



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

January 17, 2014

Via E-mail

Mr. Harrinder Singh  
California Energy Commission  
Docket No. 13-AAER-1  
Docket Unit  
1516 Ninth Street, Mail Station 4  
Sacramento, CA 95814-5504

docket@energy.state.ca.gov

California Energy Commission

**DOCKETED**

**13-AAER-01**

**TN 72494**

**JAN 21 2014**

Re: Docket No. 13-AAER-1 – *Proposed Amendments to Appliance Efficiency Regulations*

Dear Mr. Singh:

The Association of Home Appliance Manufacturers (AHAM) would like to comment on the *Proposed Amendments to Appliance Efficiency Regulations* (Docket 13-AAER-1). 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.

Specifically, we are writing to respectfully request that the California Energy Commission (CEC) expedite certain portions of this rulemaking related to refrigerators, refrigerator-freezers, and freezers (refrigerator/freezers) in order to allow manufacturers to sell products in California that comply early with the Federal energy conservation standards for those products that will become mandatory in September 2014 (the same issue will occur with clothes washers before the new standard goes into effect in March 2015). In particular, we request that CEC allow manufacturers to certify refrigerator/freezers that comply with the 2014 Federal standard (and are tested per 10 C.F.R. 430, Subpart B, Appendix A or Appendix B). It is not necessary for CEC to expedite the remainder of the proposed refrigerator/freezer amendments—we request only that CEC provide manufacturers with a mechanism to certify these more efficient models in California as soon as possible. It is also important that, until September 15, 2014, manufacturers continue to be able to certify models that comply with the existing mandatory Federal standard (which are tested per 10 C.F.R. 430, Subpart B, Appendix A1 or Appendix B1).

As CEC is aware, the Department of Energy (DOE) promulgated new Federal energy conservation standards for refrigerator/freezers that become mandatory on September 15, 2014. DOE, in guidance, has also permitted early compliance with those standards. Under that guidance, manufacturers are

permitted, but not required, to use the amended test procedures to certify compliance with the 2014 standards before the new standards and test procedures become mandatory on September 15.<sup>1</sup> Manufacturers must also comply with the requirements in 42 U.S.C. § 6293 which require manufacturers to make representations using the DOE test procedure. Thus, per DOE, “[r]epresentations of the energy use of a basic model on labels, in advertising, or in any other location **must match** the value that is certified to DOE.”<sup>2</sup>

AHAM also worked together with the Federal Trade Commission (FTC) to develop a new EnergyGuide label that will help mitigate confusion during the early compliance period. Manufacturers were permitted to begin using that label on January 1, and thus, may now label products that comply early with the 2014 standards while continuing to label products that meet the existing mandatory standards with the old label. DOE expects to have a new certification template ready for manufacturers to use to certify early compliant products during the week of January 20. DOE will continue to provide the existing template for products certified using Appendices A1 and B1. According to DOE, the reporting requirements for the 2014-compliant models will be the same as for current models.

Achieving a framework for early compliance has been a cooperative effort between DOE, the Environmental Protection Agency (which has permitted early compliance with the revised ENERGY STAR specification), and FTC.<sup>3</sup> In addition, we have worked together with Natural Resources Canada to find a solution to permit certification of models tested under Appendices A and B until Canada is able to adopt standards and test procedures that harmonize with the U.S. All that is left is for CEC to revise its certification forms, and we appreciate CEC’s willingness to assist in allowing more efficient refrigerator/freezer models to reach consumers sooner.

AHAM appreciates the opportunity to comment on the proposed amendments to the Appliance Efficiency Regulations and would be glad to further discuss these matters with the Commission. We expect to submit additional comments on the remaining issues in the proposal.

Sincerely,



Kevin Messner  
Vice President, State Government Affairs

---

<sup>1</sup> See DOE FAQ, “Should An Amended Test Procedure be Used to Rate and Certify Products Prior to the Compliance Date?” (June 29, 2012). That guidance is attached at Attachment A.

<sup>2</sup> See DOE, AHAM Webinar on Refrigerator and Freezer Early Compliance, at 5 (Dec. 9, 2013) (emphasis in original). This presentation is attached at Attachment B.

<sup>3</sup> All three agencies and AHAM are also working to mitigate confusion for consumers during the transition. We understand that each agency will post relevant explanatory material on its website. AHAM has developed a website to explain the transition to consumers and retail sales associates: [www.coolenergysavings.org](http://www.coolenergysavings.org).

## **Attachment A**

This final document represents the definitive view of the agency on the questions addressed and may be relied upon by the regulated industry and members of the public.

This and other guidance documents are accessible on the U.S. Department of Energy, Energy Efficiency & Renewable Energy web site at: <http://www1.eere.energy.gov/guidance/default.aspx?pid=2&spid=1>.

**Guidance Type:** Certification and CCMS, Test Procedures, Conservation Standards

**Category:** All

**Product:** All

**Product Sub-type:** All

**Guidance Version:** FINAL

**Issued:** June 29, 2012

**Q: Should an amended test procedure be used to rate and certify products prior to the compliance date?**

**A: In response to numerous inquiries the Department of Energy (DOE)** is issuing this guidance to make clear that, while manufacturers need not comply with a new or amended test procedure prior to the compliance date established when that test procedure is issued, manufacturers may, as described in this guidance, voluntarily use newly amended test procedures to rate and certify their products prior to the compliance date requiring the use of that amended test procedure.

Compliance with the energy conservation standards must be based on the test procedure that DOE has prescribed pursuant to 42 U.S.C. § 6293. *See* 42 U.S.C. § 6295(s). In addition, under 42 U.S.C. §§ 6293(c) and 6314(d), a manufacturer may not make written representations or broadcast advertisements regarding the energy use or efficiency of a regulated product unless that product has been tested using the DOE test procedure and the results of that testing are fairly disclosed by those representations or advertisements. Once DOE promulgates a new or amended test procedure, manufacturers must use the new or amended procedure to certify compliance by no later than the date specified in the test procedure final rule notice. Manufacturers must use the new or amended test procedure for representations as set forth in 42 U.S.C. §§ 6293 and 6314.

Typically, when DOE amends an existing test procedure or develops a new test procedure and finds that the measured energy consumption or energy efficiency ratings would be altered, DOE also conducts an energy conservation standards rulemaking and specifies that use of the new or amended test procedure is required for certification on the compliance date of any final standards. For a variety of reasons, a lag time may exist between when an amended test procedure is adopted and the compliance date. During this interim period, manufacturers may wish to gain additional experience with the new or amended test procedure or voluntarily use it prior to the compliance date on which they are required to do so.

DOE does not object to the use of a new or amended test procedure prior to the compliance date to (1) certify compliance with energy conservation standards and (2) make representations of energy efficiency or energy use so long as those representations fairly disclose the results of that testing. *See*

42 U.S.C. § 6293(c)(1).<sup>1</sup> Manufacturers who choose this early adoption path should ensure that their products or equipment satisfy the applicable new or amended standards. (If a new or amended standard has not yet been established, manufacturers should ensure that their products or equipment satisfy the existing standard.) DOE will make available certification templates for products certified using any new or amended test procedure.

DOE notes that many basic models incorporating new features or designs may benefit from the use of the new or amended test procedure, as amended test procedures often address new technologies. In some instances, a manufacturer may not wish to use the new or amended test procedure until its use is required, but the existing test procedure may not adequately address the new technology. For example, a current test procedure may require certain changes in order for a manufacturer to apply it to a product but the manufacturer may prefer not to apply the new (and not yet required) procedure, even though the product could be readily tested under that new procedure. In that situation, a manufacturer should seek a waiver pursuant to 10 CFR 430.27 or 10 CFR 431.401, as appropriate to obtain permission to use an alternate test procedure.

DOE notes that manufacturers of some covered products must comply with FTC labeling rules (16 CFR Part 305), which generally require manufacturers to base label disclosures on mandatory test procedures and related provisions in the Code of Federal Regulations. *See, e.g.* 10 CFR Part 430, Appendices A through Z. To do otherwise could subject the manufacturer to civil penalties. Manufacturers of labeled products should contact the FTC for guidance about label disclosures during these test procedure transitions.

---

<sup>1</sup> Manufacturers are required pursuant to 42 U.S.C. 6293(c)(2) to use the new or amended test procedure to make representations 180 days after it is prescribed or established. Use of the new or amended test procedure for certification would reduce testing burden by allowing manufacturers to test each new basic model using only the new or amended procedure.

## **Attachment B**

# BUILDING TECHNOLOGIES PROGRAM

U.S. DEPARTMENT OF  
**ENERGY**

Energy Efficiency &  
Renewable Energy



Energy Conservation Program for  
Consumer Products and Commercial  
and Industrial Equipment

AHAM Webinar on  
Refrigerator and Freezer  
Early Compliance  
December 9, 2013

- DOE requires that, before distributing in commerce any basic model of a covered product, the manufacturer must submit to DOE a report certifying that each basic model meets the applicable energy conservation standard (10 CFR 429.12(a))
- To accomplish this, manufacturers must:
  - Test a sample of no fewer than 2 units of each basic model in accordance with the prescribed DOE test procedure in the appendices to subpart B of 10 CFR part 430
  - Apply the DOE sampling statistics specific to the product being tested as found in sections 429.14 through 429.54 of 10 CFR part 429 to determine the rated value of energy use
  - Report the certified rating of each basic model to DOE using CCMS
- Manufacturers may have a third-party, such as a test laboratory, submit certifications on their behalf, as long as that third-party has been authorized to do so by the manufacturer.



- Certification requirements are in the following locations:
  - General requirements applicable to all products: 10 CFR 429.12
  - Certification requirements specific to refrigerators, refrigerator-freezers, and freezers: 10 CFR 429.14
  - Paragraphs 429.14(b)(2) and 429.14(b)(3) list the specific information that must be reported to DOE in a certification of compliance
  - The CCMS templates contain fields for all items required in these sections
- Early compliance requirements:
  - Per guidance issued by DOE on June 29, 2012, manufacturers may use an amended test procedure to certify products prior to the compliance date. (see [http://www1.eere.energy.gov/buildings/appliance\\_standards/pdfs/tp\\_faq\\_2012-06-29.pdf](http://www1.eere.energy.gov/buildings/appliance_standards/pdfs/tp_faq_2012-06-29.pdf))
  - Per a July 23, 2013 FTC rule, refrigerators and freezers manufactured after January 1, 2014 may be labeled using results from the new DOE test procedure (see <http://www.ftc.gov/os/2013/07/130716energylabelingfrn.pdf>)
  - Because FTC has authorized manufacturers to meet reporting requirements under the labeling rule by reporting to DOE, early reporting to DOE may also begin on January 1, 2014.

- All Testing must be done in accordance with DOE's test procedures as described in the Code of Federal Regulations, which are in subpart B to 10 CFR part 430
- Products to be certified as compliant with the standards applicable to products manufactured prior to September 15, 2014 (i.e., the current standards):
  - Must be tested using **Appendix A1 or B1** to Subpart B of Part 430
  - Products may be certified in this manner at any time prior to 9/15/2014.
- Products to be certified as compliant with the standards applicable to products manufactured on or after to September 15, 2014 (i.e., the 2014 standards):
  - Must be tested using **Appendix A or B** to Subpart B of Part 430
  - A product **may** be certified using this procedure prior to 9/15/14, but **must** be certified using this procedure on or after 9/15/14.

- DOE will provide a new CCMS template for products certified using the new test procedure.
  - This template must only be used for products certified using Appendices A/B.
  - The old template must be used for products certified using Appendices A1/B1.
  - At the present time the reporting requirements for the 2014-compliant models will be the same as for current models. The new template will be updated with any new reporting requirements that are added through rulemaking.
- The general CCMS submittal process will not change as a result of the new standards and test procedure.
- The CCMS database website will have separate listings of products certified to the new standards and products certified to the old standards.
- Representations of the energy use of a basic model on labels, in advertising, or in any other location ***must match*** the value that is certified to DOE

- All units manufactured on or after September 15, 2014 must be compliant with the amended standards to be legally distributed in commerce
- Per EPCA and the CFR, the term “manufacture” means to manufacture, produce, assemble, or import. (42 U.S.C. 6291(10) and 10 CFR 430.2)
  - For units manufactured in the United States, compliance with the standard is based on *the date of manufacture*.
  - For units manufactured outside the United States, compliance with the standard is based on *the date of import*, which is the date on which the unit is admitted into the customs territory of the United States.
  - Imported units that do not clear customs prior to the compliance date may not be sold in the U.S. if they do not comply with the new standard, even if they were manufactured prior to the compliance date.
- Units that do not meet the amended standards may be sold after the compliance date (i.e., after 9/15/2014) until stock is exhausted as long as they were manufactured in the U.S. prior to the compliance date or imported into the U.S. prior to compliance date.

# Questions / Information



Energy Efficiency &  
Renewable Energy

<b>Submit a Question:</b>	<ul style="list-style-type: none"><li>• DOE Guidance Website: <a href="http://www.eere.energy.gov/guidance/default.aspx?pid=2&amp;spid=1">http://www.eere.energy.gov/guidance/default.aspx?pid=2&amp;spid=1</a> or email questions to <a href="mailto:EERE_ACES@ee.doe.gov">EERE_ACES@ee.doe.gov</a></li><li>• Lucas Adin: <a href="mailto:Lucas.adin@ee.doe.gov">Lucas.adin@ee.doe.gov</a></li></ul>
<b>Request a Test Procedure Waiver:</b>	<ul style="list-style-type: none"><li>• DOE's regulations allow manufacturers to apply for a waiver when a manufacturer determines that a given basic model contains one or more design features that prevent testing in accordance with DOE's test procedure.</li><li>• Email: <a href="mailto:AS_Waiver_Requests@ee.doe.gov">AS_Waiver_Requests@ee.doe.gov</a></li></ul>
<b>File a Complaint:</b>	<p>Email: <a href="mailto:energyefficiencyenforcement@hq.doe.gov">energyefficiencyenforcement@hq.doe.gov</a>.</p> <p>The Office of Enforcement will protect the identity of complainants to the maximum extent permitted by law.</p>
<b>DOE's Certification, Compliance, and Enforcement Website:</b>	<a href="http://www.eere.energy.gov/buildings/appliance_standards/certification_enforcement.html">http://www.eere.energy.gov/buildings/appliance_standards/certification_enforcement.html</a>
<b>DOE's Online Certification System:</b>	<a href="https://www.regulations.doe.gov/ccms/">https://www.regulations.doe.gov/ccms/</a>
<b>Enforcement Information:</b>	<a href="http://gc.doe.gov/energy_efficiency_enforcement.htm">http://gc.doe.gov/energy_efficiency_enforcement.htm</a>



# FTC Labeling – Recent Requirements

- Early Transitional EnergyGuide labels for refrigerators and clothes washers
  - Jan. 1, 2014 – Refrigerators
  - June 1, 2014 – Clothes Washers
- Online labels for manufacturers
- Label disclosures for online retailers

# Transitional Label

U.S. Government Federal law prohibits removal of this label before consumer purchase.

# ENERGYGUIDE

Refrigerator-Freezer

- Automatic Defrost
- Side-Mounted Freezer
- Through-the-Door Ice

XYZ Corporation  
Model ABC-L  
Capacity: 23 Cubic Feet

**Compare ONLY to other labels with yellow numbers.**  
Labels with yellow numbers are based on the same test procedures.

**Estimated Yearly Energy Cost**


## \$51

Cost range not available

**425 kWh**  
Estimated Yearly Electricity Use

- Your cost will depend on your utility rates and use.
- Cost range based only on models of similar capacity with automatic defrost, side-mounted freezer, and through-the-door ice.
- Estimated energy cost based on a national average electricity cost of 12 cents per kWh.

[ftc.gov/energy](http://ftc.gov/energy)



Federal Trade Commission



# Transition to ENERGY STAR® Refrigerator/Freezer Version 5.0

Amanda Stevens, US EPA

December 2013



Learn more at [energystar.gov](http://energystar.gov)



# Overview

---



- The ENERGY STAR Version 5.0 Refrigerator and Freezers Specification is effective **September 15, 2014**
- Spec highlights:
  - Approximately 10% energy savings relative to new DOE 2014 standard
  - Optional ‘connected’ criteria
- Especially for 2014 transition year, the ENERGY STAR mark will be a helpful tool for consumers to easily distinguish the most energy-efficient models.



# Specification Transitions

---

- EPA shares its partners' desire for a smooth transition from one ENERGY STAR specification to the next
- EPA provides partners with 9 months between the completion of a specification and its implementation date to allow for transition of collateral material
  - For R/F, there is a longer transition period, since effective date aligns with new DOE standard.
- EPA also intends for this period to allow models that will not meet the new requirements to transition off the shelves
  - Consumers purchase ENERGY STAR labeled products, expecting that they meet the latest requirements

# Specification Transitions (con't)



- With this in mind, EPA has established the following timeline:
  - Effective immediately after a spec is final, manufacturers can elect to have CB certify eligible products to the new version
  - Typically, approximately 4-5 months before the new specification becomes effective, CBs are instructed to no longer certify product submittals to older specification. (Reminders shared with CBs and manufacturers.)
  - EPA will share with retail partners a list of products that meet new specification in advance of the effective date

# R/F Version 5.0 Transition Timeline



- Manufacturers can elect to have CBs certify products to the V5.0 specification
- On **January 1, 2014** CBs are instructed to stop certifying new products submitted to V4.1
  - Existing products certified to ENERGY STAR under V4.1 will remain valid until September 15<sup>th</sup>
- Refrigerators or freezers manufactured as of **September 15, 2014** must meet the V5.0 requirements to bear the ENERGY STAR mark.

# Why Share ENERGY STAR Products Datasets?



- Serves all ENERGY STAR stakeholders
  - The public (consumers)
  - Manufacturers
  - Retailers
  - Energy efficiency program sponsors
  - Third parties/app developers helping consumers find energy efficient products online
- Helps
  - **Promote** ENERGY STAR certified products
  - **Demonstrate** products are ENERGY STAR
  - **Find & Compare** ENERGY STAR products, energy use, and performance

# ENERGY STAR Product Finder: Overview



## Process

- Objective: collect information in a more uniform way across all product categories
- CBs share information with EPA via XML on a rolling basis (2 day processing time)
- EPA updates datasets for stakeholders daily

## Experience

- One portal where stakeholders access all certified product datasets
- Enhanced product search
  - Advanced search capability for partner/program administration purposes
  - Updated and more comprehensive consumer-oriented tool for finding ENERGY STAR products

# ENERGY STAR Product Finder: Consumer Search Tool



*Provides easy access to key features and performance of efficient products*

The screenshot shows the ENERGY STAR Product Finder interface for refrigerators. The page title is "ENERGY STAR Certified Residential Refrigerators". The left sidebar contains filters for "Type" (Top Freezer, Bottom Freezer, Side-by-Side, Freezerless and Single Door, Compact) and "Additional Features" (Thru the Door Dispenser, Automatic Defrost). The main content area displays a list of products, including "LG - LFX28991\*\*", "Samsung - RF261BIAESR", and "Samsung - RF263B\*AE\*\*". Each product entry shows its type, capacity, annual energy use, and percentage less energy use than the federal standard. A "Compare" button is next to each product. The top navigation bar includes links for "ENERGY EFFICIENT products", "ENERGY SAVINGS at home", "ENERGY EFFICIENT new homes", and "ENERGY STRATEGIES FOR buildings & plants". A "Link to Full Dataset" button is located above the product list. A "Sort by" dropdown menu is set to "% Less Energy Use than the Federal Standard".

**Compare Products**

**Link to Full Dataset**

**Sort function**

**Filter by Key Features**

**New search functionality for finding specific models**