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August 6, 2010

Ann Bailey
ENERGY STAR Labeling Branch
Environmental Protection Agency
1310 L Street, NW
Washington, DC 20005

Dear Ms. Bailey,

Re: AHAM Comments on ENERGY STAR’s final draft “Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR Program”

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to provide our comments to the Environmental Protection Agency (EPA) ENERGY STAR Program on the July 23 final draft “Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR Program”.

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM’s more than 150 members employ tens of thousands of people in the U.S. and produce more than 95% of the household appliances shipped for sale within the U.S. The factory shipment value of these products is more than \$30 billion annually. The home appliance industry, through its products and innovation, is essential to U.S. consumer lifestyle, health, safety and convenience. Through its technology, employees and productivity, the industry contributes significantly to U.S. jobs and economic security. Home appliances also are a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

AHAM supports a robust ENERGY STAR program. It is critical that that the public, government, retail and industry have confidence in the veracity of energy claims and qualification for ENERGY STAR status. We support confidence-enhancing actions but not expensive, burdensome requirements which will tax manufacturer and laboratory resources and slow the time to market, while providing minimal benefits.

AHAM is working with EPA on behalf of home appliance manufacturers in providing credible ratings to the ENERGY STAR Program. We are also working closely with the U.S. Department of Energy in its revision of compliance and enforcement requirements for manufacturers of home appliances subject to federal appliance efficiency standards. AHAM administers third party

verification programs for room air conditioners and dehumidifiers and will be working with our independent test laboratory partner to ensure that these programs are modified as necessary to meet new ENERGY STAR certification and verification requirements.

AHAM launched a verification program for refrigerators, freezers and refrigerator/freezers on August 2, 2010. AHAM has had ongoing discussions with both EPA and DOE to ensure that this program meets requirements for ENERGY STAR and appliance efficiency standards. This program, as with other verification programs is open to AHAM members and non members alike.

AHAM also administers a certification and verification program for portable room air cleaners that does not presently verify energy ratings but we will be discussing with members how the program can be revised in order to meet ENERGY STAR requirements.

For all but portable room air cleaners, licensees provide certification testing in company SMTLs and AHAM uses the contract laboratory for verification testing. In the case of air cleaners, all certification testing is performed by Intertek due to the lack of company testing facilities. However, AHAM is working to bring alternate testing laboratories into this program to provide manufacturers with additional choices for certification testing.

In each of these programs AHAM employs the services of an accredited CB to perform program testing. We fully support EPA's proposal to allow manufacturers to continue to conduct certification testing in company laboratories that are supervised under the SMTL and WMTL requirements.

With regard to verification, the association provides program administration, test procedure consistency and interpretation (if needed and in close communication with the government), challenge procedures and management, and agency liaison. We strongly encourage EPA to recognize the value of industry verification programs. Programs such as AHAM's encourage all manufacturers and brand owners in a product sector to participate in ratings verification conducted by the same or several (once interlaboratory correlation testing has been done) accredited independent laboratories. This uniformity in testing adds credibility to ratings and provides companies with confidence that testing is being conducted uniformly.

While the EPA final draft proposal for Certification Bodies (CBs) focuses primarily on these entities, we are confident that the AHAM verification programs provide an excellent option for appliance manufacturers to boost confidence in product energy ratings. We also are confident that the independent testing laboratories with which we partner for these programs, which are accredited certification bodies, will obtain EPA approval and be able to certify ratings for the products in our programs to ENERGY STAR. This could provide enhanced value to our programs by having the same laboratory or several laboratories perform both certification and verification testing. Industry associations such as AHAM provide important value in providing industry wide verification programs which rely on these laboratories. AHAM provides a common test set up, procedures for unit selection and challenge provisions. Our core

competencies are in providing a commonly managed verification program for an entire industry.

AHAM's Verification programs test products for compliance with the AHAM program requirements. Units failing to meet AHAM's verification program requirements are removed from the market place by the manufacturer. At that point, AHAM informs all stakeholders and provides test reports/test data to be used in making regulatory decisions. AHAM programs also contain a challenge program for licensees and provides authority for AHAM to challenge ratings of non licensees.

We further urge EPA to ensure that other verification programs seeking approval be required to meet requirements of the same stringency as those contained in AHAM's refrigerator/freezer program, including programs to ensure the highest quality and proper testing.

AHAM also anticipates that to the extent modifications to its room air conditioner and dehumidifier program are necessary to meet new ENERGY STAR requirements, that this will be possible by the January 1 effective date. However, for additional products which AHAM is committed to add to our verification programs, such as dishwashers and clothes washers, it will be extremely difficult for new programs to roll out by January 1, 2011. AHAM will need to determine adequate laboratory capacity and develop program guidelines which will take some additional time. AHAM is meeting with our members in both areas to develop a timeline for possible implementation of these new programs and would like to meet with EPA shortly thereafter to establish separate effective dates for these additional products to ensure they can be up and running in time for EPA and for the industry to have confidence in the programs.

Without this partnership approach, AHAM is concerned that manufacturers would seek separate solutions to both certification and verification, thereby reducing the likelihood that an industry wide verification program with its added value could launch successfully.

AHAM would like to submit the following specific comments on the final draft document:

1. Section 1). EPA will recognize any Certification Body that maintains accreditation to ISO/IEC Guide 65. EPA should provide detail on how it plans to ensure consistency among CBs, particularly as it may relate to what may be differences in test values and test procedure interpretations among participating CBs. Preliminary discussions with EPA have indicated an awareness on the part of EPA that there will be a need for correlation of measurements especially in the event of significantly different measurement results among participating CBs but it is unclear to AHAM how this program will be conducted. AHAM believes that a proactive approach requiring participating CBs to engage in correlation measurements would add measurement reliability and stability to the Program.
2. 1b). CBs are only considered for recognition if they have a "substantial North American Presence". The rationale for and the meaning of "substantial" should be made clear.

From an impartial Government Agency perspective, how can EPA legitimately refuse to recognize a CB for lack of a substantial North American Presence if it in fact meets the requirements of and is accredited to ISO/IEC Guide 65? Moreover, restricting recognition to only those CBs having a “substantial North American Presence” preemptively limits choice, capacity, and pricing for manufacturers, restricts competition among qualified laboratories as well as impacts the integrity and transparency of the program.

3. 2a). What is EPA looking for in the description of the CB’s product data review procedure regarding the time in which the CB has committed to complete its data review?
4. First Note on Page 3. Similar to 2a) above. What is EPA looking for in terms of timeliness in the product data review procedure? “As quickly as possible” or “within x number of days”?
5. In the EPA Cover memo Item #4 states: “Language has been added requiring the CB to take into account accreditation to ISO/IEC 17025 and EPA recognition when certifying data from a first-party laboratory participating in a witnessed or supervised manufacturers’ testing laboratory (WMTL/SMTL) program. The steps necessary to establish a relationship with and certify data from such laboratories will be less than what the CB requires of non-accredited laboratories.” Then in the Conditions and Criteria document Item #1(c)(ii) states, “All laboratories participating in the CB’s witnessed or supervised manufacturers’ testing laboratory (WMTL/SMTL) program per the requirements described in Appendix A. The terms of this include assessment to ISO/IEC 17025 by an EPA-recognized CB.....” Under Appendix A 1)a) General Requirements it requires the WMTL or SMTL facility to “demonstrate compliance with all relevant requirements of ISO/IEC 17025”.

These statements seem confusing as to exactly what requirements a first-party Manufacturer lab must meet in order to participate under a CB administered SMTL or WMTL program. Does the Manufacturer Lab have to demonstrate compliance with ISO/IEC 17025? Does it have to demonstrate “substantial” compliance with ISO/IEC 17025? Is it up to the CB to decide to what extent the Lab is reliable and its test data accurate and reliable? We seek guidance and clarity as to exactly what is expected of Manufacturer In-House Lab’s in order to participate in SMTL or WMTL program.

Sincerely,



James L. Cigler
Director, Product Certification and Verification