

# FenStar Certification Program Comment Responses

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This document contains responses to all reviewer comments. The comments were categorized as either related to the FenStar™ Certification Program, or specific to a document. The headings reflect the topic of the comment, which may be from more than one reviewer, and the response provided would be the same for each of the comments submitted to that specific topic.

## General Comments

### GC-1 IVP, FenStar Certification Program Fees

Several comments were received regarding fees and future increases in participation fees.

#### Response

The 2017 IVP fee schedule will be used for the 2018 FenStar Certification Program. Future fee changes will be communicated along with other program fee changes. A goal of the pilot program is to determine the resources required to successfully maintain the FenStar Certification Program. NFRC operates under non-profit best financial practices and fees recommended for the FenStar Certification Program are approved by the NFRC Board of Directors.

### GC-2 Air Leakage Testing

Will air leakage be confirmed via test or certification?

#### Response

Values will continue to be verified through air leakage certification.

### GC-3 FenStar Certification Program Documents

Many comments were received regarding the availability of FenStar Certification Program documents and the role of membership in developing and maintaining those documents.

#### Response

The FenStar Certification Program is unlike other programs at NFRC, because The FenStar Certification Program is required to follow the EPA ENERGY STAR® certification scheme accredited to the “ISO/IEC 17065: Conformity Assessment – Requirements for bodies certifying products, processes and services” standard for the operation of certification bodies. This led staff, with Board approval, to begin writing the program documents to adhere to the requirements of the EPA ENERGY STAR® certification scheme and the ISO/IEC 17065 standard. The NFRC Board of Directors will vote on the approval of the final major program documents, which are the FS-1000: Quality Manual, the FS-1001: FenStar Certification Program for ENERGY STAR, and the FS-1100: FenStar Certification Program Verification Testing Procedure.

The consensus process cannot be used to establish and maintain the documents because that does not meet the EPA certification scheme or the ISO/IEC 17065 accreditation standard requirements. NFRC staff developed the documents because the operation of the certification body must be kept impartial and NFRC staff works under the impartiality requirements of ISO/IEC 17065.

Both NFRC staff and the Board of Directors value and respect the input of stakeholders. The FenStar Certification Program documents that most directly affect the participants in the program (FS-1001 and FS-1100) were submitted to stakeholders for review and comment. The comments received by staff

during that period were used to revise both of those documents while still maintaining the requirements of the EPA and the accreditation standard. Many of the comments received were directed at the EPA certification scheme, which NFRC cannot change. Comments directed at the scheme and the associated responses can be found in this document.

Other documents that make up the procedural and quality control aspects of the FenStar Certification Program will not be open to public comment. The quality control requirements are specified in the ISO/IEC 17065 standard and cannot be changed. The procedural documents are internal staff procedures that detail how staff is going to perform the tasks required of the program.

Procedural documents that require Licensee participation, such as how to file an appeal, will be made publicly available on the NFRC website. No official public comment period will be scheduled for those documents; however, feedback on procedures is welcome, will be reviewed, and taken under advisement.

#### GC-4 FenStar and PCP Separation

Several comments were made regarding the potential for audits to extend into the NFRC Product Certification Program. It was suggested that documents used for NFRC Certification should also be cited as part of the FenStar Certification Program. A comment was made that NFRC should not make changes to the current Certified Products Directory (CPD).

#### Response

The FenStar Certification Program and the ENERGY STAR certification scheme require listing products in the NFRC CPD, and is the only connection between the NFRC Product Certification Program (PCP) and The FenStar Certification Program.

Since NFRC certification is a prerequisite for The FenStar Certification Program, the PCP process must be completed prior to applying for ENERGY STAR certification and is not part of The FenStar Certification Program.

#### GC-5 VPC, VPAG, and Board of Directors Oversight

Several commenters shared similar concerns about the change from the Verification Policy Committee's role as a governing body to the Verification Policy Advisory Group. There were also concerns about where this leaves the ultimate responsibility for the program—with staff or with the Board of Directors.

#### Response

The Verification Policy Committee (VPC) was chartered in the NFRC By-laws to maintain the *NFRC 713: Independent Verification Program* (IVP) document and the IVP program. The IVP program is going to end as a standalone program and will be rolled into the FenStar Certification Program as the verification testing or surveillance part of the certification. The program change regarding termination of the IVP, as well as the impartiality requirements of ISO/IEC 17065, dictated a change to the role of the VPC.

Staff's recommendation to make the VPC an advisory group instead of an oversight group satisfies the impartiality requirements while still giving membership, through the VPAG, a voice in the certification program. The VPAG will be responsible for providing input on appeals, impartiality policy, document revisions, and any other topic as requested by staff. All input from the VPAG will be taken under advisement by staff, but final decision-making responsibility will remain with staff.

Oversight of the FenStar Certification Program is detailed in the FS-1000: *NFRC FenStar Certification Program Quality Manual*. The quality manual describes the Board and CEO as “Top Management,” responsible for the overall operation of the certification body and the certification program. In addition to approving the documents, the Board shall approve material changes to the documents, and will be given annual reports on the operation of the program including any audits conducted internally by staff or externally by the accreditation body.

#### GC-6 Will Verification Testing be “Reset”

Will verification testing be reset and past tests ignored moving forward?

#### Response

Verification testing will continue as before and will not be reset. All manufacturers will need to update Schedule II and PESI listings to insure all eligible product lines are ENERGY STAR certified through The FenStar Certification Program.

#### GC-7 Adherence to ENERGY STAR Requirements

A comment was received asking to reform adoption of FenStar Third-Party Verification Testing Requirements per EPA Directive No. 2011-04 and EPA Directive No. 2011-06.

#### Response

As an ENERGY STAR certification body, NFRC and the FenStar Certification Program are required to abide by the ENERGY STAR scheme, which includes all directives from EPA.

#### GC-8 Witnessed Testing for Air Leakage

There is language in the FenStar documents regarding not accepting witness testing. Is that for U-factor testing only or does it include air leakage testing?

#### Response

The prohibition of a witnessed laboratory test only applies to U-factor testing, either initial or via surveillance. The surveillance portion of the certification scheme (verification testing) only includes a U-factor test. The ENERGY STAR scheme calls for certified air leakage rating through NFRC or an ENERGY STAR-approved certification program. Air leakage rating certification shall be obtained following the rules of the certification program being used.

## *FS-1001: FenStar Certification Program for ENERGY STAR Comments*

### 1001-1 EPA-Recognized Laboratories

Several comments were made regarding EPA-recognized labs. Where can participants find the requirements for EPA recognition? Where do participants go to find the list of “EPA-recognized” laboratories? Are these laboratories equivalent to an NFRC recognized lab?

#### Response

The text will be changed to read NFRC 701-accredited labs, as EPA recognizes all NFRC 701-accredited labs for the ENERGY STAR Windows, Doors, and Skylights program. Use of an EPA recognized lab is a requirement of the ENERGY STAR scheme per the [Conditions and Criteria for Recognition of Certification Bodies](#), Sections 1.d & 2.b.iii.

### 1001-2 ENERGY STAR Labeling

A comment was made stating that a manufacturer should not be mandated to label for ENERGY STAR if the product/glazing type meet the criteria.

#### Response

It is a requirement of the ENERGY STAR Certification scheme that all manufactured products that meet the criteria shall be labeled. It is not within the purview of NFRC or the FenStar Certification Program to change this requirement. Please see specific references below.

#### *The ENERGY STAR Brand Book*

WINDOWS: All certified windows, doors, and skylights must display the ENERGY STAR Product Qualification Label in accordance with the Partner Requirements and Resource Guidelines for Manufacturers. The Product Qualification Label includes the Certification Mark and illustrates the regions in which the label applies, unless it applies to all regions.

#### *ENERGY STAR® Program Requirements for Residential Windows, Doors, and Skylights Partner Commitments*

5.3. Partner shall adhere to the following product-specific commitments regarding use of the ENERGY STAR mark on qualified products:

**5.3.1. All qualified windows, doors, and skylights must display the Product Qualification Label in accordance with the Partner Requirements and Resource Guidelines for Manufacturers.**

### 1001-3 Program Changes

As the owner of the “program” is it NFRC’s responsibility also to inform the Licensees of any changes? This comment was made on the following section:

If this program is referenced into law or regulation, the provisions of law or regulation may dictate specific requirements that are in addition to or conflict with this program. It is therefore the responsibility of the program Licensee to comply with applicable laws and regulations.

On a related note, it was recommended that Licensees be given adequate time to comply with program changes.

## Response

The FenStar Certification program **will** notify Licensees of all changes to the program. The FenStar Program cannot notify about, and may not even have knowledge of, references to the program in laws or regulations outside of our purview. (i.e., requirements for certification within building codes or state or local laws.)

Program changes around ENERGY STAR requirements and the time required to comply with those changes shall be determined by ENERGY STAR and EPA.

## 1001-4 Termination, Reduction, Suspension or Withdrawal of Certification

Several comments were made regarding the actions of termination, reduction, suspension or withdrawal of certification.

## Response

These actions are defined in the ISO/IEC Standard and are specific to each of the involved parties. Per the standard, the actions of reduction in scope of certification, suspension of the certification, or withdrawal of the certification are actions of the certification body (CB).

Termination of certification is an action of the client or Licensee. A client or Licensee may terminate certification of specific product lines or of their full Licensee Agreement and all certifications.

## 1001-5 Shall vs Must

Comments and edits were made to change the language in several sections from “shall” to “must” or vice versa.

## Response

The language in The FenStar Certification Program documents reflects the language of the ISO/IEC 17065 Standard. Per the standard:

*In this International Standard, the following verbal forms are used:*

- “shall” indicates a requirement;
- “should” indicates a recommendation;
- “may” indicates a permission;
- “can” indicates a possibility or a capability.

Changes have been made to align the document with the above referenced verbal forms.

## 1001-6 Appeal of Certification Decision

Comments were made that FenStar Certification Program staff should not be able to determine if a hearing should be held.

## Response

The FS-1001 was revised to indicate the FenStar Management Committee determines the necessity for a hearing. This revision brings the FS-1001 into alignment with the *FS-1000 Quality Manual*. The FenStar Management Committee is comprised of the Senior Director of Programs, Director of Program Operations, Director of Programs, and Quality and Compliance Manager.

All appeals are reviewed by the FenStar Management Committee with input from the VPAG.

## *FS-1100: FenStar Certification Program Verification Testing Procedures* Comments

### 1100-1      Details of the Process

There were several comments regarding the details of procedures within the verification testing process.

#### Response

The FS-1100 is a high-level document that outlines the process. Procedures for “how” things are done are addressed in other documents. These comments have been taken under advisement, and detail has been added where appropriate. Subordinate documents that require action by a Licensee will be made publicly available.

### 1100-2      Laboratory Assignment

Several commenters said that staff should not or does not select the laboratory for verification testing.

#### Response

Staff has always reserved the right to select the testing laboratory. Normal practice is for the participant to state their preference and for staff to approve that preference. In cases where there are laboratory backups, inoperable test chambers, or other issues that could significantly affect the testing process, staff may assign an alternate laboratory to ensure that testing is completed in a timely matter. Staff will endeavor to consider shipping distances when making an alternate laboratory selection.

### 1100-3      Visible Damage and Testability

Several comments were made regarding the description of visible damage. Comments suggested inspection for damage should include, with use of testing equipment and while product is intact, conditions that would clearly affect test result, including gas fill and Low-e. There was also concern about testing damaged products.

#### Response

This description was created with help from the VPC to make clear the scope of the laboratory’s assessment of the testability of a product at check-in. Low-e locations and gas fill concentrations are measured and recorded during this process, however incorrect low-e locations or gas fill deficiencies are not considered damage. The visual inspection for damage is to look for obvious signs of breakage to the glass or frame that would render the product untestable. The goal of verification testing is to act as a proxy for the consumer. NFRC has long described visible damage in terms of what an average consumer would detect and report. When damage is present that renders a product untestable, a new product is requested and the damaged product is not tested.

Poor workmanship, a lack of the prescribed gas fill, or incorrectly located Low-e coating(s) are not damage per this definition.

### 1100-4      Laboratory Contact with Licensees (During Verification Testing)

Several comments were made regarding the Licensee being contacted by the lab to discuss damaged products or potential failed verification testing.

## Response

Without prior consent from NFRC staff, the lab or Licensee shall not contact each other regarding verification testing.

The EPA ENERGY STAR certification scheme requires the product to be selected by the CB for verification testing, so the CB shall be notified of damage first to determine if the product is testable or if a new product shall be requested.

Regarding failures, the certification scheme includes specific details that EPA must be notified within two days of a failure and before the Licensee is notified per the *Conditions and Criteria for Recognition of Certification Bodies*.

*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. 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.*

NOTE: NFRC standard practice is to notify the licensee immediately (usually moments) after notifying the EPA.

## 1100-5 Permanent Label

A request to clarify the permanent label was made.

## Response

The FenStar Certification Program requires NFRC certification and shall use the NFRC Product Certification Program definition of a permanent label, which includes labels, marks, etchings, or other indelible marks.

## 1100-6 Storage of Cross Sections from Component Evaluations

Several comments were made regarding the duration of cross sections.

## Response

These limits were harmonized with other retention policies and the requirements of the Scheme.

## 1100-7 Failure Appeals After Intact Unit has been Inspected

Several commenters expressed concerns that an appeal to The FenStar Certification Program should still be the right of the participant after an inspection of an intact unit.

## Response

The revised appeal process, which allows for inspection of an intact unit, was created in collaboration with EPA. NFRC was responsive to participants' requests in developing an option for participants who have an unsuccessful thermal test to inspect an intact unit. FenStar Certification Program appeals are only applicable to the testing process and procedures and do not apply to technical aspects of the test. The right to appeal to The FenStar Certification Program shall be waived because the Licensee is inspecting the product prior to completion of the testing process. The Licensee retains the ability appeal to the EPA in all circumstances. The Licensee may present information discovered during the inspection during the appeal to EPA. The EPA holds the ultimate decision on disqualification of products.

## 1100-8 Categorization of Issues (Section 7)

Clarify issue L-10 – NFRC Standard size outside IA permanent label certification for air, water, structural (AWS).

## Response

This language was added to allow for a unit to be built and tested at the NFRC standard size, although it is larger than the AWS certification size for the product line. NFRC has found, through the IVP program, harmonizing the verification test size with the NFRC standard size is more efficient than testing a non-standard size and re-simulating the individual product option for verification testing.

L-10 has been changed to NFRC Standard size *larger than* IA permanent label certification for AWS.