



June 22, 2021

Mr. Ryan Fogle
Manager, ENERGY STAR for IT and Data Center Products
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Via e-mail: networking@energystar.gov

Re: Joint Comments of the Consumer Technology Association, NCTA – The Internet & Television Association, and CableLabs Regarding the Proposed Sunset of the Small Network Equipment ENERGY STAR Specification

Dear Mr. Fogle:

The Consumer Technology Association™ (CTA),¹ NCTA – The Internet & Television Association,² and Cable Television Laboratories, Inc. (CableLabs®)³ are providing these comments in support of the Environmental Protection Agency's (EPA's) proposal to sunset its ENERGY STAR specification for Small Network Equipment (SNE).

In prior joint comments, CTA®, NCTA, and CableLabs have explained their leadership in promoting the energy efficiency of small network equipment, including through their principal roles with the Voluntary Agreement for Ongoing Improvement to the Energy Efficiency of Small Network Equipment and the ANSI/CTA-2049-A test method for SNE. We agree with EPA that the Voluntary Agreement is providing and will continue to provide a backstop that will at least maintain the energy efficiency performance of SNE.

Typically, the type of SNE in a household that uses the most energy is the modem or integrated access device that most consumers obtain through their internet service provider. All of the largest wireline broadband internet service providers in the United States, representing 88% of the U.S. market, are signatories of the Voluntary Agreement (VA). Each service

¹ CTA® is North America's largest technology trade association. CTA's members span the breadth of the consumer tech industry, including many of the world's leading manufacturers of small network equipment.

² NCTA – The Internet & Television Association is the principal trade association of the cable industry in the United States. Its members include cable operators that deliver the majority of all wired broadband connections to U.S. households, more than 200 cable program networks, and manufacturers of SNE used in cable systems including equipment used to access the internet such as cable modems and routers.

³ CableLabs is the leading innovation and R&D lab for the cable industry. Originally established in the United States in 1988 pursuant to the National Cooperative Research Act, CableLabs now has members around the world.

provider signatory has committed that at least 90% of its annual purchases of new SNE will meet the energy efficiency levels prescribed by the VA, which increased in rigor in 2020. Each service provider has met that commitment every year since the commitments began in 2016, with approximately 99% of all new SNE reported under the VA in recent years overall achieving these levels.⁴ This success has enabled the signatories to reduce the average idle-mode energy use of new SNE relative to average broadband speed by 69% since the agreement was ratified in 2015. In 2020, the SNE VA was one of only two American programs (the other being ENERGY STAR) to be recognized by the Global Commission for Urgent Action on Energy Efficiency as “Exemplar Policies of Recent Years” out of fifteen worldwide. EPA can accordingly rely on the VA as a backstop to maintain the energy efficiency performance of SNE.⁵

An ENERGY STAR program is less compelling for SNE than many other types of consumer electronics because such a high percentage of devices are purchased by service providers rather than consumers. Service providers that purchase devices in high volumes are sophisticated buyers that conduct more in-depth reviews of the energy efficiency without the need to be informed by an ENERGY STAR label. Partly for that reason, few SNE devices were ever ENERGY STAR certified. Due to that low participation, the ENERGY STAR label does not provide meaningful guidance to consumers today.

EPA can share in the success of the VA because the original foundations of the VA were designed in part on the EPA’s SNE program. However, ENERGY STAR has not kept up with rapid changes in the technology and features of SNE. Since the program’s allowances were set, average internet speeds have more than quintupled and consumers connect a far greater number of devices and demand stronger Wi-Fi signals throughout every corner of their home. SNE has changed and diversified significantly to meet these demands, and these changes are not reflected in the ENERGY STAR allowances. This growing disconnect is understandable because it is very difficult for traditional programs to keep pace with the rate of change in the Internet device market, but it has consequences: namely, the illusion of an up-to-date functioning program can mislead and confuse consumers and stakeholders. For example, a report recently prepared for the European Commission estimated the best available energy efficiency technology for SNE based upon EPA’s outdated ENERGY STAR SNE allowances, apparently unaware that such measurements do not offer insight into the devices actually deployed today in the United States.⁶

Another complication for trying to maintain an effective ENERGY STAR SNE program going forward is the challenge of trying to identify the most efficient devices in an increasingly diverse market. SNE devices are now designed to deliver a wide range of different features and

⁴ The Voluntary Agreement and associated reports issued by the independent auditor are posted at <https://www.energy-efficiency.us>. The industry figure also include reported SNE retail sales by manufacturer signatories.

⁵ While the VA is scheduled to expire at the end of 2021, efforts to extend it are underway and we expect that the VA will continue into the future.

⁶ European Commission, *Preparatory study for the Ecodesign and Energy Labelling Working Plan 2020-2024, Task 3 Preliminary Analysis of Product Groups and Horizontal Initiatives* at 406 (April 2021) (“According to the Energy Star specification for small network equipment, the base power allowance is 3.1 W for routers, and 4.0 W for ADSL modems and 2.0 W for a switch. In addition to the power allowance, Energy Star provides additional functional adders such as 0.7 W for Wi-Fi and 0.3 W per gigabit ethernet port.” The report then proceeded to estimate potential energy savings in part “[b]ased on Energy Star.”).

functions, and to support different types of technologies and connections. The ENERGY STAR program has only 9 base allowances and 6 additional functional adders, while the VA has 18 different base allowances and 30 additional feature allowances. Without more allowances to appropriately account for features, an ENERGY STAR designation may misleadingly reward less featured devices rather than identify actual superiority in energy efficiency. But if ENERGY STAR followed the VA's approach, true apples-to-apples comparisons that are needed to identify the most efficient models would be elusive due to the many actual and potential product and model variations. Fortunately, since an ENERGY STAR program is no longer necessary, EPA does not have to try to solve that dilemma.

For all of these reasons, the SNE ENERGY STAR program no longer productively serves a valuable public interest purpose. CTA, NCTA and CableLabs accordingly support EPA's proposal to sunset the program on the timeline proposed in its request for comments.

Respectfully submitted,

NCTA – THE INTERNET & TELEVISION ASSOCIATION
Neal M. Goldberg
General Counsel
25 Massachusetts Avenue, N.W. – Suite 100
Washington, DC 20001

CONSUMER TECHNOLOGY ASSOCIATION
Douglas Johnson
Vice President, Emerging Technology
1919 South Eads Street
Arlington, VA 22202

CABLE TELEVISION LABORATORIES, INC.
Debbie Fitzgerald
Director of Technology Policy
858 Coal Creek Circle
Louisville, CO 80027