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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

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 15.¹ 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.”²

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.³ 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

¹ 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.

² 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.

³ 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.

Attachment A

Attachment B