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September 6, 2016

Via E-Mail

Ann Bailey, Director  
ENERGY STAR Product Labeling  
U.S. Environmental Protection Agency  
ENERGY STAR Appliance Program

Most Efficient@energystar.gov

Re: ENERGY STAR Proposed Recognition Criteria for Most Efficient 2017

Dear Ms. Bailey:

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to provide our comments on the Environmental Protection Agency's (EPA) proposed recognition criteria for ENERGY STAR Most Efficient 2017.

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.

As long as product performance can be maintained for the consumer, AHAM supports the EPA and the Department of Energy (DOE) in their efforts to provide incentives to manufacturers, retailers, and consumers for energy efficiency improvement. But AHAM is concerned that EPA continues to establish Most Efficient criteria in a manner inconsistent with EPA's Guiding Principles for the ENERGY STAR program and inconsistent with actions it has taken with regard to its baseline specifications. As a consequence, EPA's actions appear arbitrary and capricious.

Specifically, for 2017 EPA proposed a number of criteria for clothes dryers that are not consistent with EPA's approach in the underlying specification and/or with the Federal energy conservation standards which are the foundation of the ENERGY STAR program for appliances.

As we have commented numerous times, DOE, through its lengthy, thorough, and long-existing rulemaking process for appliance efficiency standards, has established test procedures and product classes for good reasons, supported by relevant data. Importantly, these regulations, as promulgated by DOE, implement Congressional intent. As such, DOE's standards are, and should be, the foundation for the ENERGY STAR program. EPA cannot use an approach that varies from the approach DOE has taken to regulate covered products. To do so ignores the extensive analysis DOE has done to formulate standards for those products—analysis which includes a careful balancing of energy savings, consumer choice, product functionality, and manufacturer burden per the National Appliance Energy Conservation Act of 1987 (NAECA).

Moreover, EPA should not differ from its own approach as represented through the ENERGY STAR specifications. Those specifications are more thoroughly vetted with stakeholders than the Most Efficient criteria. By not measuring the “best of the best” against the same basic criteria as “the best,” EPA sends mixed messages to consumers.

First, EPA proposes Most Efficient 2017 criteria for clothes dryers for only two broad product classes, electric and gas. Conversely, EPA's underlying specification and the energy conservation standards provide for several additional product classes. AHAM proposes that EPA instead delineate the same product classes in its Most Efficient criteria for clothes dryers that it has outlined in Version 1.0 of its clothes dryer specification. This is the best way to maintain consistency within the ENERGY STAR program and ensure that the Most Efficient designation is credible. Please note that AHAM continues to believe that EPA should also take this approach with regard to clothes washer product classes as we set forth in our comments on the Most Efficient proposed criteria for 2016.

Second, EPA proposes Most Efficient 2017 criteria for clothes dryers for both the normal cycle and the “most energy consuming” cycle. Conversely, the ENERGY STAR clothes dryer criteria are, appropriately, based solely on the normal cycle as are the applicable energy conservation standards. The reason for basing both ENERGY STAR criteria and energy conservation standards on the normal cycle is that DOE determined that that is the cycle most often used by consumers. Thus, from an energy savings perspective, it makes little sense to require measurement of energy, or set a metric, for such a cycle. Moreover, even if it were appropriate for EPA to stray from its own and DOE's reasoning, EPA has done nothing to demonstrate that there is a reason to place a metric on and require measurement of energy for the “most energy consuming” cycle.

Perhaps most importantly, it will be incredibly burdensome for manufacturers and third party certification/verification bodies to measure the “most energy consuming” cycle. To do so would require a manufacturer and/or third party test laboratory to test every single cycle to determine which one uses the most energy. That likely means testing anywhere from five to 20 cycles for each model against three to four temperature and dryness setting options. And, in order to attain the required level of confidence in the results, this testing would need to be repeated multiple

times for each cycle. The testing to determine the “most energy consuming” cycle will not only be burdensome to complete, but will also significantly decrease manufacturer and third party laboratory capacity and availability. This means that laboratories will not be able to certify or verify as many clothes dryer model and that company resources will be diverted away from core activities such as research and development.

The immense burden EPA’s proposed criteria would impose is not justified by any demonstrable benefit to consumers. EPA has not demonstrated that consumers frequently use the “most energy consuming” cycle, or even that consumers are selecting cycles other than the normal cycle on a frequent or regular basis. EPA’s only explanation as to why it is proposing a metric on the “most energy consuming” cycle is “to guard against consumers experiencing lower than expected performance.” EPA has not shown that there is a need to guard against poor performance. Accordingly, EPA should not finalize Most Efficient criteria for the “most energy consuming” cycle—if it decides to move forward with a Most Efficient program for clothes dryers, it should base the criteria on the normal cycle alone. That is consistent with the approach EPA took in the underlying clothes dryer ENERGY STAR specification and is also consistent with the applicable energy conservation standards.

Aside from the incredible testing burden and non-existent benefit to consumers of including a metric for the “most energy consuming” cycle setting, AHAM is also concerned that, if EPA moves forward, EPA has not sufficiently clearly defined how to 1) determine which cycle consumes the most energy; or 2) how to test that cycle. Requirements like this necessitate a procedure, not a footnote notation on the test protocol. This issue will be moot if EPA instead adopts AHAM’s proposal to measure the energy efficiency of only the normal cycle.

In addition, EPA is proposing to require that testing include “such settings that can be downloaded after the initial purchase of the product.” AHAM opposes this requirement which could result in a never-ending re-certification requirement for clothes dryers. The larger issue of the challenges downloadable settings may introduce should be discussed more broadly and not in the context of a Most Efficient specification.

Finally, it appears that the levels EPA has proposed for clothes dryers are aspirational—for certain product categories, there are currently no clothes dryers on the market that could qualify for Most Efficient. Although AHAM is not commenting on the appropriateness of EPA’s proposed levels—individual manufacturers will communicate their views to EPA—AHAM is concerned that this is counter to the goals of the Most Efficient program. The Most Efficient program is intended to recognize the “best of the best,” which means it focuses on identifying the top energy performers existing on the market. It does not mean that the Most Efficient program seeks to set aspirational levels for manufacturers to spur further efficiency advancements. Instead, EPA relies upon its Emerging Technology award for that purpose. AHAM asks that EPA reconsider its proposed Most Efficient criteria in this light—that it is meant to recognize the best products existing on the market.

AHAM appreciates the opportunity to submit comments on EPA's proposed recognition criteria for ENERGY STAR Most Efficient 2017 and would be glad to further discuss these matters should you so request.

Best Regards,

A handwritten signature in black ink that reads "Jennifer Cleary". The signature is written in a cursive style with a large, looping initial "J".

Jennifer Cleary  
Director, Regulatory Affairs