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April 30, 2010

Ms. Kathleen G. Vokes
US Environmental Protection Agency
Climate Protection Partnership Division
ENERGY STAR Program
1200 Pennsylvania Ave. NW
Washington, DC 20460

Reference: Proposed Verification Program for Food Service ENERGY STAR Products

Subject: Comments from ITW Food Equipment Group

Dear Ms. Vokes,

ITW Food Equipment Group produces Commercial Food Service equipment under the following brand names: Hobart, Kairak, Somat, Stero, Baxter, Gaylord, Wolf, Wittco, Berkel, Mannhart, Peerless Group, Traulsen, and Vulcan-Hart. We currently have 169 ENERGY STAR models qualified under 5 brand names and 7 product categories. This represents 13% of the total number of Food Service Equipment products qualified.

We firmly believe that Commercial Food Service equipment should not be required to be tested by a third party laboratory at this time. We also believe that periodic validation testing is not necessary. The rationale is as follows:

1) <u>The existing model for safety and sanitation certifications is adequate.</u>

The testing and qualification process for energy consumption should not be more stringent than that of safety or sanitation certifications. The current model used by UL and NSF consists of initial qualification testing either at the third-party laboratory or at the manufacturer's laboratory when properly accredited by the third party. The verification step consists of periodic, detailed audits of the manufacturer's production line using a documentation report with details of the components critical to the initial performance test results. Incidentally, NSF International discontinued the practice of a 5-year retest many years ago since it was not as valuable as the production audit.

2) <u>Insufficient number of third party laboratories with Commercial Food Service equipment testing capabilities.</u>

The FSE category is relatively new compared to other products in the ENERGY STAR program. The Food Service Technology Center, Fisher-Nickel, Inc. has been the primary developer of

these test methods. When third party testing is desired, many manufacturers use the Food Service Technology Center since their costs are subsidized when the reports are allowed to reside on the public domain. If third-party testing becomes mandatory, this laboratory will be unable to keep up with the demand. Manufacturers will be forced to use other laboratories such as UL, ETL, CSA International and others. These laboratories are not properly equipped nor experienced in performing the tests for FSE at this time. There are currently no other third party laboratories capable of running all of the performance tests required to qualify products in all 8 categories of FSE. If third party testing becomes mandatory, the laboratories will update their offerings and competition will bring the costs and time frame down. However, it would be premature to implement third party testing for FSE at this time.

3) <u>There is no objective evidence that the current system of self-certification for FSE is being compromised.</u>

The GAO report that was cited as the reason for the recent suspension did not provide any objective evidence of a food service equipment manufacturer fraudulently approving a product. It merely confirmed the obvious – that the system can be defeated with wilful intent. When problem solving methods are used to evaluate the non-conformances cited in the report, the root cause analysis would point squarely to the EPA enforced qualification process. In order to prevent a reoccurrence of the non-conformance, the burden of responsibility should fall on EPA and the qualification process rather than manufacturers.

4) <u>Commercial Food Service Equipment is fundamentally different from residential products.</u>

Household appliances are smaller, built in quantities of hundreds of thousands, and have relatively fewer model variations within a given category. This allows the cost of testing to be spread out among many customers. Commercial equipment is much larger, is built in smaller quantities and has a significantly higher number of model variations. Many times these products are customized to the user's specifications. On a per model bases, this drives the cost significantly higher and can make this testing cost prohibitive.

5) <u>Benefits of periodic verification testing do not justify expense and efforts.</u>

Consider the following: currently there are 1,274 Food Service products qualified by ENERGY STAR. If there were 5 laboratories in the US that are capable of running these tests, and it takes 2 weeks to run each test, the minimum time required for all 5 labs to complete the testing of each model concurrently is 9 years and 9 months. At an average cost of $2,500 per test, the total cost to manufacturers would be $3.18 million. The return on this investment is minimal since there is no objective evidence of fraudulent activity in the commercial food service equipment category.

To summarize, the third party model for safety and sanitation certification is more than adequate for energy consumption performance testing. The following suggested improvements would accomplish the validation and legitimacy of the Energy Star brand without excessive cost to manufacturers:

A. Hefty fines and/or disqualification for fraudulent qualifications.

B. Continued performance testing by manufacturers with an EPA guideline that leverages a current third-party lab accreditation, if available.
C. Verification by periodic factory inspections using a documentation report that includes component details critical to the original qualification tests. The most effective and reasonable method is to utilize existing third-party auditors such as UL, ETL, NSF International, etc.

One of the fundamental initiatives of ITW FEG is to develop products that use less energy and conserve resources. The current value to our customers along with the cost to have products ENERGY STAR qualified must stay in synch. We sincerely hope the US EPA will work with stakeholders to shore up the program in the most reasonable method for all concerned. We strongly advocate good communication and careful consideration before making decisions that impact the bottom line for many manufacturers. If and when changes are made to a testing or laboratory certification process, there must be a reasonable time period for implementation.

Sincerely,

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Agency Approval Engineer

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