

In Win Developments, USA and Taiwan, offer the following comments regarding the EPA Draft Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program

In Win does not think it is neither suitable nor possible to properly implement the following:

1. laboratory employee compensation or annual bonuses are not tied to the financial performance of the parent company;

This requirement assumes that a laboratory employee only does work related to ENERGY STAR testing and does not perform any other work activities for the company. This requirement makes it impossible for companies with employee profit sharing programs to comply unless the laboratory employee is specifically excluded. In Asia it is standard business practice for the company to pay annual bonuses to all employees' bases on the yearly results of the company. This practice is also used for the US offices of Asian companies. In Win has two sites that are used specifically to do ENERGY STAR testing for computers. One is in Taiwan and the other is in the US. The employees who do ENERGY STAR testing are also responsible for a wide range of other testing or engineering activities. It is unrealistic that an employee of an in-house lab used to do ENERGY STAR testing is only employed to do just ENERGY STAR testing.

2. laboratory engineering personnel do not originate with or return to the parent company, or otherwise look to the parent company for career advancement;

In Win is not sure of what the EPA is designating as laboratory engineering personnel however for the purposes of this comment it is assumed that this deals with employees responsible for the setup and maintenance of the laboratory. In Win has a number of in house testing facilities which utilize a large number of calibrated testing equipment as well as measuring equipment. We have an in-house metrology employee who is responsible for the monitoring and maintenance of this equipment and the required calibration processes. If In Win's assumption about the definition of laboratory engineering personnel then the maintenance and calibration of the ENERGY STAR related equipment cannot be maintained in house, including the scheduling of the equipment being returned to the manufacturer for calibration.

About In Win

IN WIN Development Inc., an ISO 9001 manufacturer of professional computer chassis, server chassis, power supplies and storage devices, is the leading provider of enclosure solutions to system integrators worldwide. Founded in 1986, IN-WIN provides high quality product that conform to all safety regulations, as well as unsurpassed customer service. Our slogan "Contemporary and Innovative" serves as the foundation of not only our product development but also our attitudes in serving and catering to our strategic partner's wishes. We take the "im" out of "impossible"...

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3. laboratory employees are required to participate and regularly pass third-party ethics and compliance audits conducted in accordance with the International Federation of Inspection Agencies (IFIA) Compliance Code or equivalent standards for ethics and compliance programs;

In Win strongly questions this requirement. This requirement is based on the concept that an in-house laboratory is by design an untrustworthy entity. In Win provides ENERGY STAR compliance products and testing for the company's customer base around the world. In Win's reputation and business would be significantly damaged by any failure of the company's products to meet the ENERGY STAR requirements. This situation ensures In Win has its own motivations to ensure that the company's employees perform their job responsibilities in the most ethical manner possible.

4. mechanisms for reporting and responding to attempts to exert undue influence on the test results are in place. This shall include establishment of an external system for employees to make such reports and follow-up on such claims, as well as regular education of staff as to what avenues are available to them should they identify attempts to influence test reports.

In Win believes this requirement is best managed by the EPA establishing a reporting mechanism for all possible sources or ENERGY STAR testing to report possible attempts to alter testing or any other testing anomalies.

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