

Federal Energy Efficiency Standards Program: Background and Recent Developments

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The federal Appliance and Equipment Standards Program, a national program setting minimum efficiency standards for a variety of consumer and industrial products, was first authorized as a voluntary program in 1975 by the [Energy Policy and Conservation Act](#) (EPCA). Congress authorized and directed binding standards imposing limits on product electricity consumption and water use in [subsequent amendments](#) to that legislation. EPCA grants the U.S. Department of Energy (DOE) [broad authority](#) to administer the program for “[covered products](#)” for which efficiency standards are set in statute, to adopt and amend new efficiency standards for other listed covered products through the administrative process, and to adopt new standards to cover certain consumer products not explicitly named in EPCA. DOE is also [authorized](#) to amend the standards, although EPCA prohibits “backsliding” amendments that would reduce efficiency. EPCA also [grants](#) DOE authority to enforce these standards through civil penalties.

On May 12, 2025, DOE [announced](#) that it would be “proposing the elimination or reduction of 47 regulations,” which is to be accomplished through a series of regulatory actions. DOE’s press release cited [Executive Order 14270](#), which directs federal agencies to amend their regulations to add conditional “sunset” provisions to certain regulatory requirements and standards and to treat those requirements and standards as no longer effective as of the sunset date to the extent permissible by law as the impetus for the regulatory actions. While several of these actions related to testing processes and other administrative processes, the majority of the proposed changes sought to alter the efficiency program’s standards for covered products.

EPCA Section 325: Framework for Federal Energy Efficiency Standards

[Section 325 of EPCA](#) seeks to both “provide federal energy conservation standards applicable to covered products” and “authorize the Secretary to prescribe amended or new energy conservation standards for each type (or class) of covered product.” Appliances and other consumer products become “covered products” subject to the program in one of two ways. [Sections 325\(b\)–\(k\)](#) explicitly name—and in many cases provide initial efficiency standards for—a number of covered products or categories of products such as refrigerators, freezers, air conditioners, dishwashers, and lamps. These consumer products are designated as “covered products” in [Section 322 of the Act](#). For a number of additional products not listed

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in Section 322 of the Act, Sections 325(u)–(ff) and Section 325(hh) either set initial standards or instruct DOE to set the standard.

Other products are again not explicitly named in EPCA, but DOE has subsequently designated them as covered products pursuant to administrative authority under EPCA. [Section 322\(b\)](#) of EPCA authorizes the Secretary of Energy to “classify a type of consumer product as a covered product if he or she determines that “the designation is necessary or appropriate” and that “the average annual per-household energy use by products of that type is likely to exceed 100 kilowatt-hours (or its Btu equivalent) per year.” [Section 325\(l\)](#) confirms the Secretary’s authority to prescribe energy conservation standards for these covered products and provides that new or amended standards for products designated pursuant to this authority “shall not apply to products manufactured within five years after the publication of a final rule establishing such standard.”

EPCA authorizes—and in some instances obliges—DOE to amend efficiency standards for all covered products. Where EPCA explicitly names a covered product, it generally also includes language directing DOE to update the efficiency standards for that product on a regular basis. For example, [Section 325\(c\)](#) directs the Secretary to promulgate efficiency standards for “room air conditioners” and provides an open-ended authority to promulgate amendments to those standards “no later than five years after the date of publication of the previous final rule.” EPCA also includes a broader mandate to update the efficiency standards for all covered products regardless of how they were designated. Under [Section 325\(m\)](#), within six years of publication of any final rule establishing or amending existing standards, the Secretary must publish either (1) a new proposed rulemaking amending the existing standards for any covered product or (2) a notice of determination that the existing standards need not be amended. If DOE determines that certain standards do not need amendment, it **must** make and publish another determination regarding those standards within three years of the previous decision. DOE is free to update standards for products more frequently than every six years pursuant to this authority. Note, however, that EPCA limits this authority with respect to many energy efficiency standards in a provision commonly known as the “anti-backsliding rule,” discussed further below. [Section 325\(o\)](#) provides that DOE may not change efficiency standards in a way that would either increase the “maximum allowable energy use” or the “minimum required energy efficiency” of a product.

[Section 336\(b\)](#) of EPCA provides for judicial review of energy efficiency standards issued under Section 325 of the statute. Under Section 336(b)(1), “[a]ny person who will be adversely affected” by such a standard may file a petition for review in federal appellate court. Section 336(b)(2) incorporates the process for judicial review and the remedies available pursuant to the [Administrative Procedure Act](#), which **directs** reviewing courts to set aside **final agency actions** that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law” or “in excess of statutory jurisdiction, authority, or limitations.”

May 2025 Announcement and Subsequent Administrative Activity

As noted above, on May 12, 2025, DOE **announced** that it would be “proposing the elimination or reduction of 47 regulations,” to be accomplished through a series of regulatory actions. The press release did not cite DOE’s authority under EPCA as the impetus for the regulatory actions but instead cited [Executive Order 14270](#), a 2025 order issued by President Trump directing all federal agencies to amend regulations to add conditional “sunset” provisions to certain regulatory requirements and standards. The executive order also directed agencies to treat those requirements and standards as no longer effective as of the sunset date to the extent permissible by law. The “47 regulations” in the press release included a number of measures related to other administrative duties of DOE, in addition to the efforts to amend existing program efficiency standards (some of which were initiated prior to the May 12 announcement). **For some products**, DOE is proposing withdrawal of an amended standard **or design requirement**, returning the standard for the product to the standard found in the statute. **For other products**, DOE is

proposing or, in one instance, finalizing removal of the “covered product” designation and thus all requirements of the efficiency program. [Other proposals](#) would change efficiency testing procedures. These proposed rulemakings promulgated by DOE in the wake of its May 12 announcement are ongoing. In most instances the period for public comment has closed, but DOE has not published any further documentation of the rulemaking process.

The “Anti-Backsliding Rule”

Most of these recent regulatory changes to the efficiency program are not final, and there do not appear to be any litigation challenges as of yet. EPCA’s judicial review provision [specifies](#) that petitions for review must be filed within 60 days after a rule is issued. In the event one or more lawsuits are filed, the “anti-backsliding” rule found in [Section 325\(o\)](#) of EPCA may present a challenge for the DOE efficiency rulemakings described above. Section 325(o) provides that DOE may not change efficiency standards in a way that would either increase the maximum allowable energy or water use or the “minimum required energy efficiency” of a product.

In the proceedings discussed above, DOE makes a number of different claims as to why these proposed amendments to efficiency standards would not violate the anti-backsliding rule of Section 325(o) of EPCA. For example, in the proposed amendments to the standards for [external power supplies](#), DOE argues that “even if a rescission is an ‘amended standard,’ the anti-backsliding provision only prevents DOE from setting standards below the statutory maximum or minimum,” and thus the agency can loosen standards previously tightened through regulatory action. None of the proposed rules would lower efficiency standards below statutorily mandated levels. DOE also [argues](#) that the anti-backsliding rule applies only to products designated as “covered products” in statute and that the rule [does not apply](#) at all to certain water use standards.

There is no further explanation of these arguments in the proposed rules, and there is little federal case law interpreting the anti-backsliding rule. The existing precedent, however, seems to conflict with some aspects of DOE’s narrow reading of the rule. For example, in [Natural Resources Defense Council v. Abraham](#), the U.S. Court of Appeals for the Second Circuit found that

once new standards are published, DOE has discharged its obligation to prescribe an amended standard or announce its decision not to under the provisions requiring periodic review. Furthermore, once an efficiency standard is published, regardless of the fact that manufacturers have a number of years to bring themselves into compliance, it becomes the “establish[ed]” standard in the statute’s own language, or, in other terms, the “required” minimum efficiency standard.... Consequently, and in harmony with this Congressional regulatory scheme, Section 325(o)(1) must be read to restrict DOE’s subsequent discretionary ability to weaken that standard at any point thereafter.

Other DOE arguments may find support in legal precedent. In [Louisiana v. U.S. Department of Energy](#), the U.S. Court of Appeals for the Fifth Circuit invalidated a DOE final rule regarding classification of certain dishwashers and laundry machines as “arbitrary and capricious.” In doing so, the court [noted](#) that

it seems obvious that the statute gave DOE power to regulate energy use for energy-using appliances (like dishwashers and washing machines) *or* water use for non-energy-using appliances (like showerheads, faucets, water closets, and urinals). No part of that text indicates Congress gave DOE power to regulate water use for energy-using appliances (like dishwashers and washing machines).

The EPCA’s history supports this reading. Until 1992, DOE had zero power to regulate water use by *any* product. In that year, Congress added “water use” to DOE’s statutory mandate—but only as to showerheads, faucets, water closets, and urinals.... That further suggests that Congress never gave DOE power to regulate water use by *other* products like dishwashers or laundry appliances.

This narrow interpretation of DOE's authority to regulate water use in the efficiency program may support DOE's efforts to roll back or rescind water use standards.

Considerations for Congress

Members can legislate to affirm or supersede the proposed changes to the program's efficiency standards. Amending the language of EPCA to clarify the scope of the program and to limit the applicability of the anti-backsliding rule could make it more difficult to challenge the proposed rules should they be finalized. Congress is also free to reduce or eliminate potential judicial challenges to the program. Legislation could also clarify or enhance the applicability of the anti-backsliding rule or confirm or reject the validity of water use requirements beyond the products already named in statute.

A number of bills have been introduced in the 119th Congress to amend aspects of the Program, including [H.R. 4626](#) (limiting DOE authority to make new or amended standards for products based on technical and economic factors); [H.R. 3341](#) (repealing efficiency standards for general service fluorescent lamps, general service incandescent lamps, and incandescent reflector lamps); and multiple [joint resolutions](#) intended to disapprove recently promulgated energy efficiency standards pursuant to the authority of the [Congressional Review Act](#).

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