

EPA ENERGY STAR® Comments Matrix: Summary of Comments on the Conditions and Criteria for Recognition of Accreditation Bodies for ENERGY STAR Laboratory Recognition

Index	Key Issue	Comment	Response
1	AB equivalency	EPA should consider AB's current practice of equivalency (i.e., Natural Resources Canada Energy Efficiency) to ensure that laboratory accreditation requirements are equivalent. Certain methods, albeit similar in nature, require different means of assessment. Therefore, there may be disparity in the practices of the laboratories for what outwardly would appear equivalent.	EPA intends the document to be as specific as possible without being overly prescriptive. In that regard, EPA has sought to include in the document what it considers the most important requirements vis-à-vis the ENERGY STAR program.
2	ABs to accredit CBs	A separate document should be created to provide detailed requirements for recognition of Certification Body Accreditors. As the EPA is planning on publishing a document outlining requirements for Certification Bodies operating under ENERGY STAR, it is important for EPA to detail expectations of an AB for Certification Body Programs.	"Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR Program" notes CBs must maintain accreditation to ISO/IEC 65 by a signatory to the International Accreditation Forum (IAF) Multilateral Recognition Agreement (MLA) that operates in accordance with ISO/IEC 17011. EPA may revisit this language in the future if it determines further specificity is warranted.
3	Assessor training - Frequency of refresher courses	EPA should specify the required frequency of the refresher courses.	As per clause 6.1.1 of ISO/IEC 17011, training should be conducted as needed to ensure the AB maintains a sufficient number of competent personnel given the work performed.
4	Assessor training - Who will provide	EPA should clarify who will provide initial training to the current requirements for the assessors who will be performing the assessments.	EPA's understanding is that the AB would provide the initial assessor training. Where the AB required any clarification, EPA would offer technical assistance.
5	Conflicts of interest	EPA-recognized ABs should not be allowed to participate as laboratories now or in the future as this will create a conflict.	EPA agrees, and will not recognize any AB that directly or indirectly operates a laboratory.
6	EPA lab recognition timeframe	EPA should state its commitment to process the AB's inspection report to ensure that compliant laboratories are approved and added to the list of EPA-recognized laboratories in a timely fashion.	EPA intends to review all documentation related to laboratory recognition in as timely a fashion as possible.

7	EPA verification process	As ILAC MRA member accreditation bodies have already been verified of their competence and credibility against the requirements of ISO/IEC 17011, EPA's recognition process appears duplicative and unnecessary.	EPA has outlined in this document conditions and criteria it believes go beyond the scope of ISO/IEC 17011, for example, reporting requirements of particular significance to the ENERGY STAR program. Other aspects of the document do not serve to duplicate the ILAC MRA verification process, but to draw attention to activities of fundamental importance.
8	Laboratory assessment - Precision of schedule	Not all ABs have on-site assessment schedules precise to the given day. Some may refer to the accreditation renewal period, which could be based on quarterly or other expiration periods.	The document does not prescribe the resolution of the schedule. It is EPA's intention that the AB be as precise as possible when reporting its schedule of relevant upcoming laboratory assessments to EPA.
9	Laboratory assessment - Confidentiality of schedule	Regarding providing EPA with "electronic access to a schedule of upcoming laboratory assessments," we strongly recommend that EPA include a clause in the MOU stating that this information will not be publicly released until the scopes of laboratories are published on the accreditation body's website. Our concern here pertains to ILAC requirements for accreditation bodies maintaining confidentiality of their client's information.	EPA has stricken this requirement from the document. However, EPA wishes to stress it intends to maintain open lines of communication with ABs to ensure it is kept reasonably abreast of the volume and timing of ENERGY STAR-related assessments.
10	Number of ABs	EPA should consider recognizing only one AB, the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology (NIST), for the performance of laboratory assessment and accreditation. A single accreditation body will alleviate variations in conformance.	EPA intends to require and thoroughly review all documentation deemed necessary to determine whether to recognize any given AB. In so doing, EPA will seek to minimize variations in conformance while fostering an environment that allows multiple ABs to seek EPA recognition. This will ultimately give laboratories a greater choice of accreditation providers.
11	Peer evaluation - Confidentiality	The results of ILAC/MRA peer evaluation are strictly confidential; therefore, informing EPA of the results of peer evaluation is against ISO 17011's confidentiality rules. With regard to the reporting responsibility, we urge the EPA to have prior consultations with international organizations such as ILAC, APLAC, or EA.	EPA has stricken this requirement from the document.

12	Peer evaluation - Historical reports	EPA should provide clarification as to whether previous evaluation reports of accreditation bodies by ILAC and its regional bodies will be needed for EPA-recognition.	Previous evaluation reports will not be needed for EPA recognition.
13	Reporting to EPA: Lab assessment documentation	Regarding, "...provide EPA with copies of laboratory assessment documentation including corrective action plans, documentation of resolution of deficiencies, and any laboratory feedback on the assessors or assessment process. Laboratories' consent to this will be a condition of participation," the laboratory cannot provide this consent because of the AB's confidentiality requirements. Also, laboratory feedback with regards to the assessors as well as the process is confidential, and is incorporated within the review during a peer evaluation. EPA should request only assessor deficiency reports, and avoid potentially proprietary information.	EPA has revised this point to require only corrective action plans and documentation of resolution of deficiencies. EPA believes it is within the laboratory's authority to grant the AB the written consent to share this information, and that requiring the laboratory to agree to the release of this information by the AB is an integral aspect of EPA's recognition of the laboratory.
14	Reporting to EPA: Lab competence	Regarding, "Upon a satisfactory outcome, attest to the technical competence of laboratories to perform tests as outlined in the ENERGY STAR Laboratory Accreditation Requirements. Assure the list of specific test procedures is included within the scope of accreditation for the laboratory," EPA should clarify whether the scope of accreditation issued by the AB provides sufficient assurance.	EPA has revised this point to clarify that the scope of accreditation provides sufficient assurance.
15	Status of labs upon change in AB's signatory status	EPA should state what would happen to the accreditation status of a laboratory that was accredited by an AB that in turn lost its signatory status.	EPA's understanding is that any such laboratory would not necessarily lose its accreditation. Regarding EPA's recognition of the laboratory, EPA would have to consider this on a case-by-case basis.

16	Timing of implementation - Market advantages	<p>In order to prevent market advantages and disparity in lab performance, the new requirements should be considered to not be effective until all AB's have been trained and accredited laboratories have had an opportunity to be properly assessed. This concern would be applicable to future revisions and additions as well.</p> <p>Best efforts should be made to ensure that training is provided equally to all Accreditation Bodies (AB) simultaneously, so that accredited laboratories are not penalized due to their AB's inability to attend a training session. This concern would be applicable to on-going training as well.</p>	It is EPA's desire and intention to foster as level a playing field as possible with respect to the changes proposed here, but EPA does not see a need to set a threshold other than the end of the year 2010 for these requirements to go into effect.
17	Venue of meeting with EPA	Regarding participation in meetings with EPA, it is not clear whether these meetings will be face-to-face, conference calls or some combination thereof.	The document now states EPA and the AB will jointly determine whether the meeting should take place by telephone or in-person.
18	Witnessing lab assessments - Schedule	Regarding the requirement to "Allow EPA, at its discretion, to witness any assessments," EPA should consider stipulating a period of advance notice to ensure that the AB's inspection schedule is not affected.	The document now states EPA and the AB will jointly determine when such witnessing will occur, so as not to disrupt the AB's assessment schedule.
19	Witnessing lab assessments - Verbage	Regarding, "Allow EPA, at its discretion, to witness any assessments performed for compliance with the requirements of the verification testing program. EPA agrees to operate solely as an observer and not interfere in any way with the assessment activities of the accreditation body and/or its assessors," "not take part" is suggested wording to replace "interfere."	The term, "interfere," has now been replaced with, "participate."