

Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR® Program

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In order to be recognized as a Certification Body (CB) for the ENERGY STAR Program, a CB shall agree in writing to the following requirements:

- 1) General Requirements and Responsibilities
 - a) Maintain accreditation to ISO/IEC 65, “General requirements for bodies operating product certification systems,” by a signatory to the International Accreditation Forum (IAF) Multilateral Recognition Agreement (MLA) that operates in accordance with ISO/IEC 17011. Noteworthy elements of ISO/IEC Guide 65 include requirements that the CB shall:
 - i) Operate in a non-discriminatory manner so as not to impede or inhibit access by applicants.
 - ii) Make its services accessible to all applicants whose activities fall within its declared field of operation, independent of the size or membership status of the applicant.
 - iii) Ensure that the relationship between it and each organization providing test data does not compromise the CB’s independence.
 - iv) Be responsible for decisions relating to its granting, maintaining, extending, suspending and withdrawing of certification, and make these decisions impartially.
 - v) Decide whether or not to certify a product on the basis of the information gathered during the evaluation process and any other relevant information.
 - b) Review the test results of each product intended for ENERGY STAR qualification, ensuring that all data in these results originated with an EPA-recognized laboratory.¹
 - c) Make available in written format to current or prospective ENERGY STAR Partners all relevant aspects of the CB’s certification program, and submit this information to EPA for its review.
 - d) Maintain test reports for certified products, and permit relevant EPA ENERGY STAR authorities to examine any information used in making certification decisions, including test data.

Note: The listing of ENERGY STAR qualified products will be maintained by EPA. The CB may also provide a listing of products it certifies.

- e) Participate in meetings with EPA as necessary to discuss changes to ENERGY STAR program requirements relevant to certified products.
- f) Ensure that laboratories providing test data are recognized by EPA and that the personnel conducting the testing are properly trained and qualified.
- g) Ensure each manufacturing facility has adequate controls in place to maintain manufacturing consistency and consistent product performance with respect to the relevant ENERGY STAR program requirements; and, ensure the criteria for the

¹ EPA-recognized laboratories will include accredited laboratories that meet the “Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program,” or laboratories that participate in the CB’s supervised or witnessed manufacturers’ testing laboratory program per the requirements described in Appendix A.

assessment of such controls are documented. Examples of such documentation could include:

- i) A list of the critical product features that must be controlled by the manufacturer in order to maintain consistent product performance with respect to ENERGY STAR program requirements;
 - ii) A description of the existing controls for these critical features, with copies of the appropriate documentation provided as evidence;
 - iii) The names of the person(s) responsible for the overall operation of these controls; or
 - iv) A description of how the ENERGY STAR partner will control the application of the ENERGY STAR mark to ensure it appears only on qualified products.
- h) Allow EPA, at its discretion, to audit product certification and verification activities.

2) ENERGY STAR Qualification

a) Determination of qualification

- i) Determine qualification by assessing whether the product meets or exceeds the relevant product performance parameters described in the product-specific ENERGY STAR program requirements.
- ii) Ensure products will be labeled according to the relevant ENERGY STAR program requirements. The CB may meet this requirement by confirming receipt of ENERGY STAR partner attestation that its qualified product(s) will be labeled according to the specific and relevant ENERGY STAR program requirements.
- iii) Report information on certified products to EPA. EPA will use this specific information to create the ENERGY STAR Qualified Product Lists.

Note: As an example of the type of information CBs would be required to report to EPA, please see the Qualified Product Information form for Audio/Video products.

http://www.energystar.gov/ia/partners/product_specs/qpi/av_qpi_form.xls

This information will be used to create a list of qualified products.

Several possibilities are under consideration regarding the timing of this reporting: 1) no less than monthly; 2) within a set amount of time following the certification of the product; or, 3) by the product release date. EPA would welcome feedback on these options, as well as the submission of alternative schedules for EPA's consideration.

3) ENERGY STAR Verification

Note: This section does not apply to CBs certifying ENERGY STAR qualified lighting products. EPA is proposing that verification testing for these products be managed by a centralized, third-party administered verification program. This program will be described in more detail in a forthcoming document.

a) Verification Testing

- i) Operate a verification testing procedure that fulfills the verification testing requirements enumerated as follows:
 - (1) Ensure products meet all labeling and product performance parameters as described in the relevant ENERGY STAR program requirements.

- (2) Number of products:
- (a) Test at least 10% of all ENERGY STAR qualified base models² per year. In the event of significant product failures, models tested may increase in subsequent years. The minimum number of products tested may differ by product category.
- (3) Products shall be selected by the CB according to the following general guidelines:
- (a) For approximately 50% of models selected, base models shall be randomly selected from the list of ENERGY STAR qualified products; and,
 - (b) The remaining models shall comprise models selected in consideration of the following factors:
 - (i) Product classes from manufacturers for which previous base models failed verification testing;
 - (ii) Referrals from third parties such as competitors, consumers, consumer groups or regulatory agencies regarding the accuracy of ratings;
 - (iii) Models new to the market, particularly from brands or manufacturers which are new market entrants; and,
 - (iv) Models with high sales volumes.
- (4) Procurement of unit(s) for testing:
- (a) The CB shall procure or obtain the unit(s) for testing, prioritizing the source of those units in the following order (from most to least favored)
 - (i) Off-the-shelf (i.e., from the open market);
 - (ii) Warehouse (i.e., from a storage depot); or
 - (iii) Off-the-line (i.e., from the manufacturer's facility).
- Note: Off-the-line testing is only appropriate where pulling products from the shelf or from a warehouse is not feasible. Examples include where the selected product is prohibitively expensive to purchase and/or transport, is made-to-order, or is otherwise unavailable through normal retail channels.*
- Note: The CB is responsible for obtaining the unit for testing and may not allow the manufacturer to choose the testing sample.*
- (b) Partners whose products are selected for verification testing are required to:
 - (i) In the case of off-the-shelf procurement, provide a list of at least three locations where a unit(s) of the product(s) to be tested may be obtained; or
 - (ii) In the case of warehouse or off-the-line procurement, provide access to the CB to select a product for testing.
- (5) Location of verification testing:
- (a) Verification testing shall be performed at an EPA-recognized, third-party laboratory; or,

² EPA will define the term, "base model," within the individual ENERGY STAR program requirements since its meaning can vary between product categories. For example, for certain product categories it may be defined as the basic model of a product family composed of models that differ in terms of performance along ENERGY STAR criteria; in other product categories, the base model may differ from other models only cosmetically.

(b) If the unit is obtained off-the-line from the manufacturer's facility, the verification testing may be performed at an EPA-recognized, in-house laboratory provided that qualified CB personnel witness the test.

b) Product Specification Audit

i) Have procedures to re-evaluate product performance in the event of changes significantly³ affecting the product's design or specification, or as relevant, changes in the accreditation of the laboratory that performed the test(s) used for the purpose of certifying the product, or in the case of any other information indicating that the product may no longer meet ENERGY STAR program requirements. Consistent with this, the CB shall:

(1) Maintain product design specifications for the products it certifies, and conduct random inspections at the manufacturing location to ensure conformity to original product design specifications.

(2) Require the applicant to inform it about any such changes.

(3) Should any product be found to not conform to the specification (for instance, due to changes made to the product's construction, components, software (as applicable), or any other aspect that could affect the product's performance with respect to the relevant ENERGY STAR program requirements), the CB shall require and evaluate the results of retesting of the product's relevant performance, and update the product design specification to reflect these changes.

ii) Report to EPA any changes in product performance, including new test data.

(1) If the changes do not impact the ability of the product to qualify for ENERGY STAR, the CB shall report the relevant data to EPA on the same schedule as information on newly certified products.

(2) If the changes indicate the product no longer meets the product performance requirements of the relevant ENERGY STAR program requirements, the CB shall notify the manufacturer and EPA immediately.

c) Challenge Testing

i) Have in place a challenge testing procedure.

ii) A challenge may be initiated only when the CB has received the following:

(1) Identification of the challenged model number;

(2) Identification of the challenged parameters and the basis for the challenge. This basis may be but is not limited to marketing literature that claims better performance than the data the CB has on record, or the results from a product test the challenger performs on its own, and for which it pays without reimbursement by the CB no matter the results of the CB's subsequent challenge test; and,

(3) Payment deposited by the challenger with the CB that covers all costs associated with obtaining suitable test samples and conducting the necessary testing.

Note: The CB may incorporate a process for determining whether or not there is a basis for a challenge.

³ For the purposes of this document, EPA interprets "significantly" relative to ENERGY STAR qualification. That is, EPA would consider significant any change that could affect a product's performance along a parameter used to determine ENERGY STAR qualification.

- iii) Upon the failure of a product to meet the product performance requirements of the relevant ENERGY STAR program requirements, the CB shall notify the manufacturer and EPA immediately.
- (1) If test results show the challenged model does not meet ENERGY STAR requirements, the CB shall refund the deposited payment to the challenger, and invoice the product manufacturer for all costs associated with the challenge test. Otherwise, the CB shall retain the payment the challenger deposited.
- d) Resolving Discrepancies: Have in place a procedure to resolve discrepancies between data resulting from product re-testing (for any purpose, for example, verification or challenge testing), and the data previously certified by the CB. In the case of a discrepancy, the CB shall report to EPA the test results, both initial and final in case additional re-testing is performed, that are relevant to ENERGY STAR qualification.⁴ The CB shall also notify EPA of the resolution of product re-testing, for example, decertification or recertification.

⁴ When the CB reports this data to EPA, it shall follow the rounding and reporting rules enumerated in the applicable ENERGY STAR specification.

Appendix A: Requirements for the operation of a Supervised Manufacturers' Testing Laboratory (SMTL) or Witnessed Manufacturers' Testing Laboratory (WMTL) program

Note: EPA drew elements in the following section from IECEE OD-CB2029-Ed.1.2, "Operation of Witnessed Manufacturers' Testing (WMT) Laboratories," and IECEE OD-CB2030-Ed.1.1, "Operation of Supervised Manufacturers' Testing (SMT) Laboratories." These documents are available online at http://www.iecee.org/Operational_documents/od-cb_index.html.

A CB may operate a testing program to accept test data from a manufacturer's in-house lab that participates in an SMTL or a WMTL program only if the CB:

- 1) General Requirements:
 - a) Ensures through an on-site initial assessment and periodic auditing that the SMTL or WMTL is able to demonstrate its facilities are in compliance with all relevant requirements of ISO/IEC 17025 and the applicable test method(s), and that the laboratory personnel conducting the testing are properly trained and qualified. Consistent with this, the CB shall have and follow written procedures for evaluating laboratory facilities; environmental controls; personnel and training; testing and calibration equipment types and accuracy; calibration procedures; written test procedures, set-up, measurement technique(s) and documentation systems; quality assurance programs; and other elements as required in the relevant ENERGY STAR program requirements;
 - b) Documents and maintains reports of its assessments and periodic auditing of the WMTLs or SMTLs in the programs it operates;
 - c) Has a documented surveillance program to ensure continued compliance with its program qualification procedures;
 - d) Has and follows procedures and maintains records that demonstrate the test data originating with the SMTL or WMTL are unbiased; and,
 - e) Operates proficiency testing to ensure consistent results between the WMTL or SMTL and an EPA-recognized third-party laboratory.
- 2) Requirements specific to the operation of a WMTL program:
 - a) Assumes full responsibility for the validity of the test results;
 - b) Ensures that the CB personnel who witness the test(s) have the necessary competence and expertise to carry out tests to the relevant ENERGY STAR program requirements;
 - c) Ensures that all tests are carried out by personnel of the WMTL in accordance with the applicable requirements;
 - d) Supervises and checks all critical aspects of the tests; and,
 - e) Witnesses the final data acquisition and validates the results where necessary.
- 3) Requirements specific to the operation of an SMTL program:
 - a) Witnesses testing and all other elements that contribute to the establishment of confidence in the SMTL's quality processes, and in the design of the product(s) to be certified;
 - b) As the CB gains experience with and confidence in the SMTL, supervision may gradually shift from witnessing tests to examining the quality process underpinning the design, production, and testing of the product(s) to be certified;

- c) At least once per year, audits the SMTL's procedures on-site against the requirements of ISO/IEC 17025 and the applicable test method(s). During visits, the CB shall:
 - i) Supervise product testing;
 - ii) Review the design and construction of products; and,
 - iii) Review relevant test reports in progress;
- d) Maintain records of:
 - i) The dates and elements of performed supervision, including what tests were observed; and,
 - ii) Observations made and advice provided to the SMTL during visits; and,
- e) Report to EPA on each SMTL:
 - i) The date of the SMTL agreement between the SMTL and the CB;
 - ii) The manufacturer's name and the address of its headquarters; and,
 - iii) The ENERGY STAR product categories covered by the agreement.

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