



**Department of Energy**  
Washington, DC 20585

December 22, 2011

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:

On November 1, 2011, the United States Department of Energy ("DOE") notified Grainger Global Sourcing ("Grainger") that DOE had completed testing of the Dayton-brand refrigerator-freezer model 5NTX1 under the ENERGY STAR<sup>®</sup> Verification Testing Pilot Program and explained that the model did not meet the ENERGY STAR energy efficiency requirement for maximum permitted annual energy usage. DOE gave Grainger until November 20, 2011, to provide conclusive manufacturing or design evidence or quality assurance information rebutting DOE's test results.

Grainger responded to DOE via email, submitting various documents, on November 18, 2011. Most importantly, one document pointed out that DOE's test lab had erred by setting the temperature controls to "3," rather than the midpoint between "3" and "4," when DOE test procedures required the lab to set the controls at "their median position midway between their warmest and coldest setting." See 10 C.F.R. Part 430, Subpart B, Appendix A1, § 3.2. DOE retested all four units, correcting this error.

Based on DOE's additional testing, DOE has determined that Dayton refrigerator-freezer model 5NTX1 does not meet the ENERGY STAR efficiency requirement. Accordingly, DOE is referring this matter to the Environmental Protection Agency, the brand manager for ENERGY STAR.



Please feel free to contact Laura Barhydt, Assistant General Counsel for Enforcement, at 202-287-5772 should you require any further information.

Sincerely,

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/s/ Timothy G. Lynch  
Deputy General Counsel for  
Litigation and Enforcement

Cc: Amin Ali, Grainger Global Sourcing  
Amin.Ali@grainger.com

Jane Hinton-Kido, Grainger counsel  
Jane.Hinton-Kedo@grainger.com