

From: [Karimi, Azim \(Fairfield\)](#)
To: ENERGYSTARVerificationProgram@energystar.gov;
cc: jforgotson@energystar.gov; [Francisco, Randall \(Fairfield\)](#); [Gandhi, Sanjeev \(Fairfield\)](#); [Nichols, Russell \(Fairfield\)](#); [Krauss, Paul \(Fairfield\)](#);
Subject: RE: Reminder - Comments on Draft Laboratory Requirements for ENERGY STAR due on May 28, 2010
Date: Friday, May 28, 2010 5:48:29 PM

Dear Kathleen,

The following is our comments:

- 1) In reference to the following two bullets on page number 2 referring to “in-house” test labs -
 - laboratory employee compensation or annual bonuses are not tied to the financial performance of the parent company;
 - laboratory engineering personnel do not originate with or return to the parent company, or otherwise look to the parent company for career advancement;

Above conditions are impractical for employees of an in-house test lab. The first bullet eliminates the financial motivation for an individual as an employee of the company to whom they are responsible. Bullet two removes career advancement as motivation for an individual at least with regards to their potential as employees of the much larger parent company.

The two conditions create a situation where the employee is in effect not treated as an employee when it comes to motivation or career success. The only reason to place these restrictions is due to the legitimate concerns over potential conflict of interest inherent with in-house test labs.

It is also appropriate to call out the findings as reported from the Office of the Inspector General’s report of October, 2009: DOE/IG-0827 as follows:

“The review panel members concluded that the self-reporting that was allowed for certain products was unreliable and led to erroneous test results. In spite of the findings of the 2008 independent panel review, the Department had not implemented corrective actions to address the certification and testing weaknesses.” And “To help improve the follow through on its planned corrective actions, we recommend that the Assistant Secretary for Energy Efficiency and Renewable Energy direct the ENERGY STAR Program manager to: 1. Develop a consistent and comprehensive, independent testing program for all Department ENERGY STAR product categories to ensure compliance with required specifications.”

In summary, the employee restrictions proposed make it clear that without such unrealistic restrictions there is a legitimate concern over potential conflict-of interest for an in-house test lab employee. In addition, the OIG recommends that test labs are independent. We agree with this conclusion and strongly recommend exclusion of in-house test labs for verifying compliance in the enhanced Energy Star program.

- 2) There needs to be a process identified for initial EPA laboratory recognition.
 - How do the labs submit their information package for approval?
 - Will the EPA require an on site audit by a subject matter expert or is having the particular standard on the 1725 scope acceptable?
 - Will proficiency testing be required up front?
 - Are there going to be any annual fees required for the labs?
- 3) As a follow on to above, there needs to be a process identified for laboratory renewal.

Please let us know if there is any question.

Best regards,
Azim Karimi
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From: ENERGY STAR TESTING [mailto:ENERGYSTARVerificationProgram@energystar.gov]
Sent: Wednesday, May 26, 2010 9:00 AM
To: Karimi, Azim (Fairfield)
Subject: Reminder - Comments on Draft Laboratory Requirements for ENERGY STAR due on May 28, 2010

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Dear ENERGY STAR® Partner or Interested Party:

The purpose of this email is to remind you that comments on EPA's Draft Laboratory Requirements should be submitted to ENERGYSTARVerificationProgram@energystar.gov by Friday, May 28, 2010. Please note that for stakeholders requiring additional time, EPA will be able to consider comments submitted as late as June 4, 2010.

EPA plans to distribute the requirements for third-party certification and verification testing on June 4, 2010, and will be requesting comments no later than June 25, 2010.

EPA is looking forward to your feedback on the Draft Laboratory Requirements, which are available on the ENERGY STAR website at www.energystar.gov/testingandverification.

Thank you for your continued support of ENERGY STAR.

For more information, visit: www.energystar.gov

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