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and
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House Energy and Commerce Committee, Subcommittee on Energy
Comments on the Energy Star Reform Act of 2017 Discussion Draft

November 6, 2017

In light of current interest to reform the Energy Star program, we respectfully urge you to consider the following comments, which we have made on 3 of the 5 main proposals encompassed in the recently circulated discussion draft.

On a broader level, we ask that you recognize how successful Energy Star has been in empowering consumers to make educated decisions and save money. It has also been vital for states and utility programs as they work to meet energy waste reduction goals and deliver better services. The success of this *voluntary* program has been its flexibility, which has allowed it to respond to technological innovation and develop strong partnerships with the private sector. As such, we strongly discourage detailed legislative prescriptions.

Our comments on the specific legislative proposals included in the discussion draft are as follows:

1. We oppose shifting the lead for the program to DOE.

Moving programs between agencies is complicated and involved. As such, any proposed shift should be accompanied by strong justification. At present, we do not believe such justification exists, as it is our understanding that a large majority of Energy Star partners are satisfied with EPA's administration of the program, and the program has achieved great success under EPA's roof. While we have heard that a very small segment of Energy Star partners would prefer the program to be run through DOE (to assist with speedier certification for their products), we do not believe that warrants moving the whole program.

Furthermore, we are very concerned that shifting Energy Star from EPA to DOE will not be accompanied by adequate funding and staff. Given current proposed budget cuts to EPA and DOE, we believe moving the program could essentially kill the program if the legislation does not authorize appropriations of at least \$75 million per year for Energy Star. Staff expertise is also a concern, as EPA staff have developed and demonstrated invaluable marketing expertise vital to the success of the program. This level of expertise in Energy Star program activities does not currently exist at DOE, and we anticipate major disruptions to the program during any transition.

2. We oppose applying the Administrative Procedure Act to actions taken under Energy Star.

The Energy Star certification has always been, and continues to be, entirely *voluntary*. As such, it is inappropriate to apply the APA, as the APA is meant for standards. It is important to recognize that standards represent the *minimum*, while Energy Star represents a stretch goal – something to strive for. The Energy Star label should not be given out like a participation trophy; it should be awarded only to those products that really reduce energy use, save consumers money, and embody the highest level of technological innovation.

Aside from the inherent difference in the voluntary Energy Star label and minimum product standards, applying the APA would fundamentally hinder the program’s ability to remain flexible in the face of market changes and technological innovation. Requiring formal rulemaking procedures under the APA would be overly burdensome, increase costs, and significantly slow the program’s revision and update process, which is currently nimble and has been increasingly successful at responding to market/technological changes as well as manufacturer and other stakeholder input.

Again, a vital part of Energy Star’s success has been its ability to keep up with the rapid changes and innovation across market sectors. That ability would be significantly reduced - if not all together eliminated - if the APA was applied to the program, and would severely harm the integrity of the Energy Star brand.

3. We oppose requiring that Energy Star specifications be set for all sizes and capacities of products under the program.

We believe this proposal is overly prescriptive for a voluntary program. Furthermore, placing this requirement on the program would impose additional costs, which we are not confident could be covered given the current political environment. This requirement could also result in the labeling of inefficient products due to the lack of appropriate testing procedures for larger products.

E4TheFuture is non-profit 501c3 organization which collaborates with industry stakeholders to provide expert policy solutions, education, and advocacy to advance residential clean energy and energy efficiency solutions on the federal, state and local level.

The Home Performance Coalition (HPC) is a national non-profit 501c3 organization that works with industry leaders in the home performance and weatherization industries to advance energy-efficient, healthy and safe homes retrofit policies, programs and standards through research, education, training and outreach.

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