



2111 Wilson Boulevard Suite 500 Arlington VA 22201-3001 USA
Phone 703 524 8800 | Fax 703 562 1942
www.ahrinet.org

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Ms. Ann Bailey
Branch Chief
ENERGY STAR Products
U.S. Environmental Protection Agency
(EnergyStarProducts@energystar.gov)

Re: AHRI Comments on ENERGY STAR Standard Operation Procedure, Revising or Establishing an ENERGY STAR Product Specification

Dear Ms. Bailey:

These comments are submitted by the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) in response to the Environmental Protection Agency (EPA) request for comments on the re-examination of ENERGY STAR guidelines and procedures which was issued on November 20, 2017.

AHRI is the trade association representing manufacturers of heating, cooling, water heating, and commercial refrigeration equipment. More than 300 members strong, AHRI is an advocate for the industry and develops standards for and certifies the performance of many of the products manufactured by our members. In North America, the annual output of the HVACR and water heating industry is worth more than \$44 billion. In the United States alone, the HVACR and water heating industry supports 1.3 million jobs and \$256 billion in economic activity annually.

While AHRI is largely supportive of the draft guidelines and procedures, as improving the process supports the mission that EPA's ENERGY STAR is not only a program to identify high efficiency products, but also a program to provide confidence to a consumer in the product they are purchasing; however, there are several proposals which do not translate well to products AHRI members produce. AHRI works with its members to provide EPA with feedback on specifications for Automatic commercial ice makers; Commercial Packaged Boilers; Commercial Refrigerators and Freezers; Commercial Water Heaters; Furnaces; Geothermal Heat Pumps; Light Commercial HVAC; Residential Air Source Heat Pump (ASHPs); Central Air Conditioner Equipment; Residential Boilers; and Residential Water Heaters. We understand that, with over 75 programs, the 11 programs AHRI members participate in, and AHRI helps to administer, are in the minority; however, standard operating procedures do need to adequately account for all products. Therefore, we have the following comments on the proposal for revising or establishing an ENERGY STAR Product Specification:

Comment Periods

While EPA is recommending a four-week comment period for framework document and draft proposals, it only recommends a two-week period for interim decision memos and final draft specifications. Within this EPA process, a final draft is intended to reflect a resolution of all comments and would not generally introduce any new proposals; however, the possibility does exist. In general, a minimum two-week comment period for final draft specifications is acceptable, unless new proposals or changes are adopted. For these situations, EPA has provided for the possibility of extending the comment period, which is appropriate. AHRI recommends that EPA adopt a four-week minimum for interim decision memos as this process is intended to provide EPA with formal stakeholder input on a specific topic or limited set of topics between draft proposals. Generally, formal input from industry requires at least four-weeks to collect, review, coordinate, and submit.

Data Transparency

EPA is interested in compiled industry data being shared more transparently and consistently across product categories; however, data on numerous products, in diverse markets require different treatment to properly share market information. Current practice is for AHRI to share market information as transparently as possible without exposing the market share of individual members. We would welcome additional thoughts from EPA on this, but aforementioned constraints may prevent us from making significant changes to the current practice.

Opportunity for Appeal

AHRI supports the opportunity for appeal and the ability for EPA to reopen a specification for comment.

Use of Industry Standards

The continued use of industry standards for non-federally regulated products, is critical for the ongoing success of the ENERGY STAR program. Indeed, the 1996 National Technology Transfer and Advancement Act (NTTAA) mandates that all federal agencies use technical standards developed and adopted by voluntary consensus standards bodies, as opposed to using government-unique standards. AHRI, as a standards development organization (SDO) accredited by American National Standards Institute (ANSI), follows the ANSI essential requirements for openness, balance, consensus and due process to develop American National Standards. AHRI standards are all publicly available for free download on AHRI's website www.ahrinet.org.

Test Procedure Development or Validation

The concept of drafting a new test procedure is inconsistent with the concept of the ENERGY STAR program. ENERGY STAR programs should be set up only for established products where there is a range of efficiencies and an established test procedure. Drafting a test procedure leans in the direction of promoting a specific product that is new to the market rather than identifying those products that are the most efficient of those currently available on the market. Also, ENERGY STAR specifications should

refrain from including requirements beyond energy efficiency such as additional features, warranties, and other specifications that relate to product quality or user attributes. The industry is supportive of requiring compliance with safety standards, as should be EPA.

EPA's statement, "The ENERGY STAR Program is generally inclusive of all product sizes and capacities unless constrained by practical considerations such as the lack of a relevant test procedure, insufficient available performance data, or associated performance trade-offs," which is about including all sizes and capacities does not apply to AHRI member's products. The ENERGY STAR program cannot cover every size of boiler, furnace, air conditioner, etc....

Analysis of Performance Data

It is not completely clear what EPA means by stating that they must go beyond available data and anticipate the market. Is EPA referring to cases where an amended standard is scheduled to go into effect and it requires EPA to adjust its specification? Once we have clarification on this, we can provide feedback on EPA's need to set specifications based on forecasting of market trends rather than using currently available data.

AHRI suggests that EPA monitor the Federal Trade Commission (FTC) rules regarding product labeling as another circumstance which might prompt a potential specification revision. These FTC labeling rules often include ranges of comparability for products which would help EPA stay abreast of the minimum and maximum efficiencies available on the market.

Alignment with DOE Standards

AHRI supports EPA leveraging the data submitted to DOE for purposes of demonstrating compliance with minimum efficiency standards rather than requesting the same data from manufacturers during the development of ENERGY STAR specifications. AHRI also suggests that EPA carefully monitor and align with the formatting of data required to comply with DOE regulations and manufacturers should only be required to submit the same data to EPA as is required to be submitted to DOE. Presently, there is a discrepancy between the number of significant digits of the AFUE value between the DOE test procedure, effective February 16, 2016, and the ENERGY STAR Version 3.0 Residential Boiler Specification. EPA staff indicates that the expectation is that certification bodies, such as AHRI, enforce AFUE values per the EPA specification. There is concern that discrepancies such as this will lead to consumer and participant confusion. AHRI urges EPA to harmonize with DOE standards and test procedures completely.

AHRI would like to commend EPA staff's typical practice of following up with commenters to ensure full understanding of written feedback. This has been helpful and we encourage it to continue.

AHRI appreciates the opportunity to provide these comments. If you have any questions regarding this submission or would like to discuss any of these points further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Groh', with a long horizontal flourish extending to the right.

Laura Petrillo-Groh, PE
Engineering Director, Regulatory Affairs
Direct: (703) 600-0335
Email: lpetrillo-groh@ahrinet.org