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Via e-mail:

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October 29, 2010

Ms. Maria Vargas
ENERGY STAR Program
U.S. Environmental Protection Agency
Washington, DC 20460

Subject: **EPA's "Proposal for Comment: Advancing the Market for Top Tier ENERGY STAR Qualified Products"**

Dear Ms. Vargas:

On behalf of the Consumer Electronics Association (CEA), I am providing comments on EPA's proposal for a "top-tier" ENERGY STAR program. CEA has provided feedback to EPA on this concept during public meetings and comment periods during the past year.

CEA represents more than 2,300 corporate members involved in the design, development, manufacturing, distribution and integration of audio, video, in-vehicle electronics, wireless and landline communications, information technology, home networking, multimedia and accessory products, as well as related services that are sold through consumer channels. Combined, CEA's members account for more than \$175 billion in annual sales.

We hope that EPA remains open to stakeholder feedback and the option of not pursuing a top-tier program.

At the top of its "Proposal for Comment" document, EPA states that it and DOE "agreed to examine how best to identify the top-tier of energy efficiency products among those that qualify for ENERGY STAR," rather than *whether* to do so.

In comments to EPA in January 2010, CEA expressed its concern that the two agencies were presenting the proposal for an ENERGY STAR top-tier program as a foregone conclusion despite concerns and alternatives voiced by ENERGY STAR program partners and members of Congress. As CEA explained at the DOE/EPA-hosted meeting on November 6, 2009, rather than first studying the idea of a top-tier or other segmented program within ENERGY STAR and then reporting back to Congress (which is what had been suggested in earlier draft federal legislation), the agencies decided to move forward with such a program, as indicated by language in the DOE/EPA Memorandum of Understanding presented at that time. EPA

still appears determined to move forward with a top-tier program regardless of stakeholder feedback. EPA's plan to "rollout" a top-tier program in January 2011, as indicated in its "Next steps" slide from its October 19th presentation, reinforces this perception further.

There are mixed feelings among ENERGY STAR program partners as to whether a top-tier program makes sense.

Our members have raised valid questions regarding the impact of a top-tier program on the basic "ENERGY STAR" brand and its implementation in the marketplace. A study *with input and participation by ENERGY STAR program partners* would presumably explore these issues in greater detail. Consumer confusion, especially with respect to new or differentiated product labeling, is of particular concern and interest.

Although EPA has conducted several focus groups and one-on-one interviews with consumers, details of the study, its methodology, questionnaires and other relevant information has not been made publicly available on EPA's website. This makes it difficult to comment fully on the consumer research EPA is referencing in its "Proposal for Comment" document. In addition, EPA states that it collected "existing, relevant data from many sources" to understand consumer behavior, brand awareness, and willingness to pay more for energy efficiency and eco-design. It would be helpful for stakeholders to know which sources EPA is referencing.

Another area of interest which merits further study is whether in a given category there is a significant power consumption difference between, for example, the top five percent of models and the next five to twenty percent of models. If there were not much of a difference, then an insignificant amount of energy savings may be at stake, despite efforts and resources that would be spent to draw consumers' attention to that top percentile.

Additionally, investing EPA resources in calling attention to the top tier of models based on energy efficiency has the potential to draw consumers' attention away from consideration of other environmental factors, such as materials use and recyclability.

EPA is not adequately investigating other alternatives.

In earlier comments, CEA suggested that EPA explore other ideas about changing the focus of the ENERGY STAR program. For example, simply changing the traditional top-quartile approach of the existing ENERGY STAR program to a smaller percentage of the market could help address some of the opportunities related to a top-tier approach, such as upstream or downstream incentive programs or consumer education programs for energy efficiency. CEA is not aware that EPA has studied or conducted research on alternatives to a top-tier program, including alternatives that could be less costly for EPA to administer.

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In general, as we have stated in earlier comments to EPA, CEA believes the EPA's programmatic focus should be on improvement and greater promotion of the existing ENERGY STAR brand, including potential expansion to new products and services.

CEA applauds EPA's consideration of new media and outreach channels.

In its October 19th presentation, EPA outlines ideas for "getting information to the target audience" and discusses the use of mobile applications and mobile websites –essentially using mobile technology to facilitate getting energy efficiency information into consumers' hands, literally at the point of sale. CEA applauds EPA's exploration of new media and information channels but also urges EPA, separate from its presentation on a top-tier program, to consider using the latest technology to better inform and assist consumers with the existing ENERGY STAR program.

On behalf of CEA, thank you for the opportunity to provide comments and suggestions, and please do not hesitate to contact us with any questions or requests for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Johnson", with a long horizontal flourish extending to the right.

Douglas Johnson
Vice President, Technology Policy
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