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From	*To*	*Copy*
Jos Beekwilder	EPA	

Subject

Océ Response to Draft conditions and criteria for recognition of laboratories for the ENERGY STAR program

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1 Introduction

Océ welcomes the opportunity to provide input to EPA regarding the Océ Response to Draft conditions and criteria for recognition of laboratories for the ENERGY STAR program, as sent in your e-mail dated May 17. This paper contains our general assessment of the draft, and it further focusses on a few specific draft criteria that lead to significant concerns with Océ.

2 General assessment

In Océ's understanding, the information that is submitted to EPA upon qualification of a product for ENERGY STAR should be correct to the best of our knowledge. By the partnership contract between Océ and EPA, Océ is legally bound to ensure that the information is correct, meaning that is has been obtained by means of accurate measurements according to the prescribed test procedures, without any undue manipulation of the outcomes.
In order to ensure the correctness of the information, Océ has internally organized a system of checks and balances, that ranges from calibration of the test tooling until reviews by people independent from the product development departments.

Océ is convinced that all ENERGY STAR partners who produce imaging equipment have similar internal organizations to ensure the correctness of their submitted information. The fact that very limited or no incorrect data for imaging equipment were found during verification tests to date, is a justification for the current system of ENERGY STAR qualification.

In the light of this internal organization, the requirements for using an accredited laboratory are in fact prescribing and formalizing the internal system of checks and balances that manufacturers should use to ensure the correctness of the product qualification data that are submitted to EPA. This means, that following EPA's draft criteria as discussed here will lead to additional costs for Océ and other manufacturers, because they have to change their internal system of checks and balances and have it accredited by an Accreditation Body.

The cost of having a product tested by a third party laboratory are seen to be high, not just in terms of the money paid directly to this laboratory for services rendered, but especially in preparing the product for 3rd party testing before production has started: a prototype will have to be brought up to the quality and safety standards that apply for the final product, at a moment when not all

specifications are finalized yet. It is therefore that Océ proposes to allow and promote in-house testing for at least imaging equipment.

In general, the criteria for accreditation as centered around ISO17025 requirements are understandable and consistent with the internationally recognized standard for independent laboratories, so these criteria can be accepted by Océ. However, some draft criteria ace not acceptable, as set out in the next section

3 Specific concerns regarding some provisions

Under the section “reporting”, the in-house laboratory is required to submit evidence that “laboratory employee compensation or annual bonuses are not tied to the financial performance of the parent company”.
This proposed criterion in fact is saying that a manufacturer should employ personel that gets restricted wages compared to personel doing the same kind of job (e.g. colleagues in a non-accredited part of the same laboratory). This would appear to be conflicting with the collective agreements recommendation R91of the ILO.

Further, in the same section, another proposed criterion says, that “laboratory engineering personel do not originate with or return to the parent company, or otherwise look to the parent company for career advancement”. This would appear to be conflicting with a number of ILO conventions, including those where ILO members commit to “The promotion of full, productive and freely chosen employment by all appropriate means” (quoted from ILO recommendation R176 “Employment Promotion and Protection against Unemployment Recommendation”).

The two criteria as proposed would severely limit the labor conditions of the personel in the in-house laboratories compared to their colleagues who are no part of the accreditation for ENERGY STAR testing. In fact these two criteria will prohibit the operation of an in-house laboratory.

Once again, Océ would like to stipulate that any information that is submitted to EPA for the qualification of products to the ENERGY STAR program requirements, already is bound to be correct and truthful by the agreement that partners have signed with EPA, and lately by the additional tick-box that has to be completed in order to confirm that the person submitting the information is aware to this requirement of correctness. While most of the laboratory requirements for independence may be common best practice, in order to ensure the required correctness, the limitation of employment conditions for the employees of laboratories is unacceptable and conflicting with ILO standards.

Océ believes that (instead of qualification testing requirements), verification in the market place is the only effective means to ensure optimal focus on the correctness of the submitted data.