February 9, 2020

Via E-Mail

Peter Banwell
ENERGY STAR Program
U.S. Environmental Protection Agency
emergingtech@energystar.gov

Re: ENERGY STAR 2021 Draft Emerging Technology Award Requirements: Residential Induction Cooking Tops

Dear Mr. Banwell:

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to provide our comments on the ENERGY STAR 2021 Draft Emerging Technology Award Requirements for Residential Induction Cooking Tops.

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM’s more than 150 members employ hundreds 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 $50 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 nearly $200 billion annually to the economic security of the United States. 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. Because the DOE appliance standards program is the foundation for the ENERGY STAR program, it is critical that program elements are harmonized to reduce burden and confusion for manufacturers and, ultimately, consumers.

As AHAM has commented numerous times, EPA must ensure the ENERGY STAR program is based upon the foundation DOE lays in the appliance standards program, including product and other applicable definitions, product classes, test procedures, and sampling requirements. DOE conducts lengthy, thorough, and transparent rulemakings to set those definitions, product classes, test procedures, and sampling requirements and the regulations are subject to notice and
comment rulemaking. EPA should not stray from determinations DOE has made through its lengthy rulemaking process, which has already gone through a rigorous and transparent analysis.

EPA proposes to rely on the test procedure for conventional cooking tops in 10 CFR Part 430, Subpart B, Appendix I as published by DOE in January 2017. But DOE has since withdrawn this test procedure, effective September 17, 2020. 85 Fed. Reg. 50757 (Aug. 18, 2020). DOE withdrew the test procedure because it determined that it was not representative of energy use or efficiency during an average use cycle and because it was overly burdensome to conduct. More specifically, DOE found that “AHAM submitted test results conducted by skilled technicians that is inconsistent with DOE’s own testing results to date regarding the test procedure for conventional cooking tops. Because of this inconsistency, which indicates the test procedure is not reproducible, DOE determines that the conventional cooking tops test procedure does not accurately represent consumer use and is unduly burdensome. DOE therefore withdraws the conventional cooking tops test procedure in this final rule.” Id. DOE also indicated that “[a]s a result, the outcomes of such testing are unreliable and it is unduly burdensome to leave that test procedure in place and require cooking top tests be conducted using that test method without further study to resolve those inconsistencies.” Id.

It is thus inappropriate for EPA—who, in its partnership with DOE, is to rely on DOE for test procedure development both under its Memorandum of Understanding and as a simple fact that the appliance standards program is the foundation of the ENERGY STAR program for home appliances—to rely on a withdrawn test procedure. This is true not just as a matter of principle, but also as a practical matter. If DOE has determined that the test procedure does not produce reliable results and that it does not accurately represent consumer use, EPA should not be using it as the basis for making energy representations to consumers.

Importantly, we note that AHAM has begun a process to develop a test procedure for conventional cooking tops and DOE and its consultant, Guidehouse, are participating in our task force. Our work is aimed at conducting further study to resolve the issues AHAM raised in our petition which ultimately resulted in the withdrawal of the test procedure. Our goal is to develop a test procedure that can eventually be adopted by DOE. This work will likely take some time given the complexity of the issues, but we are working diligently and are hoping to resolve these issues and conduct testing to verify the repeatability and reproducibility of any draft procedure we develop.

AHAM appreciates the opportunity to submit comments on the ENERGY STAR 2021 Draft Emerging Technology Award Requirements for Residential Induction Cooking Tops and would be glad to further discuss these matters should you so request.

Best Regards,

Sriram Gopal
Director, Technology and Environmental Policy