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This complaint and all exhibits are available for public download at <https://tinyurl.com/xursr3h>

Re: Complaint Regarding False Claims of EPEAT Certification by HP Inc.

Introduction: HP Inc. (“HP”) has made a mockery of the EPEAT registration process and is greenwashing its products by falsely claiming compliance with the EPEAT ecolabel. EPEAT required criterion 4.9.2.1 requires “documentation that product does not prevent the use of non-manufacturer cartridges and non-manufacturer containers.”¹ While, HP’s formal EPEAT documentation claims “HP printers are not designed to prevent the use of non-manufacturer cartridges and non-manufacturer containers”², this statement is demonstrably false. The truth is revealed in negative customer feedback³, industry press⁴, and civil lawsuits⁵ all describing how HP blocks the use of non-HP cartridges, but also and most notably, on HP’s own websites and product documentation, where no less than 86 EPEAT-registered devices currently being offered for sale are accompanied by statements such as:

- “Works only with original HP ink”
- “[R]equires ... exclusive use of Original HP ink cartridges for the life of the printer.”
- “Cartridges using a non-HP chip may not function or may cease to function.”⁶

These and similar statements regarding HP devices that include “Dynamic Security” and/or “HP+” features are in direct conflict with EPEAT Criterion 4.9.2.1.

Accordingly, the International Imaging Technology Council (“Int’l ITC”) respectfully petitions the Global Electronics Counsel (“GEC”) to:

- 1) revoke the EPEAT registrations of all HP devices that include Dynamic Security or HP+; and

¹ IEEE Std. 1680.2-2012, IEEE Standard for Environmental Assessment of Imaging Equipment, 4.9.2.1

² Ex. 1 - <https://h20195.www2.hp.com/v2/GetDocument.aspx?docname=c06610557> see section 4.9.2.1

³ Ex. 2 - <https://h30434.www3.hp.com/t5/Printer-Ink-Cartridges-Print-Quality/firmware-blocks-third-party-cartridges/td-p/8264271>

⁴ See, e.g. <https://www.theverge.com/2023/3/11/23635168/hp-printer-update-brick-third-party-ink-dynamic-security>; <https://www.inc.com/jason-aten/hps-new-printer-update-is-making-everyone-mad-its-1-thing-no-company-should-ever-do.html>

⁵ See, e.g. <https://www.therecycler.com/posts/hp-printer-owners-can-claim-compensation/>; <https://www.lexgroup.ca/classaction/hp-officejet-printers-dynamic-security-non-hp-ink-cartridges-canadian-class-action-settlement/>; https://www.theregister.com/2022/09/13/hp_euconsumers_settlement_dynamic_security_printers_third_party_supplies/

⁶ See, e.g. Ex. 3 - <https://www8.hp.com/h20195/v2/GetDocument.aspx?docname=4aa7-9565enuc>



As this complaint will establish, notwithstanding HP’s “official” documentation, HP’s other publicly-available product documentation and marketing materials for HP+ and Dynamic Security devices specify the devices are designed to prevent the use of non-manufacturer cartridges and non-manufacturer containers - a clear violation of Criterion 4.9.2.1. Despite this violation, HP continues to successfully register HP+ and Dynamic Security devices with the GEC, and to market these devices as EPEAT certified.

Background: The Int’l ITC is the trade association of toner and inkjet cartridge remanufacturers, component suppliers and cartridge collectors in North America. The Int’l ITC participated in the multi-stakeholder effort that led to the development of the IEEE 1680.2 Standard for Environmental Assessment of Imaging Equipment.

The EPEAT criteria at issue in this complaint was developed by a group of stakeholders over a two-year period, including government officials, imaging equipment manufacturers - including HP Inc., and members of the imaging consumables aftermarket including the Int’l ITC and other industry associations from the UK and Europe. This team developed the original 2012 version of IEEE 1680.2 Standard for Environmental Assessment of Imaging Equipment, the relevant portions of which are unchanged to this day.

It should be appreciated that while EPEAT Criterion 4.9.2.1 uses the language “non-manufacturer cartridge” and “non-manufacturer container,” the Int’l ITC represents cartridge remanufacturers. While this complaint uses the official EPEAT language “non-manufacturer” throughout, it should be understood that Int’l ITC is in fact advocating for and referring to non-manufacturer REMANUFACTURED cartridges.

IEEE 1680.2 - Required Criterion 4.9.2.1: To qualify for EPEAT registration, imaging equipment must meet all “Required” criteria of the IEEE 1680.2 Standard for Environmental Assessment of Imaging Equipment. Required Criterion 4.9.2.1 (hereafter “4.9.2.1”) is the primary subject of this complaint and includes the following relevant provisions (emphasis added):

4.9.2.1 Required – Documentation that product does not prevent the use of non-manufacturer cartridges and non-manufacturer containers

Product criterion: Manufacturer shall make documentation readily available and available upon request to the purchaser stating that **the machine is not designed to prevent the use of a non-manufacturer cartridge or non-manufacturer container.**

Applies to: All covered products.

Verification requirements:



- a) Declaration from manufacturer
- b) Documentation that the required information is readily available and available upon request to the purchaser
- c) Documentation that the information from item b) meets the requirements of the criterion

Crucially, the documentation provided to comply with 4.9.2.1 must be accurate. Section 4(l) of the GEC EPEAT License and Participating Manufacturer Agreement (the “EPEAT License”) requires “all Product Information uploaded to the EPEAT Registry [to be] accurate in all material respects and that all units that are sold by Participating Manufacturer of the subject Product in the applicable country(ies) conform with each of the criteria.”⁹ If the official Product Information is inaccurate, or if the registered products fail to conform with each of the criteria, the manufacturer is in violation of the EPEAT License and the corresponding EPEAT registration should be revoked.

Description of Dynamic Security: According to HP documentation, “Dynamic security equipped printers are intended to work only with cartridges that have new or reused HP chips or electronic circuitry. The printers use the dynamic security measures to block cartridges using non-HP chips or modified or non-HP electronic circuitry.”¹⁰

By its own admission, HP is “block[ing]”, i.e. preventing, the use of non-manufacturer cartridges that use non-HP chips – a violation of 4.9.2.1. This blocking includes many remanufactured cartridges that use non-HP chips to provide customers with a fully functional print experience. While it is true that Dynamic Security does not impact cartridges containing reused HP chips, Dynamic Security printers do not provide accurate ink or toner level reporting, or “toner low” or “toner out” warnings for these cartridges.¹¹ Thus, any consumers who want or need accurate ink or toner level reporting in their work environments (e.g. to know when they need to purchase additional ink or toner) must rely on cartridges that use non-HP chips to enable these functions.

HP documentation also states that Dynamic Security updates “block cartridges using a non-HP chip or modified or non-HP circuitry from working in the printer, **including cartridges that work today.**”¹² What this means for end users is they can have a perfectly functional printer one day, only to find themselves with a non-functional printer the next, after HP automatically updates

⁹ <https://globalelectronicscouncil.org/wp-content/uploads/epeatlicenseparticipatingmanufactureragreement.pdf>

¹⁰ Ex. 5 - <https://support.hp.com/us-en/document/c05310148>

¹¹ See Ex. 6, a troubleshooting sheet for an aftermarket cartridge that includes a reused HP chip. The printer detects a “Used Black Cartridge” has been installed and as a result “No Toner low or Very low messages will be present.”

¹² Ex. 5 - <https://support.hp.com/us-en/document/c05310148>



the printer's Dynamic Security software. These "killer firmware updates" can leave end users with a useless cartridge that might have 90% or more of its ink or toner remaining. This anti-environment anti-consumer behavior has been the subject of a €10-million government fine and world-wide class action lawsuits that HP has paid millions settle.¹³

According to the records of various Int'l ITC members, in the last 8 weeks alone, HP has released 4 killer firmware updates targeting dozens of EPEAT-registered inkjet printers. In each case, following the firmware update the printer displayed the following error message if it detected a non-manufacturer cartridge:

"The indicated cartridges have been blocked by the printer firmware because they contain non-HP chips. This printer is intended to work only with new or reused cartridges that have a new or reused HP chip. Replace the indicated cartridges to continue printing."

At least one of these recent updates *specifically targeted* a single producer of remanufactured cartridges while not having any impact on non-remanufactured third-party cartridges using functionally identical non-HP chips.

On the laser side, since October of 2020 there have been at least 26 killer firmware updates against various EPEAT registered printers. When a killer firmware update blocks laser cartridges, users are presented with the error message "Indicated Cartridges blocked for containing a Non-HP chip."

HP periodically suggests that Dynamic Security is necessary to protect its printers from alleged security threats. If that were truly the case, given the frequency of killer firmware updates, a reasonable conclusion would be that HP devices are among the most insecure and vulnerable devices on the planet, and should therefore be avoided at all costs. The truth is, Dynamic Security has nothing at all to do with security, and everything to do with frustrating consumers who choose non-HP cartridges in an effort to improve sales of genuine HP cartridges.

Given the documentary evidence, the public outcry, and the millions of dollars HP has paid to quietly settle regulatory challenges and consumer lawsuits over its cartridge-disabling tactics, it is extremely disappointing that the GEC has permitted Dynamic Security printers to remain on the EPEAT registry based on a single-page HP declaration that is so obviously and demonstrably false.¹⁴

¹³ See, e.g. <https://www.therecycler.com/posts/italy-impose-e10-million-penalty-on-hp-for-deceptive-and-aggressive-practices/>; <https://www.therecycler.com/posts/hp-printer-owners-can-claim-compensation/>; <https://www.lexgroup.ca/classaction/hp-officejet-printers-dynamic-security-non-hp-ink-cartridges-canadian-class-action-settlement/>; https://www.theregister.com/2022/09/13/hp_euconsumers_settlement_dynamic_security_printers_third_party_supplies/

¹⁴ Ex. 1 - <https://h20195.www2.hp.com/v2/GetDocument.aspx?docname=c06610557> see section 4.9.2.1.



Perhaps it is HP's position that 4.9.2.1 allows it to block any non-manufacturer cartridge that does not use an HP chip. Regardless of whether HP cites "security concerns" or some other excuse, 4.9.2.1 affords no such leeway. The language of 4.9.2.1 is *unequivocal* and *unqualified*:

- **[the] product does not prevent the use of non-manufacturer cartridges and non-manufacturer containers**
- **the machine is not designed to prevent the use of a non-manufacturer cartridge or non-manufacturer container**

Dynamic Security does exactly that which 4.9.2.1 prohibits. Accordingly, any printer that is documented as including Dynamic Security should not be eligible for EPEAT registration.

Description of HP+: According to HP documentation, HP+ is a "free upgrade" that makes a printer "smarter with advanced features, automatic updates, enhanced security, and more."¹⁵ In reality, this "free upgrade" locks consumers into the exclusive use of HP cartridges for the life of the printer, and thereby prevents the use of non-manufacturer cartridges.

HP's documentation specifies that HP+ "requires ... exclusive use of Original HP ink cartridges for the life of the printer."¹⁶ Implicit in that statement is something HP does not say directly, but which Int'l ITC has confirmed with HP technical support – once a customer activates HP+ on a printer, **HP+ cannot be deactivated**. In fact, the only way a customer can get rid of HP+ once activated is to buy a new printer.

In many cases, HP offers 6 months of free print cartridges via the "Instant Ink" program as a way to lure unsuspecting customers into activating HP+. Although HP clearly indicates that Instant Ink can be cancelled anytime, thereby lowering potential resistance to activating HP+, HP does not specify that HP+ can never be cancelled or deactivated.

HP's position seems to be that 4.9.2.1 includes a loophole that allows HP to forever block all non-manufacturer cartridges if an end-user activates HP+, however 4.9.2.1 affords no such leeway. The language of 4.9.2.1 is *unequivocal* and *unqualified*:

- **[the] product does not prevent the use of non-manufacturer cartridges and non-manufacturer containers**
- **the machine is not designed to prevent the use of a non-manufacturer cartridge or non-manufacturer container**

HP+ does exactly that which 4.9.2.1 prohibits. Accordingly, any printer that is documented as including HP+ should not be eligible for EPEAT registration.

¹⁵ Ex. 7 - <https://www.hp.com/us-en/printers/hp-plus.html>

¹⁶ Ex. 3 - <https://www8.hp.com/h20195/v2/GetDocument.aspx?docname=4aa7-9565enuc>



Identification of Dynamic Security and HP+ Printers: Because of HP’s often-confusing model designations and failure to include Universal Product Codes in its product documentation, it is extremely difficult to identify which specific printers are *both* EPEAT registered and include Dynamic Security and/or HP+. Further muddying the waters is HP’s practice of *claiming* EPEAT certification for many specific models that do not precisely appear on the EPEAT registry. For example, HP’s product documentation for HP OfficeJet 9015e claims “EPEAT Silver”¹⁷; however, the corresponding EPEAT Registry describes the registered device as “HP OfficeJet Pro 9010/9012/9015/9018 All-in-One Printer.” This pattern is repeated across numerous HP devices, many of which are HP+ models that include the letter “e” at the end of their model number. While none of these “e” models specifically appear in the EPEAT registry, as shown in the table below HP claims EPEAT registration for about half of them.

All of this begs the question – if the Int’l ITC, a print industry trade association responsible for the STMC certification of its members, cannot decipher whether a specific HP device is or is not EPEAT certified, where does that leave the everyday consumer?

However the GEC ultimately settles the question of whether “e” models are included in HP’s EPEAT registrations or not, HP cannot have it both ways. HP cannot claim EPEAT registration for an “e” model in its marketing documentation while also arguing against cancellation of a registration that may not list the exact “e” model number by claiming the “e” model is not included.

Exhibit 8 is Int’l ITC best effort at summarizing the EPEAT registered and EPEAT claimed status of all Dynamic Security and HP+ printers **currently available for purchase** through HP’s e-commerce website hp.com/us-en/shop. Product page URLs listed on Exhibit 8 were active as of the date of this submission. It is important to note there are **many more** EPEAT registered Dynamic Security printers than those listed on Exhibit 8 because many such devices are no longer available for purchase, which makes them extremely difficult to identify using HP’s publicly available data.

Of the 106 printers Int’l ITC has identified that are currently available for purchase, the following data has been extracted:

	Number on hp.com	Number Claiming EPEAT Registration on hp.com or HP documentation	Number with a corresponding entry in EPEAT Registry ¹⁸
Dynamic Security Printers	100	86	101
HP+ Printers	24	12	22

¹⁷ Ex. 4 - <https://www8.hp.com/h20195/v2/GetDocument.aspx?docname=4aa7-8770enuc>

¹⁸ This count disregards alphabetical suffixes, such as “e”, following the numerical model number, see *infra*.



Of the 24 HP+ Printers, 18 are also Dynamic Security Printers, including all 12 HP+ Printers that claim EPEAT Registration.

Two HP+ Printers, namely the HP Envy Inspire 7255e and HP OfficeJet 8034e, include HP documentation claiming EPEAT certification¹⁹ but there is no corresponding EPEAT registration, even when disregarding the “e” suffix. This blatant greenwashing must be corrected.

HP Datasheets for all devices listed in Exhibit 8 are available for public download as Exhibits 11-83 using the link provided at the top of this complaint.

Proposed Revocations Based on Dynamic Security: Based on the data compiled in Exhibit 8 and the information contained in this Complaint, Int’l ITC respectfully submits that the EPEAT registrations for the following HP Dynamic Security devices should be revoked:

HP Color LaserJet Enterprise Flow MFP M578c
HP Color LaserJet Enterprise Flow MFP M776z
HP Color LaserJet Enterprise Flow MFP M776zs
HP Color LaserJet Enterprise M455dn
HP Color LaserJet Enterprise M554dn
HP Color LaserJet Enterprise M555dn
HP Color LaserJet Enterprise M555x
HP Color LaserJet Enterprise M856x
HP Color LaserJet Enterprise MFP M480f
HP Color LaserJet Enterprise MFP M578dn
HP Color LaserJet Enterprise MFP M578f
HP Color LaserJet Pro 4201dn
HP Color LaserJet Pro 4201dw
HP Color LaserJet Pro 4301fdn
HP Color LaserJet Pro M255dw
HP Color LaserJet Pro M454dn
HP Color LaserJet Pro M454dw
HP Color LaserJet Pro MFP 4301fdw
HP Color LaserJet Pro MFP M283fdw
HP Color LaserJet Pro MFP M479fdn
HP Color LaserJet Pro MFP M479fdw
HP DesignJet T210 24-in Large Format Printer - 24
HP DesignJet T230 24-in Printer
HP DesignJet T250 24-in Printer
HP DesignJet T630 Large Format Wireless Plotter Printer - 24
HP DesignJet T630 Large Format Wireless Plotter Printer - 36
HP DesignJet T650 24-in Printer
HP DesignJet T650 36-in

HP DesignJet T730 Large Format Wireless Plotter Printer - 36
HP DesignJet T830 Large Format Multifunction - 24
HP DesignJet T830 Large Format Multifunction - 36
HP DesignJet Z6 Large Format PostScript Graphics Printer - 24
HP DesignJet Z6 Large Format PostScript Graphics Printer - 44
HP DesignJet Z6dr Large Format Dual Roll PostScript Graphics Printer - 44
HP DesignJet Z9+ Large Format PostScript Photo Printer - 24
HP DesignJet Z9+ Large Format PostScript Photo Printer - 44
HP DesignJet Z9+dr Large Format Dual Roll PostScript Photo Printer - 44
HP Deskjet 2755e
HP Deskjet 3755
HP Deskjet 4155e
HP Envy 6055e
HP Envy 6075 All-in-One Printer
HP Envy 6455e
HP LaserJet Enterprise Flow MFP M528c
HP LaserJet Enterprise Flow MFP M528z
HP LaserJet Enterprise Flow MFP M634h
HP LaserJet Enterprise Flow MFP M636z
HP LaserJet Enterprise M406dn
HP LaserJet Enterprise M507dn
HP LaserJet Enterprise M507n
HP LaserJet Enterprise M507x

¹⁹ See Exs. 9-10



HP LaserJet Enterprise M610dn
HP LaserJet Enterprise M611dn
HP LaserJet Enterprise M611x
HP LaserJet Enterprise M612dn
HP LaserJet Enterprise M612x
HP LaserJet Enterprise M635fht
HP LaserJet Enterprise M635h
HP LaserJet Enterprise M751dn
HP LaserJet Enterprise M751n
HP LaserJet Enterprise M856dn
HP LaserJet Enterprise MFP M430f
HP LaserJet Enterprise MFP M528dn
HP LaserJet Enterprise MFP M528f
HP LaserJet Enterprise MFP M634z
HP LaserJet Enterprise MFP M635z
HP LaserJet Enterprise MFP M636fh
HP LaserJet Enterprise MFP M776dn
HP LaserJet M110w
HP LaserJet M110we
HP LaserJet M140w
HP LaserJet M140we
HP LaserJet M209dw
HP LaserJet M209dwe
HP LaserJet MFP M182nw
HP LaserJet MFP M234dw Printer

HP LaserJet MFP M234dwe
HP LaserJet MFP M234sdw Printer
HP LaserJet MFP M234sdwe
HP LaserJet Pro 3001dw Wireless
HP LaserJet Pro 3001dwe Wireless
HP LaserJet Pro 3101fdwe
HP LaserJet Pro 4001dn
HP LaserJet Pro 4001dne
HP LaserJet Pro 4001dw
HP LaserJet Pro 4001dwe
HP LaserJet Pro 4001n
HP LaserJet Pro 4001ne
HP LaserJet Pro 4101fdne
HP LaserJet Pro 4101fdwe
HP LaserJet Pro MFP 4101fdn
HP LaserJet Pro MFP 4101fdw
HP OfficeJet 8015e
HP OfficeJet 8025e
HP OfficeJet 8035e
HP OfficeJet Pro 6230 ePrinter
HP OfficeJet Pro 7740 Wide Format All-in-One
HP OfficeJet Pro 8210 Printer
HP OfficeJet Pro 9015e
HP OfficeJet Pro 9025e
HP Tango Printer

In addition to the above, all EPEAT registrations that identify an HP device that includes Dynamic Security should also be revoked.

Proposed Revocations Based on HP+: Based on the data compiled in Exhibit 8 and the information contained in this Complaint, Int'l ITC respectfully submits that the EPEAT registrations for the following HP+ devices should be revoked:

HP Deskjet 2755e	HP OfficeJet 8015e
HP Deskjet 4155e	HP OfficeJet 8025e
HP Envy 6055e	HP OfficeJet 8035e
HP Envy 6455e	HP OfficeJet Pro 9015e
HP LaserJet Pro 3001dwe Wireless	HP OfficeJet Pro 9025e

All of the HP+ devices listed above are also Dynamic Security devices and should have their EPEAT registrations revoked for that reason as well. All of the HP+ devices are also “e” model devices. As explained above, while it is unclear whether these specific model numbers are deemed EPEAT registered, at minimum, the GEC should suspend the corresponding “non-e” registrations until such time as HP updates its marketing materials and submits new registration documentation for any devices that do not include Dynamic Security or HP+.



Request for Public Statement: Given the scope of HP's deception and the difficulty of identifying specific devices that should not be eligible for EPEAT registration, it is imperative that the GEC make a strong public statement clarifying the scope of required criteria 4.9.2.1 to prevent other manufacturers from similarly exploiting the EPEAT registration process. The Int'l ITC implores the GEC to issue a public statement confirming:

Any device that includes any feature having the documented purpose of preventing the use of non-manufacturer cartridges or containers is not eligible for EPEAT certification.

The above statement is not controversial. It is a simple restatement of the existing language of required criteria 4.9.2.1. Unfortunately as HP's behavior demonstrates, it is a necessary clarification, and would confirm for the public and the imaging industry that any new products that prevent the use of non-manufacturer cartridges using features similar to Dynamic Security or HP+ are NOT eligible for EPEAT registration.

Conclusion: HP has thus far evaded prior complaints by, it is believed, pointing to its "documentation that the cartridge or container is not designed to prevent its reuse and recycling." As this complaint has made clear, the statements in that documentation are false. HP must not be permitted to retain its EPEAT certifications based on such false statements, the integrity of the GEC and the EPEAT Ecolabel depend on it.

For these reasons, Int'l ITC asks that the GEC repeal all EPEAT certifications for the devices identified in this complaint, take appropriate enforcement action against HP for the false designation of its products as EPEAT registered, and conduct a thorough review of the EPEAT certifications for all other HP products.

I am personally available to answer any questions or to assist in any possible manner as the GEC conducts its investigation. Please do not hesitate to contact me.

Cordially yours,

Tricia Judge
Executive Director

cc: Susan Herbert, GEC Vice President of Ecolabels and Manufacturer Resources
Lina M. Kahn, Chair of the Federal Trade Commission