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February 14, 2012

TO: Steve Ryan

RE: Comments to proposed changes to Energy Star Roof Products

Version 3.0 draft; Version 2.3 draft

FROM: Lewis S. Ripps

Van Ripps

Version 3.0

Accepted labs / Effective Date

Those producers / resellers who currently do not have their products tested in weathering farms will be forced to pay membership and fees to have a certified body (CB) maintain Energy Star accreditation. The deadline date of March 1, 2015 places a competitive advantage in the marketplace to those ES stakeholders who currently utilize these CB's for their ES compliance. The deadline of March 1, 2015 should be adjusted to read at minimum six (6) months and three (3) years after the date of enactment of the proposed changes. There is a process of completing membership applications, time to ship materials to be tested on farm, time for the CB to apply the materials among many additional variables. The proposed deadline is a limiting factor to grow the use of ES products. Since there are many stakeholders that may currently have this data through their affiliation with a code body such as CRRC those same stakeholders may have been proponents of the proposed changes and the deadline as proposed may be viewed as providing an unfair competitive advantage to those entities. In order to reach more potential stakeholders and to assist in maintaining all current stakeholder participation the change in the deadline date is very reasonable and necessary. Failure to create a level playing field for all potential participants is an obstruction of free trade and commerce.

Please list the objections of the stakeholders and specifically list comments regarding "flawed and subject to potential manipulation of data." It would be of value to know of the reason of the objections that has influenced ES to make the proposed changes perhaps at the expense of others whose opinions are opposite. When were these objections that have apparently created ES to make the proposed changes made public to all stakeholders and for the purpose of providing dissenting opinion? Please list the name of the stakeholders who made these claims.

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Paragraph 6

It is correct in stating “that there are costs associated with testing products in multiple climate zone locations.” This would triple the expense of testing and reporting, potentially pricing some producers out of the market to qualify for Energy Star. The agency should be encouraging more producers not discouraging by imposing financial barriers. Perhaps this is a direct correlation to the very low level of 35% of roofing products are Energy Star qualified.

Paragraph 6 in both 2.3 and 3.0 draft versions states that “EPA reserves the right to change the specification.” This is not acceptable. During the course of three years testing EPA can move the “goal posts” and wipe out all the value and costs of financial resources and personnel time invested by current qualifiers. If a producer is testing a product in compliance with your standards that producer is entitled to assurances that if its product meets those standards it will carry the designation of an Energy Star qualified product which should be a minimum of five (5) years. If Energy Star should change its standards to improve them it can categorize those products with a designation different than those used for products meeting the current or proposed Draft Versions 2.3 and 3.0. I am certain you are aware of this in other codes.

Version 2.3 Draft

Roof Surface: Using the roof surface area advised provides optimal results and fails to take into consideration shade and thus can skew the results. This may leave a false expectation on the part of the consuming public that will not have the same solar reflectance on the entire roof surface. That reflectance rate along with emissivity ratings are the core to the calculated energy savings on the DOE roof calculator. Is there a more accurate test procedure? Do you disagree that testing at optimal exposures enhances results?

2. SCOPE

Only CRRC is stated as having an approved rating system. Is that correct? Should there not be more approved programs to provide choice and not have ES rely as it appears on CRRC? It appears that ES has approved a monopoly with CRRC and allowed too much influence by a single party and has limited competition that has only driven up cost. Each time CRRC pressures a change it creates an additional revenue stream for this organization.

ADDITIONAL COMMENTS

It is apparent that the low 35% compliance rate of roof products that qualify for Energy Star clearly is caused by the unreasonable barriers that ES has placed in front of potential additional producers. First there was self reporting that our company objected to for years that only fell on deaf ears. ES changed the protocol to three year outdoor testing. Now ES is changing to three year weathering farm. EPA continues to refuse to consider the only test that will produce CONSISTENT UNMANIPULATED and CERTIFIABLE results and that is WEATHEROMETER TESTING. This would unequivocally satisfy both objectionable stakeholder’s complaints as ES has stated and apparently looks to satisfy. Mark La France who is an Ex Officio member of CRRC and an employee of the Department of Energy told an open audience when he spoke to a current US Congressman that DOE was working on such a test to advance the use and production of ES

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roofing products as well as to advance product innovation. That was at least three years ago. Where are the results of that public statement?

If Energy Star, as stated publicly, wants more entrants seeking qualified approval and if ES would like qualified products producers or other potential new companies to invest in research, product innovation and create demand for domestic use and to export American produced products and perhaps improve performance at lower cost than it will permit and accept an industry consensus weatherometer parameter for qualification of ES products and perhaps continue to utilize real time exposure to enhance energy saving data.

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