



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 2, 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 2 (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 manufactures most of its dishwashers with a union workforce at its headquarters in Louisville, KY. In addition to product assembly, GEA completes metal fabrication and paint for its dishwashers in Louisville. And GEA's injection molding center of excellence, the largest injection molding facility in Kentucky, manufactures many of the components for its dishwashers in Louisville.

GEA supports the February 24, 2022, comments submitted by the Association of Home Appliance Manufacturers ("AHAM") and incorporates them into its own comments by reference. GEA adds additional comments to provide company-specific perspective on issues addressed in detail in AHAM's comments.

1. The Proposed Version 7.0 Standards Are A Net Negative For Consumers And The ENERGY STAR Program

GEA continues to urge EPA to sunset the ENERGY STAR Program for dishwashers. An increase in the stringency of ENERGY STAR standards from their current levels will result in a net negative for consumers. Indeed, the life cycle cost analysis that DOE performed in its ongoing dishwasher standards rulemaking shows an average loss of \$35 for consumers over the life of their dishwasher at EPA's proposed Version 7.0 levels. DOE's analysis further showed that approximately 77% of consumers would experience a net negative value at Version 7.0 levels. DOE's work on this issue was significantly more thorough than the minimal analysis performed by EPA. Moreover, DOE's findings are in line with an analysis GEA performed, the results of which it submitted in comments in response to Draft 1 of Version 7. GEA's analysis found an average \$300 retail cost difference between dishwashers at Version 6 levels and Version 7 levels and an annual cost reduction of only \$4.68 between products at these two levels.

At a minimum, EPA must address the extraordinary discrepancy between its life cycle cost analysis and the results of DOE's analysis. While ENERGY STAR is a voluntary program, it is still a government program subject to statutory notice and comment rulemaking requirement. 42 U.S.C. § 6294a(c)(5) – (6). And its rulemaking is an agency action subject to the Administrative Procedures Act. See 42 USC 551(13), 704. Establishing a standard on the basis that the standard will benefit consumers when a related rulemaking with a much more thorough analysis has determined the opposite would be an arbitrary and capricious action by EPA. EPA must take a hard look at the conflicting evidence and conclusions between its analysis and DOE's and reach a reasoned decision.

Moreover, while federal law requires EPA to address the data indicating its life cycle cost analysis is incorrect, it is in the interest of the ENERGY STAR program for EPA to do so. For ENERGY STAR to retain its value to consumers, it must ensure that products bearing its mark bring value to consumers through the energy savings the products provide. DOE's analysis, as well as GEA's analysis, indicate that will not be the case at the proposed Version 7.0 levels. It is in the interests of the broader ENERGY STAR program, therefore, for EPA not to establish the energy and water levels contemplated in draft Version 7.0 and to sunset the ENERGY STAR mark for residential dishwashers.

2. The Lack Of Repeatability And Reproducibility Data Is Fatal To EPA's Proposal For A Cleaning Performance Requirement

ENERGY STAR's credibility with consumers as well as its partners is dependent on the ability of its standards to distinguish ENERGY STAR products effectively and accurately in the market. The cleaning performance test independently proposed by EPA as well as the cleaning performance metric DOE proposes to

incorporate into a revised test procedure are so significantly flawed that they threaten the integrity of the ENERGY STAR program. The fundamental flaw in these proposed cleaning performance schemes is the lack of lab-to-lab reproducibility. AHAM and GEA have submitted more lengthy comments on this issue in response to the most recent DOE proposed dishwasher test procedure, and GEA refers EPA to those comments for further details.

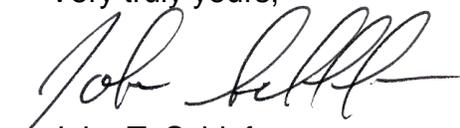
In short, however, DOE and EPA lack meaningful data regarding reproducibility. And the detailed data on the reproducibility of cleaning performance provided by AHAM indicates a single standard deviation of measurement is at least seven points. This level of variability severely limits the meaningfulness of any certified cleaning performance score and opens any alleged failure of an ENERGY STAR criteria to attack for lack of meaningful evidence. In addition, the lack of data establishing a known variability for either proposed cleaning metric or a mechanism for addressing that variability in enforcement or audit programs prevent EPA from making a reasoned decision on this issue. The inability of EPA to make a reasoned decision prevents this rulemaking from passing scrutiny under the Administrative Procedures Act.

3. EPA Lacks Data Regarding Consumer Relevance For Its Proposed Cleaning Performance Requirement

Finally, for the ENERGY STAR mark to maintain its value, it must be meaningful to consumers. EPA has no data to support the consumer relevance of its or DOE's proposed wash performance requirements. And EPA has no evidence that DOE's proposed threshold of 65 for wash performance is meaningful to consumers (particularly given the variability issues addressed above). In addition, EPA's cleaning performance proposal ignores many other important aspects of consumer satisfaction with a dishwasher, including cycle time, noise, and dry performance. This risk of impact on other consumer relevant performance criteria and the lack of evidence of consumer relevance for the proposed wash performance schemes place the relevance of the ENERGY STAR brand at risk. While GEA urges EPA to sunset the ENERGY STAR label for residential dishwashers, GEA supports the ENERGY STAR program as a whole and believes it is a valuable and important part of the home appliance market in the United States. GEA, therefore, urges EPA not to move forward with a specification that risks harming the ENERGY STAR brand.

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