



# power tool institute, inc.

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December 20, 2013

***Via E-Mail***

Ann Bailey

Chief, ENERGY STAR Labeling Branch

U.S. Environmental Protection Agency

[batterychargers@energystar.gov](mailto:batterychargers@energystar.gov)

Re: Proposed Sunset of the Battery Charging Systems ENERGY STAR Program

Dear Ms. Bailey:

On behalf of the Power Tool Institute (PTI), I would like to take the opportunity to comment on EPA's proposed sunset of the Energy Star program for battery charger systems (BCS) as indicated in your letter of November 22, 2013.

PTI is a trade association representing US manufactures of power tools. As you know, in addition to PTI member companies being ardent participants and supporters of the BCS program, PTI also contributed considerable resource and information to the development of the technical specification.

A review of the Qualified Products List (QPL), reveals that power tool battery chargers and chargers for allied products such as outdoor appliances comprise a significant proportion of the qualified products. In addition, a large proportion of our members are represented as Energy Star partners in this program. We are concerned that these members, who have been to large extent responsible for the program's success, will now be negatively impacted.

We recognize that Energy Star programs, by their very intent, must be periodically reviewed, changed or terminated to remain true to their transformational role in improving the environmental impact of energy consumption. By virtue of their involvement with Energy Star, PTI members have become partners with government in the pursuit of environmental improvement. In the spirit of this partnership, we believe there are some important considerations the agency has overlooked that have particular impact to our industry. We address these points below:

**Basis for program termination**

What has made Energy Star such a successful program for the transformation of energy efficiency in consumer products has been to create specifications that establish a consumer preferred upper tier of energy efficient products within a category. To keep a program meaningful, not all products in the market can qualify, otherwise Energy Star would lose its elite status. Since Energy Star is a voluntary program, federal regulation has the potential to obviate the need for Energy Star by creating a mandatory standard that exceeds the Energy Star specification with respect to efficiency. In the case of BCS's, Energy Star recognized this potential effect of the Department of Energy (DOE) rulemaking on BCS energy efficiency. In fact, Energy Star indicated that it was interested in reviewing and perhaps revising the efficiency levels of the specification when the DOE NOPR was issued as a final rule. As you know, this has taken an inordinate length of time, but is now in its final phase through the Office of Management and Budget (OMB) and is expected to be issued in few months. It is unclear why the Agency is unwilling to wait the additional time to base their decision on the federal rule. Instead, and incomprehensibly, the agency has selected the California Energy Commission (CEC) rule which only applies in California and that will be preempted by the federal rule as the basis for their analysis and decision.

It is perhaps even more disturbing that Energy Star fails to acknowledge the more significant impact of their own BCS program in achieving substantial change in BCS energy efficiency. This ignores the value of Energy Star's mission, the effectiveness of their methods and most importantly the contribution of manufacturer's to this voluntary program. Why the agency would invalidate themselves in this manner to the effect of a state regulation is difficult to fathom. We believe that the Agency should wait for the Final DOE rule before acting to initiate the sunset of the BCS program.

**Duration and timing of Comment Period**

Given the number of stakeholders, the degree of their involvement in the BCS program and the length that his program has been in existence, it is difficult to understand how the agency believes that the time allotted for stakeholder comment has been adequate, particularly considering that the period included Thanksgiving. It seems that there is no reason that this period couldn't be a more customary 90 days, as there is no urgency associated with the program's termination.

**Timing of the discontinuance of the Energy Star mark**

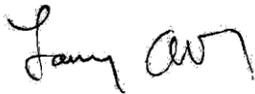
Whenever the Agency determines that the BCS program will end, the allowance of only 6 months for manufacturers to remove the Energy Star mark from products and all associated literature and websites is just not realistic. Manufacturing partners have considerable investment in product packaging and this proposal for termination to run out the inventory of this packaging. Since a manufacturer's BCS may be

used in many end products, each end product will require its packaging to be redesigned and the new packaging inventory to replace the old. All of this takes time and manpower and sufficient time to effect the change. Doing this in a shorter period, creates undue financial burden on manufacturers. If there was need for urgency, then this timing might be justified, but the Agency has not indicated the basis for such expedited timing. PTI believes that the proposal should be revised to indicate that product manufactured after June 1, 2015 (or 18 months after the actual termination of the program) shall not bear the Energy Star mark.

Furthermore, the QPL should be left up until this date as well, as this is the only way in which consumers and retailers can confirm compliance of product for sale.

Thank you again for the opportunity to comment on this very important decision. For many member companies, this has been the first opportunity to be an Energy Star partner. We hope the positive nature of the relationship shared between member manufacturers and the Agency can be sustained through the close of this most significant program.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Albert". The signature is cursive and somewhat stylized.

Larry Albert

Chair, Standby Power Committee

Power Tool Institute