



441 G St. N.W.  
Washington, DC 20548

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January 15, 2025

Committee on Energy and Natural Resources  
United States Senate

Committee on Energy and Commerce  
House of Representatives

Subject: *Department of Energy: Energy Conservation Program: Energy Conservation Standards for Walk-In Coolers and Walk-In Freezers*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Energy (DOE) entitled “Energy Conservation Program: Energy Conservation Standards for Walk-In Coolers and Walk-In Freezers” (RIN: 1904-AD79). We received the rule on December 27, 2024. It was published in the *Federal Register* on December 23, 2024. 89 Fed. Reg. 104616. The stated effective date of the rule is February 21, 2025.

According to DOE, this rule adopts amended energy conservation standards for walk-ins. DOE stated that it has determined that the amended energy conservation standards for these products would result in significant conservation of energy and are technologically feasible and economically justified. DOE also stated that it is not amending energy conservation standards for display doors or panels at this time and that existing standards will remain in effect.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The rule was published in the *Federal Register* on December 23, 2024. 89 Fed. Reg. 104616. The House of Representatives received the rule on December 30, 2024. 170 Cong. Rec. H7438 (daily ed. Jan. 3, 2025). The Senate received the rule on December 31, 2024. 171 Cong. Rec. S42 (daily ed. Jan. 7, 2025). Though the rule provides for later compliance dates for the amended standards established for walk-in non-display doors and walk-in refrigeration systems, the stated effective date of the rule is February 21, 2025. Therefore, the rule does not have the required 60-day delay in its effective date.

Enclosed is our assessment of DOE’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to

the subject matter of the rule, please contact Charlie McKiver, Assistant General Counsel, at (202) 512-5992.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive, flowing style.

Shirley A. Jones  
Managing Associate General Counsel

Enclosure

cc: Ami Grace-Tardy  
Assistant General Counsel  
Legislation, Regulation, and Energy Efficiency  
Department of Energy

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE  
ISSUED BY THE  
DEPARTMENT OF ENERGY  
ENTITLED  
“ENERGY CONSERVATION PROGRAM: ENERGY CONSERVATION STANDARDS  
FOR WALK-IN COOLERS AND WALK-IN FREEZERS”  
(RIN: 1904-AD79)

(i) Cost-benefit analysis

The Department of Energy (DOE) assessed the costs and benefits of this rule. See 89 Fed. Reg. 104616–104630 (Dec. 23, 2024). DOE stated that the cumulative net present value of total consumer benefits of the revised standards for walk-ins ranges from \$2.00 billion at a 7 percent discount rate to \$4.74 billion at a 3 percent discount rate. DOE also stated that the adopted standards for walk-ins are projected to yield significant environmental, climate, and health benefits. See 89 Fed. Reg. 104621.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

DOE determined that this rule may have an economic impact on a substantial number of small entities and prepared a Final Regulatory Flexibility Analysis. See 89 Fed. Reg. at 104848–104851.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

DOE determined that this rule does not contain a federal intergovernmental mandate nor is it expected to require expenditures of \$100 million or more, adjusted annually for inflation, in any one year by the private sector. 89 Fed. Reg. 104852.

(iv) Agency actions relevant to the Administrative Pay-As-You-Go-Act of 2023, Pub. L. No. 118-5, div. B, title III, 137 Stat 31 (June 3, 2023)

Section 270 of the Administrative Pay-As-You-Go-Act of 2023 amended 5 U.S.C. § 801(a)(2)(A) to require GAO to assess agency compliance with the Act, which establishes requirements for administrative actions that affect direct spending, in GAO’s major rule reports. In guidance to Executive Branch agencies, issued on September 1, 2023, the Office of Management and Budget (OMB) instructed that agencies should include a statement explaining that either: “the Act does not apply to this rule because it does not increase direct spending; the Act does not apply to this rule because it meets one of the Act’s exemptions (and specifying the relevant exemption); the OMB Director granted a waiver of the Act’s requirements pursuant to section 265(a)(1) or (2) of the Act; or the agency has submitted a notice or written opinion to the OMB Director as required by section 263(a) or (b) of the Act” in their submissions of rules to GAO under the Congressional Review Act. OMB, *Memorandum for the Heads of Executive Departments and Agencies*, Subject: Guidance for Implementation of the Administrative Pay-As-You-Go Act of 2023, M-23-21 (Sept. 1, 2023), at 11–12. OMB also states that directives in the memorandum that supplement the requirements in the Act do not apply to

proposed rules that have already been submitted to the Office of Information and Regulatory Affairs, however agencies must comply with any applicable requirements of the Act before finalizing such rules.

DOE did not discuss the Act in this rule. In its submission to us, DOE indicated that the Act is not applicable to the rule.

(v) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On September 5, 2023, DOE published a proposed rule. 88 Fed. Reg. 60746. On September 27, 2023, DOE held a public webinar in which it presented an overview of the topics addressed in the proposed rule. On March 14, 2024, DOE published a Notice of Data Availability (NODA) with updated analysis for non-display doors and refrigeration systems. DOE received comments in response to the proposed rule and the March 2024 NODA. DOE summarized and responded to comments in the final rule. See 89 Fed. Reg. 104635.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

DOE stated that this rule does not amend certification or reporting requirements for walk-in refrigeration systems that were previously approved by OMB under OMB Control Number 1910-1400. See 89 Fed. Reg. 104851.

Statutory authorization for the rule

DOE promulgated this rule pursuant to sections 6291–6317 of title 42, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

DOE stated that the Office of Information and Regulatory Affairs has determined that this rule is significant under the Order. 89 Fed. Reg. 104848.

Executive Order No. 13132 (Federalism)

DOE determined that this rule does not have federalism implications. See 89 Fed. Reg. 104852.