



**Testimony
of
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**Before the
House Committee on Energy and Commerce
Subcommittee on Energy
U.S. House of Representatives**

**Hearing on
Appliance and Building Policies: Restoring the American Dream of
Home Ownership and Consumer Choice**

September 16, 2025

Summary

AHAM hopes that today's hearing will provide insights and momentum toward much-needed improvements in the Appliance Standards Program through changes to the Energy Policy and Conservation Act of 1975, as amended (EPCA), a 50-year old law whose core elements have not been updated since the end of the Cold War. After decades of improvements in energy and water efficiency, our goal is to improve EPCA to ensure that consumers continue to have access to a range of affordable products with the performance and features they want. In particular:

- We strongly support changes to EPCA that allow DOE to prioritize the most important actions to conserve energy in a cost-effective way that preserves consumer choice, product performance and affordability. Thus, we support elimination of the provision in EPCA that requires DOE to review standards based solely on the passage of time. Representative Rick Allen's bill, H.R. 4626, "Don't Mess With My Home Appliances Act" accomplishes this.
- To further enhance H.R. 4626, AHAM suggests some improvements, including:
 - **Protect national consistency:** strengthen preemption to maintain a national marketplace for home appliances and avoid states becoming *de facto* federal legislators;
 - **Guarantee DOE accountability:** Ensure DOE follows its own rules and EPCA's requirements. Require DOE to demonstrate that its actions will not harm consumers.
 - **Lower costs for consumers and reduce regulatory burden:** Provide manufacturers with enough time to comply with new requirements and provide enough time between regulations.

We thank the Subcommittee for its interest in protecting consumer choice and affordability and look forward to working together to achieve our decade-long goal of modernizing EPCA.

Testimony

Chairman Latta, Ranking Member Castor, and Members of the Subcommittee, thank you for the opportunity to testify on behalf of the Association of Home Appliance Manufacturers (AHAM) regarding the H.R. 4626, the Don't Mess With My Home Appliances Act.

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's membership includes more than 150 companies throughout the world and AHAM members produce more than 95% of the household appliances shipped for sale in the U.S. and Canada. AHAM members drive nearly \$200 billion in economic output throughout the U.S. and manufacturing products with a factory shipment value of more than \$50 billion. The home appliance industry, through its products and innovation, is essential to U.S. consumer lifestyle, health, safety, and convenience. Home appliances have played a key role in unlocking economic growth by freeing individuals from chores to join the workforce, and today the home appliance industry represents a success story of energy efficiency and environmental protection, now operating at or near peak efficiency.

We appreciate the Subcommittee's attention to the Energy Policy and Conservation Act of 1975 as amended (EPCA), and its impact on every home, every day, all across the country. From the time we wake up in the morning to cook breakfast for our families, make school lunches and have clean clothes for the day, people are using home appliances until we load the dishes at the end of the day and curl up in our bed with clean sheets. Home appliances make our lives easier, safer, and healthier.

Since the time President Reagan signed this bill into law, many changes in how we live and work have occurred. We have personal computers, Wi-Fi, email, video calls, and smart phones. This law was written when we were using rotary dial telephones. Appliances today can be

connected to the internet, have many new features like sanitizing clothes and special settings for pet hair removal. Innovation has touched every home appliance over the years and our shared policy goals are best served when our federal laws and regulations are also updated to remain relevant.

Home appliances are a success story. Our products have undergone continual and significant improvements in energy and water efficiency over the last almost four decades. No other consumer product sector's efficiency has been more often regulated. Several products have been subject to as many as seven rounds of standards. (*See Appendix A*). Since the law was enacted in 1988, the U.S. has made great strides in reducing energy and water use. Home appliance manufacturers have played a significant role in that success by innovating to create products that save time and effort for their users and use dramatically less water and energy while still providing the performance and features consumers want. The energy and water efficiency gains across all the core major appliance categories are undeniable. For example:

- The average dishwasher manufactured today uses 50 percent less water and 37 percent less energy than models made in 1998.
- The average refrigerator made today uses nearly 58 percent less energy than refrigerators built in 1980, with nearly 32 percent greater capacity.
- Clothes washers built today use nearly 78 percent less energy than clothes washers built in 1992 and have 60 percent greater capacity.

If the automotive industry achieved similar efficiency gains as appliances over the past three decades, the average minivan would get approximately 80 miles to the gallon and have three extra seats. And all of this has been achieved while the Consumer Price Index for appliances has been

flat or has even decreased. This is a stark difference compared to other products like food and the gas we put in our cars, which have steadily increased.

Because home appliances have undergone so many standard changes, there are diminishing returns from further tightening of standards. Additional changes using existing technology may not be possible without sacrificing product performance, features, or affordability.

AHAM hopes that today's hearing will provide insights and momentum towards much-needed improvements in the Appliance Standards Program, through changes to EPCA, whose core elements have not been updated since the end of the Cold War. This relatively obscure 50-year old law needs to be brought into the 21st Century to protect consumer choice, features, and affordability and reduce burden. We thank the Subcommittee for its time and interest in doing just that. And we look forward to working with the Subcommittee toward the goal of enacting a bill that continues to support energy and water efficiency while ensuring consumers continue to have opportunities to choose appliances with the features and performance that best meet their needs.

AHAM and our members support a system of federal standards that improve energy and water conservation to ensure a strong national program. A national program benefits consumers by displacing inefficient and costly conflicting state requirements. It is critical to strengthen federal authority to regulate efficiency so that states do not become *de facto* federal regulators, imposing differing requirements that interfere with interstate commerce and make it difficult to sell a full range of products across the nation. **In fact, this is the central balance EPCA strikes—improvements in efficiency are more achievable on a national scale.**

Another key to the program's successes are the provisions that seek to preserve features, performance, and affordability, which contribute to consumers' wellbeing. We support a continued focus on those core elements.

We agree that updates are needed to keep pace with the progress we have made. In fact, AHAM has been testifying before this Subcommittee since the early 2000s seeking modernization and reform to this law. **We believe now is the time to get it done. Let's bring this one HOME!**

H.R. 4626 makes strides at addressing several key issues. Most importantly, **AHAM strongly supports H.R. 4626's elimination of the provision in EPCA (known as the "six-year look-back")**. EPCA requires DOE to review standards every six years, resulting in a never-ending regulatory churn regardless of who is in the White House. Regulations should be based on the opportunity to conserve energy in a cost-effective way that preserves consumer choice, not on a ticking clock.

Due to budget and resource constraints and the length of time these reviews take, the experience of 40 years in both Republican and Democratic administrations show that DOE almost always misses these deadlines. Regulatory reviews based on the passage of time, therefore, do not necessarily meet EPCA's goals because the requirement crowds DOE's "to-do" list with rule reviews that do not have the potential to provide meaningful energy, water, or cost savings. For example, DOE projected savings from the most recent microwave ovens rule of only \$0.07 per month for consumers, which is less than one dollar per year, yet DOE was required to review the standard just because of the passage of time.

Without EPCA's mandatory 6-year review requirement, DOE can prioritize its rulemakings based on opportunities for energy, water, and cost savings for consumers. Removal

of this required six-year look-back, which has most often been used to drive continual increases in the stringency of standards, will allow DOE—either on its own or in response to a stakeholder petition—to determine the right time to consider updating standards. This will better ensure any future rules improve efficiency without making products too costly, reducing product offerings, or sacrificing performance or features. Importantly, it will not prevent DOE from continuing to advance efficiency when it is justified to do so.

While H.R. 4626 achieves this key objective, there are some changes we suggest to make it stronger:

1. **Protect national consistency:** Strengthen preemption to maintain a national marketplace for home appliances and avoid states stepping in to become the *de facto* federal legislators and imposing different requirements that interfere with interstate commerce. A patchwork of state standards makes it difficult to sell a full range of products across the nation. The result is that consumers could face reduced choice of appliances and higher costs.
2. **Guarantee DOE accountability:** We recommend several changes to make sure DOE follows its own rules and EPCA’s requirements so the standards development process is consistent, fair, and transparent. These revisions will reduce the risk of regulatory overreach and the whiplash from one administration to the next.
 - Codify key elements of DOE’s so-called “Process Rule” to prevent the agency from waiving or bypassing important procedural safeguards that protect consumers.
 - Require DOE to affirmatively demonstrate that its actions will not reduce consumer choice or product performance.

- Require DOE to consider cumulative regulatory burden from its actions, combined with other regulations on the same manufacturers, along with the impact on consumers, in its decision-making.
3. **Lower costs and reduce regulatory burden:** Reduce regulatory burden by providing manufacturers with adequate time to comply with new requirements and provide sufficient time between new regulations. Reducing regulatory burden not only gives manufacturers enough time to innovate and design new appliances that consumers love, but it can also lower costs to consumers.

We also suggest that H.R. 4626 be revised to retain the Department of Justice review of DOE's proposed rules. That review is designed to protect competition.

Additionally, and critically, we note that H.R. 4626 appears to remove the criteria for establishing revised, more stringent standards and replace them only with criteria for less stringent/rescinded standards. But the overall bill framework and some of the other language in H.R. 4626's revisions to 42 U.S.C. 6295(n) seem to intend to allow DOE to increase standards if the amended standards meet the rigorous criteria H.R. 4626 outlines. This confusion will need to be clarified so that DOE's authority to promulgate new and more stringent standards is retained so long as such standards are economically and technologically justified.

Conclusion

AHAM and our members want to improve the implementation of the federal Appliance Standards Program to ensure that consumers continue to have access to products with the performance, features, and affordability they want. We thank the Subcommittee for its interest in changing EPCA so that DOE can appropriately prioritize its standard work on to focus on improvements in efficiency that are significant and do not negatively impact consumers or overly burden manufacturers.

I look forward to your questions.

APPENDIX A: Home Appliance Standards and Revisions Since Inception of the Appliance Standards Program

