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VIA E-MAIL (director@fasb.org)

Mr. Robert H. Herz Chairman Financial Accounting Standards Board 401 Merritt 7 P.O. Box 5116 Norwalk, Connecticut 06856-5116

Re: File Reference No. 1600-100; Exposure Draft - Proposed Statement of Financial Accounting Standards (Disclosure of Certain Loss Contingencies)

Ladies and Gentleman:

Whirlpool Corporation appreciates the opportunity to offer its comments on the Financial Accounting Standards Board (FASB) proposed statement "Disclosure of Certain Loss Contingencies – an amendment of FASB Statements No. 5 and 141(R)" (the "Exposure Draft"). Whirlpool is the world's leading manufacturer and marketer of major home appliances which are sold to consumers in nearly every country in the world.

While Whirlpool appreciates FASB's objective to improve disclosures about loss contingencies, we believe that the Exposure Draft, if implemented, will fail to provide users of financial statements with any meaningful insight into the likelihood, timing and amount of future cash flows associated with loss contingencies. Moreover, we believe that the new disclosures required by the Exposure Draft would have a serious detrimental impact on a company's ability to defend itself against threatened and pending litigation.

We have responded below to certain specific questions raised by FASB in the Exposure Draft which we believe are the most critical to Whirlpool.

1. Will the proposed Statement meet the project's objective of providing enhanced disclosures about loss contingencies so that the benefits of those disclosures justify the incremental costs? Why or why not? What costs do you expect to incur if the

board were to issue this proposed Statement in its current form as a final Statement? How could the Board further reduce the costs of applying these requirements without significantly reducing the benefits?

We believe that expanding the scope of contingencies which must be disclosed, as well as the additional quantitative and qualitative disclosures required by the Exposure Draft, will detract from, rather than enhance, the disclosure provided under the current FAS 5.

As a multinational manufacturer, we are involved in various legal actions that arise in the normal course of our business in the United States and other jurisdictions. Under the current FAS 5, we disclose the few legal actions that would have a material impact on Whirlpool and have a reasonable possibility of an unfavorable outcome. Under the Exposure Draft, we would be required to provide disclosures about all loss contingencies, unless we could affirmatively conclude that the risk of loss was remote. To disclose detailed information about losses that are not at least reasonably possible, will only result in more complicated and lengthy disclosure which is likely to obscure the importance of the relevant information we provide under the current standard.

Under the current FAS 5, where we can reasonably estimate the loss or range of loss associated with a significant claim that has at least a reasonable possibility of an unfavorable outcome, we disclose those estimates. These estimates are based on the professional judgment and reasoned analysis of legal professionals with experience in these matters. In contrast, the amount of claimants' demands, which would be disclosed under the Exposure Draft, may have no legitimate basis whatsoever. If, as is frequently the case, the claimant does not make a specific demand for damages, the Exposure Draft would require disclosure of our best estimate of the maximum possible loss exposure. Disclosure of this information would substantially impair our ability to negotiate settlements that would be in the best interest of the company and our investors.

The Exposure Draft's required qualitative disclosures could be even more damaging to our ability to effectively defend Whirlpool in litigation. We would be required to reveal what we believe to be the factors likely to affect the ultimate outcome of the litigation and their potential effects, our assessment of the most likely outcome of the litigation, our assumptions in estimating the amounts used in our quantitative disclosure and our assumptions in assessing the likely outcome.

Traditionally, this type of information has been protected by attorney-client privilege and the attorney work product doctrine. Not only would these disclosures be prejudicial to our position in the subject cases, but they would also provide a roadmap for claimants' counsel in future lawsuits. This risk is of particular concern to companies, like Whirlpool, that may have multiple cases arising out of similar fact patterns.

3. Should an entity be required to provide disclosures about loss contingencies, regardless of the likelihood of loss, if the resolution of the contingencies is expected to occur within one year of the date of the financial statements and the loss

contingencies could have a severe impact upon the operations of the entity? Why or why not?

Under the current FAS 5, companies can exclude frivolous claims from loss contingency disclosure based on the conclusion that they represent only a remote risk of loss. The exclusion of items classified as remote is consistent with general principles for assessing materiality. The Exposure Draft would allow a claim that represents only a remote risk to be excluded from disclosure, unless it is likely to be resolved within one year and it could have a significant financially disruptive effect. In that circumstance, the Exposure Draft would require all of the additional quantitative and qualitative disclosure discussed above to be provided. We do not believe that the time frame for resolution and the amount of the demand can transform a non-material claim into a material one. For any business, there are a host of contingencies that could occur at any time with cataclysmic effect, but in order to provide meaningful disclosures to the reasonable investor the overriding consideration should be the likelihood that such an event will occur.

8. This proposed Statement includes a limited exemption from disclosing prejudicial information. Do you agree that such an exemption should be provided? Why or why not?

We agree that an exemption from disclosure of prejudicial information must be provided, but we believe that the exemption as proposed is far too limited. Even exercise of the exemption to omit disclosure of the assessment of the likely outcome of a claim and the significant assumptions underlying that assessment would require a statement as to why the exemption is being invoked. This information may, in and of, itself, be prejudicial. Disclosure of the anticipated timing of the resolution of a matter, the factors that counsel believes to be likely to affect the outcome and the potential impact of those factors on the outcome would be required even when the exemption is exercised. This information could seriously undermine litigation strategy and, as it is equally prejudicial to a company's position, should also be exempt from disclosure.

14. Do you believe it is operational for entities to implement the proposed Statement in fiscal years ending after December 15, 2008? Why or Why not?

We do not believe the timeline for implementation of the Exposure Draft allows sufficient time to prepare for the expanded disclosure requirements.

The number of parties involved and the scope of work entailed in order to comply with these requirements for fiscal year 2008 is daunting, particularly for global enterprises such as Whirlpool.

If the Exposure Draft is adopted, companies will be required to thoroughly analyze the requirements, ascertain what additional information must be gathered and train internal and external process partners on the new standards. Companies must have an opportunity to determine, with the assistance of legal counsel directly involved in each claim, what

forms of aggregation are appropriate and evaluate whether information which would otherwise be required to be disclosed may be classified as prejudicial and subject to the exemption. Companies will also need to assess their internal control framework and ensure the existence of adequate internal controls to gather, assess and review the additional information to be included in the expanded disclosure and auditable documentation of those controls.

In conclusion, we believe the potential costs of expanded disclosure to companies and the risks that such disclosure will confuse rather than enlighten investors greatly outweigh any perceived benefits. We have serious concerns about the Exposure Draft and its potential impact. We urge FASB to reconsider the Exposure Draft and at minimum the timeline for implementation.

Sincerely,

Daniel F. Hopp

Senior Vice President, Corporate Affairs,

General Counsel and Secretary