



**Optoelectronics Industry
Development Association**

June 26, 2008

U.S. Environmental Protection Agency
Office of Inspector General Hotline (2443)
1200 Pennsylvania Avenue, NW
Washington, DC 20460.

Dear Sir or Madam:

Re: New EPA ENERGY STAR Criteria for Lighting represents a waste of Federal funds

On June 2, 2008, the Environmental Protection Agency (EPA) released revised ENERGY STAR Residential Light Fixture criteria (Version 4.2) (copy attached), which became effective immediately and are in direct conflict with ENERGY STAR criteria for solid state lighting luminaires (SSL) issued by the U.S. Department of Energy (DOE) in September 2007, to become effective on September 30, 2008 (copy attached). The Solid State Lighting Industry Trade Association, under the auspices of the Optoelectronics Industry Trade Association wishes to file a complaint citing “waste of funds” at a minimum, based on the following reasons, and seeks a retraction by EPA of these new criteria in favor of the DOE criteria:

- EPA released the revised criteria without prior notification of or coordination with DOE, and without the statutorily required opportunity for stakeholder involvement. The release of the new criteria without DOE consideration and stakeholder input is totally inconsistent with the protocol established by both agencies for other ENERGY STAR Programs, and is inconsistent with (42 U.S.C. 6294a(b)) and (42 U.S.C. 6294a(c)(5));
- In addition to not seeking the normal coordination procedures with stakeholders, EPA also failed to provide a lead time for the implementation of the revised criteria, which is inconsistent with the generally required 270-day lead time (42 U.S.C. 6294a(C)(7));
- EPA’s revised criteria generally duplicate DOE’s coverage of all general residential and commercial illumination using solid-state lighting technology, the development of which was conducted by DOE in a manner consistent with the normal criteria development protocol and the statutes cited above;
- The criteria, while duplicative in many ways, has two main differences that could adversely affect this new lighting market if the EPA criteria is allowed to remain in effect. The first difference is that, in our assessment, the EPA criteria will allow any SSL product to become ENERGY STAR-qualified even if they produce light output that is not satisfactory to the consumer. In our estimation, this will allow inferior products to become ENERGY STAR-qualified and will do great harm to the market because it will lead to customer dissatisfaction.

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- The second difference pertains to the test procedures used by the two agencies. The test procedures required by the DOE Program have endured a rigorous vetting process and are national industry standards incorporated by the Illuminating Engineering Society of North America (IES). These test procedures are comprehensive and when used in product testing by certified testing laboratories will provide a true reference point for product quality. The test procedures cited by EPA have not undergone the same scrutiny as far we know and do not have industry concurrence.
- Differing criteria methodologies are also offered by the two Agencies. While DOE's criteria are established to follow the progression of increased performance quality that we foresee for SSL technology, EPA's essentially allows all SSL products to qualify and do not take into consideration the significant technological advancements that will be experienced in the next few years. Therefore, the EPA criteria is seen by industry as a pass/fail situation. A light fixture either has a SSL component or it doesn't. DOE's criteria will be progressively made more stringent, thus allowing for market differentiation of products within the SSL category. This latter is much more conducive to the history of ENERGY STAR, where for most products the criteria have been made more stringent as technological advances are made.

The use of a 'technical amendment' would seem to be an attempt to circumvent established protocol. From the perspective of industry, it appears that EPA's entrance into the SSL arena is merely the product of an inter-agency turf battle over control of the ENERGY STAR Program. Since DOE has spent the last eight years working closely with the lighting industry on the SSL technology, and since it has a Congressional mandate to do so, EPA's involvement constitutes a significant waste of both government and industry time and money.

In conclusion, on behalf of our industry we are asking that EPA retract its Version 4.2 of its ENERGY STAR Residential Light Fixture criteria and further allow the DOE to proceed with its SSL Program unimpeded by the distractions offered by EPA's incursion into solid-state lighting. While we recognize that both agencies share the responsibility for the ENERGY STAR Program, we believe that in this instance the obvious turf battles that have occurred may do great harm to the emerging solid-state lighting industry, which has the potential of significantly decreasing electricity consumption and reducing green house gas emissions.

Best regards,

David Huff
Acting Director, SSLITA