



Support the ENERGY STAR Program

November 7, 2017

The Honorable Greg Walden, Chairman
U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515

The Honorable Frank Pallone, Jr.
Ranking Member
U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515

The Honorable Fred Upton, Chairman
U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Energy
Washington, DC 20515

The Honorable Bobby Rush, Ranking Member
U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Energy
Washington, DC 20515

Dear Chairmen Walden and Upton, and Ranking Members Pallone and Rush:

As your committee considers legislation at today's hearing to amend the popular Energy Star program, we ask for your attention to our urgent concerns.

As organizations involved in a wide array of activities across the building industry, including manufacturing, design, technology and standards development, we write to express our strong support for the Energy Star program and its current management. The partnership between the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE) has enabled each organization to bring its strengths to successful administration of the program. Further, with EPA as lead agency, the Energy Star program has achieved a number of winning outcomes:

- Over 30,000 commercial buildings are Energy Star certified, using 35 percent less energy than standard commercial buildings and commanding higher prices and rental rates, reflecting the lower operating costs of these buildings.
- Since 2016, 1.7 million homes carry the Energy Star label, meaning they are 15% to 30% more efficient than typical new homes, saving costs for homeowners year after year.
- For existing homes, 79,000 homeowners invested in technologies and materials to improve energy performance.
- For commercial and residential buildings combined, the Energy Star program has helped businesses and homeowners save over \$146 billion in energy costs.

Clearly, this voluntary program is a success. The Energy Star label has become the symbol for energy efficient products and buildings across the United States. The government-backed Energy Star program, now in its 25th year, has helped drive investments in high-performing building technologies and materials, which is the focus of our organizations.

Many of the building industry organizations that have worked with Energy Star are concerned that the proposed changes could result in an unnecessary reorganization of the program that would disrupt its operation and stifle its positive impacts. Few if any programs, government or private sector, have been as successful as EPA Energy Star in educating consumers about the value of energy efficient buildings, and therefore we do not support the language as currently drafted. Given the program's track record of successful results and positive economic impacts, we would encourage that further study be undertaken, perhaps by the Government Accountability Office, on the potential advantages and disadvantages of relocating a program of this importance before such a decision is made.

Further, we are concerned that applying a formal rulemaking process through the Administrative Procedure Act (APA), could hinder progress. Technologies are advancing rapidly and EPA needs to be nimble in requiring higher-performing standards for Energy Star products and buildings. We suggest that the committee remove the APA language and instead develop language that would encourage the program to adopt best practices that could solve many of the issues some industry partners have had with the program.

Finally, we are concerned about the changes to third-party certification in the bill, even though they are currently aimed only at electronic products. The current ENERGY STAR third-party system of certification and market surveillance was adopted after a 2010 Government Accountability Office investigation called into question the integrity of the program.¹ That report concluded that the former system of manufacturer self-declaration of products opened the program up to fraud and abuse. Certification controls were deemed ineffective primarily because the program did not verify energy-savings data reported by manufacturers.

Under the current rules, implemented after the 2010 GAO investigation, ENERGY STAR products must be independently certified based on testing from recognized laboratories. Removing the requirement for third-party certification would re-expose the program to fraud and abuse at worst, and at best, would take a program function that the private sector is currently fulfilling and shift to EPA, at a time when the Agency is expected to narrow its scope. We want to ensure continued public confidence in the Energy Star program, and ask for removal of the third-party certification language from the bill.

As your committee tackles a number of pressing issues for our nation, we ask that you support and strengthen the Energy Star program. We would be happy to work with you to advance changes that would improve the program, but unfortunately some of the current proposals under consideration would weaken the program instead. Please let us know how we can provide any assistance as you consider important energy legislation, in particular that which would impact the built environment of our nation.

¹ <http://www.gao.gov/products/GAO-10-470>

Thank you for your consideration.

Sincerely,

The High Performance Building Coalition
ACPA – College Student Educators International
AGC Glass Company North America
Alliance for Water Efficiency
American Institute of Architects
APPA: Leadership in Educational Facilities
Armstrong Filtration
ASHRAE
Associated General Contractors of America
Association of Energy Engineers
Association for the Advancement of Sustainability in Higher Education
E4TheFuture
Energy Management Association
Environmental and Energy Study Institute
Green Business Certification Inc.
Home Performance Coalition
Higher Education Associations Sustainability Consortium
International Association of Plumbing and Mechanical Officials
Illuminating Engineering Society
Institute for Market Transformation
International Code Council
National Association of College and University Business Officers
National Assessment of Educational Progress
National Electrical Manufacturers Association
National Insulation Association
NIRSA
NSF International
Passive House Institute US
Pilkington North America, Inc.
Plumbing-Heating-Cooling Contractors - National Association
Polyisocyanurate Insulation Manufacturers Association (PIMA)
The Stella Group, Ltd.
SUN DAY Campaign
UL LLC
U.S. Green Building Council
US Partnership for Education for Sustainable Development