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Nick Gillespie
Government Relations

October 29, 2010

ATTN: Maria Vargas
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: **Advancing the Market for Top Tier ENERGY STAR® Qualified Products**

Dear Ms. Vargas,

Whirlpool Corporation values the opportunity to comment on the *Advancing the Market for Top Tier ENERGY STAR Qualified Products* proposal for the ENERGY STAR program. Our ongoing commitment to the growth, success and integrity of the ENERGY STAR promise continues to be a strong source of pride for Whirlpool Corporation as a leader in designing, producing and marketing ENERGY STAR qualified appliances that reduce water and energy usage, save consumers money on utilities and reduce greenhouse gas emissions through superior energy efficiency.

Again, we appreciate the chance to provide input to the EPA's process and look forward to continued collaboration and communication on the ENERGY STAR program.

Sincerely,

Nick Gillespie
Government Relations Senior Specialist

Whirlpool Corporation's Comments on the "Advancing the Market for Top Tier ENERGY STAR Qualified Products" Proposal

Research Findings, Target Audience and Value Proposition:

We commend the EPA for listening to stakeholders on the need for comprehensive consumer research to better understand the viability of having a "Top Tier" level within the ENERGY STAR program. However, using focus groups does not allow for adequate quantitative data that is needed to properly evaluate this proposal. Qualitative methods, such as focus groups, produce information only on the particular cases studied. Thus, they can be useful for verifying if hypotheses are true, but cannot produce a quantitative nationally representative sample (i.e. one that proportionally represents consumers by age, income, housing type, geographic dispersion, etc.). Consumers from areas of New York, Atlanta, Denver and San Francisco are not likely to be representative of all American consumers on this proposal, particularly those from the Midwest or non-urban areas. These four cities have adopted some of the most progressive policies on environmental issues, which is likely a reflection of the prevailing norms and attitudes of their respective citizens. Given the magnitude of this endeavor, we urge the EPA to continue to build on what is a great start to a comprehensive study before making any decisions on whether or not to move forward.

Establishing a Performance Level Eligible for Recognition:

Should ENERGY STAR choose to expand their existing program by recognizing select products with potentially unprecedented levels of energy and water efficiency, it is imperative that the basis for a decision on determining thresholds be driven by ENERGY STAR's key guiding principles, particularly:

1) "Making it easy for consumers to identify and purchase energy-efficient products that offer savings on energy bills without sacrificing performance, features, and comfort"

2) "Energy efficiency being achieved through broadly available, non-proprietary technologies offered by more than one manufacturer".

To that end, we believe that set specifications for a Top Tier level that only use measurements that are consistent with existing ENERGY STAR standards and change only when ENERGY STAR levels change, would be the most aligned with these guiding principles. Not having preset criteria would cause reluctance for manufacturing partners to invest in technologies due to a heightened lack of certainty on the recognition and payback. Having case-by-case reviews of technology developments and performance data could also cause confusion for consumers while potentially advantaging proprietary technologies. Moreover, only recognizing products on the basis of energy and/or water performance without an applicable performance standard could result in negative unintended consequences for the consumer. For example, in the case of dishwashers, if a model uses extremely low levels of water and energy, but does not clean dishes to a consumer's satisfaction, they will respond by pre-rinsing dishes and/or running more water and energy intensive cycles, which will negate any net efficiency benefits the consumer was expecting. Currently, the next ENERGY STAR specification for dishwashers that is in the process of being formulated has put forth a cleaning performance component, in addition to elevated energy and water performance, for this very reason. That is why we believe it is vital for a performance component to be included in this program as well.

Recognition Period/Timing of Updates:

Whirlpool Corporation agrees that the effectiveness of a program of this nature must deliver information to the consumer that is as up-to-date as possible. We also concur with the assessment that

stability and advanced notice are necessary for successful product promotions. Again, we feel the best solution for maximizing the former and the latter is to have a preset Top Tier performance level that is consistent with ENERGY STAR criteria and only changes when ENERGY STAR specifications for a product category are revised. This uniformity would alleviate program participants from having to predict which models will qualify at any point in time. Under a calendar year approach cited by the agency, it would also prevent products that are introduced later in the year, due to factors such as seasonality within a given product categories development cycle, from being recognized for a limited time. For example, if a "Top Tier" refrigerator is introduced for the summer season, it potentially would only be recognized for part of the year depending on where it is rated the following calendar year.

The agency must also consider other programs geared toward recognizing superior energy and water efficiency such as CEE. ENERGY STAR would be well advised to consider coordination with programs such as these to avoid proliferation and resulting consumer confusion.