

**Thoughts on the Benefits of Requiring Certification
versus “Verification” or “Meets the Standard” Alternatives
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All third-party certifications carry some cost for the supplier (e.g., UL, NSF, USDA Organic, Forest Stewardship Council, Marine Stewardship Council, Fair Trade, WaterSense, API, etc.). At the same time, grocery store chains are not trying to independently verify that a food item is organic, home improvement retailers are not trying to review data that wood is sustainably harvested, Wal-mart has a list of recognized certifications that they accept for their sustainability efforts related to products. The distance between producer and retailer makes the reliance upon third-party certifications an easy way to ensure that you are purchasing products that do comply with procurement objectives compared with DIY.

Certification by a Type I ecolabeling program such as Green Seal (or EcoLogo) involves adherence to specific guidelines for Type I programs (e.g., ISO 14020, ISO 14024, the Global Ecolabeling Network, EPA’s criteria for third-party certifiers, etc.), which a lab used by a manufacturer to “demonstrate” compliance does not necessarily follow (nor would they necessarily claim to do so).

As a result, there are elements of certification by Green Seal that are not addressed via the “provide evidence that you meet the standard” option. If the evaluation processes aren’t truly equivalent (e.g., if there is no manufacturing facility audit, process for monitoring ongoing compliance with the standard, the legal authority to suspend or revoke certification upon evidence of non-compliance with the standard, requirements for the company and manufacturing facility to have no violations of regulations, review of ancillary materials for FTC compliance, prohibition on uncertified environmental claims, etc.), there is a real potential for misinterpretation (or even liability if it turns out not to be true) in claiming a product “meets” a Green Seal standard via someone other than Green Seal.

Certification by Green Seal ensures quality control practices and production accountability due to the audit of the manufacturing facility or service location. Companies using another party to verify compliance would be providing an attestation based on documentation alone (usually), but without the guarantee that the product would actually be manufactured in compliance consistently.

Data or attestations of verification provided by manufacturers must be evaluated by purchasing staff. In most cases, the evaluation fees paid to certification organizations are designed to cover the direct costs involved in product evaluations. Even if the “meets the standard” submissions were fairly complete, there would still be the expense to the State for each submittal evaluation. The use of certification standards and actual certifications is intended to simplify purchasing. Put another way, the cost of certification can be borne by the manufacturer/bidder and used for marketing advantage, or the manufacturer can incur the costs of documenting “compliance” and the cost of reviewing “meets the standard” submissions (which may not be truly equivalent) can be borne by the State.

The “meets the standard” approach means the purchaser has to devote time/staff to decide whether the entity providing the “verification” (e.g., ACME Testing Labs) is a reputable, credible organization (with no conflicts of interest or ties to the manufacturer) that has the experience and expertise (and potentially, testing equipment) to conduct an evaluation on a given product and determine compliance with a particular standard.

There are often some ingredients in products based on chemicals (e.g., paint, cleaners) that are not fully known by the product manufacturer. Green Seal obtains additional confidentiality agreements with these suppliers so that we can, in fact, evaluate the complete product formulation for compliance with a standard. It is unlikely that raw material suppliers would disclose this necessary additional information to just anyone, even under confidentiality agreements, and thus it would be very difficult for a purchaser to know that *the verification of compliance being provided was based on incomplete information from the start*. There have also been concerns expressed relative to FOIA or “sunshine” laws regarding the ability of a government agency to maintain confidentiality with respect to bidding processes that may have a requirement to be transparent.

Based on our costs, using another party to verify compliance (with the limitations noted earlier) usually means that manufacturers would end up performing more tests (some of which may have involved animal testing, versus our experience with formulation review) with the net result of spending more overall than if they had come to Green Seal in the first place. Plus, our certification can be marketed and used in all 50 states (or even internationally), whereas the verification/attestation materials submitted for a specific bid situation may have very little use outside of the bid process.

Relying on third-party standards and certifications can provide insulation from complaints. The responsibility for the standard and certifications based upon it resides with the third-party, rather than with guidelines or criteria developed independently by the State. The taxpayer resources that would have been used to create “State-specific” criteria can be used elsewhere, and the pool of bidders isn’t artificially limited by a variety of conflicting purchasing specifications.