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June 25, 2010

Ann Bailey
ENERGY STAR Labeling Branch
Environmental Protection Agency
1310 L Street, NW
Washington, DC 20005

Dear Ms. Bailey,

Re: AHAM Comments on ENERGY STAR’s “Draft Certification and Verification Requirements”

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to provide our comments to the Environmental Protection Agency (EPA) ENERGY STAR Program on the June 4 “Draft Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR® Program”.

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM’s more than 150 members employ tens of thousands of people in the U.S. and produce more than 95% of the household appliances shipped for sale within the U.S. 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 a robust ENERGY STAR program. It is critical that that the public, government, retail and industry have confidence in the veracity of energy claims and qualification for ENERGY STAR status. We support confidence-enhancing actions but not expensive, burdensome requirements which will tax manufacturer and laboratory resources and slow the time to market, while providing minimal benefits.

AHAM is eager to work with EPA on behalf of home appliance manufacturers in providing credible ratings to the ENERGY STAR Program. We are also working closely with the U.S. Department of Energy in its revision of compliance and enforcement requirements for manufacturers of home appliances subject to federal appliance efficiency standards. AHAM administers third party verification programs for room air conditioners and dehumidifiers and

will be working with our independent test laboratory partner to ensure that these programs are modified as necessary to meet new ENERGY STAR certification and verification requirements.

AHAM is also launching a verification program for refrigerators, freezers and refrigerator-freezers. AHAM has had ongoing discussions with both EPA and DOE so that this program's design will meet requirements for ENERGY STAR and appliance efficiency standards. This program, as with other verification programs will be open to AHAM members and non members alike.

AHAM also administers a certification and verification program for portable room air cleaners that does not presently verify energy ratings but we will be discussing with members whether the program could be revised in order to meet ENERGY STAR requirements.

For all but portable room air cleaners, licensees provide certification testing in company SMTLs and AHAM uses the contract laboratory for verification testing. In the case of air cleaners, all certification testing is performed by Intertek due to the lack of company testing facilities. However, AHAM is working to bring alternate testing laboratories into this program to provide manufacturers with additional choices for certification testing.

In each of these programs AHAM employs the services of an accredited CB to perform program testing. We fully support EPA's proposal to allow manufacturers to continue to conduct certification tests in supervised company laboratories that are supervised under the SMTL requirements.

We are prepared on an expedited basis to develop and operate programs for clothes washers and dishwashers as well.

With regard to verification, the association provides program administration, test procedure consistency and interpretation, challenge procedures and management, and agency liaison. We strongly encourage EPA to recognize the value of industry verification programs. Programs such as AHAM's encourage all manufacturers and brand owners in a product sector to participate in ratings verification conducted by the same independent laboratory. This uniformity in testing adds credibility to ratings and provides companies with confidence that testing is being conducted uniformly and properly with quality controls in place.

While the EPA draft proposal for Certification Bodies (CBs) focuses primarily on these entities, we are confident that the AHAM verification programs provide an excellent option and perhaps the best options for appliance manufacturers to boost confidence in product energy ratings. We also are confident that the independent testing laboratories with which we partner for these programs, which are accredited certification bodies, will obtain EPA approval and be able to certify ratings for the products in our programs to ENERGY STAR. This could provide enhanced value to our programs by having the same laboratory perform both certification and verification testing. Industry associations such as AHAM provide important value in providing industry wide verification programs which rely on these laboratories. AHAM provides a

common test set up, procedures for unit selection and challenge provisions. Our core competencies are in providing a commonly managed verification program for an entire industry.

AHAM's Verification programs test certified products for compliance with the AHAM program requirements. Units failing to meet AHAM's verification program requirements are removed from the market place by the manufacturer. At that point, AHAM informs all stakeholders and provides test reports/test data to be used in making regulatory and Energy Star program decisions. AHAM programs also contain a challenge program for licensees and provide authority for AHAM to challenge ratings of non licensees.

AHAM has spent the past year developing the refrigerator program and will launch it next month. As mentioned above we have worked closely with EPA and DOE to make sure the program provides value to them as well as our trade partners and customers. We believe it would be helpful to AHAM for EPA to acknowledge that this program meets its criteria for the ENERGY STAR Program as soon as possible. We fully anticipate that the program will be able to meet the requirements which go into effect January 1, 2011.

We further urge EPA to ensure that other verification programs seeking approval be required to meet requirements of the same stringency as those contained in AHAM's refrigerator/freezer program.

AHAM also anticipates that to the extent modifications to its room air conditioner and dehumidifier program are necessary to meet new ENERGY STAR requirements, this will be possible by the January 1 effective date.

For additional products which AHAM is committed to add to our verification programs, such as dishwashers and clothes washers, it will be extremely difficult for new programs to roll out by January 1, 2011. We wish to work with EPA to develop dates when the new program requirements will be effective for these products and our program can be put in place.

For these new programs, AHAM will need to evaluate and obtain adequate laboratory capacity and testing expertise and quality and develop program guidelines. Both the association and members are working diligently to launch the refrigerator/freezer program successfully. We request that EPA work with AHAM to establish separate effective dates for these additional products to ensure they can be up and running in time for EPA and for the industry to have confidence in the programs.

With respect to specific provisions in the draft Conditions and Criteria document, we offer the following specific comments:

1. Paragraph 2)a)ii). EPA discusses Labeling guidelines and CB review of labeling plans. It is suggested that EPA provide further clarity on this issue and also, if issuing guidelines, submit them for public comment. It will be important for any guidelines to harmonize requirements of

Energy Star, DOE and FTC, and be mindful of the scope of EPA's authority in terms of the label and how that interfaces with FTC's scope of authority.

2. Section 1). EPA will recognize any Certification Body that maintains accreditation to ISO/IEC Guide 65. EPA should provide detail on how it plans to ensure consistency among CBs, particularly as it may relate to what may be differences in test values and test procedure interpretations among participating CBs. Preliminary discussions with EPA have indicated an awareness on the part of EPA that there will be a need for correlation of measurements especially in the event of significantly different measurement results among participating CBs but it is unclear to AHAM how this program will be conducted. AHAM believes that a proactive approach requiring participating CBs to engage in correlation measurements would add measurement reliability and stability to the Program.

3. It is not clear how previously issued guidelines on what constitutes an "independent lab" are handled in this proposal, if at all. AHAM recommends that so long as the manufacturer lab meets the requirements set forth by the CB as described in Appendix A of the proposal, that should be sufficient to ensure impartiality.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Cigler". The signature is fluid and cursive, with the first name "James" being the most prominent part.

James L. Cigler

Director, Product Certification and Verification