

EPA ENERGY STAR® Comments Matrix: Summary of Comments on the Draft Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program Recognition

Index	Key issue	Comment	Response
1	AB bottleneck	We are anticipating problems regarding the fact that the AB must be approved by EPA. In the case of Korea, the AB is KOLAS, but there may be issues regarding if the KOLAS must be approved by, or request a contract with, EPA. We are unsure if KOLAS will proceed forward, or not, and even if KOLAS does, we anticipate problems, such as scheduling. Does EPA approve, without further investigation, Accreditation Bodies already approved by ILAC?	EPA will not recognize an AB based solely on its status as a signatory to the ILAC MRA. However, nor will EPA stipulate that a laboratory must be accredited by an AB in the same country, given the nature of the ILAC MRA. That said, EPA encourages all ABs that are signatories to the ILAC MRA to apply for EPA recognition so as to offer laboratories a wider choice of accreditation providers. EPA also intends to assist ABs with the recognition process as warranted.
2	Accreditation - Could EPA accredit the lab	For in-house test lab, is it required to get ISO17025 accreditation? Is it okay to provide the evidence and assessment to EPA and prove all in-house testing would be with sufficient controls and independent?	EPA-recognized in-house laboratories may be either accredited to ISO/IEC 17025, or participate in an EPA-recognized Certification Body's Supervised or Witnessed Manufacturers' Testing Laboratory program (S/WMTL).
3	Accreditation - financially burdensome	Laboratory accreditation per ISO 17025 is financially burdensome.	EPA considers accreditation to ISO/IEC 17025 a minimum assurance of a laboratory's competence to test products pursuant to ENERGY STAR qualification, but alternatively allows for the laboratory to participate in an EPA-recognized CB's S/WMTL program. This requires the CB to confirm via ongoing assessment that the laboratory meets the requirements of ISO/IEC 17025.
4	EPA witnessing testing	EPA should clarify who would bear the cost of EPA witnessing testing.	EPA would bear the travel and related costs of Agency personnel or an ENERGY STAR representative for witness testing.
5	Equipment calibration	To ensure traceability of measurements, EPA should require that calibration services be provided by calibration laboratories accredited to ISO/IEC standard 17025 by an ILAC-recognized accreditation body.	EPA considers the AB's responsibility for inspecting a laboratory's equipment calibration before accrediting it to be a sufficient check on that equipment.

6	Expiration of accreditation	It may be misleading to put expiration dates on the certificates, as changes (including cancellation or revocation of accreditation) may occur during the accreditation period. Only accreditation certificates appearing on the IAS website are considered current and valid.	EPA has noted this concern and will rely upon the AB to notify EPA of relevant changes in the accreditation status of any EPA-recognized laboratory the AB has accredited, as per the AB requirements document. EPA also plans to rely upon the laboratory to provide similar notification to EPA as per the lab requirements document.
7	Implementation - Timing	<p>We request the postponement of application of the proposed system until a sufficient number of laboratories are accredited in Japan, China, and Taiwan.</p> <p>In order to ensure a smooth transition procedure, commenter requests a one-year grace period from the start of the interim process through its transition to permanent measures. Further, as most manufacturers launch their new models shortly after spring, we request the effective date be made April 2011.</p>	It is EPA's desire and intention to foster as level a playing field as possible with respect to the changes proposed here, but EPA does not see a need to set a threshold other than the end of the year 2010 for these requirements to go into effect.
9	Implementation - Timing	We suggest that the EPA post a list of third party accreditation bodies and authorized testing labs for Imaging Products as soon as possible (by June 14 at the latest). This lead time will be necessary to meet our schedule for this year.	EPA will post a list of recognized ABs and laboratories as soon as possible. Before this may occur, EPA intends to finalize AB and laboratory recognition requirements on June 30, and begin accepting applications for recognition shortly thereafter.
10	Implementation - Timing	Regarding accreditation for laboratories, EPA should use an accelerated procedure or allow test reports to be submitted during the accreditation period, as long as an acceptable accreditation schedule has been agreed upon.	EPA intends to require participation in a third-party certification program from January 1st, 2011. Until then, products may continue to be qualified according to the procedure currently in effect, which includes submitting laboratory reports.
11	Implementation - Timing and in-house labs	If the only option becomes the use of third-party labs for all qualification testing, there could be significant delays in development of new product due to backlog at available labs and the additional time required for third party testing. The added cost for third party tests and the underutilization of the in-house labs that we have already made significant investment in will place a large financial burden on continued participation in ENERGY STAR.	EPA-recognized in-house laboratories may be either accredited to ISO/IEC 17025, or participate in an EPA-recognized Certification Body's Supervised or Witnessed Manufacturers' Testing Laboratory program (S/WMTL).

12	Insulation and home sealing products	The determination of testing requirements for insulation and home sealing products has been delayed and are unknown at this time. If we do not know which tests are required we will not be able to adequately comment to the lab requirements. Therefore lab requirements for insulation and home sealing products should be determined at a later date after the determination of the testing requirements.	All products will be subject to the same qualification and verification testing requirements as outlined in "Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR Program," with one exception, lighting products, which will be subject to verification testing managed by a third-party administrator. As such, the laboratory requirements are intended to apply to all ENERGY STAR product categories.
13	Inter-laboratory Comparison Testing - Ambiguous	Regarding the requirement to, "Submit to EPA/DOE upon request... Detailed corrective action responses for any outlying or unacceptable results [from inter-laboratory comparison testing]," 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.	EPA's intention is that the detailed corrective action responses would be composed only after sufficient investigation into the cause of the "outlying or unacceptable results" had been conducted, such that a means of addressing them could be proposed.
14	Inter-laboratory Comparison Testing - Operator	It is indicated that EPA could operate ILC if necessary. We are of the opinion that such provision is unnecessary since the ILAC MRA member ABs already operate internationally recognized proficiency tests.	The document does not state EPA will "operate ILC," but that laboratories must participate in it when necessary. EPA anticipates accreditation bodies will "operate ILC."
15	Inter-laboratory Comparison Testing - Support	Support for inter-laboratory comparison testing expressed.	EPA appreciates industry endorsement of this aspect of laboratory recognition.
16	Inter-laboratory Comparison Testing - Tolerances	It was requested that the criteria for inter-laboratory comparison testing (ILC) be published since the quality of the program would be diminished if there were no published tolerances for the pertinent measurements.	As EPA/DOE conduct ILC testing, they will plan to make the criteria for ILC, including acceptable tolerances, available and to notify laboratories.
17	Inter-laboratory Comparison Testing - Volume	It is imperative that ILC be reasonable and appropriate in its volume and frequency given the significant time and cost constraints associated with 'round robin' testing.	EPA agrees and shares this objective.

18	International applicability	To ensure the integrity of the ENERGY STAR program, the commenter expects that the regional New Zealand ENERGY STAR specifications that have been developed for whiteware (fridge/freezers, dishwashers and washing machines), heat pump air conditioners, solar water heating systems and compact fluorescent lamps (CFLs) would meet similar requirements as those outlined in the proposed criteria.	EPA is coordinating its enhanced testing and verification initiative with ENERGY STAR international implementers to ensure a harmonized approach everywhere the ENERGY STAR program is in effect.
19	International applicability	According to feedback we have received from EU industry, some of EPA's proposed changes to ENERGY STAR program requirements are raising serious concerns about the future viability of ENERGY STAR abroad, particularly in the EU. As currently written, EPA's proposed requirements and program changes are being viewed as completely U.S. centric and thus would not facilitate ENERGY STAR program participation by international partners. It is important to have an accreditation system that is based on mutual recognition by international partner governments, rather than a system based only on EPA's recognition of the accreditation partner.	EPA is coordinating its enhanced testing and verification initiative with ENERGY STAR international implementers to ensure a harmonized approach everywhere the ENERGY STAR program is in effect. Furthermore, EPA does not intend to exclude ABs, laboratories, or CBs based on geographic location.
20	International applicability	Can overseas labs be accepted by EPA? e.g. Taiwan and China.	Yes. EPA does not intend to exclude ABs, laboratories, or CBs based on geographic location.
21	Nomenclature	Throughout this document the EPA uses the term "in-house" laboratory. It would be beneficial to adopt internationally accepted terms such as "first-party and second-party" laboratories. This would clearly separate (independent) third-party laboratories from (non-independent) manufacturer's laboratories (first-party) and their agents or distributors (second-party). We believe this distinction is important in communicating the intent of this section of the requirements.	For the purposes of conducting testing for ENERGY STAR, EPA does not consider it important to distinguish between a first-party or second-party laboratory.
22	Pace of document release	The commenter has concerns with the pace and speed at which EPA is releasing the various documents in their effort to improve the ENERGY STAR product qualification and verification testing process.	EPA's key milestones are based upon the objective of balancing partners' needs with the need to uphold trust in the ENERGY STAR brand in the marketplace. EPA believes this is ultimately in partners' interest as it will continue to ensure the ENERGY STAR mark offers them a positive net value.

23	Product design parameter changes	The testing organizations that are in place, ie; UL,CSA,ETL' should be qualified to issue a statement certifying that the product has not changed in compliance with the original standards that qualified the product for the Energy Star Approval.	"Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR Program" incorporates a Product Specification Audit EPA believes will serve this purpose.
24	Proficiency Testing	EPA should change the title to include "Proficiency Testing" 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."	EPA expects ABs to conduct proficiency testing as part of the accreditation process, but EPA/DOE reserve the right to run a similar process broadly in the vein of ILC as necessary.
25	Reporting - Content	<p>Several stakeholders commented that EPA should not require the laboratory to report the following to EPA:</p> <ol style="list-style-type: none"> 1. ENERGY STAR-relevant accredited test methods (since those would be available on the scope of accreditation, itself); 2. A list of qualified personnel per the test methods; 3. Company information that contains personal details; 4. Laboratory assessment reports including corrective actions to address nonconformity (since this would be against the principles of the ILAC MRA); 5. Laboratory assessment schedules; 6. "Major changes" (Asking both the laboratory and AB to report major changes would be a duplication of effort and may cause confusion. Instead, the laboratory should report changes to the AB and the AB will advise EPA of those changes should it determine that they might affect the scope of accreditation). 	<p>Regarding each item:</p> <ol style="list-style-type: none"> 1. EPA considers knowing which ENERGY STAR-relevant test methods the laboratory is accredited to perform a prerequisite to recognizing that laboratory; 2. EPA agrees, with the understanding that the laboratory shall make this information available to its AB or the CB with which it cooperates, as the case may be; 3. EPA does not intend to collect any details beyond those required to assess the laboratory's eligibility for EPA recognition. EPA does not consider "Personal details" relevant, and the laboratory requirements document does not indicate they must be reported. 4. EPA believes it is within the laboratory's authority to grant the AB the written consent to share this information, and that requiring the laboratory to agree to the release of this information by the AB is an integral aspect of EPA's recognition of the laboratory. 5. EPA has stricken this requirement from the document. 6. Should the laboratory undergo any changes that could affect its capability, scope of recognized activities, or compliance with the ENERGY STAR requirements, EPA would consider this important enough for it and the laboratory's AB to be notified directly.

26	Reporting - Content (verbiage)	In the AB document, the AB requirement is prefaced with the phrase "Upon request", we believe that language should also be incorporated here.	The information requested in the laboratory requirements document will need to be provided with the application for EPA recognition. Therefore, EPA has not incorporated the term, "upon request."
27	Reporting - Lab personnel independence	The additional independence requirements are unnecessary and so restrictive that no "in-house" labs would be able to participate in the ENERGY STAR program. Commenters suggest that ENERGY STAR remove any additional requirements for "in-house" labs and accept that ISO/IEC 17025 requirements are sufficient. For example, a laboratory employee's compensation must be tied to the performance of the company when the laboratory belongs to the manufacturer and the laboratory employee works for the manufacturer. Ultimately the financial aspect is a mix of individual performance and company profitability. Also, career opportunities must include possible movement into and out of the qualification lab role.	EPA has transferred this section to the AB requirements document with the understanding that it is one of the AB's responsibilities when assessing a laboratory for ISO/IEC 17025 accreditation to determine whether the laboratory is able to demonstrate the impartiality and freedom of laboratory management and personnel. Also, EPA has stricken the requirements related to compensation and career opportunities.
28	Scope of Accreditation	ISO 17025 does not specifically require separate laboratory test methods for each standard in an accreditation scope. In fact, many ABs accept that the test standard itself is appropriate as a laboratory test method. To ensure the expectations of EPA are met, we propose that this bullet point be removed from this section and separated as a specific EPA requirement independent of ISO 17025.	EPA agrees and has revised the document accordingly.
29	Scope of Accreditation	'Scopes of accreditation' do not appear to be necessary as products are tested according to applicable standards such as UL/CSA (thermal, electrical, mechanical) and IES (optical and efficacy). EPA should focus on what accreditations and testing protocols are required from what is already generally accepted in the industry as opposed to creating new ones.	EPA believes the scope of accreditation shows which test method(s) a given laboratory has been accredited to perform, and is therefore necessary. Furthermore, not all test methods described by ENERGY STAR program requirements are represented by the "applicable standards" mentioned in the comment. Thus, they must themselves be enumerated in the scope of accreditation.
30	Standardizing costs	Laboratories should standardize all of their costs for the same service. What is the cost that the authorized labs will charge per unit?	EPA does not have the mandate, or believe it would ultimately be in partners' interest, to dictate what market forces should be permitted to determine.

31	Standardizing costs	What is the cost if manufacturers want to apply for certified labs by Energy Star?	EPA will review AB, laboratory, and CB applications for recognition, and grant that recognition, free of charge, to those bodies that meet the ENERGY STAR requirements.
33	Supervised/ Witnessed manufacturer testing programs	Allow for the use of the Supervised or Witnessed Manufacturer Testing programs	"Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR Program" allows for the use of an EPA-recognized CB's S/WMTL.
34	Test methods	Regarding the general requirement to, "develop and maintain separate laboratory test methods for each accredited ENERGY STAR test method that detail how testing will be conducted utilizing the laboratory's test facilities, fixtures, equipment and personnel," in order to have unified testing method between all laboratories, the ENERGY STAR standards should be clear enough that an engineer after reading them is able to perform the tests.	EPA agrees and intends the ENERGY STAR program requirements to have such a level of clarity.
35	Test methods	How many units per model should be sent to the labs for the testing? How long it takes for the labs to complete the testing?	The number of units required for testing will continue to be determined by the product-specific program requirements. The length of time a laboratory will take to test a given product will depend on the product and laboratory, and potentially other factors. EPA does not intend to dictate how long it will take a laboratory to test products.
36	Third-party testing - Support	In order to ensure the credibility of ENERGY STAR products, the commenter advises against allowing product certification through in-house laboratories. We believe that the use of in-house laboratories to produce energy performance ratings creates an unrealistic expectation. The only way to guarantee independence and credibility is to require third-party testing, not only for roofing products, but for all products.	Consistent with EPA's objective of balancing partners' needs with the need to uphold trust in the ENERGY STAR brand in the marketplace, EPA has strived to create a program that allows for the use of in-house laboratories with enough safeguards to ensure the veracity of data originating with both in-house and third-party laboratories.
37	Third-party testing - Support	The laboratory employee's household income, including that of a spouse or children should not be paid by a manufacturer or supplier of manufacturer. This has been an issue historically and QC measures should be put in place to ensure no financial benefit, real or perceived comes from this process if allowed.	EPA understands in-house laboratory personnel are ultimately compensated by the owner of the laboratory, and has therefore included in the document requirements to ensure the impartiality of laboratory personnel.