



Department of Energy  
Washington, DC 20585

May 22, 2012

VIA EMAIL

Ms. Leslie Jones  
ENERGY STAR Program  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 62023  
Washington, DC 20460

Dear Ms. Jones:

The U.S. Department of Energy ("DOE") selected an Avanti Products ("Avanti") refrigerator, basic model BCA4560W-2 ("model BCA4560W-2"), for testing as part of the DOE's ENERGY STAR<sup>®</sup> Verification Testing Program. On April 6, 2012, DOE notified Avanti that the model did not meet the ENERGY STAR energy efficiency requirement for maximum permitted annual energy usage. DOE gave Avanti until April 27, 2012, to respond.

Avanti responded to DOE via email, submitting various documents, on April 27, 2012. Avanti explained that it had randomly selected units of model BCA4560W-2 for testing at third-party labs in 2009 and 2010 and that the test results indicated that the model met the ENERGY STAR specification. Avanti also noted that it only manufactured and distributed model BCA4560W-2 through 2010.<sup>1</sup>

Avanti argued that the units that DOE tested performed below the ENERGY STAR requirement for two reasons. First, Avanti claimed that some of the units had "patent" and "documented" damage. The test reports for the tested units, however, do not depict any damage. Furthermore, DOE is unaware of any other evidence that these units were damaged. Avanti also claimed that some of the units "no doubt . . . had latent damage" because they were transported to Canada for testing. DOE is not persuaded by this argument; units are often shipped long distances without being damaged and Avanti has not presented any evidence of damage due to shipping in this case.

Second, Avanti claimed that because the units that DOE tested were all more than a year old at the time of testing, "thermostat degradation [had] occurred" by the time DOE tested these units. As a result of this degradation, according to Avanti, the DOE-tested units reached colder temperatures at their coldest settings than the Avanti-tested units. DOE also does not find this

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<sup>1</sup> As Avanti acknowledged, however, Avanti did not certify to DOE that it had discontinued this model until 2011.

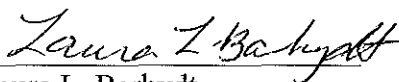


argument persuasive. The ENERGY STAR program is dedicated to ensuring that consumers receive products that meet the ENERGY STAR efficiency requirements. DOE obtained its units through standard retail channels, as a consumer would obtain units.

As noted above, DOE has received a certification report indicating that Avanti has discontinued model BCA4560W-2. In light of DOE's determination that Avanti model BCA4560W-2 does not meet the ENERGY STAR efficiency requirement, however, DOE is referring this matter to the Environmental Protection Agency, the brand manager for ENERGY STAR.

Please feel free to contact me at 202-287-5772 should you require any further information.

Sincerely,



Laura L. Barhydt  
Assistant General Counsel  
for Enforcement

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