

Stakeholder Comment Response Summary
ENERGY STAR External Power Supply (EPS) and End-Use Products (EUP) Sunset Proposal

Topic	Comment	EPA Response
Aftermarket EPSs	Two stakeholders asked EPA to consider continuing an ENERGY STAR program for aftermarket EPSs, which are typically purchased by the consumer as a replacement or alternative EPS. One of the stakeholders predicted that separate sales of cell phone chargers would increase in the future due to a common standard under development by the cell phone industry.	While EPA appreciates this feedback from stakeholders, the Agency believes that the rationale for sunseting EPSs as outlined in the May 26, 2010 letter is relevant for all sub-groupings of EPSs, including aftermarket devices.
Alternatives to sunseting EPS and EUP programs	Several stakeholders requested that EPA consider alternatives to sunseting the EUP and EPS programs. One stakeholder suggested that partners in good standing be allowed to continue their participation; any company found to be non-compliant would be penalized monetarily and also time restricted to re-enter the ENERGY STAR partnership and use the mark. A second violation would terminate the partnership and preclude any future ENERGY STAR qualifications.	As noted in the May 26, 2010 communication, the following factors contributed to EPA's decision to sunset: 1) relatively high ENERGY STAR market penetration; 2) existing U.S. federal minimum efficiency standards for EPSs; 3) diminishing scope of the End-Use Products Using EPSs program because of new ENERGY STAR product specifications, such as small network equipment; and 4) ability to maintain and add EPS requirements to the existing suite of ENERGY STAR product categories. With regard to the new qualification and verification testing requirements, EPA felt it was important to make a sunset decision in a timely manner such that manufacturers, testing laboratories, and certification bodies invested their limited resources appropriately.
Consumer awareness/ consumer value	A few partners conveyed that U.S. consumers have come to rely on the ENERGY STAR mark to differentiate EPSs and consumer electronics. They believe discontinuing the use of the ENERGY STAR mark for EPSs and EUPs will cause market confusion and negatively impact their products' perceived value to consumers.	EPA believes that the special application logo used to identify ENERGY STAR End-Use Products Using EPSs has been successful at raising consumer awareness of EPS efficiency. In keeping with continuing EPA efforts to pursue product specifications for markets not previously served by the ENERGY STAR program, EPA believes it is necessary to turn consumers' focus toward overall product efficiency. Continued labeling of products judged solely on the efficiency of an accessory is inconsistent with this message. To assist End-Use Products Using EPSs manufacturers as they communicate with their customers, EPA will conduct outreach with its extensive network of retailer, e-tailer, and energy utility partners to make it clear that changes to labeling status are the result of a programmatic change and not a deficiency of a particular product.
Future enforcement	Two manufacturers expressed a concern that dropping the ENERGY STAR label for EPSs will encourage unreliable energy efficiency claims from less reputable EPS suppliers. Therefore, the claimed energy efficiency gains from the ENERGY STAR EPS program to date will be eroded.	The continued integrity of EPS efficiency statements remains a concern of EPA. EPA believes that a few key factors both internal and external to the ENERGY STAR program should preserve the efficiency gains: - <i>Reference in ENERGY STAR product specifications</i> : EPA is committed to continued requirements in ENERGY STAR product specifications for EPS efficiency, no-load power, and power factor requirements. - <i>MEPS activities</i> : Various minimum efficiency standards for EPSs around the world have already adopted the ENERGY STAR V1.1 levels (International Efficiency Marking Protocol level IV) and have associated sampling and compliance criteria. EPA supports these efforts.

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International Efficiency Marking Protocol enforcement	One partner requested clarification on whether a Level V marking will still be required after December 31, 2010 if the EPS program is sunset. If so, the active partner would like to know what organization will be responsible for enforcing the International Efficiency Marking Protocol.	It is EPA's intention that current ENERGY STAR product specifications with requirements for the use of an ENERGY STAR EPS (e.g., computers, displays, televisions) will be changed to require a Level V EPS as designated under the International Efficiency Marking Protocol, which is consistent with ENERGY STAR Version 2.0 EPS performance levels. Information about the Protocol will continue to be available at http://www.energystar.gov/ia/partners/prod_development/revisions/downloads/International_Efficiency_Marking_Protocol.pdf . For applicable product categories, these changes will occur as part of the specification revision process associated with enhanced testing and verification requirements. There are several organizations/governments that use the International Efficiency Marking Protocol. Each organization/government is responsible for its own enforcement.
International Efficiency Marking Protocol enforcement	Assuming the EPS program is sunset, one partner recommended that test reports no longer be required for product categories (e.g., computers, imaging, telephony, etc.) that use an EPS; rather, the partner suggested that a verification statement that the EPS used with the product carries a Level V marking should be sufficient. Otherwise, in the partner's opinion, EPA would be forcing ENERGY STAR partners to "police" compliance of EPSs with the International Efficiency Marking Protocol.	EPA is carefully considering this recommendation as it continues to develop its procedures to ensure the International Efficiency Marking Protocol, as implemented for ENERGY STAR's purposes, maintains integrity.
Limited marketing value	One new partner stated that it will not receive marketing value to registering products that it will have to stop qualifying in six months.	Given its final decision to sunset EPSs and End-Use Products Using EPSs, EPA understands that some new partners may choose not to label at all and existing partners may begin to discontinue use of the label in advance of December 31, 2010.
Maintain EUP until new replacement product specifications are available	For EUP, one partner recommended that EPA consider extending the ENERGY STAR program requirements for EUP until new versions or new tiers for existing or new product categories come into effect. The intent would be to allow products only currently covered by EUP to continue to qualify as ENERGY STAR under EUP and then ultimately under a new specification.	EPA will not extend the End-Use Products Using EPSs program as suggested. EPA believes the following issues would prevent this proposal from yielding a smooth transition while also increasing consumer confusion and subjecting partners to additional qualification and verification testing requirements: - The End-Use Products Using EPSs program uses a specialized logo. Upon transition to a product-specific specification, all materials and packaging would need to transition to the standard ENERGY STAR certification mark. This could lead to conflicting marketing information. Additionally, EPA would not consider allowing use of the certification mark on End-Use Products Using EPSs. - There is no guarantee that a product approved for ENERGY STAR based solely on its EPS would be able to meet product-specific requirements once developed.
Multiple EPSs used in one product model	One stakeholder suggested that special consideration must be taken in the regulations/specifications for products such as PCs or A/V products powered through an EPS. Several alternative power supplies are often used for each end use product and the EPA should consider whether qualification and verification testing should cover each of the different power supplies.	Where EPA currently has EPS requirements within an ENERGY STAR product specification (e.g., computers), the partner is required to ensure that all EPSs used with the qualifying product model (from multiple vendors and/or changed over the lifetime of the computer model) meet the ENERGY STAR EPS performance levels.
New EPA label	One partner asked if another EPA label would be made available to stakeholders to indicate that a particular product uses a premium priced component that minimizes the harmful effects to the environment.	EPA will not create a new ENERGY STAR label. However, EPA plans to continue to support the International Efficiency Marking Protocol nameplate labeling scheme. Placement of a Roman numeral efficiency marking has been a requirement in the ENERGY STAR EPS program and materials related to its use will remain hosted on the ENERGY STAR Web site.

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No other ENERGY STAR partnering opportunity	Three EUP partners commented that they will no longer be able to participate within the ENERGY STAR program given the current range of product categories.	EPA values partner participation and never takes a specification sunset decision lightly. As the ENERGY STAR program continues to expand its suite of products, EPA hopes that past partners will have new opportunities to join the program and receive recognition for their high efficiency models.
Printed materials and inventory	Three partners expressed concern with (and requested EPA guidance on): new product packaging costs such as scrapping of existing product packaging, printing new product packaging, new changes to permanent store displays, existing inventory not sold by the sunset date, etc.	As standard in all specification transition activities, EPA has set a date of December 31, 2010 after which no new packaging or marketing collateral may reference ENERGY STAR. Manufacturers are allowed to use up existing inventories of packaging and collateral to reduce wasted material and products on shelves are allowed to sell-through. Partners who have any questions or want to discuss their plans to discontinue labeling are encouraged to write to externalpoweradapters@energystar.gov .
Sunset strategy/rationale	One partner requested clarification as to whether the intent of the EPA is to sunset all of the ENERGY STAR programs once an internal EPA goal is met or just certain product areas.	Interested stakeholders are encouraged to review the ENERGY STAR Specification Development Guiding Principles and the Specification Development Cycle at www.energystar.gov/productdevelopment . These principles and the development process are designed to allow EPA to make informed decisions as to whether to proceed with formulating, revising, and/or sunsetting a product specification.
Support for sunset proposal	One partner supported EPA's proposal to sunset the EPS and EUP programs noting that setting more stringent requirements may not deliver adequate environmental benefit and would raise consumer costs.	As outlined in the ENERGY STAR Guiding Principles, EPA evaluates the cost effectiveness of a specification for ENERGY STAR qualified products during both initial and revised specification development activities. In this case, EPA believes further increasing the stringency of the ENERGY STAR EPS specification presents diminishing returns.
Timing	One partner requested clarification on why they must stop using the ENERGY STAR name and ENERGY STAR mark or EPS graphic in association with all EPSs and end-use products manufactured on or after December 31, 2010.	To effectively and fairly sunset the EPS and End-Use Products Using EPSs programs, EPA must provide a deadline by which all labeling must cease. By proposing the sunset in May and finalizing the decision in July, EPA feels that adequate notice has been provided to stakeholders. Further, December 31, 2010 coincides with EPA's deadline to implement new qualification and verification testing requirements for all ENERGY STAR program areas. Ceasing program activities by this date will avoid intensive implementation of requirements for the EPS and End-Use Products Using EPSs partners (who would otherwise have to abide by the new requirements for the short period of time before they are sunsetted).
Top 25%	One partner expressed the opinion that EPA's goal of recognizing the top 25% of efficient products within each category is outdated and needs to be revised so as not to penalize the industries who have embraced ENERGY STAR's mission. In this stakeholder's view, it should be an acceptable EUP/EPS program outcome to have 100% of EPSs being ENERGY STAR qualified.	EPA respectfully disagrees and is currently implementing program enhancements that will allow the Agency to undertake specification revisions more frequently so that the ENERGY STAR label continues to highlight top (generally the top quartile) energy-efficient products when the specification goes into effect. Maintaining the value and integrity of the ENERGY STAR label is critical, as it is the centerpiece of a program delivering more than 45 MMTCE in greenhouse gas reductions and nearly \$17 billion in energy cost savings per year.
Unfair to sunset	One manufacturer believes it is unfair to sunset for those companies that have properly utilized the ENERGY STAR mark in their EPS products and have led the market place in transitioning to energy-efficient models.	The sunset of any ENERGY STAR specification is not intended to be punitive. As noted above, EPA plans to assist End-Use Products Using EPSs manufacturers as they communicate with their customers by conducting outreach with its extensive network of retailer, e-tailer, and energy utility partners to convey the programmatic change and rationale.

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Verification/ Program enhancement	Two partners suggested a third party certification/verification program for EPSs as opposed to sunseting the ENERGY STAR product category.	<p>As noted in the May 26, 2010 communication, the following factors contributed to EPA's decision to sunset: 1) relatively high ENERGY STAR market penetration; 2) existing U.S. federal minimum efficiency standards for EPSs; 3) diminishing scope of the End-Use Products Using EPSs program because of new ENERGY STAR product specifications, such as small network equipment; and 4) ability to maintain and add EPS requirements to the existing suite of ENERGY STAR product categories.</p> <p>With regard to the new qualification and verification testing requirements, EPA felt it was important to make a sunset decision in a timely manner such that manufacturers, testing laboratories, and certification bodies invested their limited resources appropriately.</p>
Verification/ Program enhancement	One partner asked for clarification as to whether the new ENERGY STAR Accreditation Body and Laboratory Requirements would lead to re-activation of the EPS program from its sunset status.	EPA will not re-activate the ENERGY STAR EPS program. In its May 2010 letter to stakeholders, EPA communicated that one of the factors leading to the sunset proposal was to avoid placing the new program-wide qualification and verification testing requirements on the EPS program, a resource-intensive process for both EPA and EPS partners. By completing the sunseting process at the close of 2010, these requirements will not be developed for the EPS category.