

Comments on Proposed 3rd Party QA Testing Program

9/20/05 CFL Spec Meeting

By: Noah Horowitz

PEARL Board Chair

nhorowitz@nrdc.org

PEARL Board's Comments

I. Nominations Process

II. Appeals/Delisting Process

III. New Additions

Overall Summary

- **Pleased with overall direction of specification (technical and 3rd party testing)**
- **Supportive of efforts to upgrade specification including:**
 - Higher efficacy
 - In-situ test for reflectors
 - Shorter run-up time
 - Tighter allowable data range for lumen maintenance
 - Color
- **More on technical part of specification from CEE**

Nominations Process

- **Need more clarity on interaction of nominated and random processes**
- **Recommend nomination process occurs FIRST, then fill out remaining samples with random generator (otherwise you could be prevented from nominating truly troubling model)**
- **Will nominations committee see the final list? If so, is it OK for a single manufacturer to have access to it?**

Nominations (cont.)

- **Treat each listed product equally**
- **DO NOT automatically eliminate a model from testing if its cross-listed**
 - **Marketer could have changed suppliers without notifying DOE (product now manufactured by new manufacturer with much lower quality)**
 - **Other option is to focus on OEMs, with assistance from Administrator**
- **Provide more than 5 working days for committee to review list**

Nominations (cont.)

- **Consider allowing retailers to nominate up to X models without having lab data to support it**
- **Reality check: If 1,500 listed models, and goal is 20% of list/yr, then looking at 300 models/yr**
- **If only 6 models/yr per company looking at 50 companies, doubtful if you could even find 25 companies' products at retail**

Nominations (cont.)

- **Consider increasing annual per company limit of 6 models. Perhaps sliding scale something like:**

1->10 models

4 models/yr

10->20 models

6 models/yr

20->50 models

9 models/yr

>50 models

12 models/yr

II. Appeals/Delisting

- **What if product can't be found at retail/internet, etc.? Automatic delisting within X days?**
- **What if manufacturer does not respond to inquiries from selected lab or Administrator to participate?**
 - **Is model delisted? Is replacement model from that company added to the list to test**

II. Appeals/Delisting

- **Draft does not state basis for approving/rejecting manufacturer appeals**
- **Request DOE to publish and implement appeal review protocol**
- **Also add an independent audit process to spot check overall process**

III. New Additions

- **Address mercury content**
 - **Number of CFL sales increasing**
 - **Pressure from various groups creates need to demonstrate action or be subjected to ill-advised legislation**
 - **Some manufacturers use very limited dosing controls; potential for widely ranging and elevated Hg levels**
 - **Europe has set limit of 5 mg per lamp**

DOE Options for Hg

- **Adopt European requirements**
- or**
- **Add intent language to specification with deadlines for DOE to:**
 1. **Review/revise test methods**
 2. **Perform round robin testing**
 3. **Add test and report requirement**
 4. **Set mercury limit**

Enforcement of Federal Standard

- **Energy Bill sets mandatory standards for CFLs (refers to 2001 ES specification)**
- **Require Administrator to identify PEARL tested models that fail to meet federal standards (possible to fail ENERGY STAR but meet fed standard)**

Enforcement of Federal Standard II

- **Create mechanism to transfer list and data to enforcement agency (FTC ?) and to make list of non-complying products publicly available**
- **Will not create additional testing or cost burden (test methods unchanged)**

Closing Thoughts

- **We appreciate the opportunity to comment and remain available to have follow-up discussions on remaining issues.**
- **Looking forward to working with various stakeholders on new testing system and ability to participate in nominations and technical committees.**
- **PEARL available to perform Cycle 7 CFL testing during transition period to new testing system.**