

ENERGY STAR® CFS Testing and Verification Industry Discussion
May 24, 2010

Meeting Notes

More than 80 industry stakeholders convened during the National Restaurant Association Show in Chicago, IL to discuss the Environmental Protection Agency's (EPA's) efforts to develop new testing and performance verification requirements for ENERGY STAR qualification of commercial food service (CFS) equipment. These meeting notes summarize key concerns presented by industry during this discussion and EPA's initial response. More information on this effort can be found on the ENERGY STAR Web site at: www.energystar.gov/testingandverification.

A copy of the ENERGY STAR presentation delivered by Christopher Kent, ENERGY STAR CFS Specification Development Lead, can be found at www.energystar.gov/cfs (under "Helpful Web Sites").

- There is some concern about currently qualified equipment maintaining ENERGY STAR qualification once new requirements take effect.
 - EPA Response: Products will not be delisted but longer term EPA will require that all products comply with the new requirements.
- EPA's preliminary draft lab requirements make it difficult for in-house labs to comply, which is typical for CFS equipment. Aside from accreditation, the "firewall"/constraints proposed to be required between lab technicians and their investment in the company (opportunities for promotion, etc.) is not realistic for the organizational structure of our partners.
- Requiring ISO 17025 is a good idea because it ensures that data provided to EPA is accurate but the required firewall is a challenge.
- The fact that data is being reviewed and certified by a 3rd party should be enough. It should not matter where the physical testing occurs.
- A penalty system (i.e., for partners that do not live up to data reported under challenge testing) should be the priority, rather than the initial testing/reporting burden.
- The volumes manufactured and shipped by CFS companies are a lot less than a category like electronics; however, equipment is often very large and the logistics of shipping are difficult. Shipping equipment all over the country to test every 3 years will be cost prohibitive. It is a huge burden on CFS manufacturers to test at a 3rd party facility.
- This industry includes a lot of small companies (< \$10 million) and 3rd party requirements could put them at an unfair advantage.
 - EPA Response: Manufacturers should explain this concern in writing and document the potential burden for EPA consideration.
- Many manufacturers will drop out of the ENERGY STAR program due to (1) the 3rd party testing requirement and/or (2) the timing that it will take to have a product shipped and tested by a 3rd party.
 - EPA Response: This is not EPA's intent, which is to implement requirements that ensure accurate testing and reporting while minimizing burden on the manufacturer, where possible to encourage continued participation.
- There is some concern about a huge backlog of testing at the NRTLs, which could delay ENERGY STAR qualifications. Today there are a limited number of labs available that could test to ASTM standards. What will EPA's review time be in providing approval?

- EPA Response: The timeframe should not change. If anything EPA's review may take less time because the data will already be certified by a 3rd party.
- ISO 17025 is only one method that touches on the qualified testing personnel requirement. For foodservice, the test methods are quite complex and training qualified personnel could take as long as a year.
- Currently CFS manufacturers with in-house labs are participating in data acceptance programs with 3rd party certification labs through either (1) witness testing, where certification body personnel (e.g., NSF) view the testing on-site, or (2) review of test data by a 3rd party certification lab (for safety testing). The latter requires a more stringent review. This approach reduces cost and provides certification within a reasonable amount of time.
- The Department of Energy (DOE) has accepted in house certification of product performance regarding minimum standards so there is some precedence.
- In tough economic times, if ENERGY STAR is truly a partnership, EPA should work with manufacturers regarding these new testing requirements.
- Currently labs like ETL are governed by ISO 17025 to accept data from outside labs.
- There are currently six accreditation bodies available, one of which is not taking any new business. The ISO process can take years to finalize.
- The burden of testing discourages innovation if labs need to send prototype units out for testing each time there is a minor improvement/modification.
- The proposed verification testing, particularly all models tested within 3 years, will be more onerous than the initial testing and qualification.

- EPA Response: The 3 year timeframe is not yet set for retesting. The timeframe will be dependent on the product category. If design changes are made infrequently then manufacturers may have a longer timeframe for verification.
- EPA should use a documentation/design review approach where if no changes are made to the equipment then retesting would not be required.
- The timeframe that EPA provides for the review and comment process is too short for partners to comply.
- At what level will the final decision be made regarding final requirements?
 - EPA Response: The final decision will be made by the U.S. EPA Assistant Administrator of the Air Program, Gina McCarthy.
- Is EPA coordinating with Natural Resources Canada? EPA could follow the same verification process.
 - EPA Response: EPA is planning to meet with NRCan in the following weeks to discuss.
- In regards to contesting other manufacturer results, there are blatant cheaters in the CFS industry. EPA should follow the same approach as 3rd party organizations like NSF.
- How long with the grandfathering of existing ENERGY STAR products last (i.e., when will manufacturers be required to re-test and re-qualify existing products under the new requirements)?
 - EPA Response: EPA does not want two classes of products in the marketplace (i.e., products qualified under the old requirements and products evaluated under newer, more stringent testing requirements. Timeline is unsure at this point. In some cases, a specification revision will require re-testing of products and this will occur naturally.