

# Conditions and Criteria for Recognition of Certification Bodies for the ENERGY STAR<sup>®</sup> 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,” or ISO/IEC 17065, “Conformity Assessment: Requirements for bodies certifying products, processes, and services,” 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.

*Note: The IAF expects ISO/IEC 17065 to be in effect and replace Guide 65 by September 15, 2015. Currently recognized and applicant CBs accredited to ISO/IEC Guide 65 will transition to ISO/IEC 17065 according to the schedule determined by their accreditation body, however they must keep EPA informed of their progress and projected date that this accreditation will be final.*

Noteworthy elements of ISO/IEC Guide 65 and ISO/IEC 17065 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 five years or the duration of certification, and permit EPA 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 or third-party certification requirements 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 product specifications, including test methods and eligibility criteria, 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 or recognition.
  - k) Not use its own mark to indicate that a product is ENERGY STAR qualified.
  - l) Comply with EPA written policies, including FAQs, [directives](#), and other written instructions.
- 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) Abide by the [Standard Operating Procedure for Certification of Products to ENERGY STAR Specifications](#). Noteworthy elements of the SOP include:
    - 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.<sup>1</sup>
    - iii) Confirm that all data in the test report originated from a laboratory EPA has recognized for the relevant ENERGY STAR specification. EPA-recognized laboratories include the following:

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<sup>1</sup> 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.

- (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 accurate and complete product data on certified products to EPA using XML-based web services. CBs should refer to [product-specific XML schema](#) to ensure they are collecting all necessary data fields. Also, CBs must be able to successfully complete a test submission using the relevant XML service for any new product category before they may expand their EPA recognition to that category.

### 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) On a twelve-month cycle, test at least 10% of all ENERGY STAR qualified models, per product specification, that the CB has certified or registered. The CB shall document its testing cycle schedule within its quality system documentation.
  - (b) When determining the number of models subject to verification testing, the CB shall consider product families as defined in the relevant product specification.
  - (c) EPA may advise the CB to modify the number of models tested in subsequent years. The minimum number of products tested may differ by product specification.
- (3) Products shall be selected by the CB according to the following general guidelines:
  - (a) When the CB is ready to select models for a round of verification testing, it shall contact EPA for Agency selections and include these selections in that round of testing;
  - (b) EPA and the CB shall select models in consideration of the following:
    - (i) Whether an ENERGY STAR partner has experienced a previous verification testing failure, and has other models qualified to that product specification;
    - (ii) Referrals from third parties such as consumers, consumer groups or regulatory agencies regarding the accuracy of ratings; and,

- (c) Models with high sales volumes if this data is available. The remaining 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.
- (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: Consistent with [Directive 2011-06](#), off-the-line testing is only appropriate where procuring 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.*

- (b) The CB shall be responsible for obtaining the unit for testing, and shall not allow the ENERGY STAR partner to choose the testing sample.
- (c) 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.
  - (iii) Comply with verification testing requests in a timely manner.
- (d) The CB shall report to EPA any partners that do not comply with verification testing requirements.
- (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-party<sup>2</sup> 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.<sup>3</sup> 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.

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<sup>2</sup> 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.

<sup>3</sup> 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.

- (2) Require, and evaluate the results of, retesting of the product's relevant performance.
- c) Challenge Testing
  - i) Have in place a challenge testing procedure, and contractual provisions for challenge testing, that includes a process for establishing if a challenge has merit.
  - ii) The CB shall not oblige the challenger to convey the details of the challenge to the challengee.
  - 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) Changes in Product Performance:
  - i) Have in place a procedure to resolve discrepancies between data resulting from product re-testing, that is, verification testing, re-evaluation in the event of significant changes, or challenge testing, and the data previously certified by the CB.
  - 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 initial test results indicate the product does not meet the performance requirements of the relevant ENERGY STAR product specification, the CB shall notify EPA within two business days, and report to EPA the test results that are relevant to ENERGY STAR qualification.<sup>4</sup> If EPA considers the test results final, the CB shall, in addition to the preceding steps, decertify the product for ENERGY STAR, likewise within two business days.
    - (3) A CB may notify a manufacturer of a model's verification or challenge testing failure only upon or after notifying EPA of the failure.

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<sup>4</sup> 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 or ISO/IEC 17065, 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 mechanisms for reporting and responding to attempts to exert undue influence on test results are in place; and,
  - vi) Other measures as appropriate to ensure the impartial conduct of laboratory staff.
- 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 enrolled in its program to test products for ENERGY STAR, and updates to this list on an ongoing basis.
  - 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.