November 24, 2010

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

RE: Docket Number EE-2008–BT–STD–0012 / RIN 1904-AB79: Energy Conservation Standards for Residential Refrigerators, Refrigerator-Freezers, and Freezers

Dear Ms. Edwards,

This letter constitutes the comments of the Appliance Standards Awareness Project (ASAP), Alliance to Save Energy (ASE), American Council for an Energy-Efficient Economy (ACEEE), Consumer Federation of America (CFA), National Consumer Law Center (NCLC), Natural Resources Defense Council (NRDC), Northeast Energy Efficiency Partnerships (NEEP), and Northwest Energy Efficiency Alliance (NEEA) on the notice of proposed rulemaking (NOPR) for energy conservation standards for refrigerators, refrigerator-freezers, and freezers, 75 Fed. Reg. 59,470 (September 27, 2010), and the public meeting held to discuss the document on October 14, 2010. We appreciate the opportunity to provide input into this important process. Below are our summary comments followed by comments addressing three of the specific issues on which DOE seeks input.

We strongly support the proposed standards as they reflect the standard levels in the consensus agreement between AHAM and efficiency advocates. We believe that these standard levels represent the maximum improvement in energy efficiency that is technologically feasible and economically justified, and they will result in significant national energy savings and savings for consumers. As the joint stakeholders noted at the public meeting, the only discrepancy between the standards in the consensus agreement and the proposed standards is for product class 15 (compact refrigerator-freezers—automatic defrost with bottom-mounted freezer). In the consensus agreement, the standard equations for product classes 13 and 15 are identical even though the current standard levels are not the same. We request that DOE establish a standard equation for product class 15 that is identical to the equation for product class 13 in order to reflect the consensus agreement.

We understand that AHAM has concerns regarding the translation from the standard levels in the consensus agreement based on the current test procedures to standards based on the new test procedures as reflected in AHAM's comments at the public meeting. We look forward to providing comments and participating in any process going forward to resolve AHAM's concern.

<u>Issue 4</u>
DOE requested comment on the proposed definition for built-in products. 75 Fed. Reg. at 59,492, 59,575. As the joint stakeholders noted at the public meeting, the definition that DOE

proposed in the NOPR does not mirror the definition in the consensus agreement. We encourage DOE to adopt the definition in the consensus agreement with any minor changes that DOE deems necessary. This definition was developed with the intent that it only encompass true built-in products in order to avoid any potential gaming. The definition included in the consensus agreement is below:

> "Definition of 'Built-in' product class – refrigerators, freezers and refrigerators with freezer units that are 7.75 cubic feet or greater in total volume and 24 inches or less cabinet depth not including doors, handles and custom front panels; are designed to be totally encased by cabinetry or panels attached during installation; are designed to accept a custom front panel or equipped with an integral factory–finished face; are designed to be securely fastened to adjacent cabinetry, walls or floor; and have sides which are not fully finished and are not intended to be visible after installation."

Issue 7

DOE requested comment on the proposal to eliminate the current 36-inch height limitation for compact products. 75 Fed. Reg. at 59,494, 59,575. As the joint stakeholders noted at the public meeting, the consensus agreement does not contain any change to the definition of compact products, and we encourage DOE to retain the current definition including the 36-inch height limitation. The equations for compact products are not as stringent as those for full-size products and the height limitation is intended to help prevent the blurring of the distinction between these two product classes. Also, compact-sized products that exceed 36 inches in height are common in some developing countries, and since standards in these countries are often based on U.S. standards, we want to ensure that small-volume refrigerators that exceed 36 inches in height are not subject to weak standards.

Issue 20

DOE requested comment on the negative net consumer impacts of the proposed standards for built-in products. 75 Fed. Reg. at 59,569, 59,575. The standards in the consensus agreement for built-in products represent a compromise between AHAM and efficiency advocates and reflect the greater cost for built-in products to improve efficiency while attempting to prevent any significant opportunities for loopholes. While the price of built-in products is currently significantly higher than that of other residential refrigeration products, it is possible that built-in products could be introduced in the future at price points that are more comparable to other products. If the standards for built-in products were reduced in stringency relative to the proposed levels, we could potentially see a migration in the market towards built-in products and therefore significant reductions in actual energy savings. Already, the proposed standards for built-in products are less stringent than those for the comparably-sized products they compete with.

In addition, while the average life-cycle costs (LCCs) for the proposed standard levels are higher than for the baseline products, the magnitude of any negative LCC savings is very small compared to the baseline LCCs. The average LCC savings for the four built-in product classes that DOE analyzed range from $0 to -$116 with the baseline LCCs ranging from $5,330 to $9,180. The average LCC savings range from 0.0 percent to -1.5 percent of the baseline LCC. Given the uncertainty in the analysis of costs and savings and the small magnitude of the

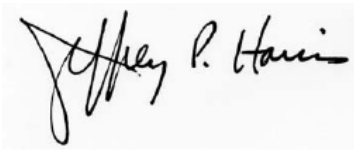
negative LCC savings compared to baseline LCCs, the LCC results should be interpreted to mean that on average consumers who purchase built-in products will not be affected by the new standards. Also, even if the Department were to conclude that there is a slight increase in LCC compared to the baseline, built-in products are presently a premium-priced product primarily used by well-to-do homeowners who can generally afford this small cost increase in order to have a refrigerator whose efficiency approaches that of comparably-sized standard refrigerators.

As the joint stakeholders noted at the public meeting, we support the proposed standard levels for built-in products.

Thank you very much for considering these comments and we look forward to continuing to participate in the final stages of this rulemaking.

Sincerely,

Andrew deLaski
Executive Director
Appliance Standards Awareness Project



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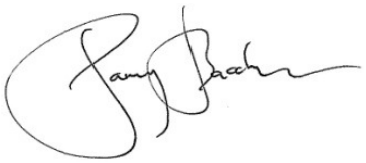

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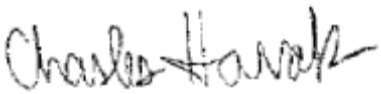

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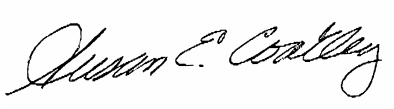
(On behalf of its low-income clients)



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