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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
Residential Clothes Dryers, Eligibility Criteria, Final Draft, Version 1.0

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 Residential Clothes Dryers, Eligibility Criteria, Final Draft, Version 1.0 (March 26, 2014).

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. But, as AHAM has commented numerous times, EPA must not stray from the foundation the DOE standards, test procedures, and product classes set for the ENERGY STAR program. In particular, AHAM continues to strongly oppose EPA's proposal to reference Appendix D2 several years before it becomes mandatory for compliance with federal minimum standards. We also continue to oppose the drying time requirement EPA has proposed without data (either that a requirement is necessary or what the drying time limit should be) to support its decision.

I. Drying Time

In Draft 2, EPA removed its Draft 1 proposal to require a drying time requirement. In the Draft 2 Supplement and continuing in the Final Draft, EPA again proposed a maximum drying time requirement, now set at a maximum cycle time of 80 minutes. EPA also proposed that manufacturers test and report the per-cycle energy consumption and duration of the manufacturer-defined fastest cycle if it is different from the cycle tested under Appendix D2. AHAM continues to strongly oppose EPA's proposed drying time requirement.

As we commented previously, cycle length is a performance feature tied to consumer preference that is for the market to determine based on consumer needs. It is outside the scope of the ENERGY STAR program. A product with a cycle length that is too long, for example, is not likely to last long if consumers do not accept it. Manufacturers are best-situated to make that determination as it is in their best interest to make products consumers will buy. EPA must not stray from its strategic vision for the ENERGY STAR program, which is to reduce greenhouse gas emissions by removing barriers in the market that deter consumers and others from purchasing the most energy-efficient product model that otherwise meets their needs. The ENERGY STAR program must remain squarely focused on energy efficiency and not create design requirements.

EPA lacks data to even demonstrate that a drying time requirement is necessary in order to ensure consumers receive the performance they expect. Moreover, EPA lacks sufficient (or any) data to support its proposed maximum drying time of 80 minutes. In Draft 1, EPA proposed a maximum drying time of 50 minutes. As AHAM commented, that proposal also was not clearly supported by the data. But EPA has made no effort in the Draft 2 Supplement or the Final Draft to justify changing its proposal from 50 minutes to 80 minutes. Nor did EPA do any work to determine the difference in dry time of a test load and a typical consumer load, and thus has not analyzed whether the 80 minute (or 50 minute) maximum drying time requirement would correlate to a similar dry time in a consumer's home (assuming that the 80 minute maximum drying time is even consumer relevant).

Most importantly, however, EPA has not at all evaluated what a consumer-relevant dry time would be. Yet, EPA claims that it is re-introducing a maximum drying time requirement because it is concerned that drying times could become significantly longer than the cycles that most consumers use today. How can EPA introduce a criterion to address consumer expectations when it has not assessed or considered what those expectations may be? As manufacturers have previously indicated, consumers want their wash and dry times to match. EPA's proposal of an 80 minute maximum drying time does not take that information into account, despite the fact that it acknowledged it in the Draft 1 proposal. Even if it were appropriate for EPA to impose a maximum drying time requirement, EPA cannot do so without data to support its proposal and, in this case, EPA has presented no such data. If EPA seeks data and does not receive it, the proper course of action is for EPA to either obtain the data itself or abandon the proposal—in the absence of the data it seeks, EPA cannot just move forward on a hunch.

AHAM would like to further discuss this issue with EPA.

II. Reporting Fastest Drying Time

In the Final Draft, EPA proposed to remove its previous proposal to require the reporting of the “manufacturer-defined fastest cycle.” AHAM thanks EPA for removing that requirement which would have served only to increase manufacturer burden.

III. User Information Requirements

In the Final Draft, EPA proposed that ENERGY STAR qualified clothes dryers must be shipped with informational materials to notify consumers of: 1) the specific cycle and setting selections upon which the energy use rating of the dryer is based; and 2) “[g]uidance about cycles and settings that may use more or less energy than this one, such as ‘Choosing the “Energy Saver Mode” will save about (*to be determined by manufacturer*)% energy. Longer, low heat drying cycles tend to use less energy, as do less dry settings.’”

Traditionally, this is the type of information that companies decide whether to provide to consumers and, as EPA acknowledged, many companies do currently provide this type of information in their use and care guides. If the intent of the user information requirements is to encourage that type of educational communication, AHAM does not oppose it. In fact, if that is EPA’s intent, EPA should also provide education to consumers regarding the cycles and options that use more/less energy. For example, EPA could include information on its website that longer, low heat drying cycles tend to use less energy, as do less dry settings.

It does not seem that EPA intended the statement “Choosing the ‘Energy Saver Mode’ will save about (*to be determined by manufacturer*)% energy. Longer, low heat drying cycles tend to use less energy, as do less dry settings” as a required statement in use and care manuals. Instead, it seems that EPA intended that to be an example of the type of statement a manufacturer might choose to make in its use and care guide in order to meet the requirement to provide some form of guidance about cycles and settings that may use more or less energy than the energy test cycle. AHAM does not oppose EPA listing an example, but would oppose EPA requiring a specific statement, especially the one referenced which could require additional testing. (In fact, comparative statements will all require testing. Only generic statements like the one EPA has suggested—“ Longer, low heat drying cycles tend to use less energy, as do less dry settings.”—would not require manufacturers to do additional testing.) AHAM agrees with what we believe EPA’s intent to be, which is to allow manufacturers to determine the form and content of the guidance about settings that use more or less energy than the energy test cycle. We suggest that EPA clarify in the final specification that the example guidance statement is just that—an example—and that manufacturers may determine the form and content of their guidance.

IV. Reference to Appendix D2

EPA continues to reference Appendix D2 as the test procedure for ENERGY STAR qualification and AHAM continues to strongly oppose referencing Appendix D2. Instead, EPA must reference Appendix D1, which is the test procedure that will be mandatory when Version 1.0 becomes effective.

First, as AHAM has often commented, DOE's standards and test procedures 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 NAECA. Those standards are based on an analysis done using the mandatory test procedure—thus, the DOE standards were not set using Appendix D2. As EPA recognized in its note to section 3 of Draft 2, the impact of measuring under Appendix D2 as opposed to Appendix D1 varies depending on the basic model—the range is significant.

AHAM requested that DOE permit early compliance with amended standards and early use of new test procedures to ease the transition to the new standards and test procedure. DOE responded with guidance that permits early use of a new test procedure and early compliance with an amended standard. Under the guidance, AHAM understood the intent to be that manufacturers must meet the amended standard in order to use the new test procedure early. DOE has since, however, adhered to what we understood to be an error and allowed early compliance with test procedures that are not tied to amended standards. AHAM recognizes that the guidance does not provide a time limit on how early a company could use the new test procedure and comply with the new standard. But 2014 or 2015, at least six to nine years prior to a standards change that would require use of Appendix D2, is too early to require, for ENERGY STAR qualification, early use of the D2 test procedure.

Beyond principle, referencing Appendix D2 (long) before it is mandatory will have practical implications for both manufacturers and consumers. For example, how will consumers compare ENERGY STAR qualified units with other units? The other products are likely to overwhelmingly be measured under Appendix D1. Thus, consumers could be misled because they will, unknowingly, be comparing apples to oranges. EPA continually dismisses this because there is not currently an EnergyGuide label for clothes dryers. However, the ENERGY STAR brand and its web site are used by consumers and this information is readily attainable to consumers who seek it. Furthermore, consumers can compare products on DOE's database. It is possible that an ENERGY STAR qualified clothes dryer will appear to consumers to be less efficient than a non-ENERGY STAR (and actually less efficient) clothes dryer. For example, it could be the case that a clothes dryer with a CEF of 3.94 as tested per Appendix D1 (about six percent more efficient than the 3.73 Federal standard) could be less efficient than one that meets the 3.93 ENERGY STAR criteria as tested under Appendix D2. A consumer looking at the DOE database to make a purchase decision between these two models will not likely understand that the 3.94 CEF clothes dryer, though it appears to be more efficient because of the higher CEF, may actually be less efficient than the 3.93 CEF clothes dryer.

EPA responds to this argument by stating that “these data sets are not necessarily geared to a typical consumer. EPA believes that consumers are ultimately best served by an easy-to-use label that reflects the effectiveness of auto termination.” While it may be true that the DOE database is not heavily relied upon by consumers, that is not a reason to disregard it. For home appliances, ENERGY STAR levels are traditionally set as a percentage better than the Federal energy efficiency standard. And that determination is, without exception, made based on the same test procedure. Thus, when consumers see the ENERGY STAR label, they expect that it

denotes a product that is a better energy performer than a non-ENERGY STAR labeled product when measured under the same criteria. If EPA continues with its proposal, as demonstrated by the above example, it will undermine its own brand credibility by leading consumers to believe they are comparing apples to apples, when in fact they are not. It is not appropriate for EPA to do this simply because it thinks it will not get caught.

The potential consumer confusion will be even greater in Canada, where there is an EnerGuide label for clothes dryers. Canada does not allow for early compliance. The energy reported on the EnerGuide label, therefore, will be the result of testing under the Canadian test procedure that is harmonized with Appendix D. We hope that Canada will soon update its regulations to require a test procedure that is harmonized with Appendix D1. But, in no case, will Canada permit reporting based on Appendix D2 until that is mandatory. Yet, because Canada refers consumers to the U.S. ENERGY STAR website and automatically uses the same requirements, clothes dryers that qualify for the ENERGY STAR will carry two values in Canada. When Canadian consumers visit the ENERGY STAR website, they will see a different value than what is reported on the EnerGuide label. That difference could bring the ENERGY STAR brand's credibility into question, a result neither EPA nor ENERGY STAR partners desire. It will also mean duplicative testing for manufacturers that sell products in Canada. The result could be that some manufacturers choose not to sell ENERGY STAR qualified products in Canada (or limit the number of ENERGY STAR qualified clothes dryers they sell in Canada) in order to avoid the additional cost and burden associated with double-testing. That would result in lost energy savings, counter to EPA's goals.

EPA indicated in the Draft 2 Supplement that "broader use of Appendix D2 would create greater standardization and thereby may reduce consumer confusion resulting from the prevalence of different manufacturers' marketing claims about dryer and/or paired laundry energy-savings that often depend upon assumptions noted in fine print, making them more difficult for consumers to understand and compare consistently." With this, EPA is essentially stating that it is solving the problem it is itself creating. We agree that one test procedure is the ultimate goal—that test procedure should be the mandatory test procedure, Appendix D1. By not relying on the mandatory test procedure, EPA is proliferating what might otherwise be minimal confusion due to DOE's allowance of early compliance for this product (a decision AHAM opposes).

In addition, there will be confusion and uncertainty for manufacturers. Under EPA's proposal, manufacturers would be required to use two different test procedures for a period of at least six years, instead of for just a brief transitional period. This increases the likelihood of error. In addition, EPA's claim that it is reducing a long-term burden of having to re-test for ENERGY STAR purposes once DOE requires use of Appendix D2 for compliance with federal standards is misguided. In actuality, EPA is *creating* a testing burden by requiring technicians to be conversant in two different test procedures and to keep track of test records under two different test procedures for a period of years. And the long term burden EPA claims it is reducing is actually non-existent. Presumably by the time Appendix D2 becomes mandatory for compliance with federal standards, EPA will need to implement a revised specification as well, during which time it could propose to use Appendix D2 on a harmonized timeline with DOE.

AHAM notes that it agrees that Appendix D2 is the ultimate goal—we would have liked to see DOE implement it earlier. But, due to a number of circumstances with which EPA is familiar, the rulemaking timeline did not make that possible, particularly because of the impact the change in test procedure would have on measured energy. We share EPA’s and DOE’s goal of referencing Appendix D2 and accounting for the impact of automatic termination controls. But, we cannot support two separate government test procedures for one product category. That is inconsistent with EPCA’s intent and contrary to the principles upon which the ENERGY STAR program should be based. Thus, we respectfully request to again meet with EPA to discuss this matter prior to the issuance of a final specification.

V. Connected Criteria

In Section 4F Operational Status, User Settings and Messages, EPA specifies the product shall be capable of providing information on the operational/demand response status such as off/standby, cycling in process, delay appliance load and temporary appliance load reduction. EPA suggests that dryers be able to report only two basic states - whether they are in a lower power state (e.g., off or standby) or a cycle is running

However, the DOE test procedure defines off, inactive, active, and standby modes. It also includes those modes in Energy Factor calculation. Thus, it is crucial that EPA not define or categorize these modes in a manner inconsistent with the definitions and calculations in the DOE test procedure. Based on the DOE definition of “off mode,” the product will be unable to communicate that it is in “off mode.” AHAM recommends that EPA consult with DOE regarding this language to ensure consistency.

VI. Effective Date

EPA proposed an effective date of January 1, 2015. AHAM only supports an effective date of January 1, 2015, if the test procedure is also harmonized with the mandatory test procedure, Appendix D1. Should EPA continue to cite Appendix D2 above AHAM’s strenuous objection, EPA would need to determine an effective date by speaking with manufacturers. An appropriate effective date is just one more complication to using Appendix D2 several years early. Instead, EPA should harmonize with DOE both in terms of the test procedure (Appendix D1) and the effective date (January 1, 2015). This is the best way to provide clarity and consistency for ENERGY STAR partners and consumers.

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

Best Regards,



Jennifer Cleary
Director, Regulatory Affairs