

August 6, 2010

Via E-mail: ENERGYSTARVerificationProgram@energystar.gov

Ms. Kathleen Vokes
ENERGY STAR Product Development
U.S. Environmental Protection Agency
1310 L Street, NW
Washington, DC 20005

RE: Panasonic Comments on Final Draft Conditions and Criteria for Recognition of Certification Bodies

Dear Ms. Vokes:

Panasonic manufactures and markets a broad line of digital and other electronics products for consumer, business, and industrial use. Our diverse product lineup covers nine ENERGY STAR product categories including audio/video, computers, cordless phones, displays, imaging equipment, set top boxes, televisions, ventilation fans, and compact fluorescent lamps.

As a long-time ENERGY STAR program partner, Panasonic appreciates the opportunity to provide comments on the “Final Draft Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR Program.” While we acknowledge some improvements in the criteria from earlier draft language, Panasonic still has significant concerns with the final draft proposal.

. Among our specific concerns include the general requirement of “limiting recognition to CBs that have a substantial North American presence and the verification requirements, which are problematic on many levels.

- The International Accreditation Forum (IAF) Multilateral Recognition Agreement (MLA) exists to ensure reliability of mutual recognition among the countries, as noted in the July 23rd draft. Thus, this requirement for a substantial North American presence does not directly relate to the purpose of establishing the new accreditation process. Panasonic believes the ENERGY STAR credibility can be maintained even without limiting recognition to CBs that have a substantial North America presence.
- Should EPA proceed to limit recognition to CBs with substantial North American presence, it is likely that the relevant CBs in North America and in other countries will conclude an agreement and use it for certification purposes. As a result, the relevant CBs will be strictly limited, making the requirement extremely inflexible for use by manufacturers with an eye toward a cost and development schedule
- If recognition is limited to CBs with a substantial North American presence, in order to comply with WMTL/SMTL requirements, personnel will need to be sent from a North

American CB every time a manufacturer's first-party laboratory conducts an initial test, periodic audit, or witnessed test. This will drastically increase the cost and duration required of manufacturers; therefore the scheme will be impractical in practice. In addition through face-to-face meetings and online conferences, it appears that recognizing CBs outside North America and utilizing IT tools for communication would make this restriction unnecessary. Thus, limiting CBs to those in North America will come with significant economic concerns.

- ENERGY STAR's brand value in the global marketplace, which has seen a dramatic increase in international acceptance and support, would be diminished by applying a requirement that recognized CBs must have a substantial North American presence.
- Manufacturers conforming to the proposed verification requirements should not have to bear its entire costs. Assuming verification is intended to maintain and enhance ENERGY STAR's credibility, then verification ought to be a collaborative initiative between ENERGY STAR and its partners. Panasonic proposes that EPA assess an ENERGY STAR "membership fee" on all partners and supplement the fee with EPA and DOE's own program funding.
- The number of ENERGY STAR models required to be tested should not be 10% of the entire qualified model base but instead be based on a reasonable number of samples and timing once the new verification system has been in place.
- Products sold through business-to-business channels and produced only in specific quantities as specified by the customer should be exempted from the verification requirements. These products are not displayed on store shelves and there is no warehouse inventory for these models so setting aside models for verification testing is not practical.
- Panasonic requests the new product certification service managed by a laboratory and CB be delayed for a one-year period from the current plan of a January 1, 2011, implementation date. In Europe, laws and regulations generally receive a one-year grace period from finalization of the draft standard. Based on the current delays in finalization of an agreement on the Certification and Verification Criteria, we request a delay in its implantation.

Panasonic appreciates EPA's ongoing efforts to strengthen the ENERGY STAR program and we look forward to working collaboratively with you to develop robust and practical criteria for the certification and verification of products. Let me know if you have any questions about our proposals.

Regards,

Mark J. Sharp
Group Manager
Corporate Environmental Department