

**Appliance Standards Awareness Project
California Energy Commission
Natural Resources Defense Council**

October 22, 2019

Ms. Celia Sher
U.S. Department of Energy
Office of the General Counsel
1000 Independence Avenue SW
Washington, DC 20585

RE: Docket Number EERE–2018–BT–TP–0004 / RIN 1904-AE36: Notice of Proposed Rulemaking for Test Procedures for Cooking Products

Dear Ms. Sher:

This letter constitutes comments of the Appliance Standards Awareness Project (ASAP), California Energy Commission and Natural Resources Defense Council on the notice of proposed rulemaking (NOPR) for test procedures for cooking products. 84 Fed. Reg. 39211 (August 9, 2019). We appreciate the opportunity to provide input to the Department.

In the NOPR, DOE proposes to grant the petition from the Association of Home Appliance Manufacturers (AHAM) to withdraw the test procedure for conventional cooking tops. We strongly oppose DOE's proposal. DOE's assertion that the test procedure may not be repeatable or reproducible is not supported by the Department's own investigation and testing. DOE also provides no support for the assertions that the test procedure is not representative and is overly burdensome to conduct. Furthermore, while the NOPR states that DOE is conducting additional testing, it appears that the Department has not yet completed that testing. Withdrawing the test procedure before DOE completes their testing and publishes the results for stakeholder comment would be both unwarranted and harmful to consumers.

DOE's proposal is not supported by the Department's own investigation and testing. AHAM argued in their petition that the test procedure is not repeatable or reproducible, and DOE's proposal to withdraw the cooking tops test procedure is largely based on this claim. As we explained in our comments on AHAM's petition, DOE conducted a thorough investigation of repeatability and reproducibility.¹ DOE's investigation included an evaluation of round robin testing conducted by the European Committee of Domestic Equipment Manufacturers (CECED) on electric cooking tops, which found the test procedure to be reproducible. DOE also conducted testing on electric cooking tops encompassing different heating technologies and control types in which the test operators were varied for surface unit tests and found that the average coefficient of variation was just 1.2%. Finally, DOE conducted additional testing to evaluate specific test conditions that AHAM suggested cause variability in test results, and DOE determined that none of these test conditions introduce any significant source of variability.

¹ <https://www.regulations.gov/document?D=EERE-2018-BT-TP-0004-0024>.

We also noted in our comments that AHAM acknowledged in their petition that their round robin testing did not completely follow the DOE test procedure, and it was therefore not possible to evaluate AHAM's claims that the test procedure is not repeatable or reproducible. Nevertheless, we said that if DOE determined that AHAM's round robin test results may raise concerns related to repeatability or reproducibility, DOE could conduct their own testing to confirm that the test procedure is repeatable and reproducible.

In the NOPR, DOE describes that they have now done additional testing, mostly around the repeatability of test results for electric cooking tops. DOE's test data presented in the NOPR confirm that the test procedure is repeatable. Specifically, DOE found that for multiple test replications on a single burner, the coefficient of variation for each surface unit's energy consumption was no greater than 2% for all the units in the test sample.² DOE also examined a cooking top that exhibited cycling behavior and found that the coefficient of variation for heat-up energy was 1%. Nevertheless, DOE inexplicably concludes in the NOPR that because their results differ from AHAM's, the test procedure may not be repeatable or reproducible.

DOE provides no support for the assertions that the test procedure is not representative and is overly burdensome to conduct. DOE asserts in the NOPR that the test procedure "may not accurately represent consumer use for gas cooking tops" and "is overly burdensome to conduct."³ Yet DOE provides no support for these assertions. Rather, DOE simply claims that because AHAM's test results are different than the Department's, the test procedure is not representative and in turn is unduly burdensome.⁴ As described above, DOE has conducted significant investigation and testing around repeatability and reproducibility, all of which suggests that the test procedure is repeatable and reproducible. However, even if there are outstanding questions around repeatability or reproducibility, these have no bearing on whether the test procedure is representative or unduly burdensome to conduct. DOE provides no evidence in the NOPR that the test procedure is not representative of consumer use nor any evidence that the test itself is unduly burdensome to conduct.

DOE should complete their testing and publish the results prior to making any decision about the test procedure. DOE states in the NOPR that the Department "is conducting additional testing, including for gas cooktops" that "will evaluate both test-to-test repeatability and lab-to-lab reproducibility."⁵ However, it appears from the data presented in the NOPR that DOE has not yet completed that additional testing. Withdrawing the test procedure before DOE completes their testing and publishes the results for stakeholder comment would be both unwarranted and harmful to consumers. As we explained in our comments on AHAM's petition, withdrawing the test procedure is unwarranted since manufacturers are not required to use the test procedure today since there are no efficiency performance standards for cooking tops. DOE responded to our comment in the NOPR by saying that because a manufacturer who chooses to make efficiency representations must use the DOE test procedure, "there may be a cost to leaving in place a test procedure that yields inconsistent results and is unnecessarily burdensome to conduct." We first note that we are not aware of any manufacturers that make efficiency representations for cooking tops.⁶ Furthermore, by suggesting that manufacturers

² 84 Fed. Reg. 39215.

³ 84 Fed. Reg. 39211.

⁴ Ibid.

⁵ 84 Fed. Reg. 39215.

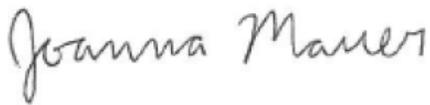
⁶ We also note that unlike for most other home appliances, *Consumer Reports* does not include a measure of efficiency or energy use in their rankings of cooking tops.

who wish to make efficiency representations should not be required to use the test procedure, DOE seems to be suggesting that individual manufacturers should instead be able to use any method they choose to make representations. Such an outcome would harm consumers since without a standardized test procedure, consumers could unknowingly be presented with efficiency representations for different cooking top models that are not at all comparable.

Finally, in citing our comment on AHAM's petition that a standardized test procedure is necessary for consumers to make informed purchasing choices relative to energy use and efficiency, DOE states in the NOPR that "the cooking products test procedure, as conducted by testing laboratories that may not be familiar with its provisions, does not provide information that is potentially beneficial to consumers."⁷ But this is true for any test procedure. Any test laboratory conducting testing using any test procedure must be sufficiently familiar with the procedure to accurately conduct the test. Therefore, this statement by DOE in no way supports the Department's proposal to withdraw the test procedure.

Thank you for considering these comments.

Sincerely,



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Appliance Standards Awareness Project



David Hochschild
Chair
California Energy Commission



Joe Vukovich
Energy Efficiency Advocate
Natural Resources Defense Council

⁷ 84 Fed. Reg. 39215-16.