

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RONALD A. BLOUCH JR.,

Plaintiff,

v. Civil Action No. _____

NSF INTERNATIONAL, et al.,

Defendants.

DOCUMENTING SMART EPD LLC CONDUCT

Submitted in Support of Blouch v. NSF International et al. — July 2026

I. PURPOSE AND SCOPE

This memorandum concerns Environmental Product Declaration No. SmartEPD-2023-002-0006-01, issued June 23, 2023 by Smart EPD LLC for the XLERATOR Hand Dryer, 120V.

[Exhibit AA] It is the declaration in force today.

Every finding below is internal to that document and to the Product Category Rule the document names as its own governing authority. Nothing here requires a comparison to any other laboratory's testing, any other certifier's conduct, or any measurement Plaintiff performed. The declaration is measured by the rule it adopted and by its own four pages.

II. THE PARTY AND WHAT IT ADOPTED

Smart EPD LLC is the EPD Program Operator named on the declaration, at 585 Grove Street, Suite 145 PMB 966, Herndon, Virginia. The EPD Holder is Excel Dryer, Inc. The life cycle assessment author is Cher Xue of TrueNorth Collective.

The declaration names its Core PCR: UL PCR for Hand Dryers v.1, issued July 13, 2016. The life cycle module descriptions identify that document as UL 10007, Version 1, 2016. Smart EPD did not write that rule and does not answer for having written it. It answers for having adopted it, and for what adoption requires.

What adoption requires is stated in the rule. Section 3.2 provides that the hand dry time shall be third party tested and verified. Section 5.1 requires the declaration to carry a statement of third party verification of reported dry time. Appendix I requires that the testing be performed in full by a certified third party recognized in the IECCEB Scheme, and prohibits manufacturer employees, vendors and affiliates as test panelists. Table 8 provides that where verification is internal, the verifier must not have been connected in any manner with the EPD or the LCA, and requires the PCR review field to name the chair and how to contact the chair.

III. THE MODULE ARRANGEMENT

EN 15804 defines two separate modules for the use stage. Module B1 is the category for emissions arising directly from the product during use — what the product releases while performing its function. Module B6 is the category for operational energy use. Two containers, two purposes, both available.

UL's Product Category Rule recites both definitions correctly in its own footnote and then states that the rule deviates from that approach by using B1 for reporting operational energy use. [Exhibit W, fn. 1] The deviation was announced. No justification was offered in the footnote or anywhere in the thirty-seven-page document.

The deviation gained nothing. Operational energy already had a module. B6 existed for exactly that purpose and required no departure from anything. What the deviation accomplished was to occupy the module reserved for what the product releases during use.

Smart EPD adopted that rule. The EPD Scope declared on page 2 of the declaration is A1—A3, A4, A5, B1—B3, C1—C4. Module B6 does not appear in the scope at all. There is no module in this declaration for operational energy, because operational energy is in B1.

Page 13 of the declaration states the result: the cradle-to-grave impacts for the XLERATOR Hand Dryer are dominated by B1, Use Phase, at 88% to 95.5%, followed by A1, Raw Materials, at 4.2% to 10.4%.

A reader of that sentence learns that the use phase accounts for nine-tenths of the product's declared environmental impact and has been assessed. What has been assessed is the electricity. The module named for what the product releases during use contains the power consumption, and the water the machine discharges, the air it emits, and the surfaces it wets are reported nowhere in the document.

IV. WHAT THE DECLARATION DECLINES TO DESCRIBE

Page 3 of the declaration carries a section titled Life Cycle Module Descriptions. It describes the exclusion of module A5, installation, as an optional life cycle stage under the PCR. It describes modules B2 and B3 as having zero impact, explaining that maintenance consists of blowing dust off the product and wiping down the cover as needed, and that replacement is not relevant because the functional unit is shorter than the predicted reference service life. It describes the exclusion of module C1, removal, as optional. It then lists four further exclusions with reasons: human activities, research and development, services, and capital equipment.

Module B1 appears once in that section, inside the boundary list, and is never described.

The section titled Life Cycle Module Descriptions describes every module that contributes nothing and does not describe the module that contributes ninety percent.

V. THE ARITHMETIC

Page 2 of the declaration states four figures for the same product: power consumption 1,450 VA; dry time 8 seconds; run-on time per use 0.7 seconds; and energy use per operational cycle 0.12 MJ.

1,450 volt-amperes sustained for 8.7 seconds is 12,615 joules, or 0.0126 megajoules. The declaration states 0.12 MJ. The declared figure is ten times the value its own three inputs produce, and the error is on the same page as the inputs.

The error overstates the product's energy consumption. A declaration that inflates its own environmental impact by a factor of ten has no motive to explain and requires none. What

it establishes is narrower and more serious: the declared figure was not checked against the inputs printed beside it. UL's 2017 declaration for the same product reported 0.01325 MJ per use, consistent with the correct arithmetic, which indicates the underlying model was not the source of the error.

The declaration also states standby power consumption of 0.44 VA and an estimated service life of ten years. A device drawing 0.44 volt-amperes continuously for ten years consumes materially more energy in standby than the declared operational figure accounts for across the functional unit. Standby consumption appears in the specifications and does not appear in the results.

VI. THE VERIFICATION

The declaration names Smart EPD as EPD Program Operator.

Under Verification, the first entry reads: Independent critical review of the LCA and data, according to ISO 14044 and ISO 14071. It is marked External. The first name listed is Anna Lasso, Smart EPD, followed by Thomas P Gloria of Industrial Ecology Consultants and Alison Conroy, Independent Contractor.

The second entry reads: Independent external verification of EPD, according to ISO 14025 and reference PCR(s). It is marked External. The name listed is Anna Lasso, Smart EPD.

ISO 14025 §3.10 defines a third party as an entity recognized as being independent of the parties involved. Section 9.4 requires that verification of a business-to-consumer declaration be carried out by a third party. The declaration's own face states that the

programme operator, the independent critical reviewer, and the independent external verifier are the same person at the same organization, and labels both verifications External.

The word External is the claim. The organization printed beside the name is the answer to it.

The Sub-category PCR review panel field reads: Contact Smart EPD for more information.

The Rule requires that field to name the chair and to state how the chair may be contacted.

VII. THE DOCUMENT AGAINST ITSELF

- Page 2 declares the EPD Scope as including A5 and C1. Page 3 states that A5 is not declared and that C1 is not declared.
- The cover names ISO 14025 and ISO 21930. The Reference Standards field on page 2 names ISO 14025, ISO 14040 and ISO 14044. ISO 21930 does not appear there.
- The declaration expires June 23, 2028. The Core PCR it certifies under is stated on the same page to be valid until July 13, 2024.
- Page 2 gives the functional unit as 100,000 instances of hand drying and the dry time as 8 seconds, with no residual-moisture endpoint stated. The endpoint appears on page 13, in Additional Environmental Information, as 0.25 gram or less, attributed to testing on a standard XLERATOR with a 0.8-inch nozzle.

VIII. THE ENDPOINT

UL's 2017 declaration for this product stated its functional unit as the drying of 100,000 hand dryings, to dryness equaling 0.25 grams of residual water or less. The functional unit carried its own completion condition.

This declaration states the functional unit as 100,000 instances of hand drying. It states a dry time of 8 seconds. Neither the functional unit nor the product specifications states what dryness the 8 seconds is measured to. The threshold appears once, on page 13 of 14, in a section headed Additional Environmental Information.

A cycle is not defined by its duration. It is defined by its endpoint. The declaration reports 100,000 repetitions of an event whose completion condition it does not state where the event is defined.

IX. WHAT IS AND IS NOT ALLEGED

Plaintiff does not allege that Smart EPD wrote the Product Category Rule, that it selected the module treatment the Rule prescribes, that any person at Smart EPD knew or intended anything, or that the declared energy error was made for advantage. The error makes the product appear worse and no advantage is available from it.

Plaintiff alleges that Smart EPD adopted a Rule and thereby adopted its requirements; that the declaration reports as a use-phase result a module containing operational energy while the module's defined subject is reported nowhere; that the section describing life cycle modules describes every module except the one carrying ninety percent of the impact; that a declared figure is ten times the value its own stated inputs produce; that the

programme operator, the critical reviewer and the external verifier are one person at one organization on a declaration labeling both verifications External; and that the declaration contradicts itself on its scope, its reference standards, and its own period of validity.

X. THE MEASUREMENTS ON THE OTHER SIDE

Plaintiff's 462 drying trials across 169 units in 226 locations recorded approximately 2.5 to 3.0 grams of residual moisture at manufacturer-claimed times and seventy to ninety seconds to approach the 0.25 gram threshold. Those figures rest on 931 individual tests across five states and the District of Columbia, and 1,076 culture dishes from which approximately 50,000 bacterial and fungal colonies were hand counted. Every result is public, replicable, and open for inspection and debate. Every counting decision is documented and every error found and corrected is disclosed in the record. The complete methodology and underlying data are published at handdryerstudy.com.

The findings in the preceding sections do not depend on those measurements. They are stated here because the declaration reports a performance figure and a reader is entitled to both.

XI. CONCLUSION

Smart EPD issued the declaration in force today for a product certified as hygienic and sustainable. It adopted a rule that placed operational energy into the module reserved for what the product releases in use, when a module for operational energy already existed and was not used. It declared that arrangement's output as a use-phase result accounting

for ninety percent of the product's impact. It described every other module and not that one. It stated an energy figure ten times what its own inputs produce. And it certified all of it through a verification chain in which the programme operator, the critical reviewer and the external verifier are one person at one organization.

None of this requires an inference about anyone's state of mind. Every element of it is printed on the document.

Respectfully submitted,

Ronald A. Blouch Jr., Plaintiff Pro Se

Date: _____