



1111 19th Street NW > Suite 402 > Washington, DC 20036
t 202.872.5955 f 202.872.9354 www.aham.org

December 20, 2013

By E-mail

Amy Bunk
Director of Legal Affairs and Policy
Office of the Federal Register
800 North Capitol Street, NW
Suite 700
Washington, DC 20001

Fedreg.legal@nara.gov

Re: AHAM Comments on the Office of Federal Register's
Partial Grant of Petition and Notice of Proposed Rulemaking on
Incorporation By Reference; Docket No. OFR-13-0001; RIN 3095-AB78

Dear Ms. Bunk:

The Association of Home Appliance Manufacturers (AHAM) respectfully submits the following comments to the Office of Federal Register (OFR) on its Partial Grant of Petition and Notice of Proposed Rulemaking on Incorporation By Reference; Docket No. OFR-13-0001; RIN 3095-AB78; 78 Fed. Reg. 60784 (Oct. 2, 2013).

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's more than 150 members employ tens of thousands of people in the U.S. and produce more than 95% of the household appliances shipped for sale within the U.S. The factory shipment value of these products is more than \$30 billion annually. The home appliance industry, through its products and innovation, is essential to U.S. consumer lifestyle, health, safety and convenience. Through its technology, employees and productivity, the industry contributes significantly to U.S. jobs and economic security. Home appliances also are a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

AHAM is also a standards development organization, accredited by ANSI. The Association authors numerous appliance performance testing standards used by manufacturers, consumer organizations and governmental bodies to rate and compare appliances.

The OFR proposed to require agencies to include in rule preambles a discussion of the actions the agency took to ensure the materials are reasonably available to interested parties or to summarize the contents of the materials they wish to incorporate by reference.

The Department of Energy (DOE) often incorporates by reference AHAM's standards in its test procedures for measuring energy to comply with standards set per the energy conservation program. This approach has allowed experts on the products being tested (i.e., AHAM's members) to develop test procedures through a voluntary, consensus based process. It has also allowed DOE to be involved in the process through its test procedure rulemakings. And the result has been a uniform approach to testing the regulated products. This benefits stakeholders, the Federal government, and ultimately, consumers of these products.

Recognizing the increasing interest by the Federal government and other parties in ensuring the reasonable availability of standards that government agencies incorporate by reference in their regulations, AHAM is one of 14 founding organizations participating in ANSI's new Incorporated by Reference (IBR) Standards Portal.¹ The ANSI IBR Standards Portal is an innovative solution for voluntary standards to be made available without cost to parties that need access to them because of the related government action. The portal is specifically designed for the standards that federal agencies incorporate by reference into their regulations. Standards on the portal are available for reading online at no charge; downloading or printing the standards has an associated charge determined by the organization that authors the standards. We believe this tool will allow any interested party to access important voluntary standards in real time while also allowing standards developing bodies, such as AHAM, to maintain individual policies on the sale of their standards. This new and innovative tool will help Federal agencies comply with the rule OFR's proposed rule.

AHAM appreciates the opportunity to submit these comments on OFR's Partial Grant of Petition and Notice of Proposed Rulemaking on Incorporation By Reference and would be glad to discuss these matters in more detail should you so request.

Respectfully Submitted,



Jennifer Cleary
Director, Regulatory Affairs

¹ <http://ibr.ansi.org>