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**Ms. Kathleen Vokes**

April 30, 2010

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

Dear Ms. Vokes:

I am writing on behalf of Manitowoc Foodservice in response to the changes EPA has proposed to the ENERGY STAR® program for Enhanced Testing and Verification.

Manitowoc Foodservice is one of the 2010 ENERGY STAR Partners of the Year award recipients. We market products with the Energy Star designation under the following brands: Cleveland (steam); Delfield (refrigeration); Frymaster (fryers); Garland (griddles); Jackson (dishwashing) and Manitowoc (ice machine). Manitowoc Foodservice and our individual brands strongly support ENERGY STAR as a key means to communicate and promote in the marketplace our energy efficient commercial equipment.

We agree that compliance mechanisms are needed to ensure that ENERGY STAR labeled products deliver the expected energy efficiency performance and to maintain the strength of the ENERGY STAR brand in the eyes of the purchaser. While the proposed certification and compliance mechanisms would be effective in achieving this objective, we believe there are other options available that would leverage considerable investment already made by industry, associations, and standards organizations for verification of energy efficiency. The potential economic impact of the proposed changes to industry is very large, and could have the undesirable effect of discouraging future participation in ENERGY STAR or unnecessarily driving up the cost of the products. Our concerns include 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, manufacturers may limit the models included in ENERGY STAR.
- 3) As costs rise for ENERGY STAR products due to increased certification and maintenance costs, end users may opt to purchase 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.
- 4) 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.
- 5) ASTM cannot respond to proposed changes to the performance standard governing our equipment in your proposed time frame.
- 6) The requirement for verification testing of all certified products within a three year cycle would add to the ongoing financial burden to manufacturers and overload of recognized labs.
- 7) The proposed "challenge testing" provisions could lead to frivolous testing and legal expenses.
- 8) The current EPA proposal diminishes every manufacturer's investments in test equipment, standard purchases and training, as well as speed to market. The proposal as written will impair the manufacturers following current procedures.

Cleveland	Frymaster®	Kolpak®	Manitowoc® Ice	Merco®	Servend®
Convotherm®	Garland®	Kysor Panel Systems®	Manitowoc® Beverage	Merrychef®	US Range
Dean®	Harford	Kysor/Warren®	Systems	Multiplx®	Varimixer®
Delfield®	Jackson	Lincoln	McCall®	RDI	

The commercial foodservice industry already has made significant investment in in-house laboratory facilities that are fully compliant with the relevant test and performance standards, and has worked extensively through industry associations, standards organizations, and approval agencies to develop cooperative and efficient mechanisms to uniformly test and rate equipment to those standards. This approach has been accepted and endorsed by DOE, NRCAN, and CEC for qualification and compliance verification for the existing federal and state minimum efficiency regulations. Specific options include:

- AHRI product section certification programs exist for commercial automatic ice machines and reach-in refrigerators and freezers. These certification programs allow manufacturers to develop performance ratings on the basis of internal testing, but include random audit testing by an ISO 17025 accredited 3<sup>rd</sup> party lab to ensure compliance.
- UL and ETL have Data Acceptance and Lab Testing Verification programs for energy efficiency verification and data submittal to regulatory bodies. These agencies have a long and successful history in the use of Client Test Data programs for safety standards, and the same rigor and quality control can be expected to be applied in the case of energy ratings.
- ASTM F26 Committee is working aggressively to develop the required technical qualification process for accrediting a test lab, and is willing to work with EPA to develop and implement certification programs.
- Witness testing at the manufacturer's lab facilities involves the use of an accredited 3<sup>rd</sup> party to oversee the testing and provide for independent verification of performance and the proper use of the applicable test and performance standards.

During the implementation period for the enhanced ENERGY STAR program, it is critical that the following provisions be allowed to prevent major disruption to continued availability of ENERGY STAR products:

- Units that have been submitted to Energy Star by manufacturers while participating in an existing verification program should not have to be retested. This data has already been validated by the program administrator.
- Manufacturers that have invested in the resources to conduct their own ENERGY STAR testing be allowed to continue to submit test reports for any new products during the time period required to qualify test labs and data acceptance programs.

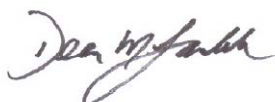
The impact to Manitowoc Foodservice of the proposed changes to the ENERGY STAR program includes:

- Additional and unpredictable cost increases related to product development,
- Risks of further unpredictable costs when we are forced to defend against frivolous challenges,
- Delaying the product introduction process and slowing the access of the marketplace to new energy-efficient products,
- Creating a financial disincentive for investment in ENERGY STAR processes, support and promotion by raising costs without additional benefits to the end user or returns to the manufacturer

Manitowoc Foodservice remains a strong supporter of ENERGY STAR. We also support reasonable, measured, careful evolution of processes which expand the validity, consistency and value of ENERGY STAR and ENERGY STAR listed products. We encourage EPA to consider our concerns and recommendations to maintain an effective and viable vehicle for the development and promotion of energy efficient products.

We look forward to further constructive dialog with EPA and other interested stakeholders to establish a program that serves the needs of EPA, all ENERGY STAR partner companies, the end-users/consumers of our products, and the energy efficiency and sustainability goals advocated by EPA and ENERGY STAR.

Regards,



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Senior Vice President of Marketing