



1111 19th Street NW > Suite 402 > Washington, DC 20036  
t 202.872.5955 f 202.872.9354 www.aham.org

January 17, 2014

Via E-Mail

Amanda Stevens  
U.S. Environmental Protection Agency  
ENERGY STAR Appliance Program  
appliances@energystar.gov

Re: ENERGY STAR Final Draft, Version 7.0 Clothes Washer Specification

Dear Ms. Stevens:

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to provide our comments on the ENERGY STAR Final Draft, Version 7.0 Clothes Washer Specification.

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 the Environmental Protection Agency (EPA) and DOE in their efforts to provide incentives to manufacturers, retailers, and consumers for continual energy efficiency improvement, as long as product performance can be maintained for the consumer. AHAM continues to object to EPA proposing criteria that are not consistent with DOE regulations. In addition, AHAM opposes the inclusion of a performance reporting requirement and the potential future inclusion of cleaning and rinse criteria in the clothes washer specification.

## **I. Definitions**

EPA again proposed to define a commercial clothes washer as “[a] soft-mounted front-loading or soft-mounted top-loading clothes washer that is defined for use in applications in which the occupants of more than one household will be using the clothes washer, such as multi-family housing common areas and coin laundries.” As, EPA notes in its proposed footnote 2, the

proposed definition differs from the DOE definition of the very same product.<sup>1</sup> Unlike the DOE definition, the EPA definition does not specify a maximum capacity for commercial clothes washers and does not include “other commercial applications.” AHAM continues to strongly object to EPA’s departure from the regulatory definition for commercial clothes washers. EPA’s definitions should never differ from those in the regulatory text. This is particularly true because both DOE and EPA are to work together to administer the ENERGY STAR program. As we have commented in the past, DOE’s regulations are to be the foundation for the ENERGY STAR program. Thus, EPA must not use an approach that varies from DOE’s approach. Varying from DOE’s approach, as is evidenced from the prior need for a clarification on the commercial clothes washer definition, creates confusion for stakeholders, and, ultimately, consumers.

AHAM is not suggesting that the ENERGY STAR program must necessarily encompass the same scope as is regulated by DOE—we understand that the ENERGY STAR program includes many products that are not regulated by DOE. But, when addressing products that DOE does regulate, EPA must recognize the DOE foundation and the requirements imposed through federal law, and should not stray from it without thorough analysis and stakeholder input. It seems that EPA’s goal in straying from the DOE definition of commercial clothes washer is to define the scope of the specification—i.e., which commercial clothes washers can be eligible for the ENERGY STAR and which cannot. That would be better dealt with in the scope section and AHAM provides some further suggestions below in Section II.

## II. Scope

EPA proposed that the Version 7.0 specification scope include products “with a clothes container volume that is not more than 6.0 cubic feet and that meet the definition of a Residential Clothes Washer or Commercial Clothes Washer” (with some specific exceptions).

AHAM again opposes the limit of 6.0 cubic feet on residential clothes washers. As EPA is aware, there is no limitation on residential clothes washer capacity in DOE’s regulations. Thus, AHAM opposes changing the scope of the clothes washer ENERGY STAR specification to exclude residential clothes washers larger than 6.0 cubic feet. EPA has not shown a valid reason or sufficient (or any) data for departing from DOE’s significant and lengthy regulatory analysis and standards making process that was open to debate and consideration by the public for a number of years. EPA has simply stated that it is not aware of any practical implications of the maximum capacity limit on residential clothes washers in the ENERGY STAR program. That is not enough of a justification (or any justification) for departing from the DOE definition. Essentially, EPA has answered our question of “why?” with “why not?” That is not a sufficient or appropriate response.

---

<sup>1</sup> DOE defines a commercial clothes washer as follows: “Commercial clothes washer means a soft-mounted front-loading or soft-mounted top-loading clothes washer that—(1) Has a clothes container compartment that—(i) For horizontal-axis clothes washers, is not more than 3.5 cubic feet; and (ii) For vertical-axis clothes washers, is not more than 4.0 cubic feet; and (2) is designed for use in—(i) Applications in which the occupants of more than one household will be using the clothes washer, such as multi-family housing common areas and coin laundries; or (ii) Other commercial applications.” 10 C.F.R. 431.152 (emphasis added).

With regard to commercial clothes washers, as stated above, AHAM acknowledges that the ENERGY STAR program must not necessarily encompass the same scope as is regulated by DOE—we understand that the ENERGY STAR program includes many products that are not regulated by DOE. But, if EPA does not want to parallel DOE’s scope (e.g., wants to allow commercial clothes washers bigger than 3.5/4.0 cubic feet to qualify for ENERGY STAR even though they are not DOE-regulated products), EPA must do an analysis of those products and evaluate the potential energy savings, manufacturer costs, etc., and seek stakeholder input. We have seen no such analysis. EPA claims that it made this change as part of the Version 6.0 Specification (through a “clarification”). And, according to EPA, because the decision was supported by some stakeholders, the decision is justified. AHAM does not agree. EPA did not do an analysis when issuing the “clarification,” and AHAM opposed the “clarification” process suggesting that the decision should be made only after analysis of relevant data during a specification development process. **That still has not been done—to our knowledge there is absolutely no data or analysis to support EPA’s decision.**

Manufacturers might not design commercial clothes washers with larger capacities than those in the DOE definition on the same platforms as those that are designed to comply with DOE’s standards. DOE’s lengthy regulatory analysis should not be disregarded. Even if ENERGY STAR were to completely disregard years of analysis and review, it must present and analyze data through this open stakeholder process. In this case, to our knowledge, as stated above, there has been absolutely no analysis of the energy savings that would result from extending ENERGY STAR to these larger units. Nor has there been any analysis on the impact of doing so on consumers (or manufacturers). Larger units may be designed to meet different requirements and their design and utility could be impacted were EPA to extend ENERGY STAR qualification to those units. For example, a larger unit might be designed for use in a hospital or nursing home where sanitization requirements require hotter water than is feasible to meet the ENERGY STAR requirements. Unless or until data and analysis demonstrate that it is justified to extend ENERGY STAR eligibility to commercial clothes washers not covered by DOE, AHAM opposes including commercial clothes washers above the 3.5/4.0 cubic foot limits in the DOE definition (which should also be the EPA’s definition).

In EPA’s proposed definition of commercial clothes washer, EPA proposed to not include “other commercial applications.” Although AHAM believes that EPA should use the DOE definition as written in the regulatory text, AHAM agrees with EPA that “other commercial applications” should be excluded from the scope of the specification. Accordingly, AHAM suggests that rather than delete “other commercial applications” from the definition of commercial clothes washer, EPA simply exclude those applications from the scope of the specification.

### III. Qualification Criteria

#### A. Product Classes

##### i. *Top-Load and Front-Load Clothes Washers*

EPA proposed separate product categories (and levels) for top- and front-loading clothes washers. AHAM fully supports that proposal because it is consistent with the product classes in DOE's regulations. AHAM again notes, however, that EPA undertook an independent analysis in order to reach this decision rather than simply relying on the product classes in the regulations. Albeit, that analysis relied on DOE's reasoning for creating separate product classes. But EPA need not re-litigate an issue DOE has already decided. It seems particularly odd and unnecessary for EPA to do so when DOE is its partner in administering the ENERGY STAR program.

As we have commented numerous times, DOE, through its lengthy, thorough, and long-existing rulemaking process for appliance efficiency standards, has established separate product classes and standards for good reasons. And DOE's regulations implement Congressional intent. DOE's standards are, and should be, the foundation for the ENERGY STAR program. EPA cannot use an approach that would vary from the approach DOE takes to regulating covered products. To do so ignores the extensive analysis DOE has done to formulate standards for those products which includes a careful balancing of energy savings, consumer choice, product functionality, and manufacturer burden per the National Appliance Energy Conservation Act of 1987 (NAECA).

Despite our concerns with how the decision was reached, we fully support EPA's proposal to create separate product classes for top- and front-loading clothes washers in the ENERGY STAR specification.

##### ii. *Clothes Washers Less Than 2.5 Cubic Feet*

EPA again proposed a separate product class for clothes washers between 1.6 and 2.5 cubic feet.

As discussed above in Section III.A.i, EPA must rely on DOE's product class determinations. DOE has not identified a separate product class for units between 1.6 and 2.5 cubic feet. It is, therefore, not appropriate for EPA to identify a separate product class. AHAM also continues to believe that the ENERGY STAR program should not be used to push products from the market. Based on EPA's analysis it seems, however, that that could be the effect of applying the levels EPA proposes for units larger than 2.5 cubic feet to units between 1.6 and 2.5 cubic feet. It is challenging to reconcile these two overarching principles. But AHAM still believes that the best approach for EPA to take is not to identify a separate product class for units between 1.6 and 2.5 cubic feet, but rather to set levels for front loading clothes washers that allow these smaller units to qualify. EPA must evaluate its qualification criteria with regard to all products in a particular class. We believe that if EPA does that, it can set criteria that will allow some units 2.5 cubic feet and smaller to qualify for the ENERGY STAR. AHAM cannot comment on what those levels should be, but suggests that EPA discuss appropriate qualification levels with manufacturers. This is the best approach to balance driving the market toward more efficient

products with certainty and consistency for ENERGY STAR partners who are regulated by DOE.

## B. Reporting Requirements for Cleaning and Rinsing Performance

EPA maintained a placeholder for a reporting requirement for cleaning and rinse performance and indicated that, when an ENERGY STAR test procedure is available, EPA will work with stakeholders to integrate further specificity for the requirement.

AHAM agrees with EPA that it is important for performance to be maintained as efficiency requirements become more stringent. AHAM also agrees with EPA that cleaning and rinsing performance thresholds need not be required in the Version 7.0 specification—there is nothing to indicate that, at this time, performance will be a concern at the levels EPA has proposed.

EPA has not, however, demonstrated that performance will be a concern in the future. It has presented only limited analysis largely based on Consumers Union ratings: “while many high-efficiency ENERGY STAR models receive high ratings from Consumers Union, a number of others received somewhat lower ratings (“good” or “fair”), suggesting there would be value in ensuring the ENERGY STAR label is not associated with products with lower performance.” Nowhere did EPA find anything to indicate that there were “poor” ratings for these products. In fact, EPA cites more evidence that ENERGY STAR qualified clothes washers have good or excellent reviews. Accordingly, EPA’s reasoning does not offer a sufficient basis upon which to impose burdensome testing and reporting criteria on manufacturers.

In any case, manufacturers themselves have the most interest in ensuring that consumers receive superior performance regardless of the energy and water efficiency of the product. It should not be the role of government, particularly in a voluntary program authorized to set energy efficiency criteria, to set performance requirements. **Accordingly, AHAM opposes EPA’s proposed reporting requirements, the development of an ENERGY STAR cleaning and rinse performance test procedure, and the future inclusion of any cleaning or rinse requirement in the ENERGY STAR clothes washer specification.**

Instead, before setting energy and water criteria for the ENERGY STAR program, EPA must demonstrate, as a threshold matter, that the levels it proposes will not negatively impact performance. Part of that process is to seek stakeholder input—manufacturers will be able to inform EPA when its proposals will negatively impact the performance their consumers expect. EPA should not, therefore, prescribe performance requirements (reporting or otherwise) on manufacturers as part of the ENERGY STAR program. Accordingly, EPA should evaluate, during the next specification process whether there are efficiency opportunities at a reasonable payback for consumers while maintaining product performance.<sup>2</sup>

---

<sup>2</sup> We also note our skepticism that a cleaning and rinse test procedure could be completed in time for a reporting requirement under Version 7.0. The dishwasher cleanability test procedure has been in development for several years and, in comparison to a clothes washer test procedure to measure cleaning and rinsing performance, the dishwasher procedure is “simple.”

Before EPA issues its final Version 7.0 specification, AHAM respectfully requests the opportunity to discuss this issue with EPA.

C. Connected Criteria

i. *Section 4.G.2*

As proposed in the specification, EPA and DOE are evaluating options for defining clothes washer Temporary Appliance Load Reduction (TALR) criteria and associated testing considerations. EPA has added a placeholder in this Final Draft and plans to engage with stakeholders in 2014 in order to finalize clothes washer TALR criteria.

EPA proposed in Draft 2 that a connected clothes washer must have minimum capabilities to earn a 5 percent allowance toward the energy performance level required to meet the ENERGY STAR specification. Section 4.G.2 specified the minimum capability for temporary appliance load reduction as follows:

2) *Temporary Appliance Load Reduction Capability*: The capability of the product to respond to a signal by providing load reduction for a short time period, typically 10 minutes. Upon receipt of signal and in accordance with consumer settings, except as permitted below, the product shall restrict its average power draw during the load reduction period to no more than 50% relative to average power draw during this period in the operating cycle under DOE test conditions.

AHAM requested EPA remove “during this time period” in Section 4.G.2 of Draft 2 to provide clarification that the product will reduce its average power draw by 50% over any 10 minute period (although utilities may request a shorter time period) when compared to the DOE test condition baseline.

As EPA and DOE evaluate options with stakeholders, and in order to ensure consistency with the Petition and across products as much as possible given their variability, AHAM proposes that the DOE Baseline Energy Test is used for comparison as follows in order to determine the 50% average power draw.

The technician will select one of the runs of the DOE baseline energy test and calculate the average energy level and this will be the baseline for comparison. The technician will also select the same run when the TALR signal is sent which will be for 10 minutes. The energy level recorded during the 10 minute delay response will be compared to the baseline.

AHAM is currently working on a clothes washer test procedure to test demand response capability which incorporates these concepts that can be evaluated by EPA and DOE to address TALR.

ii. *Section 4.G.1.c*

EPA also proposes in Section 4.G.1.c to limit Delay Appliance Load responses to no more than 3 in a rolling 24 hour period. AHAM agrees with EPA’s proposal and concerns in having an open-

ended amount of DAL or TALR responses that utilities could request because of inconvenience to the consumer. AHAM is concerned consumers not be overwhelmed with requests such that they are less likely to participate and have reduced product satisfaction.

#### **IV. Test Criteria**

EPA indicated that it will propose translations for the current commercial clothes washer MEF and WF levels (based on Appendix J1), to MEF and WF levels based on Appendix J2 once DOE's crosswalk analysis is available. AHAM appreciates that DOE and EPA are working together on this issue and looks forward to providing feedback on the crosswalk analysis.

AHAM appreciates the opportunity to submit comments on the ENERGY STAR Final Draft, Version 7.0 Clothes Washer Specification 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