

Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR[®] Program

In order to be recognized as a Certification Body (CB) for the ENERGY STAR Program, a CB shall agree in writing to the following requirements:

1) General Requirements and Responsibilities

- a) Maintain accreditation to ISO/IEC Guide 65, “General requirements for bodies operating product certification systems,” by a signatory to the International Accreditation Forum (IAF) Multilateral Recognition Agreement (MLA) that covers accreditation of product certification bodies and operates in accordance with ISO/IEC 17011. Noteworthy elements of ISO/IEC Guide 65 include requirements that the CB shall:
 - i) Operate in a non-discriminatory manner so as not to impede or inhibit access by applicants.
 - ii) Make its services accessible to all applicants whose activities fall within its declared field of operation, independent of the size or membership status of the applicant.
 - iii) Ensure that the relationship between it and each organization providing test data does not compromise the CB’s independence.
 - iv) Be responsible for decisions relating to its granting, maintaining, extending, suspending, reducing, and withdrawing of certification, and make these decisions impartially.
 - v) Decide whether or not to certify a product on the basis of the information gathered during the evaluation process and any other relevant information.
 - vi) Have a legally enforceable agreement for the provision of certification activities to its clients. Contract and agreements for certification shall take into account the responsibilities of the parties.
 - vii) Provide, regularly update, and make available upon request a directory of the products it has certified, and their suppliers.
- b) Have a substantial North American presence.

Note: Given the significant role CBs will play as part of the ENERGY STAR testing and verification scheme, EPA anticipates maintaining a close working relationship with them. In order to foster this level of cooperation, EPA will limit recognition to those CBs that have a substantial North American presence.

- c) Review the test results of each product intended for ENERGY STAR qualification, confirming that all data in these results originated from an EPA-recognized laboratory with an appropriate scope of accreditation. EPA-recognized laboratories include the following:
 - i) All laboratories EPA has formally recognized as currently meeting the “Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program.” The terms of this document include accreditation to ISO/IEC 17025 by an EPA-recognized Accreditation Body. EPA maintains an online list of these laboratories.

Therefore, confirming data have originated with such a laboratory shall consist of confirming the presence of the laboratory on this list.

- ii) All laboratories participating in the CB's witnessed or supervised manufacturers' testing laboratory (WMTL/SMTL) program per the requirements described in Appendix A. The terms of this include assessment to ISO/IEC 17025 by an EPA-recognized CB. Ensuring data have originated with such a laboratory shall consist of the CB confirming the presence of the laboratory on its internal list of WMTLs/SMTLs. Note, the CB shall provide EPA with a list of all such laboratories testing products pursuant to ENERGY STAR qualification.
 - d) Apply the same conditions to the review of test results from all EPA-recognized laboratories from which the CB has agreed to accept data, regardless of the ownership of the laboratory.
 - e) Make available in written format to current or prospective ENERGY STAR Partners all relevant aspects of the CB's certification program, and submit this information to EPA upon request. At a minimum, these shall include:
 - i) A copy of the legally enforceable agreement for the provision of certification activities to the CB's client;
 - ii) A description of the certification program; and
 - iii) A description of the management of competencies of personnel involved in the certification process.
 - f) Maintain test reports for certified products for at least the longer of 5 years or the duration of certification, and permit relevant EPA ENERGY STAR authorities to examine any information used in making certification decisions, including test data.
 - g) Participate in meetings with EPA as EPA deems necessary to discuss changes to ENERGY STAR program requirements relevant to certified products. EPA and the CB will jointly determine whether the meeting should take place by telephone or in-person.
 - h) Forward any questions related to ENERGY STAR test methods to EPA for resolution, and abide by the decisions of EPA relative to the resolution of those questions.
 - i) Allow EPA, at its discretion, to audit product certification and verification activities.
 - j) Notify EPA and any ENERGY STAR partner whose product(s) the CB has certified of any suspension or withdrawal of the CB's accreditation.
- 2) ENERGY STAR Qualification
- a) Provide EPA with a description of the CB's product data review procedure, including the length of time in which the CB has committed to complete its data review.
 - b) Determination of qualification
 - i) Determine qualification by assessing whether the product meets the relevant product performance parameters described in the product-specific ENERGY STAR program requirements.
 - ii) Report certified products and data to EPA using secure electronic channels EPA will provide. EPA will ensure recognized CBs are provided with the necessary access to reporting tools, and guidance on how to use them. EPA will use this specific information to create the ENERGY STAR Qualified Product Lists.

Note: EPA appreciates ENERGY STAR partners' concerns regarding product development cycles, and understands that a CB's ability to review product data in a timely manner can affect these cycles, notably time-to-market. In determining whether to recognize a CB for participation in the ENERGY STAR program, EPA will evaluate the CB's product data review procedure to ensure it meets the needs of ENERGY STAR partners.

Note: EPA will retain responsibility for auditing and enforcing program labeling requirements. CBs are not required to ensure products are labeled in accordance with ENERGY STAR program requirements.

3) ENERGY STAR Verification

Note: This section does not apply to ENERGY STAR qualified lighting products. EPA intends to continue verification testing for lighting products managed by a centralized, third-party administered verification program for an interim period. This program will be described in more detail in a forthcoming document. Stakeholder input on this program will be gathered as part of the ENERGY STAR lighting specification review process.

a) Verification Testing

- i) Operate an ENERGY STAR partner-funded verification testing procedure that fulfills the verification testing requirements enumerated as follows:
 - (1) Ensure products meet all product performance parameters as described in the relevant ENERGY STAR program requirements.
 - (2) Number of products:
 - (a) Annually test at least 10% of all ENERGY STAR qualified base models¹ the CB has certified. In the event of significant product failures, EPA may advise the CB to increase the number of models tested in subsequent years. The minimum number of products tested may differ by product category.
 - (3) Products shall be selected by the CB according to the following general guidelines:
 - (a) The CB shall select models for verification testing from the ENERGY STAR qualified models the CB has certified;
 - (b) Approximately 50% of models to be tested shall be randomly selected; although, the more recently a model has undergone verification or challenge

¹ EPA will define the term, "base model," within the individual ENERGY STAR program requirements since its meaning can vary between product categories. For example, for certain product categories it may be defined as the basic model of a product family composed of models that differ in terms of performance along ENERGY STAR criteria; in other product categories, the base model may differ from other models only cosmetically.

testing, the less likely it should be selected in this random selection process; and,

- (c) The remaining models shall comprise models selected in consideration of the following factors:
 - (i) Product classes from ENERGY STAR partners for which previous base models failed verification testing;
 - (ii) Referrals from third parties such as consumers, consumer groups or regulatory agencies regarding the accuracy of ratings; and,
 - (iii) Models with high sales volumes if this data is available to the CB.
- (4) Procurement of unit(s) for testing:
 - (a) The CB shall procure or obtain the unit(s) for testing, prioritizing the source of those units in the following order (from most to least favored)
 - (i) Off-the-shelf (i.e., from the open market);
 - (ii) Warehouse (i.e., from a storage depot); or
 - (iii) Off-the-line (i.e., from the manufacturing facility).

NOTE: Off-the-line testing is only appropriate where pulling products from the shelf or from a warehouse is not feasible. Examples include where the selected product is prohibitively expensive to purchase and/or transport, is made-to-order, or is otherwise unavailable through normal retail channels.

NOTE: The CB shall be responsible for obtaining the unit for testing, and shall not allow the ENERGY STAR partner to choose the testing sample.

- (b) Partners whose products are selected for verification testing are required to:
 - (i) In the case of off-the-shelf procurement, provide a list of at least three locations where a unit(s) of the product(s) to be tested may be obtained; or
 - (ii) In the case of warehouse or off-the-line procurement, provide access to the CB to select a unit(s) of the product(s) for testing.

(5) Location of verification testing:

- (a) Verification testing shall be performed at an EPA-recognized, third-party laboratory; or,
- (b) If the unit is obtained off-the-line from the manufacturing facility, the verification testing may be performed at an EPA-recognized, first-party² laboratory provided that qualified CB personnel witness the test.

b) Re-evaluation in the Event of Significant Changes

- i) Have procedures to re-evaluate product performance in the event of changes that could affect the ENERGY STAR qualification status of a product the CB has certified.³ Consistent with this, the CB shall:

² For the purpose of the ENERGY STAR program, EPA defines a first-party laboratory as a laboratory that is owned and/or operated by the manufacturer or private labeler of the product being tested.

³ A laboratory's change in accreditation or WMTL/SMTL status would be considered relevant to the qualification status of products the laboratory tested only during the effective period of the factor(s) that led to the change in the laboratory's status.

- (1) Require the ENERGY STAR partner responsible for a product the CB has certified to inform the CB about any changes to that product that could result in it no longer meeting ENERGY STAR program requirements.
- (2) Require, and evaluate the results of, retesting of the product's relevant performance.
- ii) Report to EPA any changes in product performance, including new test data.
 - (1) If the changes do not impact the ability of the product to qualify for ENERGY STAR, the CB shall report the relevant data to EPA on the same schedule as information on newly certified products.
 - (2) If the changes indicate the product no longer meets the product performance requirements of the relevant ENERGY STAR program requirements, the CB shall notify the ENERGY STAR partner and EPA within two business days.
- c) Challenge Testing
 - i) Have in place a challenge testing procedure.
 - ii) A challenge may be initiated only when the CB has received the following:
 - (1) Evidence that the challenger has conveyed details of the challenge to the challengee;
 - (2) Identification of the challenged model number; and,
 - (3) Identification of the challenged parameters and the basis for the challenge. This basis may be but is not limited to marketing material that claims better performance than the data the CB has on record, or the results from a product test the challenger performs on its own, and for which it pays without reimbursement by the CB no matter the results of the CB's subsequent challenge test.
 - iii) Upon the failure of a product to meet the product performance requirements of the relevant ENERGY STAR program requirements, the CB shall notify the ENERGY STAR partner and EPA within two business days.

Note: EPA suggests a "loser-pays" scheme, whereby the challenger deposits payment with the CB that covers all costs associated with conducting the necessary testing, and the challengee is invoiced for that cost if the challenged model does not meet ENERGY STAR requirements. However, EPA will consider other approaches that are likely to encourage challenge testing based on legitimate grounds.

- d) Resolving Discrepancies: Have in place a procedure to resolve discrepancies between data resulting from product re-testing (for any purpose, for example, verification or challenge testing), and the data previously certified by the CB. In the case of a discrepancy, the CB shall report to EPA the test results, both initial and final in case additional re-testing is performed, that are relevant to ENERGY STAR qualification.⁴ The CB shall also notify EPA of the resolution of product re-testing, for example, decertification or recertification.

⁴ When the CB reports this data to EPA, it shall follow the rounding and qualification rules enumerated in the applicable ENERGY STAR specification.

Appendix A: Requirements for the operation of a Supervised Manufacturers' Testing Laboratory (SMTL) or Witnessed Manufacturers' Testing Laboratory (WMTL) program

Note: EPA drew elements in the following section from IECEE OD-CB2029-Ed.1.2, "Operation of Witnessed Manufacturers' Testing (WMT) Laboratories," and IECEE OD-CB2030-Ed.1.1, "Operation of Supervised Manufacturers' Testing (SMT) Laboratories." These documents are available online at http://www.iecee.org/Operational_documents/od-cb_index.html.

A CB, per ISO/IEC Guide 65, may operate a testing program to accept test data from a manufacturer's first-party laboratory that participates in an SMTL or a WMTL program only if the CB:

1) General Requirements:

- a) Ensures through an on-site initial assessment and periodic auditing that the SMTL or WMTL is able to demonstrate its facilities are in compliance with all relevant requirements of ISO/IEC 17025 and the applicable test method(s), and that the laboratory personnel conducting the testing have the necessary competence and expertise. Consistent with this, the CB shall have and follow written procedures for evaluating laboratory facilities; environmental controls; personnel and training; testing and calibration equipment types and accuracy; calibration procedures; written test procedures, set-up, measurement technique(s) and documentation systems; quality assurance programs; and other elements as required in the relevant ENERGY STAR program requirements;
- b) Takes into consideration any and all relevant accreditations currently held by the laboratories it is evaluating as potential SMTLs/WMTLs. The steps necessary to establish a relationship with and certify data from accredited, EPA-recognized laboratories will be fewer than what the CB requires of non-accredited laboratories.

NOTE: It is EPA's intention that an EPA-recognized CB will take the steps it deems necessary to establish confidence in a laboratory from which the CB intends to accept data, but that those steps shall be reduced in the event that EPA has formally recognized the laboratory as currently meeting the "Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program."

- c) Documents and maintains reports of its assessments and periodic auditing of the SMTLs/WMTLs in the programs it operates;
- d) Has a documented program to ensure continued compliance with its program qualification procedures;
- e) Has and follows procedures to monitor the impartiality of SMTLs/WMTLs on an ongoing basis. Document review, consistent with the requirements of ISO/IEC 17025, shall include but may not be limited to the following:
 - i) Organization chart showing that the responsibilities, authorities, and inter-relationships of all personnel who manage, perform or verify laboratory results are free from influence that may adversely affect the quality of their work;

- ii) Dates of internal audits, audit findings, and any corrective actions taken;
 - iii) Any customer complaints and corrective action taken;
 - iv) Original testing records containing sufficient information for repeatability, including the names of staff who participated;
 - v) Evidence that laboratory employees participate in and regularly pass ethics and compliance audits; and,
 - vi) Evidence that mechanisms for reporting and responding to attempts to exert undue influence on test results are in place.
- f) Maintains records that demonstrate the test data originating with the SMTL/WMTL are unbiased.
 - g) Operates proficiency testing when EPA/DOE deems it necessary to ensure consistent results between the SMTL/WMTL and an EPA-recognized third-party laboratory.
 - h) Reports to EPA on each SMTL/WMTL:
 - i) The date of the SMTL/WMTL agreement between the SMTL/WMTL and the CB;
 - ii) The manufacturer's name and the address of its headquarters; and,
 - iii) The ENERGY STAR product categories covered by the agreement.
- 2) Requirements specific to the operation of a WMTL program:
- a) Assumes full responsibility for the validity of the test results;
 - b) Ensures that the CB personnel who witness the test(s) have the necessary competence and expertise to carry out tests to the relevant ENERGY STAR program requirements;
 - c) Ensures that all tests are carried out by personnel of the WMTL in accordance with the applicable requirements;
 - d) Supervises and checks all critical aspects of the tests; and,
 - e) Witnesses the final data acquisition.
- 3) Requirements specific to the operation of an SMTL program:
- a) Witnesses testing and all other elements that contribute to the establishment of confidence in the SMTL's quality processes;
 - b) As the CB gains experience with and confidence in the SMTL, supervision may gradually shift away from witnessing tests;
 - c) At least once per year, audits the SMTL's procedures on-site against the requirements of ISO/IEC 17025 and the applicable test method(s). During visits, the CB shall:
 - i) Supervise product testing; and,
 - ii) Review relevant test reports in progress; and,
 - d) Maintains records of:
 - i) The dates and elements of performed supervision, including what tests were observed; and,
 - ii) Observations made and advice provided to the SMTL during visits.