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Subject: Draft Lab Requirements for ENERGY STAR Program
Date: Friday, May 28, 2010 4:37:26 PM

Greetings ENERGY STAR Verification Program Personnel:

On behalf of both the American Association for Laboratory Accreditation (A2LA) and the International Laboratory Accreditation Cooperation (ILAC), I appreciate the opportunity to review and comment on the draft “Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program.”

The ENERGY STAR program has global reach and therefore needs to address and be available to laboratories throughout the world. We believe the use of internationally recognized accreditation is an essential step forward to strengthen the ENERGY STAR program. We urge EPA to work with ILAC to gain confidence in the existing processes for recognizing laboratories accredited by accreditation bodies recognized under the ILAC Mutual Recognition Arrangement (Arrangement).

Most of the proposed, additional requirements beyond ISO/IEC 17025 are already carried out by these laboratory accreditation bodies. We require regular proficiency testing and corrective action for any outlying or unacceptable results. As required by ISO/IEC 17025, we assess the specific arrangements that laboratories have in place to insulate personnel from any undue pressures or influences that may adversely affect the quality of their work, both for in-house laboratories as well as ‘independent’ third-party laboratories. We keep track of key changes in personnel involved in carrying out the accredited tests. As specified in ISO/IEC 17011, we require accredited laboratories to report any major changes promptly.

We would be pleased to discuss ways in which ILAC and its accreditation body members can cooperate with the ENERGY STAR program as this program has global significance requiring the use of available global tools. The ILAC Arrangement is just the right tool as it addresses the need for assurance of reliable data to support the ENERGY STAR designation on

products originating and distributed world-wide. ILAC formally cooperates with other specifiers of accreditation, such as the World Anti-Doping Agency, and perhaps a formal arrangement can be worked out with EPA/DOE and its foreign counterparts which implement the ENERGY STAR Program

Our specific comments on the proposed text follows.

Under the Inter-Laboratory Comparison Testing section, we suggest changing the title to include “Proficiency Testing” (the more common terminology as it is also mentioned in the second bullet) and to reword the first bullet point as follows:

“Participate in Proficiency Testing (PT) or ILC in accordance with requirements specified by ILAC MRA signatory accreditation bodies, and participate in additional PT based upon repeated outlying or unacceptable results or other persuasive evidence questioning an accredited laboratory’s competence to perform the pertinent test(s) in question.”

A second item which we would request clarification on is the required time frame for updating a laboratory’s scope of accreditation when one of the Energy Star guidelines is updated significantly. We presume the time table for implementation of scope updates would be specified with adequate notification of the laboratories as well as the accreditation bodies to carry out any necessary assessments.

Requiring a laboratory to provide to the EPA a list of its personnel in addition to providing the published scope of accreditation would have little to no positive benefit and simply create a huge bureaucratic burden. To what use would the personnel information be made? This proposal also raises confidentiality concerns for those technicians whose names would appear (or disappear) on that list. Furthermore, with the frequency of training updates and submissions to the EPA/DOE of these updates, the costs involved in reviewing and maintaining these records clearly outweighs any benefit. We urge you to rely on the accreditation bodies’ surveillance and reassessment procedures to monitor laboratory technicians.

As indicated above, the extra documentation to demonstrate impartiality is superfluous. The EPA/DOE should leverage the existing requirements of the ISO/IEC 17025:2005 standard and rely on the accreditation bodies to monitor impartiality. When an accredited laboratory's impartiality is questioned, the responsible accreditation body is obliged to investigate. Having additional paperwork and third party audits put what we believe is an unnecessary burden on the laboratories and is relatively meaningless. The comment was made many times during the conference calls that the Energy Star program would like to use as many existing programs as possible. We urge to develop a keen understanding of how the ILAC Arrangement works in order to gain confidence in the accreditation process to verify that this impartiality issue is effectively addressed by the accreditation bodies. Supplementing the requirements of the 17025 standard in what appears to be a response to unfounded suspicions that in-house laboratories are less trustworthy has not been our experience in the accreditation of hundreds of in-house laboratories. Also, placing this extra burden on the in-house laboratories, but not on third party laboratories, creates a double standard.

We sincerely hope that the above comments will be useful in the creation of a solid program which continues to uphold the positive reputation of the Energy Star Program. We look forward to further dialog with you.

Sincerely,

Peter S. Unger
A2LA President & CEO and
ILAC Vice Chair