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Ms. Kathleen Vokes  
ENERGY STAR Program  
U.S Environmental Protection Agency  
Climate Protection Partnership Division  
1200 Pennsylvania Ave. NW  
Washington DC

May 28, 2010

Subject: Draft Lab Requirements

Dear Ms. Vokes:

I am writing on behalf of Manitowoc Ice in response to the proposed Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program.

We fully support the principles that underlie the general requirements outlined for laboratories submitting qualification data to EPA for the ENERGY STAR Program. We have reviewed the elements of ISO/IEC 17025, and agree that these elements form a solid foundation for accurate and unbiased measurement and reporting of the energy efficiency performance of our commercial automatic ice machines. As an ISO 9001 company, we already have in place similar policies, periodic reviews, audits, management system, quality system, and corrective action process that form the key elements of ISO/IEC 17025.

We have performed a detailed comparison of the requirements defined by ISO/IEC 17025 against those defined in the Data Acceptance programs operated by UL, ETL, and other independent certification bodies. These Data Acceptance programs are modeled after ISO/IEC 17025 and include all of the critical elements by reference to the appropriate sections of ISO/IEC 17025. We strongly urge EPA to consider the Data Acceptance program as equivalent to the accreditation of a manufacturer's laboratory to ISO/IEC 17025. UL, ETL, CSA, NSF, and other certification bodies have demonstrated the effectiveness of their Data Acceptance programs through a very successful history in enforcement of their safety standards. We are very concerned with the time it will take to complete the accreditation process for our laboratories, and feel that the Data Acceptance option could help reduce the overall timeframe to satisfy EPA's requirements without any loss of program integrity.

EPA has also proposed requirements for manufacturers' "in-house" labs that go beyond those stated in ISO/IEC 17025. Some of these requirements are impractical and would effectively discriminate against those employees working in the test laboratories. Specifically:

- Laboratory employee compensation or annual bonuses are not tied to the financial performance of the parent company
- Laboratory engineering personnel do not originate with or return to the parent company, or otherwise look to the parent company for career advancement

Our lab employees are an integral part of our Company and its product development process, and they have a right to be rewarded for the successes of the Company. The credibility of our brands and the satisfaction of our customers demands that they provide accurate and unbiased measurement of the performance of the products that are tested. We are also an equal opportunity employer that provides opportunities to all

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persons, inside and outside our company, to apply for positions in any part of the company to advance their career. Segregating career advancement for the lab staff outside of the parent company would work against our goals of talent development and management.

ISO/IEC 17025 very clearly defines the policies and organizational structures that must be established and demonstrated to the satisfaction of the accreditation body to ensure independence and freedom from influence for laboratory testing conducted by an in-house lab. This, along with a verification process involving random audit testing by an independent third party lab, financial penalties and disqualification from the ENERGY STAR program for verification failures, and the required calibration and validation of test methods and instrumentation is sufficient to ensure unbiased and impartial reporting of product performance. In addition, the use of a Data Acceptance program would allow an additional layer of scrutiny, since the certification body is required to review all submitted data and reserves the right to challenge and re-test at any time.

If the only option becomes the use of third-party labs for all qualification testing, there could be significant delays in development of new product due to backlog at available labs and the additional time required for third party testing. The added cost for third party tests, and the underutilization of the in-house labs that we have already made significant investment in will place a large financial burden on continued participation in ENERGY STAR.

Manitowoc Ice is a strong proponent of the ENERGY STAR program. We understand and support the effort by EPA to ensure the credibility, transparency, and impartiality of ENERGY STAR. We appreciate the opportunity to provide input, and look forward to working with EPA to develop a partnership solution that satisfies the needs of both industry and EPA.

Regards,

Daryl G. Erbs  
Director of Engineering  
Manitowoc Ice