
September 29, 2008

TO: Josh Forgotson
ICF International

FR: Don Stevens
National R&D Manager, PHEC
Member, HVI Board of Directors

RE: Proposed changes to ENERGY STAR Program Requirements for Residential Ventilating Fans

Thank you for the opportunity to comment on the US EPA's proposed revision to the current ENERGY STAR Ventilating Fan specification. We do not have any issues with most of the new wording, but we do have comments on the proposed elimination of a certification, verification, and challenge process.

As the representative of HVI and Panasonic when we originally designed the ventilation fan program in 1999, I am disappointed to see EPA once again moving to reduce the integrity of this program. I understand the need for an open program and your need to show lots of participation. But just like your abandonment of the three-year warranty requirement so you could get Broan/NuTone fans into the program, this revision would once again reduce the validity of the program. I understand that EPA's current intentions with this proposed revision are to:

1. permit greater inclusivity of models available in the marketplace;
2. encourage fair competition;
3. give partners greater flexibility in testing their products;
4. do all of the above without compromising the quality or comparability of the test results.

Regrettably, the draft specification stands little chance of achieving these goals and a great chance of providing consumers with even more "iffy" performance claims promoted by EPA. I know you and the EPA staff are well aware of the Consumer's Report articles about the problems they identified in the Energy Star listings. It makes no sense to abandon one of the few product areas where you do in fact require third-party testing with verification and challenge already. Panasonic and HVI have given you extensive documentation on the value of the HVI certification over the past two years. The HVI Board of Directors submittal covers the organizational response to this proposal, so I will not reiterate those comments.

Eliminating the requirement for HVI Certification will certainly result in more models showing up on the EPA list, but the models you'll be adding may not perform as presented. Without third-party testing and an independently-verified certification requirement, any and all manufacturers will be able to submit fraudulent, erroneous and unsubstantiated data and receive the ENERGY STAR rating. Without a viable challenge process to address "questionable" performance claims, we are only left with the option of pursuing legal action or going to the Department of Commerce to address fraudulent claims.

This issue seems to be a response to the Air Movement and Control Association's (AMCA's) desire to have their ratings program recognized by EPA. I understand AMCA's interest in supporting their members' areas of business, but the fact is that the manufacturers who choose to rate and certify their products through HVI manufacture over 98% of the residential ventilation products sold in North America. The value of the residential-sized products manufactured by the AMCA member companies is probably less than one-quarter of one percent of their sales. They build commercial and industrial fans, dampers, and louvers. The fact is that AMCA does not have a viable residential program. Not a single manufacturer except a couple of HVI member companies that are also AMCA members attended their last residential meeting – and they choose to certify all their residential products through HVI. That is an organizational issue that AMCA needs to handle internally and is not really my concern. But EPA already accepts single performance listing entities today through what was GAMA and ARI and now is combined as AHRI and windows through NFRC. Why would HVI be treated differently?

Your proposal addresses the need to give partners greater flexibility in testing their products. One of AMCA's issues has been the loss of income to their lab from manufacturers testing at Texas A&M. Yes, even not-for-profit associations have to make money to operate. HVI requires the use of the Texas A&M lab for very quiet fans – less than 1.5 sones – but allows manufacturers to use either Texas A&M or the AMCA lab for all other fan testing. It is very difficult to test fans down to less than 0.3 sones and such testing is strongly affected by the steadiness and level of background noise at the lab. Because HVI uses the Texas lab for the verification and challenge testing, there is better consistency for the very quiet fans in the quieter location. Also, since the ENERGY STAR program specifications are not very stringent for fan sone levels (2.0 sones for the fans less than 130 cfm, 3.0 sones for larger fans), the majority of the fans could in fact already be tested at AMCA.

In closing, I would request that you drop this proposed set of changes related to product performance certification. As one of the largest ENERGY STAR partners in the world, we strongly support the integrity of the ENERGY STAR program and expect EPA to maintain it.