



May 9, 2014

**A2LA Response to Request for Comments on a Proposed Revision of OMB Circular No. A-119
Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities**

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A2LA thanks the OMB for the opportunity to comment on the Request for Comments on a Proposed Revision of OMB Circular A-119. We had the opportunity to share the Circular with our members for comments and, by and large, our members are supportive of more involvement of the private sector in standards development and implementation of conformity assessment activities.

As an organization with a primary focus on third party conformity assessment accreditation, A2LA is very supportive of the expansion of the Conformity Assessment section in the Circular. In particular, the answers to the questions on pages 38 to 46 are appropriate. In light of the reference to "accreditation" as a trade facilitator in clause 6.1.1 of the WTO TBT agreement, A2LA believes it would be desirable for at least one of the answers, or a question, to identify and encourage use of the global agreements for recognizing competent accreditation, i.e., the multi-lateral mutual recognition arrangements of the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF). Federal agencies should be encouraged to explicitly utilize the ILAC and IAF Arrangements as cost effective leverage for regulatory and procurement programs while avoiding potential technical barriers to trade. The USTR submitted a 2012 paper to the WTO TBT Committee explicitly citing how these ILAC and IAF arrangements are being used by US regulatory agencies. The Circular should reinforce this position of the USTR.



Regarding the question: “What considerations should my agency make when it is considering the type of conformity assessment procedures(s) to use (page 48, viii), we support ANSI’s position as follows: “It is recommended that for regulated areas, products should be certified by independent third-party conformity assessment bodies to provide the required levels of independence and impartiality. Should conformity assessment activities be considered under a first or second party, it is recommended that a formal level of assurance needs to be implemented to ensure proper quality measures are in place and that technical requirements of the standards/guides are being adhered to. NIST should encourage, and assist federal agencies where necessary, to utilize the international standards and/or guides for all conformity assessment activities.”

As members of ANSI, and based on ANSI’s response to the Request for Comments which was shared with its members on May 6th, A2LA has noted the reference to ANSI as “the coordinator of the U.S. standards and conformity assessment system.” Although ANSI coordinates the US standards system, it is very misleading to suggest ANSI also coordinates the conformity assessment system. ANSI’s programs for accreditation of conformity assessment bodies are in direct competition with those accreditation bodies in the US that have the same international recognitions. ANSI’s self-assertion as “the coordinator of the US . . . conformity assessment system” is not universally accepted. This has created much confusion in both the private and public sectors and is something that the OMB should note in the way forward with the Circular.

A2LA commends the efforts of the OMB and appreciated the valuable opportunity to provide feedback.