

FAQ for: ENERGY STAR Verification Testing Pilot Program

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Introduction

EPA and DOE expend considerable effort maintaining the integrity of the ENERGY STAR brand. While the program has been broadly successful, it is important not only to continue but to strengthen those efforts. To that end, the United States Department of Energy (DOE) is committed to increase monitoring to safeguard the integrity of the ENERGY STAR program. In particular, DOE initiated a pilot testing program to ensure that products bearing the ENERGY STAR logo deliver the efficiency consumers expect.

What product types will be tested?

DOE instituted a verification testing pilot program in support of the State Energy Efficient Appliance Rebate Program (SEEARP), which runs from January 2010 to June 2011. Under this pilot program, DOE is testing samples of the most popular products in the SEEARP program to 1) ensure that ENERGY STAR products meet the ENERGY STAR program requirements and 2) ensure that ENERGY STAR products meet the manufacturer's stated ratings. Product types being tested under the pilot program include refrigerators, freezers, dishwashers, clothes washers, gas tankless water heaters, gas storage water heaters, and room air-conditioners.

Will testing continue after the State Energy Efficient Appliance Rebate Program (SEEARP) ends?

The current test program is a pilot program being conducted in support of SEEARP. SEEARP will run until approximately June 2011. Testing under the pilot program will conclude in the fall of 2010. For the longer term, DOE will develop an ongoing testing program that will include not only products currently being tested but other ENERGY STAR products not covered by SEEARP. The design of this long term program will be based on the lessons learned in the SEEARP pilot testing program. Unless otherwise indicated, however, the FAQs and responses below are applicable only to the pilot SEEARP testing program.

For Consumers

What happens if a product does not meet its rated efficiency?

DOE instituted the pilot testing program to ensure that manufacturers are meeting the ENERGY STAR program requirements for their products as set forth in the ENERGY STAR partnership agreements. If products do not meet ENERGY STAR requirements, manufacturers will be required to immediately discontinue shipment of labeled products, and to perform other corrective actions, as required by EPA, to affect the distribution and sale of mislabeled products in the marketplace. Furthermore, if the results of verification testing indicate that the product may not meet Federal minimum efficiency standards, DOE will follow the protocol as laid out in the Code of Federal Regulations to initiate an enforcement action.

Will the results be made public?

- In order not to prejudice the sale of models that are not tested, only products that are disqualified from the ENERGY STAR program will be made public. DOE will also notify the states of all products that fail the testing. DOE, along with EPA, the ENERGY STAR brand manager, will compile a final list of all products that are disqualified from the ENERGY STAR program. This information will be distributed to the states, utilities, regional energy efficiency program sponsors, retailers, and other stakeholders..

What if I buy a product and it is found non-compliant after I purchase it?

Each state maintains a list of specific products eligible for rebates in that state. See <http://www.energysavers.gov/financial/70022.html> or your state's program website for the list of approved products in your state. If verification testing results in disqualification of a product from the ENERGY STAR program, states will be notified so that they may update their list of approved products. Consumers who purchase a product prior to its removal from the State's rebate list should still be eligible to receive a rebate. However, each state has its own set of rules and consumers should check with their local jurisdictions.

For Manufacturers

Will my products be tested?

Refrigerators, freezers, dishwashers, clothes washers, gas tankless water heaters, gas storage water heaters, and room air-conditioners that are sold in the United States and that are labeled as meeting ENERGY STAR program requirements may be tested in the pilot program. DOE will test only products sold in the U.S. under this program.

How will the products be selected for testing?

DOE examined the list of products in the ENERGY STAR database and grouped them by manufacturer and energy-use characteristics. Each grouping represents one basic model. Twenty percent of the basic models were then randomly selected for testing. DOE then purchased the selected products through normal retail channels. If any of the chosen products were unavailable on the retail market, DOE randomly selected a replacement product.

Who will pay for product testing?

DOE is paying all costs for obtaining and testing the samples for the pilot verification program.

Who will conduct the actual testing?

DOE is contracting with independent third party laboratories to complete verification testing. Laboratories that will be used include: BR Laboratories, Intertek Testing Services, CSA International, CSA ONSPEX, and Springboard Engineering. The test lab used for each product was selected via standardized contracting procedures, considering the lab's expertise with that product type, quoted price, and proposed testing schedule.

DOE reviewed each selected third party laboratory to ensure testing is conducted in accordance with their respective accredited laboratory test quality management system for test equipment calibration, measurement accuracy and reporting of test results. The generally accepted standard for laboratory test accreditation is ISO 17025.

What test procedures will DOE use?

All testing will be in accordance with DOE test procedures as codified in the Code of Federal Regulations at Subpart B to 10 CFR Part 430 and with the test procedures described in the ENERGY STAR program requirements, as applicable. DOE is coordinating with each testing laboratory to ensure that the correct test procedure is used for the product under test.

If Stage II testing is conducted, compliance will be determined using the sampling plan outlined in Appendix B to Subpart F of 10 CFR part 430, substituting the ENERGY STAR requirement for the Energy Performance Standard, and 8 as the maximum number of units that can be tested instead of 20.

What is the testing process?

Manufacturers will not be permitted to witness testing. One unit will be tested in an initial Stage I "screening test." Additional testing may be conducted, as described below. All units to be tested will be selected from the retail market.

Consistent with the ENERGY STAR appliance specifications, if the results of the Stage I test indicate that the energy consumption is **no more than 5% greater than the ENERGY STAR program requirements**, the unit will be deemed to have passed the screening test and no further testing will be conducted.

If the results of the screening test show energy consumption exceeding the program requirements, the product will be moved to Stage II testing. DOE has adjusted the program to

expedite the testing process. Stage II testing will be completed after additional units are acquired from the retail market.

How many units will be tested to determine compliance?

One unit of each model will be tested in an initial Stage I test. If the results of the test indicate that the energy consumption meets the ENERGY STAR program requirements, no further testing will be conducted.

If the results of the screening test show energy consumption exceeding the ENERGY STAR program requirements, DOE will move the model to Stage II testing. DOE will determine the number of additional units to be tested, which will be at least four but no more than eight units in total. These units will be selected by DOE from the retail market.

What steps follow a non-compliance finding?

DOE may find a model to be out of compliance after completing Stage II testing if that testing showed energy consumption to exceed the ENERGY STAR program requirement. If a product is found to be out of compliance with ENERGY STAR program requirements, DOE will refer the matter to EPA.

Specifically, following a finding of non-compliance based on Stage II testing:

- DOE will notify the manufacturer that their model has failed Stage II testing.
- The manufacturer will have 20 days to respond to the notification. Tested units will not be made available to manufacturers.
- During the 20-day appeals timeframe, a manufacturer can present to DOE conclusive manufacturing or design evidence, or quality assurance information on why their product did not perform up to ENERGY STAR program requirements.
- If the manufacturer does not respond within 20 days or the response does not conclusively demonstrate to DOE's satisfaction that the model complies with ENERGY STAR program requirements, DOE will refer the matter to EPA for enforcement under the ENERGY STAR program.
- DOE will notify the states and the public of any model that is disqualified from the ENERGY STAR program.

How long do manufacturers have to respond to a test failure?

DOE will immediately notify manufacturers of a Stage II failure. Manufacturers will have 20 days to dispute the failed testing before DOE will refer the matter to EPA.

Will manufacturers have the ability to dispute findings of non-compliance?

If a product is found to be in non-compliance after Stage II testing, DOE will provide 20 days for the manufacturer to respond. During the 20-day appeals timeframe, a manufacturer can present to DOE conclusive manufacturing or design evidence, or quality assurance information on why their product did not perform up to ENERGY STAR standards and how the manufacturer has addressed poor testing results.

Will a finding of non-compliance cause my product to be removed from the ENERGY STAR qualified product list?

If the product is found to be in non-compliance with ENERGY STAR program requirements after Stage II testing, DOE will refer the product to EPA with a recommendation that EPA begin the process of disqualifying the product. EPA will inform the manufacturer of their intention to disqualify the product based on the third party testing results. For more information, see “What steps follow a non-compliance finding?”

What if the product energy rating is incorrect but still above the ENERGY STAR requirement?

If after testing, a product is in compliance with ENERGY STAR program requirements, but tests indicate that the energy usage is different than the energy usage listed on the label; DOE will notify the FTC regarding the possibility of incorrect labeling on a consumer product.

Will the government require retailers to remove products from their shelves?

If the results of testing under the pilot ENERGY STAR verification program indicate that a product does not meet applicable minimum Federal energy conservation standards, DOE will initiate an enforcement action. This enforcement action could lead to further testing, and ultimately, to the government requiring that the product no longer be distributed in commerce in the U.S.

If a product does not meet ENERGY STAR program requirements, DOE will refer the matter to EPA for enforcement.

Will my ENERGY STAR partnership be impacted by a finding of non-compliance?

EPA will determine any impact on the ENERGY STAR partnership during enforcement activities.

For States Offering Rebates on ENERGY STAR Products Using ARRA Funds

Does a state bear any responsibility for testing products under the rebate program?

No. Under the SEEARP ENERGY STAR pilot testing program, DOE will pay for all costs of obtaining and testing sample products.

Will DOE communicate non-compliance findings to states offering rebates?

- DOE will maintain a final list of products that are disqualified from the ENERGY STAR program and will distribute this information to the states offering rebates under SEEARP.

What responsibility does a state have to take action regarding a finding of non-compliance?

DOE recommends that once a product is disqualified from the ENERGY STAR program, the states remove that product from the list of products for which rebates are offered.

What if a product is found non-compliant after rebates are given?

- Must the state inform residents who received the rebate?
- Will the resident have the ability to return the product and secure an alternative that does meet the requirements?
- If so, who is responsible for making this exchange? Who bears the cost?

States were permitted to determine how to handle these issues in their rebate plan. Therefore, there is no uniform federal mechanism for responding to these issues, which may be addressed at the state level.

Is there a mechanism for states, utilities, or others offering rebates to inform DOE of suspect product performance?

States, utilities and others offering rebates should inform DOE or EPA immediately if they are aware of any products that may not be compliant with ENERGY STAR or DOE energy conservation standards. To report a suspected violation to DOE, send an email to energyefficiencyenforcement@hq.doe.gov or contact the DOE project manager overseeing the product type in question. DOE project managers can be found on the Appliance Standards website: http://www1.eere.energy.gov/buildings/appliance_standards/. For products that may not be compliant with the ENERGY STAR requirements, please email logomisuse@energystar.gov.

How should a state handle a potential backlog of rebate applications resulting from verification?

States should assume that products tested in the pilot program will pass testing, i.e., that the products will not be disqualified from the ENERGY STAR program, and should process rebate applications accordingly.