UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF AIR AND RADIATION

[redacted]

[redacted]

Dear [redacted]:

The United States Environmental Protection Agency ("EPA") has received information from the certification body, National Fenestration Rating Council, indicating that the following [redacted] failed to meet ENERGY STAR requirements during verification testing: [redacted]

The purpose of this letter is to inform [redacted] that **EPA intends to disqualify model** [redacted] **and all affected product options within the** [redacted] **product line from the ENERGY STAR program**.

A corporate certification detailing the product control measures undertaken to manage the disqualified unit is due no later than [redacted] As part of these product control measures, [redacted] will be required to certify to the following actions:

1. Ceased sale and shipment of the model with the ENERGY STAR mark;
2. Removed or covered the ENERGY STAR mark on units within [redacted] control;
3. Removed or covered the ENERGY STAR mark on all collateral materials such as product packaging, webpages, and other marketing materials associated with the product;
4. Informed downstream labelers of this model and entities that currently sell this model, including but not limited to all online and in-store retailers, that it does not qualify for ENERGY STAR; and
5. Other actions as deemed appropriate by EPA.

EPA requires [redacted] **to submit additional details about product options qualified on the same basis as** [redacted]**.** If EPA does not receive [redacted] response by the date indicated above, EPA will proceed with the understanding that all product options within the [redacted] do not meet the ENERGY STAR program requirements.

[redacted] submittal of corporate product control measures should be made using the standard form available at www.energystar.gov/prf. Upon review of [redacted] proposed product control measures, EPA will notify it whether they are acceptable. If [redacted] seeks to deviate from the proposed product control measures, it must notify EPA prior to doing so.

If [redacted] wishes to dispute the test results, it must identify all grounds for dispute using the form available at http://www.energystar.gov/prf, and submit that form to enforcement@energystar.gov within the dispute comment period that ends on [redacted]. EPA will conduct a technical review of all dispute information submitted by that date, and determine whether to maintain the product as certified. Please note that all bases for disputes must be raised within the comment period in order for EPA to consider that information. All comments should be included in the dispute section of the partner response form linked above, and additional attachments may be included with that submittal. All partners submitting a dispute may request a conference call with EPA to discuss the testing failure and basis for testing dispute.

All communication regarding this notice must include the following case number in the subject line: [redacted]

If [redacted] chooses to submit this product to ENERGY STAR for re-qualification, it must do so under a different model number than the one identified above.

In communications regarding the development and submission of product control measures, [redacted]. may need to disclose proprietary information to EPA. For the purpose of the product control measures, proprietary information is defined as information that an affected business claims to be confidential and is not otherwise available to the public. [redacted] must clearly identify as such confidential information disclosed to EPA in writing; and clearly document in writing, within a reasonable time, any confidential information initially disclosed orally. If information is not clearly identified as confidential, EPA will consider any claim of confidentiality to be waived. EPA agrees not to disclose, copy, reproduce, or otherwise make available in any form whatsoever to any other person, firm, corporation, partnership, association, or other entity information designated as proprietary or confidential without consent of [redacted] except as such information may be subject to disclosure under the Freedom of Information Act (5 U.S.C. § 552), EPA's regulations at 40 C.F.R. Part 2, or as otherwise authorized by law.

As the ENERGY STAR name and logo are registered marks belonging to the U.S. government, EPA must ensure they are used correctly to protect the integrity of the program they represent. Any partner that uses the name and/or logo improperly and fails to take product control measures per EPA's request may be subject to termination of its ENERGY STAR Partnership Agreement, and referred to EPA's Office of General Counsel.

Failure to acknowledge this notice or accomplish the actions outlined in agreed-upon product control measures will result in EPA suspending the process for qualifying new products and taking steps to initiate termination of our partnership agreement. This letter serves as 20-day notice under the terms of your Partnership Agreement with EPA that failure to comply with the requirements of this letter may result in partnership termination.

We look forward to your cooperation. Should you have any questions, please contact Mariah Steele at Steele.Mariah@epa.gov and carbon copy (CC:) enforcement@energystar.gov.

Thank you for your prompt attention to this matter and your continued support of the ENERGY STAR program.

Sincerely,

Ann Bailey, Chief
ENERGY STAR Labeling Branch
U.S. Environmental Protection Agency