

April 29, 2010

The American Association for Laboratory Accreditation (A2LA) would like to sincerely thank the Energy Star program for welcoming our organization to the stakeholder conference calls and webinars that have taken place over the past weeks. As both a non-profit Accreditation Body, and as individual consumers, we recognize and fully support the Energy Star program and its ideals and goals.

Based upon the presentations and comments during the conference calls, A2LA would like to provide the following commentary in hopes that it will be taken into consideration during the revisions of the Energy Star programs, especially in regards to introducing the requirement of Accredited Laboratories providing both initial qualification testing, as well as ongoing verification testing.

Currently, A2LA has three laboratories that have anticipated this requirement and added Energy Star testing (for certain product categories) to their scopes of accreditation, and we have had multiple other inquiries relating to this growing program.

A2LA firmly supports the idea of requiring all testing laboratories to acquire ISO/IEC 17025:2005 accreditation through Accreditation Bodies (ABs) who are full member signatories of the International Laboratory Accreditation Council Mutual Recognition Agreement (ILAC-MRA) in order to be qualified to submit Energy Star qualification data to the EPA and DOE.

A majority of our currently accredited laboratories, which would likely be considered third-party laboratories under the presented program ideas, would suffer little to no cost increases for the expansion to their scope of accreditation. Manufacturers who seek to have their “in-house” laboratories accredited will likely see an offset in costs between the costs associated with the accreditation process and sending their products off to third party laboratories for testing.

Another major benefit of gaining accreditation through an AB who is a full member signatory to the ILAC-MRA is the opening of foreign markets to a manufacturer by benefit of the MRA. An “in-house” lab which gains ISO/IEC 17025:2005 accreditation may be able to begin marketing their products in many foreign locales without suffering the costs of duplicate testing.

The major hurdle that Energy Star would face is consumer and manufacturer education on what ISO/IEC 17025:2005 accreditation requires, and the value it will bring to the Energy Star Program and their respective organizations as well. The important points that should be stressed are that accredited laboratories have been proven technically competent for the tests they are accredited to perform; accredited laboratories have demonstrated impartiality to the results of the tests performed; and laboratory quality management systems are in place and effective, especially in regards to customer feedback and self-auditing practices.

A2LA would like to support the idea of allowing manufacturer’s in-house laboratories the opportunity to gain accreditation to ISO/IEC 17025:2005, through an ILAC MRA signatory AB, for the purpose of performing Energy Star initial product qualification tests. We feel that

accreditation of these in-house labs offers the manufacturer the most cost-effective method of gaining their initial qualification under the proposed revised guidelines, as well as potential future income in foreign markets as outlined above.

Additionally, the question of allowing in-house laboratories to perform ongoing verification testing on their own products is well worth addressing here. Allowing ISO/IEC 17025 accredited in-house laboratories to perform the same test(s) which initially qualified a product should not be a concern to outside parties, especially with the possibility of Challenge Testing existing in the Energy Star market.

It would seem that a laboratory which is accredited to ISO/IEC 17025:2005 for purposes of initial testing of a product should also be a viable testing location for verification tests – the methods would not change for testing the energy consumption of a product, therefore, why should restrictions be placed on an accredited testing laboratory solely on its relationship to a manufacturer? Accreditation of the in-house lab is evidence of its independence from the manufacturer's influence on testing procedures and results.

As such, A2LA supports in-house laboratories performing ongoing verification testing. It is important to remember that testing laboratories wishing to gain accreditation to ISO/IEC 17025:2005 are required to demonstrate impartiality, which was a voiced concern early in the sequence of conference calls. Taken directly from the ISO standard, Clause 4:

“If the laboratory is part of an organization performing activities other than testing and/or calibration, the responsibilities of key personnel in the organization that have an involvement or influence on the testing and/or calibration activities of the laboratory shall be defined in order to identify potential conflicts of interest.”

“If the laboratory wishes to be recognized as a third-party laboratory, it should be able to demonstrate that it is impartial and that it and its personnel are free from any undue commercial, financial, and other pressures which might influence their technical judgment. The third party testing or calibration laboratory should not engage in any activities that may endanger the trust in its independence of judgment and integrity in relation to its testing or calibration activities.”

Historically we have seen no evidence that the relationship of the in-house laboratories to the manufacturers impacts the quality of the test results. By gaining accreditation, a manufacturer's in-house laboratory would demonstrate to the rest of the marketplace, as well as to properly educated consumers, that test results coming from the accredited lab are completely valid. This should instill a greater sense of confidence in the Energy Star product certification process. We consider the initial testing and the verification testing to be the same, the test does not change only the implementation of market surveillance or verification testing as it is currently referred to.

Further, with a robust Product Certification program in place (through an ISO/IEC Guide 65 Accredited Product Certifier, described below), there should be no concerns over a manufacturer's ISO/IEC 17025 accredited in-house lab performing the verification/certification tests, as the market surveillance (section 13 of ISO/IEC Guide 65) would address this very concern.

A2LA also firmly supports the idea of third-party-run verification testing programs, which we consider to be **Product Certification**. A2LA has reviewed both of the models proposed and would recommend these models be combined into a single Product Certification Program.

Gaining accreditation to the international standard ISO/IEC Guide 65:1996 would qualify the third-party organizations currently proposed for the verification program administration positions, and would lead to additional creditability in the market place of the “Energy Star Certified” label. Accredited third parties would be known as “Product Certifiers” or “Product Certification Bodies”, to use the internationally recognized nomenclature.

Accreditation to ISO/IEC Guide 65 requires, among other things, demonstration of impartiality, responsibility for granting/maintaining/suspending certification, market surveillance, responsibility for identifying the person or organization responsible for testing products, documentation that the certification body be a legal entity, and freedom from any outside influences which might affect the results of the certification process.

In keeping with the proposed theme of leveraging existing programs, A2LA recommends development of a process similar to the EPA WaterSense program for Energy Star Product Certification. This process would also provide the manufacturer a degree of control in terms of cost and value in choosing both the third-party testing laboratory (if not their own in-house testing laboratory), as well as the product certification body.

In our vision of the Product Certification Program, the accredited Product Certifier is responsible for both the initial test report analysis and Certification of the product to Energy Star, as well as for the market surveillance activities (which are equivalent to the proposed Verification Testing activities). Using the existing international guidelines, accredited Product Certification Bodies can confidently encompass all of the aspects of the proposed Verification Testing regime.

A primary concern voiced by many of the Accreditation Bodies which participated in the conference calls is the revision of the existing wording of which Accreditation Body is permitted to accredit a laboratory for certification testing purposes (not including initial qualification testing).

Currently, NVLAP, one of the six ILAC-MRA signatory Accreditation Bodies in the United States, is listed as the sole AB which can provide accreditation to laboratories wishing to perform the ongoing verification testing. This approach undermines the international framework that has been established to determine equivalence of AB's, and also allows NVLAP to monopolize this sector of the accreditation market where there are a number of equally qualified AB's.

In regards to the Consumer Electronics and Information Technology product families, we would like to suggest maintaining an ongoing product surveillance program, similar to the other product families, rather than just spot checking products. Keeping the language representing the on-going testing equivalent across all product families will lessen confusion to new partners, as well as to consumers. An annual check of product families would meet the concerns of on-going testing of products, while at the same time taking into account the short life-span of some of these products. Manufacturers should be required to notify both Energy Star and the Product Certifier when a particular model line is no longer in production.

One clarification is requested to be made in the terminology used in the program guidelines. “Base Model” is frequently used when discussing testing products which had variations among model families. The term “base model” suggests that the testing is performed only on the most basic of models of a particular product model family – not the model with all the “bells and whistles” which would likely be more energy-consuming. We would recommend either replacing the word “base” with another word signifying that the model being tested is the one with the most likely energy consumption of all models (much preferred); or, clearly defining the terminology to reflect the fact that the most energy-consuming model in a family of models is the one being tested as “base” (far less preferred).

A final suggestion we would like to offer is the implementation of Product Identification numbers, similar to what the FCC uses for their registered products. This allows customers to know for sure that the product they are shopping for is a true Energy Star Certified product. This also allows for faster reporting of fraudulent products in the marketplace. An example image is below of what we feel this revised Energy Star Logo would look like.



Openly listing the product ID number on the Energy Star logo on each product, both its packaging and on its physical casing, would be ideal for broadcasting this information to customers.

Respectfully Submitted,



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