



TallyGenicom

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September 17, 2008

Mr. Christopher Kent
US Environmental Protection Agency
Washington D.C. 20460

Dear Mr. Kent:

TallyGenicom designs and develops monochrome TEC1 product jointly with Fuji Xerox in the 30 to 55 ipm space. These products are sold under multiple well known brands.

Many of the existing products are currently being delivered to US Federal Government agencies that require Energy Star qualification.

Our company made an early commitment in April 2008 immediately after publication of the Performance Levels for Tier 2 Draft 1 Version 1.1. We allocated funding and quickly established development engineering programs to revise our current products in this space to meet the EPA projected TEC1 Tier 2 Standards. Based on our research in preparation for the May 7 meeting, we were confident that we would be able to get our products to qualify under the new and difficult to meet Standards.

At the May 7 meeting we were informed there would be no time extensions and we left the meeting knowing we needed to accelerate our development to meet the schedule in place for March 2009 production. We were successful at completion of the redesign to meet the new Draft 1 standards and thus began the process of retooling for production to be in place in March 2009.

On July 17 of this year, EPA revised the standards for TEC1 in the 30 to 55 ipm space to be even more restrictive than the original Tier 2 limits. For example we had made significant design changes to our 38 ipm product in order to move it from a TEC value of 6.60 to 5.50 which was a 16 percent decrease in energy consumption to meet the Draft 1 standard. After that development was complete, EPA changed the Tier 2 standard to another lower TEC limit of 3.30 which is a 40 percent additional reduction in energy limits.

We have worked since July 17 to again adjust the design to meet the second EPA Tier 2 standard and have not been able to accomplish this objective.

We accept the EPA objective of rewarding only the top 25% of the products in the market. But the mix of available products constantly changes. And our target was chosen based on the EPA limits that were first published and triggered the development process. Based on the fact that we met the objective set forth by EPA in Draft 1, we are appealing to EPA to provide relief for those who redesigned and met that goal. While we believe the Draft 2 limits are consistent with EPA objectives and we do not suggest those be changed, we would like temporary relief to allow products that meet the Draft 1 limits to be Qualified. While leaving the present deadline in place, a second deadline could be put in place to eliminate the special relief for Draft 1 on July 1, 2010.

Your consideration for some mechanism of temporary allowance for products that meet Draft 1 would be appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Laurance', with a long horizontal flourish extending to the right.

Joel Laurance
Vice President
TallyGenicom L.P.