



August 29, 2022

Dr. Stephanie Johnson
U.S. Department of Energy
Office of Energy Efficiency and Renewable Energy
Building Technologies Office, EE-2J
1000 Independence Avenue SW
Washington, DC 20585-0121.

Submitted electronically at www.federalregister.gov and via email: CRE2017TP0008@ee.doe.gov

Re: Notice of Proposed Rulemaking – Energy Conservation Program for Appliance Standards: Test Procedure for Commercial Refrigerators, Freezers, and Refrigerator-Freezers; Docket No. EERE-2017-BT-TP-0008

Dear Dr. Johnson:

The National Automated Merchandising Association (NAMA) respectfully submits the following comments to the Department of Energy (DOE or Department) on its Notice of Proposed Test Procedure Rulemaking on Commercial Refrigeration Equipment; EERE–2017–BT–STD–0008.

Founded in 1936, NAMA is the association representing the U.S. convenience services industry, with its core membership comprised of owners and operators of vending machines, micro markets, office coffee, tea, water and pantry services, as well as the manufacturers of refrigerated vending machines and other commercial refrigeration equipment. With nearly 1,000 member companies – including many of the world’s most recognized brands – NAMA provides advocacy, education and research for its membership. The convenience services industry employs nearly 160,000 Americans – the majority employed by small businesses – contributing a total economic impact of over \$31 billion to the U.S. economy annually.

Regarding the DOE Proposed Rulemaking on a Test Procedure for Commercial Refrigeration Equipment (CRE), NAMA is presenting testimony and response on behalf of the manufacturers of the machines that provide food and beverages to millions of consumers in a safe and environmentally responsible manner.

NAMA appreciates the opportunity to submit comments on the Docket **EERE-2017-BT-TP-0008** by the Department of Energy (DOE or Department) regarding future Test Procedure for Commercial Refrigeration Equipment. The U.S. Energy Policy and Conservation Act, as amended (“EPCS”), authorizes DOE to regulate the energy efficiency of certain industrial equipment. (42 U.S.C. 6295 (v)). Title III, Part B 2 of EPCA established the Energy Conservation Program for

Consumer Products Other than Automobiles. These products include Commercial Refrigeration Equipment, the subject of this document.

DOE has requested comments on several cases where they have referenced multiple standards from AHRI, ASTM, and ASHRAE.

NAMA recommends that DOE use the referenced standards as intended, however we caution DOE that combining test standards is unnecessary and inadvisable and recommends that DOE regulate the issues in the test procedure under a singular standard. NAMA is concerned that the test procedures mentioned in many of these items do not clarify which standard is to be used for which measurement. Referencing multiple standards can be a problem when one standard is updated before the other. In general, we recommend referencing one standard would be preferred unless the Department specifies which sections in the standards are being required.

Many of the sections in the ASTM, ASHRAE, and AHRI standards are written to measure the performance of the product, not just the energy measurement. Therefore, DOE needs to identify the standards sections very carefully so as to not move DOE into writing performance test methods. NAMA would be willing to support such activities in joint discussions on the sections to ensure that the measurement of energy for NAMA covered products is accurate.

While NAMA is supportive of several of the changes outlined in this document, we do ask the DOE to provide more detail and/or reconsider some of the provisions proposed in the document, specifics outlined below.

DOE has requested comments on four specific items in the FRN and at the August 1, 2022 webinar of interest to NAMA members.

DOE ISSUE 24: Enforcement—Determination of whether unit meets pull-down temperature regulation in 10CFE429.134

NAMA Comment: NAMA is concerned about this provision possibly because of the lack of specificity. Does this relate ONLY to those products for which DOE has pull-down requirements or does this refer to all CRE equipment that store and cool beverage cans/bottles?

NAMA would note that large beverage companies have requirements for pull-down, based on customer preference and sanitary conditions for food items in which they must reach 38 degrees in 16 hours, not 12 hours. The DOE proposal would set up a conflicting set of requirements. More and more bottle coolers store food in addition to beverages. 12 hours would be a much shorter time. Since the customers of our manufacturers already have specifications on pull-down, we suggest that DOE harmonize at 16 hours. Manufacturers already must test to determine pull-down in 16 hours and adding additional testing to show an arbitrary pull-down at 12 hours is unnecessary and unduly burdensome.

In addition, NAMA requests that DOE develop specific test procedures for placing cans/bottles into the cooler. It is possible to obtain different results when the cooler is packed totally tight with every conceivable space used and shelves removed or whether the cans/bottles are packed the way they would appear in a retail store. There are also differences whether cans or bottles are used. We recommend that DOE use a glycol liquid like what is done in the BVM test procedure.

DOE Issue 56: DOE requests comment on the proposed product-specific enforcement provisions for CRE

In the Federal Register Notice, DOE wrote:

“Section 10 CFR 429.134 currently does not contain product-specific enforcement provisions for CRE. However, DOE does currently provide product-specific enforcement provisions for refrigerated bottled or canned beverage vending machines, specifying that the certified refrigerated volume will be considered valid only if the measurement(s) (either the measured refrigerated volume for a single unit sample or the average of the measured refrigerated volumes for a multiple unit sample) is within five percent of the certified refrigerated volume. 10 CFR 429.134(j)(1). The test procedure for measuring volume of beverage vending machines is consistent with the procedure required for CRE, and vending machines typically have volumes like those for CRE. Because of the same test methods and similar equipment sizes, DOE is proposing consistent product-specific enforcement provisions for CRE. Specifically, DOE proposes to add a new product-specific enforcement provision section stating that the certified volume for CRE will be considered valid only if the measurement(s) (either the measured volume for a single unit sample or the average of the measured volumes for a multiple unit sample) is within five percent of the certified volume; otherwise, the measured volume would be used as the basis for determining the applicable energy conservation standard. DOE has also established product specific enforcement provisions for transparent areas of beverage vending machines. 10 CFR 429.134(j)(2). However, display area is only used to determine equipment class for beverage vending machines and TDA is not a metric used to determine applicable energy conservation standards. For consistency with the volume approach, DOE is proposing for CRE that the certified TDA for CRE will be considered valid only if the measurement(s) (either the measured TDA for a single unit sample or the average of the measured TDAs for a multiple unit sample) is within five percent of the certified TDA. If the certified TDA is found to not be valid, the measured TDA would be used to determine the applicable energy conservation standard.”

NAMA Comment: While NAMA understands the desire to develop common language on certified volume measurements, a Beverage Vending Machine and a Bottle Cooler are not necessarily the same product. In a BVM, the bottles or cans have specific places, and the volume can be constructed based on the uniform measurement of the refrigerated space available for

the beverage containers. This may not be the same in a Bottle Cooler where the refrigerated space is very much dependent on how the customer decides on placement.

NAMA urges DOE to study this issue more closely and to use examples of how the Department intends to measure the volume in this case and why they believe it should be stated in the same way as BVM. Otherwise, manufacturers might be forced to file Test Procedure Waivers for individual cases.

DOE Issue 57: DOE seeks comment on the proposed sampling plan for CRE volume and TDA.

NAMA Comment: NAMA agrees with AHRI and advises DOE that the proposed sampling plan for CRE volume and TDA needs modification. Of significant concern, it currently includes no tolerances. If DOE intends to measure and enforce standards for CRE volume and TDA, DOE must provide tolerances. DOE should also bring this issue to the appropriate standards committee for review and approval.

DOE Issue 58: DOE requests comment on its initial conclusion that the amendments detailed in this NOPR would not have a significant impact on a substantial number of small entities.

NAMA Comment: NAMA agrees with AHRI and advises DOE that this conclusion is inaccurate, and that we have profound concerns about the impact of the proposed amendments on small entities including both manufacturers and end users. Our concerns center around the possibility of the proposed amendments driving a continued use of older, less efficient, and refrigerant-leaky equipment. In addition, this can continue the trend of greater sale of refurbished products which do not meet the current DOE Standards.

NAMA also advises DOE that NRCAN is likely to harmonize with this requirement, and that there will be an additional cost associated with the testing for NRCAN, especially for new classifications. The costs associated with going to a third party for testing (required for both NRCAN and ENERGY STAR®) will create an undue burden, especially on small businesses.

NAMA and its members would be pleased to work with the Department to develop better language in all these specific cases.

Thank you for the opportunity to comment on the Proposed CRE Test Procedure changes.

Respectfully submitted,



Michael Goscinski
Senior Director, External Affairs