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**GOVERNOR'S
OFFICE OF ENERGY**
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PUBLIC COMMENT FORM

To provide public comment, please complete and submit the following form:

- Via email to: info@energy.nv.gov OR
- Via mail to: 600 E. William Street, Suite 200
Carson City, NV 89701

Reason for comment (meeting or regulation change, as applicable): NAC 701 - Appliance Standards Workshop

Name of person commenting: Jacob Cassady Date: August 10, 2022

Name of organization (if applicable): Association of Home Appliance Manufacturers (AHAM)

Address: 1111 19th Street NW; Suite 400
Washington, DC 20036

Phone Number: 202.872.5955 ext 327 Email address: jcassady@aham.org

Do you wish to be placed on the email service list for this matter to receive further notices?

Yes No

COMMENT:

Note: If more space is required, attachments may be included, but the top portion of this form must be completed and submitted with all comments.

Please see the attached comments from the Association of Home Appliance
Manufacturers.

Note: Submitted comments are part of the public record for the rulemaking and may be posted online.



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August 9, 2022

David Bobzien
Director
Nevada Governor's Office of Energy

Dear Director Bobzien:

The Association of Home Appliance Manufacturers (AHAM) writes to comment on the Proposed Regulation of the Director of the Office of Energy Appliance Standards NRS 701 LCB FILE NO. R168-22.

AHAM represents more than 150 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers' lives. The home appliance industry is a significant segment of the economy, measured by the contributions of home appliance manufacturers, wholesalers, and retailers to the U.S. economy. In all, the industry drives nearly \$200 billion in economic output throughout the U.S. and manufactures products with a factory shipment value of more than \$50 billion. In Nevada, the home appliance industry is a significant and critical segment of the economy. The total economic impact of the home appliance industry to Nevada is \$767.5 million, more than 2,390 direct jobs and an additional 2,900 indirect jobs, \$141.9 million in state tax revenue and more than \$258.3 million in wages. Home appliances also are a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

With respect to the inclusion of "air purifiers" or consumer room air cleaner,¹ in the appliance regulations, on July 15, 2022, the Department of Energy (DOE) announced a determination that air cleaners qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act (EPCA), effective September 13, 2022. Once DOE adopts a final rule, air cleaners would be pre-empted from state laws and regulations regarding minimum energy standards. Energy efficiency advocates and AHAM have worked for the past year towards an agreement on a national minimum energy standard for room air cleaners. That negotiated agreement and DOE's recent rulemaking activities are a win-win for a national marketplace and energy savings. Our coalition is unified in support of implementing this agreement on a national minimum energy standard either through a DOE regulatory process or legislatively through Congress. Also, as part of this agreement, we are supporting a new national EnergyGuide label for air cleaners.

¹ In the "Energy Conservation Program: Final Determination of Air Cleaners as a Covered Consumer Product" the US Department of Energy uses the term "consumer room air cleaner," which is also known as an "air purifier." <https://www.federalregister.gov/documents/2022/07/15/2022-13655/energy-conservation-program-final-determination-of-air-cleaners-as-a-covered-consumer-product>

With the ongoing work on federal regulations and the potential for Congress to act sooner, AHAM respectfully requests the Governor's Office of Energy (GOE) exercise its enforcement discretion for room air cleaners and we propose the inclusion of the following:

"Recognizing the benefits and efficiency of uniform federal regulation, and the good faith, proactive efforts being made by industry and efficiency advocacy groups to obtain a federal minimum energy standard and label, the department will exercise its enforcement discretion and not penalize companies for not complying with XXXX. If Congress does not pass legislation adopting a uniform federal requirement or the Department of Energy does not issue a final rule by December 31, 2023, then the enforcement discretion will be reassessed."

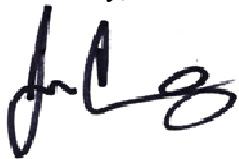
Enforcement discretion for air cleaners would provide Nevada consumers and businesses and product manufacturers with the confidence that products are available and meet efficiency standards.

The law (AB 383) requires products comply with less energy stringent standards than ENERGY STAR 2.0, but without a labeling method to certify product compliance. The law also requires compliance based on date of sale rather than date of manufacturing or date of production, which is how compliance is determined at DOE and California. These two factors alone make compliance and enforcement nearly impossible.

Demand for room air cleaners, which are a critical tool in the fight against COVID-19, wildfire smoke, asthma, allergies, and other health conditions and risks exasperated by indoor air pollutions, has been unprecedented. Severe supply chain challenges have significantly impacted air cleaner manufacturers' ability to provide an adequate supply of these products, which are critical to consumer health. In addition to supply chain and inflationary pressures that Nevada businesses currently face, with no enforcement discretion, Nevada businesses, both large and small, may have non-compliant product on the shelves that they are unable to sell and bear the expense at unknown levels of costs to try to comply and with little guarantees that their efforts will not still make them vulnerable to state enforcement actions.

AHAM appreciates the opportunity to comment on the appliance regulations. We remain committed to work with energy efficiency advocates and federal and state regulators to advance the goal of a nationwide standard for room air cleaner. Thank you for consideration of these comments and AHAM's request for enforcement discretion. We are committed and willing to work with GOE to address this matter.

Sincerely,



Jacob Cassady
Director, Government Relations