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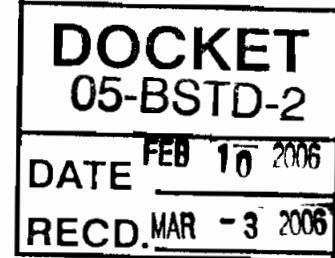


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February 10, 2006

**VIA ELECTRONIC [ehebert@energy.state.ca.us]
AND FIRST CLASS MAIL**

Elaine Hebert, Contract Manager
Efficiency, Renewables, and Demand Analysis Division
California Energy Commission
1516 Ninth Street, MS-25
Sacramento, California 95814



**Re: 2008 Update to the Building Energy Efficiency Standards
Docket Number 05-BSTD-2
Section 10-111 Certification and Labeling of Fenestration Product U-Factors, Solar
Heat Gain Coefficients and Air Leakage**

Dear Ms. Hebert:

I am writing on behalf of International Accreditation Service (IAS), a subsidiary of the International Code Council (ICC). ICC publishes the *International Building Code* and the related family of codes, including the *International Energy Conservation Code*. IAS accredits testing and calibration laboratories and is recognized internationally by the International Laboratory Accreditation Cooperation (ILAC) and the Asia Pacific Laboratory Accreditation Cooperation (APLAC), and in the U.S. by the National Cooperation for Laboratory Accreditation (NACLA). The goal of these cooperative organizations is to:

- Develop and harmonize laboratory and inspection accreditation practices.
- Promote laboratory and inspection accreditation to industry, government, regulators and consumers.
- Assist and support developing accreditation systems.
- Promote global recognition of laboratories and inspection facilities via the ILAC Arrangement.
- Facilitate acceptance of test, inspection and calibration data accompanying goods across national borders.

IAS accredits laboratories based on technical competence and compliance with the globally accepted ISO/IEC Standard 17025, *General Requirements for the Competence of Calibration and Testing Laboratories*. National and international accreditation bodies are required to operate their accreditation programs in an objective and impartial manner and administer their accreditation policies and procedures in a nondiscriminatory way. Specifying one laboratory or one organization as a sole provider of testing or certification services is contrary to our policies and the policies of all mainstream accreditation bodies and is clearly discriminatory against qualified and accredited testing organizations. We do not believe that designating a single provider of such services is in the best interests of the California Energy Commission or the public.

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We are writing to recommend revisions to Section 10-111 of the Building Energy Standards. Specifically, we recommend that the Commission eliminate the designation of the National Fenestration Rating Council (NFRC) as the supervisory agency responsible for administering the state's certification program for fenestration products. We request that this recommendation be considered at the Staff Workshop scheduled for February 22-23, 2006.

Rationale for Recommendation

While we support the goal of ensuring that consumers receive accurate information regarding U-factors and solar heat gain co-efficients (SHGCs), the designation of the NFRC as supervisory agency is no longer necessary to achieve that goal. It is our understanding that the Commission designated the NFRC in the 1980s as the supervisory agency to respond to certain fraudulent practices involving certification of energy ratings for fenestration products. While intended to prevent fraudulent practices, the designation has had the unintended consequence of preventing qualified testing organizations from competing to provide fenestration certification services.

Designating the NFRC as the supervisory agency has the effect of designating the NFRC as the sole provider of certification services in California. This is because the NFRC requires testing or certification organizations that participate in its program to use NFRC's label to demonstrate compliance. As a result, competent certification organizations that use other certification marks, even if they provide superior service, are excluded from the California market.

It is not necessary to so restrict competition to guarantee the integrity of California's certification program for fenestration products. Rather than rely solely on one supervisory entity, the Commission should require that organizations that wish to test for U-factors or SHGCs in accordance with NFRC standards be accredited, independent laboratories as stated in the *International Energy Conservation Code*. This change would allow a competitive market for testing and certification services, with attendant consumer benefits. Moreover, the approach we advocate is similar to the approach California uses with respect to other building certification programs, which suggests that the Commission can adopt the proposed changes with confidence.

We appreciate your consideration of this proposal and are available to provide additional information if desired.

Very truly yours,



Patrick McCullen
Vice President

cc: Mazi Shirakh via Electronic [mshirakh@energy.state.ca.us] And First Class Mail