



GE APPLIANCES
a Haier company

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Via E-mail (appliances@energystar.gov)

Ms. Katharine Kaplan
Team Lead, ENERGY STAR Product Development
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: ENERGY STAR Program Requirements, Product Specification for Residential Dishwashers, Eligibility Criteria, Draft 1, Version 7.0

Dear Ms. Kaplan:

GE Appliances, a Haier company ("GEA"), respectfully submits the following comments to the Environmental Protection Agency ("EPA") in response to the EPA's Request for Comments on ENERGY STAR Version 7.0 Draft 1 (the "RFC").

GEA supports the May 18, 2020, comments submitted by the Association of Home Appliance Manufacturers ("AHAM") and incorporates them into its own comments by reference. GEA adds these additional comments to provide information pertinent to GEA, provide individual company data, and to highlight the importance of several of the issues raised in the RFC.

GEA is a leading, US manufacturer of home appliances. GEA offers a full suite of major appliances across seven brands. GEA has been a participant in and contributor to the ENERGY STAR program since its founding almost 30 years ago. GEA devotes substantial resources to the development of new technologies to increase energy efficiency where they are feasible and engineering products to meet demanding ENERGY STAR specifications. GEA is a leading manufacturer of dishwashers in the United States and manufactures almost all of the dishwashers it sells at its headquarters in Louisville, KY.

While GEA supports all of the positions' in AHAM's letter, it believes the below points, some of which are in addition to AHAM's comments, are of particular importance.

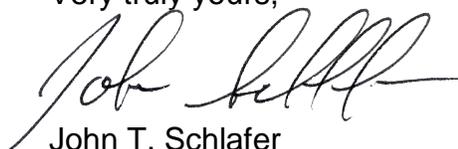
- (1) EPA should sunset the ENERGY STAR standards for dishwashers. Based on currently available technology, an increase in the stringency in ENERGY STAR standards from their current Version 7.0 levels will result in a net negative for consumers. Any further decrease in water or energy usage will result in increased cycle times, increased noise, reduced dry performance, and / or reduced wash performance. EPA's attempts to limit these inevitable consequences are fatally flawed. No entity, including AHAM--despite many attempts and best efforts, has been able to develop a cleaning performance test that has sufficient reliability and repeatability ("R&R") that the test can be used for either performance certification or, more importantly, verification. Until such time as EPA develops a reliable test and demonstrates sufficient test R&R, EPA undermines the credibility of its own program by attempting to implement a cleaning performance standard. This is an issue that not only effects dishwashers, but the integrity of the ENERGY STAR program as a whole.
- (2) EPA's reliance on Consumer Reports' wash performance data to support EPA's desire to include a wash performance standard and to argue that wash performance can be maintained without trade off at more stringent energy levels is unfounded and improper. EPA has provided no evidence of correlation between EPA's Version 7.0 Draft 1 wash performance test and the wash performance test used by Consumer Reports. Further, EPA has provided no evidence regarding the relevance of the Consumer Reports test--that is no evidence that the Consumer Reports test accounts for the types of cleanliness that matters to consumers or that the test is otherwise relevant to consumer desires. In addition, there is no evidence regarding the reproducibility or repeatability of the Consumer Reports test. Lacking evidence to address any of these issues, EPA should completely disregard the Consumer Reports performance test in the development of Version 7.0.
- (3) EPA's intention to set a cycle time limit is also improper. As an initial matter, it is not an energy characteristic, and EPA has no proper authority to set such limits as a standard under the ENERGY STAR program. Regardless of the lack of legal justification, however, setting a time limit only pushes the net negative of decreased energy usage to other negatives for consumers, which include noise, dry performance, and cost. Dishwasher wash performance is ultimately constrained by physics and chemistry, and EPA cannot avoid these constraints.
- (4) The EPA's price increase lacks credibility due to the short time period and lack of sample size information. GEA has performed an analysis of the publicly available price of over 800 dishwasher models over a 12-month period. While the purchase price of products differs greatly by manufacturer, feature sets, and surface finishes, GEA's comprehensive analysis shows approximately a \$300 average cost increase from current ENERGY STAR compliant models to models that are compliant to the proposed Version 7.0 levels. Based on this price difference and the limited savings of approximately \$4.68 per year savings from reduced operating costs between Version 6.0 and proposed Version 7.0, it would

take 65 years for the cost added by proposed Version 7.0 to be recouped by a consumer.

- (5) EPA has no mandate under the ENERGY STAR program to regulate either the safety or the cybersecurity of connected devices. In addition to having no legal foundation for setting standards other than for energy efficiency, EPA dilutes the value and meaning of the ENERGY STAR program when it attempts to include issues others than energy efficiency in ENERGY STAR standards. Moreover, these product features are already regulated under the proper legal authority of other federal agencies such as the CPSC and the FTC. EPA's attempt to improperly broaden the scope of the ENERGY STAR program is legally improper and wastefully duplicative.
- (6) EPA should not include construction requirements of any type in its ENERGY STAR standards, including a requirement for soil sensors. ENERGY STAR standards should be technology agnostic, and manufacturers should be free to develop new, innovative technology solutions to meet the energy specifications set by EPA. Setting construction requirements, such as requiring the inclusion of a soil sensor, discourages innovation and cost reduction efforts by manufacturers and provides no measurable benefit to consumers.
- (7) EPA's use of confidentially submitted test result data for standards development is both improper and poor policy. Product test result data is confidential business information, is not necessary for a robust ENERGY STAR certification program, and it should not be used by the EPA for rule making. Due to the inherent variability in manufacturing processes, the risks associated with surveillance failure, and the desire to ensure all consumers are receiving a product that performs at least as well as represented, manufacturers routinely sell products that perform slightly better than represented. The margin between product claims and performance is an important element of the appliance energy efficiency system, and it must be respected as an important part of the energy efficiency market. If EPA begins setting standards in a way that attempts to absorb these margins, the cost of ENERGY STAR compliance will go up substantially, fewer products will be developed for ENERGY STAR compliance, and product cost will increase beyond that calculated by EPA as manufacturers will be required to maintain margins between test results and energy representations.

GEA appreciates the opportunity to provide these comments. Please do not hesitate to contact me with any questions or concerns.

Very truly yours,



John T. Schlafer