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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

JOHN D. DINGELL, MICHIGAN
CHAIRMAN

September 25, 2008

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The Honorable Samuel W. Bodman
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

The Honorable Stephen L. Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460-0001

Dear Secretary Bodman and Administrator Johnson:

I am concerned about an issue that has received recent coverage in Consumer Reports magazine: specifically, whether the testing protocols for appliance efficiency accurately and reliably measure the energy consumption of the appliances and other equipment being tested for purposes of awarding Energy Star labels.

According to a Consumer Reports' press advisory dated September 2, 2008, previewing the October issue of the magazine, its "recent investigation into the Energy Star program reveals that lax standards and out-of-date test protocols plague the federal program". The advisory mentions the relatively high percentage of qualifying appliances and equipment in some categories, the length of time required to set new standards, and the tendency some may have to try to evade or "game" the process. Most troubling, the report goes on to cite five refrigerator models that actually use much higher amounts of electricity in normal use than in tests conducted for Energy Star certification, in some cases twice as much. The report states that in many cases manufacturers self-certify their compliance with Energy Star standards without any independent verification. In these cases, the models cited are manufactured overseas, and I have been contacted by U.S. appliance manufacturers concerned that U.S. consumers are being misled by such claims to the competitive disadvantage of domestic manufacturers.

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I assume you agree that the Energy Star brand is one of the most valuable energy efficiency programs the U.S. Government operates. Any failure to adopt fair, rigorous, and ambitious efficiency targets, along with appropriate testing protocols under normal operating conditions, for appliances or equipment seeking to obtain an Energy Star label, threatens to undermine the value of the Energy Star brand.

Please advise me by Friday, October 10, 2008, what your Department and Agency, which co-administer the Energy Star program, are doing separately and jointly to address these issues. Please further indicate whether the Consumer Reports analysis is accurate or whether you disagree with it. Finally, please share with me your views of the ways in which the Energy Star program can and should be enhanced not only to preserve its value but to maximize its value as a key means of communicating about cost-effective energy efficiency to consumers.

Sincerely,



JOHN D. DINGELL
CHAIRMAN