



March 4, 2011

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Via E-Mail

Amanda Stevens
U.S. Environmental Protection Agency
ENERGY STAR Appliance Program
appliances@energystar.gov

Re: ENERGY STAR Program Requirements Product Specification
For Residential Dishwashers, Eligibility Criteria, Draft 2, Version 5.0

Dear Ms. Stevens:

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to provide our comments on the ENERGY STAR Program Requirements Product Specification For Residential Dishwashers, Eligibility Criteria, Draft 2, Version 5.0.

The Association of Home Appliance Manufacturers (AHAM) represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's membership includes over 150 companies throughout the world. In the U.S., AHAM members employ tens of thousands of people and produce more than 95% of the household appliances shipped for sale. The factory shipment value of these products is more than \$30 billion annually. The home appliance industry, through its products and innovation, is essential to U.S. consumer lifestyle, health, safety and convenience. Through its technology, employees and productivity, the industry contributes significantly to U.S. jobs and economic security. Home appliances also are a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

AHAM supports EPA and DOE in their efforts to provide incentives to manufacturers, retailers, and consumers for continual energy efficiency improvement, as long as product performance can be maintained for the consumer. AHAM continues to believe that the ENERGY STAR's previously scheduled, and long planned for, increases in eligibility criteria levels for residential dishwashers should not be changed just a matter of months before they were scheduled to go into effect. In addition, a performance metric should not be arbitrarily and hastily adopted—rather, it should be adopted only when there is an adequate test procedure that is accurate, repeatable, and reproducible. We support the addition of a performance metric, but it needs to be done right for it to provide the level of confidence that the consumer expects to have in the ENERGY STAR brand and to provide certainty to ENERGY STAR partners.

I. Qualification Criteria

A. The Energy and Water Consumption Levels Should Not Be Increased at This Time.

AHAM believes that the energy and water consumption requirement levels previously set for July 2011 should be retained. We appreciate that EPA made some attempt to consider our comments by proposing two tiers of requirements, but that proposal does not provide an adequate response to our concerns. Manufacturers have been planning and investing resources in designs that would be consistent with the agreement that meet the ENERGY STAR levels currently set to increase in July, 2011. If ENERGY STAR changes the specification at this late date, it will result in market disruption and the potential for stranded investments. Manufacturers took the previous Tier 2 proposal seriously. To change things now risks stranding some of their investments and also could make manufacturers less willing to invest in Tier 2 products in the future, undermining the rapid progress that Tier 2 standards are designed to foster. Also, by delaying the start of a new ENERGY STAR tier by six months, significant energy savings will be lost that will take more than six months to make up with the proposed version 5.0 specification.

AHAM, energy efficiency advocates, and consumer groups recently held successful negotiations which resulted in a major agreement on federal minimum energy conservations for five products, and related test procedures, ENERGY STAR, and financial incentive provisions. The description of this package can be found at Attachment A to our comments dated November 10, 2010. The agreement consists of recommendations for updates and extensions of the manufacturer tax credit for the production of super-efficient appliances. These incentives encourage manufacturers to develop, commercialize, and sell very high efficiency products, helping to transform markets faster than with standards alone. The lower tiers of the current federal incentives are phased-out under the new agreement and new, higher tiers are added. Lawrence Berkeley National Laboratory has estimated the tax credits for residential dishwashers would save an additional 0.07 quads of primary energy and 0.03 billion gallons of water over 30 years, for a total energy savings of 0.84 quads and a total water savings of 0.47 trillion gallons.

The agreement does not include ENERGY STAR levels, but it does include aspects that relate to ENERGY STAR including the July 1, 2011, specification and the proposed new EPA specification

The ENERGY STAR levels that are now scheduled to take effect on July 1, 2011, are the basis for new minimum efficiency standards that the agreement recommends take effect January 1, 2013. In developing this recommendation for new standards, the parties to the agreement recognized the value of using the ENERGY STAR specification to help with the transition to the new standard. EPA's proposal to drop the July 1, 2011, specification and further increase the eligibility criteria will make the transition to the 2013 energy efficiency standard much more difficult. Thus, it is not something AHAM can support.

Furthermore, the ENERGY STAR levels EPA proposes for January 1, 2012, (draft 2 Version 5.0) are the same as the second tier of agreed to tax credit levels, and the levels proposed for January 1, 2013, are the same as the third tier of agreed to tax credit levels, both of which are

proposed to apply to dishwashers manufactured in 2011, 2012, and 2013. Those levels, and the associated timeframes for tax credits, were agreed to by all parties (manufacturers, energy efficiency advocates, and consumer groups) with an understanding that it will take time for manufacturers to develop and widely market equipment at this new level, and that initially such levels are only suitable for a portion of shipments. We are concerned that EPA's proposal to have a new level effective January 1, 2012, would not provide enough time for manufacturers to bring new products to market. Furthermore, based on AHAM's latest data, the number of products currently meeting the new proposed level is less than ENERGY STAR's goal of achieving approximately 25% of the market. Instead, ENERGY STAR should maintain the previously set increase for July 1, 2011. Failure to do so undercuts both a broadly supported appliance standards agreement and the credibility and stability of the ENERGY STAR program itself.

B. Introduction of a Performance Metric

i. *Test Procedure*

EPA has recognized that as the ENERGY STAR standards become more stringent, dishwasher cleaning performance could suffer. But, as we have previously commented, at this time, there is no test procedure that is precise enough to adequately serve as the basis for an ENERGY STAR performance metric, especially as we enter a regime of enhanced verification testing. And, in any case, as stated in the Memorandum of Understanding between EPA and DOE, DOE is the body with the responsibility for developing federal test procedures and metrics. Accordingly, DOE, which has considerable knowledge and experience with test procedures, is the proper agency to decide whether and how to incorporate performance into the test procedure for residential dishwashers, and EPA should not circumvent DOE's expertise by deciding what test procedure should measure performance. Instead, EPA should rely on DOE's expertise, and avoid redundant development of expertise in the federal government that would be a wasteful use of resources.

Should EPA nevertheless move forward with selecting a test procedure for measuring residential dishwasher performance without DOE's assistance, AHAM continues to urge EPA to wait until there is a test procedure robust enough to provide a solid foundation.

Although the necessary revisions that will improve accuracy, representativeness, repeatability, and reproducibility are underway for both the ANSI/AHAM DW-1-2009 (AHAM DW-1-2009) test procedure and the IEC test procedure, both will take a significant amount of time to be completed. As we have shared with EPA, AHAM is working to harmonize with the IEC procedure, where appropriate for the U.S. market, and also to do round robin testing. Those revisions require a large amount of time consuming work, such as the identification of similarities and differences between test procedures, deciding how and where to harmonize with IEC, revising the IEC standard where appropriate to apply to the U.S. market (which will be especially challenging given that the IEC standard is also in the beginning phases of revision), testing in a number of laboratories under the revised test procedure, and revising the draft procedure to respond to the findings of the round robin testing. Thus, the AHAM revisions are not likely to be completed for some time. Even were AHAM to put this effort on an incredibly

fast-track, it cannot be completed in a way that yields accurate, repeatable, reproducible, or enforceable results in time for a performance requirement with an effective date of January 1, 2013. The same is likely true of the IEC standards revision process which is typically long due to the international consensus and voting processes.

Recognizing the importance of incorporating a performance metric as ENERGY STAR eligibility levels continue to increase, however, AHAM represented that it could commit to having its revisions of AHAM DW-1-2009 complete by 2013, in time for the next change in energy efficiency standards levels, which is also when we would expect ENERGY STAR would review its eligibility levels again as well. We continue to work toward that goal.

We thank EPA for recognizing some of these issues and pushing its timeline for including a performance requirement for ENERGY STAR eligibility back to January 1, 2013, but that still is not enough time to allow the necessary revisions to AHAM DW-1-2009 (or even IEC 60436, fourth edition). Although we will be working to complete revisions on AHAM DW-1-2009 by 2013, we would not expect that EPA would want to adopt an incomplete test procedure in its specification, which is what would be required for the proposed January 1, 2013, effective date. EPA (or preferably, DOE) should review the revised test procedure upon its completion to determine if it is indeed appropriate for inclusion in the ENERGY STAR specification. Furthermore, to better set a pass/fail level for performance, as EPA is proposing to do, it will need to collect data on the results produced by the revised test procedure. This is consistent with our comments in Part I.A.

If a performance metric is to be added to the ENERGY STAR qualification criteria, it must be done in an appropriate way, through use of a repeatable, reproducible test procedure. This is especially true because the results will be subject to third party verification.

ii. *Data*

During the webinar EPA held on February 22, 2011, EPA stated that it believes cleaning performance is generally at an acceptable level today. Would EPA be willing to share that data and its source with stakeholders? In addition, does EPA know what percentage of consumers prewash their dishes prior to running the dishwasher, and was that considered when determining the range of performance?

C. Reporting Requirement

EPA proposed a reporting requirement in connection with the first proposed tier of qualification criteria. Under the proposal, the “Average Cleaning Index for a minimum of two ‘sensor heavy response’ soil runs shall be calculated and reported to EPA.”

AHAM understands why EPA would want to collect data on the average cleaning index. But we have a number of concerns with that data reporting and collection that lead us to believe it is an unnecessary burden on manufacturers. The data EPA receives is not likely to be useful for the following two reasons.

First, the data to be reported in 2012 would be an average cleaning index score obtained per AHAM DW-1 2009. But, as the test procedure is currently being revised and EPA has stated its intent to give “primary consideration to the harmonized AHAM DW-1 test method for use in ENERGY STAR cleaning performance testing, contingent upon its completion,” the data reported would most likely be of little, if any, use because it would be an apples to oranges comparison with the data the revised AHAM-DW-1 procedure will produce. Thus, we question the actual usefulness of the data to the ENERGY STAR program and request that this additional cost to manufacturers, with no apparent benefit or use, be withdrawn, especially given the current state of the economy.

Second, for the proposed reporting requirement, EPA proposes requiring reporting for a minimum of two “sensor heavy response” soil runs per the DOE test procedure, and then an evaluation and reporting based on AHAM DW-1-2009. There are a number of differences, however, between the DOE test procedure, which uses the AHAM-DW-1-1992 food load only, and the AHAM-DW-1-2009 test as it is used to score performance:

1. The sensor heavy response requires four soiled place settings and four clean place settings; AHAM DW-1-2009 requires a minimum of 10 soiled place settings;
2. The sensor heavy response test uses clean utensils and clean serving pieces; AHAM DW-1-2009 uses soiled utensils and serving pieces; and
3. AHAM DW-1-2009 requires a minimum of three test runs per dishwasher in order to be able to assign a cleaning score. EPA is proposing to require only two test runs, and it is unclear to us whether those test runs are on two machines or one.

We certainly appreciate EPA’s effort to minimize testing by allowing manufacturers to do the testing for the reporting requirement along with their energy test. Unfortunately, however, the DOE requirements for the sensor heavy response (and the other sensor responses) do not prescribe conditions that are necessary to run the AHAM DW-1-2009 test and calculate an average cleaning index. Test procedures cannot be changed and still be expected to yield the intended results. Accordingly, it is not appropriate to calculate or report to EPA an average cleaning index by performing two sensor heavy response soil runs instead of by performing the test as outlined in AHAM DW-1-2009. And the burden on manufacturers would be too high to justify running, in addition to the required energy efficiency tests, three runs on three separate machines under AHAM DW-1-2009 for a reporting requirement when, as discussed above, the test procedure that will eventually be used as the basis for the ENERGY STAR cleaning metric will not be AHAM DW-1-2009 as it currently exists.

We would, thus, suggest that EPA collect this sort of data once DW-1 has been revised. There may also be other ways to assess the range of cleaning performance on the market, including collecting the data from manufacturers on a one-time basis according to existing available data.

II. Definitions

AHAM appreciates EPA's attempt to harmonize its definitions with DOE's in the second draft of the revised residential dishwasher eligibility criteria. But the harmonization is incomplete. The definition of "residential dishwasher," for example, as we previously commented, adds the phrase "used in a residential setting" to DOE's definition. That addition is minor, but AHAM still suggests that the definitions be identical to DOE's definitions. EPA stated that it retained that phrase in the second draft in order to distinguish between residential and commercial products. The better way to do that would be to cite the DOE definition for "consumer product" and state that the specification applies only to dishwashers that also meet that definition.

Similarly, ENERGY STAR's second draft definitions for "compact dishwasher" and "standard dishwasher" are harmonized substantively with DOE's definitions, but are still missing some important details. Specifically, to properly harmonize, the definitions should read:

Compact Dishwasher: A dishwasher that has a capacity of less than eight place settings plus six serving pieces as specified in ANSI/AHAM DW-1 (as incorporated by reference in 10 C.F.R. § 430.22), using the test load specified in section 2.7 of 10 C.F.R. 430, Subpart B, Appendix C.

Standard Dishwasher: A dishwasher that has a capacity equal to or greater than eight place settings plus six serving pieces as specified in ANSI/AHAM DW-1 (as incorporated by reference in 10 C.F.R. § 430.22), using the test load specified in section 2.7 of 10 C.F.R. 430, Subpart B, Appendix C.

In addition, the ENERGY STAR definition of "basic model" varies slightly from DOE's definition, as shown in redline in our November 10, 2010, comments. These changes could change the meaning of the definition. It is critical that this definition be identical to DOE's definition so that manufacturers are not required to have varying basic model groups. Furthermore, DOE has now released its final rule on certification, compliance, and enforcement in which it has somewhat changed the definition of "basic model," though the intent of the changes was not to make substantive changes. We, therefore, suggest that EPA harmonize with that new definition.¹

Given the importance of ENERGY STAR definitions being harmonized with DOE definitions, AHAM also wishes to reiterate the importance of maintaining harmonization with DOE at all times. In other words, as DOE definitions change, ENERGY STAR definitions must also change to mirror them. It is critical that EPA's requirements are consistent with DOE regulations and test procedures. To achieve consistency, the relevant definitions must be identical to each other at all times. Without such consistency and uniformity there will be significant confusion for manufacturers and for consumers. EPA must have substantial reasons for varying from DOE regulations, and if EPA varies from any DOE requirement, AHAM

¹ See DOE, Energy Conservation Program: Certification, Compliance, and Enforcement for Consumer Products and Commercial and Industrial Equipment, Docket No. EERE-2010-BT-CE-0014, at 31 (not yet published in the Federal Register).

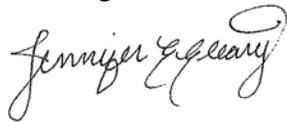
requests that it provide its reasons for doing so and give stakeholders the opportunity to comment.

III. Sampling Procedures

In the second draft of the revised residential dishwasher specification, EPA stated that it revised the test requirement in section 4.A to harmonize with DOE sampling requirements for certification of basic models to the applicable energy conservation standard. AHAM supports that harmonization and the way in which it is communicated, i.e., by reference to DOE regulations. As mentioned above, the final rule on certification, compliance, and enforcement has been released and the sampling procedures have been reorganized. EPA stated that it plans to “incorporate the latest available requirements into the ENERGY STAR specification in order to maintain harmonization,” and so, we urge EPA to now cite the relevant sampling procedure in what will be 10 C.F.R. 429.19.

AHAM appreciates the opportunity to submit these comments on ENERGY STAR’s proposal regarding Advancing ENERGY STAR Program Requirements Product Specification For Residential Dishwashers, Eligibility Criteria, Draft 2, Version 5.0. We would be glad to discuss this matter further should you request.

Best Regards,

A handwritten signature in cursive script that reads "Jennifer Cleary".

Jennifer Cleary
Director, Regulatory Affairs