



Energy Star Certified Homes Team
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

November 16, 2018
Via Electronic Mail
energystarhomes@energystar.gov

Re: Request for Information – ISO/IEC 17065 Verification Oversight

Dear Sirs and Madams:

Thank you for this opportunity to provide comment on the consideration of amendments to the process to qualify as a Verification Oversight Organization (“VOO”) for the Energy Star Residential Program. By this letter, I wish to submit comments on behalf of Triconic. In addition to the specific responses to the questions raised in the Request for Information – ISO/IEC 17065 Verification Oversight, we do want to indicate our support in general for considering the alignment of the Energy Star Residential Program with the ISO/IEC conformity assessment system that has been in place for Energy Star Products Program. Our responses to the questions are shown below in red.

Section III: The Rationale for ISO 17065 Verification Oversight

1. Is earning and maintaining ISO/IEC 17065 accreditation an appropriate demonstration that an organization meets the eligibility criteria for Demonstration of Impartial Governance required for recognition as a Verification Oversight Organization?

Yes. ISO/IEC 17065 requires accredited organizations to have governance structures that provide an impartial review of certification activity, and that they are able to demonstrate independence. In particular, the ISO/IEC scheme requires establishing and operating pursuant to a quality system. The quality system requires documentation of essential business processes, training of personnel, and the performance of services, standardized file maintenance, report review for the services provided, third-party auditing, complaint management, and corrective action procedures. The overall design of the business procedures that an ISO/IEC 17065 accredited organization must use drives consistent and reliable performance of the particular activities undertaken. It appears that the stated qualifications needed to act as a VOO in the Energy Star Program, at heart, also demand similar rigor in ensuring quality, even if in practice there are gaps in existing VOO practices. Use of ISO/IEC 17065 accredited organizations with the appropriate expansion of scope would serve as a suitable framework for the qualification of VOOs.

However, while ISO/IEC 17065 accreditation provides a more suitable framework in which to operate the Energy Star Program, it is not the exclusive structure to consider. It could also be possible for a non-ISO/IEC 17065 accredited organization to meet requirements of a VOO, by contracting the necessary services from an ISO/IEC 17065 accredited organization. As an example, an entity that is operating a program for home energy verification pursuant to the requirements of the Energy Star Program could enter into a contractual agreement with an ISO/IEC 17065 accredited organization to provide the surveillance and auditing components of an effective quality assurance system for verifiers that are within the sponsored program.

2. What are the potential benefits or drawbacks to expanding the eligibility criteria for recognition as a Verification Oversight Organization to include ISO/IEC 17065 accredited organizations (such as impacts on consistency/reliability of ratings, or barriers to entry related to cost of accreditation)?

There are clear benefits. Compliance with the ISO/IEC 17065 Standard requires implementation of both quality control and quality assurance systems. Properly implemented, these systems are a proven method to improve consistency and reliability of ratings, and to uncover the root causes of inconsistency and unreliability. Changing VOO eligibility to rely upon ISO/IEC 17065 accredited organizations would not create any additional barriers to entry over the current structure provided non-ISO/IEC VOOs are accountable to similar standards of conduct as required under the ISO/IEC scheme. For the potential ISO/IEC 17065 accredited organizations that would be eligible to apply, the cost of accreditation has already been absorbed.

It is true that organizations that wish to act as VOOs, but that are not VOOs themselves or an ISO/IEC 17065 accredited organization would encounter a significant barrier to entry. In this instance, allowing the applicant to demonstrate a structure that employs the contractual services of an ISO/IEC 17065 accredited organization, would address this barrier to entry. However, this barrier would be exacerbated if grandfathering was employed to allow an entity to continue acting as a VOO without instituting an ISO/IEC 17065 program, while maintaining that requirement for other applicants.

3. What are the potential benefits or negative impacts to builders, verifiers, and homebuyers resulting from an ISO/IEC 17065-based approach to verification oversight (such as cost, certification time, and/or rating consistency and reliability)? What information is available to validate these benefits or concerns?

With an appropriate administrative program structure, use of ISO/IEC 17065 accredited organizations to provide verification oversight should be comparable in cost to the present arrangement. There would certainly be a more effective oversight in comparison to the current structure where verifiers act independently to produce ratings without demonstrating compliance to a quality system. Within the ISO/IEC scheme, verifiers would need to demonstrate that they are operating pursuant to a quality system, and further agree to routine surveillance and auditing by the accredited organization. The result of a uniform application of quality systems across the network of verifiers would

be to drive the industry towards greater consistency, and as a result, greater reliance on the results.

4. Are there examples of other programs similar to the ENERGY STAR Certified Homes Program (other than ENERGY STAR Labeled Products, as identified above) that have relied on ISO/IEC 17065 accreditation? What has been the result of requiring accreditation for these programs and what lessons have been learned that could help to inform EPA's decision?

ISO/IEC 17065 accredited organizations operate within a vast network supporting product development. Because they operate in global environments, there are programs similar to Energy Star that the ISO/IEC 17065 accredited organizations participate in around the world. The ISO/IEC 17065 accredited organizations also test products to national and international standards in systems compatible with the Energy Star framework, operating as commercial testing laboratories under ISO/IEC 17025. In the United States, many of the ISO/IEC 17065 accredited organizations are also Nationally Recognized Testing Laboratories within the OSHA program to certify products used in the workplace. In addition to product certification, most ISO/IEC 17065 accredited organizations are also engaged in field testing of installed products and systems, as well as ISO/IEC 17020 accreditation for general inspection services crossing many different business platforms.

In terms of lessons learned from the product certification field is the overall success of the process in bringing safer, more reliable products to market. The product testing and certification system have been able to adapt to, and support innovation as new product designs evolve. Product certification is a key step in moving these products to market.

Further, an important trend across product certification has been the move towards the evaluation of systems, rather than individual products. The nature of product testing and evaluation has become increasingly complex, having grown from the examination of basic electrical products, the industry has adapted to increasingly involved product designs and interrelationships. As an example, confirming the grounding system for a photovoltaic power array requires an evaluation of how the panels are connected to the cabling, the cabling itself, the connections to the inverter, the inverter, and the transfer to a grid. Similar complexity can be seen in areas such as communications, medical devices, and computing where the hardware and software evaluations must be coordinated and tested for a variety of performance and safety measures. As a specific example, robotics is an emerging field where the total system operation is the goal, requiring evaluations of, among other things, mechanical safety, electrical safety, electromagnetic interference and compatibility, performance and reliability. Houses may seem different from the traditional product certification project (e.g., a light bulb), but the evolution to include certification of house systems is exactly in line with the overall direction that ISO/IEC 17065 accredited organizations are following.

Section IV: The Role of ISO/IEC 17020 Accredited Organizations

5. Is earning and maintaining ISO/IEC 17020 accreditation (or being a sub-contractor to an ISO/IEC 17020 accredited inspection body) an appropriate requirement for verifiers of ENERGY STAR certified homes?

Operating as an ISO/IEC 17020 accredited inspection body would be an appropriate credential to participate as a verification organization in the Energy Star program. However, based upon the present state of the verification organizations in operation at present, this should not be an immediate requirement. Ultimately, there would be a significant benefit in terms of consistency and reliability of results in moving to a requirement for ISO/IEC 17020 accreditation of verification organizations. But in the near term, requiring such a credential would be negatively disruptive to the industry without any likelihood of a balancing benefit. Because of the history of the industry developing outside of the ISO/IEC framework, there are potentially no currently qualified inspection agencies in operation. While these verification organizations may operate with informal quality systems, it is unlikely that the processes in place are currently documented to the extent required by ISO/IEC 17020. An evolution towards compliance with ISO/IEC 17020 would provide a better approach.

Obtaining ISO/IEC 17020 accreditation is a process that requires a concerted investment of time, money, and business commitment. Within the current economic model for home energy verification, imposing this requirement could be destabilizing. However, as developed below, ISO/IEC 17020 accreditation is a sensible long-term goal. In the near term, the adoption of a regimen with similar principles to ISO/IEC 17020 that is targeted to the immediate practices involved in home energy efficiency verification would be both realistic and beneficial to the industry.

An important historical reference is that many of the ISO/IEC 17065 accredited organizations that would potentially participate in this Energy Star Program have existed and operated within quality systems for over a century. Even before the creation of the ISO/IEC schemes came into being, these organizations have provided commercial services pursuant to the same general operating principles. These organizations devote continuing resources to maintaining these systems within their business models. While fully applicable to the services provided as required in the Energy Star Program, it is important to recognize the investments and timelines necessary to arrive at full accreditation.

6. Is ISO/IEC 17020 accreditation (or becoming a sub-contractor to an accredited organization) feasible/reasonable for the types of companies that are currently delivering energy ratings in the marketplace today?

Achieving ISO/IEC 17020 accreditation is a significant milestone that represents a large amount of preparation and institutional commitment. Taking this step should be more than sufficient to demonstrate operation by a verifier in keeping with the stated goals of the Energy Star Program. However, acting as a subcontractor to an ISO/IEC 17020 accredited organization is a reasonable and more achievable pathway to accomplish the intended goals of greater consistency and reliability of results that the Energy Star

program is seeking. The critical connection is instilling the quality control and quality assurance programs that will drive the verification organizations to improve consistency and reliability of results. Therefore, the nature of the obligations created and policed in the subcontract matter.

It is also feasible to develop a relationship between a verifier and an ISO/IEC 17065 accredited organizations that do not depend upon a direct relationship to an ISO/IEC 17020 accredited organization. As an example, within the Florida Home Builders Association Program, Triconic has developed a Quality Management System Toolkit that presents the basic principles necessary for a verifier to operate a quality control program. The program is designed with oversight by an ISO/IEC 17065 accredited organization to provide quality assurance oversight. The quality assurance program consists of routine surveillance of verification reports, random surveillance of home inspection activity, and third-party audits. However, the program does not require the verification organization to attain full development and accreditation to ISO/IEC 17020. The emphasis instead is on having the verification organization take specific, focused steps that can achieve significant improvements in consistency and reliability.

7. What are the potential benefits or drawbacks to requiring ISO/IEC 17020 accreditation or becoming a sub-contractor to an accredited organization (such as impacts on consistency/reliability of ratings, or barriers to entry related to cost of accreditation or sub- contracting relationships)?

See prior responses.

8. What are the potential benefits or negative impacts to builders and homebuyers resulting from an ISO/IEC 17020-based approach to conducting inspection surveillance activities and verification assessments of homes (such as cost, certification time, and/or rating consistency and reliability)? What information is available to validate these benefits or concerns?

Builders and homebuyers can benefit from the implementation of an ISO/IEC 17020 based approach to verification through uniformity of practices and documentation of the essential business processes. The requirements for adherence to quality system practices provides builders and homebuyers greater assurance in the value of the representations from verifiers that they are relying upon. With that said, a verifier developing the full complement of activities for accreditation to ISO/IEC 17020 might find that some activities, while representative of good management practice, do not directly bear on the consistency, accuracy, and reliability of test and inspection results. Use of an ISO/IEC 17065 accredited organization to provide oversight without requiring the verifier to achieve full ISO/IEC 17020 accreditation might optimize overall benefit to the builders and homebuyers in a reasonable timeline and cost.

9. Are there examples of other programs similar to the ENERGY STAR Certified Homes Program that have relied on ISO/IEC 17020 accredited inspection bodies? What has been

the result of requiring accreditation for these programs and what lessons have been learned that could help to inform EPA's decision?

Similar to the response to the parallel question regarding ISO/IEC 17065 accredited organizations, there is a very wide variety of inspection activities conducted pursuant to ISO/IEC 17020 requirements in both the United States and globally. ISO/IEC 17020 accreditation demonstrates adherence to recognized industry principles for documentation of process and conducting inspections within quality systems. This framework is in use for commercial inspection activities throughout the world. These accredited inspection activities are performed in a sustainable, cost-effective manner.

Most ISO/IEC 17065 accredited organizations that would be eligible for a scope expansion to act as a VOO may also be accredited to ISO/IEC 17020 for inspection activities and ISO/IEC 17025 covering accreditation for laboratory testing. The overall impact of these combined accreditations is to ensure overall operation of all business activities within a quality system. Regardless, the ISO/IEC 17065 [quality] system requires documentation of the process, training of personnel, and the performance of services, file maintenance, third-party review of the services provided, auditing, complaint management, and corrective action procedures that drive consistent and reliable performance of a particular activity.

Section V Additional Input Regarding Demonstrating Impartiality and the Ability to Avoid Conflict of Interest

10. As part of EPA's consideration of adding ISO/IEC 17065 accreditation to the eligibility criteria to apply to become a Verification Oversight Organization, the Agency is also seeking comment on whether EPA should consider incorporating additional or alternative requirements in the VOO application to help ensure the impartiality and avoidance of conflict-of-interest of Verification Oversight Organizations, and if so, what those requirements might be. For example, ISO/IEC 17065 accredited certification bodies are subject to review by their Accrediting Body. Could a similar model be used for other types of organizations?

Most ISO/IEC 17065 accredited organizations that would be eligible for a scope expansion to act as a VOO may also be accredited to ISO/IEC 17020 for inspection activities and ISO/IEC 17025 covering accreditation of laboratory testing. These entities operate in all these areas. In instances where certification is provided on inspection and/or test activities conducted by the accredited organization, specific firewall protections are maintained to ensure independence in the certification body.

If the recommendation of the EPA is to maintain a system where a VOO is not an ISO/IEC 17065 accredited organization, use of such an accredited organization could allow the EPA to authorize the non-ISO/IEC 17065 accredited organization to act in this capacity. As an example, a VOO could maintain a contractual relationship with an ISO/IEC 17065 accredited organization to provide quality assurance surveillance and

conduct audits. The surveillance and audit activities would include the administrative activities of the VOO and the verifiers operating within the program.

Section VI Possible Timeline for Next Steps

11. Please provide any general or specific comments/feedback regarding the timeline outlined above.

The timeline appears reasonable however immediate acceptance of existing organizations already operating to ISO/IEC requirements seeking to submit homes for Energy Star must also be made. Otherwise the existing barrier over this timeline would prove damaging to the market and create a basic unfairness in application.

12. If EPA proceeds with allowing entities to meet the impartial governance eligibility criteria through ISO/IEC 17065 accreditation and subsequently develops a Certification Scheme, what would be an appropriate timeframe for requiring such entities to add the Certification Scheme to their scope of accreditation?

Twelve months.

Section VII Additional Questions/Comments Related to Potential Revision of the Current VOO Application

13. The current VOO application references the Mortgage Industry National Home Energy Rating Standards (MINHERS) as a baseline for many VOO responsibilities (such as verifier training and quality assurance), but also permits applicants to propose alternative approaches, provided that they are at least as rigorous as the requirements specified in the relevant chapter of the Mortgage Industry National Home Energy Rating Standards. Are there other industry standards that should be referenced in addition to, or in lieu of, MINHERS?

MINHERS is an uncontrolled or captive “standard” which should be abandoned in favor of a VOO operating to ISO/IEC 17065. Requiring a VOO to operate within MINHERS is akin to asking UL to operate in accordance with Intertek’s policies and procedures. If the intent is to provide a pathway for the use of the ISO/IEC 17065 accreditation framework, consideration of the development of current VOO responsibilities into alignment with the ISO/IEC requirements for testing, inspection, and certification will make sense. Transitioning from MINHERS to an ISO/IEC baseline would allow coordination and consistency with the existing Energy Star Product Program.

14. Please provide any additional general or specific comments/feedback regarding other areas that EPA should address in revising the Verification Oversight Organization application.

In this response, we also wish to incorporate by reference the contents of our letter of January 5, 2018 to Chief Jonathan Passe of the EPA Energy Star Residential Branch.

Again, thank you for the opportunity to provide comment to the Environmental Protection agency on this important development of the Energy Star Residential Program. If we can provide any further information or answer any questions regarding our responses to this Request for Information, please do not hesitate to contact me. In addition, we would be willing to attend a meeting with your office if that would be of benefit to the discussion of this matter. Thanks again.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard John', written in a cursive style.

Richard John

cc: Darrell Lehman

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January 5, 2018
Via Electronic Mail
Passe.Jonathan@epa.gov

Dear Chief Passe:

Thank you for taking the time to meet with our group to discuss the process to qualify as a Verification Oversight Organization (“VOO”) for the Energy Star Residential Program. By this letter, I would like to inquire as to the provision requiring that VOO applicants are limited to business entities formed under the provisions of 26 U.S.C. §501(c)(3) and §501(c)(6). In reviewing the EPA Recognition of Verification Oversight Organizations document, it is not apparent how complying with this statutory requirement serves the goal of demonstrating impartial governance. Instead, we would like to propose a different pathway, using the ISO conformity assessment system as a model for ensuring impartial governance.

As you are aware, the Eligibility Criteria for Verification Oversight Organizations relies upon the corporate status of an applicant as an essential determinant of impartial governance. It is not clear how tax exemption assists in proving impartial governance. While a not-for-profit entity may not be driven by the same revenue generation incentives, such a structure does not necessarily demonstrate impartiality. We argue that the theoretical correlation with impartiality is weak at best, and that the statutory requirements of a not-for-profit, in fact, create significant legal and operational impediments. By this letter, we wish to first discuss these tax exemption rules, but then, more importantly, review the functionality and benefits of the proposed alternative conformity assessment process.

Review of Federal tax exemption rules for corporations.

26 U.S.C. §501 is a federal statute creating certain categories of not-for-profit corporations which allow them to operate as tax exempt organizations under Internal Revenue Service regulations. However, as a condition of qualifying, the corporate entity must be formed and operate within the confines of very specific corporate purposes:

A 26 U.S.C. §501(c)(3) not-for-profit corporation must serve a religious, charitable, scientific, testing for public safety, literary, or educational purpose, or to foster national or international amateur sports competition, or for the prevention of cruelty to children or animals.

A 26 U.S.C. §501(c)(6) not-for-profit corporation must be formed as a Business league, chamber of commerce, real-estate board, board of trade, or professional football league.

The underlying purpose of an organization operating as an Energy Star VOO is to provide qualification, oversight, surveillance, and, ultimately, certification services to inspection and testing services provided by inspectors to determine the energy performance characteristics of a residence. The Program defines the VOO as “an independent, national organization that accredits these verification organizations and provides administrative processes for the training, certification and quality assurance of businesses and individuals who verify homes to earn the Energy Star label.” It does not appear that the fundamental goal of the Energy Star VOO qualification fits within the defined purposes of either subsection (3) or (6).

In regard to subsection (3), it is clear that the activity cannot be categorized as religious, literary, fostering national sports competitions, or the prevention of cruelty to children or animals. However, some of the other allowed categories bear further examination.

To the extent it might be possible to construe the corporate activity as educational, there is no instructional element for accreditation, certification, or quality assurance. By themselves, the generation of data, and the certification of that information, is not educational. Other than as an encouragement to a potential homebuyer, the provision of energy efficiency information about a specific home is not meant for the general public. While an organization might engage in a course of general public education on the benefits of home energy efficiency, and this could be a tax exempt educational purpose, this function is not shown in the description of a VOO. Such public education would also be entirely ancillary to the oversight and certification of performance testing that a VOO undertakes to provide.

Separating out one portion of the administration processes that a VOO is responsible for, the education of inspectors, it would be possible to organize a training program within a tax-exempt corporation. However, the Energy Star Residential Program requires that the VOO ensure training occurs, but does not demand that the training itself be provided by the VOO. As such, there does not appear to be a Program necessity that training be conducted within a not-for-profit organization. Further, as indicated above, the VOO is also responsible for accreditation of inspectors and administering quality assurance and certification services. These accreditation, quality assurance and certification services are separate activities apart from the training, and do not fit within the confines of subsection (3).

It could be argued that the development and maintenance of both the underlying ANSI 301 Standard and the companion software systems that are used to perform the energy calculations involves the application of scientific principles. However, the scientific principles that underlie development of the Standard and the software are established. Standard development and software programming are more in the nature of engineering, rather than science at this point in the VOO Program. Further, it is difficult to maintain that the application of these tools by a commercial inspector or inspection company serves a tax exempt scientific purpose. It does seem clear that the secondary oversight and certification of the inspectors' work by a VOO is even further removed from serving a scientific purpose. The act of measurement, and certification of those measurements, by themselves are neither science nor education.

In fact, the closest allowed purpose, testing for public safety, does not apply. This purpose specifically is limited to safety testing. It does not cover the performance testing required under the Energy Star Residential Program. There is no safety testing component included, and even if some requirements of the ANSI 301 Standard relied upon by the Energy Star Residential Program could be construed as safety testing, there would still be difficulty in meeting the I.R.S. operational test requirements, in that the core of the inspection work is still performance testing.

The Eligibility Criteria for Verification Oversight Organizations also indicate formation under subsection (6) is an acceptable structure to assist in demonstrating impartial governance. However, subsection (6) tax-exempt status is at best inconclusive in determining whether a VOO applicant can operate in an objective and impartial manner. Indeed, the members of the organizations allowed under subsection (6) would by definition be directly involved as participants in the activities conducted by the tax exempt not-for-profit organization. The subsection (6) organization is formed for the benefit of the exact membership that will participate in governance of the not-for-profit corporation. Inclusion of this category of tax exempt not-for-profit corporations might actually provide an indication that an organization is not set up for objective and impartial governance.

Conformity Assessment System Alternate Model

Given the problematic nature of using either 26 U.S.C. §501(c)(3) or §501(c)(6) as an indication of objectivity and impartiality, it is respectfully submitted that the Energy Star Residential Program should not rely upon the corporate tax status in its evaluation. Instead, the Energy Star Residential Program should rely upon a system similar in intent to the other remaining criteria in the Eligibility Criteria for Verification Oversight Organizations:

- Maintaining an open participation/membership policy,
- Governance through a board of directors, and
- Maintaining appropriate policies to ensure that conflict of interest issues are identified and avoided.

We believe examination of these factors in the context of two ISO Standards, (ISO/IEC 17020, Conformity assessment - Requirements for the operation of various types of bodies performing inspection, and ISO/IEC 17065, Conformity assessment -- Requirements for bodies certifying products, processes and services) would work. These two frameworks have been developed and implemented in multiple programs around the world to, among other goals, support a substantive and meaningful demonstration of impartial governance in inspections and certification of inspections. Indeed, the ISO structure is an accepted conformity assessment system within the United States government.

The National Institute of Standards and Technology has developed a document for use by Federal Agencies in determining whether a conformity assessment structure can be helpful in

achieving verification objectives, such as those underlying the Energy Star Residential Program.¹ This NIST document notes that an appropriate program includes procedures to maintain “rigor, integrity and consistency of the program and program output.” For its own purposes NIST has developed the National Voluntary Laboratory Accreditation Program (NVLAP), that is used to qualify laboratories, such as Underwriters Laboratories and Intertek. NVLAP includes requirements for a demonstration of impartial governance by reference to the ISO conformity assessment system.

Indeed, the parallel system to Energy Star Residential in place for Energy Star Products is built in alignment with the ISO 17025 and ISO 17065 systems.² The Energy Star Products Program has successfully operated for many decades. Likewise, the Nationally Recognized Testing Laboratory (NRTL) Program that both Underwriters Laboratories and Intertek participate in for the certification of certain products used in the workplace in the United States, while not exactly ISO, was built in the 1980’s within this same framework. The Occupational Safety and Health Administration that oversees the NRTL Program is in the process of issuing a Directive to explicitly accept compliance with ISO/IEC 17025: 2005, and ISO/IEC 17065:2012 for a laboratory to qualify under the NRTL Program.³

The ISO Standards require the parties involved in inspection and certification services to demonstrate the technical competence of people, processes, and equipment, clearly define roles, document process, adopt auditable quality systems, and build conflict of interest protections into every aspect of the work that they do. Sections 4 and 5 of both ISO 17020 and ISO 17065 provide detailed requirements for demonstrating impartiality, protection of confidentiality, administration, organization and management of the conformity assessment system. Use of a similar framework for the Energy Star Residential Program would provide the same controls, including a clear demonstration of impartial governance. As a reference, the “Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR Program” (as revised October 2015) provides an outline of the requirements for qualification currently in use that could be adapted to the Energy Star Residential Program.⁴

The NIST policies as well as the OSHA Directive which rely upon third party conformity assessment systems in order to fulfill government program objectives, are both in accordance with basic longstanding United States policy. OMB Circular A – 119 (Revised), states Federal policy in favor of relying upon voluntary consensus standards, where possible, to develop “the most appropriate conformity assessment program to meet agency needs, consistent with law.”⁵

¹ NIST Special Publication 2000-02: Conformity Assessment Considerations for Federal Agencies, Draft, Lisa Carnahan and Amy Phelps

² ISO/IEC 17025 for product testing work performed in laboratories is a companion Standard to the ISO 17020 that applies to home inspection activities.

³ OSHA Instruction, U.S. Department of Labor, Occupational Safety and Health administration, Subject: NRTL Program Policies, Procedures, and Guidelines.

⁴ Relying upon ISO/IEC 17065 Standard “Conformity Assessment: Requirements for bodies certifying products, processes, and services.” Which contains similar governance requirements as required under the Energy Star Residential Program.

⁵ Office of Management and Budget, OMB Circular A – 119, Revised

Similarly, the National Technology Transfer and Advancement Act includes a provision “to coordinate Federal, State, and local technical standards activities and conformity assessment activities, with private sector technical standards activities and conformity assessment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures.”⁶ These governmental frameworks are noted in support of the request that this Energy Star Residential Program adopt a similar pathway for acceptance of VOOs.

Summary.

We wish to request that you consider an interpretation of the criteria for an Energy Star VOO applicant to allow demonstration of the impartial governance requirement, without reference to the presently existing requirement that it be formed within the definitions supplied by 26 U.S.C. §501(c)(3) and §501(c)(6). Instead, we believe that allowing a VOO to operate within the framework provided by the ISO Standards, particularly employing requirements aligned with ISO/IEC 17020 and ISO 17065, would achieve the intent and objectives of the Energy Star Residential Program, including a clear demonstration of impartial governance. We wish to submit an application for Triconic to qualify as a VOO on this basis.

In the event that under the present rules, it is the position of the Energy Star Residential Program that it may only consider a VOO applicant that is formed as a 26 U.S.C. §501(c)(3) or §501(c)(6) corporation, then we request that the Energy Star Residential Program initiate the process to amend its requirements to allow otherwise qualifying organizations to apply.

Again, thank you for the opportunity to meet and learn about the Energy Star VOO application process. If we can provide any further information or answer any questions regarding what we are proposing for our application, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard John', written in a cursive style.

Richard John

cc: Darrell Lehman

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⁶ National Technology Transfer and Advancement Act of 1995; Public Law 104-113 Section (12)(b)(3) Utilization of Consensus Technical Standards by Federal Agencies.