



100 SOMERSET CORPORATE BOULEVARD, BRIDGEWATER, NJ 08807-0911 TEL 908-704-1700 FAX 908-704-8235  
BROTHER INTERNATIONAL CORPORATION

Henry J. Sacco, Jr.  
Vice President  
Chief Legal Officer  
Phone: (908) 252-3029  
Fax: (908) 575-3716  
email: henry.sacco@brother.com

April 30, 2010

Kathleen Vokes  
U.S. Environmental Protection Agency  
[Vokes.kathleen@epa.gov](mailto:Vokes.kathleen@epa.gov)

Katharine Kaplan  
U.S. Environmental Protection Agency  
[Kaplan.katharine@epa.gov](mailto:Kaplan.katharine@epa.gov)

Sent via email to [ENERGYSTARVerificationProgram@energystar.gov](mailto:ENERGYSTARVerificationProgram@energystar.gov)

Re: Comments to the *Energy Star Products Enhanced Testing and Verification* presentation dated March 26, 2010

Dear Mses. Vokes and Kaplan:

I am writing on behalf of Yasumichi Kojima, General Manager of Environmental Management Department for Brother Industries, Ltd. ("Brother"), to provide comments to the *Energy Star Products Enhanced Testing and Verification* presentation dated March 26, 2010 (the "Presentation"). The Presentation was based on the *Enhanced Program Plan for ENERGY STAR Products* dated December 2, 2009 (the "Plan"). Brother manufactures, markets and sells products for the home, home office and office. Brother offers a wide range of printers, fax machines, and multi-function equipment that are *ENERGY STAR* qualified.

Since its creation, the *Energy Star* program has helped to encourage manufacturers of electronic products to produce energy efficient products and Brother is an active partner in the *Energy Star* program. Brother, however, is concerned that certain requirements introduced under the Plan may be detrimental to the progress achieved by the *Energy Star* program, its future influence, and the willingness and ability of industry to remain active participants in the *Energy Star* program.



U.S. Environmental Protection Agency  
April 30, 2010  
Page 2

Brother's specific comments on the Presentation are set forth below:

**Qualification Testing: Third Party Requirements Will Diminish Participation and Negatively Impact Program**

Brother supports EPA's concerns about qualification testing and the need to ensure that products that are labeled with the *Energy Star* mark are truly energy efficient. Brother, however, opposes any effort to require that information technology and consumer electronics undergo third party qualification testing.

Third party testing and submission requirements represent a significant cost burden that would likely reduce many companies' participation in the *Energy Star* program. A third party certification requirement would force partners to incur costs to hire accredited verification facilities to certify *Energy Star* qualification. Such costs will likely translate into higher product prices for the consumer. In fact, third party testing for *Energy Star* qualification may be so cost prohibitive for some manufacturers that its requirement would result in less product participation in the program and a decrease in energy efficient products available to consumers – thereby reducing the value of the *Energy Star* program for the IT and CE retail sector.

A third party qualification testing requirement will also increase the time necessary to launch new products. Manufacturers will need to build time into their product design cycles to achieve external third party certification, which will delay product introduction and slow time to market – factors that could jeopardize the competitiveness of new technologies in the marketplace. If the expense and time for *Energy Star* qualification testing increases, some manufacturers will be forced to discontinue their participation in the *Energy Star* program and the value of the *Energy Star* label may diminish due to lack of participation.

A third party certification requirement will place an unfair and undue burden on manufacturers who have been faithful and valued *Energy Star* partners. For companies that have abided by the *Energy Star* rules, the imposition of a third party qualification requirement will impose additional costs and burdens on manufacturers that have not abused the program.

Third party certification should not be a prerequisite for *Energy Star* qualification. There are many other credible international environmental standards that do not require qualification testing by third parties. For example, the Blue Angel standard in Germany, the Eco Mark standard in Japan, and the Nordic Swan Eco-Label standard for the Nordic countries of Norway, Sweden, Finland, Iceland, and Denmark do not require third party testing for energy efficiency.



U.S. Environmental Protection Agency  
April 30, 2010  
Page 3

Under the existing self-certification *Energy Star* program, most program partners understand it is in their best interest to comply with the program requirements. The consequences of being disqualified from the program would substantially hurt a partner's brand image. Therefore, the risk of disqualification, fines or penalties, such as suspension, is the most effective driver for valid *Energy Star* qualification.

**Verification Testing: Enhanced Retail Verification Will Strengthen Program and Reduce Potential Fraud and Abuse**

Brother is supportive of EPA steps that are being taken to prevent potential fraud and abuse to the *Energy Star* program. Verification of *Energy Star* qualification in the retail market should be strengthened and enhanced as outlined in the Presentation. All manufacturers should understand that their products may be evaluated for claimed *Energy Star* qualification. We believe that such enhanced verification of *Energy Star* products at the retail level will provide the protections desired by the EPA while continuing to encourage manufacturer participation in the *Energy Star* program.

Thank you for the opportunity to submit these comments. Please contact either Dorian Allyn or Frank Martin at [doriana.allyn@brother.com](mailto:doriana.allyn@brother.com), or (908)252-3342, or [frank.martin@brother.com](mailto:frank.martin@brother.com), or (908) 252-3222, respectively, if you have questions or require additional information from Brother.

Respectfully submitted,

Henry J. Sacco, Jr.  
Vice President and Chief Legal Officer  
Brother International Corporation,  
Wholly owned subsidiary of Brother  
Industries, Ltd.

cc: Yasumichi Kojima, Brother Industries, Ltd.  
Doriana Allyn, Brother International Corporation  
Frank Martin, Brother International Corporation