

## The Energy Star Program Integrity Act (HR 504/ S 1038)

Rep. Bob Latta -- Sen. James Risch -- Rep. Peter Welch

### Prevent Consumer Harm and Strengthen the ENERGY STAR Program

*Supported by: American Council for an Energy Efficiency Economy; Association of Home Appliance Manufacturers; Alliance to Save Energy; Air-Conditioning, Heating and Refrigeration Institute; National Electrical Manufacturers Association, U.S. Chamber of Commerce, National Association of Manufacturers.*

#### **Continued Success**

The ENERGY STAR program has proven to be a successful tool in advancing the development and use of energy-efficient products to reduce energy consumption and related greenhouse gas emissions. The program has also promoted economic expansion and job growth for participating manufacturers across the nation.

#### **Strengthening A Proven Process**

For a product to earn the ENERGY STAR logo, it must be third-party certified that it meets energy saving guidelines. Manufacturers who choose to participate in this voluntary program make the investments needed to increase the energy efficiency of their products. To ensure these products maintain the required levels of efficiency, the Department of Energy (DOE) and other approved parties perform “off-the-shelf” testing on a certain percentage of ENERGY STAR products. In the event a tested product fails to meet the standard, that product is “disqualified” and can no longer be marketed as ENERGY STAR compliant. EPA posts a list of disqualified products on the ENERGY STAR website. In connection with a product’s disqualification, the manufacturer and the Environmental Protection Agency (EPA) work to resolve the cause for disqualification. Within this process, EPA determines whether any consumers have been harmed and whether compensation is warranted.

Despite the continued success and increased oversight of the ENERGY STAR program, a recent threat has emerged that could ultimately undermine the future of the program. A gap in federal law allows private litigation, in addition to and on top of the EPA-administered enforcement mechanism, against a manufacturer when a product falls out of compliance with the program. These lawsuits and the cost and reputational burdens they impose could undermine the ENERGY STAR program and force manufacturers to reassess their participation in this voluntary energy-saving program.

The *ENERGY STAR Program Integrity Act* codifies the existing EPA oversight process, cements important consumer protections, and helps deter costly and unnecessary class action lawsuits.