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Vice President, Government Relations

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VIA EMAIL TO: lamps@energystar.gov

Ms. Taylor Jantz-Sell
Environmental Protection Agency
ENERGY STAR Lighting Program Manager
1200 Penn. Ave NW 6202J
Washington, DC 20460

NEMA Letter of Concerns Arising From the Suspension of Citizen Electronics Laboratory

Dear Ms. Jantz-Sell,

The EPA notice of March 20, 2018 announcing a suspension of the subject test lab in Fujiyoshidashi, Japan has caused concern among NEMA Members who manufacture LED luminaires.¹ It appears from the Perry Johnson website that the suspension of the test lab's accreditation was related to self-reported errors during LM-80 testing² and the suspension has recently been lifted.

EPA has not indicated that it might penalize any already-certified products that may have been tested in the lab, and we believe that caution and restraint should be exercised in that regard.

NEMA understands that the tests in question involve data-gathering and analysis related to the process for estimating Lumen Maintenance, using IES LM-80 2015. In a way, this is fortunate. Any other parameter would offer less flexibility in terms of potential reconciliations. The LM-80 measurement standard is a process of data gathering and subsequent projection of a reasonable estimate for lumen depreciation rather than a guaranteed outcome. We submit this gives the EPA useful discretion as to how to react. Furthermore, it is our understanding that the test lab had already commenced re-testing in order to understand the ramifications of the errors encountered during its original LM-80 testing and the initial reports are favorable in that lumen maintenance estimates for finished products are not likely to be significantly revised. This retesting indicates that affected products will likely still meet the ENERGY STAR specification.

We recommend that EPA approve the re-accredited test lab to continue certification testing and allow ENERGY STAR Partners to submit these results for certification as before.

¹ The National Electrical Manufacturers Association represents nearly 350 electrical equipment and medical imaging manufacturers that make safe, reliable, and efficient products and systems. Our combined industries account for 360,000 American jobs in more than 7,000 facilities covering every state. Our industry produces \$106 billion shipments of electrical equipment and medical imaging technologies per year with \$36 billion exports.

² Perry Johnson Laboratory Accreditation, Inc; Accreditation No: 69510.

Companies invest millions of dollars in designing new product models and in preparing those models for testing to get into the market by a certain time. In the event the ongoing retesting discovers irregularities with previous LM-80 test submissions for certain products, NEMA and its affected Members accept that detailed retesting of certain products is the responsible course. We submit that fairness is important given the breadth of impact this retesting can have on the industry. Retesting is straightforward, but it takes months to set up, conduct testing, and process the test results. It follows that sufficient time is needed to mitigate undue burden on manufacturers and the lab. While a single product might be tested somewhat quickly, considering the test duration is a minimum of 6,000 hours, those Partners with potentially dozens of products will need to spread this burden out over a longer period. NEMA proposes a 13-month grace period to allow for any needed retesting and review.

NEMA requests EPA provide clarity regarding the following:

- Restored recognition of Citizen Electronics Labs as an EPA-approved test body
- Resumption of suspended product certification testing
- Clear statement that listed products will not be de-certified
- Sufficient time granted for retesting and review of products

A statement from the EPA on the above would be most useful if accomplished by May 11, 2018 so that Partners who need to decide whether to move forward with existing designs can do so.

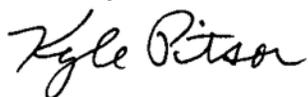
This problem extends beyond the ENERGY STAR program due to the relationship between ENERGY STAR and the Design Lights Consortium program, which recognizes and uses some of the same test results and lab accreditations as part of their program. Any further disruption to product qualifications has the potential to stretch into hundreds of listings across the two programs. Suspension, though rare, can happen to any lab, and it follows that all ENERGY STAR Partners look to EPA to handle this matter with due regard to its significant impact and precedent-setting nature. Accordingly, NEMA Members desire open and transparent communication and collaborative problem-solving discussions with EPA.

Once this particular issue has been addressed, NEMA proposes the EPA establish an open process to examine the causes of this event more closely, and explore other potential risks that may be present in the current Accreditation Process. The goal would be to minimize events like this and establish a clearer path to reconciliation.

Our Member companies count on your careful consideration of these concerns and look forward to an outcome that meets their expectations.

If you have any questions on this letter, please contact Alex Boesenberg of NEMA at 703-841-3268 or alex.boesenberg@nema.org.

Sincerely,



Kyle Pitsor
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