

# Response to Comments: March 2019 Revised Verification Oversight Organization (VOO) Documentation

In August 2018, the U.S. Environmental Protection Agency (EPA) solicited feedback from ENERGY STAR program stakeholders on whether the eligibility criteria for EPA recognition as a Verification Oversight Organization (VOO) for the ENERGY STAR New Construction program should be expanded to include organizations that earn and maintain accreditation through ISO/IEC 17065 “Conformity Assessment: Requirements for bodies certifying products, processes, and services.” Based on the comments received, in March 2019, EPA released the following documents for a 60-day stakeholder review:

- *Draft Revised Verification Oversight Organization (VOO) Application*
- *Draft Certification Protocol for ENERGY STAR Certified Homes and Apartments*

EPA thanks all of the organizations and individuals who provided feedback for their continuing engagement and support in the revision of the requirements for the ENERGY STAR New Construction program. Similar to the last stakeholder review, EPA also conducted additional outreach to ensure that stakeholders had their viewpoints represented and that potentially affected parties were aware of the possible changes and their potential impacts.

EPA received comments from the following organizations and/or groups:

- American National Standards Institute (ANSI)
- Building Performance Institute (BPI)
- Home Innovation Research Labs
- K. Hovian Companies
- National Association of Home Builders (NAHB)
- National Association of State Energy Officials (NASEO)
- Owens Corning
- Residential Energy Services Network (RESNET)
- SK Collaborative
- Tempo Partners/TexEnergy Solutions/US-EcoLogic
- Triconic
- U.S. Department of Energy (DOE)

Based on careful consideration of the comments, additional outreach, and insights gained from the release of the WaterSense Home Certification System, Version 2.0, EPA has made significant changes to the document drafts. Of particular note, to better reflect the entire home certification process, rather than just verification oversight, EPA has changed the terminology from VOO to Home Certification Organization (HCO). Accordingly, the *Verification Oversight Organization (VOO) Application* document has been re-named as the *ENERGY STAR Certification System for Homes and Apartments Using an Energy Rating Index-Based Compliance Path* or *ENERGY STAR Certification System* for short. The changes

also provide for better consistency in EPA's approach across its residential home labeling programs (such as WaterSense).

The *ENERGY STAR Certification System's* eligibility criteria do not stipulate either non-profit or accreditation status to ISO/IEC 17065, but include expanded requirements for legal responsibility, independent governance, national scope, and staffing and competency. In addition, the *ENERGY STAR Certification System* outlines more comprehensive policies related to the home certification process. To further strengthen the oversight of the program, EPA has also included provisions for EPA audits of HCO policies, certification records, and site visits as deemed necessary by EPA to maintain the integrity of the ENERGY STAR program.

All comments received during this comment period have been posted on the [ENERGY STAR website](#). The following document provides a summary of the main themes of the comments received, EPA's responses, and other notable changes to the Draft Revised VOO Application, now referred to as the *ENERGY STAR Certification System*.

### Certification Structure

One of the comments received recommended aligning with the ENERGY STAR WaterSense Home Certification System.

**Response:** EPA acknowledges the value in consistency across programs and has made significant changes to reflect more consistent requirements between the ENERGY STAR New Construction program and the WaterSense Home Certification System.

### Non-profit status/Level playing field

Because the eligibility requirements in the Draft VOO Application allowed either non-profit status or accreditation to ISO 17065, several commenters expressed concern about an un-level playing field. Some commenters also indicated that accreditation would be an increased expense and organizations under the non-profit status would not be subject to the same level of oversight as accredited organizations. Some commenters suggested a phase-in approach to allow time for organizations to obtain accreditation.

**Response:** EPA has revised the eligibility criteria to remove the requirement that an organization be either a 501(c)(3) or 501(c)(6) not-for-profit corporation status or ISO 17065 accredited. While an independent governance mechanism is still required, EPA has provided more options for organizations to demonstrate this. This may include, but is not limited to, a Board of Directors with diverse representation of interests; an independent governance committee; and/or accreditation to a governing standard such as ISO 17065.

### Inconsistency across HCOs

Several commenters indicated concern about inconsistency across HCOs, especially for organizations that are accredited to ISO 17065 versus organizations that are not. The concern was that there would be variation in costs and methodologies across different HCOs, which could lead to inconsistency in applying the certifications, and in turn result in potential loss of trust in the ENERGY STAR brand.

**Response:** In the revision to the *ENERGY STAR Certification System*, EPA has refocused the emphasis on the home certification process. EPA has included additional detail on certification and oversight procedures to help ensure the rigor and consistency in procedures across HCOs. To further ensure that HCOs are implementing these procedures consistently and safeguard the program's integrity, EPA has stipulated its right to audit HCO activities and to suspend or terminate recognition of an HCO that is not meeting the requirements or otherwise endangers the consumer or industry confidence in the program.

### References to Privately-held Standards

Several commenters stated a concern with EPA's reference to privately-held standards. Several commenters suggested to include reference to DOE-approved software.

**Response:** EPA recognizes the concerns from the stakeholders and has removed references to privately-held standards. The new draft requires that software rating tools used should be tested and approved by the U.S. Department of Energy, while also allowing the use of software accredited through RESNET Publication 002.

## Additional Comments

### *Database*

Several commenters asked for more detailed requirements for the database, including which elements should be publicly available. One commenter suggested that the database should disclose which homes and apartments were certified based on a sampling scheme.

**Response:** EPA has provided more details regarding which elements are required for the database maintained by the HCO, as well as which elements are required to be publicly available. EPA does not believe whether or not a home or apartment was certified based a sampling scheme must be displayed on the publicly facing database.

### *Timeline*

Some commenters wanted clarity on the timeline for the HCO to make changes if EPA made modifications to the program. Other commenters requested a more detailed timeline for the implementation. One commenter suggested that EPA grant immediate recognition of organizations to allow for equal footing with currently recognized HCOs (previously termed “VOOs”).

**Response:** EPA has outlined the expectation of the timelines in the amendments, modifications, and revisions section, allowing HCO at least 180 days to implement any policies or procedures needed to comply with new EPA requirements. Regarding implementation, EPA will consider all applications once the *ENERGY STAR Certification System* completes the necessary stakeholder reviews and is finalized.

### *EPA audit to include testing*

One commenter recommended the inclusion of ‘testing’ in the areas subject to EPA audits.

**Response:** EPA agrees and has expanded the EPA audit requirement to include “*any and all HCO activities related to the implementation of the ENERGY STAR Certification System and ENERGY STAR Residential New Construction Certification Protocol.*”

### *Statement of Qualification/Experience*

One commenter indicated that as the scheme owner, EPA should include a statement regarding the qualification and experience required for reviewers, certifiers, and raters.

**Response:** EPA agrees with the comment and has added requirements for staffing and competency, as well as requirements for the training and credentialing of raters, though EPA leaves the responsibility of defining detailed criteria to the HCO.