ASSOCIATION OF HOME APPLIANCE MANUFACTURERS

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

March 21, 2011

By E-Mail

Daniel Cohen
Assistant General Counsel for Legislation, Regulation, and Energy Efficiency
U.S. Department of Energy
Office of the General Counsel
1000 Independence Ave., SW
Room 6A245
Washington, D.C. 20585

Regulatory.Review@hq.doe.gov

Re: Regulatory Burden RFI

Dear Mr. Cohen:

The Association of Home Appliance Manufacturers (AHAM) respectfully submits the following comments to the Department of Energy (DOE) on its Request for Information on reducing regulatory burden, 76 Fed. Reg. 6123 (Feb. 3, 2011).

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's more than 150 members employ tens of thousands of people in the U.S. and produce more than 95% of the household appliances shipped for sale within the U.S. 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.

As part of its implementation of Executive Order 13563, "Improving Regulation and Regulatory Review," issued on January 18, 2011 (Executive Order), DOE sought comments and information to assist it in reviewing its existing regulations to determine whether any should be modified, streamlined, expanded, or repealed. DOE stated that its goal is to make its regulatory program more effective and less burdensome in achieving its regulatory objectives. AHAM applauds that goal and supports the overall goals of the Executive Order. In fact, there are some instances in which DOE is already taking steps toward that goal. We were pleased to see, for example, that DOE, in its final certification, compliance, and enforcement rule, committed to act promptly on waiver requests and to update its test procedures to address granted waivers going forward and

stated its intent, as a matter of enforcement policy, to refrain from taking enforcement actions related to pending waiver requests.

As DOE recognizes, however, there is still room for improvement. Our comments below identify places in DOE's regulations that present opportunity to reduce regulatory burden. But it is important that in doing this regulatory review, DOE not delay the promulgation of regulations necessary to implement multi-stakeholder agreements or to promote national and international harmonization. As we discuss below, to do so ignores the efficiency and reduced burden such agreements and harmonization provide.

I. The Executive Order Should Not Delay Rules That Are Necessary to Implement Multi-Stakeholder Agreements.

AHAM, energy efficiency advocates, and consumer groups recently held successful negotiations which resulted in a major agreement on federal minimum energy conservations for five products— refrigerator/freezers, residential dishwashers, residential clothes washers, clothes dryers, and room air conditioners—and related test procedures, ENERGY STAR, and financial incentive provisions. The description of this package and an initial estimate of its impact can be found at Attachment A, and the agreement itself is at Attachment B. The agreement was aided materially by DOE's encouragement and the assistance DOE contractor analysts provided.

The parties to the agreement are representative of a wide range of expert and relevant points of view—including those of manufacturers of various sizes and representing over 99 percent of the market; consumer, environmental, and advocacy groups; and a major public power planning agency—concerning federal minimum efficiency standards for the subject products. And the recommended standards were designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified in accordance with the provisions of 42 U.S.C. § 6295(o). The proposed standards also have been developed and are constructed to fit in an integrated fashion into the overall multiple product, standards, and incentives-based agreement.

Agreements of this nature should be (and are) encouraged by DOE, and DOE should rely on them in the rulemaking process. We were encouraged to see that in the refrigerator/freezer standards rulemaking, DOE proposed to adopt standards that "mirror" those in the agreement.[1] And despite numerous complicating factors, DOE has been working with the parties to the agreement toward implementation. Unfortunately, the final rule setting energy efficiency standards for refrigerator/freezers has yet to be issued, despite the statutory deadline having long since past. We understand that the rule is with Office of Management and Budget (OMB) for review, and that DOE is attempting to address issues OMB has raised. (*See, e.g.*, Equipment Price Forecasting in Energy Conservation Standards Analysis, 76 Fed. Reg. 9696 (Feb. 22, 2012) (seeking comments on the merits of adopting a new method of analysis for equipment price forecasting in the context of the ongoing rulemaking to set standards for refrigerator/freezers, when, per statutory mandate, the final rule was to be published by the long-since-past date of

[1] Energy Conservation Program: Energy Conservation Standards for Residential Refrigerators, Refrigerator-Freezers, and Freezers, Proposed Rule, 75 Fed. Reg. 59470, at 59478 (Sept. 27, 2010), Docket No. EE-2008-BT-STD-0012, RIN 1904-AB79.

December 31, 2010)). That process is only serving to further delay implementation of standards that were agreed to in our multi-stakeholder agreement. It is efficient and prudent for DOE to rely on agreements reached through multi-stakeholder agreement. Thus, review under the Executive Order should not delay the implementation of this agreement with regard to refrigerator/freezers or any other products.

II. The Executive Order Should Not Delay Rules That Are Necessary for National and International Harmonization.

Similarly, the Executive Order should not delay rules that are necessary for national and international harmonization. Such harmonization provides clarity and consistency and reduces cumulative regulatory burden on regulated parties.

A. Test Procedures for Measurement of Standby and Off Mode Power.

For example, in a number of energy conservation rulemakings to amend test procedures to incorporate standby and off modes, DOE has proposed to incorporate by reference specific clauses from IEC Standard 62301, First Edition.[2] DOE has also proposed in those rulemakings to amend the test procedures to include definitions of "active mode," "standby mode," and "off mode" based on the definitions provided in IEC Standard 62301, Second Edition, Final Draft International Standard (FDIS) or Committee Draft for Vote (CDV), with added clarifications specific to each product. Since those proposals, however, on January 27, 2011, the Second Edition of IEC 62301 was published.

Accordingly, the Second Edition is now the most current version of the standard, and DOE should be incorporating the Second Edition by reference, not the First Edition. (*See* 42 U.S.C. § 6295(gg)(2)(A) (requiring DOE to consider the most current versions of IEC Standard 62301)). The Second Edition has been vetted through a rigorous, consensus method of standards development that included dozens of countries. It also contains a number of important clarifications not present in the IEC 62301, First Edition. Incorporation by reference of the Second Edition will allow for optimum international harmonization, which gives clarity and consistency to the regulated community. It also significantly decreases the testing burden on manufacturers.

Instead of incorporating IEC Standard 62301, Second Edition by reference, however, in the first interim final rule to be published after the Second Edition was published, DOE incorporated the

[2] *See, e.g.*, Energy Conservation Program for Consumer Products: Test Procedures for Residential Dishwashers, Dehumidifiers, and Conventional Cooking Products (Standby Mode and Off Mode), Proposed Rule, 75 Fed. Reg. 75290 (Dec. 2, 2010), Docket No. EERE-2010-BT-TP-0039, RIN 1904-AC27; Energy Conservation Program for Consumer Products: Test Procedure for Residential Clothes Washers, Proposed Rule, 75 Fed. Reg. 57556 (Sept. 21, 2010), Docket No. EERE-2010-BT-TP-0021, RIN 1904-AC08; Energy Conservation Program for Consumer Products: Test Procedure for Microwave Ovens, Supplemental Notice of Proposed Rulemaking, 75 Fed. Reg. 42612 (July 22, 2010), Docket No. EERE-2008-BT-TP-0011, RIN 1904-AB78; Energy Conservation Program for Consumer Products: Test Procedures for Clothes Dryers and Room Air Conditioners, Proposed Rule, 75 Fed. Reg. 37594 (June 29, 2010), Docket No. EERE-2008-BT-TP-0010, RIN 1904-AC02.

First Edition by reference.[3] Although it is an interim final rule, this means that regulated parties will have to test products under one procedure in the United States, and a different procedure in other countries. This adds significant testing burden and is inefficient. Accordingly, we urge DOE, to incorporate by reference IEC Standard 62301, Second Edition when the interim final rule is made final (and we will so comment in that proceeding) or sooner. In addition, we strongly urge DOE to incorporate by reference IEC Standard 62301, Second Edition in the clothes dryer/room air conditioner test procedures, which were recently finalized and incorporated the First Edition by reference.[4] Similarly, when finalizing future test procedures, we strongly urge DOE to incorporate by reference IEC Standard 62301, Second Edition, not the First Edition.

B. Battery Charger Rulemaking

Another example, there is an ongoing DOE proceeding on a test procedure and energy efficiency standards for battery chargers. Per statute, the final rule on standards must be published by July 1, 2011, and the test procedure must be published prior to that date. AHAM appreciates the substantial amount of work DOE has done on this rulemaking. But, to date, no notice of proposed rulemaking has been issued on energy efficiency standards for battery chargers. And the final test procedure, which was expected to be published at the end of 2010, has yet to be published. We strongly urge DOE to publish the final test procedure and the standards notice of proposed rulemaking as soon as possible.

It is particularly important that DOE abide by its statutory deadline in this proceeding because California is in the process of promulgating energy efficiency standards for battery chargers, and has stated that it is working to avoid preemption.[5] If California issues its standards before DOE, the result will be that regulated parties will need to meet California's standard, thus making DOE's eventual standard a moot point. For many products, California's proposed standards levels are likely only attainable by battery operated products with Lithium Ion chemistry batteries. If these are the only battery chargers that will be acceptable for many end products, this would cause a major shift in the appliance industry from nickel-based battery chemistries, which have shown tremendous value and quality to consumers of the last 25 years, to a relatively new chemistry which has a significantly different cost and performance structure. The data that

[3] *See* Energy Conservation Program for Consumer Products: Test Procedure for Microwave Ovens, Interim Final Rule, 76 Fed. Reg. 12825 (March 9, 2011), Docket No. EERE-2008-BT-TP-0011, RIN 1904-AB78.

[4] *See* Energy Conservation Program for Consumer Products: Test Procedures for Clothes Dryers and Room Air Conditioners, Final Rule, 76 Fed. Reg. 972 (Jan. 6, 2011), Docket No. EERE-2008-BT-TP-0010, RIN 1904-AC02.

[5] Appliance and Process Energy Office Staff Workshop, Battery Chargers and Lighting Controls, California Energy Commission at 22, In the Matter of 2011 Rulemaking on Appliance Efficiency Regulations California Code of Regulations, Title 20, Section 1601 through Section 1608, No. 09-AAER-2 (March 3, 2011) ("MR. LEAON: On the process sign [sic], I recognize there's a lot of frustration on the part of industry with the short review times, and justifiably so. But, we are in a rather unique situation with this proceeding. As you mentioned, DOE is scheduled to adopt a standard in July, so that means we're preempted unless we adopt our own standard before that time. So, we are pushing a very aggressive schedule in that regard. Regarding our process after this workshop, it will be a policy call on the part of the efficiency committee on whether to proceed to the formal rulemaking, but that would be the next step, and we would have to initiate that process probably by the end of this month, and we would have a formal 45-day public hearing probably in the late April 23 timeframe. . . .").

underlie California's proposed standards do not assume the cost of this shift of battery chemistry in the cost or payback analysis, despite the fact that all of the analysis assumes that it must happen. California's proposed energy efficiency levels for active mode, maintenance power, no battery power, and power factor would eliminate 95 percent of the battery chargers on the market today. In addition, the proposed efficiency levels would actually eliminate many of the battery chargers in categories that were not studied.

Given the seriousness of the potential results stemming from California's proposed standard levels for battery chargers, DOE should not allow California the luxury of not being preempted simply because DOE does not meet its statutorily imposed deadline. Preemption in this case is absolutely necessary to prevent significant regulatory burden and market disruption. Accordingly, we strongly urge DOE to issue the final battery charger test procedure and the notice of proposed rulemaking on energy efficiency standard levels for battery chargers as soon as possible and to move swiftly to publish the final rule on standards. Review under the Executive Order must not delay this ongoing rulemaking.

III. Rules That Increase Regulatory Burden and Cost to Regulated Parties Without an Apparent Benefit Should Be Prioritized for Review.

Rules that increase regulatory burden and cost to regulated parties without an apparent benefit, such as significant energy savings, should be prioritized for review under the Executive Order. Where possible, rules of that nature should not be promulgated at all. For example, certain of the proposed amendments to the clothes washer test procedure require the measurement of energy that is incredibly burdensome and will result in only a de minimus amount of additional measured energy (as little as zero in the case of cycle finished mode, as discussed below).[6]

Specifically, DOE proposed that "delay start mode" and "cycle finished mode" would be considered distinct active modes. In its comments, AHAM agreed that delay start mode and cycle finished modes are properly classified as part of the active mode. But AHAM strongly opposed DOE's proposal to separate those modes from the active washing mode. Neither delay start mode nor cycle finished mode require a separate energy measurement—they represent a de minimus amount of energy. Even DOE has recognized that delay start and cycle finished modes are very small contributors to annual energy use. For example, DOE's presentation slides from the public meeting held on October 28, 2010, to discuss the proposed amendments to the test procedure, state that delay start mode represents 0.04 to 0.2 kWh annual energy use. And, according to DOE's own slides, cycle finished mode represents zero to 0.08 kWh in annual energy use. It cannot be denied that zero to 0.2 kWh annually is de minimus. Thus, the additional amount of energy that would be measured would not add significantly, or at all, to national consumption figures.

In order to measure those de minimus amounts of energy, large amounts of testing time would be required. DOE estimates an 11 percent increase in the testing duration for clothes washers offering "all relevant non-active washing modes—inactive, off, delay start, and cycle finished." (*See* 75 Fed. Reg. at 57579). That increase is significant, and AHAM predicts that the increase

[6] *See* Energy Conservation Program for Consumer Products: Test Procedure for Residential Clothes Washers, Proposed Rule, 75 Fed. Reg. 57556 (Sept. 21, 2010), Docket No. EERE-2010-BT-TP-0021, RIN 1904-AC08.

could actually be as much as 25 percent. Thus, separately measuring delay start and cycle finished mode represents a significant increase in the testing burden, without any corresponding public benefit because the additional measured energy is de minimus.

DOE should not substantially increase the testing burden on manufacturers when the result will not be a significant conservation of energy and thus, there is little or no benefit to the public interest. Because this test procedure has not yet been published in its final form, it is a perfect opportunity for DOE to act to reduce regulatory burden by not requiring separate measurement of these modes, while still achieving its regulatory goals, without the need for retrospective review.

Another similar opportunity to prevent unnecessary added cost and burden on regulated parties is to avoid duplicative testing in the next round of certification, compliance, and enforcement rulemaking. DOE is considering adopting a verification testing program in that rulemaking. As discussed in our comments to DOE dated October 29, 2010, AHAM strongly urges DOE to leverage third party verification programs that utilize independent testing laboratories and are developed by industry trade associations, such as AHAM.[7] These independent programs often provide the most cost effective use of limited laboratory testing space and can provide a high level of competency, thus yielding more accurate compliance oversight.

IV. DOE Should Not Impose Unnecessary Burden When Issuing Guidance.

Recently, DOE's guidance process, with regard to products covered under the energy conservation program for consumer products, has been causing significant confusion amongst regulated parties. Actions causing this confusion include:

- Guidance being issued without notice to regulated parties (e.g., posted on the guidance website without notice);
- Guidance being issued to only some regulated parties (e.g., to laboratories conducting testing under DOE's pilot verification program for ENERGY STAR products, but not to the regulated parties);
- Guidance being issued without the date issued or, more importantly, the date by which compliance with the guidance is required;
- Guidance being issued that represents a change in position or a change in the way the test procedure has been interpreted to date, often without sufficient or any lead time for regulated parties to comply; and
- Failure to seek input from regulated parties prior to issuing the final guidance.

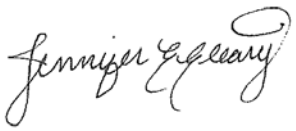
It is critical that <u>all</u> regulated parties be given notice when draft and/or final guidance is issued, otherwise, it is impossible to comply. Even seemingly "informal" guidance (e.g., issued by DOE

[7] AHAM Comments on Certification, Compliance, and Enforcement for Consumer Products and Commercial and Industrial Equipment, Notice of Proposed Rulemaking, 75 Fed. Reg. 56796 (Sept. 16, 2010), Docket No. EERE-2010-BT-CE-0014, RIN No. 1904-AC23, at 13-15 (Oct. 29, 2010).

contractors), issued to laboratories to aid in enforcement testing should be shared with all regulated parties to provide consistency and clarity. To do otherwise, means that third party laboratories may be working under a different understanding of the test procedure than in-house laboratories doing testing for certification and compliance purposes. Similarly, to reduce burden, DOE should give sufficient lead time for compliance with guidance, particularly when the guidance represents a shift from the status quo. And, it is most efficient for DOE to seek input from regulated parties before issuing final guidance. In most instances, the practical experience regulated parties have regarding the subject of guidance, particularly test procedures, will be valuable to DOE. And, seeking that input prior to issuing a final guidance will likely decrease the number of questions and negative feedback DOE receives from industry on any particular guidance.

AHAM appreciates the opportunity to submit these comments and would be glad to discuss this matter further.

Respectfully Submitted,



Jennifer Cleary
Director, Regulatory Affairs

ATTACHMENT A

Energy Efficient and Smart Appliance Agreement of 2010

Supporters

Association of Home Appliance Manufacturers

Members of the Major Appliance Division:

Whirlpool	General Electric	Electrolux
Alliance Laundry	Sub-Zero Wolf	LG Electronics
Viking Range	U-Line	Samsung
Sharp Electronics	Miele	BSH
Friedrich A/C	Airwell Group	Indesit
Heat Controller	Arcelik	Kuppersbusch
AGA Marvel	Brown Stove	Kelon
Haier	Fisher & Paykel	DeLonghi
Fagor America	Scotsman Ice	

American Council for an Energy-Efficient Economy
Appliance Standards Awareness Project
Natural Resources Defense Council
Earthjustice
Alliance to Save Energy
Northwest Power and Conservation Council
Northeast Energy Efficiency Partnerships
California Energy Commission
Demand Response and Smart Grid Coalition
Consumer Federation of America
National Consumer Law Center
Alliance for Water Efficiency

- ✓ **JOBS**: Helps retain 46,000 U.S. manufacturing jobs in the appliance industry
- ✓ **INCREASES ENERGY INDEPENDENCE**: Saves more than 9 quads of energy over 30 years
- ✓ **SAVES WATER**: Nearly 5 trillion less gallons of water used over 30 years
- ✓ **REDUCES GHG EMISSIONS**: Reduces CO2 emissions by ~550 MMT
- ✓ **SAVES CONSUMERS MONEY**: Billions of dollars
- ✓ **SMART GRID AND ENERGY STAR**: Jump-starts the Smart Grid with ENERGY STAR
- ✓ **MANUFACTURER INCENTIVES**: Increase production of super-efficient products
- ✓ **DOE EFFICIENCIES**: Frees up federal resources for other priorities

New Federal Minimum Energy Standards

- Refrigerator/Freezers: 20-30% lower energy use, ice maker energy included, built-ins models recognized. (effective Jan. 1, 2014)
- Clothes Washers: ~40% average energy and water savings, top and front loading differences recognized, top loading standards step up in 2 stages. (effective Jan. 1, 2015)
- Clothes Dryers: 5% increase in efficiency, improve automatic dryer shut off capability to save additional energy. (effective Jan. 1, 2015)
- Room Air-Conditioners: 10-15% increase in efficiency, higher capacity units recognized. (effective Jun. 1, 2014)
- Dishwashers: 14% energy savings, 23% water savings. (effective Jan. 1, 2013)

Smart Appliances/ENERGY STAR

- ENERGY STAR: Parties will jointly petition EPA to provide a 5% credit on energy use for products that meet an EPA-set definition of "smart appliance."
- Incentives: Parties will work together to develop a proposal for tax or consumer incentives for appliances with "smart" capabilities.

Extend Manufacturing Incentives

- Covered Appliances: Refrigerators, freezers, clothes washers, and dishwashers.
- Super-Efficient: Incentivizes manufactures to build and sell super-efficient appliances. Lower tiers of current federal incentives phased-out and new higher tiers added. Some of the old incentive levels become the new minimum standard.

ATTACHMENT B

Agreement on Minimum Federal Efficiency Standards,
Smart Appliances, Federal Incentives and
Related Matters for Specified Appliances

July 30, 2010

THIS AGREEMENT memorializes the commitments made by the undersigned representatives of the organizations (the "Joint Stakeholders") regarding joint recommendations for new energy and water conservation standards, test procedures, tax incentives and Energy Star criteria for specified major home appliances. The Joint Stakeholders will jointly submit to the United States Congress and the Administration (including, but not limited to the Department of Energy (DOE) and the Environmental Protection Agency (EPA)) this Agreement and the specific recommendations herein in such form as will facilitate their adoption. The Joint Stakeholders agree to pursue a multi-pronged approach designed to achieve Congressional and regulatory implementation of all the elements contained in the agreement. Any changes to this agreement must be mutually agreed to by the joint Stakeholders.

1. The Joint Stakeholders will jointly submit to Congress and, in good faith, proactively seek enactment of the energy and water conservation standards contained in Attachment I. The Joint Stakeholders will submit to Congress recommended amendments to the Energy Policy and Conservation Act enacting these standards (Attachment II). These amendments include revised standards for refrigerator/freezers, clothes washers, clothes dryers, room air conditioners and dishwashers.

2. Not later than August 1, 2010, the Joint Stakeholders shall submit this agreement to DOE. The Joint Stakeholders shall jointly propose that DOE issue final rules adopting each of the energy conservation standards contained in Attachment I and the amendments presented to Congress and will proactively advocate for DOE adoption of these standards. The Joint Stakeholders agree that the recommended standards address all of the statutory criteria that the Department is required to take into account in promulgating new energy and water conservation standards for the affected products with respect to the specified efficiency criteria.

3. For refrigerators/freezers, clothes washers, room air conditioners and clothes dryers, the Joint Stakeholders shall submit comments to each product's DOE docket supporting the recommendations. For refrigerator/freezers, such comment shall be filed not later than August 10, 2010; for clothes dryers and room air conditioners, not later than September 10, 2010 and for clothes washers not later than October 31, 2010. In the case of dishwashers (for which no rulemaking is currently underway) not later than September 15, 2010, the Joint Stakeholders shall petition DOE to initiate a rulemaking and to publish a final rule by September 2011.

4. The Joint Stakeholders have made no agreement concerning the appropriate levels for standby or off mode energy consumption and agree that stakeholders will comment to

DOE as they view appropriate during DOE's rulemaking process for each of the affected products, as applicable.

5. The Joint Stakeholders agree that pending amendments to test procedures for the affected products should be completed by DOE, subject to input from all stakeholders and agree to recommend that DOE translate the standards contained in this agreement to equivalent levels specified under revised test procedures.

6. The Joint Stakeholders agree to jointly petition DOE to initiate a rulemaking by January 1, 2012 to be completed by December 31, 2012 to revise the test procedure for refrigerators/freezers to incorporate measured ice maker energy use. The Joint Stakeholders will make good faith efforts to work collaboratively through AHAM's HRF-1 task force to arrive at a joint test procedure recommendation. AHAM will invite the non-manufacturer signers to this agreement to designate a participant for the task force only for the development of this initial test procedure for refrigerators/freezers to incorporate measured ice maker energy use. As part of the petition to be filed, the Joint Stakeholders further agree to petition DOE for rulemaking to incorporate measured ice maker energy use into an amended refrigerator standard to be completed within six months of a revised test procedure incorporating measured ice maker energy use based on the procedure recommended by AHAM's HRF-1 task force and to recommend that this amended standard take effect three years after a final rule is published. This commitment to petition for rulemaking and standards revisions applies whether a specific consensus test procedure is developed by AHAM's HRF-1 task force or not.

7. The Joint Stakeholders agree to submit the letters and attachments recommending certain modifications to the test procedures for refrigerator/freezers, clothes washers and clothes dryers contained in Attachment III, IV and V not later than August 1, 2010. The Joint Stakeholders agree that each party may advocate for any other modifications to the test procedures, provided such modification is not in direct contradiction to the attached recommendations.

8. The Joint Stakeholders will jointly submit to Congress recommendations for extending the existing federal manufacturer tax credits for specified appliances as described in Attachment VI.

9. The Joint Stakeholders will in good faith jointly develop and proactively support the adoption of federal tax credits or other incentives for widespread deployment and effective integration of smart-grid enabled versions of appliances subject to this agreement across the United States.

10. The Joint Stakeholders will jointly petition EPA and DOE no later than September 30, 2010 to provide a 5% credit to the energy performance level required to meet ENERGY STAR eligibility criteria for smart-grid enabled appliances that are subject to this agreement.

11. Any filings, proposals or responses to DOE notices shall be consistent with this Agreement and the parties shall file rulemaking petitions, file comments or take other actions with respect to DOE or other regulatory agencies consistent with this Agreement.

12. The Joint Stakeholders agree to cooperate with each other in the preparation of press releases and public statements in support of this Agreement.

13. The Joint Stakeholders agree to support and cooperate with each other to obtain passage of the legislation described in the Agreement, including advocacy in Congress and to the Administration. The Joint Stakeholders agree to develop and jointly recommend legislative history concerning the recommended amendments.

14. The Joint Stakeholders agree to consult with and obtain consent from all parties before supporting, advocating or agreeing to changes in the legislation. Such consent will not unreasonably be withheld.

15. The Joint Stakeholders agree not to attempt to overturn or revise, or to file or support any legal or legislative challenge to, the recommendations once adopted, whether by Act of Congress or by rule. The Stakeholders agree to support DOE in a manner as each one deems to be reasonable and appropriate in defending any legal, legislative, or administrative challenge to a final rule that adopts the proposed standards. This provision will still apply if DOE, on its own volition, adopts a rule that includes minor deviations from Attachment I. The Joint Stakeholders agree to consult with respect to their responses to any deviation from the recommendations and to make good faith efforts to respond jointly.

16. The Joint Stakeholders agree to implement the commitments made in this Agreement individually or in groups. Each Joint Stakeholder will respond in good faith to reasonable requests by other Joint Stakeholders for joint implementation of any of these commitments.

17. Any additional mutually agreed to changes to this agreement will be provided to Congress and the Administration as necessitated.

18. Nothing in this Agreement is intended to inhibit in any way efforts by individual stakeholders to research, develop, or market products to standards that differ from those contemplated by this Agreement, provided such products are in compliance with applicable laws and regulations.

19. Nothing in this Agreement is intended to direct any technical or product design approach to achieving efficiency standards and the parties shall not take any act to establish any such common approach.

20. This Agreement is hereby agreed to, in counterparts, by the undersigned Joint Stakeholders. This Agreement binds the undersigned Joint Stakeholders, their

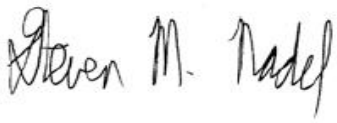
employees, their agents, and any successors and will take effect when all signatures are affixed. This agreement applies until December 31, 2012, except clause 15 which applies until December 31, 2013.

Joint Stakeholders

Manufacturers

Joseph McGuire
President
Association of Home Appliance Manufacturers

Advocates



Steven Nadel
Executive Director
American Council for an Energy Efficient Economy

On Behalf of –

Members of Major Appliance Division:
Whirlpool
General Electric
Electrolux
LG Electronics
BSH
Alliance Laundry
Viking Range
Sub-Zero Wolf
Friedrich A/C
U-Line
Samsung
Sharp Electronics
Miele
Heat Controller
AGA Marvel
Brown Stove
Haier
Fagor America
Airwell Group
Arcelik
Fisher & Paykel
Scotsman Ice
Indesit
Kuppersbusch
Kelon
DeLonghi

Appliance Standards Awareness Project
Natural Resources Defense Council
Alliance to Save Energy
Alliance for Water Efficiency
Northwest Power and Conservation Council
Northeast Energy Efficiency Partnerships
Consumer Federation of America
National Consumer Law Center

Attachments

(I) Recommended energy and water conservation standards
(II) Recommended legislative amendments
(III) Recommendations concerning refrigerator test procedures
(IV) Recommendations concerning clothes washer test procedures
(V) Recommendations concerning clothes dryer test procedures
(VI) Recommended legislative amendment for tax incentives

AHAM-ACEEE Multi-Product Standards Agreement

Attachment I

AHAM-ACEEE Multi-Product Standards Agreement
Refrigerator/Freezer

Product Class	Product Description	January 1, 2014		
		Change in Standard	Revised Standard Equation	
			Slope	Intercept
Standard size				
Automatic Defrost Refrigerator-Freezers				
3	Top Freezer w/o TTD ice	25%	7.35	207.0
6	Top Freezer w/ TTD ice	25%	7.65	267.0
4	Side Freezer w/o TTD ice	25%	3.68	380.6
7	Side Freezer w/ TTD ice	25%	7.58	304.5
5	Bottom Freezer w/o TTD ice	20%	3.68	367.2
5a/19	Bottom Freezer w/ TTD ice	20%	4.00	431.2
Manual & Partial Automatic Refrigerator-Freezers				
1	Manual Defrost	20%	7.06	198.7
2	Partial Automatic	20%	7.06	198.7
All Refrigerators				
1a	Manual Defrost	20%	7.06	198.7
3a	Automatic Defrost	25%	7.35	207.0
All Freezers				
8	Upright with manual defrost	25%	5.66	193.7
9	Upright with automatic defrost	30%	8.70	228.3
10	Chest with manual defrost	25%	7.41	107.8
10a/20	Chest with automatic defrost	30%	10.33	148.1
Compact Size				
Automatic Defrost Refrigerator-Freezers				
13/15	Top Freezer and Bottom Freezer	15%	10.80	301.8
14	Side Freezer	20%	6.08	400.8
Manual & Partial Automatic Refrigerator-Freezers				
11	Manual Defrost	25%	8.03	224.3
12	Partial Automatic	25%	5.25	298.5
All Refrigerators				
11a	Manual defrost	25%	8.03	224.3
13a	Automatic defrost	25%	9.53	266.3
All Freezers				
16	Upright with manual defrost	10%	8.80	225.7
17	Upright with automatic defrost	10%	10.26	351.9
18	Chest	10%	9.41	136.8
Built-ins				
Automatic Defrost Refrigerator-Freezers				
3B	Top Freezer w/o TTD ice	20%	7.84	220.8
4B	Side Freezer w/o TTD ice	20%	3.93	406.0
7B	Side Freezer w/ TTD ice	20%	8.08	324.8
5B	Bottom Freezer w/o TTD ice	15%	3.91	390.2
5aB	Bottom Freezer w// TTD ice	15%	4.25	458.2
All Refrigerators				
3aB	Automatic Defrost	20%	7.84	220.8
All Freezers				
9B	Upright with automatic defrost	25%	9.32	244.6

AHAM-ACEEE Multi-Product Standards Agreement
Clothes Washers

Product Description	Product Class	New Standard Jan. 1, 2015 (MEF/WF)	New Standard Jan. 1, 2018 (MEF/WF)
Top-Loading, Compact (less than 1.6 cubic feet capacity)	1	1.26/14.0	1.81/11.6
Top-Loading, Standard	2	1.72/8.0	2.0/6.0
Front-Loading, Standard	4	2.2/4.5	
Front-Loading, Compact (less than 1.6 cubic feet capacity)	6	1.72/8.0	

AHAM-ACEEE Multi-Product Standards Agreement
Dryers

Product Description	Product Class	January 1, 2015	
		Change in Standard	New Standard (EF)
Vented Electric Standard	1	5%	3.17
Vented Electric Compact 120V	2	5%	3.29
Vented Electric Compact 240V	3	5%	3.05
Vented Gas	4	5%	2.81
Vent-less Electric Compact 240V	5	new	2.37
Vent-less Electric Combination Washer/Dryer	6	new	1.95

AHAM-ACEEE Multi-Product Standards Agreement
Room Air Conditioners

Product Class	Product Description	June 1, 2014	
		Change in Standard	New Standard (EER)
	Without Reverse Cycle w/Louvers		
1	<6,000	15%	11.2
2	6,000 to 7,999	15%	11.2
3	8,000-13,999	12%	11.0
4	14,000 to 19,999	11%	10.8
5	20,000-27,999	11%	9.4
5a	≥28,000	6%	9.0
	Without Reverse Cycle w/o Louvers		
6	< 6,000	13%	10.2
7	6,000 to 7,999	13%	10.2
8	8,000-10,999	14%	9.7
8a	11,000-13,999	13%	9.6
9	14,000-19,999	11%	9.4
10	≥20,000	11%	9.4
	With Reverse Cycle		
11	< 20,000 w/Louvers	10%	9.9
12	≥ 20,000 w/Louvers	11%	9.4
13	< 14,000 w/o Louvers	11%	9.4
14	≥ 14,000 w/o Louvers	10%	8.8
	Casement		
15	Casement Only	10%	9.6
16	Casement-Slider	11%	10.5

AHAM-ACEEE Multi-Product Standards Agreement
Dishwashers

Product Description	**New Standard Jan. 1, 2013**
Standard (≥ 8 place settings plus 6 serving pieces)	307 kWh/year & 5.0 gallons/cycle
Compact (< 8 place settings plus 6 serving pieces)	222 kWh/year & 3.5 gallons/cycle

AHAM-ACEEE Agreement
Attachment II

AHAM Products Statutory Provisions
Resulting from Negotiation
(to be inserted into Energy bill)

Section _____

Measuring Icemaker Energy

Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended by adding after the end of paragraph (23) the following:

"(24) Refrigerator/Freezer Test Procedure.–

(A) By January 1, 2011, the Secretary shall finalize the test procedure proposed on May 27, 2010 with such modifications as the Secretary deems appropriate consistent with this Part.

(B) The Secretary shall initiate a rulemaking no later than January 1, 2012 to amend the test procedure only to incorporate measured automatic icemaker energy use and shall publish a final rule by December 31, 2012.

(25) Additional home appliance test procedures. --

(A) By October 1, 2011, the Secretary shall publish a final rule amending the residential clothes washer test procedure.

(B) By April 1, 2011, the Secretary shall finalize the test procedure for clothes dryers proposed on June 29, 2010 with such modifications as the Secretary deems appropriate consistent with this Part.

(C) By April 1, 2011, the Secretary shall finalize the test procedure for room air conditioners proposed on June 29, 2010 with such modifications as the Secretary deems appropriate consistent with this Part.

Section _____

Refrigerator/Freezer Standards

Section 6295(b) of the Energy Policy and Conservation Action (42 U.S.C. 6295) is amended by striking subsection (b)(4) and inserting the following:

"(4) Refrigerators, refrigerator-freezers and freezers manufactured on or after January 1, 2014.

(A)(i) In General – Based on the test procedure in effect on July 9, 2010, the following is the maximum energy use allowed in kilowatt hours per year for the following products (other than refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet

and freezers with total refrigerated volume exceeding 30 cubic feet) manufactured on or after January 1, 2014:

Refrigerator/Freezer Standards Equation	
Product Description	
Automatic Defrost Refrigerator-Freezers	**Revised Standard Effective January 1, 2014**
Top Freezer w/o TTD ice	7.35 AV+ 207.0
Top Freezer w/ TTD ice	7.65 AV+ 267.0
Side Freezer w/o TTD ice	3.68 AV+ 380.6
Side Freezer w/ TTD ice	7.58 AV+304.5
Bottom Freezer w/o TTD ice	3.68 AV+ 367.2
Bottom Freezer w/ TTD ice	4.0 AV+ 431.2
Manual & Partial Automatic Refrigerator-Freezers	
Manual Defrost	7.06 AV+ 198.7
Partial Automatic	7.06 AV+198.7
All Refrigerators	
Manual Defrost	7.06AV+198.7
Automatic Defrost	7.35 AV+ 207.0
All Freezers	
Upright with manual defrost	5.66 AV+ 193.7
Upright with automatic defrost	8.70 AV+ 228.3
Chest with manual defrost	7.41 AV+ 107.8
Chest with automatic defrost	10.33 AV+ 148.1
Compact Size	
Automatic Defrost Refrigerator-Freezers	
Top Freezer and Bottom Freezer	10.80 AV+ 301.8
Side Freezer	6.08 AV+ 400.8
Manual & Partial Automatic Refrigerator-Freezers	
Manual Defrost	8.03 AV+ 224.3
Partial Automatic	5.25 AV+ 298.5
All Refrigerators	
Manual defrost	8.03 AV+ 224.3
Automatic defrost	9.53 AV+ 266.3
All Freezers	
Upright with manual defrost	8.80 AV+ 225.7
Upright with automatic defrost	10.26 AV+ 351.9
Chest	9.41AV+ 136.8
Built-ins	
Automatic Defrost Refrigerator-Freezers	
Top Freezer w/o TTD ice	7.84 AV+ 220.8
Side Freezer w/o TTD ice	3.93 AV+ 406.0
Side Freezer w/ TTD ice	8.08 AV+ 324.8
Bottom Freezer w/o TTD ice	3.91 AV+ 390.2
Bottom Freezer w// TTD ice	4.25 AV+ 458.2
All Refrigerators	
Automatic Defrost	7.84 AV+ 220.8
All Freezers	
Upright with automatic defrost	9.32 AV+ 244.6

(ii) After publication of each test procedure change pursuant to Section 323(b)(24), the Secretary shall publish final rules amending the standards contained in clause (i) according to the procedures in section 323(e)(2), except that the standards amendment pursuant to the test procedure change required by 323(b)(24)(B) shall be based on the difference between the average measured automatic ice maker energy use of a representative sample for each product class and the value assumed by DOE for ice maker energy use in the test procedure published pursuant to Section 323(b)(24)(A). Section 323(e)(3) shall not apply.

(iii) The Secretary shall publish any final rule required by clause (ii) within six months of enactment of this paragraph or within six months of publication of a final rule amending the test procedure, whichever is later.

(iv) The Secretary may establish new product classes as part of the final amended standard adopted pursuant to the test procedure change required by 323(b)(24)(B) if needed to distinguish among products with automatic icemakers.

(v) An amendment adopted pursuant to a test procedure change required by 323(b)(24)(A) shall apply to products manufactured on or after January 1, 2014. An amendment adopted pursuant to a test procedure change required by 323(b)(24)(B) shall apply to products manufactured on or after a date three years from publication of the final rule amending the standards.

(vi) For refrigerators, freezers and refrigerator-freezers, the Secretary may adjust in a rulemaking the slope and intercept of the equation in clause (i), based on the energy use of typical products of various sizes in a product class, provided that the average energy use for each of these classes is the same under the new equations as under the equations in clause (i). Any final rule with such revisions shall be published no later than July 1, 2011.

(vii) A final rule published under clause (ii) pursuant to the test procedure change required by 323(b)(24)(B) or pursuant to clause (iv) shall not be considered an amendment to the standard for purposes of Section 325(m).

(B) Definition of 'Built-in' product class – refrigerators, freezers and refrigerators with freezer units that are 7.75 cubic feet or greater in total volume and 24 inches or less cabinet depth not including doors, handles and custom front panels; are designed to be totally encased by cabinetry or panels attached during installation; are designed to accept a custom front panel or equipped with an integral factory–finished face; are designed to be securely fastened to adjacent cabinetry, walls or floor; and have sides which are not fully finished and are not intended to be visible after installation.

Section _____

Standards for Clothes Washers

Section 325(g) of the Energy Policy and Conservation Act, (42 U.S.C. 6295(g)) is amended by striking subsection (g)(9)(B) and inserting the following:

(B)(i) Amendment of Standards.

Based on the test procedure in effect on July 9, 2010, clothes washers manufactured on or after January 1, 2015 shall comply with the following minimum modified energy factors (MEF) and maximum water factors (WF):

	For Products Manufactured on and after January 1, 2015	
	MEF	WF
Top Loading-Standard	1.72	8.0
Top Loading – Compact	1.26	14.0
Front Loading-Standard	2.2	4.5
Front Loading-Compact (less than 1.6 cu. ft. capacity)	1.72	8.0

(ii) Based on the test procedure in effect on July 9, 2010, clothes washers manufactured on or after January 1, 2018 shall comply with the following minimum modified energy factors (MEF) and maximum water factors (WF):

	For Products Manufactured on and after January 1, 2018	
	MEF	WF
Top Loading -- Standard	2.0	6.0
Top Loading – Compact	1.81	11.6

(iii) The final rule amending the clothes washer test procedure adopted pursuant to Section 323(b)(25)(A) shall also amend the standards contained in clauses (i) and (ii) according to the procedures in section 323(e)(2). Section 323(e)(3) shall not apply to these amended standards. Amended standards based on clause (i) shall apply to products manufactured on or after January 1, 2015 and amended standards based on clause (ii) shall apply to products manufactured on or after January 1, 2018.

(iv) The Secretary shall integrate standby and off mode energy consumption into the amended MEF standards required pursuant to clause (iii). These amended MEF standards shall reflect levels of standby and off mode energy consumption that meet the criteria under section 325(o).

Section _____ Clothes Dryers

Section 325(g) of the Energy Policy and Conservation Act, (42 U.S.C. 6295(g)) is amended by adding a subsection (g)(4)(D) as follows:

"(D)(i) Based on the test procedure in effect on July 9, 2010 as applicable, clothes dryers manufactured on and after January 1, 2015 shall meet the following minimum energy factors (EF):

Product Description	New Standard (EF)
Vented Electric Standard	3.17
Vented Electric Compact 120V	3.29
Vented Electric Compact 240V	3.05
Vented Gas	2.81
Vent-Less Electric Compact 240V	2.37
Vent-Less Electric Combination Washer/Dryer	1.95

(ii) The final rule amending the clothes dryer test procedure adopted pursuant to Section 323(b)(25)(B) shall also amend the standards contained in clause (i) according to the procedures in section 323(e)(2), except that for the purposes of establishing a representative sample of products, DOE shall choose a sample of minimally compliant dryers which automatically terminate the drying cycle at no less than 4% remaining moisture content. Section 323(e)(3) shall not apply to these amended standards. The amended standards shall apply to products manufactured on or after January 1, 2015.

(iii) The Secretary shall integrate standby and off mode energy consumption into the amended EF standards required pursuant to clause (ii). These amended EF standards shall reflect levels of standby and off mode energy consumption that meet the criteria under section 325(o).

Section _____

Room Air Conditioner Standards - Section 325(c) of the Energy Policy and Conservation Act, (42 U.S.C. 6295(c)) is amended by adding subsection (c)(3) as follows:

"(3) (A)(i) Based on the test procedure in effect on July 9, 2010 as applicable, the minimum energy efficiency ratio of room air conditioners manufactured on and after June 1, 2014 shall be as follows:

Product Description	PROPOSAL (June 1, 2014) New Standard EER
Without Reverse Cycle w/Louvers	
<6,000	11.2
6,000 to 7,999	11.2
8,000-13,999	11.0
14,000 to 19,999	10.8
20,000-27,999	9.4
≥28,000	9.0
Without Reverse Cycle w/o Louvers	
<6,000	10.2
6,000 to 7,999	10.2
8,000-10,999	9.7
11,000-13,999	9.6
14,000 to 19,999	9.4
≥20,000	9.4
With Reverse Cycle	
<20,000 w/Louvers	9.9
≥ 20,000 w/Louvers	9.4
<14,000 w/o Louvers	9.4
≥ 14,000 w/o Louvers	8.8

Casement	
Casement Only	9.6
Casement-Slider	10.5

(ii) The final rule amending the room air conditioner test procedure adopted pursuant to Section 323(b)(25)(C) shall also amend the standards contained in clause (i) according to the procedures in section 323(e)(2). Section 323(e)(3) shall not apply to these amended standards. The amended standards shall apply to products manufactured on or after June 1, 2014.

(iii) The Secretary shall integrate standby and off mode energy consumption into the amended EER standards required pursuant to clause (ii). These amended EER standards shall reflect levels of standby and off mode energy consumption that meet the criteria under section 325(o).

Section_ Dishwashers

Section 325(g)(10) of The Energy Policy and Conservation Act (42 U.S.C. 6295(g)(10)) is amended by striking subparagraph (A), by redesignating subparagraph (B) as subparagraph (D), and by inserting the following before redesignated subparagraph (D):

(A) A dishwasher manufactured on or after January 1, 2010 shall—
(i) for a standard size dishwasher not exceed 355 kWh/year and 6.5 gallons per cycle; and
(ii) for a compact size dishwasher not exceed 260 kWh/year and 4.5 gallons per cycle.

(B) a dishwasher manufactured on or after January 1, 2013 shall—
(i) for a standard size dishwasher not exceed 307 kwh/year and 5.0 gallons per cycle; and
(ii) for a compact size dishwasher not exceed 222 kwh/year and 3.5 gallons per cycle.

(C) Any final rule amending the dishwasher test procedure after July 9, 2010, and before January 1, 2013 shall also amend the standards contained in subparagraph (B) according to the procedures in section 323(e)(2). Section 323(e)(3) shall not apply to these amended standards. The amended standards shall apply to products manufactured on and after January 1, 2013.

Section__. Energy Star

Section 324a of the Energy Policy and Conservation Act (42 USC 6294a) is amended by adding a new subsection _ as follows:

“ (_) Credit for Smart Appliances

Not later than 180 days after enactment, the Administrator and the Secretary shall determine whether to update the Energy Star criteria for residential refrigerators/freezers, dishwashers, clothes washers, clothes dryers, and room air conditioners in order to incorporate smart grid and demand response features, after soliciting comments under paragraph (c)(5)." [of EPCA 324A]

ACEEE
American Council for an Energy-Efficient Economy

AHAM
ASSOCIATION OF HOME APPLIANCE MANUFACTURERS

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

July 20, 2010

The Honorable Catherine R. Zoi
Assistant Secretary
Office of Energy Efficiency and Renewable Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Assistant Secretary Zoi:

The Association of Home Appliance Manufacturers (AHAM) and efficiency organizations, which are being coordinated by the American Council for an Energy-Efficient Economy (ACEEE), have agreed to a set of recommendations that should be addressed as the Department of Energy modifies the test procedure for refrigerator/freezers.

Please find these recommendations attached, and we look forward to working with your office as the test procedure rulemaking progresses.

Sincerely,

Kevin Messner
Vice President, Government Relations
AHAM

Steven Nadel
Executive Director
ACEEE

cc: Kathleen Hogan, Deputy Assistant Secretary for Energy Efficiency
Roland Risser, Program Manager for Building Technologies

Refrigerator/Freezer Test Procedure Changes Recommendations

1. We are committed to working with DOE to develop a test procedure for icemaker energy use.

2. DOE should include a placeholder value for icemaker energy use as proposed (75 FR 29847) until a test procedure for icemaker energy use is established, but this placeholder should only be an interim step.

3. DOE should initiate a rulemaking no later than January 1, 2012 (and preferably earlier) to amend the test procedures to incorporate measured icemaker energy use. DOE should publish a final rule for amended test procedures by December 31, 2012 (and preferably earlier). By July 1, 2013, DOE should publish a final rule amending energy conservation standards to adjust the standard levels for any difference between the placeholder value as proposed (75 FR 29847) and the average energy use of a representative sample of icemakers by product class as measured under the amended test procedure and in accordance with the new compartment temperatures that will become effective on January 1, 2014. The effective date of the amended standards would be three years after publication of the final rule. (Note: We have also included this recommendation in proposed legislative language.)

4. As part of the icemaker test procedure development, DOE should collect field data on energy use and ice production for different types of icemakers (*e.g.*, automatic and manual), assuring a nationally representative sampling.

5. DOE should join, and fund NIST's participation in, the task force set up by AHAM and other interested parties to incorporate automatic icemaker energy use into the refrigerator/freezer test procedure.

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Dear Assistant Secretary Zoi:

The Association of Home Appliance Manufacturers (AHAM) and efficiency organizations, which are being coordinated by the American Council for an Energy-Efficient Economy (ACEEE), have agreed to a set of recommendations that should be addressed as the Department of Energy modifies the test procedure for clothes washers.

Please find these recommendations attached, and we look forward to working with your office as the test procedure rulemaking progresses.

Sincerely,

Kevin Messner
Vice President, Government Relations
AHAM

Steven Nadel
Executive Director
ACEEE

cc: Kathleen Hogan, Deputy Assistant Secretary for Energy Efficiency
Roland Risser, Program Manager for Building Technologies

Clothes Washer Test Procedure Changes
Principles

Before finalizing a revised test procedure for residential clothes washers, the Department should:

- Gather or develop information on contemporary laundry practices in the US, including temperature settings, average cycles per year, special purpose machine cycles*, the size of a minimum laundry load, the size of an average load, and the frequency distribution of various laundry loads (load adjustment factor) for incorporation into the test procedure.

- Ensure that the test procedure does not contain any unwarranted bias in favor of large capacity washers.

- Extend Table 5.1 (Test Load Sizes) to a basket size of 6.0 ft^3 (specific edits will be provided).

- Incorporate AHAM test cloth changes to improve the reproducibility (specific edits will be provided).

All of the above mentioned items shall be developed through DOE's current residential clothes washer test procedure rulemaking, to be completed by October 1, 2011, and applicable to the 2015 standard.

*Special purpose machine cycles include so-called "steam" cycles and periodic manufacturer-recommended non-laundry cycles for cleaning or deodorizing the laundry drum.

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July 20, 2010

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Please find these recommendations attached, and we look forward to working with your office as the test procedure rulemaking progresses.

Sincerely,

Kevin Messner
Vice President, Government Relations
AHAM

Steven Nadel
Executive Director
ACEEE

cc: Kathleen Hogan, Deputy Assistant Secretary for Energy Efficiency
Roland Risser, Program Manager for Building Technologies

Clothes Dryer Test Procedure Changes Recommendations

1. DOE should update the initial RMC, from the current assumption of 70%, based on the best available data (ideally based on a nationally representative sample).

2. DOE should update the number of dryer cycles/year, from the current assumption of 416 cycles/year, based on the best available data (ideally based on a nationally representative sample).

3. DOE should update the size of the dryer test load, from the current test load of 7 lbs, based on best available data (ideally based on a nationally representative sample).

4. DOE should modify the test procedure to address the effectiveness of automatic termination controls (e.g. moisture sensor and temperature sensor controls).

5. DOE should create a ventless dryer (including ventless combination washer/dryer) test procedure to inform a baseline energy consumption level for this new product category.

6. Revise Section 1.11 of 10 CFR 430 Subpart B, Appendix D to more clearly account for electronic controls. ". . . mark, visual indicator or detent which indicates a preferred…"

7. Correct Section 3.1 of 10 CFR 430 Subpart B, Appendix D to ". . . prevent deflection of the ~~dryer~~ drum surface. . ."

Schedule: All of the above-mentioned items shall be developed through DOE's current clothes dryers test procedure rulemaking, to be completed by April 1, 2011, and applicable to the 2015 standard.

AHAM-ACEEE Agreement
Attachment VI

H.R. xxxx

A bill to modify and extend the tax credit applicable to energy efficient appliances and other matters

Sec. 1. Modify and extend the energy efficient appliance credit.

(a) Modification and extension of rules applicable to dishwashers.-- Paragraph (b)(1) of section 45M is amended by striking "and" at the end of subparagraph (A); by striking "." and inserting "," in subparagraph (B); and adding the following subparagraphs:

> "(C) $25 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings),
>
> "(D) $50 in the case of a dishwasher which is manufactured in calendar year 2011, 2012, or 2013 and which uses no more than 295 kilowatt hours per year and 4.25 gallons per cycle (4.75 gallons per cycle for dishwashers designed for greater than 12 place settings), and
>
> "(E) $75 in the case of a dishwasher which is manufactured in calendar year 2011, 2012, or 2013 and which uses no more than 280 kilowatt hours per year and 4.0 gallons per cycle (4.5 gallons per cycle for dishwashers designed for greater than 12 place settings)."

(b) Modification and extension of rules applicable to clothes washers.--Paragraph (b)(2) of section 45M is amended striking "and" at the end of subparagraph (C); by striking "." and inserting "," in subparagraph (D); and by adding the following subparagraphs:

> "(E) $175 in the case of a top-loading clothes washer manufactured in calendar year 2011 and which meets or exceeds a 2.2 modified energy factor and does not exceed a 4.5 water consumption factor,
>
> "(F) $200 in the case of a top-loading clothes washer manufactured in calendar year 2011, 2012, or 2013 and which meets or exceeds a 2.4 modified energy factor and does not exceed a 4.2 water consumption factor, and
>
> "(G) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2011, 2012, or 2013 which meets or exceeds a 2.8 modified energy factor and does not exceed a 3.5 water consumption factor."

(c) Modification and extension of rules applicable to refrigerators.--Paragraph (b)(3) of section 45M is amended by striking "and" at the end of subparagraph (C); by striking "." and inserting "," in subparagraph (D); and by adding the following subparagraphs:

"(E) $150 in the case of a refrigerator manufactured in calendar year 2011, 2012, or 2013 and which consumes at least 30 percent less energy than the 2001 energy conservation standards, and

"(F) $200 in the case of a refrigerator manufactured in calendar year 2011, 2012, or 2013 and which consumes at least 35 percent less energy than the 2001 energy conservation standards."

(d) Modification of rules to include freezers.

(1) In general.--Subsection (b) of section 45M is amended by adding the following paragraph:

"(4) Freezers. The applicable amount is--
"(A)(i) $150 in the case of an automatic defrost freezer manufactured in calendar year 2011 or 2012 (other than a freezer described in subparagraph (B)) and which consumes at least 30 percent less energy than the 2001 energy conservation standards,
(ii) $150 in the case of a manual defrost freezer manufactured in calendar year 2011 or 2012 (other than a freezer described in subparagraph (B)) and which consumes at least 25 percent less energy than the 2001 energy conservation standards, and

"(B)(i) $200 in the case of an automatic defrost freezer manufactured in calendar year 2011, 2012, or 2013 and which consumes at least 40 percent less energy than the 2001 energy conservation standards.
(ii) $200 in the case of a manual defrost freezer manufactured in calendar year 2011, 2012, or 2013 and which consumes at least 35 percent less energy than the 2001 energy conservation standards"

(2) Definition.-- Subsection (f) of section 45M is amended by adding the following paragraphs:

"(11) Freezer. The term "freezer" means a residential model freezer which has an internal volume of at least 16.5 cubic feet."

(e) Aggregate credit amount allowed.

(1) In general.-- Paragraph (e)(1) of section 45M is amended by striking "$75,000,000" and inserting "$100,000,000" and by adding "For the period of all prior taxable years beginning after December 31, 2007 and ending before January

1, 2011, the preceding sentence shall be applied by substituting '$75,000,000' for '$100,000,000'."

(2) Exclusion of certain appliances.--Paragraph (e)(2) of section 45M is amended to read as follows:

"(2) Amount allowed for certain refrigerators and clothes washers. Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account with respect to the $75,000,000 limitation described in paragraph (1). Dishwashers described in subsection (b)(1)(E), clothes washers described in subsection (b)(2)(F) and (b)(2)(G), refrigerators described in subsection (b)(3)(F), and freezers described in subsection (b)(4)(B), shall not be taken into account with respect to the $100,000,000 limitation described in paragraph (1)."

(3) Gross receipts limitation.—Paragraph (e)(3) of section 45M is amended by adding at the end the following sentence: "For taxable years beginning after December 31, 2010, the preceding sentence shall be applied by substituting '4 percent' for '2 percent'.''

Sec. 2. Direct payment of energy efficient appliances tax credit.--In the case of any taxable year which includes the last day of calendar year 2011 or calendar year 2012, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2011 and 2012, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

Sec. 3. Effective date.--The provisions of this section shall apply to qualified energy efficient appliances produced after December 31, 2010.