



APPLIANCE STANDARDS
AWARENESS PROJECT



May 6, 2024

By E-mail

Ms. Ashley Armstrong
Senior Advisor/Director
Regulatory Programs Buildings
Department of Energy
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Re: Joint Comments on DOE's Direct Final Rule and Notice of Proposed Rulemaking
Regarding Energy Conservation Standards for Refrigerators, Refrigerator-Freezers, and
Freezers; Docket No. EERE-2017-BT-STD- 0003; RIN 1904-AF56

Dear Ms. Armstrong:

The Association of Home Appliance Manufacturers (AHAM),¹ Appliance Standards Awareness Project (ASAP), American Council for an Energy-Efficient Economy (ACEEE), Consumer Federation of America (CFA), Consumer Reports (CR), Earthjustice, National Consumer Law Center, on behalf of its low-income clients (NCLC), Natural Resources Defense Council (NRDC), the Northwest Energy Efficiency Alliance (NEEA), and the Pacific Gas and Electric Company (PG&E) (collectively, Joint Stakeholders), write to provide our strong support for the U.S. Department of Energy's (DOE or Department) Direct Final Rule (DFR) establishing amended energy conservation standards for refrigerators, refrigerator-freezers, and freezers (refrigerator-freezers); Docket No. EERE-2017-BT-STD-0003; RIN 1904-AF56; 89 Fed. Reg. 3026 (Jan. 17, 2024).

¹ Representing the following companies who manufacture residential refrigerator/freezers and are members of the AHAM Major Appliance Division: Asko Appliances AB; Beko US Inc.; BSH Home Appliances Corporation; Danby Products, Ltd.; Electrolux Home Products, Inc.; Elicamex S.A. de C.V.; GE Appliances, a Haier Company; LG Electronics USA Inc.; Liebherr USA, Co.; Midea America Corp.; Miele, Inc.; Panasonic Appliances Refrigeration Systems (PAPRSA) Corporation of America; Perlick Corporation; Samsung Electronics America Inc.; Sharp Electronics Corporation; Smeg S.p.A; Sub-Zero Group, Inc.; The Middleby Corporation; U-Line Corporation; Viking Range, LLC; and Whirlpool Corporation.

I. Background

On September 25, 2023, we notified DOE of a joint agreement between the Joint Stakeholders recommending energy conservation standards for six product categories. Subsequently, on October 9, 2023, those same stakeholders filed a Joint Statement on this docket outlining the agreement as it specifically pertains to refrigerator/freezers.² The Joint Statement also described the rationale for negotiations, the negotiation process, and the rationale behind the recommended standards and compliance dates as they relate to technological feasibility, economic impact on manufacturers and consumers, life-cycle costs, energy savings, product performance, competition, and the need to conserve energy.

The recommendations in the Joint Statement satisfy the Energy Policy and Conservation Act of 1975, as amended (EPCA) statutory criteria for prescribing amended energy conservation standards in 42 U.S.C. 6295(o). Our recommendations also satisfy the criteria for DOE to use its direct final rule authority in 42 U.S.C. § 6295(p)(4) to issue a direct final rule to establish energy conservation standards.

- The Joint Stakeholders are representative of a wide range of expert and relevant points of view—including those of manufacturers of various sizes and representing nearly 100 percent of the market for refrigerator/freezers; consumer, environmental, and efficiency advocacy groups; and a utility. Notably, states participated in the negotiation discussions and filed comments in support of the Agreement.
- The recommended energy conservation standards are 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).

Accordingly, we urged the Department to finalize a rule adopting the Joint Recommendations for refrigerator/freezers by December 30, 2023. DOE released its DFR adopting these recommendations.

The Joint Stakeholders' agreement is a package of amended conservation standards for six DOE-covered products (refrigerator/freezers, miscellaneous refrigeration products, residential clothes washers, residential clothes dryers, dishwashers, and conventional cooking products). The Joint Stakeholders appreciate that DOE published DFRs consistent with our recommendations for all six products.

II. The Standards In The DFR Meet The Statutory Criteria For Amending Standards.

The amended energy conservation standards presented in the DFR meet EPCA's requirements of being the maximum levels that are technologically feasible and economically justified, taking into account the criteria set forth in 42 U.S.C. § 6295(o).

² Joint Statement Of Joint Stakeholder Proposal On Recommended Energy Conservation Standards For Residential Refrigerators, Refrigerator-freezers, and Freezers, submitted to DOE on October 9, 2023 and available at Docket No. EERE-2017-BT-STD-0003-0105.

- *Technological Feasibility*: The Joint Stakeholders agree that the amended energy conservation standards levels in the DFR can be reached through technology options DOE identified in its DFR or other pathways.
- *Economic Impact on Consumers and Manufacturers*: The Joint Stakeholders agree that the recommended standards are economically justified as required by 42 U.S.C. § 6295(o)(2)(B)(i)(I).
- *Energy Savings*: DOE’s analysis found that the amended energy conservation standards will result in 5.61 quadrillion Btu of energy savings and that this savings is significant as required under EPCA.

Importantly, we note that we do not expect that the standards presented in the DFR will result in significant lessening of utility or performance or availability of the covered products. 42 U.S.C. § 6295(o)(2)(B)(i)(IV). Additionally, we do not expect that the standards presented in the DFR would support a Department of Justice determination that the standards would lead to the likelihood of reduced competition. 42 U.S.C. § 6295(o)(2)(B)(i)(V).

For these reasons, the Joint Stakeholders strongly support the standards in the DFR.

III. The Compliance Dates In The DFR Align With Those Of the Joint Agreement.

In order to achieve the recommended levels with less impact on manufacturers, the Joint Agreement included a recommended compliance date of January 31, 2029 for most product classes and January 31, 2030 for others. Our October 9, 2023 Joint Statement provided rationale for the instances where the compliance date departs from the January 2029 date. The compliance dates outlined in the DFR align with those of the Joint Agreement. We, therefore, strongly support the compliance dates in the DFR, and we note that these compliance dates are a key part of our recommended levels.

IV. The Joint Stakeholders Are Fairly Representative Of Relevant Points Of View.

EPCA permits DOE to adopt new standards via a direct final rule on receipt of a statement that is submitted jointly by interested persons that are fairly representative of the relevant points of view, including representatives of manufacturers of covered products, States, and efficiency advocates.³

DOE has interpreted “fairly representative of relative points of view” to mean that the group submitting a joint statement such as this one, where appropriate, include larger concerns and small businesses in the regulated industry/manufacturer community, energy advocates, energy utilities, consumers, and States.⁴ The Process Rule states that it is necessary to determine the meaning of “fairly representative” on a case-by-case basis, subject to the circumstances of a particular rulemaking, to determine whether fewer or additional parties must be part of a joint

³ 10 C.F.R. 6295(p)(4)

⁴ See 10 C.F.R. Part 430, Subpart C, Appendix A (Process Rule), section 10.

statement in order to be “fairly representative of relevant points of view.”⁵

The Joint Stakeholders are representative of a wide range of points of view as described in the October 9, 2023 Joint Statement. The group includes manufacturers of covered products, efficiency advocates, consumer advocates, and a utility, and States and additional utilities publicly supported the Joint Agreement.⁶ Collectively, this group of stakeholders and their agreement are fairly representative of relevant points of view.

V. We Support DOE’s Actions With Respect To Transparent Doors.

The jointly recommended standards also include the door coefficients DOE proposed in its proposed rule for products with specialty doors—transparent doors, “door-in-door” features, and/or added external doors. These coefficients are important to retaining these features in the market at the levels we recommended. In addition to the product classes for which DOE proposed to include these coefficients, we also recommended that DOE include coefficients for product classes 4, 4BI, 7, and 7BI. We appreciate DOE adopting these recommendations and support the coefficients in the DFR.

The Joint Statement recommended that DOE revise its proposed definition for “transparent doors” to clarify that the door must be transparent, not just made of transparent materials. The Joint Statement also recommended that DOE should revise its definition to apply to products with 40 percent or more of the surface area transparent. We support the definition in the DFR, which is sufficiently clear to identify the products to which the door coefficients apply.

VI. Product Class Description Correction

Upon further review of the amended conservation standards in the DFR, we discovered one typo in the product class descriptions in Table 2 to Paragraph (a)(2) (pg. 3115). We request that DOE correct the below description to align with the current description when the Department issues a notice confirming the adoption of the DFR, or by issuing a technical correction as soon as practicable thereafter.

Product Class	Description as Stated in the DFR	Correct Description (correction in bold)
7-BI	Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer.	Built-In Refrigerator-freezers—automatic defrost with side-mounted freezer with through-the-door ice service

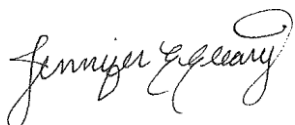
⁵ *Id.*

⁶ See Docket No. EERE-2017-BT-STD-0003-0104 (supporting statement from the New York State Energy Research and Development Authority, California Energy Commission, and Massachusetts Department of Energy Resources, dated October 5, 2023); Docket No. EERE-2017-BT-STD-0003-0107 (supporting statement from San Diego Gas and Electric and Southern California Edison, dated October 17, 2023).

VII. Conclusion

The Joint Stakeholders support DOE amending energy conservation standards for refrigerators and freezers via this DFR. We appreciate the opportunity to submit comments to DOE and would be glad to discuss these matters in more detail should you so request.

Respectfully submitted,



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Joanna Mauer
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Project

On Behalf of—

*Asko Appliances AB
Beko US Inc.
BSH Home Appliances Corporation
Danby Products, Ltd.
Electrolux Home Products, Inc.
Elicamex S.A. de C.V.
GE Appliances, a Haier Company
LG Electronics USA Inc.
Liebherr USA, Co.
Midea America Corp.
Miele, Inc.
Panasonic Appliances Refrigeration Systems
(PAPRSA) Corporation of America
Perlick Corporation
Samsung Electronics America Inc.
Sharp Electronics Corporation
Smeg S.p.A
Sub-Zero Group, Inc.
The Middleby Corporation
U-Line Corporation
Viking Range, LLC
Whirlpool Corporation*

*American Council for an Energy-Efficient
Economy
Consumer Federation of America
Consumer Reports
Earthjustice
National Consumer Law Center, on behalf of
its low-income clients
Natural Resources Defense Council
Northwest Energy Efficiency Alliance
Pacific Gas and Electric Company*