



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
AIR AND RADIATION

April 13, 2018

Dear ENERGY STAR Stakeholder,

With this letter, the U.S. Environmental Protection Agency (EPA) is finalizing the Standard Operating Procedure for Revising and Establishing an ENERGY STAR Product Specification (SOP) that will be followed going forward. As previously noted, stakeholder participation is crucial to the success of the ENERGY STAR program. EPA is formalizing its specification setting procedure in order to increase transparency and facilitate more consistent opportunity for stakeholder input.

EPA appreciates the thoughtful and constructive input provided on the draft SOP, which informed a number of refinements to it. Highlights of the feedback received and our response are provided below. A more detailed comment response document is also available.

### **Balancing Consistency with Flexibility**

Some stakeholders stressed the importance of consistency, for example in terms of relying on federal test procedures and metrics as well as industry technical standards without modification, while others highlighted the need to retain flexibility to respond to market changes and remain effective at providing reliable, useful information to consumers. EPA's first priority remains making use of federal test procedures or industry standards. EPA has added language to the SOP clarifying the limited potential circumstances under which an ENERGY STAR specification might deviate from a Department of Energy (DOE) test procedure or metric. The Agency recognizes that stakeholder input is critical to how we approach these situations.

### **Data**

Commenters generally expressed support for greater transparency in the sharing of data. In response, EPA has enhanced the SOP to indicate that data will consistently be shared with the earliest distribution possible. EPA has made clear its intention to share data helpful to stakeholders in understanding EPA's proposals including publicly-available performance data (or the source where large data sets are used), the Agency's payback analysis in cases where a cost differential for more efficient products exists, and an estimate of savings.

Industry stakeholders urged EPA to avoid redundant requests for performance data and encouraged the Agency to rely on existing data sources. In the SOP, EPA clarified its emphasis on using already-available ENERGY STAR certified product data and DOE data. Other commenters offered additional data sources, such as ENERGY STAR Retail Products Platform sales data, which EPA welcomes.

### **Comment Periods**

While some indicated support for the length of comment periods as specified, others indicated a desire for timeframes ranging from 30 days to 6 weeks. In response, we have adjusted the specified comment

period for draft proposals to at least 30 days. For interim change proposals (otherwise known as dot revisions), limited topic proposals, and final drafts, we retained the 2-week minimum comment period but specified that more time will be given as warranted by the particular subject matter.

## **Public Notice**

Several stakeholders made suggestions in terms of how EPA might improve public notice. These included making use of Federal Register notices and public dockets. Others noted our use of the ENERGY STAR website as a good tool for public participation. Historically, EPA has experienced high levels of participation using a combination of web posts along with email notification to a broad distribution list, open to any interested stakeholder. Supplementing this with a more centralized mechanism for alerting stakeholders that a document is available for comment is a compelling suggestion that would provide a failsafe for instances where emails are overlooked or not received. To that end, EPA has established a dedicated web page ([www.energystar.gov/productnotice](http://www.energystar.gov/productnotice)) that will be updated in real time, any time an ENERGY STAR products document of any kind is released for public comment. While some of our stakeholders routinely monitor the Federal Register, we are hopeful that all our partners will be equally comfortable periodically checking an ENERGY STAR webpage. Further, in the interest of engaging all interested stakeholders, EPA is developing an easy opt in/opt out for its ENERGY STAR distribution lists, including those related to product specification development.

## **Including All Sizes and Capacities**

The issue of product sizes and capacities was addressed by stakeholders in different contexts. For HVAC products, as one commenter pointed out, including all sizes and capacities of boilers, furnaces, or central air conditioners is not feasible. In other situations, such as televisions, where energy use associated with especially large models within a product category initially exceeds what might credibly be labeled as energy saving and environmentally beneficial, EPA works towards efficiency requirements that are more in line with the performance of standard models. EPA recognizes that this approach, rather than limiting the scope of ENERGY STAR specifications, makes better use of market forces to improve the efficiency of the larger models. EPA will continue to engage with stakeholders regarding the scope of a specification as it is developed and revised.

## **Appeals**

A few commenters encouraged EPA to establish an independent, internal appeals process, while two industry commenters indicated the current process provides sufficient opportunity for stakeholders to weigh in. Fundamentally, the basis for an Agency decision regarding any ENERGY STAR specification is the consumer value offered by the label in the context of that decision. To the extent stakeholders wish to challenge the program's conclusions regarding the best way to serve consumers in a particular product category, EPA leadership responsible for the ENERGY STAR program and for maintaining and protecting the trademark is best positioned to weigh the merits of such input.

All comments, and a comment response document, are available here: [https://www.energystar.gov/products/spec/energy\\_star\\_product\\_related\\_guidelines\\_and\\_procedures\\_feedback\\_pd](https://www.energystar.gov/products/spec/energy_star_product_related_guidelines_and_procedures_feedback_pd). While EPA has completed this formal process to develop and seek feedback on an SOP for the ENERGY STAR product specification development process, EPA and DOE will remain available to stakeholders who wish to share feedback regarding program processes and efficiency opportunities. With approximately 25 years of success working together to recognize and reward energy efficiency in products, we remain ever committed to working with all our partners to carry this mission forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Bailey". The signature is written in a cursive style with a large initial "A" and "B".

Ann Bailey  
Branch Chief  
ENERGY STAR Products