

April 30, 2010

Ms. Kathleen Vokes
Mr. Chris Kent
EPA Energy Star Program
US Environmental Protection Agency
Washington, DC

Dear Ms. Vokes and Mr. Kent,

Lexmark provides the following comments on the series of Webinars hosted by the EPA Energy Star Program in March 2010 and the EPA Energy Star Emails sent on March 31st ("Immediate Changes to ENERGY STAR Product Qualification Procedures" and April 14th, 2010 ("EPA Resumes ENERGY STAR Product Qualifications; New Requirements Communicated").

- 1) On 2010 Changes for Test Reports
 - a) Test Reports should rely on the referenced test specifications, not on quick decisions made to satisfy political concerns
 - b) There is no need for 2 signatures as this is NOT required by any referenced specification
 - c) There is no need for equipment calibration dates as this is NOT required by any referenced specification. A statement of annual calibration is sufficient for the testing specifications
- 2) On No Longer allowing Manufacturers to make determinations of Energy Star Qualification.
 - a) Lexmark considers this change to be a fundamental change to the Partnership Agreement and the principles that made Energy Star the leader in IT Worldwide product energy efficiency. Rather than increase Energy Star, this change will hurt the ability of Manufacturer's to bring Energy Star products to the market in a timely, cost effective process.
 - b) Since Manufacturers are burdened by extensive product labeling requirements in the partnership agreement, it is not possible to satisfy these requirements AND wait on the Energy Star approval to start labeling products, literature and retail packaging. A new process is needed to be workable.

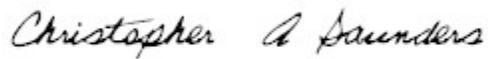
On Future Certification Testing (2011 and beyond)

- 1) Certification testing should require test reports from testing labs with ISO 17025 accreditation to the appropriate testing standard. ISO 17025 is accepted worldwide as a standard for evaluating testing labs for quality systems, technical proficiency and operational independence. Whether OEM owned or contracted by the OEM to perform the testing is not relevant, it is only a political issue. 3rd party testing is an unnecessary cost and time burden on Manufacturers and will delay time to market for Energy Star Qualification of products. The safety and FCC certification process permits manufacturer accredited testing and we suggest Energy Star should emulate these successful certification processes.
- 2) ESTAR should continue to NOT mandate program participation for External Power Supplies (EPS) as referenced in the IE agreement. It should only require testing of the EPS to show compliance with the technical requirements. EPS Testing should following DOE regulatory requirements for unit testing
- 3) ISO 17025 accredited Certification testing should be phased in over a minimum 1 year period to prepare new lab accreditation. Practically, the absolute earliest date accredited lab testing could be required would be July 2011.
- 4) Requiring ESTAR approval prior to utilization of the ESTAR logo is NOT possible given the ESTAR logo requirements. Manufacturers must maintain the ability to apply the logo in anticipation of ESTAR status based upon the accredited testing and analysis during product development. The result would either be a violation of the logo requirements or a delay in the introduction to the market of ESTAR products.
- 5) Energy Star must negotiate and establish robust processes to ensure that the EPA and its contractors protect the confidential information that the EPA is now mandating from OEMs prior to product announcement is kept confidential.

On Verification

- 1) Verification should be performed by an accredited 3rd party laboratory for products. Lexmark also recommends an open system of accredited labs rather than the creation of a verification monopoly regulated by the EPA
- 2) Accredited Verification Labs should be trained and accredited only for specific product segments to allow for a better understanding of the products they are verifying.
- 3) Energy Star should create a verification committee for each Industry Segment to create guidelines for 3rd party accredited verification labs. This Committee should include at least 1 representative from a Manufacturing Partner and 1 representative from a Retail partner for each representative from EPA Energy Star or their contractors
- 4) Verification shall be limited to the lesser of
 - a) 5 products per manufacturer per year per product category (i.e. 5 imaging equipment models, 5 tvs, etc)
 - b) A verification cost cap negotiated between the Industry Segment and the EPA.
- 5) Verification reports shall be provided to the OEM with the ability to initially challenge/correct verification reports prior to the verification reports submission to Energy Star. Based on our experience with past Energy Star verification, 3rd party verifiers have made numerous "false failures" of IT products based on their misunderstanding of the partnership agreement.

Sincerely,



Christopher A Saunders
Lexmark Energy Star Program Coordinator