

From: [Abe Kruger](#)
To: [ENERGY STAR Homes & Apartments](#)
Cc: [Passe, Jonathan](#)
Subject: VOO Application Comments
Date: Thursday, May 16, 2019 9:27:34 AM
Attachments: [VOO Application DRAFT FINAL March 2019_AJK.pdf](#)
[Untitled attachment 00020.htm](#)

Hello,

Attached are my comments on the March draft of the VOO Application. Please let me know if you have any questions or need any additional information. These views are my and SK Collaborative's only. They do not represent any other organization that I may be affiliated with.

Thanks,
Abe

Abe Kruger, CEM, LEED AP Homes + ND
Email: abe@skcollaborative.com
Mobile: 215/385-6891
Office: 404/480-4600 x103



EPA RECOGNITION OF VERIFICATION OVERSIGHT ORGANIZATIONS

The hallmark of EPA's ENERGY STAR New Construction program is the requirement for independent, third-party verification of the energy performance of homes and apartments that earn the ENERGY STAR label. For site-built, single-family and multifamily homes verified through an Energy Ratings Index-based (ERI) approach, this verification is provided by entities that can be collectively referred to as 'verifiers.'

A Verification Oversight Organization (VOO) is an independent, national organization that is responsible for decisions related to the granting and withdrawal of ENERGY STAR certifications for homes and apartments, and provides for the credentialing, oversight, and quality assurance of businesses and individuals that verify homes and apartments to earn ENERGY STAR certification. An organization seeking to become a VOO must submit an 'Application for Recognition' to EPA that demonstrates that it meets the program's eligibility criteria and can successfully perform all required roles and responsibilities.

EPA's recognition of a VOO relates solely and specifically to the ENERGY STAR Residential New Construction programs for site-built single-family homes and multifamily buildings that are verified using an Energy Rating Index approach; and does not qualify an organization to implement or participate in other aspects of the ENERGY STAR program (e.g., ENERGY STAR certification of multifamily buildings using an ASHRAE-based approach or ENERGY STAR certified manufactured homes), nor federal tax credit verification.

Activities undertaken by VOOs are not intended to provide services to the federal government. These organizations are expected to be market-based and may not submit claims for compensation to EPA or any other federal agency for their activities related to fulfilling the required roles and responsibilities of recognized VOOs. Recognized VOOs may implement participation or certification fee structures, or seek funding from other sources, to support their oversight programs and activities.

ELIGIBILITY CRITERIA for VERIFICATION OVERSIGHT ORGANIZATIONS:

1. Demonstration of Impartial Governance

Impartiality is of critical importance for Verification Oversight Organizations. As such, these organizations must be organized and operated to safeguard the objectivity of their activities and maintain policies to ensure that potential conflict of interest issues are identified and avoided. To be eligible for recognition as a VOO, an organization must maintain either:

- 501(c)(3) or 501(c)(6) not-for-profit corporation status, with a Board of Directors or Executive Committee with a diverse representation of interests; and/or
- ISO/IEC 17065 “Conformity Assessment: Requirements for bodies certifying products, processes, and services” accreditation to the ENERGY STAR Certification Protocol for Site-Built and Modular Single-Family Homes and Multifamily New Construction Using an Energy Rating Index-Based Compliance Path through a signatory to the International Accreditation Forum (IAF) Multilateral Recognition Agreement (MLA).

In addition, the VOO must demonstrate, at a minimum, the following impartial governance practices:

- The policies and procedures under which the VOO operates, and the administration of them, shall be non-discriminatory. Procedures shall not be used to impede or inhibit access to the ENERGY STAR certification program for homes and apartments.
- The VOO shall make its ENERGY STAR certification program for homes and apartments accessible to all ENERGY STAR builder and developer partners and access to the VOO’s certification process shall not be conditional upon the size of the ENERGY STAR builder or developer partner, nor membership in any association or group.
- The VOO shall take all necessary steps to ensure that certification activities for the ENERGY STAR program are undertaken impartially, including, but not limited to, establishing an

organizational conflict of interest policy, and identifying and eliminating risks to impartiality that arise from the VOO's activities and its relationships.

2. Demonstration of National Scope of Operations for Verification Oversight

Organizations applying for recognition as a Verification Oversight Organization must demonstrate the ability to provide oversight of verifiers on a national level¹. This must be demonstrated, at a minimum, through the following:

- Maintaining demonstrated experience in providing Energy Ratings Index scores (ERIs) and technical expertise in building science across the U.S.;
- Having a broad network of verifiers that are geographically distributed across the U.S. to provide services for ENERGY STAR builder and developer partners; and
- Maintaining a quality assurance and oversight mechanism for verifiers that are distributed across the U.S.

¹ EPA may consider allowing non-national scope VOO applications from organizations for specific states or regions where unique geographic situations or code structures warrant different oversight models.

ROLES AND RESPONSIBILITIES for VERIFICATION OVERSIGHT ORGANIZATIONS:

To be recognized as a Verification Oversight Organization (VOO) for the ENERGY STAR New Construction programs for single-family homes and multifamily buildings verified through an ERI approach, an organization shall agree in writing to the following roles and responsibilities, and submit an application for recognition that provides a detailed description of the organization's proposed approach to each specified area:

1) General Requirements and Responsibilities

- a. Maintain legally enforceable policies and procedures related to, and be responsible for, the granting and withdrawal of ENERGY STAR certifications for homes and apartments.
- b. Have publicly available information about the certification program online and in hard-copy format for current or prospective certification program participants (i.e., ENERGY STAR builder, developer, and verifier partners).
- c. Allow EPA, at its discretion, to audit certification and inspection activities.
- d. Notify EPA of any change in its non-profit status or ISO/IEC 17065 accreditation.



2) VOO Responsibilities

The applicant shall provide written documentation that it is operating in accordance with the following chapters of the Mortgage Industry National Home Energy Rating Standards (MINHERS), along with any formally adopted interpretations and exceptions; or if an alternative protocol is to be used, a detailed narrative and process description of the following:

- a. Verifier Training/Credentialing and Listing of Approved Verifiers
 - i. Develop, maintain, or recognize training, examination, credentialing, and continuing education programs for verifiers that shall be at least as rigorous as the requirements of Chapter 2 of the Mortgage Industry National Home Energy Rating Standards (MINHERS) and include provisions for the conduct of

- both Energy Rating Index and ENERGY STAR-specific program requirements and documentation.
- ii. Ensure that only individuals and organizations that have satisfied the training/credentialing requirements of (2)(a)(i) above perform verification of homes/apartments to earn the ENERGY STAR label.
 - iii. Maintain a publicly available online list or database of credentialed verifiers.
- b. Accredited Software
- i. Establish and maintain policies requiring that only home energy modeling software programs that are tested and approved in accordance with the most current version of RESNET Publication 002 shall be used in ENERGY STAR certifications for homes and apartments.
 - ii. When a new version of home energy software is released, ensure that it shall be used according to the timelines established in section 103.3 of Mortgage Industry National Home Energy Rating Standards (MINHERS).
- c. Sampling-based scheme
- i. When homes/apartments are certified as ENERGY STAR through a sampling-based scheme, ensure that the protocol used shall be at least as rigorous as Chapter 6 of Mortgage Industry National Home Energy Rating Standards (MINHERS).
- d. Verifier Code of Conduct, Dispute Resolution, and Quality Control/Quality Assurance
- i. Establish and maintain a business code of ethics for verifiers, including a conflict of interest policy and ethics complaint resolution process that includes procedures for investigation of complaints, verifier dismissal, and appeals that shall be at least as stringent as those specified in Chapter 9 of the Mortgage Industry National Home Energy Rating Standards (MINHERS).
 - ii. Maintain a dispute resolution process for participating verifiers that includes procedures for probation, suspension, and revocation; and inform

EPA when disciplinary action is taken against a verifier and/or when a verifier's status with the VOO has changed².

- iii. Develop and implement quality control/quality assurance systems and procedures for participating verifiers related to the conduct of an Energy Rating Index score and all applicable ENERGY STAR program requirements and documentation, including both file reviews and field inspections at a rate that shall be at least as stringent as those specified in Chapter 9 of the Mortgage Industry National Home Energy Rating Standards (MINHERS).
- iv. Maintain a web page that allows homeowners to submit inquiries or concerns regarding the ENERGY STAR certification of their home or apartment.

3) Database of ENERGY STAR Certified Homes and Apartments

- a. Maintain a database of homes and apartments that are certified as ENERGY STAR, and provide EPA with summary reports, as needed, to allow the Agency to track partners' participation in the ENERGY STAR program, as well as obtain general aggregate information about the energy-efficiency features being used in ENERGY STAR certified homes and apartments.

4) Coordination with EPA

- a. Work collaboratively with EPA to facilitate the comprehensive and coordinated investigation and response to:
 - i. Findings resulting from the routine quality assurance activities conducted by the VOO that may impact ENERGY STAR certified homes and apartments.

² EPA reserves the right to terminate the ENERGY STAR Partnership Agreement of verifiers that violate the terms of their partnership or the Federal ENERGY STAR trademark.

- ii. Certification discrepancies identified or referred to the VOO by EPA that arise as part of EPA's administration of the ENERGY STAR New Construction program.
- iii. Certification Review Requests and other inquiries from homeowners or renters regarding the ENERGY STAR certification received by the VOO through its website. This will be undertaken in a manner that is consistent with a process defined by EPA.
- iv. Maintain open lines of communication with EPA to address questions and concerns promptly and provide annual reports regarding program administration, quality assurance, and dispute resolution activities (or more frequently, upon request by EPA).
- v. Demonstrate to EPA's satisfaction adequate availability of personnel and the ability to provide requested information in a timely manner, including participation in meetings related to the ENERGY STAR New Construction program, as EPA deems necessary.

TERMS OF RECOGNITION for VERIFICATION OVERSIGHT ORGANIZATIONS

Modifications

EPA reserves the right to modify or amend the eligibility criteria, or roles and responsibilities for Verification Oversight Organizations as needed to ensure the value and integrity of the ENERGY STAR program. Organizations previously recognized by EPA will be given at least 180 days to implement any policies or procedures needed to comply with new EPA requirements.

Rejection/Termination

EPA reserves the right to reject any application that the Agency believes cannot meet the eligibility criteria, including demonstration of a national scope of operations. If, after recognition, EPA determines that a Verification Oversight Organization is no longer meeting all of the required eligibility criteria including maintaining a national scope of operations, the required roles or responsibilities, and/or the organization has demonstrated a pattern of actions that may negatively impact consumer and industry confidence in, or the integrity of, EPA's ENERGY STAR New Construction programs, the Agency will provide the VOO with written notification and allow 30 days to resolve identified issues and provide EPA with a written response summarizing the changes made. If the organization fails to submit a satisfactory response to EPA that addresses the deficiencies identified, EPA reserves the right to suspend or terminate the Verification Oversight Organization's recognition.

Completed applications should be submitted to EPA at the physical address below, or via email at energystarhomes@energystar.gov.

U.S. Environmental Protection Agency
ENERGY STAR New Construction Program (MC 6202A)
1200 Pennsylvania Ave, NW
Washington, DC 20460

EPA will confirm receipt of applications received within five business days and will use its best effort to make determinations on applications received within 90 business days. Note that all applicants must also participate in a formal interview process with EPA staff, to be conducted either at EPA's offices or via conference call. EPA also strongly encourages organizations considering pursuing recognition to contact ENERGY STAR to discuss their interest before applying.

PART ONE: General Applicant Information

Organization Name: _____

Mailing Address: _____

Contact: _____

E-mail Address: _____

Primary Contact Telephone #: _____

Organization Web Site Address: _____

PART TWO: Required Documentation

Attach to this application any manuals, procedural guides, and/or detailed narrative(s) that describe the certification and inspection program, as well as any other documents or materials necessary to demonstrate that your organization meets the required roles and responsibilities. Complete the table below by filling in the “Applicant’s Reference Document(s)” column to indicate the submitted documentation that fulfills the ENERGY STAR requirement noted at left. To facilitate application review, please record the exact file name that is used in the attachment and highlight the applicable text within the document or note in the table its exact location.

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ENERGY STAR Requirements for Verification Oversight Organization (VOO)	Applicant's Reference Document(s)
Eligibility Requirements	
1. Demonstration of Impartial Governance	
<p>Provide documentation for either:</p> <ul style="list-style-type: none"> • 501(c)(3) or 501(c)(6) not-for-profit corporation status, with a list of the Board of Directors or Executive Committee; <u>AND/OR</u> • ISO/IEC 17065 accreditation from IAF MLA signatory to ENERGY STAR Certification Protocol for Site-Built and Modular Single-Family Homes and Multifamily New Construction Using an Energy Rating Index-Based Compliance Path. 	

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Provide policies and procedures and/or a detailed narrative outlining the following impartial governance practices:

- The policies and procedures under which the VOO operates, and the administration of them, shall be non-discriminatory. Procedures shall not be used to impede or inhibit access to the ENERGY STAR certification program for homes and apartments.
- The VOO shall make its ENERGY STAR certification program for homes and apartments accessible to all ENERGY STAR builder and developer partners and access to the VOO's certification process shall not be conditional upon the size of the ENERGY STAR builder or developer partner, nor membership in any association or group.
- The VOO shall take all necessary steps to ensure that certification activities for the ENERGY STAR program are undertaken impartially, including, but not limited to, establishing an organizational conflict of interest policy, and identifying and eliminating risks to impartiality that arise from the VOO's activities and its relationships.

2. Demonstration of National Scope of Operations for Verification Oversight	
<p>Provide a detailed narrative to establish the organization’s ability to provide oversight of verifiers at a national level. This must, at a minimum, be demonstrated through the following:</p> <ul style="list-style-type: none"> • Maintaining demonstrated experience in providing Energy Ratings Index scores (ERIs) and technical expertise in building science across the U.S.; • Having a broad network of verifiers that are geographically distributed across the U.S. to provide services for ENERGY STAR builder and developer partners; and • Maintaining a quality assurance and oversight mechanism for verifiers that are distributed across the U.S. 	
Roles and Responsibilities	
1) General Requirements and Responsibilities	
<p>a. Maintain legally enforceable policies and procedures related to, and be responsible for, the granting and withdrawal of ENERGY STAR certifications for homes and apartments.</p>	
<p>b. Have publicly available information about the certification program online and in hard-copy format for current or prospective certification program participants (i.e., ENERGY STAR builder, developer, and verifier partners).</p>	

2) VOO Responsibilities	
<p>Provide written documentation of adhering to the referenced sections of the Mortgage Industry National Home Energy Rating Standards (MINHERS), along with any formally adopted interpretations and exceptions; or if an alternative protocol is used, a detailed narrative and process description of the following:</p> <ul style="list-style-type: none"> a. Verifier Training /Credentialing and Listing of Approved Verifiers b. Accredited Software c. Sampling-based scheme d. Verifier Code of Conduct, Dispute Resolution, and Quality Control/Quality Assurance 	
3) Database of ENERGY STAR Certified Homes	
<ul style="list-style-type: none"> a. Provide details regarding the database of ENERGY STAR certified homes and apartments, how it is maintained and updated, as well as how summary reports and aggregate details of the energy-efficiency features of the homes/apartments will be provided to EPA. 	

PART THREE: Declaration

As an officer of _____,

I, the undersigned, hereby swear that I have the authority to submit this Application for Recognition as a Verification Oversight Organization to the U.S. Environmental Protection Agency. I understand that intentionally submitting false information to the U.S. government is a criminal violation of the False Statements Act, Title 18 U.S.C. section 1001.

As an authorized signatory, the organization listed above agrees to adhere to the provisions as outlined in the roles and responsibilities for ENERGY STAR New Construction Program Verification Oversight Organizations (VOOs), including granting EPA the right, at its discretion, to audit certification and inspection activities, notifying EPA of any change in its non-profit status or ISO/IEC 17065 accreditation to the ENERGY STAR Certification Protocol for Site-Built and Modular Single-Family Homes and Multifamily New Construction Using an Energy Rating Index-Based Compliance Path, and coordinating with EPA on the ENERGY STAR New Construction program.

I understand that EPA reserves the right to modify or amend the required roles and responsibilities for Verification Oversight Organizations as needed to ensure consumer and industry confidence in the value of the ENERGY STAR label for new homes and apartments, and that organizations that have been previously recognized by EPA will be given at least 180 days to implement any new policies or procedures needed to comply with EPA requirements. In addition, I understand that if, after recognition, EPA determines that a Verification Oversight Organization is no longer meeting the eligibility criteria, its required roles or responsibilities, and/or the organization has demonstrated a pattern of improper actions that may negatively impact consumer and industry confidence in the ENERGY STAR New Construction program, EPA will provide the VOO with written notification and allow 30 days to resolve identified issues and provide EPA with a written response summarizing the changes made. If the organization fails to

submit a satisfactory response to EPA that addresses the deficiencies identified, EPA will suspend or rescind the Verification Oversight Organization's recognition.

Name: _____

Signature: _____

Title: _____

Organization: _____

Date: _____

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