

REF NO.	Topic	Comment	EPA Response
1	General Opposition	<p>Is the top-tier effort the best use of resources for the ENERGY STAR program?</p> <p>Resources should focus on saving energy on a larger scale.</p> <p>A top-tier effort should not develop at the expense of ENERGY STAR</p>	<p>The top tier effort is designed to be complementary to existing ENERGY STAR efforts. Through ENERGY STAR, EPA remains focused on identifying and promoting ways that the average American can help protect the environment through energy-efficient products and practices. The top tier effort is one element within ENERGY STAR designed to help identify and advance highly efficient products into the marketplace. While only a small percentage of ENERGY STAR resources are dedicated to the top tier effort, the potential advancement of highly efficient products into the mainstream marketplace creates the opportunity for high returns.</p>
2	General Opposition	<p>The top-tier effort might dilute the ENERGY STAR brand.</p> <p>The top-tier effort might create customer confusion.</p>	<p>EPA has been very mindful of these concerns throughout the research and design phase of the top tier effort. In order to ensure the credibility and value of the ENERGY STAR brand was maintained, EPA worked with several groups including Interbrand, an internationally recognized branding firm. EPA has been working with Interbrand for over a decade on building and strengthening the ENERGY STAR brand identity. The design of the top tier effort was informed by consumer testing; design structure options that harmed the ENERGY STAR brand or were confusing to consumers were eliminated. The consumer testing indicated that the proposed top tier design would not cause customer confusion.</p>
3	General Opposition	The current testing procedures are flawed.	While researching and designing the top tier effort, EPA simultaneously addressed concerns about current testing procedures by launching new testing and verification requirements on January 1, 2011.
4	General Opposition	Top-tier will result in ENERGY STAR selecting technology winners and losers.	EPA will set a performance level for eligible product categories that reflects the latest in technological advancements (for energy efficiency). Products that meet the performance levels will be recognized through the top tier designation. Manufacturers that don't have products initially meeting the performance levels will have the full year to submit new products for the designation.
5	General Opposition	The top-tier effort might not be in the best interest of evolving markets (i.e., geothermal heat pumps).	EPA understands that the top tier effort may not be a good fit for all product categories, which is why the initial rollout of the program will include only product categories that fit the program goals and target audience for the top tier effort, and that are also typically promoted at higher performance levels by utility and state sponsored utility programs.
6	General Support	<p>The top-tier program will help consumers identify high efficiency products.</p> <p>The top-tier program will further support the credibility of ENERGY STAR.</p> <p>The top-tier program will provide a valuable structure for manufacturers to innovate.</p>	EPA appreciates support on this effort and looks forward to collaborating with stakeholders on the rollout and refinement of the program.
7	Supports Alternative Approach	<p>The top-tier program should consist of the top 5% of product models.</p> <p>Using the top 5% of product models for the top-tier program will be easier for consumers to understand and manufacturers to predict.</p>	<p>EPA recognizes that this alternative has potential for greater predictability for manufacturers. However, since the primary goal of the top tier effort is to identify and advance highly efficient products, it was important to select an approach where the number of products earning the designation would be few and really exceptional. This programmatic goal is more likely to be achieved using the chosen approach where performance levels are set to reflect only the latest in technological advancements and to include only a very limited set of qualifying models. To ease manufacturer concerns about predictability and communication, EPA will share eligibility criteria as soon as possible and will also provide templates and guidelines to aid manufacturers and retailers in effective communication to consumers.</p>
8	Supports Alternative Approach	EPA should consider using product specific details, such as climate and intelligent controls on HVAC products.	EPA will take this into consideration for the final criteria
9	Supports Alternative Approach	EPA should using the top 5% of efficiency ranges for top-tier as it would better drive technologies.	EPA determined that a case by case analysis for each product category would better meet the goals of an effort to identify for consumers the top tier products.
10	Supports Alternative Approach	Using the top 5% of efficiency ranges will provide the lowest chance that one technology or company is favored over another.	EPA determined that a case by case analysis for each product category would better meet the goals of an effort to identify for consumers the top tier products.
11	Supports Proposed Approach	Stakeholders support the proposed approach of a case by case review for each product category.	EPA appreciates support on this effort and looks forward to collaborating with stakeholders on the rollout and refinement of the program.
12	Supports Proposed Approach	The success of the program will depend on the communication to consumers to clarify the program.	Products earning the top tier designation will be identified through a dynamic, real-time list of top products via the ENERGY STAR website. Point of purchase materials, communication templates, and identify guidelines that reinforce the ENERGY STAR brand will also be made available to aid retailers, manufacturers, utilities, and efficiency program administrators in communicating effectively about the top tier effort.
13	Supports Proposed Approach	A process should be set up for consumers to verify or report false claims.	EPA will provide a phone number and e-mail address for feedback and questions.
14	Supports Proposed Approach	The case-by-case approach should be aligned with current utility programs' performance levels.	EPA, where possible, will collaborate with utility program performance levels. However, as EPA is creating performance levels that will be relevant for the entire nation, performance levels may not always align with regional standards.

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15	Overall Process	How will stakeholders be involved in the process for the top-tier effort?	EPA has consulted with stakeholders throughout the research and design process, and looks forward to receiving stakeholder feedback as the top tier effort moves into the implementation and evaluation stage.
16	Overall Process	The top-tier program needs predictability.	Eligibility criteria for product categories will be issued annually and at a fixed time. Products meeting those performance levels will earn the designation.
17	Overall Process	The top-tier program's process for selection needs to be transparent.	Stakeholder feedback will be a key part of any effort to identify the top tier products.
18	Overall Process	There needs to be more clarity on the overall program goals and specifics of the program.	The goal of the program is to identify the top, few, most energy efficient products for early adopters without confusing consumers or harming the ENERGY STAR brand. EPA will continue to refine the effort before the launch and throughout the program, particularly in the first year after launch. EPA welcomes additional feedback or questions from stakeholders at any time.
19	Overall Process	There needs to be rigorous, third-party testing for the program.	On January 1, 2011 EPA launched new third-party testing and verification requirements for all ENERGY STAR products. All products earning the top tier designation will be subject (as ENERGY STAR qualified products) to third-party testing.
20	Overall Process	The top-tier specifications will need to change when the overall specifications change for ENERGY STAR qualified products.	Eligibility criteria for the top tier designation will be revisited when ENERGY STAR specifications are updated, which will most likely result in an update to the top tier performance levels as well.
21	Additional Research for Process	Additional research should be conducted to ensure the ENERGY STAR brand is not at risk and consumers are not confused by the new top-tier effort.	EPA has been very mindful of branding concerns throughout the research and design phase of the top tier effort. In order to ensure the credibility and value of the ENERGY STAR brand was maintained, EPA engaged Interbrand, an international branding expert that has worked with EPA for 10 years on building and strengthening the ENERGY STAR brand identity. The design of the top tier effort was informed by consumer testing; design structure options that harmed the ENERGY STAR brand or were confusing to consumers were eliminated. The consumer testing indicated that the proposed top tier design would not cause customer confusion, but EPA will continue to monitor for brand confusion once the top tier effort goes into the implementation stage.
22	Additional Research for Process	Focus groups may not represent the US consumer and therefore findings are not valid.	While the results of focus groups are not generalizable to the entire population of U.S. consumers, EPA selected participants relevant to the proposed effort, including consumers who had recently purchased products in each of the proposed product categories. Rigorous selection methodology, combined with appropriate facilitation of focus groups, generated results that were sufficient to identify major concerns and merits of the proposed effort, and were sufficient for our purposes.
23	Additional Research for Process	Focus group methodology and findings should be provided to ENERGY STAR partners.	Partners that are interested can contact EPA for this information.
24	Additional Research for Process	Additional market research and program evaluations should be conducted during the early stages of the program roll out.	EPA plans to continue evaluating the top tier effort, particularly during the first year, and to make programmatic adjustments based on those findings.
25	Additional Research for Process	Research with input and participation by ENERGY STAR program partners would provide additional input.	EPA sought out research from ENERGY STAR program partners when launching the research phase of the top tier effort. EPA received some research from partners, which was useful in designing the qualitative research conducted in summer 2010. EPA welcomes additional relevant research from partners.
26	Additional Research for Process	The EPA did not adequately investigate other alternatives to the top-tier effort.	EPA researched and evaluated a bevy of options to address the programmatic goals before deciding on the proposed design of the top tier effort. For additional information on why particular alternatives were rejected, see responses to specific ideas raised by stakeholders (see comment 13, 16, and 36).
27	Additional Research for Process	The existing ENERGY STAR program should have strengthened existing requirements.	EPA regularly revisits the requirements of the ENERGY STAR program and evaluates whether to expand to offer new products and services, revising requirements and offerings as appropriate. However, strengthening the current ENERGY STAR requirements or expanding product offerings would not address the dual programmatic goals that can be addressed through the addition of the top tier effort. The current ENERGY STAR requirements enable mainstream consumers to easily select energy-efficient products, while the top tier designation allows early adopters to easily select the top tier available product. The top tier effort will aid in the early stages of market priming, ensuring that technological advances continue to progress in the marketplace. Meanwhile, the current ENERGY STAR specifications ensure that energy-efficient products are still attainable for the mainstream consumer.
28	Additional Research for Process	The existing ENERGY STAR program should have expanded to offer new products and services.	EPA regularly revisits the requirements of the ENERGY STAR program and evaluates whether to expand to offer new products and services, revising requirements and offerings as appropriate. However, strengthening the current ENERGY STAR requirements or expanding product offerings would not address the dual programmatic goals that can be addressed through the addition of the top tier effort. The current ENERGY STAR requirements enable mainstream consumers to easily select energy-efficient products, while the top tier designation allows early adopters to easily select the top tier available product. The top tier effort will aid in the early stages of market priming, ensuring that technological advances continue to progress in the marketplace. Meanwhile, the current ENERGY STAR specifications ensure that energy-efficient products are still attainable for the mainstream consumer.

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29	Recognition Period	<p>There should be an annual timeline for product review, with some flexibility in categories where an annual approach is not workable.</p> <p>Companies need to be given time to purge their product lists when needed - to add models quickly and remove them slowly.</p> <p>EPA should give consideration to allowing products to stay on the top-tier list after manufacturers have made a considerable investment to qualify products for that year's classification.</p> <p>Stakeholders should be given an opportunity to comment on the proposed performance requirements.</p> <p>EPA should provide sufficient resources for enforcement of product labeling.</p> <p>EPA should provide sufficient resources and notification to allow for product development.</p> <p>EPA should discuss timing with manufacturers to align with manufacturer product development.</p>	<p>EPA is very mindful that this effort needs to be a useful tool for consumers, manufacturers, efficiency program administrators, and retailers, among others. Accordingly, performance levels will be selected on a case-by-case basis and updated annually, allowing top tier recognition to be tied, potentially, to a calendar year. When additional product categories are eligible for the top tier designation, EPA will work with the relevant stakeholders to ensure that the timeline for product review adequately meets their needs.</p>
36	Brand Protection	<p>The top tier effort will create consumer confusion regarding the ENERGY STAR brand.</p> <p>ENERGY STAR is currently a binary tool and introducing top-tier might lead consumers to question the value of current ENERGY STAR products.</p>	<p>An effort to identify the top tier products is informed by EPA's commitment to maintain the credibility and value of ENERGY STAR to the general public while investigating opportunities to do more with this successful program.</p>
38	Consumer Communication	<p>EPA should provide energy-savings estimates/payback period messaging for each product category.</p>	<p>Products qualifying for recognition will be featured among ENERGY STAR qualified products via user-friendly product lists on the ENERGY STAR web site. The lists on the ENERGY STAR website will be similar to the ENERGY STAR Qualified Product Lists currently used to highlight ENERGY STAR qualified products. The criteria listed in the top tier product lists will include manufacturer, model number, and energy savings. Tailored outreach and tools would be deployed to encourage "early adopters" and others to access the lists. Specially designed Point of Sale and/or Point of Purchase materials, featuring words and messaging compelling to the target audience, would be available to further highlight recognized models in-store or in contractor sales literature.</p>
39	Consumer Communication	<p>Local programs should incorporate energy-savings estimates/payback period messaging in their programmatic efforts.</p>	<p>Products qualifying for recognition will be featured among ENERGY STAR qualified products via user-friendly product lists on the ENERGY STAR website. The lists on the ENERGY STAR website will be similar to the ENERGY STAR Qualified Product Lists currently used to highlight ENERGY STAR qualified products. The criteria listed in the top tier product lists will include manufacturer, model number, and energy savings. Tailored outreach and tools would be deployed to encourage "early adopters" and others to access the lists. Specially designed Point of Sale and/or Point of Purchase materials, featuring words and messaging compelling to the target audience, would be available to further highlight recognized models in-store or in contractor sales literature.</p>
40	Consumer Communication	<p>Additional lead time will need to be made available before the launch of top-tier to ensure point-of-purchase displays and other marketing materials are updated.</p>	<p>EPA will make relevant information available to manufacturers well in advance.</p>
41	Consumer Communication	<p>Mobile applications could allow consumers to easily find products that qualify for top-tier.</p>	<p>EPA will evaluate additional methods for promoting products that have earned the top tier designation in the future. As we move forward, additional communication strategies may be implemented based on feedback from stakeholders.</p>
42	Consumer Communication	<p>Retail PoP, website, and mobile applications will not work for the HVAC sales model.</p>	<p>EPA will work with stakeholders and revise the communication strategies as necessary.</p>
43	Consumer Communication	<p>The EPA should develop an approach that can be easily communicated.</p>	<p>EPA's current approach is designed to be easily communicated with both stakeholders and consumers. The lists highlighting products that have earned top tier designation provide consumers with a quick and easy way to determine top tier products. The PoP mark allows stakeholders to convey this information to consumers in a retail setting.</p>
44	Consumer Communication	<p>Sharing the program's goals with consumers will build understanding.</p>	<p>EPA will work with retailer, manufacturers, utilities and other stakeholders to help consumers understand this effort. Consumer can also learn about the top tier effort by visiting the ENERGY STAR website at http://www.energystar.gov/toptier</p>
45	Consumer Communication	<p>The website for the top-tier effort will need to be easy to navigate and consumer-friendly.</p>	<p>Consumers and stakeholders will be able to view top tier lists and information on the ENERGY STAR website. Navigation to relevant information will be easily accessible for both stakeholders and consumers.</p>
46	Consumer Communication	<p>The top-tier designation should be worked into the existing ENERGY STAR logo.</p>	<p>Our strategy is to have the information available at Point of Purchase and online, include the ENERGY STAR logo, the year, and the ENERGY STAR website URL to ensure consumers understand that the top tier designation denotes the top tier ENERGY STAR qualified products.</p>
47	Consumer Communication	<p>A different name and visual designation would provide clear differentiation from the rest of ENERGY STAR qualified products.</p>	<p>EPA believes that the top tier language and PoP mark achieve both of these results.</p>

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48	Consumer Communication	How will manufacturers be allowed to promote their top-tier products?	EPA has developed guidelines for the use of top tier language and the PoP mark. These guidelines outline how EPA prefers to implement the top tier designation in the retail setting, both in-store and on the web, as well as the appropriate uses for manufacturers and program implementers.
49	Product Labeling	Top-tier specific marketing guidelines should be drawn up and require the manufacturer name, model number, and date of qualification on all PoP materials.	Products earning the top tier recognition will be identified through a dynamic, real-time list of top products via the ENERGY STAR website. Point of purchase materials will also be developed that reinforce the ENERGY STAR brand and communicate the top tier products EPA and DOE and will collaborate with utilities and state sponsored efficiency programs to create co-branded point of purchase materials.
50	Product Labeling	The lab name and date the product was tested to qualify for top-tier should be provided in the product materials.	Eligible products will be third party certified and tested in an EPA recognized lab.
51	Product Labeling	A phone number or email address for consumer complaints should be publicized.	All issues related to the misuse of the top tier designation can be sent to logomisuse@energystar.gov . This is an EPA monitored email account for trademark violations and misuses of the ENERGY STAR trademark, including any issues related to the top tier effort. Stakeholders and the general public can use this email address to inform EPA of issues surrounding the top tier PoP mark. A response will be provided within 3 days.
52	Program Coordination	The EPA should coordinate the top-tier effort with other existing programs at other organizations. Suggested organizations include: CEE, TopTen USA, EPEAT, SEAD, NEEA, ACEEE, and LEED.	EPA will work with all relevant stakeholders to ensure that the top tier effort is implemented into existing programs as seamlessly as possible. EPA welcomes input from its program implementation partners and hopes to learn from their best practices.
53	Program Coordination	The EPA should align the top-tier effort with existing utility and other state/regional programs.	EPA will work with all relevant stakeholders to ensure that the top tier effort is implemented into existing programs as seamlessly as possible. EPA welcomes input from its program implementation partners and hopes to learn from their best practices.
54	Additional Products	EPA should add the following categories: windows, doors, water heaters, lighting, clothes dryers, washer/dryer combo units, commercial laundry units, geothermal heat pumps, and commercial food service products.	Keeping the program goals and target audience in mind, EPA and DOE have made a preliminary assessment of the consumer product categories covered by the ENERGY STAR program and propose an initial focus on product categories typically promoted at higher performance levels by utility and state sponsored efficiency programs. EPA will continue to evaluate the product categories eligible for the top tier effort and will revise the list as necessary based on program goals and stakeholder feedback.
55	Additional Products	New home construction should become a part of the top-tier effort.	Keeping the program goals and target audience in mind, EPA and DOE have made a preliminary assessment of the consumer product categories covered by the ENERGY STAR program and propose an initial focus on product categories typically promoted at higher performance levels by utility and state sponsored efficiency programs. EPA will continue to evaluate the product categories eligible for the top tier effort and will revise the list as necessary based on program goals and stakeholder feedback.
50	Additional Products	EPA should place boilers and combination boilers/water heaters into two separate categories.	Keeping the program goals and target audience in mind, EPA and DOE have made a preliminary assessment of the consumer product categories covered by the ENERGY STAR program and propose an initial focus on product categories typically promoted at higher performance levels by utility and state sponsored efficiency programs. EPA will continue to evaluate the product categories eligible for the top tier effort and will revise the list as necessary based on program goals and stakeholder feedback.
51	Additional Products	What will the timeline be for adding in additional product categories?	EPA's goal is to target product categories where a super-efficient product or products exist and to designate those products for a set period of time. Each year, EPA will review the product categories eligible for the top tier effort and determine whether product categories should be added, removed, or kept as eligible.
52	Additional Products	When windows become a part of the program, entry doors should be evaluated as a separate category.	EPA will review specific product category specifications as those categories are added. Each product category will be reviewed with stakeholders' interests in mind
53	Qualifying Criteria	If products meet the standard of energy efficiency, but do not deliver expected performance, they should not be a part of the top-tier effort.	EPA is interested in recognizing products whose energy efficiency stands out and represents superior performance in a meaningful way. A case-by-case review of performance data and technology developments will be conducted for each category, with the selection of a performance level that reflects the latest in technological advancement.
54	Product Updates	The addition of new qualifying models needs to keep pace with market development to keep manufacturers interested in the program.	EPA understands that a program promoting top tier products to "early adopters" must be up-to-date while providing a certain amount of stability and advance notice to run effective product promotions. Whether new performance levels are selected annually or more frequently, it is EPA's intention that product models could be added at any time during the recognition period once a performance threshold for a product category is established for the recognition period.
55	Product Updates	The qualifying models list needs to be large enough for manufacturers to market the program properly.	EPA understands that a program promoting top tier products to "early adopters" must be up-to-date while providing a certain amount of stability and advance notice to run effective product promotions. Whether new performance levels are selected annually or more frequently, it is EPA's intention that product models could be added at any time during the recognition period once a performance threshold for a product category is established for the recognition period.