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August 10, 2010

Via E-Mail

Ms. Brenda Edwards
U.S. Department of Energy
Building Technologies Program, Mailstop EE-2J
1000 Independence Avenue, SW
Washington, DC 20585-0121

Re: Joint Stakeholder Comments On The Notice Of Proposed Rulemaking On Test Procedures For Refrigerators, Refrigerator-Freezers, and Freezers; EERE-2009-BT-TP-0003; RIN 1904-AB92

The Joint Stakeholders respectfully submit the following comments to the Department of Energy (DOE) on its Notice Of Proposed Rulemaking On Test Procedures For Refrigerators, Refrigerator-Freezers, and Freezers, 75 Fed. Reg. 29,824 (May 27, 2010).

The Joint Stakeholders presented DOE on July 30, 2010 the results of successful negotiations which resulted in an agreement on federal minimum energy conservation standards for residential refrigerators, refrigerator-freezers, and freezers ("refrigerator/freezers"). The agreement includes recommendations that DOE improve test methods for refrigerator/freezers to better represent actual product energy use. These changes will create additional incentives for manufacturers to reduce product energy use. The Joint Stakeholders presented these recommendations to DOE by letter dated July 20, 2010.

As discussed below, the Joint Stakeholders propose changes to the test procedures to incorporate measured icemaker energy use. Our comments are consistent with and aim to support the consensus agreement discussed above.

The Joint Stakeholders appreciate the opportunity to submit these comments on the Test Procedures for Refrigerators, Refrigerator-Freezers, and Freezers.

Respectfully Submitted,

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*

Joint Comments On The Notice Of Proposed Rulemaking On Test Procedures For Refrigerators, Refrigerator-Freezers, and Freezers

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*Association of Home Appliance Manufacturers
American Council for an Energy-Efficient Economy
Natural Resources Defense Council
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Northwest Power and Conservation Council
Northeast Energy Efficiency Partnerships
Consumer Federation of America
National Consumer Law Center
Earthjustice
California Energy Commission*

I. General Comments

On July 30, 2010, the Joint Stakeholders submitted energy conservation standards proposals for refrigerator/freezers and other products that had been the subject of intensive negotiations and which benefitted greatly from DOE's technical support. These standards were based on specific contemplation of future test procedure changes reflected in these comments. It is critical that if DOE adopts this proposal, it also revises the relevant energy conservation standard equations to reflect the new test procedure, ensuring that there is no change in the stringency of the allowable energy use before and after the changes to the test procedure.

II. The Joint Stakeholders

The American Council for an Energy Efficient Economy (ACEEE) is a nonprofit, non-partisan, organization dedicated to advancing energy efficiency as a means of promoting economic prosperity, energy security, and environmental protection. ACEEE fulfills its mission by conducting in-depth technical and policy assessments; advising policymakers and program managers; working collaboratively with businesses, public interest groups, and other organizations; publishing books, conference proceedings, and reports; organizing conferences and workshops; and educating consumers and businesses. ACEEE has been involved in refrigerator/freezer standards since their inception.

The Association of Home Appliance Manufacturers (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 represents the manufacturers of virtually all affected refrigerator/freezers manufactured and/or sold in the United States. AHAM has been involved from the beginning of the national appliance standards program in the development of regulations, including test procedures.

The Alliance to Save Energy (ASE) is a coalition of prominent business, government, environmental, and consumer leaders who promote the efficient and clean use of energy worldwide to benefit consumers, the environment, economy, and national security.

The Alliance for Water Efficiency is a stakeholder-based 501(c)(3) non-profit organization dedicated to the efficient and sustainable use of water, with 317 member organizations from water utilities, government agencies, businesses, industry, plumbing, appliance and irrigation manufacturers, retailers, environmental and energy efficiency advocates, and other stakeholders. Located in Chicago, the Alliance serves as a North American advocate for water efficient products and programs, and provides information and assistance on water conservation efforts.

The Appliance Standards Awareness Project (ASAP) is a coalition group dedicated to advancing cost-effective energy efficiency standards for appliances and equipment. ASAP works at both the state and federal levels and is led by a Steering Committee with representatives from consumer groups, utilities, state government, environmental groups, and energy-efficiency groups.

The Consumer Federation of America is an association of nearly 300 nonprofit consumer groups that was established in 1968 to advance the consumer interest through research, advocacy, and education.

The National Consumer Law Center®, a nonprofit corporation founded in 1969, assists consumers, advocates, and public policy makers nationwide on consumer law issues. NCLC works toward the goal of consumer justice and fair treatment, particularly for those whose poverty renders them powerless to demand accountability from the economic marketplace. NCLC has provided model language and testimony on numerous consumer law issues before federal and state policy makers. NCLC publishes an 18-volume series of treatises on consumer law, and a number of publications for consumers.

The Natural Resources Defense Council (NRDC) is a national environmental advocacy organization with over 1.3 million members and online activists. NRDC has spent decades working to build and improve DOE's federal appliance standards programs because of the important energy, environmental, consumer, and reliability benefits of appliance efficiency

standards. NRDC participated in the enactment of the first federal legislation establishing efficiency standards, and has been active in all significant rulemakings since then.

Northeast Energy Efficiency Partnerships (NEEP) is a non-profit organization that facilitates regional partnerships to advance the efficient use of energy in homes, buildings and industry in the Northeast U.S. NEEP works to leverage knowledge, capability, learning and funding through regionally coordinated policies, programs and practices. As a regional organization that collaborates with policy makers, energy efficient program administrators, and business, NEEP is a leader in the movement to build a cleaner environment and a more reliable and affordable energy system.

The Northwest Power and Conservation Council is an interstate compact between the states of Idaho, Montana, Oregon and Washington authorized by the Northwest Power Act of 1980 (PL96-501). The Council is charged with ensuring that the Northwest's electric power system will provide adequate and reliable energy at the lowest economic and environmental cost to its citizens.

Other supporters include the California Energy Commission, Demand Response and Smart Grid Coalition, and Earthjustice.

III. Comments On Icemaking (Issue 18)

A. Placeholder Value For Icemaking Energy Use

DOE proposed adding a placeholder value for icemaking energy use into the energy use calculation. The proposed value is 0.23 kWh per daily cycle (84 kWh per year). The Joint Stakeholders support the DOE proposal to include a temporary fixed placeholder value for icemaking energy use in the calculation for energy use of refrigeration products with icemakers and to add the placeholder value to the energy standard levels. The Joint Stakeholders also agree with the proposed value of 0.23 kWh per daily cycle. But this placeholder value should only be an interim step.

B. Icemaker Energy Use Test Procedure

DOE requested recommendations for development of a test procedure for determination of icemaking energy use, including data to show the viability of recommended approaches.

The Joint Stakeholders are committed to working with DOE to develop a test procedure for icemaker energy use.

DOE should initiate a rulemaking no later than January 1, 2012 to amend the test procedures to incorporate measured icemaker energy use. AHAM is working on developing a recommended icemaker energy test procedure and will attempt to finalize that work and provide it to DOE prior to January 1, 2012 (and preferably earlier). DOE should publish a final rule for amended test procedures by December 31, 2012. By July 1, 2013, DOE should publish a final rule amending energy conservation standards to adjust the standard levels for any difference between the

proposed placeholder value (0.23 kWh per daily cycle) and the average energy use of a representative sample of icemakers by product class as measured under the amended (icemaking energy) 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 incorporating revisions from the new icemaking energy test procedure would be three years after publication of the final rule. (Note: We have also included this recommendation in proposed legislative language).

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