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April 30, 2012

Via Electronic Mail  
www.regulations.gov

United States Office of  
Management and Budget  
725 17th Street  
Washington, D.C. 20503

Re: Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities

Dear Sirs/Madams:

Enclosed herein please find comments submitted from Intertek Testing Services NA, Inc. in response to the Federal Register notice and Request for Information and Notice of Public Workshop of March 30, 2012. If you have any questions or need anything further in order to accept this submission, please let me know.

Sincerely,

Richard T. John  
Vice President, Global Compliance,  
Risk Management and Legal Services NA



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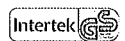
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COMMENT

INTERTEK

ON OFFICE OF MANAGEMENT AND BUDGET (OMB)

REQUEST FOR INFORMATION (RFI)

ON FEDERAL PARTICIPATION IN THE DEVELOPMENT AND USE OF VOLUNTARY  
CONSENSUS STANDARDS AND IN CONFORMITY ASSESSMENT ACTIVITIES

APRIL 30, 2012

Intertek appreciates the opportunity to offer comments to The Office of Management and Budget on the request for information on “Federal participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities.”

Intertek is a leading provider of quality and safety solutions serving a wide range of industries around the world. From auditing and inspection, to testing, quality assurance and certification, Intertek has the expertise, resources, and global reach to support its customers through its network of more than 1,000 laboratories and offices and over 30,000 people in more than 100 countries around the world.

On February 19, 1998, OMB revised Circular A-119 to make the terminology of the Circular consistent with the National Technology Transfer and Advancement Act of 1995 (NTTAA), to issue guidance to the agencies on making their reports to OMB, to direct the Secretary of Commerce to issue policy guidance for conformity assessment, and to make changes for clarity. The NTTAA directed NIST to coordinate conformity assessment activities of Federal, state and local entities with private sector technical standards activities with the goal of eliminating any unnecessary duplication of conformity assessment activities. On August 10, 2000, the National Institute of Standards and Technology (NIST) issued policy guidance on Federal agency use of conformity assessment activities.

Intertek believes that OMB is in the best position to issue a set of high-level conformity assessment principles that mirror the same set of standards principles existing within the current OMB A-119, and in so doing should require that NIST compile a yearly report from Agencies detailing their justification for choosing to use public sector conformity assessment in lieu of private sector conformity assessment.

- **What factors should agencies use in evaluating whether to use voluntary non-consensus standards in regulation, procurement solicitations, or other non-regulatory uses?**

Intertek supports the use, whenever possible, of consensus based standards. Consensus standards represent a thorough process of stakeholder input that includes: openness, balance, and due process, along with ongoing responsibility for maintenance of the standards.

Any conformity assessment system must function at sufficient speed to maintain the standard developments to keep pace with the growth of technology. A constant process of review and updates is necessary to allow the standards to approach the state of the art in a particular field. Standards that do not keep pace lose their effectiveness over time and, specifically, can fail to address the newest elements of products that presumably need the most attention. For this reason, a particular factor in favor of private sector systems is the robustness of the support structure in place to provide rapid and continuous standard changes over time.

- **Factors Agencies should use in selecting the appropriate conformity assessment procedure, including product/sector specific issues and the level of risk of the non-fulfillment of legitimate regulatory, procurement, or other mission-related activities.**

It is the responsibility of the Agency or Regulator to determine the applicable minimum level of risk in regard to health, safety, and environment in regard to the non-compliance of a product, process, or service. Once the determination is made as to which type of conformity assessment is needed to provide the appropriate level of assurance, the regulators should leverage the private sector's capabilities, expertise and capacity in providing these conformity assessment services. This allows the Agency to address, in the most expeditious and economical manner, the level of risk to health safety and the environment of the non-compliance for a particular product or process. Typically such an analysis would include the level of confidence needed in the compliance along with the costs of pre-market and post-market requirements.

Conformity assessment is the process used to demonstrate that a product, process, service, or person meets specific requirements. It may include testing, inspection, evaluation, certification, and surveillance. Conformity assessment may be in the form of 1st party (organization that provides the product such as a manufacturer), 2nd party (organization that uses the product such as a customer), or 3rd party (organization that is independent of supplier or user of the product, such as a conformity assessment body).

The principle of 1<sup>st</sup> party conformity assessment, sometimes referred to as Supplier's Declaration of Conformity, (SDoC), is where the supplier or manufacturer demonstrates a product or process fulfills specified requirements. This type of conformity assessment is generally used when the risk to health, safety, and environment is low. It should also be noted that for this type of conformity assessment (1<sup>st</sup> party) there is no accreditation required and there may be no independent assessment of their systems.

The principle of 2<sup>nd</sup> party conformity assessment is similar to 1<sup>st</sup> party except that the end user (or entity acting in the interests of the end user) demonstrates for itself that specified requirements are fulfilled. Second party programs do provide some assurance of conformity, but are not independent of the supply chain and do not provide a comprehensive solution to a product category. Generally there is no accreditation requirement.

Third party conformity assessment bodies are accredited and regularly assessed by accrediting bodies to requirements specified in various international ISO/IEC/CASCO standards such as: testing (ISO/IEC 17025), inspection (ISO/IEC 17020) and certification (ISO/IEC Guide 65). This accreditation also includes an in depth review of their documented quality systems. The accrediting bodies may be either Government regulatory bodies, recognized accrediting bodies operating under international guides, or a combination of both. The requirements for independence, impartiality, and transparency in order to be accredited as a 3rd party conformity assessment body provides an increased level of assurance to consumers, manufacturers, and regulators that a product meets requirements found in adopted codes and standards.

In selecting a conformity assessment system a risk exists in allowing an agency to designate a single source conformity assessment service. Removing competition from the conformity assessment process invites stagnation, poor service, and a monopoly position for the designated single source. A lack of competition for conformity assessment services places an extra burden on manufacturers especially small and medium sized enterprises. When a government agency enters the "business" of conformity assessment, it is in a unique position to lock out private sector competition. Once instituted, even as an interim measure, past experience has shown how difficult it becomes to later reintroduce competition. The government functions far better within a supervisory/oversight role. No monopoly should be established and all qualified conformity assessment bodies should have the opportunity to provide the required services.

We are unclear as to the use of the word "legitimate" in the question, as we believe that the Agencies go through a rigorous process of analysis to determine the appropriate regulation needed. It therefore follows that the regulations that emerge from that transparent process are only those that are necessary and appropriate.

- **Guidance for regulatory agencies on compliance with relevant international obligations pertaining to conformity assessment and accreditation activities;**

Regulatory agencies should establish baseline requirements for acceptance of accreditation bodies to determine if they have the necessary abilities and technical expertise to assess 3<sup>rd</sup> parties to US regulatory requirements and the appropriate standards. Participation in an international accreditation body scheme (such as ILAC or IAF) does not guarantee that an accreditation body has sufficient knowledge or competence in the U.S. system of standards and regulations. It is therefore the responsibility of the Regulatory Agency to investigate, review, and verify the qualifications of each accreditation body prior to acceptance.

If the Regulatory Agency chooses to use private sector Accreditation bodies to help them implement their conformity assessment program, Intertek supports the option to have a choice of multiple qualified Accreditation Bodies designated by the Regulatory Agency.

While we recognize the mission of Regulatory Agencies does not include trade policy issues, we believe that the Guidance should be developed in accordance with identified United States international trade objectives for reciprocity and parallel treatment of national and international conformity assessment and accreditation activities.

Before accepting conformity assessment results from non-domestic conformity assessment bodies, regulatory agencies should take into account whether there is parallel recognition for the acceptance of the work of accredited U.S. based conformity assessment bodies. These principles of reciprocity and National Treatment will help insure the equal treatment for manufacturers in the U.S. to export as the manufacturers in the non-domestic economy can export to the U.S. This will help support U.S. manufacturers, conformity assessment suppliers, and the jobs they create in the U.S.

When a Regulatory Agency chooses not to take parallel treatment into account it sets up a one way system for conformity assessment service providers, and non-domestic manufacturers, to enter the U.S. system without any equal opportunity or mechanism for U.S. based conformity assessment providers and manufacturers to gain equal access to other national systems. Failure to do so undermines the substantial policy to preserve and build domestic job growth while allowing all manufacturers and conformity assessment bodies to have equal access to world markets. This issue creates a significant imbalance in those cases where an agency accepts an accreditation that does not reflect knowledge of United States requirements.

An International system of standards and guides (ISO/IEC/CASCO) exists and is in use for the establishment and maintenance of conformity assessment and accreditation activities. It is the position of Intertek that such systems should be relied upon whenever possible.

A specific goal of this process should be to bring other national systems around the world up to the level of protection that the U.S. public enjoys, and not lower those

protections of safety, health, and environment down to the lowest common denominator among those other systems.

- **Factors agencies should consider in determining whether to recognize the results of conformity assessment and accreditation activities conducted by private sector bodies in support of regulation;**

There are two elements to this question:

Should regulatory agencies use the private sector conformity assessment providers when designing a regulatory compliance program?

Should regulatory agencies recognize programs that already exist in the private sector whose results can satisfy the requirements of the regulation?

The core principle in OMB A-119 is that Agencies are **required** to consider and use conformity assessment services provided by the **private sector** unless they can provide justification as to why this is not adequate. This detailed analysis should be: (a) transparent and (b) undertaken prior to a decision by an agency to establish a program using government provided conformity assessment services. As a basic principle, Regulatory Agencies mission related objectives can best be served through the use of private sector conformity assessment services.

Except in a very few circumstances involving highly sensitive matters relating to national security, there is nothing "inherently governmental" about inspection, testing, third party certification, quality systems registration, accreditation or recognition. Intertek believes that OMB needs to make that determination and advise Federal regulatory agencies that engage in conformity assessment activities at the present time, or do so in the future, to engage in a transparent process that includes publishing in the Federal Register a notice of intent to engage in such an activity. There would thus be an opportunity for public comment prior to a final agency decision.

Both OMB Circular A-76 and OMB Circular A-119 place restrictions on the Federal Government regarding competition with the private sector unless extensive justification is provided. Currently there are many conformity assessment programs in which Agencies require manufacturers to use a single government only option, or a single designated provider. Virtually all of these programs do not require the government provider to demonstrate competence through a recognized and competent accreditation process. Taking transparency, accreditation, and competition out of the process has led to uncertainty in testing requirements and competence, lack of due process for suppliers, supply chain failures, and monopolistic conduct. Establishing that the parties engaged in conformity assessment are qualified to provide the services for which they are responsible is a central goal of Circular A-119. OMB enforcement of this principle would be a substantial improvement to the entire system.

It is the position of Intertek that there is significant expertise, capacity, and experience in the private sector to provide conformity assessment services in support of virtually all regulatory requirements. The most recent market analysis of Laboratory Testing Services in the US provided by IBIS World Industry Report 54138, May 2011 shows that

there are approximately 8,800 testing laboratories, providing high tech jobs with an average wage of \$70,000. The industry size is 16.3 billion dollars. This data only captures the testing industry, and not the full spectrum of conformity assessment services provided in the private sector. This study clearly demonstrates that there is a large, diverse, and extremely competitive industry to provide these services in the U.S. The instances where there is a need for the government to endeavor to compete with the private sector should be the extreme exception. Further, an agency should need to undergo a clear process to demonstrate why compliance with Circular A-119 cannot be accomplished.

An example of how the Regulatory Agencies can leverage this private sector conformity assessment infrastructure is reflected within the existing federal system for recognition of testing and certification bodies administered within the Department of Labor OSHA Nationally Recognized Testing Laboratory Program. The cost to the agency to administer this program is minimal, and achieves its goal of insuring workplace safety by leveraging the extensive private sector service providers. It has a robust accreditation process and maintains the principle of reciprocity.

No monopoly should be established and all qualified conformity assessment bodies should have the opportunity to provide the required services. Agencies in the interest of launching programs have used federal dollars to erect monopoly programs. Such monopolies currently contradict international trade obligations and drive inefficiency in program management, hinder innovation, and undercut the efficacy of programs. An example of this scenario is the Department of Energy EnergyStar Program for Windows and Doors that since 1994 has created a monopoly provider for conformity assessment -the National Fenestration Rating Council (NFRC). The DOE continues to require the use of this government created monopoly even though the landscape of standards and conformity assessment has changed significantly since the Energy Policy Act of 1992, and there are a significant number of qualified bodies to provide fully accredited conformity assessment services in this area.

Agencies should take into account the source of accreditations well as the scope of accreditation of the Conformity Assessment Body. Agencies should examine the number of participants, the internal governance structure, and the viability of the processes to establish, maintain, and enforce compliance to the requirements.

Agencies should avoid developing public sector conformity assessment programs and requirements. Private sector programs that have already been developed, implemented, and proven effective should be leveraged. This reduces costs and duplication.

There are many different programs in the private sector that are managed by Conformity Assessment Bodies and also by manufacturer's trade associations that can provide the necessary confidence needed by the regulatory agencies to support regulations and Agency objectives. The Agency must evaluate these programs to determine if they provide the necessary level of confidence that they require for compliance to safety, health, and environmental needs.

- **Non-regulatory uses of standards (including vendor conformity for purposes of response to procurement solicitations).**

The use of consensus standards, and the accompanying conformity assessment activities, that satisfy or further define requirements for the procurement process may provide significant time and cost savings. This would seem to present a useful government procurement method. However, in implementation, there must be a clear determination as to the method of conformity required and the specific standard required.

Competition from government labs should be prohibited. Both OMB Circular A-76 and OMB Circular A-119 require that the Federal Government use the private sector unless extensive justification is provided. The agencies should avoid the use of subsidized, primarily unaccredited, government labs that were created to address research and development needs. Laboratories need to be qualified and efficiently set up to perform the conformity assessment services that are needed to assure that products and processes not only meet, but continue to meet the vendor qualification and procurement requirements for compliance.

Except in a very few circumstances involving highly sensitive matters relating to national security, there is nothing "inherently governmental" about inspection, testing, third party certification, quality systems registration, accreditation or recognition. Intertek believes that OMB needs to make a determination and provide guidance to the agencies as to the dividing line between "inherently governmental" activities and these other general conformity assessment services. The OMB should advise Federal regulatory agencies that engage in conformity assessment activities at the present time, or do so in the future, to engage in a transparent process that includes publishing in the Federal Register a notice of intent to engage in such an activity. There would be an opportunity for public comment prior to a final agency decision.

- **Ensuring that agencies consider how to minimize conformity assessment costs and delays for businesses, especially small and medium sized enterprises, subject to statutory and budgetary constraints and the ability of agencies to fulfill their legitimate regulatory, procurement, or other mission-related objectives.**

Agencies cannot establish a dual system that would vary requirements for health, safety or environmental compliance based on the size of the supplier. There is only one level of "minimum" or required standards that regulators should enforce. Once the requirements are established and the mechanism for demonstrating compliance is chosen then they should be applied consistently across manufacturers/suppliers regardless of size. This principle applies not only to basic safety, but also to other conformity measurements, such as performance and procurement requirements.

Third party certification is more cost effective than, for example, manufacturer's self-declaration of conformity or testing and evaluation by the purchaser. Establishing laboratories is capital-intensive. Manufacturers and purchasers can mitigate this



significant investment in testing infrastructure and technical staff competent to perform the evaluation of the products by using accredited third parties.

Accredited third parties provide conformity assessment services more efficiently than manufacturers because they have the expertise, experience, and economies of scale in providing these services. Additionally, competition among third parties increases effectiveness and efficiency, adding to the value of their conformity assessment programs. Finally, many governments recognize that private third party conformity assessment programs can be leveraged to save scarce resources while helping them meet their legislative and regulatory mandates.

It is the position of Intertek that there is significant expertise, capacity, and experience in the private sector to provide conformity assessment services in support of virtually all regulatory requirements. The most recent market analysis of Laboratory Testing Services in the US provided by IBIS World Industry Report 54138, May 2011 shows that there are approximately 8,800 testing laboratories, providing high tech jobs with the average wage of \$70,000. The industry size is 16.3 billion dollars. This data only captures the testing industry, and not the full spectrum of conformity assessment services provided in the private Sector. This study clearly demonstrates that there is a large, diverse, and extremely competitive industry to provide these services in the U.S.

The instances where there is a need for the government to endeavor to compete with the private sector should be the extreme exception. Further, an agency should need to undergo a clear process to demonstrate why compliance with Circular A-119 cannot be accomplished.

When the government establishes specific monopolistic policy solutions for testing services, the impact to the non-governmental market within the US is significant. Carving out an excluded portion of the market will have an obvious negative impact on the number and viability of businesses engaged in conformity assessment activities. The OMB, in creating Circular A-119 Guidance should take into account these economic impacts and the benefit of having a strong and competitive conformity assessment industry. Competition from government labs should be prohibited. Both OMB Circular A-76 and OMB Circular A-119 restrict the ability of the Federal Government to compete with the private sector unless extensive justification is provided.

Agencies should avoid the use of subsidized, primarily unaccredited, government labs that were created to address research and development needs. These laboratories are generally not qualified or efficiently set up to perform the conformity assessment services that are needed to assure that products and processes not only meet, but continue to meet the regulatory requirements for compliance. Furthermore, given the current focus on deficit spending, it should be noted that government-operated conformity assessment activity consumes tax revenue, while private-sector conformity assessment activity produces tax revenue.

Except in a very few circumstances involving highly sensitive matters relating to national security, there is nothing "inherently governmental" about inspection, testing, third party

certification, quality systems registration, accreditation or recognition. Intertek believes that OMB needs to make a determination and provide guidance to the agencies as to the dividing line between “inherently governmental” activities and these other general conformity assessment services. The OMB should advise Federal regulatory agencies that engage in conformity assessment activities at the present time, or do so in the future, to engage in a transparent process that includes publishing in the Federal Register a notice of intent to engage in such an activity. There would be an opportunity for public comment prior to a final agency decision.

Additionally, training for small and medium sized enterprises to make sure they fully understand the regulatory requirements and potential design issues can help reduce the time it takes to prove compliance to the conformity assessment requirements. Harmonization of standards and systems will greatly reduce the cost of compliance for companies that distribute in multiple markets. Cost issues for small and medium sized enterprises can be addressed in a multitude of ways by the tax structure in the Federal Government. The United States has a highly competitive and robust system of private sector conformity assessment organizations that can provide market driven services to all suppliers, regardless of size. It is Intertek’s position that this is the conformity assessment system that should be favored within Circular A-119.

Instead of developing public sector conformity assessment programs and requirements, private sector programs that have already been developed, implemented, and proven effective should be leveraged to help reduce duplicative testing and the associated costs.

- **Should OMB provide guidance to agencies on when it is appropriate to allow the use of more than one standard or more than one conformity assessment procedure to demonstrate conformity with regulatory requirements or solicitation provisions?**

The decision of which standard to use, and which conformity assessment method is used to demonstrate conformity is directly related to the risk of non-compliance. In determining whether multiple systems should be accepted, the agency should determine the likelihood of confusion, incompatible results for similar products, any increased costs necessary for multiple evaluations and other impacts related to complexity.

Conformity assessment is the process used to demonstrate that a product, process, service, or person meets specific requirements. It may include testing, inspection, evaluation, certification, and surveillance. Conformity assessment may be in the form of 1st party (organization that provides the product such as a manufacturer), 2nd party (organization that uses the product such as a customer), or 3rd party (organization that is independent of manufacturing or user of the product, such as a conformity assessment body).

The requirement for a particular level of rigor in the conformity assessment process is generally determined by the risks associated with non-compliances. The appropriate conformity assessment mechanism is also determined by other market factors, such as

the legal system and the general philosophy approach of premarket conformity assessment vs. fully funded post market surveillance.

The U.S. enjoys a high level of safety, health, and environmental compliance, and should strive to bring other countries systems up to the level enjoyed in the US, and not lower the protections we enjoy in the U.S. system.

If a higher confidence level of conformity assessment has been applied using the correct standard, then it would make sense to accept this more rigorous form to reduce duplicative testing and burdens on manufacturers, particularly small and medium sized enterprises. Conversely, it would not be prudent for Regulatory Agencies to accept compliance as being equivalent if the method of conformity was of less rigor.

- **Where an agency is requested by stakeholders to consider allowing the demonstration of conformity to another country's standard or the use of an alternate conformity assessment procedure as adequate to fulfilling U.S. requirements, should OMB provide guidance to agencies on how to consider such requests?**

Generally these requests are framed as "equivalence issues". Under the ISO/IEC standards system there is a mechanism that allows adoption of a particular standard with the appropriate national differences required for individual countries. These standards then become national standards and can easily be used in regulations.

If a standard did not go through this system, then a full analysis of the differences of particular standards would need to be undertaken, with a mechanism for public review. Particularly, there are often differences between the non-U.S. standards and the standards adopted here in the U.S. For example, the installation requirements of the National Electrical Code are not addressed in non-U.S. standards. Local standards reflect the infrastructure and customary usage of the foreign jurisdiction. Without a full review of the non-U.S. proposed standard against United States national requirements, it is difficult to assess the efficacy of those standards. The agency should demonstrate a clear and convincing public justification before accepting multiple standards covering the same product, process, service, or person.

In relation to conformity assessment procedures we question what an "alternate conformity assessment procedure" means"? Does this mean a different method? There are distinct differences between the methods of conformity assessment that must be evaluated in determining the appropriate method to apply against a particular requirement.

Conformity assessment is the process used to demonstrate that a product, process, service, or person meets specific requirements. It may include testing, inspection, evaluation, certification, and surveillance. Conformity assessment may be in the form of 1st party (organization that provides the product such as a manufacturer), 2nd party (organization that uses the product such as a customer), or 3rd party (organization that

is independent of manufacturing or user of the product, such as a conformity assessment body). It is Intertek's position that 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> party are not equivalent.

For example 1<sup>st</sup> Party conformity assessment (Supplier's Declaration of Conformity) is typically used in areas where there is a lower level of risk or in non-regulated product areas. It is however quite popular with manufacturers in regulated areas within the European Union (EU). The 2007 investigation and report by the European commission (**Regulation of the European Parliament and of the Council Setting out the Requirements for Accreditation and Market surveillance Relating to the Marketing of Products and a Decision of the European Parliament and of the Council on a Common Framework for the Marketing of Products**) clearly details a host of problems with the implementation and lack of compliance with the current system. As the report details, one of the most important components of this system is a fully functioning post market surveillance system. Unfortunately this integral component has had a history of a lack of the required government funding resulting in a predictable lack of compliance.

The requirement for a particular level of rigor in the conformity assessment process is generally determined by the risks associated with non-compliances. The U.S. enjoys a high level of safety, health, and environmental compliance, and should strive to bring other countries systems up to the level enjoyed in the US, and not lower the protections we enjoy in the US system.

If a higher confidence level of conformity assessment has been applied using the correct standard, then it would make sense to accept this more rigorous form to reduce duplicative testing and burdens on manufacturers. Conversely, it would not be prudent for Regulatory Agencies to accept compliance as being equivalent if the method of conformity were less rigorous.

For example, if a Federal agency required accredited testing but the industry is already using accredited product certification, then the agency should be allowed to accept product certification to fulfill its regulatory requirements, as certification encompasses testing. However, accredited testing would still remain the floor and still meet regulatory requirements.

- **Have there been any developments internationally—including but not limited to U.S. regulatory cooperation initiatives—since the publication of Circular A-119 that OMB should take into account in developing a possible supplement to the Circular?**

While there has been much discussion in many forums regarding regulatory "cooperation" and other issues in this area it is clear that individual regulators have widely different views on how to implement the practices they believe are in the best interest of protecting their citizens' safety and health. Many factors are involved in the decisions as to the appropriate standards and the confidence level of the type of conformity assessment used to demonstrate compliance. These include seemingly unrelated issues such as individual legal systems and the ability to enforce requirements.

The 2007 investigation and report by the European commission (**Regulation of the European Parliament and of the Council Setting out the Requirements for Accreditation and Market surveillance Relating to the Marketing of Products and a Decision of the European Parliament and of the Council on a Common Framework for the Marketing of Products**) clearly details a host of problems with the implementation and lack of compliance with the current system. As the report details, one of the most important components of this system is a fully functioning post market surveillance system. Unfortunately this integral component has had a history of a lack of the required government funding resulting in a predictable lack of compliance.

## **Conclusion**

Intertek recommends that OMB ask NIST to provide guidance to the agencies to add transparency to the process of selecting and enforcing conformity assessment systems. These decisions should be open and provide a level of predictability to how conformity assessment systems will be applied against the requirements for evaluation of a specific product, process, service, or person. The OMB should develop a process for reducing duplication and complexity in conformity assessment in the United States.

As a non-regulatory agency, NIST should not engage in specifying the “method of conformity” to a particular regulatory agency or agencies, nor should it specify particular organizations to fill a particular need. Those decisions should be left to the regulator. In other words NIST should be “**method-neutral**” in its approach to coordinating conformity assessment in the United States.

IFIA believes that an OMB set of high-level conformity assessment principles should include the requirement for Regulatory Agencies to provide information to NIST for reporting the justifications of choosing to implement a public sector conformity assessment program in lieu of using the private sector. Such a report, mirroring the same concept behind the set of standards principles existing within the current OMB A-119 will meet the intent of the NTTAA and enhance the global competitiveness of United States industry.