

Frequently Asked Questions

Notice of Proposed Rulemaking to Consider Establishing a New Product Class for Residential Dishwashers

1. Why is DOE issuing this Notice of Proposed Rulemaking (NOPR)?

On April 25, 2018, DOE [published](#) in the Federal Register a petition from the Competitive Enterprise Institute requesting the creation of a new product class for residential dishwashers with a normal cycle of 60 minutes or fewer. This NOPR responds to that petition, and the public comments that DOE received, by proposing to grant the request for a new product class.

2. What change to dishwasher product classes is DOE proposing?

Currently, DOE divides covered residential dishwashers into two product classes: 1) standard dishwashers and 2) compact dishwashers. This NOPR would create a third product class for standard dishwashers with a cycle time of 60 minutes or fewer from washing through drying.

3. Why is DOE proposing a new product class of dishwashers?

Dishwashers with a “normal” cycle time of 60 minutes or fewer are not currently available for sale in the U.S. Many dishwashers come with an optional “short” cycle; however, manufacturers recommend “short” cycles for lightly soiled dishes rather than for normal loads. Creation of a new product class could enable manufacturers to develop new products that meet consumer demands for short dishwasher cycle times.

4. What is DOE’s statutory authority for this action?

42 U.S.C. 6295(q) provides DOE with authority to create separate product classes based on product utility, and DOE has used this authority in the past to create separate classes for products with features such as an oven door, the ability to self-clean, product size, and configuration.

Consistent with the statutory authority in 42 U.S.C. 6295(q), and the utility that could be provided to consumers from a shorter dishwasher cycle, DOE proposes to grant the petition and establish a new product class for dishwashers with a “normal” cycle of 60 minutes or fewer.

5. What happens after a new product class is defined?

If adopted, DOE would follow this rulemaking with a separate rulemaking to consider the appropriate energy and water conservation standards for short cycle dishwashers.

6. Does this NOPR propose any changes to the standards for covered dishwashers?

No. This NOPR only proposes creation of a new product class and does not amend any existing standard. DOE intends to consider appropriate energy and water use limits for such a product class, if adopted, in a separate rulemaking.

7. Would establishment of a product class for standard dishwashers with a 60 minutes or fewer cycle time constitute backsliding?

No. DOE has statutory authority, which it has used on several occasions, to create new product classes such that consumers can benefit from additional product utility. For example, in 2011, DOE created separate product classes for ventless clothes dryers to enable consumers who live in apartment buildings to enjoy the utility of having an in-unit clothes dryer. In this case, as for ventless dryers, creating a new product class provides consumers with important product

features. The proposed rule discusses additional instances where DOE has used its authority, described in the following paragraph, to establish separate product classes based on utility.

42 U.S.C. 6295(q) authorizes DOE to specify “*a level of energy use or efficiency higher or lower than that which applies (or would apply) for such type or class...*” if the Secretary determines that covered products within such group consume a different type of energy or have a capacity or other performance-related feature that justifies “*a higher or lower standard from that which applies (or will apply) to other products within such type (or class).*” EPCA explicitly acknowledges, therefore, that product features may arise that require designation of a product class with a different standard than that applicable to other product classes for that covered product.

8. How does an interested party comment on this notice and when are comments due?

The public has 60 days after the NOPR is published in the Federal Register to submit comments. Comments should be submitted via www.regulations.gov or sent to Dishwashers2018STD0005@ee.doe.gov.

9. I have questions about this proposal. Whom should I contact?

For further information, contact Bryan Berringer (Bryan.Berringer@ee.doe.gov) and Elizabeth Kohl (Elizabeth.Kohl@hq.doe.gov). DOE staff are available to meet with interested stakeholders per the Department’s guidelines issued in 2009 on *ex parte* meetings ([74 FR 52795](https://www.federalregister.gov/documents/2009/04/27/74-FR-52795)).