



Department of Energy

Washington, DC 20585

July 7, 2011

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

Dear Ms. Jones:

The Perlick Corporation (Perlick) refrigerator model HP48RO-S was selected for testing as part of the U.S. Department of Energy's (DOE) ENERGY STAR® Verification Testing Pilot Program. The Department's initial testing, performed on a unit of this model, indicated that it does not meet ENERGY STAR requirements.¹ For this product, ENERGY STAR allows for an annual electricity usage of up to 314 kWh/yr. Perlick model HP48RO-S tested at 836.4 kWh/yr, or 166% over the maximum allowed rate. DOE asked Perlick to provide conclusive manufacturing or design evidence or quality assurance information on why DOE testing showed that this product did not meet the ENERGY STAR Program's energy efficiency.

On April 20, 2011, DOE agreed to grant an extension for Perlick's reply until May 9, 2011. Perlick responded on that date, indicating that its test results differed from those of DOE. The letter included Perlick's test data and possible causes for the discrepancy – the placement of the thermocouples measuring internal box temperature and the time period during which the compressor was running (compared to off-cycles). The letter also notes that in the report submitted by DOE, there was evidence that devices measuring the electricity use of the compressor were due to be recalibrated.² Accordingly, Perlick requested that additional units be tested in compliance with 10 C.F.R. Part 429 and requested a meeting with DOE to discuss the matter.

Based on its review of Perlick's test data, DOE determined that Perlick's use of temperature set-points that were not in accordance with DOE testing procedures may have contributed to the differences between DOE and Perlick test results; however, DOE does not believe that the temperature set-points could account for such radical differences in the tests. On July 15, 2011, DOE and Perlick held a phone conference during which DOE requested that Perlick submit any additional information it would like DOE and the Environmental Protection Agency (EPA) to consider.

¹ On March 31, 2011, we notified Perlick that DOE was opening an investigation into whether refrigerator model HP48RO-S complied with the federal energy conservation standard set forth in 10 C.F.R. § 430.32(a).

² Although one device was nearing the date for recalibration, the calibration certificates for all devices were valid.



On June 30, 2011, Perlick submitted a letter regarding HP48RO-S, which notes that in response to DOE's investigation, Perlick built and tested another unit, with an outcome more similar to DOE's testing than their own 2009 testing. In response, the company suspended production, halted shipments, and put a notice up on its website that the model would be unavailable. Perlick also recognizes in the letter that a change in the design of the unit may result in new compliance testing and certification of the new model.

Perlick's letter notes, "[a]t no time since 2009 was Perlick notified by the vendors of any changes to the internal components or their energy efficiency, and there has been no reason to believe that the energy efficiency of the HP48R models had changed. [...] Perlick only identified the possible issue upon receipt of DOE's testing results in April 2011." Respectfully, DOE disagrees. Perlick should have identified a potential problem earlier, given DOE's referral of Perlick refrigerator model HP72RO-S to EPA on February 8, 2011. That referral detailed similar efficiency discrepancies between DOE and Perlick testing. DOE remains concerned with the efficiency representations of other Perlick refrigerator models, and DOE's investigation into the compliance of Perlick refrigerators with the federal energy conservation standards remains open.

For these reasons, DOE has determined that Perlick refrigerator model HP48RO-S does not meet the ENERGY STAR requirements. Because this made-to-order model failed by such a large margin, and because Perlick made and tested its own unit with similar results, DOE has determined that, to conserve public resources, no additional units should be tested before referral. Accordingly, DOE is referring this matter to the EPA, the brand manager for ENERGY STAR. Please feel free to contact Laura Barhydt, Acting 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: Peter A. Tomasi, Quarles & Brady LLP
Counsel for Perlick