

From: [Frank Swol](#)
To: [ENERGY STAR Homes](#)
Subject: EAM Energy Star Homes VOO RFI Comments
Date: Friday, November 16, 2018 7:45:30 PM

Hello Homes Team,

My first round of comments on the VOO RFI are below. Sorry for just getting this in. The fall has been very busy for me. Hope everyone has a great Thanksgiving next week. Cheers!

- Given the nature of such organizations it would appear that earning and maintaining ISO/IEC 17065 accreditation is an appropriate demonstration that an organization meets the eligibility criteria for Demonstration of Impartial Governance required for recognition as a Verification Oversight Organization.
- In terms of the potential benefits or drawbacks to expanding the eligibility criteria for recognition as a Verification Oversight Organization to include ISO/IEC 17065 accredited organizations this is difficult to estimate. Application of the Energy Star program in the field certainly runs the gamut from very black and white scenarios to those which are much more nuanced. In the current system guidance for Raters who care to inquire about such situations likely comes first from their rating providers, and next direct from the Energy Star homes team. If entities like rating providers who are the holders of such important institutional information can transition into the new scheme, then this would likely not be an issue. Reliability and variability of ratings certainly could become an issue depending on how closely or not these different VOO schemes are operated. Finally, costs could be a major issue for those doing the work at the sharp end of the program. Because of commitments that may be required, or simply the administrative difficulties that might exist in terms of switching VOOs, it could be very problematic for Energy Star Homes certifiers if the costs demanded by one VOO varied greatly compared to others as they might not be able to adjust in short enough time periods to prevent detriment to their businesses.
- The potential benefits to builders, verifiers, and homebuyers resulting from an ISO/IEC 17065-based approach could certainly be that the Energy Star Homes program could be improved by some of the processes that these organizations use and are required to use. Because the program has operated solely under the current paradigm it would be hubris to think that outsider views couldn't add to the quality of the process. By the same token however this is potentially a very big shift for the program, and because Energy Star is so integral to other high performance above-code programs, it's just potentially a real game changer for the energy efficient homes industry in general. All change is not necessarily good and beneficial change. I think we would want to really see what these new VOOs could add to the process, and, I feel like we need to ensure that the people doing this work currently aren't going to experience problems shifting to the new scheme. I believe the most detrimental thing that could result from this change would be if people and companies who have been certifying Energy Star homes for years, and have gathered so much knowledge through that work, were to somehow find themselves pushed out of their current roles simply because of unforeseen

shifts in the industry that this change brings about. With Energy Star Homes we currently have a very solid product if you will. I think it is incumbent on these VOO petitioners to explain to us what value their addition would bring beyond of course it being beneficial to their business models.

- Another issue is whether the new VOOs will help support the industry through things like standards development? Are these bodies going to simply look to make money off the Energy Star homes process? Or will they make investments in improving the industry as the current sole VOO does? Because I think it would be a shame if new VOOs end up siphoning off some of the revenue stream from raters that is currently being used to continue the development of our nascent industry's standards and practices, and then don't make similar reinvestments. It's not a question so much of that not being fair, it's a question of whether that ends up stunting the industry.
- I've heard that the current VOO has been granted a copyright on ANSI/RESNET/ICC 301-2014 Standard from the U.S. Copyright Office. I think this essentially means that the energy rating index has been copyrighted. If this is true, then how would this affect this process of adding VOOs? A copyright I think would mean that the current VOO would need to give permission to anyone who wants to use what is contained in 301, which is namely the language and mathematical formulae for generating an energy rating index. Even if we just look at the software side of that issue, I think this would basically mean that generating an index could only be done by software providers accredited by the current VOO, and of course such software is only legally used by those bodies also accredited by that VOO. Given that they would be unlikely to give competing VOOs written permissions to use 301 for other software platforms, this would seem to be potentially a major impediment to Energy Star being expanded to such new VOOs. Also, even if permission was granted it would add another entity into the required chain for every rating I would think, and that would almost certainly have the effect of increasing costs.
- I am not an expert in bringing new products to market, but it feels like a longer process than home construction, and I have to believe one that is less fluid and variable on the day to day time frames we deal with in this industry. Are these new VOOs prepared both for the volume they might receive and are their processes sufficiently flexible that the Energy Star Homes program doesn't end up turning off builders because a new VOOs process becomes a road block to the overall construction process. We must work in concert with that overall process to be successful. Do they understand this? Do they understand that there are some stakeholders like utility and other state programs who have established processes that are quite simply not going to be changed, and that the VOO itself will need to adapt should conflicts arise?
- In terms of how current verifiers/inspection bodies will fit into this new scheme, as 17020 organizations, or sub-contractors to 17065 or 17020 organizations, etc. I think that it's important for the stakeholders to have a good grasp of that issue for the next round of public comments. Given that and also that I think it's unlikely that all current verifiers/inspections bodies have the resources to research that issue to the same extent, I would really like to see

EPA puts some resources behind researching that, and laying it out as simply as possible via webinar or some other method so that everyone has equal opportunity to both understand the shift itself, and why they might need to be taking the time to make some serious public comments. If we aren't getting a lot of comments back on this issue, I feel like that only because people don't understand what's being discussed here.

- *“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?”*

Yes, certainly there is always the issue of who watches the watchers? The energy efficient homes industry has many stakeholder groups, all of which seek to exert influence to their benefit on the direction of the industry. There is nothing inherently wrong with that process, people are certainly entitled to that; however, it would certainly be good if review mechanisms existed that could help ensure for example that no one stakeholder group's opinions and desires shifts the organization unduly far from the industry's core goals and functions simply because of their perceived standing and importance.

- I see no issues with the proposed timeline given for the process of public commenting and generating of draft certification schemes.
- On the question of appropriate timeframe for the actual inclusion of new VOOs should that happen I feel that lead time needs to be quite long, which of course has always been typical of EPA and previous major shifts in the program. I would think a full year from whenever public comment ends and the new schemes guidelines are published. I also don't think that early adoption is appropriate for this process, even though it is often included when EPA has made other changes to the program. I feel this way because I think every organization who currently makes Energy Star Homes a major part of their business deserves ample time to fully understand the new process before it takes affect for anyone. Too short of a lead time will tend to favor large organizations who have the staff that can drop everything else if you will and figure out how to best take advantage of the new scheme. To circle back to my earlier point about people and companies getting pushed out of the process, what we don't want here is to lose diversity in the Energy Star homes program because smaller firms who are busy working with their clients, and who can't react as quickly to major changes end up finding themselves behind the curve to the point that it costs them business having nothing to do with their skill at helping builders construct high performance homes.
- Finally, I would say that I think there is enough potential benefit that the review process should continue, because even if in the end we don't end up adding new VOOs maybe this review process will show us changes that could and should be made to the current scheme. However, we currently have a very successful process, and I for one am going to need some selling on how this change improves Energy Star Homes before I would say that I'm in favor of this expansion. I'm all for better, but if it just ends up complicating the landscape then all we'll have done is take away time people are currently spending making homes better and shift it to administrative toil and business maneuvering.

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