

David B. Calabrese
Vice President
Government Relations

April 20, 2005

Mr. Richard Karney
Energy Star Program Manager
U.S. Department of Energy
Building Technologies Program
1000 Independence Avenue, SW
Washington, DC 20585-0121

RE: Comments on Revisions to the Energy Star Clothes Washer Criteria

On behalf of the Association of Home Appliance Manufacturers (“AHAM”), I would like to offer our comments on the new Department of Energy (“DOE”) Energy Star criteria (1.72 MEF/8.0 Water Factor) for clothes washers which are to take effect on January 1, 2007.¹ As changes to the program could have a significant effect on AHAM member companies, we are providing these comments for your consideration.

The Association of Home Appliance Manufacturers is a not-for-profit trade association representing manufacturers of major, portable and floor care home appliances, and suppliers to the industry and is headquartered in Washington, D.C.

I. DOE’S SPECIFICATION REVISION ANALYSIS MUST NOT APPLY TO ANY FUTURE CLOTHES WASHER STANDARDS CHANGES

The DOE Clothes Washer Criteria Revision Analysis should be revised in its final form to clarify that certain comments made in the analysis, relating to consumer preferences and the need for conventional vertical axis clothes washers, are limited entirely to the Energy Star program. Although the clothes washer specification revisions clearly relate to Energy Star criteria, it should be made clear that the commentary is limited to that program and that DOE recognizes that conventional, moderately-priced vertical-axis machines (with agitators) are important to consumers and a critical part of manufacturers’ offerings.

Whatever DOE’s views may be with respect to a voluntary program which is limited to a small proportion of the marketplace, the recognition of the key role of conventional top-loading, vertical-axis products is consistent with the Department’s long

¹ Department of Energy Letter to Energy Star Stakeholders, March 28, 2005 and Market Analysis and Proposed Changes to the Energy Star Criteria for Clothes Washer, March 28, 2005 (collectively the “DOE’s Clothes Washer Criteria Revision Analysis”)

standing views with respect to the clothes washer product line as a whole. During the regulatory process leading to the current clothes washer standards, the Department made clear its stance on ensuring product choice. DOE acknowledged it is critical in order to protect consumer preference and to minimize burden on clotheswasher manufacturers -- particularly U.S.-based and U.S. clothes washer factories -- that no standard be set or no other regulatory action taken that would effectively drastically limit or preclude the offering in the marketplace of conventional, moderately-priced vertical axis or top loader clotheswashers. This product is what the vast majority of consumers prefer and although they may be encouraged through Energy Star and other programs to consider other alternatives, consumer choice should not, as a matter of policy and cannot as a matter of law under the National Appliance Energy Conservation Act ("NAECA"), be adversely affected.

Further, DOE may be indifferent to the fact that its Energy Star draft specification severely limits U.S.-based production participation in the Energy Star program but it must recognize that under the law that cannot be the case with respect to any regulatory decision. Considering U.S. production and the economic burden on manufacturers is explicitly a part of NAECA and the Process Improvement Rule.

Therefore, we request that when DOE issues its final clothes washer Energy Star specification, it state explicitly:

1. Comments with respect to the desirability and consumer preference for horizontal-axis and vertical-axis (without agitators) clothes washers do not apply to DOE regulatory decisions. It is recognized that the vast majority of consumers prefer, and that the DOE regulatory decisions must protect, the capability for conventional, reasonably-priced, vertical-axis clothes washers to be available throughout the United States.
2. Any future DOE regulatory decisions will take into account, *inter alia*, the impact of this decision on manufacturers, competitiveness and the U.S. manufacturing base. Therefore, the indifference in the Energy Star revision to these factors is not relevant or applicable to any regulatory decisions.

II. DOE'S REVISION ANALYSIS IS DEFICIENT

The DOE Clothes Washer Criteria Revision Analysis states that "any successful Energy Star criteria" must consider certain objectives and "assurance(s)" that they:

- "provide ample consumer choice, both in terms of number of models and a wide range of manufacturers; [and]
- do not compromise functionality or performance of the labeled product"²

² 2007 Clothes Washer Criteria Revision Analysis, pps. 1 & 2. (emphasis added)

As there are only eight (8) top load models, which represent a very small market share, that meet the proposed new levels (as identified in the AHAM November 5 comments), we question whether DOE is proposing levels that are too stringent to allow such “ample consumer choice.” We are concerned that DOE’s analysis could result in the compromising of the product functionality, as DOE acknowledges that most consumers in the U.S. prefer the top-load clothes washer design.

AHAM has previously commented on the effect of changes to the clothes washer Energy Star criteria with respect to clothes washer performance.³ In the AHAM November 5 comments we specifically noted that as a water factor is made more stringent there are issues to consider with respect to adequate rinsing. We must note that DOE’s analysis incorrectly characterizes our concern as being primarily related to hygiene issues. While hygiene is a major concern that must be addressed in any specification revision, it is by no means the only major issue associated with a stringent water factor. Adequate rinsing is also needed to remove detergent, distribute fabric softener (used by 70% of consumers) and fully flush particulates and soil from the clothes load.⁴

Furthermore, we are puzzled by DOE’s assessment that any water factor “either below 8.0 or above 9.5 would eliminate any concerns about hygiene.”⁵ The DOE analysis does not demonstrate any factual basis for that statement.

We also continue to disagree with DOE’s primary approach to presuming the proposed levels are satisfactory by referring primarily to the number of models available at certain levels. AHAM has repeatedly pointed out that the number of models available must be coupled with their relative market share. In the AHAM November 5 comments we provided shipment data that appears to have been largely ignored as the DOE analysis continues to place emphasis on the numbers of models available.

Lastly, DOE’s analysis shown in Table 7 appears to credit the new Energy Star levels with all the national water savings that will occur in the future due to low water factor shipments. This is misleading, and should be adjusted to account for the fact that many clothes washers with low water factors will be sold regardless if the Energy Star levels are adjusted, due to current programs and market forces.

Overall, our primary concern rests upon the fact that much of the data and analysis provided to DOE does not appear to have been used in its final analysis.

³ AHAM Comments on Proposed Revisions to the Energy Star Clothes Washer Program, November 5, 2004. (“AHAM November 5 comments”)

⁴ Research has shown that detergent build-up over time, due to inadequate rinsing, leads to yellow, dingy looking clothes.

⁵ 2007 Clothes Washer Criteria Revision Analysis, p. 4.

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April 20, 2005

Page 4 of 4

We thank you for the opportunity to comment and would be pleased to discuss these issues with you in more detail.

Sincerely,

A handwritten signature in dark ink, reading "David B. Calabrese". The signature is written in a cursive style with a large initial "D" and a small dot above the "i" in "Calabrese".

David B. Calabrese
Vice President
Government Relations