

June 25, 2010

The American Association for Laboratory Accreditation (A2LA) would like to thank the Energy Star program for the opportunity to review and comment on the draft Conditions and Criteria for Recognition of Certification Bodies for the Energy Star Program document. Our comments, concerns, and suggestions for revision to these Conditions are laid out in an outline format similar to the draft document for ease of reference.

1.a. – A2LA supports the proposal to require accreditation to ISO Guide 65 by a signatory to the IAF MLA. However, there is currently only one Accreditation Body in the United States that is a full signatory to the IAF MLA, according to the IAF website. We would like to suggest a transition period similar to the EPA WaterSense program to allow other Accreditation Bodies the opportunity to gain this MLA signatory status, which in turn would give certification bodies a choice between service providers. Although two additional accreditation bodies are likely to achieve the MLA signatory status by December 30, 2010, it seems reasonable to introduce a transitional period for other accreditation bodies to also achieve this signatory status if desired. For information concerning this transitional process that the EPA WaterSense program has employed, please refer to section 4.2 of http://www.epa.gov/watersense/docs/cert_system_revised508.pdf

NOTE 1 – We recommend changing the note after requirement 1.d to conform to ISO Guide 65 clause 4.8.1(G), which says that the Certification body shall have (and provide upon request) a directory of certified products and their suppliers (in this case, the supplier would usually be the OEM).

1.a. – Add to this list of general requirements the following requirement, “iv) Certification Bodies must notify the EPA and any affected customers of the change in their accredited status.”

1.e. – We have received comments from international accreditation bodies and CABs who have concerns over the frequency and manner of the requirement to participate in meetings. We also saw concerns from other organizations issued in various comment documents on previous draft requirements for testing labs and accreditation bodies for this program. We would like to see a clearly defined scheme for these meetings that would allow the participation of all concerned parties at minimal cost and time expenditures. A “green” meeting, as was mentioned in one of the comments documents on the requirements for accreditation bodies, would be ideal.

1.f. – We would recommend removal of the second portion of this requirement, “and that the personnel conducting the testing are properly trained and qualified.” The ISO/IEC 17025 accreditation process ensures that those lab staff performing tests are indeed qualified and trained to perform the tests on the lab’s scope. Requiring the certification body to verify this is an unnecessary duplication of effort if a testing laboratory has been accredited to ISO/IEC 17025.

1.g. – We would recommend that the requirements document be revised to clearly indicate what controls shall (must) be required of manufacturing facilities. We understand that no two facilities are the same, but a generalized requirements listing should be possible to create. “Could” include lists are difficult to enforce and leave far too much leeway for various organizations to interpret. We feel that this program should be as equivalent across all product categories as possible, and having the potential for such wide discrepancies seems to undermine the benefit of having an enhanced program for Energy Star.

2.a.1. – We recommend removing the mention of “or exceeds” from this statement. Product certification is concerned with whether or not a product meets a set of specifications or standards, not with gradations of how well it met them. If it is the EPA’s desire is to set different parameters for product performance, we support certifying to those respective certification specifications.

2.a.2. – We would recommend including a requirement for partners to submit a documented plan detailing how the Energy Star logo will be used on each certified product. This will give more leverage for certification bodies, as well as the EPA, to take adverse actions if a partner does not abide by the rules set forth in the Energy Star program requirements. It also gives a more thorough attestation from the partner that they are aware of those requirements.

NOTE 2 – Our suggestion on the required time frame for submission of product certification reports is to have a set time from the date of certification, but require that the certification report be submitted to the EPA prior to the certified product’s release date. We cannot give a recommendation on such a time frame, as we do not know what the typical work load of these certification bodies would be or the needs of the OEM to bring the product to market. We encourage the EPA to carefully consider the feedback from the OEM’s and potential certification bodies.

3. – In regards to the italicized note, we are unsure why a certification body accredited to ISO Guide 65 would not be used for product verification for lighting products. We hope that this will be clearly explained in the mentioned future document. We have concerns about market confusion and the ability for a third party administered verification provider to handle the load of work that they will receive. We also wonder how the EPA intends to qualify and ensure ongoing acceptability of this third part administrator. It seems most practical from both a procedural standpoint and financial one that this process be removed in lieu of using recognized certification bodies who can perform this function. Please refer to the government programs in existence which already use this process, the FCC and WaterSense. Please note that the product life covered under the existing government programs varies greatly.

3.a.1.2.a. – After discussing the potential cost impacts of the requirement that 10% of all base models be tested each year, we would like to suggest a lesser percentage, perhaps 5%. During our participation in the FCC TCB program, we saw many concerns voiced by organizations when the required percentage of tested products rose from a previous 2% requirement to a 5% requirement, due to cost. We encourage a minimal cost on certification bodies and manufacturers, but still want to ensure thorough surveillance of the qualified products in the market place. On the surface the proposed percentage seems to be cost prohibitive.

3.a.4. – The procurement prioritization seems to be very clear and appropriate to the scope of the program. However, what is not clear is the definition of “prohibitively expensive” within the notes for this requirement. A clear definition of what “prohibitively expensive” means to the Energy Star Program should be included so that certification bodies will understand the minimum expectations of what should be acquired from the market place versus what can be pulled from a warehouse or manufacturer’s production line. Allowing this ambiguity to exist leaves the potential for large voids between certification bodies for surveillance testing procedures. Also not addressed is who the financial burden is placed upon when products must be acquired from the market place, or are damaged/destroyed in the course of testing or transporting. This clarification is likely to be important to all partners and stakeholders involved in the Energy Star program.

3.a.4.b.1. – We recall a previous idea that products acquired for testing would need to be found at retail locations located a specified distance apart from each other (i.e. 500 miles). It did not appear that this idea was included in this portion of the requirements. Was this an oversight during the drafting process, or has this idea been scrapped? We can agree that transporting products across the country (or globe, in some instances) is costly, but if this requirement is included in the final version of this document, we would recommend a clause be included for products which are only produced from a single location. If the manufacturer submits production location information with their initial qualification data, and products are only created from one single line, we would recommend allowing samples of this product to be purchased from a single location, or multiple locations within close proximity to each other.

3.a.5. – We would recommend again clearly stating that EPA recognition of testing labs includes accreditation to ISO/IEC 17025 by an ILAC MRA signatory AB. This is not a major concern, but we believe it would be a good clarification to make throughout this requirements document.

3.c.2.2. – We do not agree with this proposal for challenge testing. This process could potentially harm smaller organizations who can not afford the challenge testing that larger organizations could impose. If this is a major concern of the EPA, we recommend that the certification body follow its complaint procedure as required by ISO/IEC Guide 65, section 4.5.3(m) or, where relevant, the testing laboratory in accordance with section 4.8 for ISO/IEC 17025 in its effort to clarify the complaint or appeal. If the certification body is unsuccessful in its attempt to resolve the complaint, this information (including objective evidence) should be passed along to the EPA for consideration. The EPA could then impose a challenge test if deemed necessary based on the information provided. The cost of the additional services /testing should be paid by the challenger if the complaint is found to have no merit and conversely paid by the manufacturer in the event of product failure. We stress the financial significance that challenge testing could have in its proposed format, and the need for the EPA to be involved in cases where it warranted.

Appendix A – Concerns with SMTL/WMTL program

Our understanding was that the Energy Star program was moving forward with an effort to use the ISO/IEC 17025 accreditation process for their testing laboratories, with accreditation granted by ILAC-MRA signatory Accreditation Bodies, as a means of qualifying the test result and ensuring impartiality in the testing labs, whether they be third party or in-house.

As proposed in Appendix A, the certification body would be tasked with ensuring the SMTL or WMTL is able to demonstrate the in-house testing laboratory is compliant to ISO/IEC 17025. Pursuant to previous meetings and draft documents, it was evident that the EPA had concerns in regards to the impartiality of in-house testing laboratories. While we fully believe that in-house laboratories should be able to fully participate in the Energy Star program, we also believe that requiring accreditation to ISO/IEC 17025 will yield a higher level of confidence for in-house testing laboratories.

In summary, A2LA's stands behind the original idea of using ISO/IEC 17025 accreditation through an ILAC-MRA Accreditation body for allowing the participation of in-house and independent laboratories for Energy Star qualification and verification testing.

Again, A2LA would like to take this final opportunity to express our gratitude to the DOE and EPA for offering stakeholders the chance to offer constructive criticism and express concerns over the potential requirements for the Energy Star program. We sincerely appreciate the efforts which have gone into these draft documents over the past months, and hope that our comments and suggestions will be taken into account when the final requirements for the Program are enacted.

Respectfully Submitted,



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The American Association for Laboratory Accreditation (A2LA)