

# GEC Criteria Development Process

## Proposed Release of GEC Criteria Development Process Public Comment Period October 17, 2022 through **December 31, 2022**

The Global Electronics Council (GEC) reviews policies and procedures on an annual basis to determine if changes are warranted. As part of this process, GEC is proposing revisions to *GEC Criteria Development Process (P74)* and seeks stakeholder feedback. This document identifies the process followed by GEC to develop criteria, revise criteria, and evaluate criteria for use in its ecolabels, including the EPEAT Program.

**Stakeholder feedback and insights are an essential part of GEC's management of the EPEAT Program. As such, GEC is holding a 60-day comment period and welcomes stakeholder feedback on the release of *GEC Criteria Development Process (P74)*. The comment period is open from October 17 through **December 31, 2022**. Comments must be provided in the EPEAT Public Comment Form and submitted electronically to [EPEAT@GEC.org](mailto:EPEAT@GEC.org).**

**GEC reserves the right to not consider comments received after 11:59 pm North America Pacific Time on **December 31, 2022**.**

All comments will be thoughtfully considered before either document is finalized and published. GEC intends to publish a stakeholder comment report summarizing comments received and attributing the comments to the submitting party.

GEC proposes to publish the document on February 15, 2023. Unless otherwise identified in the document, the document will become effective as of February 15, 2023.

## Summary of Proposed Changes

Throughout this document, proposed revisions to *GEC Criteria Development Process (P74)* are identified using tracked changes, with the exception of correcting typos or grammatical errors, minor changes to sentence structure, and minor formatting changes. Table A below provides a summary of the key proposed clarifications (additional clarity on existing requirements), changes (changes to an existing requirement), and additions (new requirements).

Table A: Summary of Key Proposed Clarifications, Changes, and Additions in P74		
Topic	Section	Summary
Dynamic Criteria Development Process	2.0	<u>Addition</u> : Added second stakeholder comment period.
State of Sustainability Research	2.1	<u>Clarification</u> : Stakeholder comment report is provided directly to all public commenters and made available to interested stakeholders upon request.
Criteria Drafting	2.2.1	<u>Clarification</u> : Section updated to further clarify that processes align with ISO 14024 (Sections 5.7 and 6.5). <u>Change</u> : Moved last paragraph in Section 2.2.1 to be first paragraph in Section 2.3.
Selection of Verification Requirements	2.2.2	<u>Addition</u> : New section added to describe the selection of verification requirements and to further clarify that processes align with ISO 14024 (Sections 5.10, 5.11 and 6.4.2.5).
Required and Optional Criteria	2.2.3	<u>Addition</u> : New section added to describe Required and Optional EPEAT criteria and to further clarify that processes align with ISO 14024 (Sections 5.6.2, 5.10 and 5.13).
Expert Ad Hoc Groups	2.3	<u>Change</u> : Moved last paragraph in Section 2.2.1 to be first paragraph in Section 2.3.
Expert Ad Hoc Group Membership	2.3.1	<u>Change</u> : Removed requirement for Expert Ad Hoc Groups to be comprised of 4-12 stakeholders. <u>Clarification</u> : Reworded to better describe stakeholder group representation in Expert Ad Hoc Groups.
Technical Committee Member	2.5.1.1	<u>Clarification</u> : Criteria Development Organization is responsible for final selection of Technical Committee Members and participation on the Committee does not constitute an endorsement of EPEAT. Reordered paragraphs.
Public Consultation	2.5.2	<u>Addition</u> : Added second stakeholder comment period.

Table A: Summary of Key Proposed Clarifications, Changes, and Additions in P74		
Topic	Section	Summary
Continuous Maintenance	2.6	<p><u>Clarification</u>: When GEC may consider revising criteria based on a request from a stakeholder and additional details about GEC assessment process when determining if criteria need to be revised.</p> <p><u>Addition</u>: Further details on taking assessment to EPEAT Advisory Council to reflect existing language in EPEAT Policy Manual (P65).</p>
Complaint and Appeals	2.7	<p><u>Clarification</u>: Examples provided to add clarity.</p>
Conflicts of Interest	2.8	<p><u>Addition</u>: New section added to describe GEC’s approach to mitigating and eliminating conflicts of interest.</p>
Revisions and Effective Date	4.0	<p><u>Addition</u>: Section added to identify annual review and revision schedule and indicate that revisions may become effective at an earlier or later date than annual schedule.</p>
Definitions	5.2	<p><u>Addition</u>: Definition for “consensus body”.</p>



*Sustainability for a Connected Future*

# GEC Criteria Development Process

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This document identifies the process followed by the Global Electronics Council (GEC) to develop criteria, revise criteria, and evaluate criteria for use in its ecolabels, including the EPEAT Program.

GEC reviews *GEC Criteria Development Process (P74)* on an annual basis to determine if revisions are required.

The latest revisions to this document were published on February 15, ~~2023~~2022. These revisions, unless otherwise noted, are effective as of July 1, ~~2023~~2022.

Please direct any questions on this document to [CRITERIA@GEC.org](mailto:CRITERIA@GEC.org).

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## 1.0 Introduction

The Global Electronics Council (GEC) is a mission driven non-profit working to create a more sustainable and just world. To achieve this goal, we focus on technology and supporting institutional purchasers in procuring only credible sustainable and circular technology products and services. GEC owns and operates EPEAT<sup>®</sup><sup>TM</sup>, a comprehensive voluntary sustainability ecolabel that helps purchasers identify more sustainable and circular technology products and services. GEC ecolabel criteria address priority impacts throughout the life cycle of the product, based on an evaluation of scientific research and international best practices. Criteria are developed in balanced, voluntary consensus processes that align with and draw from the characteristics of voluntary consensus defined in:

- ISO 14024 *Environmental labels and declarations – Type 1 environmental labelling – Principles and procedures*<sup>1</sup>, and
- U.S. Executive Office of the President, Office of Management and Budget, OMB Circular A-119: *Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*<sup>2</sup>.

With its Dynamic Criteria Development Process, and specifically through the use of modular criteria, GEC implements an efficient and scalable voluntary consensus process that encourages broad and balanced stakeholder participation. GEC develops a Business Case to decide whether to launch a Dynamic Criteria Development Process; the Business Case identifies the landscape of relevant technology providers, large-scale purchaser demand, and where criteria have the potential to reduce sustainability impacts. The Dynamic Criteria Development process, combined with routine maintenance of criteria, ensures that purchasers are able to procure technology products and services that respond to evolving science, leverage best practices and integrate a global perspective.

GEC Criteria are owned by GEC and, unless noted otherwise, their use is constrained to the tools and resources developed by GEC as part of its mission activities. GEC is interested in the harmonization of environmental and social criteria with existing regulations and global standards, as well as other ecolabels and voluntary programs, and welcomes requests to collaborate. All GEC Criteria are publicly available free of charge.

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<sup>1</sup> Available at: <https://www.iso.org>

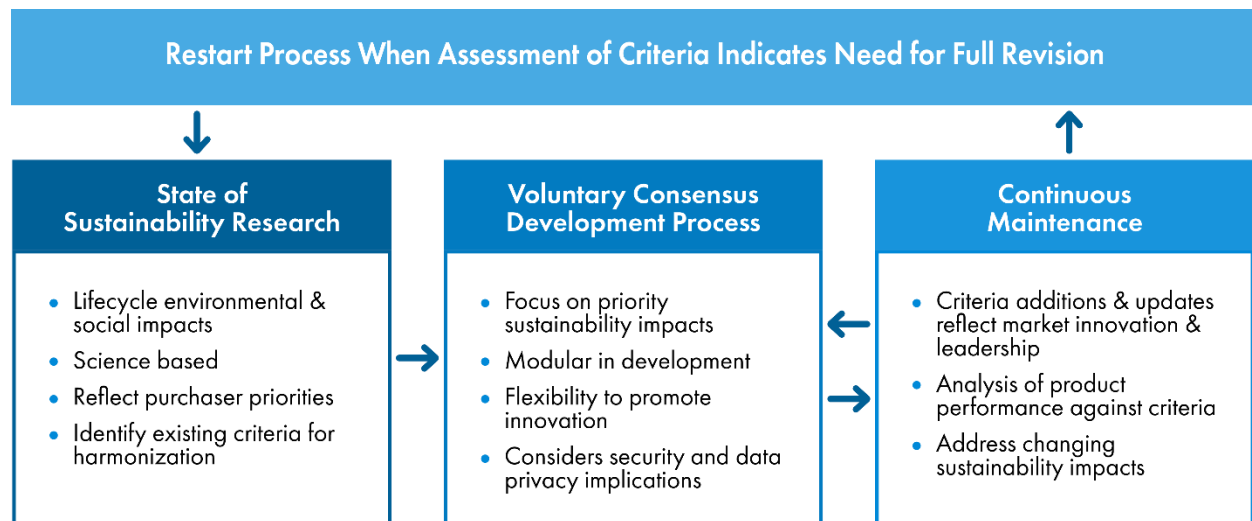
<sup>2</sup> Available at: [https://www.whitehouse.gov/wp-content/uploads/2020/07/revised\\_circular\\_a-119\\_as\\_of\\_1\\_22.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/07/revised_circular_a-119_as_of_1_22.pdf)

## 2.0 Dynamic Criteria Development Process

The key goals of GEC’s Dynamic Criteria Development Process, as illustrated in Figure 1, are:

- Criteria are science-based and address priority environmental and social impacts throughout the life cycle of electronic products and services, and harmonized with international best practices, where applicable.
- Criteria developed with and adhering to the principles of transparency and voluntary consensus, including a process that is open without discrimination to interested parties and representing a balance of stakeholder interests.
- Criteria are continually maintained to ensure relevance, credibility and reflect market innovation in addressing sustainability impacts.

Figure 1: GEC Dynamic Criteria Development Process



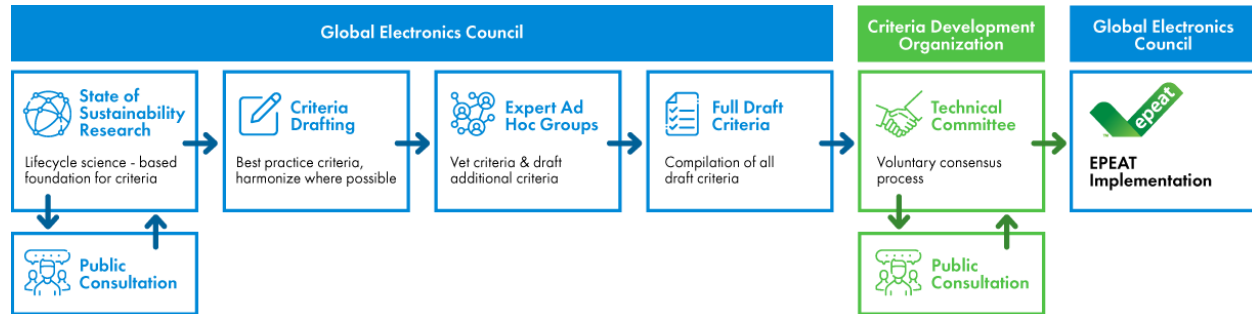
As shown in the process schematic in Figure 2, GEC performs preparatory work for criteria development, including State of Sustainability Research and compiling existing criteria that address identified sustainability impacts. GEC then brings together subject matter experts in Expert Ad Hoc Groups to develop and/or refine draft criteria. These criteria are provided as a starting point for the voluntary consensus process undertaken by the multi-stakeholder Technical Committee. GEC partners with third-party Criteria Development Organizations, to manage the Technical Committee, and ensure the objective adherence of the process to the principles of voluntary consensus.

Public consultation is actively sought and open to all stakeholders at two critical points in the Dynamic Criteria Development Process: 1) on the State of Sustainability Research; and 2) on the Full Draft Criteria Document. These documents are initially available for public consultation for a period of no less than 60 days. A second stakeholder comment period may also occur to solicit feedback on changes made to the Full Draft Criteria Document after the initial public consultation. When a second stakeholder comment

period is held, the comment period is open for no less than 30 days. GEC notifies stakeholders of public consultation through GEC newsletters and specific announcements.

Each of the steps in the process are described in more detail below.

Figure 2: Steps in Criteria Development Process



## 2.1 State of Sustainability Research

GEC publishes State of Sustainability Research as the initial step in the development and revision of criteria. The research identifies science-based social and environmental impacts across the life cycle of technology products and services, and strategies to reduce the identified sustainability impacts. The research also identifies best practices, existing regulations and existing voluntary leadership programs designed to reduce sustainability impacts. The data and analyses in the State of Sustainability Research serves as the foundation for the development and revision of criteria, as well as identification of opportunities for harmonization. GEC may contract with third parties for research and data analysis assistance during this step.

GEC makes the draft State of Sustainability Research available for public consultation for a minimum of 60 days. In the public consultation process, GEC invites stakeholders to review the scientific evidence presented in the State of Sustainability Research, identify gaps in the data, and share additional data and impact mitigation strategies. GEC notifies stakeholders of the availability of State of Sustainability Research for public consultation through GEC newsletters and announcements. All comments are considered, and, if appropriate, the State of Sustainability Research modified. The final State of Sustainability Research is published and made available on the GEC website. GEC also prepares a stakeholder comment report that summarizes comments received and how the research was modified in response. The stakeholder comment report includes a list of organizations who provided comments.

The stakeholder comment report is provided directly to all public commenters and is available to interested stakeholders upon request.



## 2.2 Criteria Drafting

### 2.2.1 Criteria Drafting

GEC Criteria are intended to meet the six Principles for GEC Criteria in Table 1.

1.	Criteria address priority sustainability impacts, as identified in the State of Sustainability Research, and throughout the life cycle of products and services, inclusive of the supply chain.
2.	Criteria establish baseline leadership performance by specifying criteria that are required to be met, while incentivizing continuous improvement and innovation through the use of optional criteria.
3.	Criteria represent leadership and current best practice for reducing identified sustainability impacts, with due consideration of life-cycle trade-offs, and of the ability of the market to meet the criterion within a reasonable timeframe.
4.	Criteria differentiate environmentally and socially preferable products from others in the market based on measurable differences in impact, acknowledging that the ability to quantify the outcome may be limited under some circumstances.
5.	Criteria align with international leadership best practices, whether regulations, standards or voluntary programs and do not create obstacles to international trade.
6.	Criteria requirements can be independently verified through objective measures and commonly accepted tools, methodologies, or standards.

Criteria are required to address sustainability impacts throughout the technology life cycle as identified in the State of Sustainability Research. Typically, this includes impacts in the areas of climate change, sustainable use of resources, chemicals of concern and corporate environmental, social and governance performance. Criteria may also address impacts unique to a specific product type or category.

Criteria address four sustainability impacts, including climate change, sustainable use of resources, chemicals of concern, and corporate social performance. Table 2 illustrates criteria topics by the product life cycle. Product function characteristics are taken into account, which may result in variation in criteria by product type. Criteria are also developed to address product function characteristics such as durability, safety, repairability, and upgradability. These concepts are often addressed by criteria developed to reduce or mitigate sustainability impacts related to the impact areas identified above. For example, chemical product emissions are considered for products using toner and ink cartridges; and percentage of recycled content in the product based on product composition and size.

Criteria include performance requirements as well as documentation and methods for the verification of conformance.

Draft criteria may originate from different sources, including, but not limited to:

- Existing GEC or EPEAT Criteria, if available and representing leadership, with or without modifications.
- GEC staff or partner organizations.

- Submissions from stakeholders.
- Expert Ad Hoc Groups.

~~All draft criteria are reviewed and revised, as needed, by Expert Ad Hoc Groups before consideration by the consensus body, referred to as the Technical Committee. The delivery of fully drafted criteria to the Technical Committee streamlines the voluntary consensus process in order to broaden multi-stakeholder participation.~~

## 2.2.2 Selection of Verification Requirements

~~GEC, in conjunction with the Technical Committee, ensures all elements of a criterion can be independently verified in a manner that reduces bias and uncertainty, uses the best quality qualitative and quantitative data available, and to the extent possible, aligns with internationally recognized methods. Verification requirements are developed for every criterion and ~~and they that~~ identify the evidence necessary ~~a manufacturer must submit to demonstrate conformance with the criterion requirements.~~ Verification requirements align with all required elements of the criterion, and to the extent applicable, specify published test methods, international standards (e.g., ISO, IEC) and certifications, regional and national standards (e.g., EU CEN, US ENERGY STAR), and recognized voluntary programs. Consideration is also given to the availability of qualified organizations, such as laboratories or certification bodies, to perform any required testing or evaluation of specific criteria elements. Where applicable, verification requirements may also outline alternative evidence that will demonstrate conformance to the criterion.~~

### 2.2.12.3 Required and Optional Criteria

~~Criteria are identified as Required and Optional and EPEAT-registered products are identified in the EPEAT Registry by tier as EPEAT Bronze, EPEAT Silver or EPEAT Gold. The tiers differentiate products by the percentage of Optional EPEAT Criteria the products meet.~~

~~The Technical Committee is responsible for determining which criteria are identified as Required or as Optional, as part of the voluntary consensus process. Required Criteria must be met for a product to appear in the EPEAT Registry, and these criteria outline baseline sustainability leadership performance requirements for the EPEAT ecolabel. When designating criteria as Required, consideration is given to the ability of the market to meet the criterion in a reasonable timeframe, demonstrated best practices and availability of standardized methods, and the capacity of small and medium-sized enterprises to conform to the criterion.~~

~~Optional Criteria are used to incentivize innovation, to promote continuous improvement in product and supply chain performance, and to further develop methods and approaches to impact reduction. Products meeting all Required Criteria and a minimum of 50% of the available points for Optional Criteria achieve the EPEAT Silver tier recognition. Products meeting all Required Criteria and a minimum of 75% of the available points for Optional Criteria achieve EPEAT Gold tier recognition.~~

## 2.3 Expert Ad Hoc Groups

~~All draft criteria are reviewed and revised, as needed, by Expert Ad Hoc Groups before consideration by the consensus body, referred to as the Technical Committee. The delivery of fully drafted criteria to the~~

Technical Committee streamlines the voluntary consensus process in order to broaden multi-stakeholder participation.

GEC convenes Expert Ad Hoc Groups by impact topic, mitigation strategy, or cluster of closely related criteria associated with an impact identified in the State of Sustainability Research. The Expert Ad Hoc Groups review draft criteria and evaluate whether the draft criteria, as proposed, have the potential to mitigate the identified sustainability impacts and meet the Principles for GEC Criteria in Table 1. Expert Ad Hoc Groups may be asked to develop draft criteria to address a specific impact identified by the State of Sustainability Research.

The goal of Expert Ad Hoc Groups is to provide technical guidance on the approach, requirements, and language of draft criteria for the assigned topic to be included in the full draft of criteria submitted to the Technical Committee. GEC considers the Principles for GEC Criteria in Table 1 to determine criteria language to forward to the Technical Committee. GEC may choose to forward 2 or more criteria options (e.g., Option A and B) to the Technical Committee if upon evaluation it is determined that alternative approaches to draft criteria meet the Principles for GEC Criteria and address the impacts identified in the State of Sustainability Research. A summary of the Expert Ad Hoc Group discussions, rationale, and any points of technical dissension is documented and transmitted to the Technical Committee, along with the criteria recommendations.

Expert Ad Hoc Groups typically meet by teleconference on a schedule acceptable to participants, and to accommodate diverse time zones, as needed. The review of criteria by Expert Ad Hoc Groups also may be executed by electronic mail.

**2.3.1 Expert Ad Hoc Group Membership**

GEC's goal is to assemble 4-12 stakeholders with expertise and perspectives on the topic under consideration for each Expert Ad Hoc Group. GEC seeks ~~balanced~~ representation from the following stakeholder categories, which are the same stakeholder categories assembled for the Technical Committee: manufacturers; sustainability advocates and government policy; purchasers and ecolabel criteria users; and other industry in the supply chain, as relevant to the criteria topic. GEC strives to include representation from each of these stakeholder categories; however, the primary focus is to ensure the Expert Ad Hoc Groups include expertise relevant to the topic under consideration. See Table 2 for the definition of each stakeholder category.

Table 2: Stakeholder Categories	
<b>Manufacturers</b>	Manufacturers of products or services covered by the scope of the criteria and their trade associations.
<b>Other Industry</b>	Other businesses commercially engaged with the products or services such as: <ul style="list-style-type: none"> <li>• Suppliers and their trade associations</li> <li>• Recyclers, repair and refurbish companies, asset management service providers, and their trade associations</li> <li>• Other types of businesses commercially engaged with the product.</li> </ul>

Table 2: Stakeholder Categories	
<b>Sustainability Advocates and Government Policy</b>	Individual from a public agency (local, regional, state, federal, or international) or represents a professional public/environmental health/safety organization, academia, or not-for-profit environmental organization.
<b>Purchasers and Ecolabel Criteria Users</b>	An individual whose organization purchases, uses, or specifies products or services covered in the scope of the criteria. User/consumers and their trade association representatives, institutional purchasers, third-party conformity assessment bodies (e.g., testing laboratories), and retailers are included in this membership classification.

GEC notifies stakeholders of the opportunity to join Expert Ad Hoc Groups, following publication of the draft State of Sustainability Research. Any interested stakeholders may participate in Expert Ad Hoc Groups by notifying GEC staff of their interest. GEC may also recruit individuals with relevant technical expertise and stakeholder perspectives. Only one member from a single organization may serve on an Expert Ad Hoc Group to help maintain a balance of perspectives, unless the representatives represent different stakeholder categories. A member may designate a proxy if they are unable to attend a meeting. Individuals must complete GEC’s Participant Agreement prior to joining an Expert Ad Hoc Group. A list of organizations participating in Expert Ad Hoc Groups is made available to the Technical Committee and is publicly available.

If stakeholder category representation or expertise relevant to the criteria is not achieved for an Expert Ad Hoc Group, GEC may reach out to stakeholders not represented or underrepresented on the Expert Ad Hoc Group to bring in their perspectives. However, the work of the Expert Ad Hoc Group will proceed.

## 2.4 Full Draft Criteria Document

GEC compiles a comprehensive Full Draft Criteria Document based on the recommendations of the Expert Ad Hoc Groups and submits it to the Technical Committee as the starting point for their deliberation. GEC confirms that the Full Draft Criteria Document addresses the environmental and social impacts identified in the State of Sustainability Research. If gaps are identified in the Full Draft Criteria Document, GEC prepares a plan for addressing the gaps and provides it to the Technical Committee.

The Full Draft Criteria Document is accompanied by a summary that includes the origins of the criteria, key discussion points, as well as areas of technical disagreement identified by the Expert Ad Hoc, to provide context for the Technical Committee. This summary also identifies whether an Expert Ad Hoc was unable to develop a recommendation to address an impact identified in the State of Sustainability Research, and why.

## 2.5 Voluntary Consensus Process

GEC partners with third-party Criteria Development Organizations to manage the multi-stakeholder consensus body, called the Technical Committee. Since credible and objective criteria development is important to GEC’s mission, GEC selects partner organizations with experience in managing voluntary

consensus processes of diverse stakeholders. GEC only partners with organizations that maintain impartiality in its management of the Voluntary Consensus Process. The Criteria Development Organization must have documented procedures that address and adhere to the five characteristics of voluntary consensus in Table 3.

Table 3: Characteristics of Voluntary Consensus	
1.	<b>Openness:</b> The process is open to participation by all interested parties. Such parties are provided meaningful opportunities to participate in criteria development on a non-discriminatory basis. The procedures or processes for participating in criteria development and for developing the criteria are transparent.
2.	<b>Balance of interests:</b> The process includes a balance of stakeholder interests with no single interest dominating decision-making.
3.	<b>Due process:</b> The process includes documented and publicly available policies and procedures, adequate notice of meetings and other activities, sufficient time to review drafts and prepare views and objections, access to views and objections of other participants, and a fair and impartial process for resolving conflicting views.
4.	<b>Appeals process:</b> A process must be available for the impartial handling of procedural appeals.
5.	<b>Consensus:</b> Consensus is defined as general agreement, but not necessarily unanimity, and includes a process for attempting to resolve objections by interested parties. All comments must be fairly considered, each objector must be advised of the disposition of his or her objection(s) and the reasons why, and the consensus body members must be given an opportunity to change their opinion after reviewing the comments.

The Criteria Development Organization must also have procedures in place to objectively select Technical Committee members, safeguard against anti-competitive behaviors, and avoid the use of commercial terms and other requirements that may restrict trade and competition. Approved minutes of Technical Committee meetings must be publicly available.

## 2.5.1 Technical Committee Participation

GEC establishes general parameters, as identified throughout Section 2.5.1, for the operation of the Technical Committee to ensure that the process of criteria development is open and transparent to all interested organizations, while also fostering meaningful dialogue and the exchange of perspectives among the four stakeholder interest groups in Table 2. GEC provides stakeholders with the following opportunities for participation in the Technical Committee process: 1) Technical Committee Member; 2) Technical Committee Observer; and 3) Invited Expert. GEC notifies stakeholders of the opportunity to participate on the Technical Committee through GEC newsletters and announcements.

### 2.5.1.1 Technical Committee Member

[GEC seeks individuals with expertise on the topics under consideration by the Technical Committee to participate on the consensus body.](#) Interested stakeholder must submit an application, including

documentation of experience and qualifications, for membership on the Technical Committee. The Criteria Development Organization processes applications for Technical Committee membership, in consultation with GEC. The Criteria Development Organization is responsible for the final selection of Technical Committee Members.

GEC requires balanced representation of stakeholders with Technical Committee Member status from the four interest categories listed in Table 3. Balanced is defined as no one interest category representing more than 25% of voting Technical Committee Members. If balanced representation is not achieved on a Technical Committee, weighted voting may be applied in balloting for criteria approval to achieve equal representation among the four stakeholder categories.<sup>3</sup>

Technical Committee Members are selected from among applications received for each stakeholder category using objective evaluation factors, including technical qualifications of the applicant on the criteria topic, ~~balance of stakeholder interests~~, and geographic representation. For the manufacturer stakeholder group, the selection process also considers the inclusion of small and medium-sized enterprises and the type(s) of products manufactured by the brand. Applicants not selected for Technical Committee Member status are invited to participate as a Technical Committee Observer (see Section 2.5.1.2)

Technical Committee Members must complete GEC's Participant Agreement in advance of the first Technical Committee meeting, or risk forfeiture of Technical Committee membership.

~~GEC requires balanced representation of stakeholders with Technical Committee Member status from the four interest categories listed in Table 2. Balanced is defined as no one interest category representing more than 25% of voting Technical Committee Members. If balanced representation is not achieved on a Technical Committee, weighted voting may be applied in balloting for criteria approval to achieve equal representation among the four stakeholder categories.~~

The role of the Technical Committee is to evaluate the criteria against the Principles for GEC Criteria in Table 1, address public comments, and reach consensus on criteria. For transparency, the names of Technical Committee members, individuals and their organizations that they represent as Technical Committee Members, affiliation are publicly available. Participation on the Technical Committee does not constitute an endorsement of the EPEAT Program by the individual or their affiliated organization.

### 2.5.1.2 Technical Committee Observers

Stakeholders may also choose to sign up for observer status on the Technical Committee by notifying the Criteria Development Organization that is managing the Technical Committee. Observer status allows individuals to attend Technical Committee meetings and receive documents provided to the Technical Committee, such as meeting agendas and updates to the Full Draft Criteria Document. Technical Committee Observers may only observe meeting discussions, unless invited by the Technical Committee Chair to contribute to the meeting, either verbally or electronically. Technical Committee

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<sup>3</sup> In the application of weighted voting, each of the four stakeholder categories receives 25% of the voting power. The value of votes cast by individual members of the Technical Committee is dependent on the number of voting members in the stakeholder category casting a vote.

Observers submit comments through the public consultation process (see Section 2.5.2) and get no special treatment of their comments by the Technical Committee.

Technical Committee Observers are limited to one representative from an organization. Organizations that have a representative with Technical Committee Member status are not eligible to have a Technical Committee Observer. All Observers must sign an Observer Agreement before receiving Technical Committee documents or attending meetings. The names and affiliations of all Technical Committee Observers are publicly available.

### 2.5.1.3 Invited Experts

The Criteria Development Organization, at their discretion, may invite technical experts to join a Technical Committee meeting for the express purpose of providing technical expertise on a discussion topic.

## 2.5.2 Public Consultation

The Full Draft Criteria Document is made publicly available for review and comment. The Criteria Development Organization administers the public consultation process, which must be open for no less than 60 days. If the Technical Committee makes substantive modifications to the Full Draft Criteria Document, the Criteria Development Organization may provide stakeholders with a second opportunity to provide comments. The second public consultation is limited to changes to the document and must be open for no less than 30 days. GEC notifies stakeholders of the public consultation period through GEC newsletters and announcements.

The Technical Committee considers comments submitted through the public consultation process as part of the Voluntary Consensus Process. The Criteria Development Organization prepares a comment resolution report, ~~and~~ notifies public commenters of the resolution of their comments, and makes comment resolution publicly available.

## 2.6 Continuous Maintenance

GEC implements a Continuous Maintenance Process to ensure that the criteria remain relevant, continue to be impactful and incentivize leadership performance, and recognize change in technology, science, and best practice. Criteria revisions are published no more frequently than on an annual basis. A revision may be considered upon request of stakeholders for several reasons, including the need for clarification or correction of criteria language, availability of new scientific evidence, and emerging best practices to reduce sustainability impacts.

GEC assesses the need for a full criteria revision three years after Criteria were initially adopted for use for within an ecolabel product category. If the assessment ~~determines results in a recommendation for that~~ a revision is required, within six months of completing the assessment GEC restarts the Dynamic Criteria Development Process beginning with State of Sustainability Research (Section 2.1) and proceeding through criteria drafting and voluntary consensus (Sections 2.2 – 2.5) ~~determining that a revision is required.~~ The results of the assessment are included in the State of Sustainability Research. A 60-day public consultation period provides interested stakeholders with the opportunity to provide comments on the assessment for a full revision. If the assessment results in a recommendation

~~determines~~ that a revision is not required, GEC evaluates the need for a full revision of the Criteria every 12 months thereafter.

The following factors are considered when evaluating whether criteria require revisions:

- Stakeholder feedback and/or requests.
- Age and impact of existing criteria, including how many manufacturers are claiming optional criteria.
- Comparison of existing criteria against the current State of Sustainability Research to ensure criteria reflect existing knowledge and best practices.
- Potential impact on and current capability of manufacturers to meet updated criteria including design implementation, product life cycle, and testing timeline.
- Ability of existing criteria to meet institutional purchaser needs.

GEC shares the outcome of the assessment with the Advisory Council and seeks their input on whether to proceed with a full revision.

GEC makes the final decision as to whether any revision to EPEAT Criteria is warranted. Any full revision to EPEAT Criteria is conducted in accordance with the principles and procedures of GEC's Dynamic Criteria Development Process

## 2.7 Complaints and Appeals

GEC operates a complaints and appeals process to allow stakeholder concerns about criteria development to be addressed fairly. GEC has a documented process to receive, evaluate, and make decisions on complaints and appeals regarding GEC's Dynamic Criteria Development Process.

- Complaints may be raised, in writing, by any party and may address any aspect of GEC's Dynamic Criteria Development Process.
- Any party may appeal, in writing, any procedural matter (actions or inactions) in the implementation of GEC's Dynamic Criteria Development Process. Examples of procedural matters include but are not limited to whether procedures were followed to address public or Technical Committee member comments or whether the voluntary consensus process procedures were followed. Appeals regarding technical or substantive content of GEC Criteria or GEC's Criteria Development Process are not permitted; however, appeals may be submitted on whether a technical issue was afforded due process according to procedures. The membership and recommendations of Expert Ad Hoc Groups cannot be appealed on either technical or procedural grounds.
- Complaints and appeals pertaining to the Voluntary Consensus Process must first be directed to, and investigated by, the Criteria Development Organization managing the Voluntary Consensus Process. If the complainant/appellant is not satisfied with the resolution of the complaint/appeal, then the complainant/appellant may raise the complaint or appeal, in writing, directly with GEC.



Complaints and appeals must be made in writing to GEC within 30 calendar days of the decision or action prompting the complaint or appeal, and must include the following information to be considered complete:

1. The reason for the complaint/appeal;
2. If the complaint or appeal was first raised with a Criteria Development Organization regarding the Voluntary Consensus Process, the reason why the complainant/appellant does not deem the resolution satisfactory;
3. If the complaint/appeal is regarding GEC's Dynamic Criteria Development process, identification of the relevant clause(s) of this document, *GEC Criteria Development Process (P74)* against which the complaint or appeal is based;
4. Evidence substantiating the basis for the complaint/appeal;
5. The specific damage(s) or disadvantage(s) caused by the decision, ~~or~~ action or inaction; and
6. The specific resolution requested.

Within five business days of receipt of a complaint or appeal, GEC evaluates the complaint or appeal for completeness and notifies the complainant/appellant of the outcome of the evaluation. If determined to be complete, GEC assigns a Complaint/Appeal Manager, conducts an investigation, and convenes a Complaints/Appeals Committee. During the investigation, the complainant/appellant may be asked to respond to questions or provide additional information.

The Complaints/Appeals Committee, which may be comprised of individuals outside of GEC, reviews the complaint/appeal, all submitted documentation, and results of the investigation and makes a final decision on the complaint/appeal. The Complaint/Appeal Manager may also serve as a member of the Committee.

Complaints and appeals are handled swiftly and as transparently as possible, while still respecting the confidentiality of all parties involved. Any GEC personnel specifically cited in the complaint or appeal are not involved in the investigation of that complaint or appeal and are not permitted to serve on the Complaints/Appeals Committee. GEC ensures that complaints and appeals do not result in discriminatory actions. No complainant, appellant, or other individual shall be negatively treated for bringing forward a complaint or appeal, providing information related to a complaint or appeal, or helping to resolve a complaint or appeal.

GEC notifies the complainant/appellant in writing of its decision on the complaint/appeal within 60 business days of evaluating the complaint/appeal for completeness. ~~the start of the investigation~~. GEC retains full authority to make the final determination in the case of all complaints and appeals pertaining to GEC's Dynamic Criteria Development Process.

All GEC Dynamic Criteria Development and criteria implementation activities continue without limitation during an investigation into a complaint or appeal.

## 2.8 Conflicts of Interest

GEC recognizes that impartiality and managing conflicts of interest are fundamental to maintaining the integrity of the EPEAT Program. To this end, GEC does not allow commercial, financial, or other pressures to compromise impartiality in the EPEAT Program and eliminates or mitigates conflicts of interest that may influence development and maintenance of EPEAT Criteria. The voluntary consensus process, by design, prevents any single stakeholder group or organization from having undue influence in the development and revision of criteria because the process requires, and ensures, balanced representation from all stakeholder groups in the consensus body.

More information regarding the EPEAT Program's approach to managing impartiality and conflicts of interest can be found in Section 8.0 of the *EPEAT Policy Manual (P65)*.

### 2.82.9 Patent Policy

GEC Criteria can include the use of an essential patent claim (one whose use would be required for compliance with the Criteria) if it is considered that technical reasons justify this approach. Participants in the criteria development process should bring patents with claims believed to be essential to the attention of GEC.

In order to include an essential patent claim in GEC Criteria, GEC shall receive from the patent holder or a party authorized to make assurances on its behalf, in written or electronic form, either:

- a) assurance in the form of a general disclaimer to the effect that such party does not hold and does not currently intend holding any essential patent claim(s); or
- b) assurance that a license to such essential patent claim(s) will be made available to applicants desiring to utilize the license for the purpose of implementing the GEC Criteria either:
  - i) under reasonable terms and conditions that are demonstrably free of any unfair discrimination; or
  - ii) without compensation and under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

Such assurance shall indicate that the patent holder (or third party authorized to make assurances on its behalf) will include in any documents transferring ownership of patents subject to the assurance, provisions sufficient to ensure that the commitments in the assurance are binding on the transferee, and that the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding each successor-in-interest. The assurance shall also indicate that it is intended to be binding on successors-in-interest regardless of whether such provisions are included in the relevant transfer documents.

When GEC receives assurance from a patent holder the affected GEC Ecolabel or Criteria shall include a note as follows:

NOTE – The user's attention is called to the possibility that conformance with these criteria requires use of an invention covered by patent rights. The patent holder has filed a statement with GEC of willingness to grant a license under these rights on reasonable and nondiscriminatory terms and conditions to applicants desiring to obtain such a license. Details may be obtained from GEC.

## 3.0 Use of Criteria by GEC

GEC Criteria are owned by GEC and, unless noted otherwise, their use is constrained to the tools and resources developed by GEC as part of its mission activities. GEC is interested in the harmonization of environmental and social criteria with existing regulations and global standards, as well as other ecolabels and voluntary programs, and welcomes requests to collaborate. All GEC Criteria are publicly available free of charge.

## 4.0 Revisions and Effective Date

GEC reviews GEC Criteria Development Process (P74) on an annual basis to determine if revisions are required. Revisions to this document are generally published on February 15 and take effect on July 1 of any given year; however, GEC may, at its sole discretion, identify specific revisions which take effect on another date before or after July 1.

GEC considers programmatic needs when determining the effective date for all revisions and is committed to ensuring its decision is transparent and fair for all stakeholders, including Participating Manufacturers, GEC-approved CABs, and purchasers.

### 4.05.0 Supplementary Information

#### 4.15.1 References

The following documents are referenced in this document, *GEC Criteria Development Process (P74)*, and are indispensable for its application. Undated references indicate that the latest edition of the referenced document applies.

- ISO 14024 *Environmental labels and declarations – Type 1 environmental labelling – Principles and procedures*
- ISO/IEC 17020 *Conformity assessment—Requirements for the operation of various types of bodies performing inspection*
- ISO/IEC 17065 *Conformity assessment—Requirements for bodies certifying products, processes, and services*
- U.S. Executive Office of the President, Office of Management and Budget, OMB Circular A-119: *Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*

#### 4.25.2 Definitions

The following definitions are referenced throughout this document, *GEC Criteria Development Process (P74)*, and are indispensable for its application.

**Appeal:** For the purposes of this document, *GEC Criteria Development Process (P74)*, a written request for reconsideration of a procedural decision in the development of GEC Criteria that is considered by the

appellant to be inconsistent with the policies and procedures in this document. Based on definition of appeal in ISO/IEC 17000 *Conformity assessment — Vocabulary and general principles*.

**Complaint:** For the purposes of this document, *GEC Criteria Development Process (P74)*, a written expression of dissatisfaction, that is not a procedural appeal, related to GEC's Dynamic Criteria Development process or the policies or procedures in this document. Based on definition of complaint in ISO/IEC 17000 *Conformity assessment — Vocabulary and general principles*.

**Consensus Body:** The multi-stakeholder Technical Committee charged with reaching consensus on GEC criteria.

**Continuous Maintenance Process:** The process for reviewing and revising GEC Criteria to ensure they remain relevant, continue to be impactful, and recognize changes in technology, science, and best practice in reducing impacts.

**Criteria Development Organization:** The third-party organization that administers all aspects of the Technical Committee, which is the consensus body for the Dynamic Criteria Development Process.

**Dynamic Criteria Development Process:** The process used by GEC to develop its Criteria consistent with the characteristics of voluntary consensus and the requirements of ISO 14024 *Environmental label and declarations – Type 1 environmental labelling – Principles and procedures*.

**Expert Ad Hoc Group:** A multi-stakeholder group convened by GEC and serving in an advisory capacity to review and draft criteria that address sustainability impacts for a technology or service.

**GEC Criteria:** Environmental and social requirement intended to reduce the sustainability impacts of a technology or service, developed through a balanced, voluntary consensus process, and adopted by GEC for application it its ecolabel(s).

**Full Draft Criteria Document:** The compilation of criteria recommendations from the Expert Ad Hoc Groups into a single document, which is the starting point for deliberation by the Technical Committee.

**Impartiality / Impartial:** Presence of objectivity, where objectivity is understood to mean that conflicts of interest do not exist or are resolved so as not to adversely influence conformity assurance and programmatic activities. Based on the definition of impartiality in ISO/IEC 17000 *Conformity assessment — Vocabulary and general principles* and ISO/IEC 17065 *Conformity assessment—Requirements for bodies certifying products, processes, and services*.

**Participating Manufacturer:** Brand owner that registers products to a GEC ecolabel and is responsible for ensuring ongoing conformance of the products against the GEC Criteria selected for those products. Sometimes referred to as Manufacturer.

**State of Sustainability Research:** The presentation and analysis of available data on the life cycle sustainability impacts of a technology or service that guides the development of GEC Criteria.

**Technical Committee:** The multi-stakeholder committee serving as the voluntary consensus body for GEC Criteria and administered by a third-party Criteria Development Organization.

**Voluntary Consensus Process:** The process used to develop GEC Criteria that aligns with and draws from similar principles for the characteristics of voluntary consensus as defined in ISO 14024 *Environmental labels and declarations – Type 1 environmental labelling – Principles and procedures* and in the US Government’s Office of Management and Budget (OMB) Circular A-119: *Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*.

### 4.35.3 Document Change History

This document, *GEC Criteria Development Process (P74)*, defines the process that GEC follows for the development, routine maintenance, and revision of criteria. While not solely dedicated to the development of EPEAT criteria, this document, *GEC Criteria Development Process (P74)*, is controlled as part of the EPEAT Quality Management System.

Issue	Revision	Author	Description of Change	Approver	Approval Date	Effective Date
1	0	Snr Director, Category and Criteria Development	Initial release	CEO	2021 April 30	2021 April 30
1	1	Snr Director, Category and Criteria Development	Added Section 2.8, Patent Policy	CEO	2021 May 20	2021 May 20
1	2	Snr Director, Category and Criteria Development	Updated Section 1.0 to reference Business Case	CEO	2021 June 17	2021 June 17
1	3	Snr Director, Category and Criteria Development	Section 2.5.1 Addition of further details on Technical Committee Participation. New section 2.5.1.1 for Technical Committee Member and addition of consideration of MSMEs. New Section 2.5.1.2 for Observers. New Section 2.5.1.3 for Invited Experts.	CEO	2022 Jan 14	2022 Jan 14
1	4	Snr Director, Category and Criteria Development	Further clarifications to existing policies: GEC Criteria available free of charge (1.0, 3.0); Expert Ad Hoc Groups (2.3, 2.3.1); Voluntary Consensus Process (2.5.2); Weighted voting (2.5.1.1); Continuous Maintenance (2.6); Complaints and appeals (2.7); Definitions (4.2). New: 60-day public consultation instead of 30-day (2.0, 2.1, 2.5.2). Addition of definitions used in other EPEAT documents (4.2).	CEO	2022 Feb 15	2022 Feb 15
<u>1</u>	<u>5</u>	<u>VP, Criteria and Category Development</u>	<u>Addition of second stakeholder comment period (2.0, 2.5.2). Clarity on availability of State of Sustainability Research (2.1). Further clarity on impacts and product function characteristics in criteria (2.2.1). New sections on Selection of Verification Requirements (2.2.2), Required and Optional Criteria (2.2.3), Conflicts of Interest (2.8) and Revisions and Effective Date (4.0). Additional clarity on Expert Ad Hoc Group participation (2.3.1), Technical Committee membership (2.5.1.1), Continuous Maintenance (2.6), Complaints and Appeals (2.7). New definition for Consensus Body (5.2).</u>	<u>CEO</u>	<u>Proposed 2023 Feb 15</u>	<u>Proposed 2023 Jul 01</u>

