IBM COMMENTS TO ENERGY STAR®
CONDITIONS & CRITERIA For RECOGNITION OF CERTIFICATION BODIES

IBM appreciates the opportunity to comment on the Draft Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR® program. IBM supports EPA's effort to define a set of requirements for qualifying and verifying the ENERGY STAR® attributes for the many product categories covered by the ENERGY STAR® program. Establishing and implementing a transparent, consistent qualification and verification process is critical to maintaining the integrity of the ENERGY STAR® label. As a manufacturer of enterprise IT equipment, IBM's interest in these draft conditions is limited to their implications for server, storage and network products.

In general, IBM is concerned that EPA is placing too many checks and reviews into the Testing and Verification process. Labs are required to get accreditation and be capable of certifying their testing results, an accreditation body has been proposed to accredit and assess the laboratories and their output, and this proposal establishes a certification body to select products for verification testing, review test data, and perform assessments of laboratories and manufacturing facilities. The selection of the verification products and review of the completeness of the product data and data sheets (as opposed to a certification of the data sheets, which should be done through a self-certification process) can be performed by the accreditation board. There is no need to create a certification body to complete these tasks. The review of manufacturing facilities and processes is arguably an unnecessary extension of the ENERGY STAR® qualification and verification process.

As proposed, the overall qualification and verification process would be slow and inefficient, with too many redundant steps and too much focus on the certification and manufacturing processes. A process which sets laboratory certification and assessment requirements and requires self-certification of data to an accepted, testable process provides the necessary level of checks and balances to insure the integrity of the ENERGY STAR® qualification and verification process. In addition, because of the very tight product announcement cycle in the IT industry, the proposed process would make it difficult for new IT products to be fully ENERGY STAR® qualified at the time of product announcement – a great loss for IT manufacturers and consumers.

For the purposes of these comments, IBM will cite either the accreditation body or the certification bodies as executing specific conditions or criteria. IBM recognizes that in some cases, the proposed condition or criteria is a necessary part of the qualification and verification process. However, it is IBM's recommendation that the necessary conditions and criteria be integrated into the accreditation body requirements and not assigned to an additional, newly created certification body. IBM recommends that EPA incorporate those necessary conditions and criteria into the accreditation process where they do not already exist in that process to streamline and simplify the process and embed the majority of the quality checks into the periodic lab assessments that are already proposed to be performed by an accreditation body.

IBM offers the following specific comments to the draft conditions and requirements.

Section 1.b: EPA should establish specific "service level" requirements that the certification or accreditation bodies must maintain in its review of submitted product data, including review time requirements and a dispute resolution process for occasions when a manufacturer does not agree with the assessment of the data.

Section 1.g and 3.b.i.1: Including a review of manufacturing specifications and an assessment of manufacturing facilities is an unwarranted extension of the ENERGY STAR® program which creates unnecessary submissions and facility reviews and assessments. Manufacturing standards

such as ISO 900x establish repeatable, documented processes and procedures for manufacturing process control and laboratory and data quality which drive continuous compliance to the specifications to which products have been designed and qualified. Where errors, faults, and changes occur during the manufacturing life of the product, the ISO procedures provide detection and remedial procedures to address identified discrepancies. The ENERGY STAR® program should use verification testing, as proposed in section 3.a, to verify continued conformance of products with the ENERGY STAR® criteria and not needlessly complicate the process with additional reviews of manufacturing processes and facilities.

Section 2.a.ii: The Conditions and Criteria recommend that the Certification Body (as defined in the proposal "CB") have the manufacturers attest that the qualified product will be properly labeled. The manufacturer makes this commitment when the ENERGY STAR® partner agreement is signed. If EPA feels that it must reinforce the partner commitments, IBM recommends that EPA require an annual or periodic renewal of the partner agreement rather than requiring an "attestation" for each qualified product.

Section 2.a.iii: IBM recommends that the CB notify EPA of updates to the list of qualified products either monthly or within a specified time of product qualification.

Section 2: EPA should include a provision for a dispute resolution for product qualifications in instances where a manufacturer does not agree with the determination of the CB regarding the completeness or accuracy of the product qualification data.

Section 3.a.i.2: In the proposal, EPA states that the "base model" for ENERGY STAR® requirements in different product categories should be defined in the product requirements document. EPA should follow this approach in other aspects of this proposal relating to the products including:

a. The process for selecting products for verification testing;
b. The process for procuring products for verification testing;
c. The process for defining testing requirements;
d. Other product-specific requirements.

Section 3.a.i.4: "Procurement of Units for Testing": EPA should include an option whereby the CB could order a product model through a manufacturer's fulfillment system. Most enterprise IT equipment is built to order. EPA would need to establish a system to make the required orders through the federal government procurement arm or some other "anonymous" purchaser to ensure that any purchases by the CB would be anonymous.

Section 3.a.i.5.b: A witness from the CB should not be required to be present for every verification test. Rather, the program for witnessing of testing activities should be managed by the AB as part of its laboratory assessment program and could be best accomplished by arranging for the Accreditation Body to witness testing when it performs its assessment of lab documentation and performance.

Section 3.c: IBM supports EPA's proposed methodology for challenging testing. The proposal provides the specific criteria to justify a challenge and allows the CB to create a process to determine whether there is sufficient information to justify a challenge. Also, the proposal adequately addresses the funding for challenges, including cases where the challenge proves to be erroneous. The power/performance characteristic of enterprise IT equipment can be dependent

on the proper set-up of the system, creating a higher likelihood of incomplete or incorrect testing than may occur with other product types.

Appendix A: The responsibilities detailed in Appendix A should be assigned to the Accreditation Body as part of the laboratory certification process. Specifically they are covered by the Draft Conditions and Criteria for the Recognition of Accreditation Bodies, pages 2 and 3, "Conducting Laboratory Assessments". As discussed previously, EPA should integrate the CB conditions and criteria into the Conditions and Criteria for Accreditation Bodies where those conditions and criteria are not already present in the Accreditation Body requirements. As proposed, the Certification Body Conditions and Criteria largely duplicate the Accreditation Body Conditions and Criteria.

IBM is concerned about the added time that the role of the CB adds to establishing the overall qualification and verification process and to the processing time for qualifying a product to the ENERGY STAR® criteria. ITI has presented EPA detailed timelines that estimate the time for setting up the qualification and verification process and for qualifying products. These timelines illustrate the time that these processes will take and their impact on product qualifications. IBM agrees with the ITI assessment of the time impacts and encourages EPA to work with the appropriate stakeholders to streamline the process along the lines recommended in these comments, our previous comments, and the ITI comments. Due to its timing and process execution implications, the currently proposed qualification and verification processes risks marginalizing the ENERGY STAR® program because it will make it difficult, inefficient or not economically feasible to qualify products in conjunction with the aggressive product announcement cycles in the IT industry.

The IBM team is available to discuss its technical and process concerns in more detail and to offer a tour of a testing lab facility to assist EPA in understanding the complexities involved in testing server equipment. Jay Dietrich (jdietric@us.ibm.com) is the IBM interface to the ENERGY STAR® program and would be happy to answer any questions you have or schedule a meeting with our technical team.

Thank you for considering our comments.