

## DOCKETED

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*Comment Received From: Karin Athanas*

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## **A2LA Public Comment - Proposed Amendments to Title 20 Appliance Efficiency Regulations Rulemaking**

On behalf of the American Association for Laboratory Accreditation (A2LA) and in response to the above identified public notice and proposed rulemaking, I kindly submit the attached public comments for your review and consideration.

*Additional submitted attachment is included below.*



April 30, 2018

Docket Unit  
California Energy Commission  
Docket No. 2018-AAER-10  
1516 9th Street, MS-4  
Sacramento, CA 95814

**Re: PROPOSED AMENDMENTS TO THE APPLIANCE EFFICIENCY REGULATIONS**

**California Code of Regulations, Title 20, Sections 1601 through 1609**

**California Energy Commission**

**Docket No. 2018-AAER-10**

On behalf of the American Association for Laboratory Accreditation (A2LA) and in response to the above identified public notice and proposed rulemaking, I kindly submit the following public comments for your review and consideration.

The American Association for Laboratory Accreditation (A2LA) is a nonprofit, non-governmental, public service, membership society that strives to promote quality in testing and testing-related activities through accreditation. A2LA offers accreditation to international standards to laboratories, calibration providers, inspection bodies, proficiency testing providers, reference material producers and product certification bodies from industries such as environmental, life sciences, and biological fields dedicated to promoting uncompromising quality in accreditation accepted everywhere and by everyone. A2LA also provides training programs in quality and quality related topics and is an IACET-accredited training provider.

A2LA is an active stakeholder in the product certification and appliance efficiency industry, providing education to testing laboratories, product certifiers, and stakeholders, participating on standards writing committees, and providing assessment and accreditation.

As a stakeholder, A2LA is dedicated to advancing and supporting the growth of quality and accreditation in the industry, including the development of common sense regulations and guidance. The efforts of the California Energy Commission are important to the advancement of reliable testing, inspection, and product certification and end user confidence and for these reasons, A2LA offers the attached comments and recommendations for consideration.

A2LA remains ready to be a continuing source of support and guidance to the California Energy Commission on issues of quality, competence, and accreditation and will continue to support the valuable work being done.

Regards,

A handwritten signature in black ink that reads 'Karin Athanas'.

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A2LA, Public Comments

	Clause	Comment	Possible Solution
1.	1602(S)	Definition of accreditation should follow ISO.	Change to: Third party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks.
2.	1602(S)	Definition of accreditation body should follow ISO.	Authoritative body that performs accreditation.
3.	1602(S)	Add a definition for conformity assessment body	Body that performs conformity assessment activities and that can be the object of accreditation.
4.	1603(b)(1)	Who would be considered an approved industry certification program provider? Are we talking about a certification body or a testing laboratory? A testing laboratory's role typically only includes the testing activities and reporting of data. It is normally the product certification body who uses an evaluation (i.e. testing) to determine if a product meets given specifications. Alternatively the manufacturer can self-declare based on the results of testing, but labs do not certify products!	Clarify the provider of services for the certification program. Consider restructuring.
5.	1603(b)(1)	It appears that the functions of a scheme owner are being mixed with that of the certification body, which must be accredited to something. While it is permissible for the certification body to be a scheme owner, the duties are unique and should be separated. Further there are requirements within ISO/IEC 17065 (4.2.6) that would need to be addressed.	Delineate the functions of the scheme owner from those of the certification body, taking into account the requirement of ISO/IEC 17065 for the Certification Body.
6.	1603(b)(1)(B)	This clause makes reference to accreditation of the CB by ANSI and ISO. ISO in full and the ANSI (SDO) do not accredit. As written this would not meet the intent of providing the level of quality the industry program is seeking. It also does not detail the standard to be accredited for.	Revise clause to state, <i>is accredited to ISO/IEC 17065:2012 by an Accreditation Body who is a full member signatory to the International Accreditation Forum (IAF) for the relevant Scope of work; and</i>  This would include the accreditation division of ANSI and ensure that these accreditation bodies have deemed compliant to ISO/IEC 17011:2017.

7.	1603(b)(1)(C) (2)	Is the section implying that the CB must perform the testing, or would be allowable for the CB to outsource the testing? Further how is the competence of the testing lab determined?	Revise the section to states, <i>testing of appliances according to applicable test methods and accurate reporting of test results shall be performed by a testing laboratory that has been accredited to ISO/IEC 17025:2017 by an accreditation body that is a full member signatory to the International Laboratory Accreditation Cooperation (ILAC) for the relevant Scope of work;</i>
8.	1603(b)(1)(E)	The challenge procedure should be detailed so that all certification schemes are written in a manner that will yield the intended result.	Add detail as to what the procedure must include. A good reference may be the EPA's conditions and criteria for accreditation of CB's. Refer to page 4 (section 3C). <a href="http://www.energystar.gov/index.cfm?c=third_party_certification.tpc_cert_bodies">www.energystar.gov/index.cfm?c=third_party_certification.tpc_cert_bodies</a>