

March 21, 2011

Office of the General Counsel, Department of Energy

Dear Mr. Harris,

The current certification, compliance and enforcement regulations for Commercial Refrigeration Equipment (CRE) "simply makes no sense". The regulations define the basic model as any product that has a different energy use or efficiency level. It does not allow for modeling the performance of our equipment. Our equipment is customized per order and by mixing and matching different combinations we have 118,000 basic models. The requirement to test two models to get an average energy level increases the number of tests to 236,000. At an average test cost of \$3,000, our total costs will be over \$700,000,000. The rule needs to be redone.

I do not think the process the DOE used for Commercial Refrigeration Equipment was fair and it needs to be changed. The DOE began the process by working on efficiency regulations and asked questions about cost and impact on manufacturers and the industry. At no time did the DOE publish or discuss the definition of a basic model for this equipment or limitations on using modeling techniques to determine energy efficiency. When companies were asked the economic impact of the legislation, we could not predict the over burdensome test requirements that resulted from the recent certification, compliance and enforcement rule making. The new certification, compliance and enforcement rules makes the assumptions and outcome of the efficiency regulations invalid. Any future rulemaking needs to be done in tandem with both the efficiency regulation and the certification, compliance and enforcement regulation so the full cost and impact to manufacturers can be determined.

The certification, compliance and enforcement rules basically ignore and discount the value of voluntary test programs like the equipment certification program AHRI operates. These programs operate at no cost to the government or tax payer and provide an accurate method for validating the performance of our equipment. The public is certain about the performance of product certified by these programs.

The government assumes we are guilty of non compliance unless we prove otherwise. Manufacturers should be able to do in-house testing and modeling and after applying sound engineering principles certify the rating they publish. If there is a question about the rating, the government can do challenge tests on the product and level penalties if companies are cheating. The federal government is overstepping its reach in the private sector by assuming all product fails to meet the standard unless the manufacturer can prove otherwise.

Sincerely,

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