



24 June 2010

TO: Ann Bailey, Chief
Energy Star Labeling Branch
U.S. Environmental Protection Agency

VIA EMAIL TO: energystarverificationprogram@energystar.gov

FR: Jacki Donner, CAE
HVI Executive Director

RE: Draft Certification and Verification Requirements for Energy Star Certification Bodies

Thank you for the opportunity to comment on the EPA's proposed "Conditions and Criteria for Recognition of Certification Bodies for the Energy Star Program". We applaud the agency's efforts to improve the Energy Star programs across all product categories and to increase the value of the Energy Star label for consumers. While we believe you are headed in the right direction generally speaking, we do have a few concerns and objections to parts of your draft document.

1. The proposed timeline for achieving ISO 65 accreditation by the certification bodies (CB) is unreasonable. We agree that the accreditation is important and are eager to obtain it. We began the accreditation process even before EPA released its draft requirements for certification bodies as we saw the value in solidifying the credibility of our programs. HVI is actively working with ANSI, but we can provide no guarantees that the application process will be completed by the end of the current calendar year. We'd appreciate an extended timeline in consideration of the amount of work required.
2. Certain proposed requirements are outside the scope of HVI's Certification and Verification Programs.
 - a. HVI should not be evaluating or determining if a product meets requirements for programs over which HVI has no control, such as Energy Star. HVI will, of course, report to EPA those products which meet requirements for HVI-Certification whenever a manufacturer chooses to pursue the Energy Star rating for those same products. However, it must be noted that not all HVI-Certified products qualify for the Energy Star rating and each submission will require assessment and decision by the EPA personnel who bear the legal responsibility for the Energy Star program.
 - b. HVI should not be required to ensure Energy Star rated products meet Energy Star labeling requirements. Protection of the Energy Star trademarks is more appropriately monitored by the owner of the marks. HVI aggressively monitors its own trademarks and, if, in the course of our HVI-focused research, we discover anomalies in the use of the Energy Star marks, we will be happy to share the information with the appropriate EPA officials who may take whatever action they deem appropriate.

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- c. HVI should not be monitoring or assessing the capabilities or controls of manufacturing facilities. First, internal manufacturing processes are detailed in nature and highly confidential at most facilities. Secondly, to expect a certification organization such as HVI to have the monetary and staff resources to monitor each company's manufacturing processes is unrealistic.
3. Certain proposed requirements are inconsistent with HVI's long-standing procedures.
- a. Section 3) a) i) (5) (b) of your document indicates that verification testing of models obtained off-the-line from a manufacturer's facility may be tested at an EPA-recognized, in-house laboratory. HVI expressly objects to in-house product testing and does not recognize as valid such results for purposes of HVI-Certification. It would be helpful if your document was modified to note that the CBs are not required to accommodate a request by a manufacturer to conduct verification testing at an in-house laboratory when it is inconsistent with the CB's program procedures.
 - b. Your document mentions repeatedly that product testing is to be performed in "EPA-recognized" labs. However, it is important that the document include a notation that the CB has the discretion to partner exclusively with labs which, in addition to being "EPA-recognized", meet the qualifications established by each CB. Since HVI's product certification and verification programs are managed in tandem with the Energy Star programs, each time we perform product testing on eligible products, we are "killing two birds with one stone" so to speak. It would be costly for the manufacturers and inefficient for all parties to allow Energy Star products to be tested in labs which the CB has not qualified for its own programs.
4. Certain proposed requirements are unclear.
- a. Section 3) a) i) (3) (iii) of your document indicates that an emphasis will be placed on verifying the performance of models that are new to the market. It seems an inefficient use of lab and CB resources to re-test products which have just been tested and certified (and paid for by the manufacturers). From HVI's perspective, it is more valuable to consumers to focus our testing efforts on those models which have not been recently evaluated for performance.
 - b. Section 3) b) of your document defines proposed requirements for a "Product Specification Audit". Item i) (1) indicates that the CB shall "maintain product design specifications for the products it certifies, and conduct random inspections at the manufacturing location to ensure conformity to original product design specifications". First of all, it's unclear what level of specificity is intended in the phrase "product design specifications". HVI gathers certain information about each product in the course of evaluating it for HVI-Certification. Given that your document proposes that a CB will "conduct random inspections at the manufacturing location", we believe your intention is for us to compile information that is far more specific and technical in nature than what we already maintain. HVI expressly objects to this concept.

Thank you again for the opportunity to provide feedback on your proposed requirements. Feel free to contact me directly if you have any questions about the content of this letter.