



## Department of Energy

Washington, DC 20585

September 13, 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 July 18, 2011, the United States Department of Energy (DOE) notified Whirlpool Corporation (Whirlpool) that DOE had completed testing of the Whirlpool (KitchenAid brand) refrigerator model KSRG25FVMS\* under the ENERGY STAR Verification Testing Pilot Program and confirmed that the model did not meet the ENERGY STAR energy efficiency requirement for maximum permitted annual energy usage. DOE gave Whirlpool until August 8, 2011, to provide conclusive manufacturing or design evidence or quality assurance information rebutting DOE testing, which showed that this product did not meet the ENERGY STAR Program's energy efficiency requirement.

Whirlpool responded to DOE in a letter dated August 8, 2011. In its response, Whirlpool states that its internal testing shows that this model is in compliance with the ENERGY STAR Program's energy-efficiency specifications. However, Whirlpool notes that some units of this model may operate below the current test procedure target temperatures (45°F/5°F) when set at the "warm/warm" position and that this will result in increased energy consumption during testing. Whirlpool states that this was a factor in the test results observed by DOE. Whirlpool contends that since actual consumer use of household refrigerators is at a temperature setting below the "warm/warm" setting, actual in-home energy consumption will be the same or similar to models that have warmer "warm/warm" temperatures. As a result, Whirlpool concludes, there is no negative consumer impact by the performance of this model at the "warm/warm" setting. Whirlpool also notes that it halted production of this model on July 22, 2011, with less than 750 units remaining in inventory.

DOE is not persuaded by Whirlpool's arguments. Whirlpool provides no data to show that operating below the test procedure target temperatures when set at the "warm/warm" temperature setting would cause an otherwise compliant unit not to comply with applicable ENERGY STAR Program specifications. Also, Whirlpool does not allege that DOE testing was performed incorrectly. If Whirlpool believes that, with respect to this basic model, the prescribed test procedure evaluates the model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data, Whirlpool may petition for a waiver from the test procedure



pursuant to 10 C.F.R. § 430.27. Having not done so, Whirlpool is subject to the test procedures set forth in the regulations.

Under the circumstances, DOE has determined that Whirlpool (KitchenAid) refrigerator model KSRG25FVMS\* does not meet the ENERGY STAR requirements. Accordingly, DOE is referring this matter to EPA, the brand manager for ENERGY STAR, for appropriate action. Please feel free to contact Laura Barhydt, Assistant General Counsel for Enforcement, at 202-287-5772 should you require any further information.

Sincerely,



Timothy G. Lynch  
Deputy General Counsel for  
Litigation and Enforcement

cc: Mr. J.B. Hoyt, Whirlpool Corporation  
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