September 16, 2019

The Honorable Bill Cassidy
Chairman
Subcommittee on Energy
United States Senate
Washington, DC 20510

The Honorable Martin Heinrich
Ranking Member
Subcommittee on Energy
United States Senate
Washington, DC 20510

Dear Chairman Cassidy and Ranking Member Heinrich:

On behalf of the American Council of Independent Laboratories (ACIL), we write in strong support of independent third party certification within the ENERGY STAR program; thereby we solidly oppose the provision found on page 72, Title IV, Subtitle A, Section 324 A of S. 2137 “Energy Savings and Industrial Competitiveness Act of 2019.”

This provision would allow for the creation of a ‘good actor’ incentive for those manufacturers seeking ENERGY STAR® approval for consumer, home, and office electronic products. This incentive would include the waiver of certification requirements; thereby, prohibiting the EPA from requiring third-party certification. Ultimately, this provision would diminish the program’s impact and the reliability of the ENERGY STAR® label.

The ACIL is an association representing independent commercial scientific and engineering firms with over 1,000 facilities across the U.S. engaged in testing, product certification, consulting, and research and development to enhance public health and safety.

As you know, the ENERGY STAR program is a voluntary initiative that is broadly supported by manufacturers, retailers, utilities, energy efficiency advocates, and consumers. Over the past two decades America’s families and small businesses have realized estimated savings of more than $239 billion on utility bills and prevented more than 1.9 billion metric tons of greenhouse gas emissions as a result of the program. The ENERGY STAR program has grown to represent products in more than 65 different categories, with more than 4.5 billion products sold over the past 20 years. More than 1.4 million new homes and more than 20,000 facilities proudly carry the ENERGY STAR label, all of which allow Americans to make smarter choices on how to use less energy and realize greater savings.

The U.S. government relies on private sector resources and third-party certification to ensure products entering the market are safe, reliable and efficient. To ensure safe products are used in the workplace, the Occupational Safety and Health Administration (OSHA) recognizes private sector testing, inspection, and certification organizations through the “Nationally Recognized Testing Laboratory” program (NRTL). NRTL-recognized laboratories perform certification for certain products to ensure that they meet both construction requirements and industry standards.

The current ENERGY STAR program was modeled on a similar approach after a 2010 Government Accountability Office investigation called into question the integrity of the program. Under the current rules, ENERGY STAR products must be independently certified based on testing from recognized laboratories. In addition to up-front testing, a percentage of all ENERGY STAR products are subject to “off-the-shelf” and post market verification testing each year. The goal of this testing is to ensure that changes or variations in the manufacturing process do not undermine a product’s qualification for ENERGY STAR.
This public-private partnership has created a competitive marketplace for testing, inspection, and certification (TIC) organizations that manufacturers leverage to meet ENERGY STAR compliance needs. The program’s flexibility allows for manufacturers to shop for services based on price, speed, or location, and not be restricted to a single organization to review products.

We respectfully request that you and your committee continue to support the independent third party certification within the ENERGY STAR program and we remain in strong opposition to the S. 2137 “Energy Savings and Industrial Competitiveness Act of 2019” ENERGY STAR® provision found on page 72, Title IV, Subtitle A, Section 324 A.

Thank you for your time and attention regarding this important issue and please do not hesitate to call upon me.

Sincerely,

Richard Bright
Chief Operating Officer