

Via e-mail

January 5, 2021

Mr. James Kwon
EPA Product Manager
ENERGY STAR for Consumer Electronics
U.S. Environmental Protection Agency

Dear Mr. Kwon:

The Consumer Technology Association™ (CTA) is providing this update to its October 29, 2020, comments regarding efforts to develop a draft Version 9.0 ENERGY STAR TV Specification.

We previously advised EPA that under an October 2020 agreement between the world's leading television manufacturers, CTA, the Natural Resources Defense Council (NRDC), and the American Council for an Energy-Efficient Economy (ACEEE), the industry is conducting a program to evaluate and finalize a new proposed test method that they have agreed is an essential prerequisite to the development of accurate and meaningful standards for television energy usage. The parties have been working diligently and the testing phase of that program is scheduled to be completed by the end of March 2021. The parties would be pleased to provide updates to EPA and share relevant information as it becomes available.

In the meantime, however, we must emphasize that the ability of the new proposed test method to produce accurate and consistently repeatable energy usage measurements has not been sufficiently validated, notwithstanding any preliminary information or analyses that may have been shared with EPA. The manufacturer experts in Korea who are testing TVs using the new proposed method only received the custom equipment needed for this testing late last month following preparation of the test kits and a long customs clearance process.

While CTA appreciates and shares EPA's interest in moving forward expeditiously to influence the market as soon as possible, the results of the Version 8 ENERGY STAR TV Specification have demonstrated that a flawed specification that does not attract voluntary participation cannot produce its intended influential effects. Prematurely rushing the launch of a new ENERGY STAR specification founded upon an unproven test method to try to influence the market in 2022 would more likely instead limit the effectiveness of the new specification in influencing the market, not only in 2022, but thereafter.

One of the items manufacturers are still working to confirm is whether the luminance produced by TVs is sufficiently consistent to produce repeatable results within an acceptable range of variability for ENERGY STAR testing. An additional item of keen interest is the repeatability of the proposed new test method when measurements are taken with different amounts of ambient light. Other aspects of the test method also remain under study in testing that remains ongoing as part of the development of a new "CTA-2037-C" consensus standard test method.

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Even once the technical issues with the draft test method are resolved, there is the necessary prerequisite for the Department of Energy to revise its existing TV test method regulation which would permit manufacturers to make public statements that are based upon any new test method. Without that approval, manufacturers might be precluded or limited in participating in a Version 9.0 program because they would be legally prohibited from making any written representations with respect to the energy use or efficiency of televisions using a different test method than the official DOE test method. Under 42 U.S.C. § 6293(c)(1), the Energy Policy and Conservation Act (EPCA), manufacturers are prohibited from making any written representations with respect to the energy use or efficiency of a covered product to which a test procedure is applicable under EPCA unless such product has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing. DOE has repeatedly explained that, “EPCA requires that manufacturers use DOE test procedures when making representations about the energy consumption and energy consumption costs of covered products. Consistent representations are important when making representations about the energy efficiency of products.”¹ Accordingly, DOE rules specifically make clear that “any representations made with respect to the energy use or efficiency of televisions must be made in accordance with tests conducted pursuant to” the current DOE test method.²

For all these reasons, it would be premature to attempt to publish a proposed Version 9.0 specification and test method prior to the completion of the cooperative industry-energy efficiency advocates testing program expected at the end of the first quarter of 2021.

Sincerely,

/s/
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/s/
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cc: Katharine Kaplan, EPA
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¹ Department of Energy, Docket EERE-2019-BT-WAV-0023, Notice of Petition for Waiver of LG Electronics U.S.A., Inc. From the Department of Energy Central Air Conditioners and Heat Pumps Test Procedure and Notice of Grant of Interim Waiver, 85 Fed. Reg. 40272 (July 6, 2020).

² See 10 C.F.R. Appendix H to Subpart B of Part 430 – Uniform Test Method for Measuring the Power Consumption of Television Sets.