

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

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 Guide 65, “General requirements for bodies operating product certification systems,” by a signatory to the International Accreditation Forum (IAF) Multilateral Recognition Agreement (MLA) that covers accreditation of product certification bodies and 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, 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.
 - vi) Have a legally enforceable agreement for the provision of certification activities to its clients. Contract and agreements for certification shall take into account the responsibilities of the parties.
 - vii) Provide, regularly update, and make available upon request by EPA a directory of the products it has certified, and their suppliers.
 - b) Demonstrate to EPA’s satisfaction adequate availability of personnel to the Agency and the ability to provide requested information in a timely manner.
 - c) Apply the same conditions to the review of test reports from all EPA-recognized laboratories from which the CB has agreed to accept data, regardless of the ownership of the laboratory.
 - d) Make available in written format to current or prospective clients all relevant aspects of the CB’s certification program, and submit this information to EPA upon request. At a minimum, these shall include:
 - i) A copy of the form or template which serves as the legally enforceable agreement for the provision of certification activities to the CB’s client; and,
 - ii) A description of the certification program.
 - e) Make available in written format to EPA a description of the management of competencies of personnel involved in the certification process.
 - f) Maintain test reports for certified products for at least the longer of 5 years or the duration of certification, and permit relevant EPA ENERGY STAR authorities to examine any information used in making certification decisions, including test data.
 - g) Participate in meetings with EPA as EPA deems necessary to discuss changes to ENERGY STAR product specifications relevant to certified products. EPA and the CB

will jointly determine whether the meeting should take place remotely (for example, by telephone) or in-person.

- h) Forward any questions related to ENERGY STAR test methods to EPA for resolution, and abide by the decisions of EPA relative to the resolution of those questions.
- i) Allow EPA, at its discretion, to audit product certification and verification activities.
- j) Notify EPA and any ENERGY STAR partner whose product(s) the CB has certified, of any suspension or withdrawal of the CB's accreditation.
- k) Not use its own mark to indicate that a product is ENERGY STAR qualified.

2) ENERGY STAR Qualification

- a) Provide EPA with a description of the CB's data review cycle time in order to allow the estimation of its potential impact on ENERGY STAR partners' product introduction cycles.
- b) Determination of qualification
 - i) Determine qualification by assessing whether the product meets the performance parameters described in the relevant ENERGY STAR product specification. This assessment shall comprise a review of the test report of each model intended for ENERGY STAR qualification.
 - ii) In the case of ENERGY STAR product specifications that permit the qualification of a group of models based on the test report of a representative model, the CB shall have a procedure to verify ENERGY STAR partner claims as to:
 - (1) Which models are part of a single family; and,
 - (2) Which model may be considered a representative model of that family.¹
 - iii) Confirm that all data in the test report originated from an EPA-recognized laboratory with an appropriate scope of accreditation. EPA-recognized laboratories include the following:
 - (1) All laboratories EPA has formally recognized as currently meeting the "Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program." The terms of this document include accreditation to ISO/IEC 17025 by an EPA-recognized Accreditation Body. EPA maintains an online list of these laboratories. Therefore, confirming data have originated with such a laboratory shall consist of confirming the presence of the laboratory on this list.
 - (2) All laboratories participating in the CB's witnessed or supervised manufacturers' testing laboratory (WMTL/SMTL) program per the requirements described in Appendix A. The terms of this include assessment to ISO/IEC 17025 by an EPA-recognized CB. Ensuring data have originated with such a laboratory shall consist of the CB confirming the presence of the laboratory on its internal list of WMTLs/SMTLs.
- c) Report to EPA certified products and at a minimum the key data elements enumerated in the applicable ENERGY STAR product specification(s). EPA will use this specific information to create the ENERGY STAR Qualified Product Lists. EPA will ensure recognized CBs are provided with access to the necessary reporting tools, including secure electronic channels, and guidance on how to use them. Electronic channels may

¹ The CB shall verify all such claims against EPA's definition of what constitutes a family and a representative model. These definitions are included in the relevant ENERGY STAR product specifications.

include secure FTP, an extranet system, and/or XML-based web services.

3) ENERGY STAR Verification

a) Verification Testing

i) Operate an ENERGY STAR partner-funded verification testing procedure that fulfills the verification testing requirements enumerated as follows:

(1) Ensure products meet all product performance parameters as described in the relevant ENERGY STAR product specification.

(2) Number of products:

(a) Annually test at least 10% of all ENERGY STAR qualified models the CB has certified or for which it has received qualified product data.

(b) In the case of ENERGY STAR specifications that address multiple product types, the CB will annually test at least 10% of each type.

(c) When determining the number of models subject to verification testing, the CB shall consider product families as defined in the relevant product specification, and in consultation with EPA.

(d) In the event of significant product failures, EPA may advise the CB to increase the number of models tested 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) The CB shall select models for verification testing from the ENERGY STAR qualified models the CB has certified;

(b) Approximately 50% of models to be tested shall be randomly selected; although, the more recently a model has undergone verification or challenge testing, the less likely it should be selected in this random selection process; and,

(c) The remaining models shall comprise referrals from EPA as provided, and models selected in consideration of the following factors:

(i) Product classes from ENERGY STAR partners for which previous models failed verification testing;

(ii) Referrals from third parties such as consumers, consumer groups or regulatory agencies regarding the accuracy of ratings; and,

(iii) Models with high sales volumes if this data is available to the CB.

(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 manufacturing 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 shall be responsible for obtaining the unit for testing, and shall not allow the ENERGY STAR partner 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 unit(s) of the product(s) for testing.
- (5) Location of verification testing:
 - (a) Verification testing shall be performed at an EPA-recognized, third-party laboratory; or,
 - (b) If the unit is obtained off-the-line from the manufacturing facility, the verification testing may be performed at an EPA-recognized, first-party² laboratory provided that qualified CB personnel witness the test.
- b) Re-evaluation in the Event of Significant Changes
 - i) Have procedures to re-evaluate product performance in the event of changes that could affect the ENERGY STAR qualification status of a product the CB has certified.³ Consistent with this, the CB shall:
 - (1) Require the ENERGY STAR partner responsible for a product the CB has certified to inform the CB about any changes to that product that could result in it no longer meeting the requirements of the relevant ENERGY STAR product specification.
 - (2) Require, and evaluate the results of, retesting of the product's relevant performance.
 - 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 CB has determined the product no longer meets the product performance requirements of the relevant ENERGY STAR product specification, the CB shall notify the ENERGY STAR partner and EPA within two business days.
- c) Challenge Testing
 - i) Have in place a challenge testing procedure, and contractual provisions for challenge testing.
 - ii) A challenge may be initiated only when the CB has conveyed details of the challenge to the challengee, or confirmed the challenger has independently done so,⁴ and the CB received the following:
 - (1) Identification of the challenged model number; and,
 - (2) Identification of the challenged parameters and the basis for the challenge. This basis may be but is not limited to marketing material that claims better

² For the purpose of the ENERGY STAR program, EPA defines a first-party laboratory as a laboratory that is owned and/or operated by the manufacturer or private labeler of the product being tested.

³ A laboratory's change in accreditation or WMTL/SMTL status would be considered relevant to the qualification status of products the laboratory tested only during the effective period of the factor(s) that led to the change in the laboratory's status.

⁴ The CB shall not oblige the challenger to convey details of the challenge to the challengee.

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.

- iii) Upon the failure of a product to meet the performance requirements of the relevant ENERGY STAR product specification, the CB shall notify the ENERGY STAR partner and EPA within two business days.
- 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.⁵ The CB shall also notify EPA of the resolution of product re-testing, for example, decertification or recertification.

⁵ When the CB reports this data to EPA, it shall follow the rounding and qualification rules enumerated in the applicable ENERGY STAR specification.

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

A CB, per ISO/IEC Guide 65, may operate a testing program to accept test data from a manufacturer's first-party laboratory that participates in a WMTL or a SMTL program only if the CB adheres to the requirements enumerated below. Note, the CB shall not enroll as a WMTL any laboratory EPA has formally recognized as currently meeting the "Conditions and Criteria for Recognition of Laboratories for the ENERGY STAR Program," since this recognition obviates the need to establish confidence in the laboratory via the level of witnessing inherent to a WMTL program. Instead, the CB shall enroll such a laboratory as an SMTL, and the procedure the CB follows to do so shall entail fewer steps than in the case of non-accredited laboratories.

To operate a testing program to accept test data from a manufacturer's first-party laboratory that participates in a WMTL or a SMTL program, the CB shall:

- 1) General Requirements:
 - a) Ensure through an on-site initial assessment and periodic auditing that the WMTL or SMTL 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 have the necessary competence and expertise. 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 product specification;
 - b) Document and maintain reports of its assessments and periodic auditing of the WMTLs/SMTLs in the programs it operates;
 - c) Have and follow procedures to monitor the impartiality of WMTLs/SMTLs on an ongoing basis. Document review, consistent with the requirements of ISO/IEC 17025, shall include but may not be limited to the following:
 - i) Organization chart showing that the responsibilities, authorities, and inter-relationships of all personnel who manage, perform or verify laboratory results are free from influence that may adversely affect the quality of their work;
 - ii) Dates of internal audits, audit findings, and any corrective actions taken;
 - iii) Any customer complaints and corrective action taken;
 - iv) Original testing records containing sufficient information for repeatability, including the names of staff who participated;
 - v) Evidence that laboratory employees participate in and regularly pass ethics and compliance audits; and,
 - vi) Evidence that mechanisms for reporting and responding to attempts to exert undue influence on test results are in place.
 - d) Maintain records that demonstrate the test data originating with the WMTL/SMTL are unbiased.

- e) Operate proficiency testing when EPA/DOE deems it necessary to ensure consistent results between the WMTL/SMTL and an EPA-recognized third-party laboratory.
 - f) Provide EPA with a list of each WMTL/SMTL testing products pursuant to ENERGY STAR qualification, and updates to this list on an ongoing basis as the CB enrolls laboratories in its WMTL/SMTL program. This list shall included the following information on each WMTL/SMTL:
 - i) The date of the WMTL/SMTL agreement between the WMTL/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.
 - g) Assume full responsibility for the validity of the test results.
- 2) Requirements specific to the operation of a WMTL program:
- a) Supervise and check all critical aspects of the tests;
 - b) Witness the final data acquisition;
 - c) Ensure that the CB personnel who witness the test(s) have the necessary competence and expertise to carry out tests to the relevant ENERGY STAR product specification; and,
 - d) Ensure that all tests are carried out by personnel of the WMTL in accordance with the applicable requirements.
- 3) Requirements specific to the operation of an SMTL program:
- a) Witness testing and all other elements that contribute to the establishment of confidence in the SMTL's quality processes;
 - b) As the CB gains experience with and confidence in the SMTL, supervision may gradually shift away from witnessing tests;
 - c) At least once per year, audit 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; and,
 - ii) Review relevant test reports in progress; and,
 - 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.