

October 29, 2010

Maria Vargas
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N. W.
Mail Code: 6202J
Washington, DC 20460
vargas.maria@epa.gov

RE: Comments on the EPA Proposal for Top Tier ENERGY STAR Qualified Products

Dear Maria,

Thank you for the opportunity to comment on the EPA and DOE (the Agencies) proposal on Advancing the Market for Top Tier ENERGY STAR Qualified Products. As a long-term supporter of the ENERGY STAR program and the energy savings it delivers to consumers, ACEEE is pleased to see efforts to enhance the program in ways that expand the program's reach and give additional recognition to products that offer greater energy savings and bring innovative new technologies into the market. Our comments include feedback on some of the issues covered in the stakeholder proposal and the presentation given during the October 19th webinar on Top Tier as well as suggestions for making the Top Tier program and process as robust and effective as possible.

Proposed Program Approach

Overall, we believe the general program structure as outlined establishes the basis for a successful effort that meets the stated goal "to identify and advance highly efficient products into the market more quickly" as a part of the larger ENERGY STAR program effort. To ensure the program meets the needs of the broad range of stakeholders invested in the ENERGY STAR brand and interested in pursuing higher levels of energy efficiency, it would be helpful to state clearly that Top Tier is intended to deliver substantially higher energy savings relative to the minimum ENERGY STAR level. Coordination of the Top Tier program with existing efforts to promote the highest efficiency products available—including CEE, TopTen USA, and state/regional programs, among others—should be a priority of the program and will best serve the needs of consumers and manufacturers.

Scope of Program and Program Design

Product Categories The initial list of product categories seems reasonable. It makes sense to include the most common white goods covered by ENERGY STAR (i.e., clothes washers, dishwashers and refrigerators) so that consumers find consistency for Top Tier recognition among appliances. As an addition, we recommend adding water heaters to the list of products for two reasons: 1) new, high-efficiency products are now widely available using innovative technologies that are new to consumers and 2) energy efficiency programs are offering significant incentives for purchase of these products. We also encourage the Agencies to consider adding new homes, perhaps aligning with federal tax incentives that target 50% energy savings relative to national model codes.¹ After the initial year, we recommend considering commercial products and thinking about other ways to diversify the overall set of product categories included in the Top Tier program.

Top Tier Performance Level ACEEE appreciates the tension inherent between stringency and flexibility. While we agree that some flexibility is useful, we think there needs to be a general guideline, just as ENERGY STAR targets the top 25% of products but sometimes varies this based on product-specific considerations. We think the general guideline for Top Tier should be the top 5% of products so there will be a significant number of products

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¹ These tax incentives expired Dec. 31, 2009, but an extension has made progress in Committee in both the House and Senate.

on the market, but the performance level will clearly be significantly more stringent than ENERGY STAR. For an approach with some flexibility to be successful, there must be an open stakeholder process for establishing the Top Tier performance requirements for each product category. As Top Tier levels are selected, we also recommend that they hit a maximum at a reasonably large size, with larger products needing to meet this same performance level. In other words, "super-sized" products should have to meet the same kWh requirements as large products. Such a system is incorporated in the ENERGY STAR v5.0 spec for televisions and should be used in Top Tier where appropriate.

Recognition Period/Timing of Updates We agree that an annual update cycle with recognition targeted to a calendar year will make sense for most product categories and recognize the advantages of a calendar year approach. The Agencies should remain open to alternate schedules for product categories where this approach is unworkable and seek to develop a system that work for a set of similar products (e.g., consumer electronics vs. white goods).

Names and Visual Presentation We agree that a Top Tier can be structured in a way to complement and not undermine the ENERGY STAR label. We think that whatever name and visual presentation is selected, it should clearly differentiate a Top Tier product from a normal ENERGY STAR product. We are concerned that some of the presentations may imply that all ENERGY STAR products are "Maximum Efficiency," instead of differentiating "Maximum Efficiency" products from other ENERGY STAR products. We recommend further consumer research on this issue, to ensure that the new label resonates with consumers and is not confusing.

In addition, we encourage the Agencies to take steps to clarify the specifics of the Top Tier program as they develop and to share plans with stakeholders. Overall, the stakeholder proposal and webinar presentation were vague in several areas; the lack of specifics is of concern given the expectation that a final decision on the program will be made in December of this year with program launch in January 2011.

We appreciate the opportunity to provide our input and look forward to working with the Agencies on continued improvements to the ENERGY STAR program including the Top Tier effort. If you have any questions or comments, please don't hesitate to contact Jennifer at 202.507.4015 or jamann@aceee.org.

Sincerely,



Jennifer Amann
Buildings Program Director



Steven Nadel
Executive Director