

April 30, 2010

Ms. Kathleen Vokes  
US EPA  
Climate Protection Partnership Division  
ENERGY STAR Program  
1200 Pennsylvania Ave NW  
Washington, DC 20460

Dear Ms. Vokes:

I am pleased to offer comments on behalf of the Power Tool Institute (PTI) regarding the EPA /Energy Star announcement to pursue a program of enhanced testing and verification for EPS's and Battery Chargers.

PTI is a trade association of North American power tool manufacturers many of whom produce battery operated power tools and allied products that have associated battery chargers. Using the current scope of the Energy Star Specifications, these products are considered "battery chargers" (BCS) and, as such, our comments are limited to these products. A number of PTI members are Energy Star Partners under the BCS program

In general we believe that PTI Energy Star Partners have been exemplary in their conduct and do not require the oversight and attendant expense associated with the proposed enhanced testing and verification program. We believe this fundamentally alters the "partner" status of the participating manufacturers and, for our members' products, adds no value to the Energy Star mark. Nonetheless, we appreciate the agency's decision to pursue this path regardless of the track record of a participant or class of participant. Therefore, our comments will be restricted to the details of the implementation of the proposed program.

1. There should be, as part of EPA/Energy Star's agreement with Program Administrators, some specific requirements to prevent abuse of the power they will possess:
  - a. Program Administrators should be prohibited from requiring that Partners place the Program Administrator's certification monogram on the product or associated literature indicating which certifying body (e.g. UL, CSA) conducted the evaluation. The program is for enhancing the partner's product not the Program Administrator's reputation.
  - b. Program Administrators should be prohibited from compelling a Partner from obtaining other certifications or other services other than those required for Energy Star approval as a requirement for Energy Star approval
  - c. And conversely, require a Partner to obtain Energy Star testing from a Program Administrator if a client seeks other services from them.

2. Program administrators should have the flexibility, on the basis of engineering analysis, to permit multiple catalog numbers of products that share commonality of design, if they have demonstrated to EPA/Energy Star that they are competent to do so.
3. Program administrators should have the authority to qualify laboratories, other than their own, for testing services based on the program guidelines and subject to their review of the lab and the data. This process could be used to permit Program Administrators the ability to qualify manufacturers' laboratories as is currently the case with many certifying bodies. (e.g. CBTL's Supervised Manufacturer's Test program, UL's Data Acceptance Program, and others). This would greatly lessen the cost and delay associated with the enhanced testing requirements.
4. Program Administrators must not be compelled by EPA/Energy Star to reveal information provided to them by their clients beyond the information currently required. Confidentiality agreements between clients and certifier must be honored.
5. BCS's, by definition, are products as offered for sale and must necessarily be procured from retail by the Program Administrator as part of Verification. If a Program Administrator cannot find the product at retail even with the Partner's assistance, then this could be a basis for delisting.
6. We believe that not all products from a Partner would need to be verified every three years. Instead, Program Administrators could randomly select one-third of the Partner's listings for Verification. If a discrepancy is found, this could then justify a full Verification.
7. We believe that "challenge testing" where manufacturers are encouraged to police each other, should be abandoned by EPA/Energy Star as a method of Verification. The cornerstone of Energy Star is the trust of partnership and mutual benefit to the public and manufacturers through Partner participation. Challenge testing engenders an environment of hostility that is inconsistent with this founding precept and the spirit of the program.

Thank you for the opportunity to comment on this new program. Please contact me if you would like to discuss these points further.

Sincerely,

Larry Albert  
Senior Technical Manager – Compliance and Product Safety  
Stanley Black & Decker