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Subject: **Comments on EPA's proposed ENERGY STAR Draft Laboratory Requirements**

Below are the comments of the Consumer Electronics Association (CEA) regarding the U.S. Environmental Protection Agency's proposed "ENERGY STAR Draft Laboratory Requirements" issued May 17, 2010.

The consumer electronics industry has long supported the ENERGY STAR program as the most effective and proactive means to encourage consumers to make more energy-conscious choices. As EPA recognizes, the qualification process for ENERGY STAR in the consumer electronics industry is based on self-certification and self-declaration, an approach that has proven very successful and minimally burdensome. We welcome the recent comments by EPA staff that indicate this approach will continue. However, we are concerned about EPA's draft proposals to impose requirements beyond international standards for accreditation, and we are concerned that EPA's draft proposals do not account for or facilitate international partnerships in the ENERGY STAR program.

I. Burdensome and unjustified changes to the ENERGY STAR program threaten international partnerships and energy efficiency program harmonization efforts.

According to feedback we have received from European industry representatives, some of EPA's proposed changes to ENERGY STAR program requirements are raising serious concerns about the future viability of ENERGY STAR abroad –particularly in the European Union. As currently written, EPA's proposed requirements and program changes are being viewed as completely U.S.-centric and thus would not facilitate ENERGY STAR program participation by international partners. For example, regarding EPA's proposed recognition of accreditation bodies, it is important to have an accreditation system that is based on mutual recognition by international partner governments, rather than a system based only on EPA's recognition of the accreditation partner.

ENERGY STAR in the EU, while currently limited to certain information technology product categories, has been a successful program in that market and could be expanded to cover other product categories in consumer electronics. However, if EPA changes ENERGY STAR product qualification requirements in ways that are too burdensome to international program partners, or in ways that do not adequately facilitate international partnership in ENERGY STAR, the continuation and expansion of the program in overseas markets would

be at risk. In general, we urge EPA to pay special attention to feedback from EU and other international ENERGY STAR program partners on the proposed changes to ENERGY STAR qualification and verification.

II. Product testing should be done in laboratories that are accredited to the ISO/IEC 17025 standard.

CEA supports EPA's proposed requirement that ENERGY STAR product testing be conducted in laboratories that are accredited to the ISO/IEC 17025 standard, which is internationally recognized and also referenced in other federal regulatory regimes. However, as we and other stakeholders have noted in earlier comments, compliance with all provisions of ISO/IEC 17025 is not necessary for testing laboratories in all cases. Requirements should be limited to verifying that the laboratory personnel are qualified, laboratory equipment is calibrated, and the test facilities are adequate.

CEA does not support EPA's draft proposal to impose supplemental requirements on in-house laboratories. The ISO/IEC 17025 standard already includes requirements to ensure that a laboratory is reasonably free of undue business influences, which would accomplish EPA's stated goal of ensuring that testing at in-house laboratories remains independent.

III. EPA must avoid third-party certification for ENERGY STAR qualification.

As CEA stated in its previous comments to EPA, third-party certification for ENERGY STAR qualification is not a viable option for consumer electronics and should not be considered.

On behalf of CEA, thank you for the opportunity to provide comments, and please do not hesitate to contact us with any questions or requests for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Johnson", with a long horizontal flourish extending to the right.

Douglas Johnson
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