

Response to Comments: October 2019 Revised Home Certification Organization (HCO) Documentation

Beginning in 2018, the U.S. Environmental Protection Agency (EPA) began the process of making a comprehensive update of the Verification Oversight Organization (VOO) structure for homes and apartments certified as ENERGY STAR using an Energy Rating Index-based compliance path. In August 2018, EPA solicited feedback on the concept of recognizing organizations that earn accreditation through ISO/IEC 17065 “Conformity Assessment: Requirements for bodies certifying products, processes, and services.” In March 2019, EPA released the resulting documentation for stakeholder review. At that point, EPA changed the terminology for organizations recognized to operate an ENERGY STAR certification program from VOO to Home Certification Organization (HCO) to better reflect the organizations’ responsibility for the entire home certification process.

On October 15, 2019, EPA released updated drafts of the following documents for a 60-day stakeholder review:

- *Draft ENERGY STAR Certification System*
- *Draft ENERGY STAR Certification Protocol*

EPA thanks all of the organizations and individuals who provided feedback throughout this process for their continued engagement and support. EPA received comments on the October 2019 documentation from the following stakeholders:

- Craig Connor
- Home Innovation Research Labs
- Green Building Hawaii
- National Association of Home Builders (NAHB)
- Residential Energy Services Network (RESNET)
- SK Collaborative
- Tempo Partners/TexEnergy Solutions/US-EcoLogic
- Triconic

After careful consideration of the comments received, EPA has updated and is releasing the final *ENERGY STAR Certification System* and *ENERGY STAR Certification Protocol*, which are effective immediately and available for use. Organizations wishing to operate an ENERGY STAR certification program may apply according to the instructions in the *ENERGY STAR Certification System* document.

All comments received during the last comment period have been posted on the [ENERGY STAR website](#). This document provides a summary of the main themes of the comments received, EPA’s responses, and other notable changes to the *ENERGY STAR Certification System* and *ENERGY STAR Certification Protocol*.

Major Themes

Increases in Rigor

Several commenters requested significant changes to the level of rigor of the certification process, particularly with respect to mandatory accreditation to ANSI 17065, quality assurance measures, and use of a sampling protocol. In other cases, commenters suggested that existing requirements should be relaxed.

Response:

As informed by stakeholder engagement and comments received throughout this process, EPA's high-level goals for the updated certification structure are to:

- Explicitly broaden the scope of recognized organizations to the full certification process, rather than just verification oversight;
- Replace elements, such as the previous requirement for non-profit status, with those that better reflect EPA's intent and needs; and
- Align, as appropriate, with industry best-practices and precedents like the WaterSense Home Certification System, Version 2.0.

Since these goals alone require extensive changes to the certification structure for the ENERGY STAR program, EPA has endeavored to avoid changes outside the scope of these core goals. Going forward, EPA expects to update the *ENERGY STAR Certification System and Protocol* on a regular basis and may consider changes to the program's stringency requirements in the future.

Prescriptiveness of Minimum Thresholds

In a number of cases, commenters requested that EPA be more explicit and prescriptive about minimum thresholds for facets of an HCO's policies or procedures.

Response:

EPA has endeavored to provide additional detail where appropriate, particularly in Section 5.3 (Quality Control Protocols) and Section 5.4 (Sampling Protocol). However, we are also mindful that the marketplace may evolve different approaches to certification and oversight. In all cases, applicants are required to provide explanation, description, and documentation of their proposed approaches. EPA's focus will be on consistency of rigor and the Agency will have the opportunity to provide input on and final approval of HCO-proposed approaches.

Intent of Independent Governance Mechanism

Commenters asked for more specificity on what EPA hoped to achieve from an Independent Governance Mechanism and one suggested precluding a Board of Directors from serving this role.

Response:

EPA has revised this section to specify the attributes and responsibilities that EPA requires of such a mechanism. However, as EPA is more focused on the role the mechanism performs rather than the form it takes, a Board of Directors remains as one example of a possible mechanism, provided it meets the newly-detailed requirements.

Software Rating Tool Approval

Several commenters pointed out weaknesses in having multiple software approval pathways. While a variety of solutions were presented, there was a common thread that a single publicly-developed approval pathway would be preferable.

Response:

EPA supports the idea of creating a single-path approval process using an updated acceptance criteria document and approval procedure decided through a public development process. EPA understands there is broad industry interest and is prepared to support these efforts. However, until such an option is ready, EPA will continue to recognize the two approval pathways that exist today, which are specified in Section 5.2 (Approved Software Rating Tools).

Designee Responsibilities and Activities

Several commenters raised questions on the use of designees: whether an HCO could delegate “responsibility” or merely “activities;” if that could include delegation of “certification authority;” and what allowable examples of designee activities might be.

Response:

EPA has updated Section 6.0 to clarify that HCOs may delegate activities to designees, but not responsibility. In fact, EPA specifically requires that an HCO “take responsibility for all activities of designees related to the implementation of its ENERGY STAR certification program.” To that end, Section 6.0 now includes a number of qualification and oversight requirements designed to ensure that a designee follows the HCO’s policies and procedures.

EPA confirms that, per Section 5.5, an HCO “is required to maintain the final authority over all ENERGY STAR certifications” and per Section 6.0, an HCO may not use designees for “exercising final authority over certification decisions and issuance of the ENERGY STAR label.”

Finally, Section 6.0 now provides examples of allowable designee activities, including serving as raters/inspectors or performing quality assurance activities.

Publicly Available Information

Several comments addressed requirements for HCOs to make certain information available to the public, with commenters asking for both more or less information to be made available on a mandatory basis.

Response:

EPA has revised Section 4.4 (Publicly Available Information) to remove the mandatory requirement to provide hard-copy information, though it is still required to make information available online. HCOs are encouraged to offer hard copies when requested, and are free to charge a fee to do so.

EPA has revised Section 5.1 (Training, Credentialing and Listing of Raters) to remove the requirement that the list of credentialed raters be public, although the list must still be maintained for internal and EPA audit purposes. HCOs are still free to choose to publish this list publicly.

While EPA requires searchability of HCOs' certified homes databases on a home-by-home basis, the Agency does not believe that it is appropriate at this time to *require* that full list be publicly visible, although HCOs have the option to do so, at their discretion.

Other Comments

Updated References in Certification Protocol

Commenters noted some references in the *Certification Protocol* were not up to date.

Response:

References were updated to reflect that the Tropics ENERGY STAR Certified Homes program has been replaced by Caribbean and Pacific versions; ANSI/RESNET/ICC Standard 301-2019 is adopted and no longer anticipated; and BSR/RESNET/ACCA 310-2020 (anticipated), "Standard for Grading the Installation of HVAC Systems," is now a referenced standard.

Builder Involvement in HCO

Some commenters noted that the Independent Governance requirements may be interpreted as forbidding a builder from serving on the board of an HCO.

Response:

EPA has revised this section to clarify that a builder may participate in the organization, for example on the board, but may not participate in certification decisions. This is also the case for other entities involved in the design and construction of buildings to be certified.

Conflicts of Interest Between Specific Parties

Various commenters noted that some conflicts of interest (COI) involving particular parties are more common than others.

Response:

EPA has revised Section 4.2 (Impartiality and Objectivity) to specify some common conflicts that must be addressed, among any others identified, as well as requiring a specific designee COI policy.

Membership Discounts

One commenter suggested prohibiting HCOs from providing discounted fees for members as an extension of the *Certification System's* non-discrimination policy.

Response:

EPA reaffirms that access to an HCO's ENERGY STAR certification program may not be conditional upon membership in any association or group. However, a reasonable member discount is consistent with this intent, so long as it is not so extreme as to make participation of non-members prohibitive.

Homeowner Inquiries

One commenter asked what the eligibility requirements are for homeowner inquiries. Another commenter believed no provision was made for homeowner inquiry resolution.

Response:

EPA affirms that Section 5.6 (Ethics Compliance and Homeowner Inquiry Resolution) specifically includes the requirement for a "resolution process for homeowner inquiries." EPA is in the process of revising its homeowner inquiry protocols based on a new process called 'Certification Review.' Full documentation is expected to be available by August of 2020 and EPA intends to maintain the existing eligibility criteria:

- The home must be ENERGY STAR certified or sold as such.
- The home must have been built within the last 2 years and the homeowner must be the original owner.
- There have been no significant structural changes to the home since it was built.
- The homeowner must attempt to resolve the complaint directly with the builder and/or energy rating company (if applicable).

EPA Audit Schedule and Scope

Several commenters suggested that EPA provide specific timelines for audits and topics of review.

Response:

EPA has clarified in Section 7.0 that it intends to audit HCOs one year after initial recognition and every two years thereafter, with additional audits as necessary based on performance issues that arise. EPA will include suggested topics, such as training material accuracy, during its review of HCOs' policies and procedures per the language in this section.

Implementation Timelines for EPA-Initiated Changes

Commenters asked for additional clarification on whether the 180-day implementation timeline applied to minor changes and suggested different timelines may be appropriate in certain cases.

Response:

EPA's intent was for HCOs to be given 180 days to implement changes that EPA makes to the *ENERGY STAR Certification System* itself, separate from implementation timelines already defined for routine program revisions. EPA has revised Section 8.0 to clarify that intent, provide the ability to modify the general 180-day timeframe on a case-by-case basis, and specify a one-year timeline for revisions, amendments and interpretations of referenced standards.

Resubmission of Application for Recognition

One commenter suggested that HCOs resubmit their Application for EPA Recognition as a Home Certification Organization annually.

Response:

EPA has revised Section 8.0 (Amendments, Modifications, and Revisions) to require a resubmitted Application for Recognition in the event that an HCO plans to make material changes to its ENERGY STAR certification program. EPA expects this will result in resubmissions of applications on a periodic basis, but may revisit this policy as needed.