

**BEFORE THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY
AND THE
DEPARTMENT OF THE TREASURY**

IN THE MATTER OF
INADMISSIBILITY OF CONSUMER
PRODUCTS AND INDUSTRIAL
EQUIPMENT NONCOMPLIANT WITH
APPLICABLE ENERGY CONSERVATION
OR LABELING STANDARDS

Docket No. USCBP-2012-0004
RIN 1515-AD82

**COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION
REGARDING THE INADMISSIBILITY OF CONSUMER PRODUCTS AND
INDUSTRIAL EQUIPMENT NONCOMPLIANT WITH APPLICABLE ENERGY
CONSERVATION OR LABELING STANDARDS**

Dated: May 25, 2012

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I. INTRODUCTION

The Telecommunications Industry Association (TIA) appreciates the opportunity to provide comments on the Notice of Proposed Rulemaking regarding the Inadmissibility of Consumer Products and Industrial Equipment Noncompliant with Applicable Energy Conservation or Labeling Standards. TIA represents the global information and communications technology industry through standards development, advocacy, tradeshow, business opportunities and market intelligence. For over eighty years, TIA has enhanced the business environments for broadband, mobile wireless, information technology, networks, cable, satellite, and unified communications. TIA's 600 member companies' products and services empower communications in every industry and market, including healthcare, education, security, public safety, transportation, government, the military, the environment and entertainment. TIA's members produce the equipment and solutions that make up our Nation's rapidly evolving communications networks, and many TIA members produce products directly affected by the proposed rulemaking. As discussed below, TIA's primary concern with the proposed rule is that

it will place an open ended burden on U.S. Customs and Border Protection, requiring its finite resources to be pulled from the other responsibilities of its mission. Additionally, if this rule is adopted, the proposed 30 day window is insufficient to allow companies to bring products into compliance.

II. DISCUSSION

1. THE PROPOSED RULE WOULD PLACE AN INCREASING AND OPEN ENDED BURDEN ON U.S. CUSTOMS AND BORDER PROTECTION (CBP)

The Energy Policy and Conservation Act of 1975 (EPCA) covers a broad and increasing range of equipment. Over 50 different appliance and equipment categories are covered by EPCA, including ceiling fans, air conditioners, dryers, washers, dishwashers, refrigerators, freezers, furnaces/boilers, microwave ovens, lighting, showerheads, faucets, urinals, and water heaters, among others. Importantly, EPCA also covers battery chargers and external power supplies for which a current DOE rulemaking is contemplating a dramatic increase in mandated efficiency standards. As a result, beyond the specific product categories covered under EPCA, CBP would also be responsible to police all consumer equipment that includes a battery charger or external power supply as the equipment and battery chargers are commonly packaged together. As EPCA provides DOE with the authority to add new product categories, the number of covered products and CBPs responsibility to police them would be open ended. Given the finite resources CBP has to fulfill its mission, requiring CBP to be on call to police virtually all appliances and consumer equipment would necessitate pulling resources and focus from its other responsibilities.

2. 30 DAYS IS AN INSUFFICIENT AMOUNT OF TIME TO BRING PRODUCTS INTO COMPLIANCE

The proposed rule contemplates a 30-day conditional release period for companies to recondition, re-label or take other action to bring the products into compliance after they have been refused admission by CBP. Given the global nature of the supply chain, TIA believes 30 days is an insufficient amount of time for companies to bring products into compliance. TIA recommends that this period be extended at a minimum to 90 days.

III. CONCLUSION

TIA appreciates the opportunity to provide input and looks forward to working with the Department of Energy and other stakeholders on these issues in the future.

Respectfully signed and submitted on May 25, 2012.

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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