

## STAKEHOLDER COMMENTS AND EPA RESPONSES ON

### STANDARD OPERATING PROCEDURE FOR REVISING OR ESTABLISHING AN ENERGY STAR PRODUCT SPECIFICATION

Topic	Comment	Response
Data	Data submittals for purposes of ENERGY STAR should align fully with what is required for minimum efficiency standards.	The ENERGY STAR is a consumer label that more than 90% of consumers know, and further trust. Of households who purchased an ENERGY STAR certified product, <b>74%</b> of them reported the label as influential to their purchasing decision. With this role in mind, EPA collects for certified products a range of information relevant to consumer purchasing decisions that far exceed the data collected by DOE for the very different purpose of establishing a floor that all products must meet.
	For fast moving products, numerous stakeholders suggested that EPA supplement unit shipment data with market data such as that provided by the ENERGY STAR Retail Products Platform (ESRPP).	EPA welcomes such data and will consider it in the specification development process.
	In the absence of market data, ENERGY STAR uses model data and count as a proxy for specification setting. Some stakeholders state that while model count is helpful for brand diversity, market share is more accurate for developing levels and offers to provide such data in some cases.	Absent market data, EPA has assembled an ENERGY STAR data set that is intended to represent the US market and sets levels based on the pass rate of models within this dataset. EPA recognizes that market data would allow for truer differentiation and should such data be available, EPA will consider it.
	The ENERGY STAR products program should follow policies under the Data Quality Act.	<p>As laid out in EPA's <i>Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity, of Information Disseminated by the Environmental Protection Agency</i>:</p> <p>EPA receives a large amount of information that external parties volunteer or provide under statutory and other mandates. Much of the environmental information submitted to EPA is processed and stored in Agency information management systems. While, we work to ensure and maximize the integrity of that information through a variety of mechanisms and policies, we have varying levels of quality controls over information developed or collected by outside parties. This information generally falls into one of four categories:</p> <ol style="list-style-type: none"> <li>1) Information collected through contracts with EPA. Examples of this information include studies and collection and analysis of data by parties that are under a contractual obligation with EPA. Since EPA is responsible</li> </ol>

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		<p>for managing the work assigned to contractors, EPA has a relatively high degree of control over the quality of this information.</p> <ol style="list-style-type: none"><li>2) Information collected through grants and cooperative agreements with EPA. Examples of this information include scientific studies that are performed under research grants and data collected by State agencies or other grantees to assess regulatory compliance or environmental trends. Although EPA has less control over grantees than contractors, EPA can and does include conditions in grants and cooperative agreements requiring recipients to meet certain criteria.</li><li>3) Information submitted to EPA as part of a requirement under a statute, regulation, permit, order or other mandate. Examples of this information includes required test data for pesticides or chemicals, Toxics Release Inventory (TRI) submissions and compliance information submitted to EPA by States and the regulated community.</li><li>4) Information that is not included in any of the above three categories includes information that is either voluntarily submitted to EPA in hopes of influencing a decision or that EPA obtains for use in developing a policy, regulatory, or other decision. Examples of this information include scientific studies published in journal articles and test data obtained from other Federal agencies, industry, and others. EPA may not have any financial ties or regulatory requirements to control the quality of this type of information.</li></ol> <p>While the quality of information submitted to EPA is the responsibility of the original collector of the information, the Agency nevertheless maintains a robust quality system, that addresses information related to the first three bullets above by including regulatory requirements for quality assurance for EPA contracts, grants, and assistance agreements. For the fourth category, the Agency intends to develop and publish factors that EPA would use in the future to assess the quality of voluntary submissions or information that the Agency gathers for its own</p>
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		<p>use.</p> <p>To the extent the ENERGY STAR specification process relies heavily on performance data associated with ENERGY STAR certified product models, these data come from an EPA recognized lab and are independently certified by an accredited certification body.</p>
<b>Testing and Listing</b>	Some stakeholders recommended that EPA require for certification the testing and listing of all metrics relevant to energy efficiency.	EPA does aim to highlight for both purchasers and those who leverage ENERGY STAR data, all data that is relevant to their decision making. Stakeholders are encouraged to help EPA assess data that will be most valuable to purchasers. EPA will balance this benefit with burden to brand owners.
<b>Non-energy Requirements</b>	Numerous commenters expressed support for minimally acceptable functionality testing, others indicated that ENERGY STAR should remain focused on energy efficiency and avoid areas such as product performance, capacity, features and warranties. The SOP should reflect that ENERGY STAR criteria will not include non-energy requirements unless manufacturers broadly support doing so.	As articulated in the ENERGY STAR Products Program Strategic Vision and Guiding Principles, energy efficiency is the basis upon which top performers are selected. Where appropriate and with input from stakeholders, EPA addresses attributes related to other aspects of product performance in ENERGY STAR specifications to ensure that the competitive advantage associated with the ENERGY STAR label is reserved for products that are able to maintain performance while delivering higher efficiency.
<b>Consideration of and Engagement in State activities</b>	One commenter requested that for non-federally regulated products, EPA require that products meet California Energy Commission (CEC) regulations and work closely with CEC as a stakeholder in rulemakings so ENERGY STAR implications are evaluated.	EPA agrees that being aware of state and international standards efforts for non-federally regulated products and working towards alignment serves brand owner partners and consumers. EPA will continue to prioritize harmonization.

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<p><b>Connection between ENERGY STAR and ENERGY STAR Most Efficient</b></p>	<p>Numerous stakeholders recommended a closer connection between ENERGY STAR and ENERGY STAR Most Efficient creating a multi-year strategy to accelerate market adoption of more efficient products.</p>	<p>As ENERGY STAR Most Efficient recognition becomes more established, EPA has begun to look more closely at the benefit offered by coordination between these two elements of the program. For example, close technical work with the ESRPP revealed the benefit to participating utility partners of coordination that enables smooth tiered incentives.</p>
<p><b>Program Management</b></p>	<p>One trade association commenter argued that for foundational reasons and in the interest of government efficiency, the ENERGY STAR appliance program should be moved to DOE. An appliance manufacturer expressed support for EPA continuing to lead ENERGY STAR efforts across all product categories. Other stakeholders argued that the current division of responsibilities between EPA and DOE works very well and that any significant change would cause disruption for unclear benefit. Lastly, one joint set of commenters suggested EPA and DOE provide a path for stakeholders to provide feedback on the coordination of these two agencies.</p>	<p>EPA is committed to working with appliance partners and others in collaboration with the DOE to continuously improve the efficiency and effectiveness with which we operate the ENERGY STAR program. While EPA has completed this formal process to develop and seek feedback on an SOP for the ENERGY STAR products program, EPA and DOE will continue to remain available to stakeholders who wish to share feedback regarding program processes and efficiency opportunities.</p>
<p><b>Third Party Certification</b></p>	<p>For consumer electronics, third party certification is neither necessary nor justified based on the industry's successful track record of ENERGY STAR compliance. It is also superfluous in light of the government's post-market verification programs which are more meaningful and impactful.</p>	<p>Independent certification of products that carry the ENERGY STAR label is essential to maintaining consumer confidence and preserving the label's value for partners. It enhances the value of the program by ensuring that products are properly tested and reviewed prior to being labeled and eliminates the competitive advantage associated with cheating. According to UL, about 15% of televisions that are submitted for initial certification fail to meet ENERGY STAR requirements. A system that relies exclusively on manufacturer self-declaration and post-market testing (particularly in the absence of penalty authority) provides insufficient safeguard against the potential sale of millions of falsely labeled products before the problem is uncovered.</p>
	<p>The current process for verification testing of fenestration products should be modified to allow for Partners to opt for sampling of additional units if there is a product failure associated with the first tested sample. The current system does not provide manufacturers with a mechanism</p>	<p>The verification testing of fenestration products currently relies on a sample size of one unit to determine whether the product failed. The rationale for limiting the sample size to one unit is to ensure that every ENERGY STAR window purchased by consumers delivers the savings they expect from the product. As noted in the</p>

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	for contesting the laboratory results due to the manufacturer not being present during the test and no access to re-test due to dismantling at the end of the initial test.	comment, there are <a href="#">disqualification procedures</a> for products that fail to meet ENERGY STAR requirements. These procedures allow manufacturers an opportunity to dispute the finding of a testing failure. EPA is working with NFRC to support procedural changes that would allow unit observation at an interim point in test recording. That opportunity would address some of the concerns raised and associated with a destructive product test.
<b>Effective Dates</b>	Align ENERGY STAR effective dates with the effective dates of DOE minimum efficiency standards to avoid two rounds of redesign and retooling. Another stakeholder recommended that EPA engage with stakeholders on appropriate lead in times that consider product development cycles.	In the case of federally regulated products that are being updated in the same time period as the ENERGY STAR requirements, EPA will align effective dates with those of DOE. Further, for non-federally regulated products, EPA will work with stakeholders to understand manufacturer development and sales cycles when determining effective dates.
<b>Incremental Cost to Manufacturers</b>	EPA needs to evaluate the incremental cost to manufacturers associated with meeting ENERGY STAR requirements since ENERGY STAR is essentially a mandate.	EPA is sensitive to manufacturer costs though has limited transparency into them. Should partners share incremental costs, EPA will consider this in the specification setting process.
<b>Sunsetting</b>	EPA should revisit the “continuous cycle” assumption and consider sunseting certain ENERGY STAR specifications but only with majority support from industry.	As articulated in the ENERGY STAR Products Program Strategic Vision and Guiding Principles, EPA makes determinations under certain circumstances, that an ENERGY STAR specification for a particular product category should be sunset rather than revised. Factors that play into such a decision include the extent to which additional cost effective efficiency gains are available or anticipated and whether a federal standard offers a backstop to maintain efficiency gains. As the program continues to mature, EPA anticipates circumstances where it could be in the consumer’s interest to maintain the ENERGY STAR specification for a particular category, despite high market share to preserve efficiency gains in circumstances where increases in stringency are not currently feasible.