

MEMORANDUM OF UNDERSTANDING
between
The American National Standards Institute (ANSI)
and
The National Institute of Standards and Technology (NIST)

1.0 Background

1.1 The National Institute of Standards and Technology (NIST) of the United States Department of Commerce (DOC) and the American National Standards Institute (ANSI), a private, not-for-profit corporation, enter into this Memorandum of Understanding (MoU) to reconfirm the need for a coordinated national approach to support the development of the best possible standards, as reflected by the United States Standards Strategy adopted by ANSI on December 8, 2005 and updated and re-approved on December 2, 2015, (U.S. Standards Strategy). This approach requires the best technical efforts of the United States in standards to ensure that U.S. stakeholder needs and interests are considered as standards are developed, and that our international competitiveness is strengthened.

2.0 Purpose

- 2.1 The intent of this MoU is to facilitate domestic communication and coordination among both private and public-sector parties in the United States on voluntary standards and conformity assessment issues and promote effective Federal agency participation in the voluntary standards-setting process. It is intended to enhance and strengthen the voluntary standards system of the United States, while supporting U.S. competitiveness, economic security, and quality of life.
- 2.2 This MoU recognizes the responsibilities of individual agencies and does not preempt the statutory responsibility of any Federal agency or take away any authority from any Federal agency to pursue its legislated programs.
- 2.3 This MoU recognizes the importance of:
- (1) The value of the public-private partnership between ANSI and the Federal Government.

- (2) Open and continuous dialog within and between the private sector and the Federal Government on voluntary standards and conformity assessment to achieve our common goals.
- (3) Enhancing the timely flow of relevant information about developments affecting those common goals to facilitate decision-making and the implementation of coordinated actions on standards.
- (4) Active participation by relevant Federal agencies towards the development of voluntary standards.

3.0 ANSI's Role/Responsibilities

- 3.1 ANSI is the recognized U.S. member body to the International Organization for Standardization (ISO), and through the U.S. National Committee, to the International Electrotechnical Commission (IEC). It is also the U.S. member body to the Pacific Area Standards Congress (PASC) and the Pan American Standards Commission (COPANT). As the U.S. representative to these bodies, ANSI participates in the related policy-making groups and committees of ISO, IEC, PASC, and COPANT, and convenes delegations and appoints technical groups of a broad spectrum of experts to represent the United States voluntary standards community in the deliberations of relevant boards, ad hoc groups, individual technical committees, and working groups of these organizations.
- 3.2 ANSI is responsible for coordinating stakeholder representation at all policy and technical levels within ISO and IEC. It convenes accountable and competent delegations to develop and present positions for all ISO and IEC committees for which the United States holds Technical Advisory Groups, including ISO and IEC Council and ISO General Assembly committees. It encourages strong and effective participation by appropriate U.S. stakeholders in all relevant committees, subcommittees, and working groups. ANSI facilitates the building of consensus on standards issues and provides information about international standardization activities. ANSI seeks to ensure that U.S stakeholders are informed about ISO and IEC activities and given every opportunity to participate. ANSI considers the positions of all affected interests and works with them to develop and promote a single, coordinated U.S. position in all activities of the international, non-treaty organizations referenced in 3.1.
- 3.3 ANSI works to facilitate direct sectoral and cross-sectoral cooperation among ANSI, standards developing organizations (SDOs), and any given

Federal agency. Cooperation among domestic entities responsible for standards is essential to ensure the international competitiveness and effective representation of U.S. interests in private international standards organizations. ANSI serves as the focal point for the exchange of information and development of representative U.S. positions for consideration at the international, non-treaty voluntary international standards organizations referenced in 3.1.

- 3.4 ANSI accredits SDOs to develop and publish American National Standards in accordance with the principles of openness, balance of interests, due process, and consensus. ANSI works through its accredited standards development process to avoid duplication and overlap in proposed standards. ANSI is responsible for approving proposed standards as American National Standards, and thereby addressing the obligations of the World Trade Organization Code of Good Practice. ANSI accredits conformity assessment bodies in accordance with international recognized standards requirements, specifically those of the ISO Committee on Conformity Assessment (CASCO).
- 3.5 ANSI implements the U.S. Standards Strategy through consultation with SDOs, industry, consumers, and government agencies.
- 4.0 NIST's Role/Responsibilities
 - 4.1 NIST's role, under the National Technology Transfer and Advancement Act of 1995 (Public Law [P.L.] 104-113) and the Office of Management and Budget Circular A-119 is to coordinate Federal activities in voluntary standards. This coordination includes providing information, training, and expertise.
 - 4.2 NIST evaluates U.S. private sector conformity assessment bodies in order to give assurance to foreign governments that qualifying bodies meet their requirements through the National Voluntary Conformity Assessment System Evaluation Program (15 CFR, Part 286). NIST also administers the National Voluntary Laboratory Accreditation Program (NVLAP). NVLAP provides laboratory accreditation services in accordance with 15 CFR, Part 285.

5.0 Implementation Plan

5.1 In light of the relationship between their roles/responsibilities, ANSI and NIST will continue to:

- (1) provide a communications conduit between the private sector standardization community, stakeholders and the Government's standardization interests;
- (2) work together to enhance the flow of relevant information about developments that affect those interests, and
- (3) liaise to facilitate decision-making and implementation of needed actions.

6.0 General

This MoU is a statement of intent of the Parties to cooperate as outlined. This MoU is not a legally binding agreement and shall not be construed to create any legal obligation on the part of either Party. This MoU shall not be construed to provide a private right or cause of action for or by any person or entity.

This MoU in no way restricts either of the Parties from participating in any activity with other public or private agencies, organizations, or individuals.

Nothing in this MoU authorizes or is intended to obligate funds or resources. All activities contemplated by this MoU are subject to the availability of funds and other necessary resources to the Parties.

7.0 Commencement/Duration/Modification/Termination

This MoU commences on the date on which it is signed by the Parties or, if it is signed on different dates, the date of the last signature. This MoU is to remain in effect for a period of five (5) years from the last signature date, and it may be renewed in writing for a subsequent five (5) year period(s) by written agreement of the Parties.

This MoU may be modified at any time by way of written amendment or by a letter of understanding or agreement signed by the Parties. Either Party may terminate this MoU at any time. The terminating Party should give the

other Party at least 30 days written notice of its intent to cease its participation under this MoU.

The MOU entered into by and between NIST and ANSI dated December 27, 2000 is hereby terminated.

Walter G. Copan
Under Secretary of Commerce for Standards and Technology
and NIST Director



Date: April 29, 2019

S. Joe Bhatia
President and CEO
American National Standards Institute, Inc.



Date: April 29, 2019