

From: Charlie Souhrada [mailto:csouhrada@nafem.org]
Sent: Monday, May 09, 2011 3:46 PM
To: ESTAR_Verification_Testing
Subject: Verification Testing Sample Size

On behalf of the North American Association of Food Equipment Manufacturers (NAFEM), thank you for the opportunity to comment on the April 22 document, "DOE Verification Testing in Support of ENERGY STAR". Based on review of the contents, NAFEM encourages DOE/EPA administration to note the following:

- Commercial foodservice equipment (CFE) is produced and sold in relatively low volumes, making this product category significantly different from residential appliances. Grouping CFE with residential appliances is both technically inaccurate and economically impractical because the number of commercial models is significantly larger. For example, CFE models may be custom-fabricated to suit specific customer needs and each may have a different SKU number with identical energy consumption values. This illustrates that a "one-size-fits-all" approach to verification testing for commercial and residential goods may open the door to inaccurate, incomplete test results and unnecessary expenses.
- DOE's April 22 document and the ENERGY STAR Verification Testing for Certification Bodies Draft Guidance document (dated April 25), appear in conflict with regard to sample sizes and testing frequency. These conflicts are confusing and raise the specter of expensive duplication of effort.
- Does the statement in section 6.4, Item 1, imply that the DOE will perform verification tests on models that are ENERGY STAR qualified but not covered by DOE's regulatory program? If so, this represents another unnecessary financial burden with no added benefit. For example, if DOE selects four samples of a single door commercial freezer, the cost to taxpayers for testing this one model could exceed \$32,000. Furthermore, there is nothing in this document that outlines steps to prevent the EPA or the certification body (CB) from selecting the same model under their verification testing program.
- The added costs of using CB's to conduct third-party verification testing are a major concern and cannot be underestimated. The CBs themselves are struggling with what these costs will be (particularly for CFE) as the program is so new. In addition, it is not clear in the DOE document as to who pays for the CB testing. Section 3.1 states that the DOE is responsible for procuring samples for testing. One can make the case that if manufacturers are not allowed to set-up, witness or inspect the units under test (Section 6.3), then manufacturers should not be expected to pay for these services.

- The verification program is redundant as manufacturers already work with CBs to conduct factory audits for safety, sanitation and ISO compliance. This proposal appears to place greater importance to energy use compliance than currently accepted safety and sanitation compliance for CFE. CB audits are sufficient to ensure changes are not made to qualified products that will affect energy performance. It should be noted that EPA administrators visited a manufacturing facility in March to shadow a CB's inspection process and are considering using this proven method of third-party inspection in lieu of verification testing. (NAFEM members are eager to learn the outcome of these discussions.) DOE should follow EPA's lead and consider deploying this proven verification method of third-party (CB) inspection in lieu of testing. This will save taxpayer dollars by not requiring the DOE to procure samples for testing.
- Walk-in refrigerators and freezers should not be on the list in Appendix A since they are not ENERGY STAR qualified at this time.
- Additional items to note:

Page 1, Section 2 – The last paragraph on the page states:

In addition to the CB-run verification programs, the DOE verification testing program will target certain ENERGY STAR products that are also covered by DOE's regulatory program, such as, but not limited to:

- *Central Air Conditioners and Heat Pumps*
- *Clothes Washers*
- *Dishwashers*
- *Freezers*
- *Refrigerators*
- *Room Air Conditioners*
- *Water Heaters*

Does this imply that other categories such as commercial ovens, fryers, steam cookers, etc., may be required to be tested and manufacturers may not receive notice?

In this same section, do the categories include both household and commercial products?

Page 2, Section 3.1 – If the DOE secures third-party test laboratories that have not performed the initial qualification testing, the inter-laboratory differences may result in false failure results.

Page 3, Item 5.1 – It appears the process used by DOE to determine “basic models” from the ENERGY STAR database is problematic at best. There is often insufficient descriptive information available to determine which models are similar and which are not.

Page 4, Item 6.3 – Barring manufacturers from assisting in the set up and test of energy use performance is a mistake that may be detrimental to the overall process. If manufacturers are allowed to perform tests for safety and sanitation under a CB’s supervised manufacturer test lab program, why should they not be trusted to assist in the set-up and witnessing of verification testing? In fact, there may be subtleties of the test that could result in wasted time and effort if not resolved early with manufacturers’ assistance.

Page 7, Item 7.2 – The document states that the “DOE will notify the Federal Trade Commission (FTC) if unlabeled units are found in retail.” There are some commercial products with the same model number but with or without an ENERGY STAR label due to various options. For example, an electrically heated commercial dishwasher is eligible, but steam or gas heat is not.

When the ENERGY STAR program enhancements were originally presented in spring 2010, it was stated that EPA would provide program management services while DOE would provide enforcement. Based on the contents of these documents, it appears both entities will serve similar, overlapping roles. The strong potential for duplication of effort illustrates a need for close coordination between the two agencies and industry stakeholders.

We respectfully request a meeting with DOE, EPA and industry stakeholders as soon as possible to illustrate our concerns, resolve inconsistencies and develop verification program policies that are credible and practical for all. NAFEM’s Director of Member Services, Charlie Souhrada, will contact EPA administrators the week of May 9 to identify potential dates for this joint meeting. In the meantime, if you have any questions regarding these comments, please contact him at +1.312.821.0212; csouhrada@nafem.org.

Finally, it is important to remember that since the ENERGY STAR program began in the commercial foodservice market, NAFEM members have taken an active role in helping to develop it and share in its success. We remain committed to the program and are eager to continue working in partnership with you to ensure its long-term viability and success.

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See you at the NAFEM Annual Meeting & Management Workshop, February 10-13, 2012, J.W. Marriott Hill Country Resort, San Antonio, Texas, USA!