washington, D.C. 20585-0121

Re: 2026-04-27 Energy Conservation Program: Notification of Petition for Rulemaking
Docket: EERE-2026-BT-STD-0001

The Plumbing-Heating-Cooling Contractors—National Association (PHCC) is the oldest construction trades association in the country representing approximately 3,000 plumbing and HVACR contractors employing over 64,000 professionals across the United States. Since 1883, this organization and its members have focused on the safe installation and maintenance of plumbing and HVAC systems.

The U.S. Department of Energy (DOE) previously published final rules pertaining to residential gas furnaces and commercial water heaters which moved those gas consuming products to condensing only type appliances. Legal challenges to those rules were joined together and have been moving through the courts. Currently, a Petition for Writ of Certiorari is under consideration at the Supreme Court of the United States. PHCC and HARDI (Heating Air Conditioning and Refrigeration Distributors International) have jointly filed an Amicus Brief encouraging the Supreme Court to grant the Writ. PHCC has long been opposed to condensing only gas products believing that there will be many hardship installations and burdensome costs creating affordability issues for consumers.

The Department has now issued a Notice of Petition for Rulemaking (NOPR) seeking public comment on whether the Department should undertake a rulemaking to consider extending the compliance dates for energy efficiency standards for residential natural gas and propane furnaces and commercial water heaters. After much consideration, PHCC supports the extension of the compliance dates for these products.

This Association acknowledges that commercial water heater manufacturers have made significant investments in engineering designs and manufacturing processes to be prepared for an October 2026 deadline and those manufacturers will certainly be impacted by changes made at this late date. Residential gas furnace manufacturers have been planning for these changes as well but given the much longer window to the compliance date, should have somewhat of a lessor impact. Further, this Association knows that changes inevitably result in development costs which are absorbed by consumers but several factors lead to PHCC supporting this proposed change.

1. DOE issued a May 5, 2026 Enforcement Policy Statement which, in an exercise of its enforcement discretion, which states the U.S. Department of Energy (DOE) will not seek civil penalties concerning violations of the energy conservation standards in 10 C.F.R. § 431.110 and/or the certification requirements in 10 C.F.R. § 429.12 with respect to the amended standards for covered water heating products manufactured on or after October 6, 2026, but before October 6, 2027. On its face, that is helpful, but the policy only pertains to DOE enforcement. It is possible for other jurisdictions and their agencies to pursue their own enforcement. PHCC believes it is vital to provide this relief through the rulemaking process and to include federal preemption with the rule. PHCC's contractor members are seeking consistent regulation across the country.
2. As mentioned above, there is ongoing litigation over these two DOE rules which has reached the level of a Petition for Writ of Certiorari. It is unclear as to when the U.S. Supreme Court will decide whether to grant the Writ prior to the compliance date for commercial water heater products. PHCC believes the Writ will be granted and the case will likely not be heard in calendar year 2026. This Association believes that manufacturers will need to comply with the commercial water heater rule and its deadlines as written creating a "facts on the ground" situation which would either create disruption in the marketplace or render the legal argument moot. Extending the deadline will allow time for proper deliberation of the facts at issue.
3. DOE itself believes these rulemakings are flawed both factually and legally. In fact, DOE recently filed a response to the Supreme Court that puts forth that the lower court took too narrow of an interpretive approach. The DOE further asked the Supreme Court to grant the petition, vacate the judgment, and remand the case. PHCC concurs with these views which makes it logical to extend the compliance date pending the actions of the court.

PHCC believes DOE should extend the compliance deadlines for these covered products until January 1, 2030. The Association further believes that a Writ of Certiorari will be granted and that there is a high probability of a ruling in favor of the gas industry. Extending the compliance dates and including preemption will help to bring regulatory certainty to the market.

Respectfully submitted,

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