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Sarah Bovim
DIRECTOR, GOVERNMENT RELATIONS

May 29, 2007

Mr. Richard Karney
Energy Star Program Manager
U.S. Department of Energy
Building Technologies Program
1000 Independence Avenue, SW
Washington, DC 20585-0121

Re: Position of Whirlpool Corporation Regarding 2008 ENERGY STAR®
Qualifying Levels for Refrigerators

Dear Mr. Karney:

Whirlpool Corporation appreciates the opportunity to comment on this subject. The ENERGY STAR program has served as an excellent means of voluntary market transformation. We agree that the ENERGY STAR qualifying level for refrigerators should be raised effective April 1, 2008.

DOE Analysis—The Department has conducted a reasonable and effective analysis, given the data to which it had access. The Department used the percentage of refrigerator models at various efficiency levels as a proxy for the actual industry volume at those efficiency levels. Our own data suggests that this proxy provides an accurate assessment of the refrigerator marketplace today.

Recommended Level—Whirlpool believes that the recommended adjustment to the ENERGY STAR qualifying level of 20% below the current Federal standard is economically feasible and technologically achievable. This should drive additional market transformation, given that less than 5% of refrigerators (per the Department's analysis) are at this level today.

Effective Date—Refrigerator sales are seasonable with the highest demand occurring in the summer months. During this time, manufacturing plants are operating at capacity. Thus, it is not an appropriate time to risk disruption in supply for a model changeover. Therefore, we urge the Department to move promptly to finalize the new level. Given the nine-month notice requirement called for in EPACT 2005, we will need to have the final notice from the Department promptly in order to have product in the marketplace on April 1, 2008...in time for next year's refrigeration season.

Anti-Circumvention/Test Criteria—The Department proposes a clarification in test criteria designed to assure that the tested energy consumption closely resembles the real-life energy consumption. Whirlpool strongly believes that this clarification of test criteria is absolutely critical to the continued integrity and effectiveness of the ENERGY STAR program. We applaud the effort of the Department in this area and support these new criteria as a means to assure the ENERGY STAR mark remains valid and above reproach in the minds of the consumer. We also urge the Department to begin immediately EPA compliance testing in accordance with the clarified AHAM test procedure of HFR-1.

Market Transforming Legislation – Finally, as the Department is aware, legislation has been introduced in the Congress reflecting the historic agreement between industry and the advocates to update standards in several product categories; establish, under the DOE's jurisdiction, national water standards for clothes washers and dishwashers and incentivize introduction of super efficient appliances through manufacturers' tax credits. If the ENERGY STAR level fails to move up to the 20% level in April 2008, manufacturers who prefer to produce tax credit qualifying refrigerators at this level will have to balance the benefit of the proposed \$50 tax credit against the marketplace reality of having to compete with cheaper to produce 15% refrigerators that can still be labeled ENERGY STAR. In this case, the ENERGY STAR program level would operate as a disincentive to pursuing tax credit qualifying product. There are proposed tax incentives at even higher levels of efficiency above ENERGY STAR where it is possible that the larger credits for those levels may stimulate investment in new technologies, but it is highly likely that the transformative impact of the \$50 credit for 20% refrigerators would be severely compromised if product were still rated ENERGY STAR at the 15% level.

In summary, Whirlpool is supportive of the plan of the Department in regard to this matter as stated and urges that it be made effective on April 1, 2008 as proposed.

Sincerely,

Sarah Bovim