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Ms. Kathleen G Vokes
U.S Environmental Protection Agency
Climate Protection Partnership Division
Energy Star Program
1200 Pennsylvania Ave. NW
Washington DC

April 28, 2010

Dear Ms. Vokes,

We applaud the recent effort by the Environmental Protection Agency to insure that all Energy Star participants are listing genuine, energy saving appliances. While we strongly support the overall effort, we do have some particular issues with the most recent proposal that we feel very strongly about. In the following pages, we hope to demonstrate the following:

- 1) The timeframe is unrealistically short given that there are few "accredited" labs and the level of accreditation has not yet been established. This could take 12-18 months.
- 2) Due to increased costs of third party testing and annual re-verification, end users may opt to purchase higher performance, non-Energy Star listed units as the energy savings will not offset the additional cost, defeating the purpose of Energy Star's mission to conserve energy and water
- 3) Even when accredited labs begin to materialize, we maintain that the waiting lists will be exceedingly long, delaying the introduction of new models and again defeating the mission of the Energy Star program to conserve energy and water
- 4) ASTM cannot respond to proposed changes to the performance standard governing our equipment in your proposed time frame
- 5) The proposed manner in which "Challenges" to Energy Star listings could lead to frivolous testing and legal expenses
- 6) The current EPA proposal diminishes every manufacturers' investment in test equipment, standard purchases and training, as well as speed to market. The proposal as written will punish the manufacturers following current procedures.

After reviewing information presented to us by the EPA during conference calls in March and April regarding proposed application of Energy Star standards to commercial foodservice equipment, Cleveland Range understands that there are aspects of the Energy Star program that require changes to improve verification aspects of efficiency results. Cleveland Range supports the Energy Star program and offers expertise in:

- a) Design and operation of steam cooking equipment
- b) Performance testing the equipment to meet industry standards
- c) Working with approval agencies to promote better program/product design.

Our commentary is limited to commercial steam cooking equipment that utilizes ASTM test standards that have been developed by the ASTM F26 committee over the past 20 years. The volunteers that make up this committee continually review and improve these test standards to meet changing needs. Product lines such as ice machines, refrigerators, and freezers that rely on ASHRAE or AHRI test methods are outside our scope of commentary.

Cleveland Range believes there are multiple areas of concern regarding proposed phase in and short term goals expressed by the EPA conference calls in March and in April that would negatively affect industry participation in the energy star program. The proposed changes to the program will impose prohibitive costs on both manufacturer and consumer that will make participation in the program unjustified and will delay introduction of newer and more efficient equipment to consumers in the future.

The first area of concern is the requirement that 3rd party laboratories must certify and verify products because the potential costs associated are very high. We performance test our products in house using calibrated equipment in accordance with ASTM test methods. Based on our knowledge of National Recognized Testing Laboratories (NRTL) paying someone else to perform this task with existing NRTL's would likely cost 15 to 20K per unit because of our manufacturing cost, shipping charges of heavy equipment, test materials that include food, and 3rd party laboratory test time.

Remember that our products have fewer unit sales numbers to amortize these test expenses over than a product like light bulbs or residential appliances would. Electric steam cooking equipment offer multiple voltage options inputs and gas equipment often allows use of either natural gas or propane. Likewise, we often receive customer requests for custom combinations assembled from two other model numbers because they feel this combination better meets their needs. Because the EPA requirement is that all variations require testing on top of the 3rd party laboratory requirement, the compliance cost escalates quickly.

Because of this, it is likely that manufacturers like Cleveland Range would decide not to seek energy star rating for their equipment either because the burden on manufacturing cost is too great or there is reason to believe that customers won't pay the extra cost associated with the energy star rating because it can't be justified by the energy savings, even after rebate programs.

Approval agencies like UL and CSA do have provisions for accepting manufacturing test data in return for reports so better leveraging of these provisions would alleviate some expense burden associated with energy star rating without sacrificing verification. Attached are sample reports from testing Cleveland Range performed to show that manufacturing data can be provided in such a way to achieve this objective. By allowing manufacturers already equipped to do self testing to perform this task, this might free up 3rd party resources to perform testing for companies that are not equipped to do self testing.

The second area of concern is the requirement that 3rd party laboratories must certify and verify products because it will delay introduction of newer and more efficient equipment. This may cause manufacturers who are introducing newer and more efficient equipment to the market to forego qualifying for energy star rating because they must meet a product release date. When we last spoke to Fisher-Nickel Inc. about doing testing for us, they quoted us a one year wait time before we could get a piece of equipment tested. Also, none of the established NRTL labs have ever done this work so they are not likely to pick up this work quickly because they are busy with their mainstream business and will need time to prepare to take on work that is outside their primary business focus.

We anticipate this will worsen because there is an extreme shortage in the number of accredited labs. There are multiple layers of lab accreditation in the industry so decisions need to be made about what level of accreditation is needed for energy star testing. Surprisingly, even NRTL's do not necessarily meet all accreditation levels. Until that is done, a facility cannot make the decisions regarding staffing, training, or equipment procurement so it can become part of the infrastructure. It can take between 6 to 18 months to develop and certify a staff of qualified test personnel for commercial cooking tests. The time associated with these activities greatly exceeds the proposed time frame for including steam cooking equipment in the newly proposed energy star program.

The third area of concern is that the one year retest requirement both greatly burdens the manufacturer with excessive compliance costs that does not add value to the verification process and more importantly burdens an already insufficient supply of qualified test labs with a work activity that can be completed more efficiently with a different approach. Approval agencies such as UL or CSA already use processes to verify that production units match the test unit actually run as part of the approval process. Better leveraging of these processes would allow verification that production units match the unit tested for awarding the energy star rating in a similar manner. Industry and the approval agencies have invested heavily in these processes so they should be utilized so the program expense is minimized without sacrificing the goal of verification. Possibly, random spot check of testing, as proposed by ASTM, might better serve the purpose. Random spot checks can be part of this process as well.

The fourth area of concern is one unique to commercial steam cooking equipment. The ASTM test procedure for commercial steam cooking equipment is currently under review because it was written explicitly for equipment that uses automatically controlled external boilers for steam generation. The procedures are also readily adaptable to steamers that replace steam automatically. Currently, only 5% of the steam cooking equipment on the market uses an external boiler for steam generation or automatically replace steam. As a result, the industry had been making assumptions about equipment operation for steamers that don't use a boiler for steam generation. Cleveland Range recently provided test information to Consortium for Energy Efficiency showing that assumptions made about operation of connectionless steamers were incorrect so some testing agencies used an interpretation that resulted in an artificially high efficiency number.

Correction of this problem is before that ASTM committee as an action item. There is a dilemma about what to do regarding energy star if the test procedure associated with a product line is in question. It's not likely that the ASTM committee will resolve this issue before your proposed time frame.

The fifth area of concern is what happens when a challenge is made and the result of the challenge test becomes an item for dispute because the "pass test" result and the "fail test" result aren't far apart. The result of a performance test is not an absolute number but a number with an error range. While ASTM test standards minimize this error range with appropriate specification of sensors and test equipment, food that is used as the test product is not uniform even after following ASTM guidelines. We throw away a significant portion of our standard red number 2 potatoes we buy for testing because they don't meet the size requirement. In some areas of the country, you receive yellow potatoes when you order red number 2. In the case of steam cooking equipment, cooking efficiency results are impacted by the initial moisture content of the food. Dried out potatoes that most users would toss due to perceived lack of freshness cause higher cooking efficiency numbers in steam cooking equipment. Currently, it appears that this type of situation could end up in litigation

Cleveland Range recommends that the following ideas be incorporated into your proposal in order to achieve a smoother and effective transition and to achieve a more cost effective solution that achieves your verification objectives in order to maximize participation:

- Manufacturers who have invested the resources to conduct energy star tests or have labs certified to perform their own testing by the major approval agencies (UL, CSA, ETL) should be allowed to continue doing their own testing and be accredited under the new program after the logistics of developing an accreditation procedure have been worked out.
- Manufacturers should be able to qualify to do their own testing and make use of test reports to submit data for qualification of a test unit. Witness testing from an accredited lab can also be used to develop test data as is done for safety certification issues from approval agencies (UL, CSA, ETL). Instead of a 1 year retest, leveraging off the existing approval agency mechanisms for insuring the production units match the unit that was tested for maintaining ongoing approval. If a change that could affect efficiency is made, it can be subject to a new test.
- Falsification of data for purposes of obtaining energy star certification should be considered a finable offense.
- Challenges should be handled by a 3rd party and the costs should be borne by the losing party. EPA will need to develop an arbitration process for the situation cited in our fifth concern or there may be a litigation mess.

Cleveland Range encourages the EPA to consider these recommendations because they offer benefit to the customers and allow the EPA objectives of test data verification to be met in the most cost and time effective manner for both manufacturer and customer.

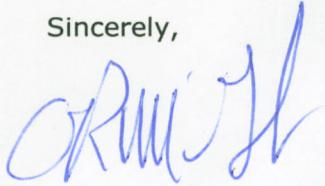
In conclusion, we'd like to continue participating with the Environmental Protection Agency to improve their current proposal to avoid the following issues:

- 1) Unrealistic timeframe for implementation
- 2) Avoid or minimize additional costs so consumers will continue to purchase Energy Star appliances, supporting the EPA's mission of reduced energy and water usage
- 3) Either establish reasonable lab accreditations for manufacturing labs or for third party labs
- 4) Insure the implementation time frame allows for in process changes to ASTM standards
- 5) Establish a fair and reasonable "challenge" system
- 6) Preserve the investments that manufactures have made for in-house, accredited testing

We think it's very important to have the ability to bring new, innovative, energy savings appliances to the market to support the EPA's mission of reduced energy and water usage.

Cleveland Range also looks forward to further constructive dialog with the EPA and fellow interested parties involved in commercial food service equipment. If you have questions regarding these proposals, do not hesitate to contact us

Sincerely,



Roger McGhee
Director of Engineering II
Cleveland Range, LLC
Manitowoc Foodservice