

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

December 9, 2024

Dr. Carl Shapiro  
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–2024–BT–STD–0002/RIN 1904-AF69: Notification of Proposed Confirmation of Withdrawal of “Short-Cycle” Product Classes**

Dear Dr. Shapiro:

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), Earthjustice, and National Consumer Law Center, on behalf of its low-income clients (NCLC) on the proposal to confirm the withdrawal of the “short-cycle” product classes for dishwashers, residential clothes washers, and consumer clothes dryers. 89 Fed. Reg. 88661 (November 8, 2024). We appreciate the opportunity to provide input to the Department.

In January 2022, DOE published a final rule revoking two previous final rules that established separate product classes for so-called “short-cycle” dishwashers, clothes washers, and clothes dryers. Various States filed a petition in the Fifth Circuit Court of Appeals seeking review of the 2022 final rule, and the Fifth Circuit subsequently remanded the matter to DOE. DOE is now proposing to confirm the withdrawal of the “short-cycle” product classes. We agree with DOE’s conclusion that there is no justification for establishing separate product classes, and we therefore strongly support DOE’s proposal to confirm the withdrawal of the “short-cycle” product classes.

**We support DOE’s proposal to confirm the withdrawal of the “short-cycle” product classes for dishwashers, clothes washers, and clothes dryers.** In the proposed confirmation of withdrawal, DOE clearly illustrates that for each of the three product categories, there is at least one model on the market that provides a “short-cycle feature” that uses less energy and, where applicable, water than what the current standards allow; in the cases of dishwashers and dryers, these models also meet the performance criteria specified in the new test procedures for these products.<sup>1</sup> Importantly, DOE only considered a model to have a short-cycle feature if the cycle meets consumer expectations of a “normal cycle” (e.g., if the cycle on a dishwasher can completely wash a full load of normally soiled dishes) while also having a cycle time of less than 60 minutes for dishwashers, less than 30 minutes for top-loading

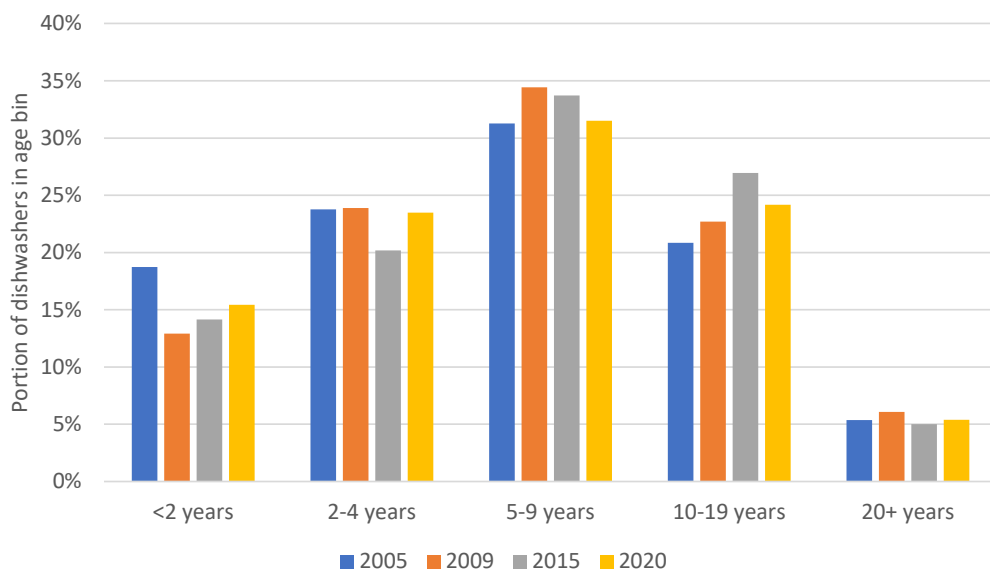
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<sup>1</sup> The clothes washers test procedure currently does not specify a cleaning performance threshold.

clothes washers and certain clothes dryers<sup>2</sup>, or less than 45 minutes for front-loading clothes washers. We agree with DOE’s conclusion that the availability of these models demonstrates that the current standards for dishwashers, clothes washers, and clothes dryers are not precluding manufacturers from offering products with short cycle times (and good product performance) on a “normal cycle.” Short-cycle features therefore do not justify a separate product class with separate standards.

**We support DOE’s conclusion that there is no evidence that there has been a substantial change in average product lifetime as efficiency has improved.** In the proposed confirmation of withdrawal, DOE cites the estimated average product lifetimes assumed in DOE rulemaking analyses for dishwashers, clothes washers, and clothes dryers going back to 1991.<sup>3</sup> For all three products, there has not been any substantial change in estimated average product lifetime over the last 30 years. DOE also notes that the Department has not found any evidence of average product lifetime being correlated with any specific higher-efficiency design options or efficiency levels for any of the three products.<sup>4</sup> Furthermore, as shown in the graphs below, historical data from the Residential Energy Consumption Survey (RECS) show that the distribution of dishwasher, clothes washer, and clothes dryer age remained largely unchanged between 2005 and 2020 as efficiency improved.

**Figure 1. Distribution of dishwasher age in RECS 2005, RECS 2009, RECS 2015, and RECS 2020<sup>5</sup>**



<sup>2</sup>

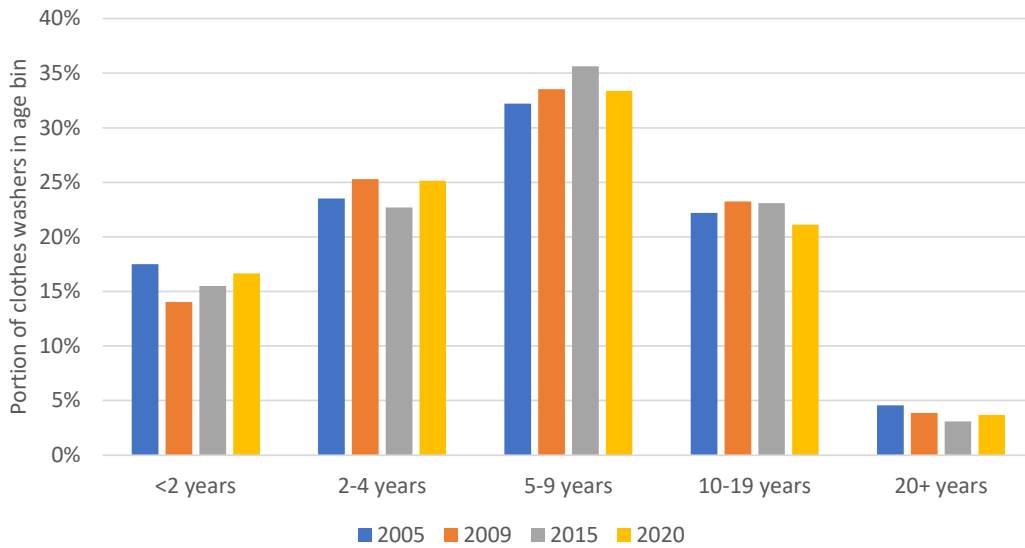
Vented, electric standard clothes dryers and vented gas clothes dryers.

<sup>3</sup> 89 Fed. Reg. 88675.

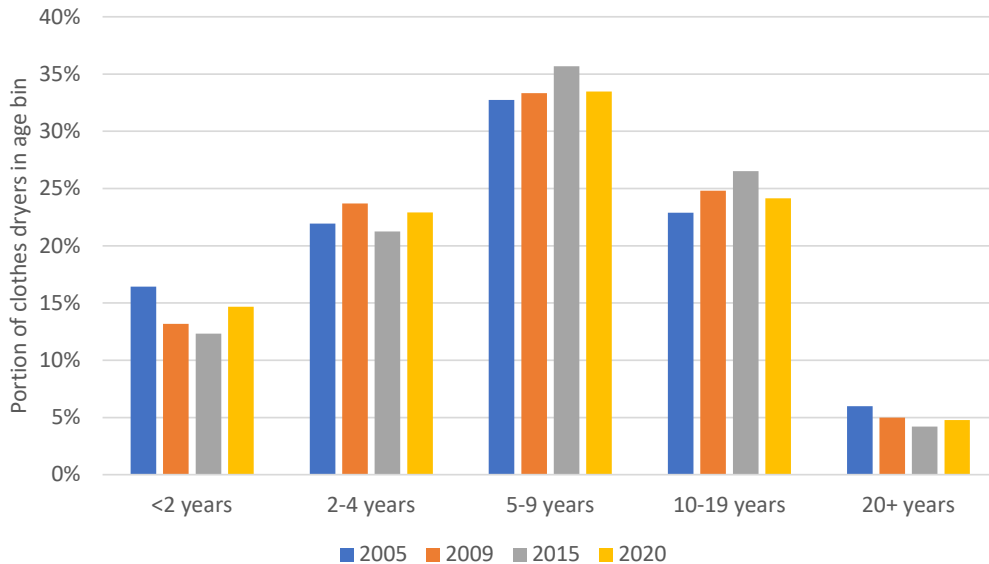
<sup>4</sup> Ibid.

<sup>5</sup> <https://www.eia.gov/consumption/residential/>.

**Figure 2. Distribution of clothes washer age in RECS 2005, RECS 2009, RECS 2015, and RECS 2020<sup>6</sup>**



**Figure 3. Distribution of clothes dryer age in RECS 2005, RECS 2009, RECS 2015, and RECS 2020<sup>7</sup>**



**There is no evidence that energy conservation standards have resulted in increased energy and water use.** As DOE describes in the proposed confirmation of withdrawal, in remanding the January 2022 Final Rule for further consideration, the Fifth Circuit stated that DOE failed to consider that consumers may be using more energy and water to “preclean, reclean, or handwash their stuff” and that the Department’s energy conservation standards “are causing Americans to use more energy and water

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

rather than less.”<sup>8</sup> In particular, the Fifth Circuit decision cited arguments that consumers may be running dishwashers, clothes washers, and clothes dryers multiple times to adequately clean or dry their dishes and clothes.<sup>9</sup> However, there is no evidence that standards have resulted in consumers running multiple cycles on the same load or that energy and water use have increased as a result of improved efficiency.

As DOE described in the recent direct final rule (DFR) for clothes washers, the average number of clothes washer cycles per year declined from 292 in the 2005 RECS to 210 in the 2020 RECS.<sup>10</sup> Similarly, in the recent DFR for clothes dryers, DOE noted that the average number of cycles per year for electric standard clothes dryers declined from 301 in the 2005 RECS to 213 in the 2020 RECS, and for vented gas standard clothes dryers from 292 in the 2005 RECS to 213 in the 2020 RECS.<sup>11</sup> During the same period, DOE noted that the average household size has remained essentially unchanged. For dishwashers, data also indicate that the number of cycles per year has declined over time. DOE established an assumed annual number of dishwasher cycles per year of 215 in 2003 for the purposes of the test procedure based on data from several sources including the 1997 RECS.<sup>12</sup> DOE recently updated the number of cycles per year to 185 based on the 2015 RECS. In other words, there is no evidence that consumers are running multiple cycles on the same load in response to improved efficiency standards.

Furthermore, actual clothes washer and dishwasher water use have declined substantially over time as efficiency has improved. Specifically, the Water Research Foundation found that average daily per-household water use for clothes washers and dishwashers declined by 42% and 33%, respectively, between 1999 and 2016, while average daily per-capita water use declined by 36% and 30%, respectively.<sup>13</sup>

DOE also notes in the proposed confirmation of withdrawal that multiple studies have concluded that the primary factor contributing to consumers hand-washing dishes is a misconception by consumers that dishwashers require more energy and water than handwashing.<sup>14</sup> We therefore agree with DOE’s tentative conclusion that any handwashing or prewashing is unlikely to have been the result of past or current standards.

Finally, as DOE notes in the proposed confirmation of withdrawal, the new test procedure for dishwashers (Appendix C2) requires that models meet a minimum per-cycle cleaning index threshold at each of the soil loads for a test cycle to be considered valid. Similarly, the new test procedure for clothes dryers (Appendix D2) requires that models meet a threshold for “final moisture content” in order to be certified as compliant. Therefore, the new standards for dishwashers and clothes dryers combined with the amended test procedures will ensure that all new dishwashers and clothes dryers provide good cleaning performance and drying performance, respectively.<sup>15</sup>

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<sup>8</sup> 89 Fed. Reg. 88677.

<sup>9</sup> <https://www.ca5.uscourts.gov/opinions/pub/22/22-60146-CV0.pdf>. pp. 14-15.

<sup>10</sup> 89 Fed. Reg. 19066 (March 15, 2024).

<sup>11</sup> 89 Fed. Reg. 18197 (March 12, 2024).

<sup>12</sup> 88 Fed. Reg. 3244 (January 18, 2023).

<sup>13</sup>

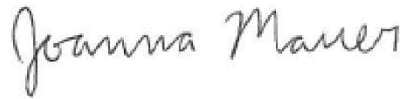
<https://committee.iso.org/files/live/users/aj/bc/fe/tc282contributor%40iso.org/files/Residential%20End%20Use%20of%20Water>. p. 8.

<sup>14</sup> 89 Fed. Reg. 88678.

<sup>15</sup> There is currently no cleaning performance threshold in the clothes washer test procedure, although DOE notes that the Department continues to evaluate incorporating a measure of cleaning performance. 89 Fed. Reg. 88679.

Thank you for considering these comments.

Sincerely,



Joanna Mauer  
Deputy Director  
Appliance Standards Awareness Project



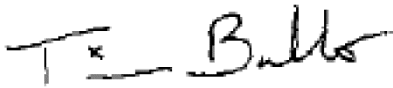
Ron Burke  
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