

DOCKETED

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Project Title:	AHAM Kitchen Range Hood Directory Approval
TN #:	231426
Document Title:	Application for Approval of AHAM Product Directory for use in place of HVI Directory for Kitchen Range Hoods
Description:	N/A
Filer:	System
Organization:	Mike Moore/HVII
Submitter Role:	Public
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Comment Received From: Mike Moore
Submitted On: 1/9/2020
Docket Number: 19-BSTD-10

Application for Approval of AHAM Product Directory for use in place of HVI Directory for Kitchen Range Hoods

Additional submitted attachment is included below.



9 January 2020

TO: Mr. Peter Strait Supervisor, Building Standards Office
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

via email to: peter.strait@energy.ca.gov

Re: Docket No. 19-BSTD-10, Application for Approval of AHAM Product Directory for use in place of HVI Directory for Kitchen Range Hoods

Dear Mr. Strait:

Following our last letter submitted on this topic, HVI conducted a more thorough review of the materials that AHAM submitted in support of its application. HVI's prior letter requested that CEC reject AHAM's application. This letter is submitted to reiterate that request and provide further documentation to support CEC's rejection, namely:

1. **AHAM has not yet established a directory or a program.** Before CEC approves an alternative directory or program for certification of range hood performance, there should be an alternative directory available for review. To our knowledge, AHAM has not established a directory, and the program appears to exist only in draft form.
2. **AHAM's primary laboratory is not in compliance with Title 24 and ASHRAE 62.2 requirements.** Title 24 requires compliance with ASHRAE 62.2, including 62.2's requirement in Section 7.1 that fans must be rated in accordance with HVI 920. HVI 920 Section 1.2.2 requires testing to be completed in an HVI-designated lab. The laboratory proposed by AHAM for administration and testing of its proposed range hood certification program, Intertek-Cortland, is not an HVI-designated laboratory, and therefore, products rated in accordance with the proposed program would not be in compliance with ASHRAE 62.2 or with Title 24. HVI actively seeks laboratories that can meet its qualification criteria, and has previously determined that Intertek did not qualify, based on its inability to determine sound readings at several octave bands due to background noise in the laboratory, yielding different results in sound performance. Further, at the time of HVI's round robin testing, Intertek used an ETL airflow testing chamber using different technology than is used by the REEL and AMCA laboratories and producing notably different results for airflow. HVI's requests for Intertek to provide information on its current capabilities were rebuffed; see bullet 3 for more information. Until Intertek can be re-evaluated by HVI and demonstrate that it can achieve similar results to HVI's approved laboratories, product ratings based on testing at Intertek are in violation of ASHRAE 62.2 and Title 24.
3. **Intertek has refused to provide information or services to HVI.** In December 2019, HVI attempted to determine if Intertek has updated its facility to be able to comply with the testing requirements of HVI 915 and 916, and if so, to obtain a quote for services as an HVI-approved laboratory. This inquiry was rebuffed by Intertek based on the claim of a "conflict of interest" with AHAM and the fact that AHAM would not "want (Intertek) to answer the request with a quote" (see Exhibit A). Until Intertek discloses this information, neither HVI nor CEC are able to make a determination as to the fitness of Intertek to test to HVI 915 and 916. This could be deemed a violation of antitrust requirements and should be investigated by CEC prior to approval. This stance has restricted HVI's ability to discern Intertek's current adequacy for certification testing.

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4. **AHAM has not provided sufficient documentation on the quality assurance measures for its first-party approved laboratories.** Both AHAM and HVI have options for manufacturer (“first-party”) testing of products that can be used for certification. However, the requirements and level of stringency of the respective programs to approve first-party testing is not known by CEC nor readily available from these certification bodies. CEC should conduct an internal review to determine if the requirements and stringency of the respective first-party programs can be expected to provide comparable results. At CEC’s request, HVI would be happy to provide this information to CEC for their internal review.
5. **AHAM’s verification method provides opportunity for abuse.** A key component of HVI 920’s verification method is retail-sourcing of product for verification testing. Retail sourcing ensures that manufacturers do not have the ability to manipulate the product in any way prior to testing and provides for greater confidence in the results. AHAM proposes to source product for verification testing from the manufacturer’s factory, introducing the opportunity for abuse and gaming.
6. **AHAM has not demonstrated that its proposed directory will provide equivalent ratings.** No results have been provided by AHAM from testing or listing of products to demonstrate that equivalent ratings can be produced through their proposed certified rating program’s proposed methods.
7. **AHAM’s HRH-2 does not regulate the version of test procedures use and may be changed at any time.** HVI requires certification to comply with the latest versions of HVI testing procedures. No such requirement exists in AHAM’s HRH-2 procedure, which is the governing document in its certified rating program and may be changed at any time. This malleability in AHAM’s procedure is likely to result in further divergence from HVI in future fan ratings. Additionally, AHAM’s HRH-2 notes that, “Any standard may be reviewed and improved as needed... Any interested party, at any time, may request a change in an AHAM standard.” Presumably, changes could include removing or modifying references to HVI and other test procedures at will. There is no oversight in place to ensure that AHAM’s methods will not diverge from HVI’s, and there is no information provided about how change proposals will be evaluated or incorporated.

In summary, AHAM has requested approval of a certification rating program that is in draft form, has no listings that are currently available for view, relies on a primary laboratory that is not approved for compliance with ASHRAE 62.2 or Title 24, approves the use of manufacturer-laboratories for certifications without having submitted documentation on how such laboratories are qualified, does not provide for timely updates of referenced test procedures, allows for reference procedures to be changed or revoked at any time, and has not produced any data showing that currently available products would achieve comparable performance ratings under the alternate certification rating program. To characterize AHAM’s request for approval of their proposed program and proposed directory as premature would be a gross understatement. We request that CEC reject AHAM’s request for approval on these grounds.

Thank you for the opportunity to provide this comment and for your consideration.

Kind regards,



Jacki Donner
CEO

Enclosure:
Intertek email to HVI

General Mailbox - HVI

From: Byron Horak Intertek <byron.horak@intertek.com>
Sent: Tuesday, January 7, 2020 1:44 PM
To: General Mailbox - HVI; Jim Boldt - Engineering Dir; Brian Cyr Intertek; James Kline Intertek; James Diescher Intertek
Cc: John Fox; Pam Springer Intertek
Subject: RE: HVI Inquiry Into ETL Cortland About Testing to HVI Procedures

Hello Jacki,

After careful consideration there were a couple of factors that we considered before declining your request.

- 1) Several times over the past couple of decades Intertek has approached HVI to ask for collaboration, each time our request was declined. I was not personally involved with these requests, but may be able to at least find out what the basic topics were.
- 2) Considering the fact Intertek has been selected to be the Program Laboratory for the AHAM Range Hood Program, we considered this request to be a direct conflict of interest and neither party would want us to answer the request with a quote.

If you want to pursue this topic further I would suggest that you contact AHAM directly.

Best Regards,

Byron Horak

Director of Engineering, HVAC Performance

Cortland NY

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From: General Mailbox - HVI <hvi@hvi.org>
Sent: Monday, December 23, 2019 3:20 PM
To: Byron Horak Intertek <byron.horak@intertek.com>; Jim Boldt - Engineering Dir <industry@hvi.org>; Brian Cyr Intertek <Brian.Cyr@intertek.com>; James Kline Intertek <jim.kline@intertek.com>; James Diescher Intertek <james.diescher@intertek.com>
Cc: John Fox <labs@hvi.org>; Pam Springer Intertek <pam.springer@intertek.com>
Subject: [External] RE: HVI Inquiry Into ETL Cortland About Testing to HVI Procedures

Hello Byron,

Could you help me understand why you've declined our request for a quote?

Kind regards,

Jacki Donner, CEO
Home Ventilating Institute

From: Byron Horak Intertek <byron.horak@intertek.com>
Sent: Tuesday, December 17, 2019 6:23 AM
To: Jim Boldt - Engineering Dir <industry@hvi.org>; Brian Cyr Intertek <Brian.Cyr@intertek.com>; James Kline Intertek <jim.kline@intertek.com>; James Diescher Intertek <james.diescher@intertek.com>
Cc: John Fox <labs@hvi.org>; General Mailbox - HVI <hvi@hvi.org>; Pam Springer Intertek <pam.springer@intertek.com>
Subject: RE: HVI Inquiry Into ETL Cortland About Testing to HVI Procedures

Jim,
After reviewing your request we find that we must decline your request for quote at this time.
Best Regards,

Byron Horak
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From: Jim Boldt - Engineering Dir <industry@hvi.org>
Sent: Monday, December 16, 2019 6:19 PM
To: Brian Cyr Intertek <Brian.Cyr@intertek.com>; James Kline Intertek <jim.kline@intertek.com>; James Diescher Intertek <james.diescher@intertek.com>
Cc: John Fox <labs@hvi.org>; General Mailbox - HVI <hvi@hvi.org>; Byron Horak Intertek <byron.horak@intertek.com>; Pam Springer Intertek <pam.springer@intertek.com>
Subject: [External] RE: HVI Inquiry Into ETL Cortland About Testing to HVI Procedures

Good afternoon,

Has anyone at Intertek Cortland been able to review my initial questions about the capability to test to HVI Publications 915 & 916?

From: Jim Boldt - Engineering Dir
Sent: Wednesday, December 11, 2019 3:20 PM
To: Pam Springer Intertek <pam.springer@intertek.com>; Brian Cyr Intertek <Brian.Cyr@intertek.com>; James Kline Intertek <jim.kline@intertek.com>; James Diescher Intertek <james.diescher@intertek.com>
Cc: John Fox <labs@hvi.org>; General Mailbox - HVI <hvi@hvi.org>; Byron Horak Intertek <byron.horak@intertek.com>
Subject: RE: HVI Inquiry Into ETL Cortland About Testing to HVI Procedures

Pam,

Thank you for your prompt attention. We look forward to hearing from Jim, Brian and James.

From: Pam Springer Intertek <pam.springer@intertek.com>
Sent: Wednesday, December 11, 2019 3:07 PM
To: Jim Boldt - Engineering Dir <industry@hvi.org>; Brian Cyr Intertek <Brian.Cyr@intertek.com>; James Kline Intertek <jim.kline@intertek.com>; James Diescher Intertek <james.diescher@intertek.com>
Cc: John Fox <labs@hvi.org>; General Mailbox - HVI <hvi@hvi.org>; Byron Horak Intertek <byron.horak@intertek.com>
Subject: RE: HVI Inquiry Into ETL Cortland About Testing to HVI Procedures

Hi Jim,

Thank you for your email. I am not familiar with all of the testing capabilities our sound team can perform so I am passing your email along to Jim Kline, Brian Cyr and James Diescher. They will be able to answer your question.

Brian/Jim/Jim, can you take a look at this and get back to Jim Boldt?

Thank you for choosing Intertek
Pam Springer
Direct: +1 (607) 758-6366



From: Jim Boldt - Engineering Dir <industry@hvi.org>
Sent: Wednesday, December 11, 2019 3:47 PM
To: Pam Springer Intertek <pam.springer@intertek.com>
Cc: John Fox <labs@hvi.org>; General Mailbox - HVI <hvi@hvi.org>
Subject: [External] HVI Inquiry Into ETL Cortland About Testing to HVI Procedures

Dear Pam,

The Home Ventilating Institute (HVI), founded in 1955, is an international nonprofit association of the manufacturers of home ventilating products. HVI's core purpose is "Making Indoor Air Healthier." Through its Certified Ratings Programs, HVI provides a voluntary means for residential ventilation manufacturers to report comparable and creditable product performance information, based upon testing performed by independent, third-party laboratories, using uniformly applied standards and procedures. Certified performance ratings include airflow, sound and energy.

Today, HVI represents manufacturers from North America, South America, Asia and Europe, producing the majority of the residential ventilation products sold in the United States and Canada. HVI certification is a prerequisite for obtaining the ENERGY STAR® rating for mechanical ventilation equipment.

With HVI's continuing growth, we find the need to explore additional testing laboratories for our certification programs. Several years ago, I visited the Intertek Cortland facility to look at your capabilities. At that time, you had a robust program for air flow testing and a sound chamber that was somewhat unique. My question to you today is whether Intertek Cortland would have the capabilities to test to [HVI Publication 915 \[hvi.org\]](http://hvi.org) for sound and [HVI Publication 916 \[hvi.org\]](http://hvi.org) for airflow. Please note that the publications have defined parameters for test set-up constructions.

If you feel you have the necessary facilities to meet the HVI publications requirements, please let me know so that we can explore in greater detail the testing opportunities your facility offers.

Thanks in advance for your prompt response.

Jim Boldt

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