

Appliance Standards Awareness Project  
Alliance for Water Efficiency  
American Council for an Energy-Efficient Economy  
Consumer Federation of America  
National Consumer Law Center, on behalf of its low-income clients  
Northwest Energy Efficiency Alliance

October 12, 2021

John Cymbalsky  
U.S. Department of Energy  
Office of Energy Efficiency and Renewable Energy  
Building Technologies Office, EE-5B  
1000 Independence Avenue, SW  
Washington, DC 20585

**RE: Docket Number EERE-2021-BT-STD-0002/RIN 1904-AF14: Notice of Proposed Rulemaking for Product Classes for Residential Dishwashers, Residential Clothes Washers, and Consumer Clothes Dryers**

Dear Mr. Cymbalsky:

This letter constitutes the comments of the Appliance Standards Awareness Project (ASAP), Alliance for Water Efficiency (AWE), American Council for an Energy-Efficient Economy (ACEEE), Consumer Federation of America (CFA), National Consumer Law Center, on behalf of its low-income clients (NCLC), and Northwest Energy Efficiency Alliance (NEEA) on the notice of proposed rulemaking (NOPR) for product classes for residential dishwashers, residential clothes washers, and consumer clothes dryers. 86 Fed. Reg. 43970 (August 11, 2021). We appreciate the opportunity to provide input to the Department.

In final rules published in October 2020 and December 2020, DOE established separate product classes for residential dishwashers and residential clothes washers and clothes dryers, respectively, that have a short cycle as the “normal cycle.”<sup>1</sup> These product classes are currently not subject to any energy or water efficiency standards. As some of us described in our comments (“ASAP et al. comments”) on the July 2019 and August 2020 NOPRs, the short-cycle product classes put at risk huge gains in energy and water efficiency that have been achieved over the past three decades for these products.<sup>2</sup> Furthermore, consumers no longer have the assurance that dishwashers, clothes washers, and clothes dryers meet minimum efficiency levels.

We strongly support DOE’s proposal to revoke the October 2020 and December 2020 final rules and to reinstate the prior product classes and applicable standards. As DOE describes in the NOPR, in those

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<sup>1</sup> 85 Fed. Reg. 68723 (October 30, 2020); 85 Fed. Reg. 81359 (December 16, 2020). Specifically, the new product classes cover dishwashers with a cycle time of 60 minutes or less; top-loading and front-loading clothes washers with a cycle time of less than 30 minutes and 45 minutes, respectively; and clothes dryers with a cycle time of less than 30 minutes.

<sup>2</sup> <https://www.regulations.gov/comment/EERE-2018-BT-STD-0005-3139>;  
<https://www.regulations.gov/comment/EERE-2020-BT-STD-0001-0033>.

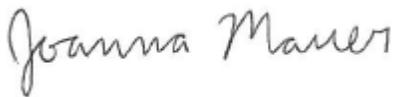
2020 final rules, DOE failed to consider the necessary criteria for amending standards.<sup>3</sup> In particular, DOE did not analyze whether the amended standards for short-cycle products were designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified as required by the Energy Policy and Conservation Act (EPCA). DOE also did not consider whether the amended standards violated the anti-backsliding provision.

Furthermore, the separate product classes are unwarranted. For dishwashers, as described in the ASAP et al. comments on the April 2018 notification of petition for rulemaking, there is wide availability of products that provide the option of a short cycle with a cycle time of less than one hour.<sup>4</sup> And for clothes washers and clothes dryers, as described in the ASAP et al. comments on the August 2020 NOPR, DOE's own test data showed that there are products available today with short cycle times on the "normal cycle."<sup>5</sup>

We urge DOE to comply with the deadline for final action on this proposal contained in Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis."<sup>6</sup> In February, DOE identified the short-cycle product class rules and others as potentially contrary to the Executive Order.<sup>7</sup> The Executive Order directs DOE to complete its work on this and other actions DOE listed for review by December 31, 2021.

Thank you for considering these comments.

Sincerely,



Joanna Mauer  
Technical Advocacy Manager  
Appliance Standards Awareness Project



Ron Burke  
President  
Alliance for Water Efficiency



Christopher Perry, PE  
Manager of Codes and Standards  
American Council for an Energy-Efficient  
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<sup>3</sup> 86 Fed. Reg. 43973.

<sup>4</sup> <https://www.regulations.gov/comment/EERE-2018-BT-STD-0005-2237>.

<sup>5</sup> <https://www.regulations.gov/comment/EERE-2020-BT-STD-0001-0033>.

<sup>6</sup> 86 Fed. Reg. 7037 (January 25, 2021).

<sup>7</sup> [https://www.energy.gov/sites/prod/files/2021/02/f82/eere\\_eo13990\\_memo\\_1.pdf](https://www.energy.gov/sites/prod/files/2021/02/f82/eere_eo13990_memo_1.pdf).



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