MEMORANDUM

TO: GENERAL COUNSEL, DOE

FROM: SHANNON BAKER-BRANSTETTER, CONSUMERS UNION

SUBJECT: EX PARTE COMMUNICATION MEMO

DATE: 7/23/2010

DOE Attendees:
Michael Kido (GC), Bryan Berringer, Stephen Witkowski, Michael Raymond, Subid Wagley, Richard Karney, Elizabeth Kohl (GC)

EPA Attendees:
Kristen Taddonio

Consumers Union Attendees:
Celia Lehrman (Senior Editor), Mark Connelly (Deputy Technical Director), Shannon Baker-Branstetter (Policy Analyst), Don Mays (Senior Director, Technical Policy)

Other Attendees
Natascha Milesi-Ferritti (NIST), Mike Galler (NIST), Peter Hoekstra (Navigant Consulting)

Areas of Discussion
Consumers Union (CU) staff requested a meeting with DOE and EPA staff to discuss our views on updates to several appliance testing procedures and perceived problems with the EnergyStar program. The meeting took place on July 16 from 10:00 a.m. to 11:30 a.m., and the following topics were discussed.

1. Refrigerators.
CU is concerned active and passive ice-making is not taken into account, and that test procedure does not give credit for certain energy-saving features, like not over-cooling the ice compartment. CU thinks the brackets chosen for temperature controls are too wide (current procedure specifies testing at midpoint, then coldest/warmest, then average). CU is concerned that some manufactures are "gaming" the test. Some products trigger energy-saving features at the setting specified by the test procedure. This can be avoided by specifying a more typical test temperature and having a smaller bracket "window", rather than two settings that are widely apart — one of which is not typical. CU feels that energy consumption used for EnergyGuide labels should be determined based on the ideal food storage temperatures of 37-degrees in the fresh food compartment and 0-degress in the freezer.

CU is concerned that manufactures aren't testing compartments at the highest energy use setting and thinks DOE and the Energy Star manager should clarify this requirement. The suggestion was that the procedure should specify "highest energy use setting," not the "coldest" setting (the two aren't always the same). CU is concerned industry (AHAM) has too strong a voice in development of test procedures. CU requested information on the Maytag refrigerator determination recently issued by DOE.

2. Clothes Washers

CU has previously brought to FTC's attention the fact that the yellow FTC Energy Guide label and the Energy Star info do not always match up and would like to follow up on this disconnect. CU is concerned that the "Steam and Allergy" cycle is becoming a consumer selling point, but is not included in efficiency testing. CU is concerned that anti-vibration algorithms may raise energy consumption beyond what is reported. When anti-vibration logic kicks in, it alters the spin speed, which is key to wringing out extra water. If clothes are not spun as fast, they'll have more water in them at the end of the cycle, which takes more energy to dry). CU also expressed concern that machines that perform very poorly in cleaning dirty clothes could be awarded the Energy Star, while in real use consumers would be apt to use more energy cycles in an attempt to achieve cleaner clothes.

3. Clothes Dryers

CU tests a bone dry clothes load in several different types of dryers. Those with moisture sensor stopped within a reasonable time, but those with just a thermostat kept on drying the clothes – sometimes 20 times longer than the moisture sensor. There was large variability in the stoppage time for both types of dry, and CU would like DOE to improve its test procedure to better reflect the differences in energy consumption among various moisture-sensing and thermostat-controlled dryer shut-offs.

4. Dishwashers

The current DOE test procedure uses a maximum soil load of only 2 (out of 10) dirty place settings. CU believes this is unreflective of the real world. CU uses 10 dirty place settings in its tests and wants DOE to increase the number of place settings that are required to be dirty when the test is conducted.

5. Dehumidifiers

CU would like an update on what Energy Star is doing to update the dehumidifier specification due to the extremely high market penetration of EnergyStar dehumidifiers. CU would also like EnergyStar to adopt a "one size fits all" approach to dehumidifiers rather than break out large and small dehumidifiers requirements. Sometimes a small dehumidifier uses more energy than a larger one, but this is counterintuitive for consumers. CU sees differences in energy use with and without frost controls and believes a low temperature ambient should be considered in the test.

6. Freezers

CU requested more information to follow up on a freezer that CU found used much more energy than claimed. Although there was corrective action mandated by the DOE on this issue, Consumer Reports shoppers were twice told by the manufacturer that the very sample used to support the issue of high energy consumption was not included in the corrective action.