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DUKE MANUFACTURING CO.

2305 N. Broadway
ST. LOUIS, MO 63102
800-735-3853 • FAX 314-231-5074
www.dukemfg.com

PRODUCTS

- Foodwarmers
- Worktables
- Drop-Ins/Slide-Ins
- Buffet Units
- Salad Bars
- Serving Counters
- Specialty Fab
- Sinks
- Dishtables
- Counter Top Warmers
- Quick Serve Systems
- Merchandising Kiosks & Inline Systems
- Convection Ovens
- Display Baking Ovens

BRANDS

Aerohot
EconoMate
Heritage
Thurmaduke
SEflex
Southern Engineering
Advantage Line
Southern Express
Wolfe

May 28, 2010

Attn: Kathleen Vokes and Christopher Kent
U.S EPA / ENERGY STAR Program
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Kathleen and Christopher,

Duke Manufacturing Co. has, and will continue to fully support the ENERGY STAR program and the initiatives for promoting energy efficiency, saving money, helping to protect the environment and to increase sustainability, wherever possible.

The current economical situation has already had a substantial negative impact on the Commercial Food Equipment sector overall. To a small/midsize company such as Duke Mfg. (or perhaps many manufacturers), the ENERGY STAR new lab requirements for certifying products, presents a significant additional financial burden on financial resources that are already limited. With the new proposed requirements for all ENERGY STAR Original Certification and Verification testing required to go through Third Party testing through an Accredited Body instead in-house testing is an additional cost that may not be completely justified for a *voluntary* program. Duke Mfg. understands the financial benefit of labeling our products with the ENERGY STAR label in regards to utility rebates and marketing advantages, but the additional costs may not be offset enough to continue to be cost effective for us and many other companies to continue with this certification. With fewer participants in the ENERGY STAR program, how does this benefit anyone, especially the end user? Duke Mfg continues to be optimistic that there is a common middle ground that can be reached through compromise, so everyone can continue to prosper and benefit from the ENERGY STAR program.

There are three main proposed criteria of the new requirements that Duke Mfg. does not agree with and consider them a huge disadvantage for the manufactures:



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1. The following statements: “laboratory employee compensation or annual bonuses are not tied to the financial performance of the parent company” and “laboratory engineering personnel do not originate with or return to the parent company, or otherwise look to the parent company for career advancement” are both unfair should not be a requirement. The testing can still be accomplished completely independent and totally impartial without these requirements.
2. Manufactures will no longer have control of project timelines for products to market. They will now be at the mercy of long lead times for agency approved testing labs, if they are unable to do accredited testing in-house. This can be detrimental on getting product to market in a timely matter and still remain competitive.
3. Even if manufacturers are able to become accredited labs, there will be additional costs that will have to be justified. These cost may include, but aren’t limited to, the large initial capital investment for the purchase of new testing equipment and the yearly calibration and maintenance of this new additional equipment.

With the previously mentioned drawbacks, Duke Mfg. recommends the following concept to help meet the intent of the EPA, while giving manufactures some flexibility.

As an alternate to the proposed paid independent third-party Verification Testing, Duke Mfg. recommends that the original Qualification as well as subsequent Verification Testing be performed using accepted industry standards (i.e. UL/ETL/ASTM/NSF plus other applicable product standards) in an accredited lab (preferably the manufacturer’s lab) as is presently done for the initial Qualification Testing. Consolidating the energy consumption test results in with the existing UL/ETL safety file structure which already contains critical dimensions and critical component information (manufacturer and model number) could substantially reduce Verification Testing costs, reduce documentation and simplify annual verifications. The agency we have our listing with would then verify on a yearly basis that construction had not changed, sufficing the requirements for verification rather than expensive redundant testing. If the manufacturer were to institute modification which impacts appliance energy consumption, new testing would then be required. The verification system would still include a process for competitor challenges as an extra check and balance to prevent fraud and mislabeling. We are in full support that the Challenge Tests should only be performed by an independent third-party to avoid the



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obvious potential issues. We would also recommend and support the ENERGY STAR option for random selection of product off the production line with Verification Testing performed in the manufacturer’s lab under supervision and this would seem to be a fair, equitable and lower cost method of ensuring compliance and accuracy of reported data.

Respectfully Sincere,

Daniel M. Henke

Daniel M. Henke CFSP
Product Design Engineer



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