

## HP Issues / Concerns with draft document Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR® Program

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Hello Kathleen and Katharine,

Thank you for considering our input on these changes impacting the ENERGY STAR program.

We are interested in seeing the ENERGY STAR® program continue to be successful and recognize that the EPA is under pressure to make changes intended to assure the integrity of the ENERGY STAR label. There are a few proposals that will be very problematic for both manufacturers and the ENERGY STAR program if not addressed.

### Our two primary concerns are:

Proposed requirements for test laboratory accreditation go beyond any internationally recognized standards and are structured such that no manufacturer could meet them.

There is not sufficient time in the plan to implement requirements for assessing and qualifying a sufficient number of test labs (manufacturer or 3<sup>rd</sup> party) supporting “qualification testing” to ISO / IEC 17025 in order to maintain continued use of the ENERGY STAR label. The schedule proposed for use of accredited labs to perform product qualification testing should be a minimum of 12 months from the date the requirements are finalized to make this transition.

### Additional Concerns and feedback include:

Inter-laboratory comparison testing does not make sense for some consumer and IT products.

EPA should include provisions for 3<sup>rd</sup> party verification testing to be performed at a manufacturer's facility when product availability (not sold at retail), cost, size, and complexity of products would make performing the testing at a 3<sup>rd</sup> party lab's facility impractical.

### General Comments:

The draft document *Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR® Program* does not indicate whether or not these requirements apply to product qualification testing performed by manufacturers. We assume EPA intends to apply these requirements for both product qualification testing performed by manufacturers and independent (3<sup>rd</sup> party) laboratories, and for verification testing and this should be clarified in the scope.

Currently manufacturers / their suppliers perform their own ENERGY STAR product qualification testing, and personnel performing the qualification testing, are regular employees of the business units. Personnel performing the qualification testing are not employees of a completely independent business entity which would be completely unrealistic for IT equipment manufacturers. IT equipment manufacturers have been performing safety and regulatory testing products for years using personnel who are employees of the company and have been very successful in insuring compliance with these types of regulatory compliance using the existing business model. If these requirements are implemented as proposed, they will have a cost and logistical impact similar to requiring manufacturers to use 3rd party independent labs for product testing. If the requirements in the draft document *Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR® Program* are not changed to reflect the structure of test labs currently used by manufacturers, the negative impacts to manufacturers (and the ENERGY STAR program participation) will be substantial.

It's worth noting that there are multiple mechanisms for assuring compliance with the ENERGY STAR program requirements including the EPA's “verification testing” market surveillance program. Given that there are multiple mechanisms in place to assure compliance and the fact that the IT industry has succeeded in complying with the ENERGY STAR program requirements for IT equipment for nearly two decades, some of the proposed requirements for testing laboratories (listed below) are an over reaction to the issues identified in the I.G report and unnecessarily burdening the ENERGY STAR program.

### Input on specific draft requirements:

#### 1) *Inter-laboratory Comparison Testing:*

*Agree to participate in relevant and available inter-laboratory comparison testing (ILC) when EPA/DOE deems it necessary. Carry out ILC in accordance with normal testing/calibration and reporting procedures, unless otherwise specified in the instructions from the proficiency test provider. ...*

HP concern: The logistical and cost issues associated with shipping some consumer products and IT equipment to multiple labs for inter company testing is significantly more costly and challenging than what is traditionally done with air, water, and soil samples that can be divided up from one master sample and sent around to multiple labs. While a similar process may make sense for some small “commodity-like” consumer products, we do not feel that it is appropriate for most consumer and IT products.

Aside from cost and logistics concerns, we are concerned about potential for test results to be inconsistent as a result of inherently complex products. For some product categories, the test procedures require a fairly high level of knowledge on the part of personnel performing the setup, configuring and testing of the equipment. Without this knowledge, test results will not be repeatable and the fault will not be with the products themselves.

For some product segments (Workstations, for example), the test procedures require familiarity with configuring the product under test for optimal performance and minimal energy consumption for the hardware unit being tested. Without that knowledge, the test results will not be reproduced. This is a result of the number of configuration parameters for storage systems, not a lack of skill on the part of any given in-house lab.

*2) Laboratory employee compensation or annual bonuses are not tied to the financial performance of the parent company;* HP concern: Most companies have compensation programs that tie individual compensation to financial performance of the company. If unchanged, this provision would result in either manufacturers not being able to perform product qualification testing, or having to set up separate business entities to perform product qualification testing. Manufacturers are not likely willing to set up separate business entities to perform product qualification testing. This requirement has a cost and logistical impact similar to requiring manufacturers to use 3rd party independent labs for product testing.

*3) Laboratory engineering personnel do not originate with or return to the parent company, or otherwise look to the parent company for career advancement;* HP concern: The concerns are basically the same as noted above regarding the proposed requirement involving compensation. Manufacturers are not likely willing to set up separate business entities to perform product qualification testing.

*4) Laboratory employees are required to participate and regularly pass third-party ethics and compliance audits conducted in accordance with the International Federation of Inspection Agencies (IFIA) Compliance Code or equivalent standards for ethics and compliance programs; and,* HP concern: While we could probably put a process in place to comply with this requirement, it does not seem warranted / necessary. The requirement should include provision for use of internal training on standards of business conduct to meet this requirement, as opposed to requiring third party organizations to perform ethics and compliance audits.

*5) Mechanisms for reporting and responding to attempts to exert undue influence on the test results are in place. This shall include establishment of an external system for employees to make such reports and follow-up on such claims, as well as regular education of staff as to what avenues are available to them should they identify attempts to influence test reports.* HP concern: While we could probably put a process in place to comply with this requirement, it does not seem warranted / necessary and we recommend that EPA stick to requirements in internationally recognized standards such as ISO / IEC 17025

#### Additional Issues of Concern based on review of EPA’s Milestone Document dated May 3, 2010:

As noted under our primary concerns, the schedule proposed for use of accredited labs to perform product qualification testing should be a minimum of 12 months from the date the requirements are finalized to make this transition.

EPA’s Milestones seem to indicate that they have made a decision to require 3rd party “certification” of external power supplies (EPSs) and Battery Chargers only. And not to allow testing by EPS/BC manufacturer’s laboratories that have been assessed and accredited according to ISO / IEC 17025 to perform qualification testing. What is EPA’s rationale for requiring 3rd party certification of EPSs and Battery Chargers? We are not aware of any compliance problems with EPSs or battery chargers that would warrant such a requirement and would like to see the option to have EPS/BC manufacturers perform product qualification testing assuming they have had their labs assessed and accredited according to ISO / IEC 17025.

*Verification Testing: In addition to requiring that products be tested for qualification in independent laboratories, EPA will be instituting a verification testing requirement.*

*For products subject to participation in third-party certification programs, those programs will be required to have continuous verification testing procedures in place. For CE/IT products, ENERGY STAR will establish and commence a verification testing process in 2011 that involves selecting third-parties to administer the verification testing. This testing*

*will also be funded by manufacturers. Lighting products are already subject to verification testing, administered by EPA/DOE.*

HP concern: The scope and intent of this requirement is not clear – need to discuss the EPA's intent before industry accepts this item that will impact the partnership agreements.

Regarding EPA's manufacturer funded verification testing: We request that EPA consider allowing use of test reports from an independent third party certified lab to satisfy the EPA's "verification testing" (market surveillance testing) requirements. Data provided by the manufacturer from an independent third party certified lab would be for the same model / configuration EPA selects for verification testing.