

Consumer Electronics Retailers Coalition



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Input Of The Consumer Electronics Retailers Coalition

The Consumer Electronics Retailers Coalition (CERC) submits this input in furtherance of the EPA's Process in seeking comment and information as to its plans for Enhanced Testing and Verification of products that attain ENERGY STAR qualification. CERC is a public policy organization of major retailers of consumer electronics products including Amazon.com, Best Buy, RadioShack, Sears Holdings (K-Mart, Sears), Target, Walmart, and the leading industry trade associations - National Retail Federation (NRF) and Retail Industry Leaders Association (RILA). CERC also includes small business members.

CERC members are committed to energy efficiency, in process as well as product. They have experience with Nationally Recognized Testing Laboratories (NRTLs) and believe that the most effective and efficient system of Enhanced Testing and Verification would be one that draws as much as possible on the NRTL model, and existing NRTL resources. For example, NRTL programs with respect to safety certification and verification have in place policies to assure the credibility of tests and the reliability of results. They also include validation programs based on manufacturing volume, track record of manufacturer, and other well-recognized factors. They employ quarterly validation, including unannounced follow-up visits and certifier-chosen samples.

CERC sets forth below its comments based on proposals and discussions to date. Most critically, CERC believes *it would be wasteful of energy, resources, material, and compliance time to rely on retail-shelf products for validation sampling.*

Enhanced Validation

CERC welcomes enhanced validation if it would assure the reliability of the use of the ENERGY STAR label on products carried by retailers. In aid of such reliability, CERC urges that such enhanced validation (1) should occur as early as possible in the manufacture / distribution process, and (2) should follow the well-formed path now used by safety certification agencies such as UL. The methods already in use by these agencies assure that samples are validated on a random basis, during unannounced visits performed at frequencies appropriate to the manufacturing volume.

Validation can most efficiently be performed at the manufacturer's site, or at a qualified 3rd party lab in the geographic location nearest the manufacturer. This procedure can most reliably preclude noncompliant items from reaching the market, which cannot be accomplished by drawing samples at retail.

Drawing on retail sampling for enhanced validation would be inefficient and wasteful of resources, including energy, and may harm consumer confidence in the ENERGY STAR brand itself:

- Unlike other means of validation, validation at retail is inherently destructive and wasteful. Product packaging is destroyed, and it is unlikely that the item itself, even though compliant, can be re-sold. It is thus likely to require recycling.
- The process itself is likely to waste energy. Drawing samples from geographically scattered locations will require expenditure of significant energy on transportation and shipping – likely far in excess of any potential savings. (If EPA considers this validation method, this tradeoff should be studied and quantified.)
- Any redress is likely to occur very late in the process, making compliance steps unnecessarily difficult and protracted, as well as energy inefficient, as it would entail additional remedial shipment of goods.
- Removing products that had reached retail as ENERGY STAR qualified would harm consumer confidence in the ENERGY STAR brand.

Enhanced Qualification

To assure responsiveness to consumers and the marketplace, the qualification process should not have any unnecessary steps or delays built into it, especially where the step – such as the acceptance of a report from a NRTL – would be more formal than evaluative. Hence, CERC recommends:

- Third parties that perform testing on behalf of EPA (such as UL, TUV, or other similar NRTLs) should have the authority to allow manufacturers to apply the ENERGY STAR logo based on their own assessment, as this assessment is also the basis for ENERGY STAR acceptance.
- EPA should have a program sufficient to monitor and confirm the judgment of such reliable third parties that are registered for the program.
- The EPA third party registration program should rely upon NRTL status, or ISO 17025 registrations, as a basis for lab acceptance. These can be supplemented by unique EPA requirements for such items as the specific test equipment requirements used in the performance of the testing. (Both California and the EPA have already issued test equipment requirements for testing the efficiency and power factor of consumer electronic devices such as TVs and power adapters.)
- Manufacturers with a record of fulfilling third party requirements should, as supervised by a registrar or agency, be allowed alternatively to qualify products via direct submission of results to EPA.

CERC looks forward to working with the EPA staff to assure the most reliable and efficient qualification for and validation of the use of the ENERGY STAR logo.

Respectfully submitted,

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