



National Association of Home Builders

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Subject: Response to Final Draft Version 4.0 ENERGY STAR® Ventilating Fan specification

Ms. Daken,

On behalf of the more than 140,000 members of the National Association of Home Builders (NAHB), I am pleased to submit these comments on the U.S. Environmental Protection Agency's (EPA) Final Draft Version 4.0 ENERGY STAR® Ventilating Fan specification.

NAHB is a Washington, D.C.-based trade association involved in home building, remodeling, multifamily construction, property management, subcontracting, design, housing finance, building product manufacturing, and other aspects of residential and light commercial construction. NAHB is affiliated with more than 800 state and local home builders associations around the country and NAHB's builder members will construct about 80 percent of the new housing units completed in 2014. Further, more than 95 percent of NAHB members meet the federal definition of a "small entity," as defined by the U.S. Small Business Administration.

NAHB and its members have been supporters of ENERGY STAR® since its inception. NAHB is also a proponent of voluntary consensus standards that concern the construction of single family and multifamily dwellings. Thousands of our builder members participate in the ENERGY STAR® Certification for New Homes program and specify ENERGY STAR products for their customers. NAHB, however, is concerned that EPA is deviating from several important program precepts as it seeks to hastily impose Version 4.0 onto manufacturers, and that these deviations may impact the availability of code-qualifying ventilating fans. Moreover, NAHB is unsure of the need for Version 4.0, given that the market penetration of ENERGY STAR® ventilating fans falls well below the standard market penetration 35% rate EPA typically employs. To address these concerns, NAHB urges EPA to reconsider the shortened time frames it has imposed through Version 4.0, and to revisit its reasoning for disregarding its prior standard for determining market size.

Appropriate Lead Time for Manufacturers

Congress has directed EPA and the U.S. Department of Energy (DOE) “to provide appropriate lead time that takes into account the timing requirements of the manufacturing, product marketing, and distribution process for the specific product addressed.” 42 U.S.C. §6294a(c)(7). EPA has failed to adhere to this principle here by providing only a 135 day lead time for certification of new products. Manufacturers informed EPA that, if Version 4.0 is finalized as proposed, significant market disruption may occur¹. NAHB is concerned that the lack of availability of ENERGY STAR® ventilation fans may dissuade builders from participating in the ENERGY STAR® program, as certified fans are often a requirement for an ENERGY STAR® Certified New Home. NAHB urges EPA to listen to the manufacturer comments and extend the effective date to avoid a market disruption that may impact NAHB’s builder members.

Market Share

NAHB questions whether a specification revision is required or appropriate at this time. ENERGY STAR’s Guiding Principles call for revisions to be considered where market share reaches 35%.² Here, the breadth of the market share is in dispute. In their comments, manufacturers place market share at 19%, and even EPA’s higher estimate does not reach the 35% threshold. Manufacturers and consumers alike rely on uniform application of the Guiding Principles to ensure consistency and certainty in the market. By randomly deciding to impose changes when the established threshold has not yet been met, the agency is potentially pushing beyond what the consumers are willing to accept. NAHB requests that EPA reconsider finalizing Version 4.0 at this time.

Thank you for your consideration. If you have any questions or would like to discuss NAHB’s suggestions, please contact Craig Drumheller at 202-266-8565 or CDrumheller@nahb.org.

Susan Asmus
Senior Vice President

¹ See, e.g., U.S. Environmental Protection Agency, *Vent Fan Version 4.0 Spec – Stakeholder Comments Draft 1*, <http://www.energystar.gov/sites/default/files/Vent%20Fan%20Version%204.0%20Draft%201%20Comment%20Matrix.pdf>.

² ENERGY STAR® Products Program Strategic Vision and Guiding Principles, May 2012, at 7, http://www.energystar.gov/ia/partners/prod_development/downloads/ENERGY_STAR_Strategic_Vision_and_Guiding_Principles.pdf?6684-6ef9.