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**APGA Responds to D.C. Circuit Remanding Commercial Boiler Rule Back to DOE**

*Washington, D.C. (January 18, 2022)* – The American Public Gas Association (APGA), representing more than 700 municipally and publicly owned natural gas systems in 38 states, issued the following statement in response to the U.S. Court of Appeals for the D.C. Circuit remanding the Commercial Boiler Rule back to the U.S. Department of Energy:

“The American Public Gas Association (APGA) is studying the court’s decision and, while we are disappointed the court did not vacate the rule entirely, we are pleased the court scrutinized several key areas of the Department of Energy’s (DOE) rationale and found them lacking.

- The court found that DOE failed to meet the higher evidentiary standard required by Congress through the Energy Policy and Conservation Act (EPCA) to justify more stringent appliance efficiency requirements.
- The court found DOE’s “random assignment” methodology to determine consumer benefits “problematic” which APGA has long criticized.

Reliance on flawed economic justifications will result in higher costs for consumers without commensurate benefits. Without the data to support its conclusion, it’s unclear that DOE can offer a legally sound explanation that its rule is economically justified.

APGA and our members are strong proponents of energy efficiency standards that are based on sound science, transparent analysis, and economic justification, which will in turn save Americans money and minimize emissions without eliminating consumer choice. APGA and its member look forward to further engaging with DOE on this rulemaking and others in the future.”

APGA petitioned for review of the rule as did Spire, Inc. and the Air-Conditioning, Heating, and Refrigeration Institute. The case is *American Public Gas Association v. US Department of Energy*, No. 20-1068.