

**Summary of ENERGY STAR Stakeholder Meeting**  
**Discussion of the New EPA-DOE MOU**  
**November 6, 2009**  
**Washington, DC**

This document summarizes key questions and responses exchanged at the ENERGY STAR stakeholder meeting in Washington, DC November 6, 2009.

Gina McCarthy, U.S. Environmental Protection Agency (EPA) Assistant Administrator Air and Radiation and Henry Kelly, Principal Deputy Assistant Secretary, U.S. Department of Energy (DOE) shared the following opening remarks. The main purpose of this stakeholder meeting was to discuss the ENERGY STAR products-related aspects of the new Memorandum of Understanding (MOU) between the Agencies.

**Importance of New EPA/DOE Partnership on Energy Efficiency in Buildings and Products**

This agreement represents an exciting new era in cooperation between the two Agencies, leveraging the skills and abilities of each for greater success. Strong, well-managed federal energy efficiency programs are critical to achieving the Obama Administration's objectives around climate and energy independence, and enhanced collaboration between the Agencies will present important new opportunities to drive greater efficiency for American consumers by enhancing the ENERGY STAR program and driving greater efficiency in homes and buildings through a new buildings rating system.

**ENERGY STAR Product Program Enhancements**

EPA and DOE will coordinate to expand and improve the ENERGY STAR program. The ENERGY STAR products program will be strengthened through increased coverage, more frequent updates, enhanced efforts on product testing, and a new effort to recognize super efficient products (a.k.a "Super Star").

**Partnership Framework and Agency Roles and Responsibilities**

The EPA/DOE partnership includes a new Governing Council and clear roles and responsibilities for the Agencies.

**The Governing Council:**

- Will be made up of the EPA Assistant Administrator for Air and Radiation and the DOE Assistant Secretary for Energy Efficiency and Renewable Energy.
- Will guide, coordinate, and oversee annual budget requests, annual program plans and future changes to key program elements.
- Will ensure that work programs between EPA and DOE are complementary (and not duplicative) and leverage federal dollars to achieve maximum energy efficiency.
- Will coordinate communication about this partnership to outside stakeholders, including Congress, the Administration, and the public.
- Will ensure that ENERGY STAR and Energy Policy and Conservation Act (EPCA) appliance standards are mutually reinforcing and coordinate their enforcement and verification efforts.

**Roles and Responsibilities for Products:**

EPA will be brand manager for the ENERGY STAR and top tier ("Super Star") products programs including marketing, outreach, monitoring and verification, and setting the performance levels. Performance levels will be set using established and consistent principles for the ENERGY STAR brand. Generally, products in the top 25% will qualify as ENERGY STAR and the top 5% will qualify as top tier products. DOE will support EPA by increasing its efforts in monitoring and verifying compliance and the development of Federal test procedures and metrics.

**Key Milestones Going Forward:**

By November 30, the government will develop and share a proposed plan outlining initial enhancements to the ENERGY STAR program including primary steps, affected products, and timelines. This plan will address priority areas for specification revisions, plans for comprehensive product testing and verification, and other changes necessary to maintain the integrity of the ENERGY STAR label. It will also include a proposed approach for integrating the ENERGY STAR lighting program that recognizes the importance of both whole fixture-based and light source-based methods for measuring lighting energy efficiency.

The first Annual Plan for the Partnership will be completed by January 2010.

**Questions and Responses from the November 6 Discussion:**

EPA and DOE thank stakeholders who participated in the November 6 discussion either by phone or in person. As some individuals joining by phone noted difficulty hearing some of the speakers, following is a summary of questions raised during the meeting, the organization that raised the question, and the EPA and DOE response for each. To the extent that questions remain regarding the new agreement, EPA and DOE anticipate that the documents distributed on November 30, 2009 will provide additional useful detail, as well as an opportunity to comment and pose additional questions.

**Question/Comment:** The Consumer Electronics Association (CEA) noted that stakeholders have ideas regarding enhancements to the ENERGY STAR program other than those that had been included in the MOU. They would like the opportunity to shape the provisions and program direction.

**Response:** EPA and DOE see this agreement as a major step forward regarding how the two Agencies work together. The government does not see this agreement as changing the relationship ENERGY STAR has with partners. The government will solicit advice regarding how to transition and grow the program in a positive way. While the MOU is high level, the transition plan will decide the details. The government will circulate these transition plans in late November with the hope of attracting comment from the community. The basic principle of this MOU is to maintain and grow ENERGY STAR, the agencies noted.

**Question/Comment:** The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) asked if the program planned to make use of existing standards and test procedures, including those developed by the private sector.

**Response:** EPA and DOE confirmed plans to thoroughly examine such specifications and test procedures and make use of them wherever possible.

**Question/Comment:** JELD-WEN commented that windows have an existing 3<sup>rd</sup> party certification program. JELD-WEN expressed that they are heavily invested in the National Fenestration Rating Council (NFRC) and would like assurance that NFRC will maintain its current role. The partner also asked about the status of contractor support through D&R.

**Response:** EPA and DOE offered that the MOU would increase attention to testing. The government does not wish to recreate the wheel – offering that if there is a good solution out there, it will be investigated and used wherever possible. Regarding the D&R contract support, DOE is hopeful of its reinstatement in the coming week.

**Question/Comment:** NFRC asked if DOE funding just awarded to their organization would go forward. They also invited EPA to join their board of directors as DOE has done. Finally, they

expressed interest in being a part of future building rating and labeling discussions. They want an open and transparent database.

**Response:** DOE confirmed that the NFRC funding would move forward as agreed. EPA and DOE restated their intent to build upon existing testing systems where appropriate. EPA thanked NFRC for the invitation to join their board. DOE confirmed that the components of a rating for buildings would be open for stakeholder review, including an open and transparent database.

**Question/Comment:** Pella Corporation asked if the anticipated phase two for ENERGY STAR windows will go forward as DOE had planned.

**Response:** EPA confirmed that EPA staff had been identified to lead the windows program, that phase two would move forward, and that a timetable would be shared in the late November documents.

**Question/Comment:** CEA noted that the discussions on the Hill called for a study of a possible “Super Star” program while the MOU indicated that inclusion of such a program was confirmed.

**Response:** The government clarified that the MOU stated that “Superstar” is worthy of study. The government added that many aspects of a potential program would be examined including appropriate name, means of determining recipients of such recognition, products to be addressed, and if/where such a program could add value-all with extensive stakeholder involvement.

**Question/Comment:** The Senate Energy Committee noted that they are committed to the process and want to ensure there is open dialog.

**Response:** EPA said that Congress made clear that they want the ENERGY STAR program to be effective. EPA added that the Energy Committee has the support of the Administration in building a strong program.

**Question/Comment:** Pella asked if the ENERGY STAR Awards process would remain unchanged and if windows partners should expect more frequent revision of specifications in association with the 35% market penetration trigger for product specification revision noted in the MOU.

**Response:** EPA and DOE affirmed that the Awards process would be consistent. EPA further clarified that a principle of the new MOU is that changes to roles would be seamless to partners. The MOU is intended to improve coordination between the Agencies and make the ENERGY STAR program better at working with partners. The government also commented that the 35% trigger would depend on the product category and that the MOU called on the government to review requirements every three years to determine whether a revision is appropriate. Further, the MOU calls on the Agency/Department to develop an annual work plan for the entire program.

**Question/Comment:** NFRC asked what data is used to establish the market share of ENERGY STAR in a product category. They noted that DOE does not currently collect shipment data from manufacturers. JELD-WEN offered that windows data comes from a DOE research study. The Window and Door Manufacturers Association (WDMA) added that they’d appreciate being included in discussions about changes to labeling requirements on packaging and products.

**Response:** EPA replied that the Agency does collect unit shipment data from partners for ENERGY STAR qualified products and secures additional market data to assess overall sales. EPA proposes to extend this approach to all product categories moving forward. EPA will look to leverage existing data sources wherever possible, having a history of working with trade associations to assemble this data. The government emphasized that it expects that existing processes will remain in place, supporting the intent to move ahead with the program and not

slow down as a result of the MOU. Should changes to labeling requirements on packaging or products be contemplated, partners will be engaged and their feedback considered.

**Question/Comment:** CEA said that the ENERGY STAR program had previously made use of specifications that were scalable, with size, for example. A new approach where the requirements are scaled only to a certain size is equal to a consumption cap that rewards lower-end products and is troubling to consumer electronics manufacturers.

**Response:** EPA and DOE replied that the MOU did not call for this approach – that the approach the ENERGY STAR program has taken with TVs and Homes pre-dated the new MOU. EPA’s decision is largely due to an issue that is present in some ENERGY STAR program areas and needs to be addressed to maintain the integrity of the ENERGY STAR label and program. The issue in this case is what TVs in the largest sizes can the federal government credibly designate as preferable from an energy and environmental perspective. This has become an important issue as the sizes of TVs and energy use continue to grow. To address this issue, EPA considered limiting the TV-size eligible for the ENERGY STAR label. The proposed energy consumption level for TVs larger than 50 inches arose out of the recognition that if these larger TVs could meet limits associated with a 50 inch TV, excluding them would be unwarranted.

**Question/Comment:** The Information Technology Industry Council (ITI) commented that ENERGY STAR requirements are being adopted globally as market regulations and noted that the government should think about the international impact when contemplating a ”Superstar” Program. ITI added that although the DOE ENERGY STAR process for setting specifications aligns with a rulemaking process, EPA’s process is less like a rulemaking regarding transparency and comment periods. ITI wants to ensure protection for smaller partners.

**Response:** EPA and DOE acknowledged the international interest in the program and will keep this in mind when researching and assessing the opportunity for a ”Superstar” program. EPA asked partners to tell the Agency how to improve transparency, adding that bureaucratic processes were not attractive but that the Agency is mindful of the importance of the program to partners and will strike a balance when it comes to process.