



October 1, 2008

TO: Josh Forgotson  
ICF International

FR: Peter Grinbergs  
Chairman of the Board

RE: Proposed changes to ENERGY STAR® Program Requirements for Residential Ventilating Fans

Thank you for the opportunity to comment on the US EPA's proposed revision to the current ENERGY STAR Ventilating Fan specification.

As we understand it, EPA's intentions with this proposed revision are to:

1. Permit greater inclusivity of models available in the marketplace
2. Encourage fair competition
3. Give partners greater flexibility in testing their products
4. Do all of the above without compromising the quality or comparability of the test results.

Regrettably, the draft specification stands little chance of achieving these goals.

EPA goal #1 – “Permit greater inclusivity of models available in the marketplace”

We question the validity of this goal. The existing program is quite inclusive. HVI represents 71 manufacturers responsible for the sale of more than 98% of the residential ventilation product sales in North America. Sixty-five of these manufacturers have chosen to have their products certified for performance through our rigorous program and 38% of the companies participating in the program do so as non-members of HVI. Each of these companies does so with the best interests of the industry and consumers in mind. In fact, we are not aware of any manufacturer or importer that focuses on residential ventilation products within the ENERGY STAR scope that does not sell HVI certified products.

Eliminating the requirement for HVI Certification will certainly result in more models showing up in the marketplace with the ENERGY STAR label affixed to them – but the models you'll be adding are likely to be substandard products. Without an independently-verified certification requirement, any and all manufacturers will be able to submit fraudulent, erroneous and unsubstantiated data and receive the ENERGY STAR rating. Inclusivity for its own sake renders the program meaningless.

EPA goal #2 – “Encourage fair competition”

HVI is an international trade association devoted exclusively to residential ventilation. It was established in 1955 with the specific purpose of ensuring a level playing field for manufacturers and importers, thereby protecting consumers. The founding members of HVI recognized that without independent, third party oversight, some manufacturers advertised invalid, inflated ratings which made it impossible for consumers to accurately compare products. Your proposal

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to eliminate the requirement for HVI certification weakens the industry we've worked so hard to strengthen and invites misrepresentation of energy performance ratings in the market place. HVI has been policing the ventilation industry for more than 53 years and has established credibility as the independent, unbiased monitor of product performance. We encourage you to use our solid reputation to your advantage, particularly in light of the recent media attention you've received which condemns the ENERGY STAR programs as significantly flawed.

Further, the proposed specification includes no provision for a comprehensive and gentlemanly program whereby manufacturers can challenge their competitors' ratings. One of HVI's best selling points is its Challenge Program and the US EPA has been directly benefiting from it for years. How will your program ensure fair competition without such a program? Are you prepared to invest the resources necessary to ensure fair competition? Perhaps you are planning to delegate this important responsibility to your existing contractor, ICFI. We believe that doing so would be a grave mistake. Frankly, ICFI lacks the necessary expertise to effectively and credibly oversee such a program. In fact, their performance with the basic administrative aspects of the existing program leaves something to be desired. In May 2008, HVI staff conducted an audit of the ENERGY STAR listings. A full 17% were invalid. Sixty-two of the 424 listings were not even HVI-Certified products. Another 10 models were shown twice on the list. So, in actuality, there should have been only 352 products shown on the list. HVI staff notified ICFI contractors of these and other errors. Our latest review of the ENERGY STAR website indicates that there are still some problems which need to be resolved. It seems quite unwise to relieve HVI of the expert (and free) assistance we've been offering in support of your program when the current contractor clearly has quite a bit of room for improvement.

EPA goal #3 – "Give partners greater flexibility in testing their products"

We believe this is a valid goal. Certainly the program should be such that approved testing labs are convenient and competitively priced, so as not to create undue barriers to market entry. But let's be clear: Not all labs are created equal. A wide variety of factors influence the reliability of test results.

The sole purpose of certified performance ratings (including the ENERGY STAR ratings) is to give consumers a means of comparing performance. To make it possible to compare, ratings must be achieved in labs that are appropriate for the products being tested. Ratings must be based on actual test data, in accordance with ANSI Standards for testing. However, that alone does not ensure comparability. The Standards are written broadly to cover a variety of situations. For a specific type of product, narrowly defined procedures for applying the Standards must be used if results are to be comparable.

HVI has invested considerable time and money in the development of test procedures which provide the necessary specificity to permit labs to achieve valid results. Of particular importance is the measure of sound emissions in low-sound products. Independent analysis makes it clear that very quiet fans must be tested in facilities with extremely quiet background sound, so the sound of the fan is measurable above the background sound. Some test procedures recognize laboratory limitations by declaring that a fan cannot be tested unless the background sound pressure is at least 6 dB quieter than the fan. This would be nearly impossible to meet with very quiet fans unless the background sound is extremely low. In addition, the background sound in the lab must be very steady. Since it is not possible to

measure both fan sound and background sound simultaneously, they are measured sequentially. For that process to yield valid results, the background must not change in the interim. If the background has irregularities or changes between the two measurements, the fan sound measurement will not be repeatable. At present, we are aware of only one lab, Energy Systems Laboratory (ESL) at Texas A&M University, which can reliably provide the very low, very steady background sound level necessary for testing extremely quiet ventilating fans. Please note that ESL has demonstrated this capability and reliability over time. It would be a mistake to think that any lab could meet or exceed ESL's performance solely on the basis of a paper credential such as ISO/IEC 17025. HVI accepts test results from the AMCA lab for fans rated at 1.5 sones or above but only allows tests from ESL for quieter fans. Currently, all of HVI's verification and challenge testing is done at ESL for consistency.

It's important to note that the responsibility for control of the program does not end with the initial certification. Performance of production fans must be routinely and independently verified. Fans must be procured in the marketplace without manufacturer involvement in order to ensure the tested fan is representative of routine production practices. There is solid historical evidence to indicate that when manufacturers are included in the procurement process, products submitted will be specially-engineered to ensure they pass the verification testing, thereby defeating the purpose of verification and disserving consumers.

EPA goal #4 – “Without compromising the quality or comparability of the test results”

The bottom line is that the proposed changes severely devalue the program and threaten a disservice to American consumers. At a time when many in the United States are endeavoring to create “green” programs which improve energy efficiency and encourage consumers to make more environmentally-responsible purchasing decisions for their homes, the EPA seems to be moving in the opposite direction. The EPA appears content to pay what amounts to “lip service” to the concept of environmental stewardship by watering down a program which is, currently, one of the ENERGY STAR programs which provides a valuable service to American consumers.

With the exception of the ‘green’ partnerships and lighting source criteria you propose, we strongly oppose any changes to the specification at this time. However, if changes are inevitable, it is imperative that alternative, comprehensive certification, verification and challenge procedures, in which products are procured in the open marketplace as opposed to being supplied by manufacturers, are established prior to implementation of any changes. To adopt the proposal as currently written would be irresponsible and counterproductive. It's worth noting that the benefits of the HVI Certification, Verification and Challenge Programs come at no cost to the EPA. Establishment of an effective alternate system to monitor and police the industry will require substantial government budget allocations and manpower. We suggest the federal government utilize any funding it would have earmarked for the creation of these programs toward promotion of the need for healthy indoor air quality and continue to take advantage of HVI's well-established programs.

Regards,



Peter Grinbergs

PG/jg