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Thank you for the opportunity to provide feedback on the proposed *Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR Program, dated June 2010.* Although we believe there are opportunities for improvements in the proposal, Emerson Network Power is pleased to take part in this discussion and offer our input. Please find below our comments and suggestions.

Data Center Infrastructure Considerations

Though the bulk of this document deals specifically with IT equipment, the issue of independent testing and verification is equally important to those who manufacture infrastructure equipment and systems for data centers. It is our understanding that the vast majority of the UPS industry manufacturers currently providing products to the data center community, who may be interested in pursuing the ENERGY STAR rating, already have in-house test equipment, ISO procedures, third-party verification of test equipment calibration, and frequent test oversight and verification by third-party labs, consulting engineers, and large end-user customers.

In addition many of the UPS units supplied to the data center industry are physically large, heavy, available in numerous configurations, have extensive set-up requirements, require extensive support equipment including DC plants to simulate batteries under various states of charge, precision programmable load-banks, switch-gear, and a host of system-level skilled technicians to ensure smooth operation of the test program. Often, due to system-level complexity and customer/consulting engineer requirements, the test process may take three to five business days with the off-hours used for system stabilization.

Therefore we encourage the EPA to consider alternate solutions to address compliance and verification testing. It is our recommendation that we explore this subject together with the manufacturers, large end-users, and consulting engineering firms as part of developing the formal ENERGY STAR for UPS specification and other data center infrastructure components and systems as they become eligible for ENERGY STAR.

ENERGY STAR Verification Recommendations

Models new to the market should be excluded from verification testing for at least one year after initial certification. The tests for initial certification will have just been completed and affirmed by the Certification Body. Random selection for ongoing verification in the first year is counterproductive and the testing of products with existing certifications would be more beneficial to the end user.

Section 3.a.3 of the proposal indicates that the Certification Body will be responsible for selecting products for ongoing verification testing. Certification Bodies should focus on performing tests and reporting results. The Certification Bodies will have no insight to market conditions and product introductions, customer concerns or regulatory agency recommendations. Additionally, the requirement for 50% random sampling will vary from one Certification Body to the next and manufacturers will be encouraged to certify with the body that already lists the most products under a particular specification. In this case, each manufacturer would be less likely to be selected randomly for verification. With this in mind, Emerson Network Power strongly recommends that the selection process for verification testing be handled as a centralized function.

Challenge Testing and verification testing based on competitor recommendation pose delicate issues and should be handled extremely carefully. Many manufacturers have a diverse presence in the market and can target competitors from other business units within its organization. If a testing recommendations come from any source outside the EPA or a Nationally Recognized Test Laboratory (NRTL), this recommendation should be considered Challenge Testing subject to the requestor paying for the sample at

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full list price, costs of the tests and the time of the equipment manufacturer if the results support continued certification to the appropriate standard. In no case should a manufacturer be required to provide its products to competitors, even in the situation where the competitor initiates Challenge Testing.

In the case a manufacturer does not agree with the test results, procedures used to obtain those results or the interpretation of the results, the EPA should establish a Dispute Resolution Process emphasizing the fair and timely resolution of issues as well as the continued protection of the end user and ENERGY STAR program.

SMTL and WMTL Approach under ISO/IEC 17025

Emerson Network Power is very pleased with the approach to allow manufacturers' laboratories to be accredited directly as Certified Bodies and well as participate in third party Certified Body Supervised Manufacturers' Testing Laboratory (SMTL) and Witnessed Manufacturers' Testing Laboratory (WMTL) programs. This approach certainly leverages the significant infrastructure and testing capability already in place at large electrical manufacturers' facilities, their ongoing verification and calibration processes as well as close and direct oversight by third-party test engineers and consulting engineers representing the end users.

Certification Bodies should be accredited under ISO/IEC 17025 rather than ISO/IEC 65 which is referenced in the proposal. IEC/ISO 17025 is in wide use today across many industries ensuring consistent application of reliable and independent test results from accredited laboratories. Emerson Network Power encourages direct application of ISO/IEC 17025 without additional procedural requirements. Those proposed additions will add unnecessary and costly delays in accreditation and certification without additional benefit.

Reporting Requirements

While standardized reporting is obviously necessary, Emerson Network Power suggest the following exceptions and additions to the example report format. If information is only reported when available, the report format should indicate which items are required and which are requested if the information is available.

Submission of test results by the Certification Bodies supporting a product or product line's certification to the appropriate standard should be completed in no less that 5 working days. Most companies are under extremely tight product introduction deadlines and product certification routinely comes late in the process. Introducing a delay for the Certification Body to submit the completed report to the EPA would only hinder the process and possible cause manufacturers to delay certifying to ENERGY STAR until after initial product introduction.

1. Basic Product Information
    a. should include any product group identification that would represent a family of products that is entirely ENERGY STAR certified.
    b. Initial date of manufacture may be confusing to Certifying Bodies and end users even if the date is after the certification date. Submitting existing products to the ENERGY STAR standards would cause an Initial Date of Manufacture to be earlier that the certification date. In either case, the including this date does not add value and should not be required.
    c. Date no longer manufactured is almost never available for most product lines and should

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not be required.

d. Date available on the market should not be required. Manufacturers should be allowed to place certified products on the market at any time and likewise, should be allowed to withdraw them without notice to the EPA.
e. Manufacturer suggested retail price generally only applies to the retail market, is very volatile and should not be required for declaring a certified product.
f. Major markets where the product is sold should not be required and the list is not very inclusive. South and Central America, most of Asia and Africa are not available as options.

2. Product Details
   a. Should include to which specification the product is certified.
3. Product Labeling
   a. An affirmation that the product will be labeled in accordance with the ENERGY STAR labeling requirements should be sufficient. Additional information on how the ENERGY STAR label with be used in marketing materials is not essential so long as it does not conflict with ENERGY STAR labeling rules.

Product Specification Audit

In the case that a Certification Body's accreditation status is lost, products that were certified prior to the change should not need to be recertified by another body. With this in mind, we recommend deleting the following text from section 5.b.i of the proposal:

> *"… or as relevant, changes in the accreditation of the laboratory that performed the test(s) used for the purpose of certifying the product…"*

Whereas the safety of a system may be related to a single component, or group of components, Emerson Network Power maintains that product efficiency and continued compliance with an ENERGY STAR specification cannot be directly associated to a single component within a system. Rather, the efficiency of the system as a whole must be maintained in compliance with the specifications. Therefore, we recommend the requirement for the Certification Body to maintain the product design specification found in section 5.b.i.1, or list or critical components, be eliminated from this proposal.

Cost and Disposition of Test Samples

All test samples should be considered property of the manufacturer and should be maintained in a condition suitable for continued placement in the market. For equipment that is selected for testing using the "Off-the-line" procedures, the equipment should be returned to the point where it was diverted from the normal production and distribution process, in a condition sellable to the end customer.

Costs for all testing in general, and Verification Testing in particular, should be kept to the lowest level possible. Manufacturers should be allowed to provide any function possible in the testing program if they can accommodate it. An example of this is to allow manufacturers to provide shipping a large piece of equipment to a testing facility at their own expense if they choose to. The equipment manufacturer can likely accommodate these functions as part of their normal business process at a cost lower than what test laboratories can.

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Conclusion

Emerson Network Power is pleased to continue working with the EPA to develop a fair and robust ENERGY STAR program which serves end users. Leveraging existing infrastructures, established international standards and procedures, and establishing fair and timely procedures that add value, while eliminating any activity that does not have a direct and obvious benefit will result in a successful program.

Please feel free to contact me for any questions or clarifications regarding these comments and recommendations.

Regards,

Troy Chatwin