



August 6, 2010

Ann Bailey  
ENERGY STAR Labeling Branch  
United States Environmental Protection Agency

Re: Comments to Final Draft Certification and Verification Requirements

Dear Ms. Bailey,

Intertek appreciates the opportunity to participate in the stakeholder process and offer comments on the final draft of the **Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR Program**.

Intertek is a leading provider of quality and safety solutions serving a wide range of industries around the world. From auditing and inspection, to testing, quality assurance and certification, Intertek has the expertise, resources and global reach to support its customers through its network of more than 1,000 laboratories and offices and over 24,000 people in more than 100 countries around the world.

Intertek currently participates as an accredited laboratory in a number of ENERGY STAR<sup>®</sup> programs and supports the efforts of EPA and DOE to improve the credibility of the current program. We believe this will help restore consumer confidence in the ENERGY STAR<sup>®</sup> brand. In doing so, Intertek believes that EPA and DOE must address those program elements which support energy efficiency claims made under the ENERGY STAR<sup>®</sup> program. This is critical to ensuring integrity of the ENERGY STAR<sup>®</sup> brand, and delivering the intended benefits of the ENERGY STAR<sup>®</sup> program to consumers, industry, EPA and DOE.

Intertek offers the following comments and recommendations:

3) ENERGY STAR Verification  
a) Verification Testing

***Comment: As the program is proposed, products which are ENERGY STAR certified on or before 30 December 2010 it is understood that these products will be “grandfathered”; meaning, they will not require “re-qualification” testing and certification under the new ENERGY STAR program when it takes effect 1 January 2011. However, without including these “grandfathered” products into the new ENERGY STAR program’s (10%) Selection pool for ongoing Verification Testing by a third-party lab deviates from the core objectives of the new ENERGY STAR program, and undermines its integrity and credibility. To safeguard the integrity of the ENERGY STAR brand and the credibility of the new Enhanced Testing and Verification Testing program, it is recommended that EPA include “grandfathered” products into the new ENERGY STAR program’s selection pool for ongoing verification testing. What’s more, by not including “grandfathered” products into the new program’s Verification Testing requirements, manufacturers who wish to “challenge test” products currently on market after 1 January 2011 would be limited to challenging only those products “certified” under the new ENERGY STAR program – for which they would have little to no means of identifying which products on market were “grandfathered” and not eligible for challenge testing. Here again, this would undermine the checks and balances that Challenge Testing is to provide the program, and, ultimately, its credibility.***

c.) Challenge Testing

***Comment: In order to facilitate a straightforward Challenge Testing program, it’s recommended that there be implemented a means for a “challenger” to trace a product to the Certification Body that issued the product’s ENERGY STAR certification. With this, each Certification Body would be responsible for managing challenge testing for its cadre of ENERGY STAR certification. This could be achieved in a number of ways, such as:***

- > Including “Certified by” information for each product in the EPA’s ENERGY STAR Qualified Product’s Directory, and/or***

- > ***Unique mark identifiers for each EPA Recognized "Certification Body" noted on all ENERGY STAR labels affixed to products. With this option, depending on chosen nomenclature and approach, there could be incremental benefits of product level traceability, location traceability, etc.***

Thank you for the opportunity to offer comments. Intertek believes that the ENERGY STAR<sup>®</sup> program has a significant impact, not only on the market place but more significantly on the environment. The recent evidence of the public's lack of confidence in the quality and consistency of the program demands a dramatic shift in how the EPA and DOE must move forward to reverse this troubling development. Intertek looks forward to working with the EPA and DOE to support improvements to the very important ENERGY STAR<sup>®</sup> program.

Sincerely,

A handwritten signature in black ink, appearing to read "MP", with a large, loopy initial "M" and a trailing flourish.

Mike Parker  
Vice President  
Global Marketing  
Government & Association Affairs