



VIA MAIL and E-MAIL

January 27, 2012

John Cymbalsky  
Supervisory Operations Research Analyst  
Energy Efficiency and Renewable Energy  
Mail Stop EE-2J  
Department of Energy  
Washington, DC 20585  
[John.Cymbalsky@EE.Doe.Gov](mailto:John.Cymbalsky@EE.Doe.Gov)

Dear Mr. Cymbalsky:

We are writing to thank the Department for its work in establishing a publicly accessible online repository for manufacturers' reports certifying compliance with federal energy and water efficiency standards for covered products. DOE's release of the compliance certification database represents an important milestone for the transparency of manufacturers' compliance with efficiency requirements. Making manufacturers' certified efficiency performance data available to the public is crucial to facilitate citizens' role in the enforcement of efficiency standards and provides a valuable opportunity to assist consumers in obtaining efficiency information for the products they purchase.

While DOE has done an admirable job in developing an enforcement program for appliance and commercial equipment efficiency standards over the last three years, citizen enforcement of such standards can help to alleviate the burden of policing thousands of models. Moreover, cultivating a role for the public in the enforcement of efficiency standards can provide a bulwark against a future administration that may be less attentive to the enforcement of regulatory programs.

However, the effectiveness of citizen engagement in the enforcement of legal standards hinges on access to information concerning regulated parties' compliance. Without ready access to data on compliance, it is difficult or impossible for efficiency advocates to play an active role in ensuring compliance with minimum efficiency standards.

In making manufacturers' certified energy efficiency information available, the Department also has an opportunity to assist the public in comparing the efficiency of competing products. Although individual products may carry an Energy Guide label or Energy Star designation, consumers interested in rapidly comparing the efficiency of multiple models

face a daunting task, with many different websites providing only fragmentary or out-of-date evidence of the efficiency of products currently on the market.

While it is therefore helpful to have access to manufacturers' certified data, the system as presently set up has some significant shortcomings. Some of these issues can be addressed through relatively minor changes in the user interface for the compliance certification database, while others may require a more fundamental change in the Department's approach to the public version of the database.

First, the present interface makes it difficult for the average person shopping for an appliance to isolate quickly the specific information they may be seeking. Pulling data for multiple manufacturers in a single spreadsheet is possible, but the availability of this functionality is not readily apparent. After selecting a product category (*e.g.*, dishwashers), clicking on the hyperlinked number under the "# of Models" generates a spreadsheet containing all of the published certifications for the particular group, whereas the "Group" link leads to another page with links to separate spreadsheets for each manufacturer. Adding explanatory text to point out these different browsing options would ensure that visitors get the most out of the existing system.

Other needed improvements may require slightly more effort to reorganize the existing system. Though the database offers users a search function, that feature only conducts a search of the database field displayed on the screen. It does not, for example, allow a search for a particular model number or category of covered products from the main page of the user interface. Providing a more robust search function would maximize the utility of the database for consumers, who could otherwise be frustrated by the need to click through multiple pages of data to access the specific information they seek. The database should also include a field indicating the manufacturer of each brand or private label, so that members of the public will be able to more readily identify the products to which a particular entry corresponds. The ability to identify a product has obvious benefits to consumers interested in researching individual models. In addition, this information will help prevent citizen enforcement actions against parties whose products have been properly certified, and will help ensure that the correct parties are being held responsible in cases where products are not properly certified. Finally, for products subject to Federal Trade Commission labeling requirements, it would be helpful to include the estimated annual energy cost for each basic model and the assumptions on which that figure is based. Access to this information would enable consumers to more effectively use the database for shopping purposes by placing all relevant efficiency information in a single online location. Moreover, retailers would also be able to access this information to provide energy efficiency content for product listings on their websites.

However, our most serious concern is with the fundamental structure of the public database as a separate system that is not automatically updated when manufacturers submit new information. Not having access to all of the certifications that DOE has received makes it impractical to use the database as a way of verifying that products being offered for sale have been certified. At best, a review of the public database can only confirm the certification status

of a product as of the last time DOE performed an update of the data. Departmental resource constraints or a future administration's indifference could severely reduce the utility of the database by extending the intervals between updates or indefinitely delaying the release of new information. The DOE website indicates that the delay between manufacturers' submittal of information and its appearance in the public database allows the Department time to review the submissions. However, it is not clear why DOE's review cannot take place concurrently with the public's inspection of the certification information.

The changes discussed above are needed to ensure that the publicly accessible database of compliance certifications achieves its full potential as a resource to facilitate the public's role in enforcing compliance with federal efficiency requirements and to assist in the dissemination of efficiency information for covered products.

We greatly appreciate the opportunity to discuss these important matters with you.

Respectfully submitted,

Timothy Ballo  
Jonathan Wiener  
Earthjustice  
1625 Massachusetts Ave., NW  
Suite 702  
Washington, DC 20036

Ellen Bloom  
Director of Federal Policy  
Consumers Union  
1101 17th Street, NW  
Suite 500  
Washington, DC 20036

CC: Ashley Armstrong ([Ashley.Armstrong@ee.doe.gov](mailto:Ashley.Armstrong@ee.doe.gov)),

Laura Barhydt ([Laura.Barhydt@hq.doe.gov](mailto:Laura.Barhydt@hq.doe.gov))