



June 4, 2010

ENERGY STAR Program
Attn: Commercial Foodservice Equipment Category
1200 Pennsylvania Ave. NW, MC 6202J
Washington, DC 20460

I recently had the privilege to meet with the Commercial Food Service (CFS) equipment ENERGY STAR team along with a contingent of industry colleagues on May 14 at your 1310 L Street office. I think it was a good exchange for both parties, as each have the same interest in strengthening the ENERGY STAR brand, while retaining as much of the positive aspects of the program as possible. But I will have to say the May 17th release of Draft Lab Requirements are a step backward for many manufacturers and in the end, the ENERGY STAR CFS equipment program.

AccuTemp Products, Inc. is a small manufacturer of commercial foodservice equipment in Fort Wayne, IN. We provide two types of products to the industry – steam cookers and griddles. We qualified our steam cookers to the new ENERGY STAR category at its inception in August 2003. We were the first and only griddle manufacturer qualified for the griddle category at its inception in May 2009. All of our standard products are ENERGY STAR qualified, using combinations of third-party and self-certification test results. We just qualified our new Gas Foodservice Equipment Network 2010 Product of the Year award-winning Evolution gas steamer to the ENERGY STAR requirements at the beginning of May 2010, before the recent NRA Show in Chicago, IL (May 22 – 25). We sell our products as all ENERGY STAR qualified. It is a key going-to-market strategy that has served us and our customers well.

The prospect of losing the ability to complete self-testing for ENERGY STAR qualification of our products will be devastating to our company, as it goes to the market today. The potential cost and schedule impact is extremely significant to us. As a member of the ASTM (American Society for Testing and Materials) International F26 Food Service Equipment Committee, I have recently participated in many discussions regarding these proposed program changes. AccuTemp Products, Inc. strongly encourages the ENERGY STAR program to find ways to allow companies that support this energy-conservative product recognition to retain the ability for self-testing.

Below are a variety of comments to consider, before reviewing a later general ENERGY STAR program proposal for CFS equipment that follows these comments:

- 1) Eliminating in-house (self-certification) testing will be a devastating blow to many manufacturers, especially small ones, as extremely high costs and schedule drivers will be forced on these manufacturers, which many will be unable to afford. The current ENERGY STAR program enhanced testing and verification process

"sentiment/tide of opinion" indicates that the program is "throwing the baby out with the bath water." This surely isn't the intent of the ENERGY STAR program.

- 2) The current ENERGY STAR program allows small manufacturers to be competitive with large manufacturers who have greater financial resources with regard to the subject of performance and energy conservation. A prospective future ENERGY STAR program with only accredited lab or third-party testing will eliminate this level playing field.
- 3) Random data, test results, equipment audits and a challenge process, with the threat of public disclosure and/or fines for cheaters, will do more good for the program than making it financially inaccessible for a majority of the CFS equipment manufacturers.
- 4) Accredited lab or third-party testing should be optional, not mandatory.
- 5) Why is ENERGY STAR proposing program procedures and processes that greatly exceed the industry-standard procedures and processes for safety certification? Are performance and energy efficiency measurements more important than safety in our industry? While not diminishing the importance and contribution of the ENERGY STAR program to our industry, saddling the manufacturers with energy and performance standards more costly and effort-driven than safety standards does not make sense.
- 6) The ENERGY STAR qualification process that would result from ISO 17025 lab requirements are more rigorous than the ASME Pressure Vessel Code (boilers) requirements, which include a quality control system audit every three years, in addition to the required inspection of every pressure vessel produced. A key fact for this program is that without a comprehensive quality control system, production is not possible.
- 7) ISO 17025 lab accreditation documentation management will greatly exceed industry-standard client test data program requirements, making them unmanageable except for the few companies who will be willing or able to fund and staff this new function. Please refer to the NAFEM letter that was submitted by Charlie Souhrada, dated May 28, 2010, for additional information regarding a comparison of ISO 17025 and UL Client Test Data program lab requirements.
- 8) In industry conversations:
 - a. ISO 17025 lab accreditation has been estimated to cost \$50,000 to more than \$100,000 to establish the initial certification.
 - b. ISO 17025 quarterly or annual audits have been estimated to cost more than \$10,000 annually.
 - c. ISO 17025 laboratory equipment calibration has been estimated to cost \$10,000 to \$25,000 per year.
- 9) All ISO 17025 costs will eventually have to be passed on to the customer in some fashion.



- 10) For a small manufacturer with infrequent ENERGY STAR product submittals, an ISO 17025 lab accreditation program will not be financially justifiable for an annual, biannual or tri-annual need.
- 11) ENERGY STAR must recognize that most manufacturers already have capable test facilities in-house that complete self-testing tasks today. With some improved guidance for test equipment and calibration guidelines, test procedures, reporting templates, and lab certification, the self-test data can be judged as reliable data for product qualification.
- 12) In industry conversations, each ENERGY STAR test is estimated to cost \$10,000 to \$20,000. AccuTemp's recent self-certification test for Evolution gas steamer was estimated to be a fully burdened cost of \$14,000, which is an estimated equivalent out-of-pocket cost for an accredited lab or third party test.
- 13) No third party labs currently exist with accreditation or certification for completing the industry-standard ASTM test methods. The closest exception is the Food Service Technology Center in San Ramon, CA, which has intimate knowledge of the ASTM test methods. It will take years to establish an industry capability with sufficient capacity to serve the industry appropriately.
- 14) Schedule delays that manufacturers would incur due to the current inadequate capacity in the industry for product-knowledgeable third-party testing facilities to become available or once available to meet the huge demand for laboratory test time must be avoided.
- 15) Requiring all models to be tested is a tremendous duplicate effort and waste of money and resources. The highest energy consumption models should be tested and all others of the same family with less energy consumption should be allowed to be qualified, based on similar construction, operation and controls, without additional testing. This would mitigate the costs associated with qualifying all models and make the possibility of using 3rd party labs possible, even though their costs are still significant, using the AccuTemp test cost estimate of \$14,000.
- 16) AccuTemp has 85 models of steamers which are ENERGY STAR qualified. If each of these models would have to be tested to re-qualify their ENERGY STAR qualification, this equates to \$1,148,000 for qualification of the current AccuTemp ENERGY STAR qualified steamer model offering (using the \$14,000 AccuTemp test cost estimate). But these 85 models are actually only 4 configurations which have differing energy consumptions. Thus if model ranges were allowed for qualification, this would equate to only 4 tests, which would cost \$56,000.
- 17) AccuTemp has 57 models of griddles which are ENERGY STAR qualified. If each of these models would have to be tested to re-qualify their ENERGY STAR qualification, this equates to \$798,000 for qualification of the current AccuTemp ENERGY STAR qualified griddle model offering (using the \$14,000 AccuTemp test cost estimate). But these 57 models are actually only 5 configurations which have differing energy consumptions. Thus if model ranges were allowed for qualification, this would equate to only 5 tests, which would cost \$70,000.

18) Dipak Negandhi (Unified Brands senior engineering manager and Chairman of the ASTM F26 Technical Committee on Food Service Equipment) submitted a letter the ENERGY STAR program on May 5, 2010 that described the general scope of ASTM's anticipated involvement in creating a Technical Advisory Group to work in concert with the ENERGY STAR program to develop a comprehensive ASTM certification program.

Below is the table from Charlie Souhrada's NAFEM memo on May 28, 2010, that has been expanded for comparison of a Certification Body Model (i.e., ASTM) with the original comparison ISO 17025 lab accreditation and UL C Client Test Data Program columns.

| Comparison of ISO 17025 Lab Accreditation to UL Client Test Data Program to Certification Body Model | | | |
|--|---|--|--|
| Requirement | ISO 17025 Accreditation | UL Client Test Data | Certification Body Model (i.e., ASTM) |
| Quality and Management System | Accreditation body review and acceptance of policies, systems, procedures, and instructions | UL review of policies, systems, procedures, and instructions per relevant clauses in ISO 17025:2005 Sections 4 and 5 | ASTM creation of policies, systems, procedures, and instructions for ASTM certification program process and standards. |
| Specific Competency to Applicable Test and Performance Standards | Review of test equipment against standards, training of personnel, calibration methods and traceability, validation of test methods | Mirrors ISO17025, requires use of ILAC or equivalent certified calibration lab, requires history in Witness Test Data Program | Review of test equipment, training of personnel, calibration methods and traceability, and validation of test methods against ASTM certification program process and standards, including a new ASTM lab standard. |
| Process Audit | Requirement for periodic management review, internal auditing, and annual audit by Accrediting Body | Named signatory attestation for each data set submitted to UL, annual assessment by UL | As required per ASTM certification program process and standards. |
| Independence of Testing | Identification of organizational structure and key staff responsibilities to identify any potential conflicts of interest and to control influence of conflicting interests on compliance with standard | Requirement that lab personnel are sufficiently independent and free from financial or other pressures that may affect testing and reporting | New ASTM lab standard would identify all lab personnel requirements, including the need for lab personnel to be sufficiently independent and free from financial or other pressures that may affect testing and reporting. |
| Independent Verification of Results | Requires quality control procedure for monitoring validity of tests, but does not require third-party or interlaboratory comparison | UL review of submitted data, with provision for countercheck of test data by UL at any time at their lab or via witness test program | ASTM will review and certify all submitted data, with provisions in the ASTM certification program process and standards for detailed random data evaluations, lab inspections and equipment audits. |
| Test Records | Requirements for test report data elements, control of data, record retention, test conditions, and test procedure | Mirrors ISO17025, uses standardized UL data sheets when available | Existing ASTM test methods identify all data to be recorded for use in test reports. The new ASTM lab standard would establish a test report template. ASTM would publish test report summaries of all data submittals online. |

The common themes that result from the above list of thoughts concerning the Draft Lab Requirements are:

- 1) The potential new test lab requirements will become too burdensome for most manufacturers from the administrative and financial perspectives to justify their participation in the ENERGY STAR program, since other low or no-cost energy conservative initiatives like utility rebate programs already exist.
- 2) The reality that the potential new test lab requirements exceed the current industry safety certification processes and procedures does not pass any sanity check.
- 3) The fact that all qualified models must be tested in the potential new test lab requirements, without any accommodation for similarly constructed models which consume the same or less energy is a wasteful and significant cost and schedule driver.
- 4) ASTM International is very willing to create a certification program for ENERGY STAR qualification test results that protects the ENERGY STAR brand while providing cost-effective, practical and certifiable test results.

I recommend an ASTM International certification program be created with the following key elements and general process flow:

- 1) Secure agreement with ASTM to create a Certification Program for ENERGY STAR performance and energy consumption data.
- 2) Develop ASTM Certification Program process and related standards, including a new lab standard.
- 3) Create a new ASTM lab standard that includes subjects such as required test equipment, personnel training, calibration methods and traceability, validation of test methods, test report template and lab audit template for submission to ASTM for ASTM lab certification.
- 4) Confirm that all ASTM test methods list detailed specifications for specialized test equipment for each appliance and are compatible with the new ASTM lab standard.
- 5) Manufacturers submit completed lab audit template to ASTM for ASTM certification of their test lab.
- 6) ASTM certify and post all certified labs in an online database.
- 7) Manufacturers submit completed test reports (using ASTM test report template) for ASTM certification of their test results.
- 8) ASTM certify and post test report summaries in an online database.
- 9) The highest energy consumption models can be certified as the lead model for a range of models without the requirement for testing of the lesser performance models, according to the ASTM Certification Program process and standards.
- 10) ASTM has the authority to initiate random data evaluations, lab inspections and equipment audits, as described in the ASTM Certification Program process and standards. Expenses related to these random checks will be assessed to the



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responsible party, as described in the ASTM Certification Program process and standards.

- 11) A challenge process will be described in the ASTM Certification Program process and standards. The loser in a challenge (challenger or manufacturer) will pay all associated costs for the challenge process. Potentially, all challenges will be posted in an online database, with designations for winners, losers with errors fixed, losers with withdrawn models, etc. identified. The severity of fines would be determined by the infraction classifications of minor and major infractions. Partners will be subject to expulsion from the ENERGY STAR program for extreme instance(s) of infraction(s). The loser will have the ability to fix minor errors for resubmittal, if desired, without having the affected models withdrawn, within a specified timeframe.
- 12) All existing qualified products should remain qualified until the ASTM Certification Program process and standards have been established and are operational. At that time, the existing qualified models can be re-qualified to the ASTM Certification Program process, completing the cycle for all ENERGY STAR qualified products.

I am sure that the ASTM F26 Technical Committee on Food Service Equipment is very willing to work collaboratively with the ENERGY STAR program to find a mutually-compatible process that strengthens and protects the ENERGY STAR brand while serving the needs of this industry that has been very supportive of ENERGY STAR program. We should not penalize the whole program because of the abuses by a small fraction of the partners or the recent GAO investigation in other product categories. We should improve the program in each category so that the public can be confident of its symbolism. ENERGY STAR is a powerful brand that needs continuous improvement, just like any other process or procedure, not radical surgery.

AccuTemp Products, Inc. remains a strong supporter of the ENERGY STAR program. We need it to thrive for our business benefit as well as the energy conservation impact to our society. We await the next steps that present themselves to move forward more positively.

Sincerely,

Dean P. Stanley
VP, Engineering
AccuTemp Products, Inc.