



September 19, 2003

Rich Karney
ENERGY STAR Program Manager
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Dear Mr. Karney,

On behalf of the CEE Lighting Committee (the Committee), I would like to thank you for the opportunity to submit comments on the third round of revisions for the ENERGY STAR CFL criteria. The Committee's comments fall into two general categories: High Priority Comments and General Recommendations. A list of the CEE member organizations supporting these comments is listed in the attachment.

High Priority Recommendations

1. Testing for Initial Qualification

Recommendation: The Committee strongly supports DOE's Draft 2 proposal to require testing to 40% of rated life prior to initial qualification, and urges DOE to allow one failure only for this test.

The Committee supports requiring 40% of life testing in advance of ENERGY STAR qualification. The Committee believes that allowing two failures in this test, as is proposed in Draft 3, would be unacceptable. Further, the group recommends that one failure in this important test be used as a trigger for a second testing cycle of ten additional products.

The Committee is sympathetic to manufacturer concerns regarding lamps broken in testing, and understands that DOE's intention in allowing two failures (with an associated laboratory report) is to address this potential circumstance. However, the Committee believes a clear distinction should be made between a sample failing due to improper handling (such as being dropped), and a failure due to a product not meeting the program requirements. If DOE maintains the Draft 3 language allowing two failures, the Committee recommends DOE clearly state that two failures will only be allowed if a failure results from improper handling.

2. Additional Testing Requirements for Reflectors CFLs

Recommendation: Due to the Committee's serious concerns regarding in-field performance of reflector CFLs (lumen depreciation and total failure), we urge DOE to adopt additional testing requirements for reflector CFLs within this criteria revision. Specifically, the Committee



recommends that DOE adopt the modified IESNA LM-65-91 testing conditions developed by the Pacific Northwest National Laboratory (requiring testing at 50-60°C).

As DOE is aware, recessed cans with screw based sockets are among the most popular fixtures in new construction, and due to heat build up in insulated ceiling environments, reflector CFLs are among the CFL types with the highest consumer return rates. The Committee agrees that the requirement to submit 40% lifetime data prior to qualification will help ensure that the poorest performers are not labeled as ENERGY STAR, yet believes additional changes to the criteria are needed to resolve this significant problem. The Committee believes the integrity of the ENERGY STAR Program is jeopardized by inferior product performance of this product category. Therefore, the Committee recommends that a specific test protocol be implemented.

Recent third-party testing has demonstrated the seriousness of this problem. While some stakeholders have asked for the removal of this product category from the ENERGY STAR Program, the Committee believes that DOE has both a responsibility and an opportunity to address this problem through a change in testing requirements. Specifically, the Committee recommends that DOE require the higher temperature testing conditions for CFL reflector lifetime testing, lumen maintenance testing, and rapid cycle stress testing that were developed by PNNL in the modified version of IESNA LM-65-91.

3. Third-Party Testing

Recommendation: The Committee supports DOE's Draft 3 language requiring financial sponsorship by participating manufacturers of a third-party testing organization. However, the Committee recommends that DOE further clarify that the implication of non-participation is delisting from the Program.

While the Committee agrees that after-market, third-party testing of CFLs is essential to help ensure compliance with the ENERGY STAR specification and maintain the integrity of the ENERGY STAR Program, we recommend clarifications within the criteria language to assist in implementation. Specifically, the group urges DOE to explicitly state that those manufacturers that do not participate will be disqualified from the program. We recommend the inclusion of a date by which the participating manufacturers need to demonstrate their financial commitment to DOE. The Committee recommends 60 days after the receipt of the annual invoice from the third-party testing program (Please see related Comment 6 below regarding effective date).

We think further clarification in the CFL specification or subsequent communication from DOE is needed regarding what constitutes an acceptable third-party verification testing program. Important components identified by the Committee include:

- Testing done by a NVLAP approved laboratory.
- Decision-making by a Board of Directors that does not include manufacturers or their representatives. The Board would be ultimately responsible for decisions regarding what products to test, and for procuring the samples.



- Procuring of samples from normal distribution channels (i.e. “off the shelf”) by a third party devoid of influence by any manufacturer.
- Providing the full test results in a timely manner to ENERGY STAR and partner efficiency organizations, as is currently done by PEARL.

General Recommendations

1. Increasing Efficacy Requirements

Recommendation: While the Committee believes that efficacy levels in the current criteria do not reflect the efficiency of the highest performing CFLs on the market, the group recognizes DOE’s hesitancy to raise levels during this revision. The Committee encourages DOE to consider raising efficacy requirements within 18 months.

The Committee recommends that DOE undertake a research effort to inform the development of new efficacy requirements in the next iteration of the criteria, which should be developed within the next 18 months. The group proposes that DOE use the research sponsored by NRDC in 2001 (attached) as a starting point for further investigation of appropriate requirements.

2. Correlated Color Temperature (CCT)

Recommendation: The Committee recognizes the complexities of measuring and reporting CCT in a manner easily understood by consumers and supports DOE’s efforts to work with stakeholders to improve the current testing and reporting procedures. While DOE and stakeholders are working on an improved protocol, the Committee supports measurement and reporting of CCT as required in the Draft 3 criteria with refinement of the labels based on discussions with manufacturers.

If the intent of the current CCT requirement is to relate CFL color to that of commonly accepted light sources, namely incandescent and halogen, the Committee supports the concept of labels being used to assist consumers in selecting products with the desired attributes. The Committee recommends that DOE work with manufacturers to develop the terms that best represent the various CCT values that are proposed in Draft 3 so that consumer expectations are met.

3. De-listing Protocol and Standard Operating Procedure

Recommendation: The Committee supports the development of a Standard Operating Procedure for De-listing products and requests that DOE share drafts with CEE and enable commenting prior to its inclusion in the criteria.

A Standard Operating Procedure (SOP) would assist program implementers in planning for the occasional de-listing of products. Because de-listing has the potential to greatly affect efficiency programs, the Committee requests that the draft SOP be circulated for comment before it is adopted into the criteria.



The Committee recommends that the word “overwhelming” be removed from the criteria (page 12, paragraph 2). The group believes that a failure, even if not “overwhelming,” is a serious concern. While failure to meet packaging requirements may not justify disqualification, the Committee recommends that DOE stipulate failure to meet any performance-related criterion will result in disqualification.

In addition, the Committee recommends additional language under the “Product De-listing/Disqualification Procedure” (page 12, paragraph 5) that DOE will notify the partner of a pending de-listing and will allow the partner to respond within an explicit timeframe. No product would be de-listed without first offering the partner an opportunity to clarify any misunderstanding. The group believes this step would prevent the de-listing, and subsequent re-listing, of products that has occurred in the past within the ENERGY STAR Program.

Finally, the Committee recommends adding a requirement that the manufacturer must notify their retail distributors if a product is disqualified. While the group recognizes this requirement could place a burden on manufacturers, the Committee believes that this communication is critical to prevent products from being sold as ENERGY STAR after they have been disqualified.

4. Candelabra-base Lamps

Recommendation: The Committee asks that DOE widen the scope of the criteria to allow candelabra base products to qualify in this revision.

The Committee recognizes that candelabra-base CFLs may require slightly different efficacy levels than currently covered products, and supports DOE initiating the necessary research to refine levels at a later date. However, there is strong member interest in supporting candelabra products now given the possibility some existing products would meet the proposed criteria. Lighting manufacturers have also communicated to members they would support expanding the program to include candelabra-base lamps. The Committee recommends that DOE expand the program scope to recognize existing candelabra-base lamps, which would enable promotion of the lamps in the short-term while DOE further explores the need for refining levels at a later date.

5. Bi-annual Reporting of Shipment Data

Recommendation: The Committee supports DOE’s efforts to obtain CFL shipment data from manufacturers and encourages DOE to conduct detailed discussions with industry to allay their concerns regarding confidentiality. The Committee recommends that DOE continue its pursuit to secure and report data by product category.

The Committee recognizes that developing a data reporting procedure is a challenging task, and thanks DOE for its willingness to pursue this portion of the Partner Agreement. As efficiency program approaches move from consumer rebates to special promotions and industry partnerships, sales and shipment data have become an even more important part of program evaluation. Aggregate national and regional or state level data collected by DOE and



disseminated bi-annually to efficiency program administrators would serve this key need, and would help ensure the continuation of efficiency programs.

The Committee also urges DOE to collect data at a product category level. The Committee is interested in working with DOE and industry to develop simple reporting categories (uncovered, dimmable, 3-way, reflectors, etc.) that would further assist program evaluation.

6. Effective Date: Grandfathering of Currently-qualified Products

Recommendation: The Committee recommends an explicit explanation on the issue of “grandfathering” of currently qualified lamps. The explanation should clarify that “grandfathered” products are subject to participation in third-party testing as well as the funding requirement. The Committee also recommends DOE reconsider the practice of grandfathering within 18 months.

The Committee has concerns that the current language on effective date could mislead some manufacturers with regard to the funding requirement for third-party testing. Further, the Committee recommends that the practice of grandfathering not be extended to the next revision of the criteria, which should take place within 18 months. The group has ongoing concerns with the ability of products to meet the criteria over time as component suppliers change, and recommends that DOE require all products to be re-tested in the next revision, when efficacy and color will be addressed.

7. Mercury Labeling Requirement

Recommendation: The Committee recommends that DOE consider a low-mercury requirement and an 800-number or web site packaging requirement within future versions of the criteria.

Mercury in CFLs is becoming an important issue for some program administrators. The Committee asks DOE to consider the appropriateness of a criteria component calling for low mercury levels in the future. We recommend that DOE begin addressing this issue through the development of a test procedure to determine mercury levels in CFLs and through research on what constitutes a low-mercury lamp.

In addition, state laws exist in Washington and Vermont that require the printing of an 800-number or web site on product packaging. While the Committee recognizes the difficulty for manufacturers in operating an 800-number nationally, given the likelihood of other states adopting this requirement, the group asks DOE to consider changing the recommendation in the current criteria to a firm requirement in a future version of the specification.



Together We Can Change
National Markets

Once again, the Committee would like to thank the Department of Energy for the opportunity to comment on the draft revisions to the ENERGY STAR CFL criteria. Please contact CEE Residential Program Manager Rebecca Foster at (617) 589-3949 ext. 207 with any questions about these comments.

Sincerely,

A handwritten signature in black ink that reads 'Marc J. Hoffman'. The signature is written in a cursive, flowing style.

Marc Hoffman
Executive Director

cc: Ronald Lewis, DOE
Susan Gardner, D&R International

**ATTACHMENT:
LIST OF SUPPORTING ORGANIZATIONS**

American Council for an Energy-Efficient Economy
Efficiency Maine
Efficiency Vermont
Long Island Power Authority
Midwest Energy Efficiency Alliance
National Grid USA
Natural Resources Defense Council
New York State Energy Research Development Authority
Northeast Energy Efficiency Partnership
Northeast Utilities
Northwest Energy Efficiency Alliance
NSTAR Electric
Pacific Gas & Electric
Sacramento Municipal Utility District
San Diego Gas & Electric
The Energy Trust of Oregon
United Illuminating
Western Massachusetts Electric
Wisconsin Division of Energy