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General Comment

See attached file(s)

Attachments

DOE-HQ-2011-0014-DRAFT-0004.1: Comment on FR Doc # 2011-02368

From: Dan Manole, Regulatory Compliance Manager, Hussmann Corporation

To: U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue, SW., Room 6A245, Washington, DC 20585

Re: Regulatory Burden RFI

March 24, 2011

Hussmann manufacturer of commercial refrigeration products, appreciates the opportunity to comment on the Department of Energy's Request for Comments on the topic of the Regulatory Burden notice of published in the Federal Register on February 3, 2011. Our comments on several issues listed in the proposed RFI follow.

(7) Are there regulations, reporting requirements, or regulatory processes that are unnecessarily complicated or could be streamlined to achieve regulatory objectives in more efficient ways?

The certification of commercial refrigeration products is unnecessarily complicated.

The DOE commercial refrigeration certification program is mixing a prescriptive approach (the energy allowance) with a performance approach. The DOE commercial refrigeration certification program is collecting a detailed accounting every energy saving option at the cost of imposing the commercial refrigeration the burden of testing every possible combination of energy saving feature.

The commercial refrigerators manufacturers are requested to test and provide an accurate energy consumption value for each possible combination of energy consuming design options before a customer even orders such product (at the time the product is just offered to the customer in a catalog with all possible options.) It is true, such detailed accounting of energy trade-offs among design options is possible by using computer methods. However, the use of a computational method is not accepted currently by the DOE commercial refrigeration certification program for rating the energy consumption of commercial refrigeration equipment.

(9) Are there any of the Department's regulations that fail to make a reasoned determination that its benefits justify its costs; or that are not tailored to impose the least burden on society, consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; or that fail to select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity)?

The comments provided for question #7 are valid for this question also.

DOE has not considered the option of an alternative rating method, particularly NSF II, for equipment which is normally sold and rated that way.

The manufacturers of commercial refrigeration products for perishable food are complying with the Food Code/NSF product temperature regulations. Every refrigerated case that displays perishable food

must hold every product at a temperature of maximum 41 deg. F. Accordingly, the integrated average temperature of the products placed in the entire refrigerated case results to be less than 38 deg F.

However, according to the DOE Energy Conservation Standards and Test Procedure, the refrigerated display cases must be tested at the higher integrated averaged temperature of 38 deg. F.

Because of the fact that the integrated averaged temperatures are different between food safety and the DOE energy rating tests, the manufacturer has to test twice same display case.

The energy consumptions at NSF test conditions is higher than it would be at DOE test conditions. If the display case energy consumption at NSF test conditions is less than the DOE energy allowance, it appears to be an overkill to repeat the test at the DOE energy consumption just to know how much less than the energy allowance is the energy consumption of the perishable food refrigerated case at the DOE test conditions.

The energy consumption at the Food Code/NSF operating conditions is relevant because that is how a display case for perishable food will be operated. The customer wants to know the energy consumption at the NSF test conditions because that is the energy that the customer ends up paying. The value of the energy consumption at the NSF conditions needs to be known by the refrigeration system manufacturer also for sizing the parallel racks and the remote condensing units.

I would hope the Department will help the commercial refrigerators manufacturers understand why an alternative rating method, perhaps with a translation table or formulas, for deemed to comply, if rated under NSF II might not be an appropriate path for the Department?

The 75 FR 71596 I. Authority and Background A. Authority says “EPCA contains specific provisions relating to test procedures for commercial refrigeration equipment. Test procedures for commercial refrigerators, freezers, and refrigerator freezers must be: (1) The test procedures determined to be generally accepted industry testing procedures; or (2) rating procedures developed or recognized by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) or by the American National Standards Institute (ANSI). (42 U.S.C. 6314(a)(6)(A)(i))” According to this paragraph, the NSF 2 rating method with an appropriate energy criterion, is an acceptable alternative to the AHRI/ASHRAE pair of standards.

There is an apparent disconnect between the EPA and DOE also. The commercial refrigeration manufacturers must comply with EPA regulations regarding the use of new refrigerants and a maximum charge of those refrigerants. However, compliance with such regulations comes often with an energy consumption penalty. The result is that complying with both DOE and EPA regulations leads to very few options regarding product offering and applications, thus it limits the opportunity for innovation.

(10) How can the Department best obtain and consider accurate, objective information and data about the costs, burdens, and benefits of existing regulations? Are there existing sources of data the Department can use to evaluate the post-promulgation effects of regulations over time? We invite

interested parties to provide data that may be in their possession that documents the costs, burdens, and benefits of existing requirements.

(11) Are there regulations that are working well that can be expanded or used as a model to fill gaps in other DOE regulatory programs?

The AHRI Certification program is a very good benchmark for a VICP. The AHRI Certification Program per se is simple and can be reproduced by other entities like Underwriters Laboratory and Intertek. The AHRI has more than 30 Certification Program for a variety program over several years. That Certification programs, including the criteria to sort models in base model groups and to validate AEDMs, have been developed from expert from the very industry that produces the equipment being manufactured. One should also consider that the AHRI certification program, while voluntary, it comes at a cost. That fact represents a proof the value added of the AHRI certification and the acceptance of the AHRI certification by the HVAC&R equipment users.

Hussmann does strongly recommend for the DOE to find means to use the industries proven experience in rating a large variety of products. The AHRI VICP is a very good example.

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