EMC²
where information lives

Kathleen Vokes
Katharine Kaplan
U.S. Environmental Protection Agency
Climate Protection Partnerships Division
June 1, 2010

Dear Ms Vokes and Ms Kaplan,

EMC appreciates the opportunity to provide the ENERGY STAR® Program with our comments and recommendations concerning the Proposed Laboratory Requirements for the ENERGY STAR Products Enhanced Testing and Verification. We offer these suggestions in a spirit of collaboration, looking to identify an approach that ensures the integrity of the ENERGY STAR brand while supporting the IT industry in its efforts to perform self-certification for costly and complex products. This will continue to ensure that the IT industry continues to provide timely innovations and enhancements in energy efficiency and other areas, benefitting other industries in improving their own energy efficiency as well.

In particular, we focus on the specific augmentation you propose be made beyond the definition of ISO/IEC 17025. EMC believes that this existing standard provides an appropriate and sufficient framework for ensuring both the quality of test data submissions to the ENERGY STAR program, and the integrity of the test program, and its lack of bias.

We are looking forward to continuing our participation in the development ENERGY STAR specification and procedures. Should you have any questions about anything in this submission, please let us know if we can be of any additional assistance.

Sincerely,

Rona Newmark
Sr. Vice President
Corporate Strategy
EMC Corporation

1 Introduction

As the world's leading developer and provider of information infrastructure technologies, services, and solutions that enable people and organizations to transform the way they create value from their information, EMC Corporation shares the ENERGY STAR® program's desire to ensure the integrity of the testing to qualify products for the program. At the same time, we and others in the ICT industry strongly believe that the complexity, scope and cost of our ENERGY STAR products require some form of self-certification to ensure the timely and cost-effective participation for a wide range of manufacturers and models. It is with this goal in mind that we offer our comments on the Draft Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program.

2 General Requirements

We applaud the EPA's recognition of the effectiveness of the ISO/IEC 17025 laboratory accreditation with respect to providing a framework for quality management that includes quality objectives, record keeping, equipment calibration and staff qualifications. EMC would like to bring to the EPA's attention the fact that the 17025 framework also identifies the need to ensure unbiased results and independence from undue influence while still being part of a manufacturer's organization. We strongly urge that these provisions of Chapter 4 ("Management Requirements") be revisited. This section of the standard clearly shows that ISO/IEC 17025 addresses the independence of "in-house" test labs in a manner that has proven acceptable to a wide range of regulatory agencies around the world, including those responsible for product safety and EM emissions.

As part of the process of accrediting laboratories, agencies like TUV and UL perform regular audits, multiple times per year, that include verification of the staff's ability to remain independent and free of influence from other aspects of the business. This is reinforced by EMC's Business Conduct Policy (http://www.emc.com/collateral/corporation/business-conduct-guidelines.pdf) that reinforces the values of integrity, commitment to perform all of the requirements of one's job, and meeting all obligations to our customers and others, including ensuring our products meet their specifications. Employees are provided with multiple ways to report abuses of this policy, or even potential abuses, ensuring they can retain their objectivity.

EMC invites the EPA to visit our labs and facilities, and to meet both the staff and the auditors who ensure their objectivity. We believe this experience will help reinforce our commitment to maintaining the integrity of our test professionals and the procedures they follow.

3 Inter-Laboratory Comparison Testing

EMC welcomes the opportunity to participate in this testing, with sufficient lead time to allow us to work the request into our test scheduling. However, the requested reporting content is ambiguous. There can be at least two primary reasons for outlying or unacceptable results: an error in the retest, or an error in the original test. The requirement in the draft implies the issues are with the testing conducted in the second lab.

4 Reporting

EMC strongly disagrees with the section of the draft requirements outlining the proposed business and management structures required for lab personnel and the laboratory itself. Given the ISO/IEC 17025 handling of management requirements, the provisions in this section are unnecessary. In addition, these proposals effectively preclude in-house labs from participating in the ENERGY STAR testing and/or verification process. The necessary independence and freedom from influence can be accomplished without the constraints proposed for both lab governance and selection and management of lab staff. The

existing ISO/IEC 17025 standard provides such measures, and the third party audits conducted on behalf of the regulatory agencies provide external enforcement. We urge you to work with the industry to better understand how in-house labs maintain their integrity without draconian measures.