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August 28, 2017

Via E-Mail

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

MostEfficient@energystar.gov

Re: ENERGY STAR Proposed Recognition Criteria for Most Efficient 2018

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 2018.

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 the Department of Energy (DOE) in their efforts to provide incentives to manufacturers, retailers, and consumers for energy efficiency improvement, as long as product performance can be maintained for the consumer. 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.

EPA has offered little analysis to indicate how or why it has chosen the eligibility criteria in the proposal. And, for dehumidifiers, EPA has not indicated why it believes the product category should be eligible for Most Efficient or why it limits eligibility to smaller capacities. EPA simply states that it proposes to do so. It is difficult, if not impossible, to provide EPA with sufficient or any feedback without knowledge of how EPA reached its proposal.

We also wish to address a couple of comments made during the August 17, 2017 webinar. A question was raised as to whether EPA will be considering IoT in future criteria by categorizing it or addressing its energy savings. EPA commented that it would be looking into doing so. DOE, however, has recently issued a request for information seeking comment on whether connected features should be addressed differently in the refrigerator/freezer test procedures. DOE is the proper agency to determine how to address this question, not EPA.

Similarly, a commenter asked whether EPA would consider the use of alternative test methods other than the DOE test procedure for clothes dryers. EPA indicated that it would look into it. EPA should not allow alternative test procedures because doing so is at odds with the Environmental Policy and Conservation Act of 1975, as amended (EPCA). EPCA prohibits manufacturers from making any representations about energy use, energy efficiency, or water use, unless the product has been tested in accordance with DOE's test procedure and the representation fairly discloses the results of the testing. *See* 42 U.S.C. 6293(c)(1). EPA already is using a DOE test procedure earlier than DOE required it creating increased confusion and burden.

Moreover, in response to both points, DOE, when it follows 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 regulations are, and should be, the foundation for the ENERGY STAR program. EPA should not use an approach that varies from the approach DOE has taken to regulate covered products.

In fact, as we have previously commented, AHAM supports moving the management of the ENERGY STAR program for major appliances back to DOE, which formerly managed them. DOE's regulations are the foundation of the ENERGY STAR program for home appliances. In developing those regulations, as mentioned above, DOE undergoes a lengthy and thorough analysis regarding the technical and economic justification for energy conservation standards and the proper method for testing products to determine compliance with those standards. Thus, DOE develops product expertise as the agency determines whether revised minimum standards are appropriate and to what degree. There are efficiencies in having one Federal agency manage energy efficiency programs for home appliances.

AHAM appreciates the opportunity to submit comments on EPA's proposed recognition criteria for ENERGY STAR Most Efficient 2018 and would be glad to further discuss these matters should you so request.

Best Regards,

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

Jennifer Cleary
Director, Regulatory Affairs