



August 9, 2010

Mr. Eamon Monahan
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RE: Final Draft Conditions and Criteria for Recognition of Certification Bodies
for the Energy Star Program

Dear Mr. Monahan:

I am writing on behalf of the Air Conditioning, Heating and Refrigeration Institute (AHRI) to address the proposed requirements for the recognition of certification bodies for the Energy Star program. AHRI is the trade association representing manufacturers of heating, cooling, and commercial refrigeration equipment. More than 300 members strong, AHRI is an internationally recognized advocate for the industry, and develops standards for and certifies the performance of many of the products manufactured by our members. In North America, the HVACR industry produces more than \$20 billion worth of product, and in the United States alone, our members employ approximately 130,000 people, and support some 800,000 dealers and contractors. These workers account for over 90% of the space heating, cooling, water heating and commercial refrigeration products sold in the country.

AHRI has been a world leader in certification programs for air conditioning, heating, water heating, and refrigeration products for over 50 years. Our certification programs verify the performance (including energy efficiency) of a variety of products including residential and commercial heating, refrigeration, water heating, and air conditioning equipment covered under several Energy Star programs. AHRI's certification programs are open to AHRI and non-AHRI members. In 2009 alone, AHRI tested over 2,600 units, covering 36 product categories at a cost of over \$10 Million to the industry. We believe that existing industry certification programs for heating, refrigeration, water heating, and air conditioning equipment have proven over decades that manufacturers' self-certification of ratings, followed-up by both regularly scheduled and random verification testing in the industry programs, protects the consumer and is adequate to ensure appropriate ratings.

AHRI is very concerned with the provisions of the EPA's proposed certification and verification program which, if implemented, will be burdensome on certification bodies. The proposed requirements go well beyond the responsibility of certification bodies like AHRI. The role of a certification body (CB) is to ensure that products perform as claimed by the manufacturers. We believe that EPA should leverage existing certification programs and not implement requirements that conflict with these programs or add significant cost to them.

Furthermore, manufacturers of federally covered products under the Energy Policy and Conservation Act (EPCA) are required to provide compliance statements and certification reports to DOE on the product's performance prior to the products entering commerce. Therefore, these products are already certified for their performance and in the case of AHRI member's products, subject to verification by AHRI's certification program. AHRI urges EPA to accept the DOE certification for federally covered products as satisfying the certification requirements for ENERGY STAR eligibility and not implement new requirements that would provide an undue burden on manufacturers. **EPA's proposed requirements should only apply to products that are not federally covered under EPCA.**

Specific comments on the requirements themselves are as follows:

Section 1c

Ensuring that products are qualified for ENERGY STAR labeling for federally covered products under EPCA should be fulfilled by ensuring that the performance levels are at or above the Energy Star specifications based on the certified filings with DOE under EPCA. EPA should not implement additional qualification requirements for federally covered products that have already been tested.

Section 2 (a),(b)

CBs for federally covered products should only be required to verify that products meet the Energy Star labeling requirements as certified by the manufacturer to DOE.

Section 3

- Subparagraph (a)(i)(1)
CBs for federally covered products should only be required to verify that products meet the Energy Star labeling requirements as certified by the manufacturer to DOE.

- Subparagraph (a)(i)(2)

EPA is proposing to require CBs to test at least 10% of all Energy Star qualified base models per year without defining what a base model is. We understand that EPA intends to define “base model” in the near future. EPA should adopt the definition of basic model used by the Department of Energy (DOE) for products regulated under the Energy Policy and Conservation Act (EPCA). For AHRI, these products include residential furnaces, boilers, central air conditioners, heat pumps, water heaters, water-source heat pumps as well as commercial refrigeration, ice makers and light commercial HVAC equipment. DOE’s definitions for basic model can be found in 10 CFR part 430.2.

EPA should also realize that the grouping of products by basic models for CBs like AHRI, who have existing certification programs, could result in Energy Star products being grouped with non-Energy Star products. According to the AHRI certification program rules, any model in the basic model group is subject to verification testing. However, in the event of a test failure of a single product in the base model, all products in the basic model group are required to be re-rated as well. Therefore in situations where the basic model contains Energy Star and non Energy Star products, EPA should accept the testing of a non Energy Star product as counting towards the minimum 10% testing threshold requirement.

- Subparagraph (a)(i)(3)(c)(ii)
EPA’s proposal to require CBs to select some products for testing based on third parties referral such as consumers or consumer groups is impractical and would be a logistical nightmare. It would raise questions such as:
 - On what basis should the CB decide that it should test a product referred by consumer A instead of consumer B?
 - On what basis would consumers or consumer groups recommend that a specific product be tested?
 - Is the CB supposed to keep records of such referrals and investigate each claim?
 - How will the consumer discern efficiency degradation due to faulty equipment verses improper installation or at all?

AHRI believes that the selection of products for testing should be the responsibility of the CB and the regulatory agencies only. Opening the selection process to other stakeholders would be an unnecessary administrative burden on the CBs and would not add anything to the credibility of the Energy Star program.

- Subparagraph (a)(i)(4)(a)
The equipment procurement process outlined in the document, while desirable and possible for some products, is undesirable and impractical

for AHRI products. Given the sizable number of tests that AHRI conducts each year (over 2600), and the market stoke dynamics for products manufactured by AHRI members, it is simply impossible to gather products based on the order proposed by EPA. Doing so would result in significant testing delays (weeks if not months) in what should be an expedited process to verify product performance. AHRI urges EPA to give full flexibility to the CB to acquire products for testing in the most expeditious way possible.

- Subparagraph (a)(i)(4)(b)(i)
EPA's proposed off-the-shelf procurement process defeats the concept of random testing that is key to ensuring that products selected for testing are truly representative of what is being sold in the marketplace. Manufacturers should not be informed of the location where the product may be selected. This re-enforces the point made earlier that product selection should be random and not follow any particular procurement order process.
- Subparagraph (a)(i)(5)(b)(i)
This entire section proposes requirements that go well beyond the role of CBs. If implemented, these requirements will result in a significant burden on AHRI as it will increase the cost of operations, and ultimately the cost of the product. HVACR products have thousands of parts and asking AHRI to inspect and keep records on thousands of models is simply unrealistic, unmanageable and cost prohibitive. This will further require that AHRI and CBs acquire a certain expertise that they currently do not have and is difficult to find in the HVACR industry. In addition, many design specifications are proprietary and manufacturers will unlikely be willing to share this information with the CBs. We urge EPA to delete this section in its entirety.

We appreciate the opportunity to provide these comments. Please do not hesitate to contact me if you have questions about this submission.

Sincerely,



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