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September 7, 2016

Via Email

Melissa Fiffer
U.S. Environmental Protection Agency
ENERGY STAR® Appliance Program
appliances@energystar.gov

Re: ENERGY STAR Product Specification Draft 1 for Clothes Washers Version 8.0

Dear Ms. Fiffer:

Thank you for the opportunity to comment on this draft. We appreciate the collaboration that continues to be encouraged by the Environmental Protection Agency (EPA) and shared between its stakeholders. As you know, our ongoing commitment to the growth, success and integrity of the ENERGY STAR promise is a strong source of pride for our company.

As a very active member of the Association of Home Appliance Manufacturers (AHAM), Whirlpool Corporation has worked closely with them in the development of the comments they submitted (under separate cover) on this draft proposal. **Please be advised that we support and echo the positions taken by AHAM; particularly the positions on the optional reporting of cleaning and rinse performance and the definitions. Our comments supplement those positions and address concerns that AHAM cannot take on an industry position.**

Definitions

We appreciate EPA's efforts to further clarify the definitions in the clothes washer specification. We agree that the definitions for *Residential Clothes Washer with Heated Drying Functionality* and *Combination All-in-One Washer-Dryer* provide needed clarity to manufacturers on the different product types captured by the definitions.

For the definition of *Laundry Center*, we believe that the definition should be amended to remove "and is powered by a single electric power source." The definition already makes it clear that this is a single consumer product with separate, stacked drums, so as not to confuse this product type with *Combination All-in-One Washer-Dryers*, so the further clarification that it is powered by a single electric power source is unnecessary. Further, we believe that EPA should be technology-agnostic towards whether a *Laundry Center* has one or more than one power source. The definition should not preclude future manufacturer innovation if there is some consumer benefit for more than one power source on a *Laundry Center*.

Scope - Combination All-in-One Washer-Dryers

We do not agree with EPA's preliminary decision to exclude *Combination All-in-One Washer-Dryers* from the specification scope, and to require measuring and reporting requirements for drying cycle water usage if they are to be included in the specification. EPA's hesitancy seems to be from stakeholder concerns about the water usage of the drying cycle in

water-cooled combination washer-dryers. While we don't know exactly which data is being cited by those stakeholders, it is our experience from testing of U.S. water-cooled combination washer-dryers that the water usage of the drying cycle is minimal.

However, we question the value of measuring and reporting that data to EPA and/or consumers. EPA does not give further details on why this data needs to be measured and reported, or how the data will be used. We don't know if it will be used for informational purposes only for EPA and/or publicly displayed to consumers, or if EPA will use this data to set future requirements.

Regardless, water-cooled combination washer-dryers are a very small and niche part of the U.S. market (well below 1% of market). There would be minimal value to measure and report this data, as consumers already have very few model choices in water-cooled combination washer-dryers in the market. Consumers likely would not use this data, if available, in their purchase decision, instead looking to other, more important factors than clothes drying cycle water usage, like size, capacity, cycle options, brand, etc.

Further, we do not think that water-cooled combination washer-dryers should be subject to additional requirements above and beyond air-cooled models. There are a number of possible benefits to water-cooled models, and requiring reporting and possibly displaying water usage of these washers may mislead consumers into think they are a less environmentally-friendly option to air-cooled models.

We believe the possible benefits of water-cooled combination washer-dryers over air-cooled models are: (1) water-cooled models use comparatively less energy than air-cooled because they can get to a higher internal temperature; (2) water-cooled models are not influenced by ambient (room) temperature and humidity like air-cooled models are, and do not dump huge heat loads back into the room during the drying process; and (3) water-cooled models have fewer components and are generally less expensive (they do not have an additional fan, secondary air circuit, etc.).

Scope - 6.0 Cubic Foot Limit on Commercial Clothes Washers

We disagree with the continued exclusion of commercial clothes washers with a capacity larger than 6.0 cubic feet. EPA previously stated in the development of the Version 6.1 washer specification that the capacity limitation was put in place because Table 5.1 of the Appendix J1 test procedure does not go beyond 6.0 cubic feet.

As EPA may know, Whirlpool was granted a decision and order from DOE on May 2, 2016, (81 FR 84 26215-26217) which granted Whirlpool a waiver from the DOE J2 test procedure for determining the energy consumption of clothes washers. In the decision and order, DOE presented a revised Table 5.1 of the Appendix J2 test procedure that allows for testing of clothes washers between 6.0 and 8.0 cubic feet capacity.

Given that the Version 8.0 clothes washer specification will be based on the Appendix J2 test procedure, there is now a means for ENERGY STAR commercial clothes washers to test beyond 6.0 cubic feet, even though those large products are not covered by DOE standards.

Qualification Criteria - Residential Clothes Washers

Whirlpool does not agree with EPA's decision to revise residential top load washer levels in the Version 8.0 specification, for a number of reasons below.

EPA Should Evaluate Top Load and Front Load Washers Separately

EPA cites that the residential clothes washer manufacturers responded quickly to the Version 7.0 specification change and that 50% of residential washers being sold in 2015 are certified as ENERGY STAR. While this may or may not be accurate, we believe the EPA should evaluate top load washers and front load washers separately.

In our industry analysis, all or nearly all front load washers are certified as ENERGY STAR. In contrast, less than 40% of top load washers are certified as ENERGY STAR. While the percentage of top load washers certified as ENERGY STAR is higher than the 35% level cited in the ENERGY STAR Guiding Principles as a factor leading to specification revisions, it is very close to that number.

As a general principle, we believe that EPA should separately assess the top load and front load product classes and make decisions on whether to revise levels on each product class individually, rather than as a whole. Looking at the percentage of front load and top load washers currently certified as ENERGY STAR, a logical conclusion would be that revisions to front load levels are warranted, but revisions for top load are not.

Further, we believe that the 2015 unit shipment data cited by EPA in their decision to revise the specification was partially based on the shipments of washers meeting the Version 6.0 washer specification, which was effective until March 7, 2015. The 2015 unit shipment data includes both washers meeting the the Version 6.0 and Version 7.0 specifications. We do not think calculating the percentage of washers certified as ENERGY STAR based partially on models meeting the previous specification is an accurate portrayal of the true penetration of ENERGY STAR in the market. If EPA were to only include models meeting the Version 7.0 specification in the unit shipment data calculation, the combined percentage of washers certified as ENERGY STAR would likely be lower than 50%, and possibly below 35% for top load washers. If you are interested, we would recommend that EPA and manufacturers work through AHAM to do a revised unit shipment data calculation for 2015 to only include shipments of models meeting the Version 7.0 washer specification.

Whirlpool Proposal

Given that ENERGY STAR market share for top load washers is not far beyond the 35% level in the ENERGY STAR Guiding Principles (and possible inclusion of shipments of washers meeting

the Version 6.0 specification in the unit shipment data reporting), we propose that EPA not revise top load levels in this Version 8.0 specification.

Qualification Criteria - Laundry Centers

We appreciate EPA's recognition of the behavior of some manufacturers to intentionally or unintentionally market an entire laundry center as ENERGY STAR certified, when in fact only the clothes washer portion of the laundry center meets ENERGY STAR levels and has been certified. This behavior is misleading to consumers and diminishes the ENERGY STAR brand, while harming the manufacturers that did not participate in such behavior.

EPA's clarification that laundry centers must meet both washer and dryer criteria will help create a level playing field for manufacturers, and we agree with this determination.

Optional Reporting for Residential Clothes Washer Cleaning and Rinse Performance

No Demonstrated Need for Performance Test Method

DOE has proposed to launch the development of an ENERGY STAR Cleaning and Rinse Performance Test Method, which would include optional data reporting once the test method is finalized. We do not believe, however, that EPA has appropriately described the performance issues that consumers are experiencing with ENERGY STAR washers today, and for those washers that already meet draft proposed criteria.

EPA did not provide data showing that currently certified ENERGY STAR washers are experiencing performance concerns, or that further increasing energy and water efficiency to the proposed levels will lead to an adverse impact to cleaning and rinse performance. A recent sampling of Consumer Reports rankings of high-efficiency top load and front load clothes washers, shows that cleaning was rated at "Good" or above for all ENERGY STAR top load and front load washers.

Our own internal data also confirms that consumers are generally happy with the performance of today's ENERGY STAR washers, when the machines are used correctly. If EPA has specific stakeholder feedback that clearly demonstrates that a performance degradation is likely with the new criteria, counter to the evidence from our own internal data and the data from Consumer Reports rankings, EPA should share that data or provide a detailed summary of it for stakeholders. In the draft proposal, EPA says that "some stakeholders expressed concern that further efficiency improvements *may* impact performance [emphasis added]." That does not definitively indicate a known performance concern, but instead states that there *may* be a performance concern. Without sharing a summary of that feedback or data indicating a specific, known performance concern with washers meeting proposed ENERGY STAR levels, it is difficult for us to appropriately comment on this proposal and offer solutions. We also do not generally support EPA's approach to develop a test method for a potential, but unknown future performance problem.

In the spirit of partnership between EPA and manufacturers, we believe a better approach would be to work with manufacturers to first assess if there is even an expected problem with performance of washers at proposed levels. Manufacturers, including Whirlpool, could conduct testing to assess this and provide data and other feedback to EPA when there is a measured negative performance impact from proposed levels. Whirlpool did such testing with another manufacturer as part of a DOE dishwasher standard rulemaking in 2015, and presented performance testing and consumer focus group results to DOE as part of an ex-parte meeting.

If this testing demonstrates a problem, then EPA could collaboratively work with manufacturers to determine the optimal solution. We believe that the best solution would be for EPA to develop levels that inherently account for performance, and to not set levels beyond the limits of where most washers can appropriately deliver consumer-acceptable performance at a reasonable purchase price. This would ensure that consumers get a reasonable payback, without a performance degradation for the sake of efficiency.

Another solution may be to work with EPA to educate consumers on washer performance, instead of using limited ENERGY STAR program resources to develop a cleaning and rinse performance test method. Consumer misbehavior can directly lead to poor performance. This consumer education campaign could offer advice to consumer's looking to achieve the best product performance from ENERGY STAR washers, including things like matching the temperature/cycle to the type of stains, how to prevent wrinkling, proper use of detergent, etc.

No Data Indicating that Cleaning and Rinse Performance are Performance Metrics of Most Concern at Enhanced Efficiency Levels

While cleaning and rinse performance may be among the critical performance metrics for consumers, EPA did not show evidence that cleaning and rinse performance are the two washer performance metrics of most concern to consumers at increased efficiency levels. There are other performance metrics that are used to evaluate a washer's performance like dye transfer, noise, fabric color loss, wrinkling, mechanical damage, shrinkage, lint removal, tangling, lint removal, odor, etc. As far as we know, there was no evaluation of which of those metrics are at most risk at the proposed efficiency levels, so we do not understand why EPA has concluded that cleaning and rinse performance should be measured.

EPA Should Not Set Criteria in Areas Beyond Energy and Water

As we have commented in the past, we do not believe that EPA should set criteria in areas beyond energy and water efficiency. Manufacturers compete on factors like capacity, price, features, and product performance. If a manufacturer did decide to compensate consumer-acceptable performance to meet future ENERGY STAR efficiency criteria, they would ultimately harm themselves in the market, as consumers turn away from that brand towards a competitor. Therefore, EPA should let market forces and competition handle the pressures to maintain or enhance performance at increased efficiency levels.

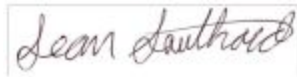
Summary

We appreciate the opportunity to comment on the ENERGY STAR Draft 1 Version 8.0 Clothes Washer specification. While we agree with parts of the proposal, including most of the definition revisions and decision to require laundry centers to certify to both washer and dryer criteria to be marketed as ENERGY STAR, we have many serious concerns.

Among our biggest concerns are the decision to exclude combination all-in-one washer-dryers from the specification, the continued 6.0 cubic feet capacity limit for commercial clothes washers, the decision to revise the top load washer criteria without accurate and representative shipment data, and the proposal for optional cleaning and rinse performance reporting without data demonstrating a problem with performance at current or proposed ENERGY STAR levels. We request that EPA address these concerns in the next draft specification proposal.

Thank you again for your consideration and we look forward to continued collaboration. As always, please do not hesitate to ask us for any clarifications on these comments.

Sincerely,

A handwritten signature in dark ink, reading "Sean Southard", enclosed in a thin black rectangular border.

Sean Southard
Manager, Regulatory Affairs
Whirlpool Corporation