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

April 30, 2010

Dear Ms. Vokes:

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

As a member of Manitowoc Foodservice, one of this year's ENERGY STAR Partner of the Year award recipients, Manitowoc Ice strongly supports ENERGY STAR as a key means to communicate and promote in the marketplace our energy efficient Commercial Ice Machines.

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, 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 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
- 6) The proposed "challenge testing" provisions could lead to frivolous testing and legal expenses
- 7) 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

The commercial foodservice industry has already made significant investment in in-house laboratory facilities that are fully compliant with the relevant test and performance standards, and has worked

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

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:

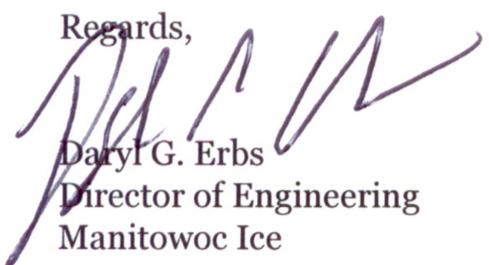
- Units that have been submitted to Energy Star by manufacturers while participating in an existing verification program should not have to be retested. This data has already been validated by the program administrator.
- Manufacturers that have invested in the resources to conduct their own ENERGY STAR 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 Ice of the proposed changes to the ENERGY STAR program would be very significant due to the fact that we have more than 50 qualifying ENERGY STAR models today, and are working diligently to add additional models in the near future. In addition to the cost for testing at an independent lab, which could be several hundred thousand dollars, the time required to retest all models could be a year or longer depending on laboratory availability.

Manitowoc Ice, is a member of the AHRI ice machine product section and is a participant in the ice machine certification program. This certification program has a very rigorous process for compliance, including random audit testing by an ISO 17025 accredited 3<sup>rd</sup> party test lab, penalty testing in the event of an audit test failure, the option for challenge testing, and mandatory re-rating of products if immediate corrective action is not taken by the manufacturer following a test failure. We have made a substantial investment in resources to ensure our equipment ratings are fully supported by test data that are continually validated through AHRI.

Manitowoc Ice strongly encourages 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 and all ENERGY STAR partner companies.

Regards,



Daryl G. Erbs  
Director of Engineering  
Manitowoc Ice