

Enforcement Policy Statement

Test Cloths for Clothes Washers and Clothes Dryers

Issued: September 28, 2023

In an exercise of its enforcement discretion, the U.S. Department of Energy (DOE) will not impose civil penalties on a clothes washer or commercial clothes washer manufacturer for certifying compliance with DOE's energy conservation standards based on testing that exceeds the maximum test cloth run provision set forth in the DOE test procedure for clothes washers and commercial clothes washers in appendices J (§ 2.7), and J2 (§ 2.7) of 10 C.F.R. part 430. Likewise, DOE will not impose civil penalties on a clothes dryer manufacturer for certifying compliance with DOE's energy conservation standards based on testing that exceeds the maximum test cloth run provision set forth in the DOE test procedure for clothes dryers in appendices D1 (§ 2.6.1(c)) and D2 (§§ 2.6.1(c) and 2.6.2) of 10 C.F.R. part 430. Instead, clothes washer and commercial clothes washer manufacturers may use a single test cloth for up to 120 test runs, and clothes dryer manufacturers may use a single test cloth for up to 50 test runs. DOE also may use test cloths in the same manner for assessment and enforcement tests.

Background:

Each manufacturer, before distributing in commerce in the United States any basic model of a covered product or covered equipment subject to an applicable energy conservation standard, must test the basic model according to DOE test procedures applicable to the basic model and submit a certification report to DOE certifying that the basic model meets the applicable energy conservation standard. The test procedures applicable to clothes washers and commercial clothes washers are found at appendices J and J2 of 10 C.F.R. part 430, and the test procedures applicable to clothes dryers are found at appendices D1 and D2 of 10 C.F.R. part 430. Each of these test procedures provides specifications for test cloth usage during testing. Among other requirements, the test procedures limit the number of test runs to 60 per test cloth for clothes washers and commercial clothes washers (section 2.7 of appendices J and J2) and 25 per test cloth for clothes dryers (sections 2.6.1(c) and 2.6.2 of appendices D1 and D2).

Due to challenges with test cloth lots, DOE developed this enforcement policy to allow manufacturers to continue to test until the test cloth issues are resolved.

Application:

Although DOE reserves its discretion to consider new facts in individualized circumstances, in general, DOE intends to exercise its enforcement discretion for testing conducted with extended test cloth usage as discussed above until further notice. DOE reserves its discretion, however, to take enforcement action for egregious situations or as circumstances dictate. DOE is committed to working on a long-term solution regarding test cloth availability.

Disclaimer:

This policy does not create or remove any rights or duties and does not affect any other aspect of EPCA or DOE regulations. This policy statement is not a final agency action, has no legally binding effect on persons or entities outside the federal government, and may be rescinded or modified in the Department's complete discretion. Accordingly, it is not intended to, does not, and may not be relied upon to, create any rights, substantive or procedural, enforceable at law by any party in any matter.