



May 18, 2026

Re: Support for Expanded Scope Electric Motor Standard Language in S202

Dear Chair James,

I am writing on behalf of the Appliance Standards Awareness Project (ASAP). We are a project of the American Council for an Energy Efficient Economy (ACEEE) dedicated to advancing cost-effective efficiency standards at both the national and state level. We are writing in support of S202 and the amended language relating to expanded scope electric motors (ESEMs).

In order to ensure that the bill backstops all finalized federal standards, the Senate Natural Resources Committee inserted the following language into S202 relating to ESEMs:

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, 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. The minimum standard and the testing protocol for each product shall be the same as adopted in those sections of the Code of Federal Regulations, except that for faucets, showerheads, and urinals, the minimum standard and testing protocol shall be as otherwise set forth in this section.

The Air-Conditioning, Heating, and Refrigeration Institute (AHRI) has raised the concern that standards for ESEMs could result in regulation of both motors and the equipment that uses them, in particular for HVACR and water heating equipment. **However, the language adding the standards for ESEMs specifically excludes motors incorporated into equipment covered by federal standards (by excluding "any motor incorporated into a product to which a federal energy conservation standard applies under 10 C.F.R. Parts 430 or 431").** Therefore, the language in S202 addresses this concern.

AHRI also calls into question the validity of the ESEM standard as a final rule. The final rule was signed by the responsible DOE official on January 8, 2025 and appeared in the Federal Register Public Inspection Issue on the day after President Trump's inauguration.¹ Based on legal precedent, since the rule appeared in Public Inspection, it is considered final. Specifically, the U.S. Court of Appeals for the D.C. Circuit found in 2022 that "a rule made available for public inspection prescribes law with legal consequences for regulated parties."²

The standards for expanded scope electric motors (ESEMs) are among the largest energy-saving standards ever adopted by DOE. Based on DOE's analysis, we estimate that the standards for ESEMs will reduce electricity consumption in Vermont by 22 gigawatt-hours and save Vermont consumers and businesses \$3.3 million on utility bills annually by 2035. Cumulatively, the standards will save 495 gigawatt-hours of electricity and save consumers and businesses in Vermont \$76.8 million on utility bills

¹ See https://www.energy.gov/sites/default/files/2025-01/esem-ecs-fr.pdf?utm_medium=email&utm_source=govdelivery.

² See <https://cases.justia.com/federal/appellate-courts/cadc/20-5291/20-5291-2022-07-22.pdf?ts=1658500290>.



by 2050.³ Other states, including California and Rhode Island, are currently considering the adoption of the ESEM language. By adopting the finalized standard for ESEMs, Vermont can send a clear signal to the market and ensure that the state benefits from the significant energy and utility bill savings this standard provides.

We respectfully urge you to support S202, including the language regarding the ESEM standards, to protect the energy and utility bill savings enabled by federal appliance efficiency standards.

We would be happy to provide further information, answer questions, or provide any technical assistance that might be needed for the success of this policy.

Sincerely,

Brooke Lockwood, State Policy Associate
Appliance Standards Awareness Project

³ See https://appliance-standards.org/sites/default/files/2025-11/2026_vermont_appliance_standards_savings_report.pdf.