

October 29, 2010

**NEMA Comments on
EPA/DOE Proposal for Comment: Advancing the Market for Top Tier Energy Star
Qualified Products**

Thank you for the opportunity to provide the following comments on the proposal on behalf of interested companies in NEMA's Lighting Systems Division. NEMA is familiar with the general concept of a "Super Star" or "Top Tier" recognition program within Energy Star. Energy Secretary Steven Chu called for the development of such a program in 2009.

We appreciate the proposal prepared by EPA and the opportunity to provide comments on it. We noted with interest the comments made by EPA Assistant Administrator Gina McCarthy during the October 13 teleconference indicating that EPA intends to announce the launch of a Top Tier program in December.

At the outset, the proposal states,

The goal of this effort is to drive more energy efficient products into the market more quickly.

There are two components of this goal: more products and greater speed. However, there is no mention of the potential energy savings – if any – associated or assumed to be associated with this concept. We believe that the proposal would gain greater acceptance if energy savings potential were included.

We are pleased that the proposed approach targets products that exist rather than products that are still on the drawing board, since the program focus is to help "make the sale" for high-end performers.

The agencies are correct that the effort "needs to be a useful tool for consumers, manufacturers, efficiency program administrators and retailers, among others." Specifically, for manufacturers the effort needs to be well-developed and somewhat predictable in order to justify investments.

Product Category Considerations

The Agencies have initially targeted certain residential appliances and HVAC equipment. We recognize that as things stand today it would not make sense to include lighting products in that target list. However, we anticipate that if the concept proves viable that EPA may in the long-term consider expanding application of a top-tier approach to lighting products.

Establishing a Performance Level Eligible for Recognition

Recognizing that each product area can bring in different considerations, we appreciate the Agencies' proposed case-by-case approach in setting performance levels.

We anticipate that determination of the "top tier" performance levels would also inform development of future revisions to the base Energy Star specification.

While we recognize that Energy Star is a single-attribute certification focused on energy consumption, a Top Tier program recognizing superior energy performance should also assure superior actual performance of a product, in order to retain the integrity of the Energy Star brand. EPA should include actual performance of the task in the Top Tier criteria, not simply energy/water efficiency. A refrigerator that performs poorly but uses very little energy damages both the manufacturer brand as well as the Energy Star.

Recognition Period

The Agencies are correct in stating that "manufacturers [and others] require a certain amount of stability and advance notice to run effective product promotions." Moreover, as noted above, manufacturers are responsible for packaging and labeling of their products and changes to those practices take time as well as financial and labor resources.

For its part, we recommend the Agencies ensure that sufficient resources are available to administer a Top Tier program on the timelines proposed and properly enforce the labeling and promotion of the Top Tier designation by manufacturers.

Thank you for the opportunity to provide these comments. We look forward to further dialogue with the Agencies as you perform necessary due diligence on this concept.

If you have any questions on these comments, contact Craig Updyke, cra_updyke@nema.org, 703 841 3294.