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Nick Gillespie
Government Relations

October 1, 2010

ATTN: Ann Bailey, Chief
ENERGY STAR Labeling Branch
U.S. Environmental Protection Agency
ENERGYSTARVerificationProgram@energystar.gov

Re: ENERGY STAR Verification Program, Proposed Revisions To Partner Commitments and Product Specifications

Dear Ms. Bailey:

Whirlpool Corporation values the opportunity to comment on the EPA's Draft Proposed Revisions To Partner Commitments and Product Specifications brought forth to ENERGY STAR[®] stakeholders on September 14, 2010. 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.

Revisions To Product Specifications

While we applaud the EPA's intention to reformat the product specifications for the purpose of greater ease of use, we believe the proposed revisions run the risk of having adverse ramifications by confusing consumers and manufacturers with an added layer of complexity that is not consistent with existing and well-understood Department of Energy (DOE) regulations and test procedures. Examples of this variation include the product definitions, criteria for significant digits and rounding along with the use of a "product family" system. The most consumer centric approach needs to be mindful of the significant value that comes with keeping consistency between ENERGY STAR and the DOE. To that end, any revisions that deviate from this uniformity should be done only for significant reasons. We feel that such evidence has not been communicated so we request that the EPA provide a comprehensive explanation for how these variations will make for greater ease of use followed by an opportunity for comment by stakeholders.

Revisions To Partner Commitments

According to the draft revised partner commitments, "submitted unit shipment data will be used by EPA only for program evaluation purposes and will be closely controlled. Any information used will be masked by EPA so as to protect the confidentiality of the Partner." As AHAM indicated in their comments on this draft proposal, appliance manufacturers treat unit shipment data with the strictest

confidentiality and we feel this statement is sensitive to that. However, we concur with AHAM's request for the EPA to provide more detail on how it intends to treat such confidential information. We also agree with AHAM that the partner commitments should state that unit shipment data is confidential business information, and as such, will not be subject to public disclosure under the Freedom of Information Act or otherwise.

The draft revised partner commitments also state "any information used will be masked by EPA so as to protect the confidentiality of the partner." Whirlpool request specifics on how the EPA intends to "mask" the information to protect partner confidentiality. We also would ask that the EPA provide further clarification on how it intends to use the information. As AHAM noted in their comments, masking must consist only of aggregated data, and the aggregation must provide confidentiality. Moreover, any data released should be on a product basis (i.e. residential clothes washer, residential dishwasher, refrigerator, etc.), not on the class of product to further ensure confidentiality.

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

Sincerely,

A handwritten signature in cursive script that reads "Nick Gillespie".

Nick Gillespie
Government Relations Senior Specialist