

26 October 2022

Jennie Romer  
Deputy Assistant Administrator for Pollution Prevention  
US Environmental Protection Agency  
1201 Pennsylvania Ave, NW  
Washington, DC 20004

Ms. Romer,

Thank you for taking the time to meet with us a couple of weeks ago. We appreciate the time that you and your EPA colleagues dedicated to discuss this important issue.

We remain hopeful that we will see a FAR proposed rulemaking soon that will recommend modifying CFR 48 Section 23 to allow EPA to designate additional ecolabels and standards for electronics that will enable listing in EPA's Sustainable Marketplace. We reiterate our request that EPA support the ability for additional ecolabels and standards to be eligible for the Sustainable Marketplace as they are for all other product categories.

As we noted in our conversation, there are several ecolabels and standards that, if given the opportunity to be on the Sustainable Marketplace, could be, or are, similar in scope and function to EPEAT. One of the consequences of the lack of competition in this space is that without the ability to be considered for this purpose, not all standards and ecolabels are being updated or developed in a manner that aligns to the EPA Guidelines for the assessment of Environmental Performance Standards and Ecolabels for Federal Procurement.

In our meeting, we specifically mentioned the TCO standard, commonly used in the EU. While it is not our intent to promote this particular ecolabel, we raised it as an illustrative example of other strong and robust ecolabels for electronics that exist, but which are not eligible for US government procurement use due to the FAR's requirement of one ecolabel - EPEAT. We have attached a brief comparison of the EPEAT and TCO programs and topics. If the FAR is changed, EPA would be able to evaluate TCO and other ecolabels and standards that may be sufficiently strong and robust to be used for US government procurement.

As a result of EPEAT being set up as a monopoly in the Sustainable Marketplace for electronics, procedures and program decisions were given leeway to move EPEAT further away from voluntary consensus processes that protect the ability for parties with a material interest to access to the standard setting process. This is contrary to an open standards setting process and harms competition and continuous improvement.

One example of this is limiting participation to only 5 manufacturers on a technical committee, when approximately 50 manufacturers have products on the registry and are directly impacted. This lack of representation of the affected industry members prevents the development of meaningful measures and baseline performance levels based on collaboration across

manufacturers and products with a wide range of unique characteristics. Further, it could result in outcomes that benefit the participating members with a competitive impact on the excluded members. It also requires participating members to carry the needs and concerns of the entire industry, which is impossible to do well.

We appreciate that EPA is consistently capacity constrained and would also like to see more staffing for this important work. We realize that the EPA may not be able to engage across several standards as at the same level of engagement it does for EPEAT. EPA plays a central role in maintaining the Sustainable Marketplace and we are asking you and your team to promote competition and environmental improvement by considering more ecolabels and standards, in addition to EPEAT, that can be eligible for listing in the Marketplace. This is supported by President Biden's push for competition in federal procurement.

As the landscape of standards and ecolabels for electronics evolves, we would be interested in recurring engagements with EPA to collaborate on emerging requirements in these programs. It is in our mutual best interest to ensure that EPA has the information it needs to make the decisions that will need to be made regarding additional standards and ecolabels and that those programs can achieve acceptance by the EPA.

We appreciate your attention to this matter and welcome further conversations,

Respectfully,



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