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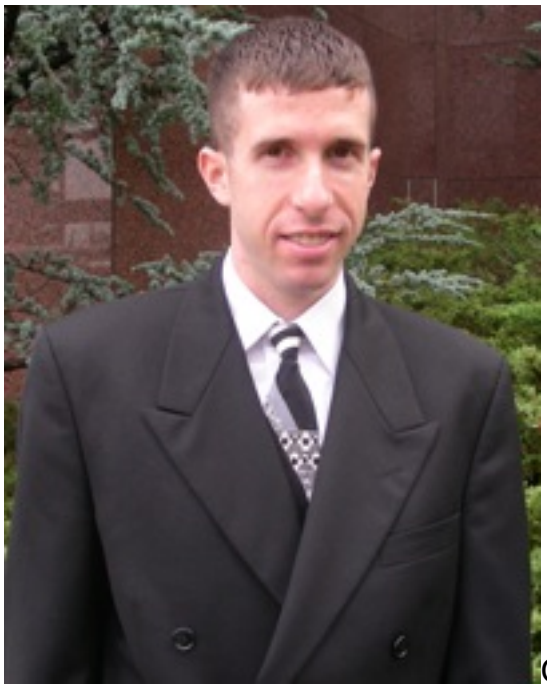

On June 2, 2008, the Environmental Protection Agency [1] (last seen as the supervillains in “The Simpsons” movie) released a “technical amendment,” version 4.2 [2], to the Energy Star [3] residential light fixture specification. Remember when Nintendo introduced the ubiquitous “Seal of Quality [4]?” The great crash of 1983 was caused by a number of factors, not the least of which was lousy software (remember ET: The Extra Terrestrial [5]?). The SOQ was Nintendo’s effort to reform the video game industry’s image by introducing quality products into the marketplace. Yet, the EPA’s own "Seal of Quality," Energy Star, isn’t in-house. It’s industry-wide. And their now-infamous technical amendment makes the Energy Star label akin to a booby prize at the carnival side show.

With such specifications, there’s normally a long testing period, with public review, revisions, and a final release. The EPA released version 4.2 on June 2, and declared it effective immediately. This is not only a gross breach of protocol (it’s standard courtesy that you consult industry), but as an industry insider pointed out, blatantly illegal. By rushing their technical amendment to fruition without opening it to public review, the EPA violated Energy Policy Act (EPACT) 2005 [6], Section 131. That section says, in no uncertain words, that the Administrator and the Secretary shall, “solicit comments from interested parties prior to establishing or revising an Energy Star product category, specification, or criterion (or prior to effective dates for any such product category, specification, or criterion).”

If one puts aside all moral and legal considerations, it’s easy to see why the EPA released version 4.2 without public review. The specifications allow for lower-quality

products to qualify for Energy Star, all in the name of removing a “competitive disadvantage” for the aforementioned general illumination and decorative light fixtures. In other words, all RLF’s are equal, but some are more equal than others. Version 4.2 legitimizes high color temperature lamps, as well as fixtures with extremely high and extremely low light output. Instead of letting the consumer decide, the EPA is giving legacy systems a competitive advantage by lowering the standards.

Responding to criticism, the EPA released an addendum on June 9. Expressing concern, they claimed, “EPA is consistently concerned with product quality and the potential impacts of poor quality products on the ongoing integrity of the Energy Star Program.” Public review was unnecessary because, “the existing specification (i.e. the key performance criteria) was not being changed.” But to appease the masses (i.e. industry), they initiated an after-the-fact comment period, whereby interested parties could submit their concerns through August 25. This is terrific, but Version 4.2 has neither been rescinded nor revised. There is no guarantee that feedback will be taken seriously, only that the, “EPA will compile any comments received and consider the appropriateness and timing of any suggested changes.” If the EPA truly wants to do what’s right, they’ll immediately rescind the amendment and open it to public review.

As engineers, how does this affect you? Let us know!

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