Before the
UNITED STATES FEDERAL TRADE COMMISSION
Washington, D.C. 20580

In the Matter of

Energy and Water Use Labeling for	)	
Consumer Products Under the Energy	)	
Policy and Conservation Act [“Energy	)	16 CFR Part 305
Labeling Rule”]; Proposed Rule	)	RIN 3084-AB15
	)	
Television Labels, Matter No. R611004	)	

COMMENTS OF THE
CONSUMER ELECTRONICS ASSOCIATION

Introduction

The Consumer Electronics Association (CEA) is the preeminent trade association promoting growth in the $208 billion U.S. consumer electronics industry. CEA represents more than 2,000 companies involved in the design, development, manufacturing, distribution, sale and integration of audio, video, in-vehicle electronics, wireless and landline communications, information technology, home networking, multimedia and accessory products, as well as related services that are sold through consumer channels.

CEA and its members have a significant interest in the Federal Trade Commission’s proposed amendments to its Energy Labeling Rule, as the rule currently covers televisions and may in the future cover other consumer electronics, pursuant to Section 325 of the Energy Independence and Security Act of 2007. CEA is active in several areas related to power consumption and energy efficiency in consumer electronics, including public policy, research and analysis, industry standards development, and consumer education. CEA supports energy use disclosures and welcomes the opportunity to provide comments during this proceeding.

I. EnergyGuide labeling for televisions is now tied to a mandated test procedure that may not keep pace with the market.

CEA recognizes the Commission's need to ensure the television labeling requirements of its Energy Labeling Rule (Rule) are consistent with the Energy Policy and Conservation Act, which mandates that FTC labels reflect applicable U.S. Department of Energy (DOE) test procedures when available.[1] We support the Commission's rulemaking in this regard. However, we are concerned and wish to put the Commission on notice that EnergyGuide labeling for televisions is now tied to a mandated federal test procedure that may not keep pace with the market. By acting to mandate its own test standard, DOE has tied everyone's hands and limited the ability of private sector stakeholders to maintain standards that benefit consumers and existing consumer-facing programs such as EnergyGuide and ENERGY STAR. DOE's test procedure may be very similar to the extant industry standard for measuring power consumption in TVs, but it is not exactly the same. Moreover, because it is static and locked into law as of November 25, 2013, the DOE test procedure, based on historical record, will not keep pace with the inevitable future changes in TV technology relevant to energy use, posing challenges for the quality and credibility of the EnergyGuide and ENERGY STAR programs.

II. The Commission should allow the option of electronic labeling for products incorporating displays.

As we have stated previously, for products that include displays, such as televisions and monitors, we urge the Commission to allow an option for electronic labeling –the presentation of the EnergyGuide disclosure on the product's display or screen while in a retail setting or retail mode of operation. This is not only a good use of technology, but it also is in keeping with the industry's ongoing environmental sustainability efforts to reduce the printed and physical materials associated with a product. Moreover, the Commission's allowing an option for electronic labeling would be an innovative and flexible regulatory action that aligns well with recent directives from the Administration

[1] 42 U.S.C. 6294(c).

on regulatory reform and the reduction of regulatory burdens.[2] Lastly, electronic labeling could have a potential added benefit of enabling a consumer or researcher to retrieve a model's energy use information long after a product is sold. The Commission has hosted workshops on various topics related to its rules, and a workshop to further explore electronic labeling may be helpful.

III. The Commission should eliminate the "range of comparability" disclosure for televisions.

CEA understands the Commission will review new data submitted pursuant to Rule's reporting requirement and then consider issuing updated comparability ranges for television labels. As we have stated in previous comments, we believe the Commission should eliminate the range of comparability requirement of the EnergyGuide label.

Not long after the initial Energy Labeling Rule requirements for televisions took effect, many television models performed better than the lower, more efficient end of the range of comparability specified for the EnergyGuide label. The pace of product innovation and improvement in the market for televisions is especially rapid. This product category is highly competitive and dynamic, and product models change quickly. The validity and relevancy of product comparisons among television models at any given moment is relatively brief. We question the value to consumers of a range of comparability disclosure if many models perform below the bottom end of the specified range. Similarly, we question the value to consumers if the end points on the comparability scale are outdated and irrelevant, as surely they would be within several months and certainly within the five-year period FTC identifies for updating the range of comparability and average unit energy cost information.[3] Additionally, at the other end of the scale, we note that the FTC's range of comparability does not account for the annual energy cost range of very large televisions with diagonal screen sizes near and beyond 100 inches, which are already on the market.

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[2] See, for example, Executive Order No. 13563, 76 Federal Register 14 (January 21, 2011).
[3] 16 C.F.R. 305.10.

CEA previously recommended to the Commission that it not include a range of comparability on the label for at least three reasons. First, there are many variables relevant to energy use to consider in the constantly-evolving television category, including display technology, screen size and picture quality. This could add unnecessary complexity to what otherwise should be a simple and straightforward energy use disclosure. Second, there are a large number of television models on the market, and new models are constantly and frequently introduced. If comparative information were required, it would be difficult if not impossible, as noted above, to both establish and maintain reasonable points of comparison for such information. Third, there are already well-established resources for product comparisons of televisions by consumers, including consumer and trade publications and product reviews. Having energy use disclosure requirements for televisions will itself enable various consumer-oriented publications and organizations to compare television models based on power consumption and cost of operation as well as other factors.

Consumers are in a good position to make energy use comparisons between television models based on the most significant element of the EnergyGuide label, the estimated yearly energy cost. Given the difficulty of maintaining a relevant and helpful range of comparability for television models, the Commission should no longer require this element of the EnergyGuide label for televisions.

IV. Further clarity is needed regarding the Commission's proposed reporting requirements.

As stated in its notice, the Commission is proposing for televisions a May 1st date for annual submissions pursuant to the Rule's reporting schedule. We assume the time frame for the reporting of data is the previous calendar year, but this should be clarified by the Commission.

Respectfully submitted,

CONSUMER ELECTRONICS
ASSOCIATION

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