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**From:** Richard Steyer [rsteyer@haspc.com]  
**Sent:** Tuesday, April 27, 2010 1:49 PM  
**To:** ENERGYSTARVerificationProgram@energystar.gov  
**Subject:** HVAC--Comments on March 29, 2010 Presentation

We represent an interested party that participated in the Energy Star Products Enhanced Testing and Verification webinar for HVAC Products held March 29, 2010. On behalf of our client, we offer the following comments on the materials presented and discussed:

1. Leveraging existing certification programs under AHRI and AHAM was listed among the HVAC Product considerations. We have no objection to leveraging existing programs, but any EPA approved ENERGY STAR certification/verification program must be open to non-members on a non-discriminatory basis and must not impose requirements that are unrelated to ENERGY STAR qualified products. The following is suggested language to add to EPA's program requirements for organizations seeking approval as ENERGY STAR certification/verification program administrators:

An organization shall not be eligible to be an EPA approved ENERGY STAR certification/verification program administrator, unless the certification/verification program administered by the organization (i) is open to non-members of the organization on a non-discriminatory basis; and (ii) does not require participants to list or pay a fee for non-ENERGY STAR qualified products or impose any other conditions that are not directly related to ENERGY STAR qualified products.

2. As noted during the presentation, Department of Energy (DOE) Rules provide for the use of DOE approved alternative rating methods based on computer simulation for determining the energy consumption of central air conditioners and heat pumps, in lieu of laboratory testing. This is critical because of the number of indoor-outdoor units that may be combined in a split system matched assembly. The enhanced testing and verification procedures should not in any way alter or limit the Rules established by DOE relating to the use of alternative rating methods.

3. Provision should be made for manufacturers to continue to use in-house labs for qualification and verification testing. There are a limited number of independent labs that are available to perform HVAC product testing and the tests are both time consuming and costly. Forcing manufacturers to use only independent labs for testing likely will result in severe bottlenecks in the process of getting ENERGY STAR products to consumers. Although we understand EPA's preference for verification testing by a third party independent lab, witness testing at the manufacturer's in-house lab should be allowed if (i) the test lab meets applicable standards, (ii) the test is witnessed and certified by a third-party that is not an employee of the manufacturer, (iii) there is no independent lab within reasonable proximity to the manufacturer that can perform the test within 30 days.

Richard A. Steyer  
Howe, Anderson & Steyer, P.C.  
1250 Eye Street, N.W., Suite 650  
Washington, D.C. 20005  
Telephone: (202) 296-5680 ex. 308  
FAX: (202) 331-8049  
e-mail: [rsteyer@haspc.com](mailto:rsteyer@haspc.com)  
website: [www.haspc.com](http://www.haspc.com)

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