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Via E-Mail

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

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

Dear Ms. Stevens:

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to provide our comments on the ENERGY STAR Program Requirements Product Specification for Clothes Washers, Eligibility Criteria, Draft 1, Version 7.0.

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 EPA and the Department of Energy (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 proposes, however, that EPA change the proposed effective date of this revision to 2015 in order to harmonize with DOE's revised standards for clothes washers (and clothes dryers). EPA should also reexamine the data underlying its proposed eligibility criteria.

I. Definitions

EPA stated that it is harmonizing the definitions in Section 1 with the definitions in 10 C.F.R. Part 430. AHAM agrees that EPA's definitions should be identical to those in DOE's regulations. But EPA should simply cite those definitions instead of copying and pasting it into

the specification. Citation to definitions is the best way to ensure consistency and harmonization with DOE definitions at all times—it ensures that as DOE definitions change, ENERGY STAR definitions also change to mirror them. To achieve consistency, the relevant definitions must be identical to each other at all times. Without such consistency and uniformity there will be significant confusion for manufacturers and for consumers. Furthermore, it is illegal for manufacturers to make energy representations based on anything other than DOE’s applicable test procedures and regulations. For these reasons, EPA should simply cite to these definitions rather than attempt to restate them in the specification. Stating anything in addition to or different from DOE’s regulations may, intentionally or unintentionally, change the meaning of those regulations, which are the foundation of the ENERGY STAR specifications.

II. Qualification Criteria

A. Proposed MEF and Water Factor

EPA stated that “EPA estimates that approximately 23 percent of all residential clothes washers on the market meet the proposed criteria. These models . . . include both front-load and top-load options.” The data EPA presented during its webinar presentation on September 12, 2012, show that 12 top-load models and 116 front-load models will meet Version 7.0 levels.

The disparity between the number of top-load models and front-load models that will meet Version 7.0 is evidence that with the proposed levels, EPA is pushing consumers toward front-load models. As AHAM has commented numerous times, the ENERGY STAR program should remain squarely focused on encouraging private-sector innovation for energy efficiency. EPA appropriately takes pride in the ENERGY STAR program as a market transformation program, and AHAM members have long brought to market the most energy efficient products. But EPA should not use the ENERGY STAR program to push products out of the market, such as top-load clothes washers. The ENERGY STAR Vision and Guiding Principles state that EPA “would expect few consumers to choose more efficient products if it required sacrificing performance, features or functionality. . . . In some instances, conservative energy allowances are specified to accommodate particular features without compromising overall energy savings. In other cases, EPA has determined that it is desirable to develop multiple specifications, by dividing up a product category that has a wide range of features and functionalities that result in great variation in energy use.” It may be the case, as discussed in section C below, that EPA needs to divide the specification into product classes, consistent with DOE’s approach for the amended energy conservation standards with which compliance will be required in March 2015. That approach would allow EPA to recognize the inherent differences between the products in its eligibility criteria.

Furthermore, EPA has recognized that front-load models are typically more expensive, and is, thus overlooking the fact that consumers may not be able to purchase front-loading units and achieve the energy and water savings under the current proposal. Instead, many consumers may be forced to make a decision between a cost-effective solution and an ENERGY STAR product. This will mean that much of the energy and water savings EPA intends to achieve with this specification may be lost.

Accordingly, EPA should reevaluate the MEF and Water Factor criteria for its next draft of Version 7.0. AHAM suggests that EPA confer with individual stakeholders to determine appropriate levels.

B. Data Supporting Proposed MEF and Water Factor

Some of the data upon which EPA relied to determine its proposed criteria is incomplete, and, in some cases, flawed.

EPA estimated consumers will save, on average, approximately \$89 on their utility bills annually, or about \$980 over a residential clothes washer's typical 11-year lifetime. The slides from the September 12 webinar show that the current federal standards were used as the baseline for this estimation. If this was the first specification with criteria above the federal standards, it would make sense to determine consumer savings as compared to the federal standards. But that is not the case here. Instead, EPA is evaluating whether to propose levels more stringent than its existing ENERGY STAR qualification criteria. Accordingly, EPA should be comparing the proposed levels to the existing ENERGY STAR levels to show additional savings to consumers due to revised ENERGY STAR levels as opposed to a scenario under which EPA did not institute new levels.

Even were the comparison made to the proper baseline, there seems to be a serious error in the calculation—EPA's estimate of \$89 savings is much too high. The annual operating cost range of comparability on the EnergyGuide label spans from \$10 to \$71. If the most a clothes washer today could cost to operate on an annual basis is \$71, it is impossible that a consumer could save on average \$89 annually. It is likely that the average annual operating cost of a clothes washer today is significantly lower than \$71, and so it is even less likely that a consumer could save, on average, \$89 annually. (A unit that minimally complies with the current ENERGY STAR criteria costs about \$22 to operate annually.)

EPA stated that it factored in pricing data for higher levels of efficiency to conclude that consumers will have a good selection of products available and will be able to recoup their investment within a reasonable timeframe. During the webinar on September 12, EPA indicated that it looks at the current price data and generally assumes that when the specification goes into effect, the price premium will go down. Accordingly, EPA stated, it did not look at future pricing projections. That approach is at odds with DOE's approach to standards analysis, which recognizes that the cost to produce more energy efficient products can impact the price of products meeting a revised standard level. EPA should recognize the same principle here—that the cost to produce a more energy efficient product to comply with ENERGY STAR levels could impact the price of those products. AHAM suggests that EPA conduct manufacturer interviews to determine the relationship between price and efficiency at the proposed eligibility criteria levels (and other levels under consideration).

EPA should reevaluate the data supporting its proposed eligibility criteria.

C. Cleaning and Rinse Performance

EPA indicated that because a test procedure to evaluate cleaning and/or rinse performance does not yet exist, EPA is not planning to incorporate such requirements into the Version 7.0 requirements. On the webinar on September 12, DOE indicated that to be suitable, a performance test procedure should be linked to the DOE test procedure to measure energy and water use. EPA and DOE encouraged stakeholder feedback on whether the ENERGY STAR program should incorporate cleaning and/or rinsing performance for clothes washers and the timing for doing so.

AHAM agrees that, should DOE and EPA develop performance criteria, those criteria must be linked to the DOE test procedure for energy and water use. In other words, the cleaning and/or rinse performance test procedure DOE develops, if any, should be run at the same time as the energy test. Separate tests should not be required. Ensuring that performance and energy are linked not only minimizes burden on manufacturers, but, more importantly, it is also the best way to communicate performance to consumers because it communicates the performance achieved at the energy (and water use) level claimed. We note that, to our knowledge, the Consumers Union test used to determine the ratings EPA cited in Draft 1 does not use the energy test cycle.

AHAM also agrees that in order to proceed with cleaning and/or rinsing performance requirements for clothes washer ENERGY STAR eligibility, a test procedure, developed by DOE (along with stakeholders), must be in place.

III. Effective Date and Crosswalk

Under EPA's anticipated schedule for revision, a final version of the specification would be published in February 2013 and be effective nine months later, in approximately November 2013. AHAM opposes that date and proposes that, instead, EPA harmonize its effective date with the effective date of DOE's revised standards—March 7, 2015. Without such harmonization, the consumer and the market will be confused.

The transition to new standards and new test procedures for clothes washers in particular will introduce confusion for consumers and retailers because the test procedure changes could impact the measured energy use reported on the EnergyGuide label. (The same is true for clothes dryers, though the impact is lessened because there is no EnergyGuide label for clothes dryers.) As EPA is aware, AHAM has made a proposal to FTC to mitigate that confusion. Although EPA is not currently proposing to change the clothes washer specification both now and then again in 2015, but rather to do a "crosswalk" in 2015, any crosswalk inherently introduces some error and so the proposal will add to the confusion. In addition to inherent error in a crosswalk, under the current proposal, EPA would be doing a crosswalk to standards that are organized differently because DOE has prescribed different levels for top-load and front-load clothes washers in 2015. Thus, in 2015, if EPA proceeds per the current draft, the ENERGY STAR criteria may no longer directly compare to the DOE standards. Should EPA proceed with the currently proposed timeline, which AHAM opposes, AHAM requests that DOE provide the proposed crosswalk in the next draft of the specification revision. Without the crosswalk ahead

of time, there will be confusion and uncertainty for manufacturers. In addition, the crosswalk will impact how manufacturers plan products to meet the proposed specification.

Furthermore, there is currently a significant amount of regulatory burden on clothes washers and clothes dryers. In particular, clothes dryers are facing a new UL safety standard, and both products are facing amended energy conservation standards and revised (or new in the case of clothes dryers) ENERGY STAR criteria, all within three years of each other. (We recognize that, technically, the ENERGY STAR program is a voluntary program. But its success in the marketplace has made it mandatory in practice.) EPA could mitigate that burden by harmonizing the effective date for both of its laundry specifications (clothes washers and clothes dryers) with DOE's revised standards, effective in 2015. A crosswalk solution (i.e., continuing with EPA's currently proposed timeline), will not help mitigate the burden because of the confusion and uncertainty it creates for manufacturers, as described above.

Should EPA decide to continue with its proposed timeline, AHAM suggests that it split the product classes consistent with the DOE standards in 2015 (i.e., top- and front-load) and set eligibility criteria based upon the same ratio the DOE standards contemplate for those two product classes. This approach would ensure a simpler crosswalk in 2015 and would also acknowledge the inherent differences between what DOE has determined are two separate product classes. It does not make sense, in a specification that will remain effective in 2015, to ignore DOE's determination that different standards are appropriate for top-load and front-load clothes washers.

IV. Connected Criteria

EPA has identified its intent to propose specific connected criteria in the Draft 2 Version 1.0 Clothes Washer specification which will enable both near-term consumer benefits associated with energy management and added convenience features as well as longer term, societal benefits associated with smart grid interconnection. EPA also identifies its intent to leverage the latest R/F connected language which has not yet been completed and is currently in the comment period for Draft 3 Version 5.0. Therefore, AHAM will limit its comments on Draft 1 to the following comments and provide additional detail upon the release of the Draft 2 Clothes Washer specification.

AHAM strongly supports EPA's decision to incorporate smart grid functionality and to provide a 5% allowance consistent with the Joint Petition to ENERGY STAR to Adopt Joint Stakeholder Agreement as it Relates to Smart Appliances from industry, efficiency advocates and environmental groups. The allowance is intended to serve as an incentive to help jump start the market for clothes washers with smart grid functionality.

A "smart grid" capable clothes washer must have the following minimum capabilities to earn a 5 percent allowance toward the energy performance level required to meet the ENERGY STAR specification. A smart clothes washer needs to have the capability to meet both of these requirements, but not simultaneously.

- i) Delay load capability - upon receipt of a signal requesting a delay of load for a time

duration not exceeding 4 hours, the product must automatically delay the start of the operating cycle beyond the delay period, and

- ii) Temporary Appliance Load Reduction capability - upon receipt of a signal requesting the start of a reduced load period for a time duration not exceeding 10 minutes, the product must automatically reduce its average wattage during this time period by at least 50 percent relative to average wattage in the operating cycle under DOE test conditions.

In addition, AHAM strongly supports EPA’s statement that clothes washers can offer additional savings and grid benefits through the ability to receive price signals and provide customers with feedback that encourages operation during favorable pricing periods. According to the National Energy Technology Laboratory Report “Smart Grid Principal Characteristics – Enable Active Participation by Consumers”, this describes how to enable active participation by consumers—and states “Innovative rate structures that provide economic benefits to both the consumer and the utility are integral to these systems.”

As the price changes, the appliance will decide whether or not usage should be adjusted. With pricing signals to drive actions, the consumer can reduce costs and manage energy without significant behavior changes. Pricing signals and consumer feedback combined with smart clothes washers will not require large changes in consumer behavior to realize a reduction in peak load.

AHAM appreciates the opportunity to submit comments on the ENERGY STAR Clothes Washer Draft 1.0 Version 7.0 Specification and would be glad to further discuss these matters.

Best Regards,



Jennifer Cleary
Director, Regulatory Affairs