

**Consumers
Union**

NONPROFIT
PUBLISHER OF
CONSUMER REPORTS

September 4, 2008

Mr. Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C, 20460

Dear Administrator Johnson:

On September 3, 2008, your office issued a response to the "Energy Star Has Lost Some Luster" article in the October 2008 *Consumer Reports*. We're glad your agency has recognized that the federal test procedures for refrigerators should be examined and that the Energy Star specification for these appliances should be modified to guarantee that American consumers get the energy savings both promised to them by manufacturers and displayed on the Federal Trade Commission's EnergyGuide label.

Indeed, Consumers Union, the nonprofit publisher of *Consumer Reports*, supports tough energy-use standards and testing as part of the federal government's and industry's efforts to enhance energy efficiency, save consumers money, and help this country become less dependent on foreign sources of energy. The article recognized the significant contributions that the Energy Star program has made since its inception in 1982 and does not question its integrity, but rather vigorously endorses its enhancement.

Our article took issue principally with the federal guidelines behind the Energy Star program, standards that allow manufacturers to benefit from the program's cachet without delivering the claimed energy-use and energy-cost savings.

The EPA's response also stated that our story confused three different federal programs "that address energy use and energy efficiency of energy-using products." In fact, the article goes to great lengths to explain to consumers how these complicated federal programs interact with one another and how to read the EnergyGuide labels in stores.

The response also noted, "Increasing the market share of qualifying products from their initial levels is a goal of the program – not a fundamental flaw, as the article suggests." Our position is that because federal test procedures haven't kept pace with technology (a point DOE members made to Consumers Union in a June 2008 meeting), the standards are not tough enough and too many products earn the valued Energy Star qualification. Only by regularly beefing up energy-use standards will the DOE and EPA ensure that consumers get the most-efficient products.

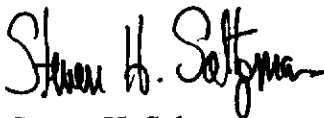
Regarding the criticism that we did not interview the EPA for this story, staff members of Consumers Union met with several DOE representatives, including an Energy Star program manager and an Energy Star project manager. We, of course, welcome continued dialogue with the EPA on this and other matters.

Again, we support the work of the DOE and the EPA with regards to the Energy Star program. But loopholes in testing procedures and lax standards have resulted in the issues highlighted in the article. We stand behind our article and repeat the call for the following:

- updated energy-use test procedures and standards;
- independent verification of manufacturers' self-reported test results;
- a graded qualifying system for Energy Star, a boon for consumers; and
- tougher policing of standards by federal officials.

Thank you for your consideration.

Sincerely yours,



Steven H. Saltzman
Deputy Editor
Consumer Reports



Mark Connelly
Acting Technical Director
Consumers Union