May 18, 2026

House Committee on Energy and Digital Infrastructure
115 State Street
Montpelier, Vermont 05602

Dear Chair James and Members of the House Committee on Energy and Digital Infrastructure:

The undersigned twelve organizations write in strong support of the version of S.202 passed by the Vermont Senate on May 13th. We thank this Committee for its foundational work to improve and advance this legislation earlier this session, and urge you to recommend that the full House concur in the Senate's further proposal of amendment.

The Senate's version of S.202 contains the same important core provisions as the House-passed bill — saving Vermonters money, protecting Vermont consumers from federal rollbacks, and reducing carbon pollution — while making two targeted improvements that we believe make it a stronger, more equitable bill. We write to explain our support for those improvements and to address a concern that has been raised about one of them.

S.202 remains important legislation for energy equity.

As this Committee knows well, for too long the benefits of clean energy have largely been out of reach for Vermont renters, condo owners, and others who cannot install a traditional home solar system. Plug-in solar offers a practical path to change that, if Vermont sets up a regulatory environment that enables its adoption.

The Senate's amendment to the landlord provision appropriately balances tenant access with legitimate landlord interests.

The House-passed bill's §256(g) gave landlords the ability to deny a tenant's plug-in solar installation outright, for any reason. We were concerned that this effectively handed landlords a blanket veto over tenants' ability to access clean energy — directly undercutting the core purpose of the bill for the Vermonters who need it most.

We understand and share the concerns that led to this provision. It was never our intent, nor to the best of our knowledge anyone’s intent, that this bill would or should allow electrical work to support plug-in solar to be done without a landlord's knowledge, or that landlords be required to perform or pay for such work. The Senate's amendment

addresses those concerns precisely and proportionally, without the negative impact of a broader denial right. Under the Senate's version, landlords will receive the same advance notice and have the same ability to place reasonable restrictions on plug-in solar as in the earlier House version. The Senate version also makes completely clear that electrical work to support plug-in solar can only be done with a landlord's permission, and landlords are explicitly protected from being compelled to perform or pay for electrical work.

The Senate bill did remove the requirement for a landlord to grant permission for the use of plug-in solar even where electrical work is not required. Obviously, under UL 3700 there is currently no version of plug-in solar that will be eligible under S.202 that does not require electrical work — meaning that in the near-term, the House version and the most recent Senate version of S.202 will be functionally the same. If a landlord does not want electrical work done on their property, then a plug-in solar unit cannot be installed.

The possibility remains, however, that a future version of plug-in solar technology — and of UL 3700 — may allow for entirely safe plug-in solar that does not require electrical work. While we do not know when, or even if, that will happen, it is the position of our organizations that granting landlords a carte-blanche veto over such systems could have the effect of substantially limiting access to plug-in solar for the exact Vermonters it has the most potential to benefit.

The approach you have before you is narrowly tailored to the legitimate concerns raised in the House while preserving the core promise of the bill for the renters who have had little-to-no ability to go solar to date. We strongly urge the Committee to support the Senate's version of this provision.

The Senate's addition of the Expanded Scope Electric Motors rule to the appliance efficiency backstop is both appropriate and important.

Vermont law requires Vermont to "backstop" federal appliance efficiency standards in Vermont rule — a consumer protection measure this Committee is well familiar with. The House-passed version of S.202 updated that backstop reference date from 2017 to 2025, capturing eight years of federal efficiency improvements that Vermont consumers would otherwise lose protection for if the Trump Administration rolls them back. That update was, and remains, a meaningful and important step.

However, it left one significant standard in an unusual position. The U.S. Department of Energy's final rule on Expanded Scope Electric Motors (ESEMs) — signed on January 8, 2025 — was properly finalized by the Biden Administration but was subsequently not published in the Federal Register by the incoming Trump Administration. As a result,

despite having gone through the same rigorous process as all other appliance efficiency rules added or updated by the Biden Administration, it is not "caught" by the date update alone. The Senate's amendment adds it explicitly, ensuring that this rule — like every other appliance efficiency rule properly finalized under the Biden Administration — is protected for Vermont consumers.

We have seen an argument made that the ESEM rule should be excluded from Vermont's backstop on three grounds: first, that these efficiency standards constitute "layered regulation"; second, that the efficiency standard would increase costs without any benefit to performance; and third, that the rule's publication status calls its validity into question.

On the first point, the language now in S.202 simply does not create a "layered regulation" in any way. As amended by the Senate, 9 V.S.A. § 2795(a)(6) would read (new language highlighted): *"(6) In the rules, the Commissioner shall adopt minimum efficiency and water conservation standards for each product that is subject to a standard under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19, ~~2017~~ 2025 and amended in a final rule entitled 'Energy Conservation Program: Energy Conservation Standards for Expanded Scope Electric Motors' signed on January 8, 2025, excluding any motor incorporated into a product to which a federal energy conservation standard applies under 10 C.F.R. Parts 430 or 431…"* This clearly and unambiguously excludes any motor incorporated into a product that is already subject to a federal appliance efficiency standard — which is to say, the exact equipment that opponents describe is already carved out.

On the second point, as you have heard in detail in testimony, efficiency standards have a decades-long history of saving American consumers money, and in fact have saved literally trillions of dollars in energy costs since their inception. And as VPIRG laid out in testimony in this committee earlier this session, the evidence simply does not support the constant warnings of alleged increases in the price of appliances following the adoption of such standards. The question before the committee isn't one of litigating the value of appliance efficiency standards, however - it's whether this particular standard should be excluded from Vermont's federal backstop provision, or whether it should be incorporated along with all the other appliance efficiency standards finalized under the Biden Administration.

On the final point, we will be direct: the reason this ESEM rule is not in the Federal Register is precisely because the Trump Administration declined to publish a standard that was duly and properly finalized under the Biden Administration — and which the current Administration opposes. Had the rule been signed even a few days earlier, it would have been published in the Register under the Biden Administration and we

would not even be having this conversation, as it would be fully incorporated by virtue of the House-passed date change alone.

Vermont is not being asked to evaluate the value of the rule or to take a novel regulatory position. We are being asked to do the same thing we always do when we backstop federal standards: to ensure that a properly finalized federal standard continues to protect Vermont consumers if the federal government walks it back. The ESEM rule is no different in kind from any other standard in this backstop. Treating it differently would, in effect, allow the Trump Administration's refusal to publish the rule to determine the scope of Vermont's consumer protections — an outcome directly at odds with the goal of including such federal backstops in state law in the first place.

Conclusion

The Senate-amended version of S.202 maintains all the value of the House-passed version, contains two important improvements that build on the work done in this committee, and is a straightforward, practical step toward a cleaner and more equitable energy future in Vermont. We respectfully urge the Committee's support for the Senate's amendments, and with them, support for the House concurring in the Senate's further proposal of amendment.

Respectfully submitted,

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Conservation Law Foundation
Renewable Energy Vermont
Third Act Vermont
Vermont Businesses for Social Responsibility
Vermont Chapter of the Sierra Club
Vermont Climate & Health Alliance
Vermont Community Thermal Networks
Vermont Conservation Voters
Vermont Interfaith Power & Light
Vermont Natural Resources Council
Vermont Public Interest Research Group