

May 28, 2010

Via E-mail: [ENERGYSTARVerificationProgram@energystar.gov](mailto:ENERGYSTARVerificationProgram@energystar.gov)

Ms. Kathleen Vokes  
ENERGY STAR Product Development  
U.S. Environmental Protection Agency  
1310 L Street, NW  
Washington, DC 20005

**RE: Panasonic Comments on Draft Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program**

Dear Ms. Vokes:

Panasonic manufactures and markets a broad line of digital and other electronics products for consumer, business, and industrial use. We proudly offer a diverse product lineup covers nine ENERGY STAR product categories including audio/video, computers, cordless phones, displays, imaging equipment, set top boxes, televisions, ventilation fans, and compact fluorescent lamps.

As a long-time ENERGY STAR program partner, Panasonic appreciates the opportunity to provide comments on the “Draft Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program.” While we are supportive of ENERGY STAR’s objective to boost confidence in the program and increase its credibility among product purchasers, we have deep concerns with the current draft proposal and its potential impact on our ability to use in-house testing for products.

Specifically, Panasonic objects to ENERGY STAR’s proposed reporting requirements for in-house laboratories that would effectively preclude our ability to establish and utilize in-house testing. This result would not necessarily ensure testing result validity but it would assuredly result in delays in bringing products to market and increase manufacturers’ costs, which ultimately would be borne by consumers.

1. **EPA-recognized Accreditation Body**: The draft proposal seeks to improve the credibility of data measured by producers for certification. However, this could be more effectively achieved through implementation of verification testing by third parties or inter-laboratory comparison tests. If necessary, the imposition of strict penalties for nonconformance could be imposed. As a verification testing proposal is currently under final development by ENERGY STAR, we strongly recommend verification testing as the proper venue to ensure the veracity of product test results.

As with the requirements for laboratories certified by an EPA-recognized Accreditation Body (AB), the conditions set for in-house laboratories are extremely strict. Thus, we recommend that the “Condition and Criteria for Recognition of In-House Laboratories for the ENERGY STAR program be

set separately from the requirements for laboratories certified by an EPA-recognized AB. The criteria for In-House Laboratories are attached to this letter.

2. **Transition and Capacity Issues:** It is essential that a sufficient number of accredited laboratories be in place and functional at the time the system begins operation. However, given that there exist no EPA-recognized AB as of May 2010, it is unlikely that adequate EPA-recognized ABs will be available to serve the expected high demand for their services. Accordingly, Panasonic recommends the certification of in-house laboratories to lessen the dependency upon EPA-recognized ABs for direct accreditation.

3. **Key Revisions to Conditions and Criteria:** Panasonic proposes a number of revisions to allow for the Conditions and Criteria for Recognition of In-House Laboratory for ENERGY STAR Program.

- a. Acceptance of business units with an ISO 9001-certified management system and the in-house laboratory owned by the business unit, in place of ISO-IEC 17025.
- b. Remove language from ISO-IEC 17025 that reads, “maintain arrangements to ensure the freedom of in-house laboratory management and personnel from any undue internal or external commercial, financial or other pressures and influences that may adversely affect the quality of their work.”
- c. Revise “a list of qualified personnel per ENERGY STAR-relevant accredited test methods” quoted from ISO-IEC 17025 to “Tested Engineer and their witness.”
- d. Remove the following requirements that provide obtainment of ISO/IEC 17025:

*“in-house” laboratories, this shall include evidence that:*

- *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;*
- *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; and,*
- *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.*

*Note: EPA is proposing to supplement the ISO/IEC 17025 requirements associated with ensuring the independence of the in-house laboratory from the manufacturer. EPA’s goal is to allow for in-house testing with sufficient controls to ensure such testing remains independent.*

4. **Transition Period:** In order to ensure a smooth transition procedure, Panasonic 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.

5. **AB Accredited Third Party Certification Bodies (CB)**: Any transition to a new system will provide challenges. Nonetheless, it is essential to ensure a sufficient number of accredited laboratories are operational when the system begins. Since there exists no EPA-recognized AB as of May 2010, the likelihood of having a sufficient number of AB-accredited third party certification bodies will be low.

Therefore, in addition to the process flow of (a) applying a product to a third party CB, (b) obtainment of test reports from the third party CB and (c) submission to the EPA, Panasonic proposes an additional method for obtaining test reports from a third party CB by data application for submission to the EPA. Specifically, we propose:

- (1) As a means to maintain consistency with the requirements for a third party CB accredited by an EPA-recognized Accreditation Body (AB), the applicant shall obtain certification of the test data to be submitted to a laboratory accredited by an EPA-recognized AB. Similar to the IECCE CB-scheme in safety certification (see <http://www.iecee.org/cbscheme/cbfunct.pdf>), the AB-accredited laboratory is the certification body (CB) to assess the data-measuring applicant. The applicant must meet the requirements pursuant to the IECCE CB-scheme.
- (2) Successful applicants in the assessment by the CB shall implement measuring and submit the test results to the CB. Since submitted reports are based on the IECCE CB-scheme they can be issued as reports by a third party CB.

In summary, Panasonic shares the belief that maintaining program credibility is essential to the continued and future success of the ENERGY STAR program. We do not, however, believe the draft proposal for Conditions and Criteria for Recognition of Laboratories is workable across the demands of entire industries who are partners in the program. Forcing manufacturers to utilize third-party, EPA-recognized Accreditation Bodies will not assure compliance but it will lead to onerous burdens being placed upon manufacturers that ultimately will increase costs to consumers of ENERGY STAR-qualified products.

To address these very real concerns, Panasonic is proposing criteria to be applied on use of In-House Laboratories. Our proposed criteria are attached along with a “flow chart” graphic depicting the entire process. Also, we have provided a “red-line” copy of suggested changes to the Draft Conditions and Criteria as circulated by EPA.

Panasonic appreciates the efforts to strengthen the ENERGY STAR program and looks forward to working collaboratively with you to develop the program for proper Laboratory Recognition. Let me know if you have any questions about our proposals.

Regards,

Mark J. Sharp  
Group Manager  
Corporate Environmental Department

Attachments:

-Conditions and Criteria for Recognition of In-house Laboratories for the ENERGY STAR Program

-“Redline” revisions to Draft Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program

{Please kindly note that although the contents of "5.AB Accredited Third Party Certification Bodies (CB)" above have not been added to this file, we propose addition of the same therein}

- Flow chart depicting entire process