



May 28, 2010

Katharine Kaplan  
Kathleen Vokes  
Energy Star Program  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

**Re: TechAmerica Comments on EPA “Draft Conditions and Criteria for Recognition of Laboratories for the Energy Star Program”**

Dear Ms. Kaplan and Ms. Vokes:

TechAmerica is pleased that EPA has adopted the accredited lab approach for Energy Star certifications in its “Draft Conditions and Criteria for Recognition of Laboratories for the Energy Star Program” (“Draft Conditions”). Allowing properly accredited labs to perform testing for certification will serve the program well by ensuring that products are quickly certified without unnecessary costs for consumers. Certain aspects of the draft EPA requirements, however, will interfere with the operation of this model, rendering the underlying approach largely unworkable if not addressed.

TechAmerica is the leading voice for the U.S. technology industry, which is the driving force behind productivity growth and jobs creation in the United States and the foundation of the global innovation economy. Representing approximately 1,200 member companies of all sizes from the public and commercial sectors of the economy, it is the industry’s largest advocacy organization and is dedicated to helping members’ top and bottom lines. It is also the technology industry’s only grassroots-to-global advocacy network, with offices in state capitals around the United States, Washington, D.C., Europe (Brussels) and Asia (Beijing). TechAmerica was formed by the merger of AeA (formerly the American Electronics Association), the Cyber Security Industry Alliance (CSIA), the Information Technology Association of America (ITAA) and the Government Electronics and Information Association (GEIA).

Specifically, the provisions specified in the second bullet under “Reporting” will largely prohibit companies from being able to use their ISO 17025 certified labs for certifying Energy Star products. The ISO standards are industry approved and used standards that serve as a mechanism by which companies can separately run their tests across different platforms with a specific base. Deviating from these set standards would be harmful, in

that there would be a greater probability of inconsistent findings or lack of uniformity in the testing structure.

The requirements in this section of the Energy Star memo (compensation and bonuses of lab personnel not tied to overall corporate performance, lab engineering personnel not originating or returning to the parent company, third party ethics compliance and external systems for reporting instances of “undue influence”) should be largely amended, if not dropped all together, as outlined below if the apparent intent of the proposal is to be realized.

#### *Personnel and Compensation*

Such an approach as envisioned in the EPA draft is not consistent with industry practices, which generally allow for lab employees to both emanate from and return to the parent company. In addition, tying compensation to overall corporate performance (as opposed to that of the lab) is thought to sufficiently mitigate risks with creating a conflict of interest. In order to comply with the draft standard, companies would need to radically reorganize their laboratory structures. TechAmerica believes the ISO 17025 standard for third party laboratories (section 4.1.4 note 2) is sufficient to meet EPA’s goals of independent, accredited labs.

#### *Ethics Training*

The Draft Conditions specifies third party ethics and compliance audits that are in accordance with the International Federation of Inspection Agencies (IFIA) “or equivalent standards.” Further guidance on what constitutes equivalent standards would be very helpful to ensure that companies understand what ethics training is required.

#### *Reporting*

TechAmerica agrees that having a strong system for reporting any concerns is necessary to assure the credibility and integrity of an accredited lab. The use of the word “external” in the Draft Conditions creates expectations that are unclear. An appropriate clarification would be to substitute “third party” for “external” to ensure that third party run system for reporting are considered sufficient regardless of their exact structure or details.

Thank you for reviewing our comments on the Draft Conditions and Criteria.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. J. [unclear]", is positioned below the "Sincerely," text.

Phillip J. Bond  
President and CEO  
TechAmerica