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VIA EMAIL

April 30, 2010

Katherine Kaplan  
Environmental Protection Agency  
1310 L Street, NW, MC 6202J  
Washington, DC 20005

[ENERGYSTARVerificationProgram@energystar.gov](mailto:ENERGYSTARVerificationProgram@energystar.gov)

Re: Commentary on the Enhanced Testing and Verification Proposals

Dear Ms. Kaplan:

Mitsubishi Digital Electronics America (MDEA) is proud to be a leader in the effort to minimize the impact of electronics and manufacturing on our environment, and is pleased to participate in many "green" initiatives, including the ENERGY STAR® program.

However, the television industry is very price-sensitive (even on premium products) and we should seek to find a cost-effective and appropriate balance in the ENERGY STAR testing and verification system. In particular, mandatory use of third-party testing laboratories and manufacturer-funded marketplace testing are industry-wide issues that we believe can be effectively addressed as set forth more fully below.

#### Test Laboratories

Televisions are required to comply with a host of regulations, many of which require specific testing and certifications. Other certifications also are necessary to assure product safety (such as the UL mark) and to meet the terms of various technology licenses. MDEA is currently authorized to perform testing for FCC, UL and CEC certifications, and regularly submits to laboratory audits.

FCC and UL testing are both performed by us in our labs as a matter of course. Both of these sets of requirements, if not met, could yield significant problems for consumers. For example, noncompliance with FCC regulations could interfere with many other devices in the home and also with licensed broadcasts, including first-responder radio communications. Non-compliance with UL requirements could yield fires, dangerous electrical shocks and other situations that directly endanger people's health. Nevertheless, in-house testing procedures have been in place for many years. We have received lab authorizations, and we continue to submit to annual audits to assure on-going quality of our tests.

In fact, MDEA participates in the UL Data Acceptance Program, Client Test Data Program.<sup>1</sup> In this UL program, MDEA's lab test reports on products tested internally without any external monitoring (save annual audits) are sufficient for UL safety certifications.

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<sup>1</sup> See <http://www.ul.com/global/eng/pages/offerings/services/programs/dap/>.

Energy consumption measurements, such as required by the CEC and the ENERGY STAR program are not testing life-threatening aspects of products, and should not be held to a higher standard than those tests and measurements that *are* life-threatening.

We suggest that the use of authorized in-house laboratories should be allowed. Please see Appendix A for suggested specific requirements for the use of in-house laboratories.

#### Marketplace Testing

Under the current ENERGY STAR program, testing of products obtained through sales channels is funded by EPA. Products are purchased from retail channels and tested by third party laboratories, and appropriate actions are taken as a result. We continue to believe that this is the appropriate model for verification testing. This approach most closely models the consumer's experience (including randomly selected devices).

We do not believe it is cost-effective or advantageous to consumers to require the manufacturer (and hence the consumer) to fund speculative verification tests. Furthermore, the retail costs plus third party laboratory costs can amount to significant expense (particularly for expensive low-volume products). Even if manufacturers were required to provide unit(s) for offsite third party testing, absorbing the wholesale cost of devices is unduly burdensome.<sup>2</sup>

Finally, in the alternative, if the ENERGY STAR program insists on manufacturer-funded marketplace verification tests, we suggest that the total annual costs for such testing have a reasonable limit.

\* \* \*

Thank you for the opportunity to provide these comments, and as always please feel free to contact us if we can be of any assistance.

Sincerely,

/s/

Harlan Rogers  
Senior Manager, Product Compliance  
Mitsubishi Digital Electronics America

Cc: Adam Goldberg, AGP LLC

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<sup>2</sup> Such devices, even if returned, could no longer be sold as a "new" product.

## APPENDIX A

Suggested specific requirements for in-house testing laboratories:

A test report prepared by an in-house laboratory is acceptable if the in-house laboratory has:

1. Current laboratory accreditation by the American Association for Laboratory Accreditation (A2LA), or
2. Current laboratory accreditation by the National Voluntary Accreditation Program (NVLAP), or
3. Successful laboratory audit performed within the previous 12 months by an organization recognized by the Occupational Safety & Health Administration (OSHA) as a Nationally Recognized Testing Laboratory (NRTL) having a scope of accreditation that includes IEC 62087

The laboratory operations accredited or audited shall include elements of ISO/IEC 17025 to ensure accurate test results and measurement traceability:

Element	Requirement
Document Control	Maintenance of up-to-date copies of standards and other documents describing test methods and procedures.
Personnel Qualifications	Testing personnel shall have the education, training, technical knowledge and experience necessary to conduct tests.
Environmental Conditions	Test areas shall have proper energy resources, lighting, temperature control, humidity control and other environmental conditions necessary to conduct tests.
Test Equipment	Test equipment shall be available that is sufficient to correctly perform tests in accordance with the applicable standards or procedures.
Measurement Traceability (Calibration)	Measuring equipment shall be calibrated to a nationally or internationally recognized standard of measurement or standard reference material. Equipment shall be calibrated at least annually.