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FOREWORD

The Association of Home Appliance Manufacturers (AHAM) sponsors the Clothes Washer Verification Program (“Program” or “Clothes Washer Verification Program”).

In order for products to be sold into the market in the United States, they must be compliant with applicable energy efficiency standards. The U.S. Department of Energy (DOE) and the Federal Trade Commission (FTC) have specified the number of tests required to obtain a certified value that is representative of a model’s energy and water use. Specifically, the product’s Modified Energy Factor (MEF) in cubic feet per kWh per cycle, Annual Energy Consumption, in kWh/year, and Water Factor (gallons per cycle per cubic foot), are requested at the time of certification. Product certification is the responsibility of the product manufacturer. The AHAM Program is not a certification program – it does not test products prior to their entry into market and it does not submit certification compliance information to government agencies on behalf of the manufacturers.

Other programs, such as the voluntary ENERGY STAR® program (administered by the Environmental Protection Agency (EPA)), require that manufacturers obtain third-party qualification of their products prior to distributing them into the market place. The AHAM Program does not qualify products, in the same way that it does not certify products.

The EPA ENERGY STAR program, as of January 1, 2011, requires that any clothes washer enrolled in the ENERGY STAR program must be part of a third-party verification program. The selection process is based on a sampling rate of 10% of the Licensee’s model population and directed selection requests by government agencies. The AHAM Clothes Washer Verification Program has been recognized as a Verification Administrator for ENERGY STAR.

Verification of a product’s stated energy consumption is typically conducted through random selection and testing of products already on the market. The AHAM Program provides a uniform and commercially practical verification of Clothes Washer Annual Energy Consumption, Modified Energy Factor and Water Factor values. The intent of this industry Program is to verify that Annual Energy Consumption, Modified Energy Factor and Water Factor for all Clothes Washer models are consistent with the Annual Energy Consumption, Modified Energy Factor and Water Factor values certified to the government agencies by a manufacturer or private brand owner. The Program cannot and will not enforce a product’s compliance with energy efficiency standards or other voluntary program requirements.

Participation in the Program is voluntary. An independent laboratory under contract to AHAM provides verification and challenge testing based on the DOE Test Procedure (10 CFR Part 430, Subpart B, Appendix J1), including test provisions for machines with Adaptive Water Fill Control Systems (AWFCS), with additional specificity provided by approved interpretations consistent with the DOE Test Procedure,
collectively referred to as “Test Procedure.” Approved clarifications utilized by the Program are listed in Appendix A.

To participate in the Program, the Licensee must list with AHAM all models of clothes washers, unless the models are outside the scope of the Test Procedure and associated Waivers. The AHAM Mark, which appears on each unit, is the Licensee's public representation that the product is part of the verification program and Annual Energy Consumption, Modified Energy Factor and Water Factor may be verified at any time. The AHAM Mark must appear on each model in the Program.

The AHAM License Agreement (“Agreement”) is a contract between the Licensee and AHAM and is the governing document for participation in the Program. This Procedural Guide (“Guide”) is an extension of, and is incorporated into, the Agreement and provides for the administration and uniform execution of the Program. General information, procedural details and copies of forms are included in the Guide. AHAM’s Clothes Washer Verification Task Force, as needed, and at their sole discretion, may revise the Guide if such revision is deemed necessary, or as requested by government agencies.

For additional information, contact:

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1. DEFINITION OF TERMS

1.1 LICENSEE
A manufacturer or brand name owner that executed a license agreement as a Licensee with AHAM and is authorized to participate in the Clothes Washer Verification Program.

1.2 AHAM MARK
The AHAM Verification Mark (“AHAM Mark”) is the mark or marks authorized by AHAM for use by all manufacturers and private brand resellers of clothes washers who are Licensees in the Program.

1.3 BRAND NAME
The commercial name by which a product line is known to the consumer as determined and provided by the Program participant.

1.4 CERTIFIED
A statement by the Licensee that the Annual Energy Consumption, Modified Energy Factor and Water Factor values claimed were determined in accordance with 10 CFR Part 430, Subpart B, Appendix J1 (“Test Procedure”). Certified values shall be equivalent to those reported to the government agencies and will be used by the Program Laboratory to determine the compliance of a model to Program requirements; however, the Verification Program does not certify the Annual Energy Consumption, Modified Energy Factor or Water Factor.

1.5 CERTIFICATION TESTING
Initial testing to determine the Annual Energy Consumption, Modified Energy Factor and Water Factor values claimed in accordance with 10 CFR Part 430, Subpart B, Appendix J1 (“Test Procedure”) before a model is entered into commerce or added to the AHAM Program.

1.6 DIRECTORY
A document listing all models enrolled in the Program, with Annual Energy Consumption, Modified Energy Factor and Water Factor values for each participating Licensee.

1.7 DOCUMENTED INTERVIEW
An interview between the Program Lab and Licensee after a finding of potential non-compliance. If conducted via telephone call or in person, the results are documented by the Program Laboratory and issued to the Licensee, with AHAM copied on the report. If conducted via email, AHAM shall also be copied on the mailing.
1.8 GOVERNMENT AGENCIES
All government agencies to which manufacturers and private brand owners report model data, including the Department of Energy ("DOE"), Federal Trade Commission ("FTC"), Environmental Protection Agency ("EPA") and Natural Resources Canada (NRCan).

1.9 LICENSE AGREEMENT
A contract between AHAM and Licensees that specifies the obligations of each party as part of the AHAM Clothes Washer Verification Program. This Procedural Guide acts as a supplement to the License agreement.

1.10 MANUFACTURER
An entity that manufactures clothes washers.

1.11 MODEL GROUP
All units of a given type of product (or class thereof) manufactured by one manufacturer, having the same primary energy source, and which have essentially identical electrical, physical, and functional (or hydraulic) characteristics that affect energy consumption, energy efficiency, water consumption, or water efficiency. (10 CFR 430.2, 2011).

1.12 PRIVATE BRAND OWNER
An entity that markets but does not manufacture its own brand name units.

1.13 PRODUCTION SURVEY
A survey distributed by AHAM on July 1 of each year. The survey is used to determine the production volume of models within the Program, as well as the number of Model Groups, for each Licensee between July 1 of the previous year and June 30 of the current year to calculate Program participation and initial estimated verification testing fees.

1.14 PROGRAM
The AHAM Clothes Washer Verification Program in its entirety, including Licensee certification, verification testing, challenge testing, the Directory and use of the AHAM Mark.

1.15 PROGRAM LABORATORY
An independent testing laboratory under contract to AHAM to collect and review certified data, perform verification tests, and administer the program directory.

1.16 PROGRAM MODELS
All models whose ratings are required to be certified and submitted to the Program under the terms of the License Agreement, this Procedural Guide and Letters of Instruction from AHAM. Letters of Instruction are defined as being documents developed by AHAM staff that
define or otherwise detail the operation of the program and associated procedural guides. As Letters of Instruction are published, they will be disseminated to program participants. All such letters will be controlled by a revision coding system and maintained under AHAM’s document control policy. Letters of Instruction are to be differentiated from AHAM Interpretations, as Interpretations refer only to AHAM Standards.

1.17 PROGRAM PARTICIPATION FEE
A fee calculated annually that Licensees pay to AHAM for the administration of the Program. Participant Fees are based on the volume of product shipped during a twelve month period between October 1 of the previous year and September 30 of the current year.

1.18 PROGRAM TESTING FEE
A fee calculated annually that Licensees pay to AHAM for verification testing. Initial estimated Testing Fees are based on the number of Model Groups a Licensee lists on the Production Survey. If the actual cost of verification testing for a participant differs from the initially estimated testing fees (invoiced at the beginning of the year) the participant will be refunded any additional fees AHAM did not use, or if the actual testing costs were greater than initially estimated fees, the participant will be invoiced for the additional costs. Reconciliation of test fees will occur after all testing for a given Licensee is completed by the Program Lab. Participant companies are directly responsible for all testing fees incurred for the testing of their models.

1.19 PROGRAM YEAR
The Program Year extends from October 1 through September 30 of each calendar year. Models produced and available for sale during this period are considered to be models of the current Program Year even though a manufacturer or private brand reseller may market at another time.

1.20 QUALIFIED PRODUCT LIST (“QPL”)
The ENERGY STAR program’s list of all ENERGY STAR qualified products available for sale in the United States.

1.21 STAKEHOLDER
Individuals, groups or entities that have a concern in the process and results of the Program. Entities may include, but not be limited to: Program Licensees, the Department of Energy (DOE), the Federal Trade Commission (FTC), the Environmental Protection Agency (EPA) and Natural Resources Canada (NRCan).
1.22 **TEST PROCEDURE**
Verification and challenge testing will be based on the DOE Test Procedure (10 CFR Part 430, Subpart B, Appendix J1), with additional specificity provided by approved interpretations consistent with the DOE Test Procedure, and collectively referred to as “Test Procedure.” Approved interpretations for the Program are listed in Appendix A.

1.23 **TEST UNITS**
Individual clothes washers that are verified by the Program Laboratory.

1.24 **TOLERANCE**
Tolerance allows for a difference in measured versus reported values for Annual Energy Consumption, Modified Energy Factor and Water Factor. Tolerance allows for variations that inevitably occur in any given manufacturing or testing facility.

1.25 **VERIFICATION TESTS**
Annual tests conducted by the Program Laboratory under contract to AHAM in accordance with the Test Procedure and this Guide (latest edition) to verify the Annual Energy Consumption, Modified Energy Factor and Water Factor for clothes washers.

1.26 **VERIFIED**
Confirmation of the Licensee’s reported ratings for Annual Energy Consumption, Modified Energy Factor and Water Factor by AHAM according to Program procedures.

2. **PROGRAM SCOPE**
The Program will verify that the Annual Energy Consumption, Modified Energy Factor and Water Factor for clothes washers are consistent with the rated Annual Energy Consumption, Modified Energy Factor and Water Factor reported by the Licensee. The rated Annual Energy Consumption, Modified Energy Factor and Water Factor reported to the Program by Licensees will be equivalent to the values reported to government agencies. While the Program will communicate with appropriate regulatory agencies within the United States and Canada, including notification of failures, removal of product from market and provision of applicable test data/reports, the Program will not determine compliance with any regulatory or other voluntary program requirements.

2.1 **APPLICABLE STANDARD**
Annual Energy Consumption, Modified Energy Factor and Water Factor will be determined in accordance with the current Department of Energy (“DOE”) Test Procedure (10 CFR Part 430, Subpart B, Appendix J1), with additional specificity provided by approved interpretations.
consistent with the Test Procedure, collectively referred to as “Test Procedure.” Approved clarifications utilized by the Program are listed in Appendix A.

In addition to the Test Procedure, the Program Laboratory will test to Waivers that have been granted by the DOE and which include an alternative test procedure. Licensees shall inform the Program Laboratory of any granted Waiver from the DOE test procedure. Use of a specific Waiver shall be documented in the final test report developed by the Program Laboratory.

2.2 FACTORS VERIFIED

Under this Program, the Licensee will report Annual Energy Consumption, Modified Energy Factor and Water Factor in accordance with the government agencies certification compliance requirements.

2.3 PRODUCTS COVERED

The AHAM Clothes Washer Verification Program will verify Annual Energy Consumption, Modified Energy Factor and Water Factor for clothes washers, as defined in Section 1.

2.4 ELIGIBLE MODELS

Each Program Licensee shall report the certified Annual Energy Consumption, Modified Energy Factor and Water Factor on all clothes washers it manufacturers for its brand name(s) or for other Licensee’s brand name(s) for sale within the United States. Each manufacturer who is a Licensee shall also report the certified Annual Energy Consumption, Modified Energy Factor and Water Factor on all private-brand models which the Licensee itself is to distribute within the United States. Certified values shall be consistent with those submitted to the government agencies for compliance purposes.

2.4.1 Mandatory Program Models

Each Licensee shall report the certified Annual Energy Consumption, Modified Energy Factor and Water Factor on all clothes washer models sold or advertised by the manufacturer as clothes washers which are manufactured by it or for it under its brand name(s) for sale within the United States. Reported Annual Energy Consumption, Modified Energy Factor and Water Factor values must be identical to certified compliance values submitted to the government agencies.

These requirements apply to all models to be sold, whether or not they are sold for test market purposes, in a limited quantity, or in a specified market area.

The United States includes all of the states, the District of Columbia, the Territories and other geographical areas associated with, or subject to, the jurisdiction of the United States.
2.4.2 Optional Models

The Licensee may, at its option, selectively certify and supply data on clothes washer model(s) for sale within countries other than the United States. If such units are to be certified in the AHAM Program they must be reported to AHAM and the Program Laboratory for verification and inclusion in any appropriate production surveys. The units must display the AHAM Mark in accordance with this.

These certification requirements apply to all models to be sold, whether or not they are sold for test market purposes, in a limited quantity, or in a specified market area.

2.4.3 Private Brand Models

The Licensee must report the certified Annual Energy Consumption, Modified Energy Factor and Water Factor data on private-brand clothes washers that it sells within the United States that are manufactured by an entity separate from and unrelated to it. In order to have such private brands included in the Verification Program, the manufacturer shall report the certified Annual Energy Consumption, Modified Energy Factor and Water Factor on all clothes washers that it manufactures for the same private brand for sale within the United States.

In order for private brands to participate in the program, private brand owners who sell models from multiple manufacturers must ensure that all manufacturers for their brand are Licensees. If not all manufacturers are Licensees, the private brand owner must become a Licensee and certify those models not certified by the manufacturer.

2.4.4 Carry-Over Models

Once a model has been submitted for verification, it must continue to be verified throughout the lifetime of the model, (i.e., for as long as the model is available for sale at the distributor level). Identical model numbers are to be carried over from a prior year if no physical changes are made to the models that affect their certified ratings. However, if a carry-over model is to have a different certified rating from its previous rating, the Licensee must provide the Program Laboratory with the old model number and the updated model numbers, which shall be consistent with model numbers reported to government agencies. In accordance with DOE regulations, this will be considered a new base model.

A carry-over model is subject to testing again even though tested during the prior year. The Licensee is responsible for maintaining the performance of that model and must advise the Program Laboratory of any changes in production that may affect its certified values.
2.4.5 Models of Prior Production Still Being Marketed

The Licensee may also submit data on models no longer being produced but which are still available for sale by the brand-name owner. Models may continue to be submitted as long as they are being marketed by the brand-name owner and will be subject to random selection and verification testing.

2.4.6 Updating Program Models

To ensure that models in the Program are consistent with those available in the market, Licensees shall provide an updated model list to the Program Laboratory, with certified values consistent with those submitted to the Federal Trade Commission, in October of each year using the Model Submission/Change Form. This template will be made available electronically to Licensees once they join the Program and will also be available on AHAM’s website for download. The Program Laboratory will ensure consistency between the information submitted in October and the Program Directory. Models for selection in the next Program Year will be selected from the updated model listing received each October. The Licensee is responsible for assuring that the model listing is equivalent to the listings submitted to government agencies.

If a Licensee’s production changes over the course of the year, the Licensee is responsible to inform the Program Laboratory when models are introduced into or withdrawn from the marketplace. Any model in the AHAM Directory at the time of selection or replacement is eligible for selection.

2.5 Determination of Models to be Selected

The Program Laboratory will select models for verification testing from 10% of each Licensee’s Model Groups (see Section 1.11) provided in Model Submission/Change Form, with at least two (2) models selected from each Licensee, per year. Total number of models will be rounded up from the 10% value. Model selection includes three parts:

2.5.1 Part 1: ENERGY STAR Directed Selection

The Program is to select models from 10% of all ENERGY STAR Model Groups for verification testing, while operating under the 10% overall testing requirement for each Licensee. ENERGY STAR may provide suggestions to AHAM regarding specific product classes or energy platforms. Requests from ENERGY STAR should be received by the beginning of the Program Year to ensure specified products are included on the selection list for the following year. Absent input from EPA, ENERGY STAR units will be selected randomly by the Program Laboratory from any product class.
If the selection criteria require that two models are to be selected for a Licensee for the Program Year and that Licensee is a participant in ENERGY STAR, at least one of those models must be an ENERGY STAR model.

2.5.2 Part 2: Directed Selection

Federal government agencies have the option to provide suggestions to AHAM regarding particular models, product classes, or energy platforms that they would like to have tested. Requests from federal government agencies should be received by the beginning of the Program Year to ensure specified products are included on the selection list for the following year.

2.5.3 Part 3: Selection

Any remaining Model Groups which have not been directed for or excluded from selection will be randomly selected by the Program Laboratory from all product classes.

2.5.4 Selection Examples

Example 1: Assume a Licensee has 50 Model Groups and 10 of these Model Groups are ENERGY STAR.

- 10% of 50 total Model Groups is 5 Model Groups, so the Licensee will have a total of 5 Model Groups selected for verification testing.
- 10% of 10 ENERGY STAR Model Groups is 1 Model Groups, so one of the 5 Model Groups selected for verification testing will be ENERGY STAR Model Groups, as defined in section 2.5.1.
- The remaining four Model Groups will be available for directed and/or random selection, as defined in 2.5.2 (for selections as directed by governmental agencies other than EPA) or 2.5.3 (for all other selections).

Example 2: Assume a Licensee has 50 Model Groups and 25 of these Model Groups are ENERGY STAR.

- 10% of 50 total Model Groups is 5 Model Groups, so the Licensee will have a total of 5 Model Groups selected for verification testing.
- 10% of 25 ENERGY STAR Model Groups is rounded up to three Model Groups, so 3 of the 5 Model Groups selected for verification testing will be ENERGY STAR Model Groups, as defined in section 2.5.1.
- The remaining two Model Groups will be available for directed and/or random selection, as defined in 2.5.2 (for selections as directed by governmental agencies other than EPA) or 2.5.3 (for all other selections).
Example 3: Assume a Licensee has 50 Model Groups and all 50 of these Model Groups are ENERGY STAR.

- 10% of 50 total Model Groups is 5 Model Groups, so the Licensee will have a total of 5 Model Groups selected for verification testing, all of which will be ENERGY STAR Model Groups, as defined in section 2.5.1.
- There will be no Model Groups available for directed or random selection.

2.6 TESTING OF MODELS FOR ENERGY STAR VERIFICATION

For ENERGY STAR models, sample requirements for verification are based on the number of samples used for certification. If one sample is used for certification, only one sample will be allowed to be selected for verification. If multiple samples (no matter what quantity) are used for certification, four samples will be selected for verification.

For the single unit verification tests, no tolerance will be allowed on any parameter. For multiple units, the Program Laboratory will initially test one unit. If that unit is shown to be compliant with the ENERGY STAR requirements, within the tolerance allowed by section 5.7, then that model will be considered compliant. If the unit is found to be non-compliant with the ENERGY STAR requirements, the other three units that have been selected will be tested immediately.

The requirements of this section are consistent with EPA Directive 2011-04, current version (see Appendix F), and if there are any inconsistencies, the EPA Directive 2011-04, current version (see Appendix F) shall determine the testing protocol.

2.7 DIRECTORY

The Program Laboratory will maintain a listing of all current Program models in an AHAM online Directory of Verified Clothes Washers (“Directory”). The Directory displays models with reported certified Annual Energy Consumption, Modified Energy Factor and Water Factor values. The Directory will be updated to include information on model additions and deletions.

2.8 AHAM VERIFICATION MARK

The AHAM Verification Mark (“AHAM Mark”) is a graphic authorized by AHAM for use by all manufacturers and private brand owners of clothes washers who are Licensees in the Program. According to the Program, manufacturers certify and AHAM verifies that the Annual Energy Consumption, Modified Energy Factor and Water Factor of all clothes washers that display the AHAM Mark are determined and accurately stated in accordance with the Test Procedure.
The AHAM Mark must appear on the clothes washer rating label or some other surface clearly visible by the consumer and/or retailer. Use of the AHAM Mark signifies that the Licensee has agreed that any of their models may be selected at any time for verification by the Program.

The AHAM Mark artwork is available directly from AHAM. The AHAM Mark shall be incorporated on all products within six (6) months after executing the Program Licensee Agreement. The AHAM Mark requirements are included in Appendix D.
3. PROGRAM REQUIREMENTS

3.1 GOVERNANCE

During Program Year 2011/2012, the AHAM Clothes Washer Verification Development Task Force, comprised of AHAM member companies, is responsible for deciding all policy matters and reports to AHAM’s Major Appliance Division Engineering Council, which reports to AHAM’s Major Appliance Division Board of Directors. After Program Year 2011/2012, the AHAM Clothes Washer Verification Task Force, a task force of Clothes Washer licensees that are AHAM members, (“the Task Force”) will be responsible for deciding all policy matters. AHAM staff may make small editorial, non-substantive changes to the Procedural Guide without requiring the full approval process. When changes are made the Program Licensees and Program Laboratory will be notified.

3.2 PROGRAM LICENSEE OBLIGATIONS

Requirements of the Program Licensee are listed below:

1. Abide by the License Agreement, a contract between AHAM and the Licensee. Licensee enters the Program by having an authorized company representative sign a License Agreement with AHAM and remitting initial estimated Program Testing Fees for a year and that quarter’s Participation Fee. Contact AHAM for application information and the Program Laboratory for testing information.

2. Pay AHAM Participation and Testing Fees within 90 days after an invoice is received from AHAM. The fee structure is determined by the Task Force and ultimately approved by the Major Appliance Division Board of Directors. Initial estimated Program Testing Fees are billed once a year at the beginning of the year to ensure funds are available for testing. If required, additional testing fees will be billed upon completion of all testing for a given licensee for the Program Year. Program Participation Fees are billed in four installments, during each calendar quarter of the current year. Section 4 provides additional information on Program funding.

3. Report the certified Annual Energy Consumption, Modified Energy Factor and Water Factor consistent with DOE compliance requirements for all clothes washers sold in the United States (see Section 2.4). All models must have Annual Energy Consumption, Modified Energy Factor and Water Factor certified by the Licensee.

4. Submit model data, contact information and sample acquisition information to the Program Laboratory under contract to AHAM for verification test selection using the Model Submission/Change Form. If information on any Model Group changes during
the Program Year, the Licensee will resubmit an updated model list using the Model Submission/Change Form, consistent with submission made to government agencies.

5. Certification data for a new model subject to the Program must be submitted no later than the first day the model is sold as a product to the end consumer.

6. Furnish Test Units at no cost to the Program and pay all shipping costs.

7. Display the AHAM Mark on each Program model following AHAM Mark guidelines (Appendix D).

8. Participate in Challenges brought against Licensee’s Model Groups and challenge, if warranted, ratings of other Licensees and provide a detailed report documenting the challenge (Section 6) to the Program Laboratory and AHAM.

9. Submit copies of specifications and promotional material to AHAM upon request.

10. Submit list of models annually, synchronized with submission to FTC each October.

11. If list of models available on the market changes during course of the year, reports model change to Program Laboratory.

12. Abide by the termination obligations set forth in the License Agreement. If a Licensee is notified of termination from the Program, the company will, within sixty (60) days, cease distribution into commerce all clothes washers bearing the AHAM Mark. AHAM will immediately remove the listing of their models from the web site and the Directory.

3.3 AHAM OBLIGATIONS

AHAM licenses manufacturers and private-brand owners to participate in the Program through reporting of certified Annual Energy Consumption, Modified Energy Factor and Water Factor for clothes washers sold in the United States. This includes authorizing Licensees to use reproductions of the AHAM Mark on products within the Program, Licensee literature and advertising. In addition, AHAM provides administrative staff for the Program. AHAM:

1. Authorizes use of AHAM Mark reproductions to companies licensed in the Program and provides artwork and text for the AHAM Mark.

2. Provides an electronic version of the AHAM Mark to companies licensed in the Program.

4. Upon notification from the Program Laboratory, alerts Licensee to the presence of models found on the EPA Qualified Product List (“QPL”), but not the AHAM Directory.

5. Collects fees from Licensees for purposes of funding the Program.

6. Monitors program participation, verification testing results, non-compliance status, product withdrawals from the market due to Program non-compliance and challenges.

7. Communicates confirmed non-compliance to appropriate Stakeholders (See section 5.8).

8. Informs Licensees and other Stakeholders of model additions or deletions and exclusion or withdrawal of any Licensees.

9. Contracts with an independent testing laboratory (Program Laboratory) to administer the Program (section 3.4).

10. Audits the Program Laboratory to ensure that testing and procedures are in accordance with this Guide.

11. Notifies EPA of non-compliance with ENERGY STAR requirements.

3.4 PROGRAM LABORATORY OBLIGATIONS

The Program Laboratory serves as an independent, third party laboratory performing testing for verification purposes and for challenges in accordance with the Test Procedure. The Program Laboratory shall be ISO 17025 certified and accredited by a recognized accreditation body such as the American National Standards Institute (ANSI), and/or the Standards Council of Canada (SCC) to conduct energy and performance testing of clothes washers and will ultimately be selected by the Task Force based on technical criteria. Contracts with the Program Laboratory are reviewed every year. AHAM conducts an audit of the Program Laboratory annually. Annual verification and challenge testing can only be performed by the Program Laboratory. The Program Laboratory:

1. Collects and compiles certified model data from Program Licensees utilizing the Model Submission/Change Form.

2. Reviews Licensee reported certified data for accuracy and consistency.

3. Compares models listed in the AHAM Directory with the current ENERGY STAR QPL for accuracy.

4. Reports the finding of any units shown on the QPL, but not in the AHAM Directory, to AHAM.
5. Continuously updates directory based upon Licensee submission of model changes and changes to listings as response to verification testing.

6. Randomly selects Model Groups for verification testing and acquires randomly selected units as specified (section 5.1).

7. Completes verification testing in accordance with the Test Procedure.

8. Completes verification testing in accordance with the agreed on testing plan as provided under this Program.

9. Participates in challenges between Licensees and between Licensee and Program Laboratory, as set forth in this Program, including completion of all necessary additional testing under the challenge procedure.

10. Monitors submission of model discontinuation documentation associated with any Model Group that is withdrawn from the market due to this Program.

11. Issues verification test reports to the Licensee.

12. Issues notifications of Program non-compliance to AHAM and the Licensee immediately. Ensures the specified process for Program non-compliance is successfully completed according to the requirements in this Guide. For non-compliance with ENERGY STAR requirements, the Laboratory notifies AHAM immediately.

13. Disposes of all test samples at the Licensee’s direction. Return of test sample to licensee is an option.

14. Compiles all reported models' ratings by brand for subsequent Directory publication by AHAM. This includes models added or deleted from the Program.

15. Compiles a quarterly report for AHAM summarizing individual participant test results and overall Program test data.

4. PROGRAM FUNDING

4.1 FEES

Upon joining the Program, and annually in July thereafter, Licensees are required to complete a Production Survey (Appendix E) advising AHAM of the number of clothes washers listed in the Program and which have been sold for the twelve-month period from July 1 of the previous year through June 30 of the current year. The survey will also request information on the number of clothes washer Model Groups in production and the number
of these Model Groups which are part of the ENERGY STAR program. Production surveys are held confidential within AHAM, maintained for seven (7) years, and then destroyed.

Unit Sales Volume will be used to determine Program Participation Fees. The number of Model Groups will be compared to the current Directory and will be used to determine Program Testing Fees. The reported number of Model Groups and ENERGY STAR Model Groups will be used to select models for Verification Testing during the following year.

4.1.1 Program Participation Fees

The amount payable by the Licensee during the Program year will be determined by multiplying the current AHAM member or non-member Participation Fee by the reported shipments. If this amount is less than the minimum Participant Fee specified in the AHAM Production Survey, the Licensee pays the minimum fee. One-quarter of the fee is billed by AHAM at the beginning of each quarter and is payable quarterly by Licensee during the calendar year.

4.1.2 Program Testing Fees

The initial estimated program testing fees will be determined from the Production Survey submitted in July of each Program Year, based on testing of a sample selection of 1 unit per selected model group. Program testing fees will be paid in full to AHAM at the beginning of the Program Year to ensure funds for Program testing. If the actual testing fees incurred by the licensee differ from the amount invoiced at the beginning of the Program Year, the difference will either be refunded to the licensee or an additional invoice will be sent to cover the additional testing fees.

Any additional testing fees will not be billed until after all testing of ENERGY STAR models for the licensee has been complete for the Program Year.

4.1.3 Manufacturers Entering Market

Manufacturers entering the market who become Licensees and who do not have any production during the specified period noted above (July 1 of previous year to June 30 of current year) shall pay the minimum Participation Fee and Program Testing Fees based on the number of Model Groups that are to be incorporated into the Program.

4.1.4 Fee Administration

AHAM pays all Program administration and testing costs except those costs involved in the challenge procedure, additional sample acquisition, shipping costs and costs associated with the Laboratory having to purchase samples on the open retail market. The Program will invoice Licensees for these expenses.
4.2 **YEARLY PRODUCTION SURVEY**

AHAM issues a yearly production survey to each Licensee in order to calculate fees for the Program (Appendix E). The Licensee is responsible for returning and certifying that the information is accurate and correct.

The following guidelines are to be used to determine which entity involved in a sourcing agreement is responsible for the model:

- If a Licensee buys products from another Licensee, the manufacturing Licensee is responsible for the resulting Program fees and must include the sourced units in its own production figures.
- If a Licensee buys products from a non-Licensee, the Licensee is responsible for the resulting Program fees and must therefore include the sourced units in its product figures.
- A retailer who is a private brand owner and purchases units from both Licensee and non-Licensee manufacturers may be a Program Licensee. Such a licensee must claim the units manufactured by a non-Licensee as its production and will be responsible for all fees associated with these models.
- In the case of an alternative arrangement (i.e., selling Licensee agrees to pay the Program fees), the purchasing Licensee has the ultimate responsibility of ensuring the sourced product production data is properly reported and Program fees are paid.

4.3 **BILLING/INVOICES**

Licensees are invoiced quarterly. If invoices are not paid within 90 days after the invoice date, the participant will be given written notice that they have an additional 45 days to become current, or be terminated from the program. Upon termination, all models will be removed from the AHAM directory and the AHAM Mark must be removed from the products (see Section 5.9.4). If a terminated company wishes to rejoin the program, it will be required to pay all outstanding invoices, and a full year Program fees in advance.
5. VERIFICATION PROCEDURE

5.1 UNIT SELECTION

The Program Laboratory determines which models will be tested in a given year consistent with Section 2.5.

Once specific models are selected, the Program Laboratory will send a selector to obtain Test Units for verification testing. The selector must be able to choose random model(s) from a manufacturer or distributor warehouse. The Licensee will not be informed of what models will be selected prior to the selector’s arrival at the selection site. If selecting from a manufacturer warehouse, the random model(s) must be selected from a lot of at least ten (10) units of the model to be selected for single unit selections, or fifteen (15) units for a four (4) unit selection. If selecting from a distributor, the random unit(s) must be selected from a lot of at least three (3) units if a single unit is selected, or six (6) units for selecting four (4) samples of the same model.

When multiple units of the same model are selected for verification for ENERGY STAR models, all of the units are to be selected randomly at the same time, from the same location.

A model may be excused from testing if a Licensee is able to demonstrate that an identical model or model from the same family was procured for verification testing in the preceding 12 months, or has already been procured by an EPA-approved Certification Body (“CB”) for verification testing. The Program Laboratory may decide to select alternative models for testing based on the production schedule.

All units selected and sealed by the Program Laboratory selector are provided by the Licensee on a consignment basis and shipped to the Laboratory on a prepaid freight basis.

Samples may be purchased by the Laboratory on the open retail market when stock is not available from manufacturers, criteria for selection cannot be met, or at the request of the Licensee. All costs associated with open retail market purchase must be paid for by the Licensee. The Licensee must be contacted to determine the least burdensome method of obtaining samples.

Licensees shall assure that all Model Groups are available for testing within each Program year for as long as those models are in the stream of commerce. If the manufacturer does not supply a sample for unit selection or give the location of a retail outlet to purchase the product, the model will be removed from all subsequent directories until such a time that the samples are provided and tested.
If a specific sample is unable to be selected by the Program Laboratory, another random sample must be selected in its place. At the time of selection, all models in the AHAM Directory and models added during the Program Year about which FTC and the Program Laboratory have been notified, are eligible to be selected.

Verification testing must be completed on units that are no more than 6 months old. The Program Laboratory will work with the Licensee to determine the age of the selected product, whether obtained in a Licensee's warehouse, in distribution or retail.

If a second or subsequent unit must be tested (due to a defect as defined in section 5.5), the Licensee will assume all costs incident to the selection, testing and handling of such units. The Laboratory will invoice the Licensee directly in accordance with the current fee schedule in the Service Contract between the Program Laboratory and AHAM.

5.2 Verification of AHAM Mark

During verification testing, the Program Laboratory will review the content, size and placement of the AHAM Mark to determine if it is in accordance with this Guide. When violations occur, the Program Laboratory will notify AHAM within ten (10) business days. AHAM will take appropriate action in accordance with this Guide (Section 7).

5.3 Run-in Period

No run-in shall be performed other than the pre-conditioning specified in the DOE test procedure.

5.4 Verification Test Report

The Program Laboratory will provide verification test results to the Licensee responsible for the model using a standard report. This report will not be further distributed by the Program Laboratory, except to AHAM in the instance that it is part of a confirmed non-compliance test report.

Once a model has been added to the Program, it must continue to be eligible for selection throughout the life of the model (i.e., for as long as it is listed on the FTC annual submission.) The Program Laboratory will hold the results of all testing in strict confidence, except for:

1. Communication with the Licensee with regard to test results and findings on Licensee's own unit(s); or
2. Communication with Challenger with regard to test results on a challenged unit(s); or
3. Communication with AHAM in regard to test results and findings that indicate non-compliance with the AHAM Program or which AHAM deems necessary for the proper operation of the Program.
5.5 **RANDOM DEFECT**

In order for a unit to be considered a random production defect, there must be some aspect of the unit that is noticeably defective in a functional or visual manner to the consumer. Examples of defects that a consumer could detect include such things as visible physical damage to the interior/exterior, malfunctioning motors or pumps, restricted water flow or improper seals. If a sample is found to be defective by the Program Laboratory during setup and run in only, the Program Laboratory will select a second sample of the same model. The Licensee is responsible for any additional selection and shipping costs. Any unit found to be defective will be replaced by the Licensee, including all units for ENERGY STAR verification.

5.6 **FINDING OF COMPLIANCE**

5.6.1 Water Factor

The Water Factor measured for any production unit shall not be greater than 105.0% of the value listed in the AHAM directory.

5.6.2 Modified Energy Factor

The Modified Energy Factor measured for any production unit shall not be less than 95.0% of the value listed in the AHAM directory.

5.6.3 Annual Energy Consumption

The Annual Energy Consumption calculated for any production unit shall not be greater than 105.0% of the value listed in the AHAM directory.

When the model is compliant with the AHAM Program requirements, reported certified ratings for Water Factor, Modified Energy Factor, and Annual Energy Consumption are continued in the Directory and a copy of the test report is forwarded to the Licensee and is available to AHAM. Compliance with the AHAM Program does not imply that the product is in compliance with the requirements set forward by government agencies.

5.7 **FINDING OF COMPLIANCE WITH ENERGY STAR REQUIREMENTS**

For ENERGY STAR models, the determination of compliance with ENERGY STAR requirements for Annual Energy Consumption, Modified Energy Factor, and Water Factor shall be made according to the requirements of Appendix F (EPA Directive No. 2011-04, most recent date).

5.8 **NOTIFICATION OF NON-COMPLIANCE**

In all cases of accepted non-compliance, AHAM will notify the following Stakeholders, as appropriate: FTC, DOE, EPA ENERGY STAR and NRCan.
5.9 **Finding of Non-Compliance with Program Requirements**

If the results of the first sample verification test are not within the tolerances outlined in section 5.6, the Program Lab will immediately notify the Licensee of potential non-compliance with the requirements. Communication with the Licensee in this manner is not permitted when determining compliance with ENERGY STAR requirements. The Licensee must confirm receipt of the potential non-compliance communication with the Program Laboratory within 24 hours. If receipt is not confirmed within this time, the Program Laboratory will continue to contact the Licensee and document the date when receipt of the potential non-compliance is ultimately confirmed. All timing requirements for the Program are initiated when the Licensee confirms receipt of the potential non-compliance.

Once the Licensee confirms receipt of the potential non-compliance notification, the Licensee may participate in a Documented Interview with the Program Laboratory. If a Documented Interview is requested, it must occur within five business days of the notification of potential non-compliance to determine where differences in rating may have arisen. The Licensee must comply with any requests from the Program Laboratory regarding data, schematics or procedures used by the Licensee to determine the reported certified ratings.

If the Program Laboratory or Licensee identifies a random defect (see Section 5.5), the test result will be voided provided the Licensee provides an analysis/explanation of the defect within thirty (30) calendar days of notification of non-compliance.

If random defect analysis is performed in the Program Laboratory and the defect is obvious to the Program Laboratory, the test result will be voided and a second sample will be randomly selected and tested per Section 5.5. The purchase cost and test costs of the second sample will be billed to the Licensee. At the Licensee’s request, the Program Laboratory technical staff is available to assist the Licensee in verifying relevant energy-using components and interpreting the Test Procedure.

If the test unit is not identified as having a random defect, the Licensee must select one of the following options within thirty (30) calendar days after receiving notification of potential Program non-compliance:

- **Option 1:** Request that additional products be tested by the Program Laboratory in accordance with Section 5.9.1.
- **Option 2:** Challenge the Program Laboratory (See Section 5.9.2).
- **Option 3:** Add necessary components or modify factory process to ensure that the measured energy use is within the rated energy use and/or the measured water use is
within the rated water use. This constitutes an acceptance of the Program non-compliance and AHAM will notify appropriate Stakeholders (See Sections 5.9 and 5.9.3).

Option 4: Withdraw its product from the market. This constitutes an acceptance of the Program non-compliance and AHAM will notify appropriate Stakeholders (See Sections 5.9 and 5.9.4).

Figure 1 provides a summary of the options available and the timing for selecting an option when a Licensee receives a preliminary non-compliance notice. Shaded boxes indicate when AHAM will notify appropriate Stakeholders (See section 5.9) of Program non-compliance.

Energy Consumption Non-Compliance

Figure 1

If the Licensee does not select an option within 30 calendar days, or the Program non-compliance is not sufficiently addressed within 90 calendar days, the Program Laboratory will notify AHAM. AHAM will notify the Licensee that: 1) the Licensee will be removed from the Program, which means all models will be deleted from the Program Directory; 2) the AHAM Mark must be removed from all Licensee’s products; and 3) AHAM will notify appropriate Stakeholders (See section 5.9) of Program non-compliance and the removal of the Licensee from the Program.
The manufacturer must come into Program compliance within the timeframe specified in Table 1. Timing for coming into Program compliance varies by the option chosen.

**Table 1**

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
<th>Days to Notification*</th>
<th>Maximum days to resolution*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Additional testing</td>
<td>90</td>
<td>190</td>
</tr>
<tr>
<td>2</td>
<td>Challenge program lab</td>
<td>40</td>
<td>130</td>
</tr>
<tr>
<td>3</td>
<td>Add necessary components or modify factory process</td>
<td>30</td>
<td>90</td>
</tr>
<tr>
<td>4</td>
<td>Withdraw product from market</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

*After confirmed receipt of potential non-compliance

5.9.1 Option 1 – Additional Testing

Additional testing must be completed by the Program Laboratory.

If this option is selected, the Program Laboratory will randomly select, per Section 5.1, an additional three (3) products of the same model number for testing and determine the average of all four products tested (the original sample and the three additional samples). A standard deviation shall also be determined and the standard error computed. The upper confidence limit (UCL) shall be determined by adding the standard error multiplied by the t-statistic to the reported certified energy consumption value (AEC<sub>reported</sub>):

\[ UCL = AEC_{\text{reported}} + t \times s \]

where ‘t’ is the t-statistic based on a 95% two tailed probability level and ‘s’ is the standard error.

This approach differs from the Department of Energy’s enforcement testing requirements, in that the reported Annual Energy Consumption value is used to calculate the upper confidence limit rather than the standard value; however, the approach is similar to 10 CFR part 430, subpart F, Appendix B.

If the calculated mean is less than or equal to the upper confidence limit, the model is in compliance with the Program. The Program Laboratory will revoke the preliminary non-compliance and the model will continue to be listed in the Program Directory.

If the calculated mean is greater than the upper confidence limit, the model is non-compliant with the Program per the confidence limit, then the model is out of compliance with the AHAM Program and the Licensee must withdraw the model from the Program (See Section 5.9.4). The Program Laboratory will prioritize any testing under this section to comply with
the time requirement that all additional testing and reporting are completed within 60 days from Licensee’s request for additional testing.

Figure 2 summarizes the steps and timeline required to exercise Option 1.

**Option 1: Additional testing**

**5.9.2 Option 2 – Challenge the Program Laboratory**

The Licensee may challenge the Program Laboratory’s determination of Annual Energy Consumption by providing: 1) a detailed written report on why it believes the test value determined by the Program Laboratory is incorrect; and 2) calculation spreadsheet/protocol used by the Licensee to determine rating in question. Within five (5) business days of receipt, the Program Laboratory will either accept the Licensee’s method and withdraw the Program non-compliance or reject the Licensee’s challenge.

Figure 3 summarizes the timing and steps that must be completed if Option 2 is chosen. AHAM will notify appropriate Stakeholders (See section 5.9) only if the challenge is rejected by the Program Laboratory, requiring the Licensee to select Option 4 or solicit an interpretation from DOE of test procedure.
Figure 3

5.9.3 Option 3 – Addition of Components

If a Licensee elects to add necessary components or modify their factory process to meet their reported certified Annual Energy Consumption or Water Factor rating, it shall, within thirty (30) calendar days of receiving a notice of Program non-compliance, make modifications to all models within that Model Group and provide the Program Laboratory with a summary of their findings and the corrective actions taken. A random sample will need to be verified by the Program Laboratory within sixty (60) calendar days after the Program Laboratory receives notification from the Licensee that specific actions have been taken to modify components.

By selecting Option 3, the Licensee accepts the Program Laboratory’s notification of non-compliance and AHAM will notify appropriate Stakeholders (See section 5.9) that the Licensee has chosen to modify components based on a verification test. The Licensee’s documentation of their findings and corrective actions will also be forwarded to appropriate Stakeholders (See section 5.9).

If the Licensee exercises Option 3, and the second verification test unit fails, the Licensee shall follow the requirements for withdrawing a model (see Section 5.9.4).

If the Licensee exercises Option 3 and the second verification test results in Program compliance, AHAM will notify appropriate Stakeholders (See section 5.9) of the Program
findings and the actions taken by the Licensee. The Licensee is responsible for any additional information which may be required by regulatory and other voluntary programs.

Figure 4 summarizes the steps that must be taken, and the timeframe, for exercising Option 3.

Option 3: Modify components

**Figure 4**

5.9.4 Option 4 – Withdraw Product from Market

If the Licensee elects or is required to withdraw the product from the market, it must produce no additional units of that model and it will be shown as a discontinued model in the Program Directory. The Licensee must send written notice to AHAM and the Program Laboratory within thirty (30) calendar days of receiving the notice of Program non-compliance, stating no further production will occur for this model.

The Program requires that all models within a Model Group shall be withdrawn if a single model is withdrawn. This includes all brands within the Model Group whether labeled by the Licensee, licensed by the Licensee or licensed to a private brand reseller.

AHAM will notify appropriate Stakeholders (See section 5.9) of the Licensee’s decision to withdraw the product from the market.

Figure 5 outlines the required steps if Option 4 is chosen.
Option 4: Withdraw model

![Diagram](image)

**Figure 5**

5.10 **Finding of Non-compliance with ENERGY STAR Requirements**

ENERGY STAR models found to be non-compliant with the ENERGY STAR requirements, as outlined in Section 5.7, will be reported to EPA within 2 business days of confirmation of non-compliance. If this model is known to be offered into the Canadian marketplace, NRCan will be notified at the same time. EPA will then proceed as outlined in EPA Directive 2011-04, current version (see Appendix F). If the values measured during a verification test fall within the tolerance of ENERGY STAR verification, but are not compliant with AHAM verification tolerance, as outlined in section 5.5, the model is considered potentially non-compliant with the AHAM program and the process outlined in section 5.8 will commence. EPA will not be notified of this type of potential non-compliance.

In the case that the results of the first unit test are potentially non-compliant and the additional three units are tested, no indication of testing shall be made to the participant until after completion of all tests.

If the participant chooses to withdraw the model from the ENERGY STAR program, but continues marketing the model, then the responses to non-compliance outlined in Section 5.9 apply to the model.
5.11 Return of Units

Test units, or units selected for ENERGY STAR testing that did not need to be tested shall be returned to the appropriate Licensee approximately fifteen (15) calendar days after the Licensee receives the final test report for all units tested for that Licensee. Returned unit(s) will be sent on a COD basis, unless the Licensee has made previous billing or disposition arrangements with the Program Laboratory.

6. Challenge Procedure

6.1 Challenge Rules

A Licensee within the Program may challenge another Program Licensee, using the Challenge Request Form (Appendix C). Challenges shall be in “good faith,” with substantial supporting documentation provided to the Program Laboratory at the time of the challenge. Program Licensees may not challenge non-Licensees; this is outside the scope of this Program.

However, if AHAM receives multiple indications from Program Licensees that a non-Licensee may have questionable Annual Energy Consumption, Water Factor, or Modified Energy Factor values, AHAM may initiate a challenge of the specified non-Licensee working through the Task Force. There must be unanimous agreement of the Task Force to challenge the non-Licensee, as Program funds will be used for the challenge.

AHAM may not challenge a Program Licensee.

6.2 Initiating a Challenge

A Licensee may challenge the reported certified Annual Energy Consumption, Water Factor, Modified Energy Factor, or an algorithm of another Licensee’s model. For all challenges, the challenging Licensee ("Challenger") must complete and submit Challenge Request Form (Appendix C) to the Program Laboratory. For the challenge to take place, the Challenger must include an explanation of why the challenge should be granted. To exercise challenges, the Challenger must authorize the Program Laboratory to proceed at the Challenger’s expense for the initial Program Laboratory test.

Upon receipt of this form, the Program Laboratory shall notify AHAM. AHAM will notify the challenged Licensee ("Challenged Manufacturer") in writing, with a copy to the Program Laboratory, of the challenge. The Program Laboratory will then acquire a sample of the challenged model and perform verification testing. AHAM and the Program Laboratory shall keep the identity of the Challenger and Challenged Manufacturer under this challenge procedure in confidence throughout the challenge proceedings.
If the challenge is not upheld, the Challenger must pay the Program Laboratory for all costs incidental to the test(s). Upon completion of testing, the test unit will be shipped, COD, to the challenger.

If the Program Laboratory results do not verify the Challenged Manufacturer’s reported certified ratings, this will be considered a “Verified Challenge.” The Program Laboratory shall inform the Challenged Manufacturer of the Verified Challenge, including all test data and test report information. The Challenged Manufacturer may also select to have more samples tested, as provided in section 5.9. All responses and processes in Section 5.8 shall apply to verified challenge as they do to an initially non-compliant Verification Test.

In either case (Verified Challenge or not upheld Challenge), the Program Laboratory shall inform both the Challenger and Challenged Manufacturer of the testing results and provide test data and test report information.

Within thirty (30) calendar days of receipt of a Verified Challenge, the Challenged Manufacturer shall submit a written statement to the Program Laboratory, with copy to AHAM, either 1) disputing the Verified Challenge or 2) agreeing to withdraw its product from the market.

If the Challenged Manufacturer does not dispute the Verified Challenge, it must withdraw its product from the market within thirty (30) calendar days of the receipt of the Verified Challenge. The Challenged Manufacturer must pay all Program Laboratory testing costs incidental to the Verified Challenge.

If the Challenged Manufacturer disputes the Verified Challenge it must, within thirty (30) calendar days of receipt of the Verified Challenge, provide a detailed written summary of its method for determining Annual Energy Consumption, Modified Energy Factor or Water Factor and support for why this is the correct method to the Program Laboratory. Within fifteen (15) calendar days of receipt, the Program Laboratory will either accept the Challenged Manufacturer’s method and withdraw its Verified Challenge or reject the Challenged Manufacturer’s method and reinstate the Verified Challenge. Upon reinstatement of the Verified Challenge, the Challenged Manufacturer must, within thirty (30) calendar days, withdraw its product from the market or may choose to seek DOE guidance of the methods by which the Program Laboratory and the Challenged Manufacturer have determined the Annual Energy Consumption, Modified Energy Factor or Water Factor of the challenged product.
6.3 **MULTIPLE CHALLENGES**

If the Program Laboratory is working on a challenge and receives a separate challenge relating to the ongoing challenge, the Program Laboratory will notify AHAM, and then notify the second Challenger that a challenge is already underway. Confidentiality between both challengers and the Challenged Manufacturer will be maintained. Ultimately, if the challenge is not upheld, the Challengers will split the challenge cost. The Program Laboratory may receive multiple challenges on a similar issue. The Program Laboratory is responsible for reviewing the technical viability of each challenge.
7. PROPER USE OF THE AHAM MARK AND VERIFICATION CLAIMS

AHAM has no interest in or authority to limit any claims that do not directly impinge on the validity or credibility of the AHAM Clothes Washer Verification Program scope. Validation of claims made outside the Program parameters requires separate and independent substantiation.

Licensees are encouraged to properly use and promote the Verification Program and the AHAM Mark in product specifications, literature and advertising.

7.1 RULES FOR USE OF THE MARK AND ADVERTISING

Licensees may not use the AHAM Mark or the terms "certified" or "AHAM verified" in connection with advertising to the public in referring to products that are not covered within the AHAM Verification Program or from which certification has been withdrawn. However, Licensees are encouraged to properly use and promote the Verification Program and the AHAM Mark in specifications, literature and advertising.

7.2 DEFINITION OF THE AHAM MARK

The AHAM Mark is the mark issued by AHAM to all manufacturers and private brand resellers of clothes washers that are Licensees in the AHAM Clothes Washer Verification Program. Under this Program, manufacturers certify and AHAM verifies that the Annual Energy Consumption, Water Factor and Modified Energy Factor reported to government agencies are consistent with the measured values determined in accordance with the Test Procedure.

7.3 USE OF THE AHAM MARK

Licensees are provided with an electronic version of the AHAM Mark. Reproduction requirements are included in Appendix D. At the least, Licensees must incorporate the required AHAM Mark on the rating label on the back of the clothes washer. If the AHAM Mark cannot be fit on the rating label, it may be permanently affixed adjacent to the rating label. Licensees are encouraged to promote and use the voluntary AHAM Mark in ways that are visible to the retailer and the consumer. For either approach, the following requirements must be followed:

1. The size of required AHAM Mark shall be no smaller than 0.5” in height and the Mark must be proportionate (see graphic specifications in Appendix D).

2. The required AHAM Mark must be reproduced according to the graphic specifications detailed in Appendix D.

3. The voluntary AHAM Mark must be reproduced in accordance with the graphic specifications in Appendix D.
4. The required AHAM Mark shall be affixed to the clothes washer in a permanent manner and shall be placed where it is visible.

7.4 Statement to Accompany AHAM Mark Reproduction

Reproductions of the AHAM Mark may be used in advertising or promotions; however, there may be no alteration to the AHAM Mark in reproductions. Licensees may use either of the two versions of the AHAM Verification mark to promote the program in collateral materials. When so used, the following statement, or one similar to it, may appear in close proximity to it:

When this AHAM Mark is affixed to clothes washer, it signifies that Annual Energy Consumption, Water Factor and Modified Energy Factor are certified accurate by the manufacturer and verified by the Association of Home Appliance Manufacturers in accordance with the DOE Test Procedure.

7.5 Defining What is Being Certified and Verified

Only the Annual Energy Consumption, Water Factor and Modified Energy Factor are certified and verified. No implication shall ever be made that the AHAM Mark covers any other feature, performance or safety factor.

7.6 Reference to the Program Laboratory

Any reference to the Program Laboratory under contract to AHAM must clearly indicate that its function in the Program is limited to testing and technical administration.

For instance, the statement “Annual Energy Consumption, Water Factor and Modified Energy Factor are verified by AHAM based on tests by a Laboratory under contract to AHAM” is acceptable. But the statement “Annual Energy Consumption, Water Factor and Modified Energy Factor are verified by AHAM and a laboratory” is not acceptable, for it implies incorrectly that the Program Laboratory has a separate verifying function.

7.7 Submission of Specification Sheets and Promotional Material

Upon request, Program Licensees must forward specification sheets, advertising and promotional materials (i.e., web site copy) for models subject to the Program which refer to, illustrate, or describe certified models. AHAM shall review these to assure that references to the AHAM Mark and Program provisions are in accordance with these recommendations.
7.8 **Examples of Improper Use or Statements Which Might Cause Confusion as to the Scope of AHAM Verification**

Following are examples of practices which must be avoided.

1. Use of an incomplete or poorly reproduced version of the AHAM Mark. (All printed information on the mark must be clear and legible.)

2. Statements that might cause confusion as to the scope of AHAM verification. For example:

   Accurate use of the AHAM Mark and statement as to scope, except that the statement is immediately followed by: "You know that you are getting all the water and/or energy savings you are paying for." (AHAM makes no verification as to the sales value or the energy savings of any particular model.)

   "AHAM rated Annual Energy Consumption, Water Factor and Modified Energy Factor. The Association of Home Appliance Manufacturers’ Mark is found on all (brand name) clothes washers and signifies that all performance data stated are verified as accurate." (All performance data are not verified.)

   "Every clothes washer rating is AHAM verified." (Every rating is not verified).

   "AHAM certified Annual Energy Consumption, Water Factor and/or Modified Energy Factor." (The Annual Energy Consumption, Water Factor and/or Modified Energy Factor are certified by the Licensee; it is verified by AHAM.)

7.9 **Accurate Representation**

The above examples are typical of kinds of statements or usages which can cause confusion or suggest more than is covered by the scope of the Program. These rules and suggestions were established to properly promote the Clothes Washer Verification Program and are not intended to otherwise limit or restrict participants' advertising. Every circumstance where the principle of accurate representation applies cannot be anticipated and dealt with here. It is the responsibility of the Licensee not to misrepresent their status in the Program under any circumstances. If there are questions, Licensees should submit intended uses of the Mark, draft advertisements and/or any other certification claims to AHAM for advanced review.
7.10 Discontinuing Use of Mark and References to AHAM Verification Program

Upon withdrawal or termination from the Program, a Licensee must immediately discontinue use of the AHAM Mark and discontinue publication of documents (including advertisements, websites, etc.,) containing the AHAM Mark or any reference to the Licensee’s participation in the verification program.

The Licensee must also notify all channels in their first line of distribution of the withdrawal or termination. This notification is required to ensure that the initial customers to whom the Licensee is selling are made aware of the removal of products from the AHAM verification program.
APPENDIX A: APPROVED TEST PROCEDURE CLARIFICATIONS FOR USE IN THE AHAM CLOTHES WASHER VERIFICATION PROGRAM

All testing within the AHAM Clothes Washer Verification will be performed in accordance with the following test procedure clarifications:

1. DOE Test Procedure (10 CFR Part 430, Subpart B, Appendix J1)
APPENDIX B: AHAM CLOTHES WASHER VERIFICATION PROGRAM LICENSE AGREEMENT

Clothes Washer Verification Program

LICENSE AGREEMENT

This Agreement, made this ______ day of ________________, 20__, by and between ASSOCIATION OF HOME APPLIANCE MANUFACTURERS (AHAM), a not-for-profit business association incorporated in the State of Illinois, having its principal office at 1111 19th Street, N.W., Suite 402, Washington, DC 20036, hereinafter called "Licensor," and ____________________________________________________ having its principal offices at the following location (full address) ____________________________________________________________, hereinafter called "Licensee".

WITNESSETH:

WHEREAS, The U.S. Department of Energy (DOE) has promulgated a Test Procedure for determining certain performance characteristics for Clothes Washers;

WHEREAS, Licensor is the sponsor of a Verification Program in support of the acceptance and use of that standard and the procedures set forth in the Procedural Guide, all in the public interest, to the end that public confidence in said performance characteristics may be effectively promoted;

WHEREAS, Licensee wishes to participate in said Verification Program;

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

LICENSEE:

A.1. Shall, upon the signing of this Agreement, have (1) the same person signing this Agreement on its behalf and (2) the engineer designated by such person sign and submit to Licensor the Certification Affidavit attached hereto as "Exhibit A."
A.2. Shall abide by and comply with all provisions of the Procedural Guide developed by AHAM for the implementation of the Verification Program.

A.3. Shall abide by, comply with and have the right to be apprised of all decisions made by the governing AHAM product council or committee which affect this Verification Program. This product council/committee shall meet periodically with AHAM staff for communication, advice and counsel on the operation of the Verification Program, and shall determine all policy for the Verification Program.

A.4. Shall abide by the following Verification Program Payment Policy: For verification program participants, if invoices are not paid within 90 days after the invoice date, the participant will be given written notice that they have an additional 45 days to become current, or have its product ratings removed from the Verification Program directory. Removal from the directory will result in termination from the program. If a terminated company wishes to rejoin the program, it will be required to pay all outstanding invoices, and a full year program fees in advance.

LICENSOR AND LICENSEE:

B.1. Agree that the Procedural Guide is an extension of this License Agreement, provides all necessary details for participation in the Verification Program and is incorporated by reference into this Agreement. Revisions to procedures which become effective before the Procedural Guide is reprinted will be outlined in Letters of Instruction from Licensor to Licensees; such letters will automatically amend the Procedural Guide upon issuance.

B.2. Agree that this Agreement shall extend for an initial period of one (1) year and shall be automatically renewable for successive additional periods of one (1) year each unless either party, at least thirty (30) days prior to the date of expiration, gives notice in writing that it does not wish the Agreement to be renewed; provided, however, that either Licensor or Licensee may terminate this License Agreement upon sixty (60) days' written notice to the other party.

B.3. Agree that in the event that Licensee defaults under this Agreement, Licensor may immediately exclude Licensee from the Program by written notice sent by certified mail to Licensee. Under such circumstances, this Agreement will be considered void upon the date of Licensee's receipt of said written notice, and the remaining provisions concerning exclusion of a Licensee outlined in the Procedural Guide shall be followed.
B.4. Agree that the initial data on Licensee’s certified rating(s) for models subject to the Program as submitted to the independent testing laboratory under contract to AHAM on forms provided by that laboratory (see the Procedural Guide) shall not be treated as confidential by either the laboratory or Licensor.

B.5. Agree that in the event Licensor promptly notifies all participants of any incorrect rating published in any Verification Directory, supplement thereto, or elsewhere, Licensee agrees not to hold Licensor liable in any way for any damage caused by any such incorrect published rating or incorrect or improper testing or administration of the Program, unless such damage was the result of an intentional tort, a willful act, or of gross negligence by Licensor in which case the Licensor’s liability is limited to any fees AHAM receives directly or indirectly from the Licensee’s participation in the Program during the period in which incorrect or improper testing or rating or administration of the Program has occurred.

B.6. Licensee acknowledges that it is responsible for compliance with laws or other requirements relating to the products and ratings under this program and shall indemnify and hold harmless Licensor for any violations of such laws or requirements.

B.7. The interpretation of this Agreement and the parties' performance thereunder shall be governed by the laws of the District of Columbia.

B.8. In the event that any part or parts of this Agreement and/or the Procedural Guide are found to be void, the remaining provisions shall nevertheless be binding, to the extent practicable, with the same effect as though the void parts were deleted.

B.9. This Agreement, being the final and complete understanding between the above parties, supersedes and nullifies all prior agreements.
Clothes Washer Verification Program
LICENSE AGREEMENT

To be signed by AHAM President:

ASSOCIATION OF HOME APPLIANCE MANUFACTURERS (Licensor)

Signed by: 

Joseph M. McGuire, AHAM President

Date:

To be completed by Licensee [See page 4 also]:

Company Name ___________________________ (Licensee)

Print Name: _______________________________

Title: _____________________________________

Date: ____________________________________
"Exhibit A"

CERTIFICATION AFFIDAVIT
(To be completed by Licensee)

The undersigned hereby certify and state, on behalf of ________________________________
_________________________________ (Licensee) that the ratings of modified energy factor in cubic foot per kilowatt-hour per cycle and water consumption in gallons per cycle per cubic foot for Clothes Washer models submitted for Verification under the foregoing program by said Licensee are accurately determined and stated in accordance with the DOE Test Procedure (10 CFR Part 430, Subpart B, Appendix J1), with additional specificity provided by approved interpretations consistent with the DOE Test Procedure, collectively referred to as “Test Procedure”.

To be completed by Engineer [Reference Section A.1 (2)]:

Signed by: ____________________________________________

Print Name: ____________________________________________

Title: ____________________________________________

Date: ____________________________________________

To be completed by same individual that signed the License Agreement on page 3 [Reference Section A.1 (1)]:

Signed by: ____________________________________________

Print Name: ____________________________________________

Title: ____________________________________________

Date: ____________________________________________
Exhibit “B”

PRIMARY CONTACT FOR TECHNICAL ISSUES

(Note: All verbal and written communications will be in English)

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PRIMARY CONTACT FOR INVOICING/BILLING/PAYMENT

(Note: All verbal and written communications will be in English)

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SECONDARY CONTACT FOR ADMINISTRATIVE ISSUES
(Note: All verbal and written communications will be in English)

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SECONDARY CONTACT FOR INVOICING/BILLING/PAYMENT
(Note: All verbal and written communications will be in English)

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# APPENDIX C: AHAM CLOTHES WASHER VERIFICATION PROGRAM
## CHALLENGE REQUEST FORM

<table>
<thead>
<tr>
<th>Date of Request:</th>
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<table>
<thead>
<tr>
<th>Brand Name:</th>
<th>Model Number:</th>
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<table>
<thead>
<tr>
<th>Manufactured By:</th>
<th>Manufactured For:</th>
</tr>
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<table>
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<tr>
<th>Reason for Challenge (check all that apply):</th>
<th>Required Information for Submittal</th>
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</thead>
<tbody>
<tr>
<td>Water Factor</td>
<td>Reason for challenge</td>
</tr>
<tr>
<td></td>
<td>Test data or calculations to support challenge</td>
</tr>
<tr>
<td>Modified energy factor</td>
<td>Reason for challenge</td>
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<tr>
<td></td>
<td>Test data or calculations to support challenge</td>
</tr>
<tr>
<td>Annual Energy Consumption</td>
<td>Reason for challenge</td>
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<td>Test data or calculations to support challenge</td>
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<td>Algorithm</td>
<td>Reason for challenge</td>
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<td></td>
<td>Test data or calculations to support challenge</td>
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<th>Licensee Approval:</th>
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<table>
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<tr>
<th>Laboratory Approval:</th>
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</thead>
</table>
APPENDIX D: AHAM MARK REQUIREMENTS

Appendix D – Graphic Requirements for AHAM Mark

Required AHAM Mark
Black and White

Voluntary AHAM Mark
4 Color Process

PMS 4495
25% Screen
PMS 4495
PMS 541
50% Screen
PMS 4495

MATERIAL AND
AHAM VERIFIED

100% black shadow behind all white copy

XYZ ELECTRIC COMPANY
MADE IN MEXICO
SOMEPLACE LAND CITY, STATE 12345 USA
www.WebsiteUrl.com

MODEL No.
ABC09876543

LISTED HOUSEHOLD APPLIANCE
92ENK
MINIMUM INSTALLATION CLEARANCES
TOP 1.0 IN. BACK 0.5 IN. SIDES 0.125 IN.
110-127 VAC 60 HZ 11.8 AMPS
4.75 DI. 20002619P002

Required AHAM mark, 0.5 inch in height and width

REQUIRED AHAM MARK
As described in “Use of the AHAM Mark” in the Procedural Guide, Licensees are provided with electronic versions of the AHAM Mark. Licensees must incorporate the AHAM Mark on the rating label found on the inside of the product.

COLOR
The AHAM Mark must be used in black and white.

SIZE
Minimum size for use on the label is 0.5 inch square.

VOLUNTARY AHAM MARK
Licensees are encouraged to promote and use the AHAM Mark in ways that are visible to the retailer and the consumer. The following requirements must be followed when reproducing the voluntary AHAM Mark in collateral materials:

Size
Minimum size for use on the label is 1 inch square.

Spot Colors
- PMS 541 blue
- PMS 4495 gold
- Black

Process Builds
- 4495 = C:0 M:18 Y:91 K:47
- 541 = C:100 M:51 Y:0 K:30

Colors can be printed as spot or process colors.

Web / Collateral / Print:
If possible, do not place over photograph or a busy graphic background.
APPENDIX E: PROGRAM PRODUCTION SURVEY

The AHAM Clothes Washer Verification Program requires that participants in the program complete a Certified Production Survey annually so that testing and administrative fees for the upcoming calendar year can be accurately determined. The information provided in the survey is kept confidential within AHAM.

Attached is a survey sheet with two sections to be completed. The first section addresses reporting your actual certified shipment volume for the twelve-month period of July 1, 2010 through June 30, 2011. The second section is concerned with reporting the total number of model groups of clothes washers as of October 1, 2010 (the beginning of the program year). Participants will be required to pay the initial testing fees at the beginning of each program year. Participation fees will be invoiced quarterly during the calendar year based on the fees shown on the attached survey form. The 2011 participation fees for January thru June will be invoiced upon program startup.

Please note that “Officer Verification” is required to verify all figures reported to AHAM Verification Programs for accuracy and completeness.

It is very important that the survey is returned by the due date.

If you believe that the survey should be directed to someone else within your organization, please forward the survey to that individual and immediately notify Jessica Bibins via e-mail at jbibins@aham.org. Thank you for your cooperation.
INSTRUCTIONS

1. Review instructions and Guidelines.
2. Fill out Certified Production Survey as described on the form.
3. Review Billing Information.
4. Have an officer execute the Officer Verification Form.
5. Return Certified Production Survey and Officer Verification Form to:
   Peter Frank, Vice President, Finance and Administration
   AHAM Accounting Department
   Association of Home Appliance Manufacturers
   1111 19th Street NW Suite 402
   Washington, DC 20036
   FAX: (202) 872 9354
   E-MAIL: pfrank@aham.org

GUIDELINES FOR OUTSOURCED UNIT PRODUCT REPORTING

Please use the following guidelines to determine which entity involved in an outsourcing agreement is responsible for reporting and ensuring payment of the verification program fees.

1. If a Licensee buys products from another Licensee, the manufacturing licensee is responsible for the resulting verification fees and must therefore include the outsourced units in its own production figures (i.e., count the outsourced units as their own production).

2. If a Licensee buys products from a non-licensee, the Licensee is responsible for the resulting verification fees and must therefore include the outsourced units in its product figures (i.e., count the outsourced units as their own production).

3. A retailer who is a private brand owner and purchases units from both Licensee and non-Licensee manufacturers must be a Program Licensee and must claim the units manufactured by the non-Licensee as its production and will be responsible for all fees associated with these models.

4. In the case of an alternative arrangement (i.e., selling licensee agrees to pay the verification fees), the purchasing licensee has the ultimate responsibility of ensuring the outsourced product production data is properly reported and verification fees are paid.

BILLING INFORMATION

- January through June verification participation fees will be invoiced upon startup. 3rd and 4th quarter participation fees will be invoiced at the beginning of their respective quarters.
- The initial testing fee will be invoiced upon receipt of the completed Production Survey.
- The Testing fees are:
  - $2,850 for Manual Fill units
  - $3,750 for Adaptive Fill units
  - $4,850 for Combination (Manual and Adaptive Fill) units.
AHAM CLOTHES WASHER VERIFICATION PROGRAM
CERTIFIED PRODUCTION SURVEY
RETURN with License Agreement – by July 31, 2011

OPTIONS FOR RETURNING COMPLETED FORMS
Via E-MAIL to Peter Frank at pfrank@aham.org
OR
Via FAX to Peter Frank at FAX No.: (202) 872 9354.

Send Invoices to:

<table>
<thead>
<tr>
<th>Company</th>
<th>Name</th>
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<table>
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Calculate Participation Fees—reporting period July 1, 2010-June 30, 2011

1. Enter your **company’s certified clothes washer shipments during** the twelve (12) months period **July 1, 2010 thru June 30, 2011.**

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<thead>
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<tr>
<td>(a) ≤ 1M shipments</td>
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<tr>
<td>$________</td>
</tr>
<tr>
<td>(b) &gt;1M shipments</td>
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<td>$________</td>
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**TOTAL PARTICIPATION FEE**
(a+b)
$________

Calculate Number of Model Groups as of October 1, 2010

Determine the **Initial Testing Fee:**
Multiply number of Models to be tested (10% of Line 4 total rounded up to whole number) by:
- $2,850 for Manual Fill models x (# Basic models _____ x 10% = RUWN) =
- $3,750 for Adaptive Fill models x (# Basic models _____ x 10% = RUWN) =
- $4,850 for Combination Fill models x (# Basic Models _____ x 10% = RWUN) =

[Minimum of 2 units will be tested, in total] [RUWN = Round Up to Whole Number]

Testing Fee:
(Manual Fill)*
$________
(Adaptive Fill)*
$________
(Combination Fill)*
$________

*Selection of multiple samples for ENERGY STAR® may result in additional testing fees. Invoice will be for actual testing fees based on model selection by program lab.
OFFICER VERIFICATION

I have examined the attached Confidential Certified Production Survey information and billing information. In accordance with the instructions and definitions contained on this form, to the best of my knowledge the information presented on this form is complete and accurate.

Signed _______________________________

Printed _______________________________

Title _________________________________

Date _________________________________
APPENDIX F: ENERGY STAR VERIFICATION TESTING

THIRD PARTY CERTIFICATION IMPLEMENTATION
ENERGY STAR® PRODUCTS

SUBJECT: ENERGY STAR Verification Testing for Certification Bodies -
Test Sample Sizes and Determining Testing Failures (Non-Lighting Products)

DIRECTIVE NO. 2011-04
Date: 5/09/2011

Introduction
The third-party certification requirements put in place by the U.S. Environmental Protection
Agency (EPA) for ENERGY STAR products include provisions for verifying the performance of
qualified products through verification and challenge testing. In conjunction with the verification
program being run by certification bodies (CBs), the U.S. Department of Energy (DOE) intends
to continue to operate a parallel, targeted verification testing program for ENERGY STAR
products that also evaluates how models comply with Federal energy conservation standards.
More information on DOE’s program is available at

Consumers who rely on the ENERGY STAR label in making a purchase decision expect that
the unit they purchase will meet ENERGY STAR requirements. EPA has traditionally
established program testing requirements with the intention of fulfilling that consumer
expectation and ensuring that all units of a qualified model, irrespective of manufacturing and
testing variability, meet the ENERGY STAR performance requirements. For certain product
categories currently subject to Federal energy conservation standards, the ENERGY STAR
specification has allowed for testing consistent with DOE standards, which require testing a
sample comprised of no less than two units, and using statistical methods to determine the
certified rating of each basic model. Recognizing this variation in sample size approach for
qualification, EPA and DOE are proposing that products will be tested for purposes of
verification consistent with how they were tested for purposes of qualification using one of the
following approaches:

1. If a product was qualified based on a single test, which ENERGY STAR specifications
   require for products not subject to Federal energy conservation standards, then
   verification testing will involve a single test.¹

2. If a product was qualified based on multiple test samples, (e.g., per DOE certification
   sampling plan associated with Federal energy conservation standards²), then four units
   will be procured at once for verification testing. A spot check will be performed on the
   first unit. If the test result of the spot check fails by 5% or more, the additional 3 units
   will be tested and statistical methods applied to the results for purposes of determining a
   failure.

Testing failures will be referred to EPA for further consideration and a final determination
regarding ENERGY STAR compliance. Testing failures that indicate a potential issue with
respect to Federal energy conservation standards will be referred to DOE for further testing
consistent with DOE’s sampling plans for enforcement testing of products as outlined in 10 CFR
Part 429.

¹Approach 1 will apply if multiple tests are required to determine qualification, but all units must
individually meet the ENERGY STAR requirements (e.g., displays, imaging equipment).
² Approach 2 may also apply to products not subject to Federal energy conservation standards if the
ENERGY STAR specification allows for and the manufacturer chooses to qualify a product based on a
statistical combination of tests on multiple units.
**Determination of Testing Failure for the ENERGY STAR Verification Program**

The following approaches will be applied by DOE and CBs when conducting verification testing of ENERGY STAR products, depending on how the product was originally qualified.

**Approach 1:** Manufacturer qualifies product for ENERGY STAR based on one representative model

One unit will be selected, obtained, and tested. Consistent with requirements for ENERGY STAR qualification, the measured performance must be equal to or better than the ENERGY STAR specification requirements.

\[
\text{Consumption}_{\text{Test}} \leq \text{ESTAR consumption specification}
\]

\[
\text{Efficiency}_{\text{Test}} \geq \text{ESTAR efficiency specification}
\]

**Approach 2:** Manufacturer qualifies product for ENERGY STAR based on multiple test samples

Four units will be selected and obtained at once. One unit will initially be tested for a spot check. If the tested unit fails to meet the requirement by less than 5% of the applicable ENERGY STAR specification, no further tests will be conducted and the model will be considered to meet ENERGY STAR requirements. If the measured performance is not within this range, the three additional units will be tested immediately. In this case, manufacturers shall not be notified of the spot check test results until all four units are tested, at which time a testing failure can be determined.

Test results from the four units will be used to determine if the model meets the ENERGY STAR specification. DOE may also use these results for evaluation of compliance with Federal energy conservation standards.

The following will be calculated on the sample of four units:

\[
x = \frac{1}{n} \left( \sum_{i=1}^{n} x_i \right)
\]

\[n = 4 \text{ (number of units tested)}\]

\[X_i = \text{measured energy efficiency or consumption from test } i\]

\[
s = \sqrt{\frac{\sum_{i=1}^{n}(x_i - x)^2}{n - 1}}
\]

\[s_x = \frac{s}{\sqrt{n}}\]

\[LCL = EES - t s_x\]

\[UCL = EES + t s_x\]

\[EES = \text{energy efficiency specification or standard}\]

\[t = 3.182 \text{ (97.5% one-sided student's t statistic for a sample size of 4)}\]

\[ECS = \text{energy consumption specification or standard}\]

\[5\% \text{ tolerance on } LCL \quad LCL(0.05) = 0.95 \times EES\]

\[5\% \text{ tolerance on } UCL \quad UCL(0.05) = 1.05 \times ECS\]
For an energy efficiency specification, the $LCL$ and $LCL(0.05)$ are compared, and the greater value is compared to the mean ($x$). The model meets the ENERGY STAR specification if the sample mean is equal to or greater than the lower control limit.

$$\text{Mean } (x) \geq \text{LCL or LCL (0.05), whichever is greater}$$

For an energy consumption specification, the $UCL$ and $UCL(0.05)$ are compared, and the smaller value is compared to the mean ($x$). The model meets the ENERGY STAR specification if the sample mean is equal to or less than the upper control limit.

$$\text{Mean } (x) \leq \text{UCL or UCL (0.05), whichever is smaller}$$

**Consequences of Testing Failures**

CBs are required to report testing failures to EPA within 2 days of determining a testing failure. EPA will then notify the manufacturer and provide 20 days for a written response. This may include the submission of additional relevant information to EPA. EPA will review submitted information from the manufacturer and determine if any additional evaluation is necessary. Where applicable, EPA will consult DOE regarding the appropriate application of test methods.

EPA will provide additional time to resolve questions of potential non-compliance as appropriate. If a decision is made to disqualify the product, the manufacturer will be required to discontinue labeling of the product and institute other corrective actions as directed by EPA.

**Relationship to Enforcement of Federal energy conservation standards**

If verification testing performed in support of the ENERGY STAR program suggests that a model is not compliant with Federal energy conservation standards, DOE will proceed in accordance with 10 CFR Part 429, as appropriate.

**Relationship to Enforcement of DOE Certified Ratings**

If verification testing performed in support of the ENERGY STAR program suggests that the test data do not support the DOE certified rating, DOE will proceed in accordance with 10 CFR Part 429, as appropriate.