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Subject

Océ response on draft “Conditions and Criteria for Recognition of Certification bodies for the ENERGY STAR® Program”.

1 Introduction

Océ welcomes the opportunity to provide feedback on the draft “Conditions and Criteria for Recognition of Certification bodies for the ENERGY STAR® Program” as prepared by EPA, and sent in your e-mail dated June 4th, 2010. This paper contains our general assessment of this draft and some specific comments on specific sections of the text.

Finally, we would like to provide some comment on the ENERGY STAR Process Flow Diagram that was sent in the same e-mail as the aforementioned draft.

2 Assessment of Conditions and Criteria for Certification Bodies

Additional Criteria for manufacturers.

The document under discussion contains a list of criteria and conditions for Certification Bodies (CB's). As such, this would have very little if any impact on ENERGY STAR partners: apart from the fact that ENERGY STAR partners should be able to rely on transparency and unbiased assessment of submitted data by those CB's, the manufacturers should expect to find the requirements for ENERGY STAR partners in a separate document. The same applies for testing laboratories, for which EPA also is developing requirements and conditions for recognition.

However, as it is, the current draft of the conditions and criteria document for CB's includes a number of criteria for laboratories and manufacturers (especially clauses 1) e) through h)). The consequence of this would be, that ENERGY STAR partners and laboratories would face two sets of requirements and it would not be clear which of these would prevail nor which of these would be audited by the CB.

Further consequence is, that meeting the full set of requirements (i.e. those for ENERGY STAR partners and those included in the conditions and criteria for CB's) would represent a significant burden for ENERGY STAR partners. Preliminary internal calculations show, that the cost of meeting these requirements would be approximately 1% or more of the manufacturing cost price of the products, for the type of products (imaging equipment) that Océ is manufacturing. Though 1% may seem like a low number, it is a significant percentage of the profit and as such represents a significant financial barrier to participate in the ENERGY STAR program.

For these additional costs, no additional energy efficiency will be achieved, as the requirements that we refer to in this document merely dictate the availability of ample and redundant documentation to prove compliance with ENERGY STAR program criteria. It is our conclusion that the manufacturer requirements hidden in this document for CB's are representing no added value and we recommend that these be removed. Instead, the CB's should be required to verify that the ENERGY STAR partners who submit products are indeed meeting the requirements as formulated in the ENERGY STAR partner commitment documentation.

No provision for qualifying/registering via the European Commission.

Until now, registering and qualification for ENERGY STAR for office IT-equipment (PC's, monitors, imaging equipment, servers) for the European Market can be done by submitting the required information to the European Commission. The European Commission also maintains a database of ENERGY STAR qualified office equipment that is available in the

EU. All this has been arranged by means of a formal agreement between the European Commission and EPA. The conditions and criteria for CB's seem to neglect this existing agreement. We urgently ask from EPA to include provisions for continued submitting and qualification of products in the EU.

This is especially important for EU-based manufacturers, because the new certification procedures and labelling requirements proposed by EPA will result in the need to test and submit products several months before market introduction, i.e. when production is not yet fully operable. In order to reduce the time span between testing and approval, it is essential that manufacturers have very short communication lines with all relevant operators for ENERGY STAR qualification.

Timing of reporting information on certified products by CB's to EPA.

During sales cycles, our customers are seen to ask for evidence that a product for which we claim ENERGY STAR compliance is indeed qualified by EPA (or the European Commission, depending on the sales country). This evidence is usually found in the public databases of ENERGY STAR qualified products. Therefore, it is essential that the qualified products are visible in these databases from the date of product release onwards. The reporting by CB's of certified products should be sufficiently on time for EPA to incorporate the product information on qualified/certified products in their public databases.

Verification testing redundant with quality control requirements.

The verification requirements as described in section 3 of the draft conditions and criteria document represent, in our opinion, by themselves a very effective verification scheme that would assure with great certainty the credibility of the ENERGY STAR program. However, in the current draft, many of the verification requirements are present in the general requirements and responsibilities of CB's as well as in the requirements for laboratories and partners. It seems that compliance with ENERGY STAR program requirements needs to be proven a number of times before and during the economic lifecycle of the products. This "repeated evidence" requirement is in our opinion not just redundant, it is disproportionate as well. We propose that EPA puts the focus on strict and thorough verification procedures, in addition to strict consequences for partners when it is discovered that they do not fulfil the program requirements, especially when claiming ENERGY STAR compliance for products that are not meeting the ENERGY STAR program requirements for their specific product category. All other evidence (controlled testing and approval before labelling, evidence of quality control programs, use of independent laboratories) is seen to merely increase the costs of ENERGY STAR compliance, without any additional energy efficiency.

Propose to exempt IT/office equipment from the need to use CB's.

It should be noted that there is no evidence whatsoever of any incorrect product qualification for IT equipment until now. On the contrary, spot verification tests done in the USA and the EU until now show that the submitted data are mostly correct, and if not so, the manufacturer has reported that the product is less energy efficient than shown by the verification test. This is all for a very good reason, being that manufacturers of IT equipment realize that public statements about their products have legal value. As such public statements are thoroughly verified by internal quality control mechanisms. This in turn means that the set of requirements that EPA is proposing have no added value for IT/office equipment, just additional costs, as explained in a previous section.

3 Regarding the ENERGY STAR Process Flow Diagram

Océ welcomes the idea of developing an ENERGY STAR process flow diagram, intended to clarify the different roles and responsibilities during ENERGY STAR qualification. We have the following comments regarding the proposed diagram:

First of all, the diagram shows that the process of qualifying/certifying a product for ENERGY STAR labelling is very complex, due to the many different operators that are involved and the many different types of requirements that each of these operators has to fulfil. This complexity illustrates the comments provided in the previous section regarding redundant requirements and increased costs. It represents a significant barrier for participation in the ENERGY STAR program.

Some comments on details of the Diagram:

- it seems that the arrow between “Make product specifications available” (EPA column) and “have product tested” (Partner column) is pointing the wrong way: in our understanding EPA makes the product specifications available to the partners and other interested stakeholders, as clarified in the definitions attached to the Diagram.
- further, it should be clear from the Diagram, that EPA makes the product specifications available not just to the partners, but also to the CB’s and the laboratories as well as the Accreditation Bodies. This should be made clear by adding the related arrows.
- It seems as if laboratories are audited by both Accreditation bodies (“accredit laboratories as per ENERGY STAR requirements”) and Certification Bodies (“assess laboratory qualifications”). This seems to be redundant, and it seems to be appropriate that only the Accreditation Bodies do laboratory audits. CB’s can just verify accreditation by checking a claim to this effect at the involved Accreditation Body.
- The relation between EPA and foreign agencies that have an agreement related to ENERGY STAR with EPA is missing in the diagram. Without the explicit mandate to maintain and foster such relations, the global character and importance of the ENERGY STAR label for a number of products will be lost and the value of ENERGY STAR will be strongly reduced.