



**USNC Conformity Assessment Policy Coordinating Committee  
DRAFT MINUTES**

**Hosted by Eaton Corp.  
1000 Cherrington Pkwy  
Moon, PA 15108**

**Tuesday, 6 June 2017  
9:00 AM – 4:00 PM (EDT)  
(Meeting #22)**

**Members Participating:**

Tim Duffy (Chair) – USNC VP CA  
Steve Margis – USNC CAPCC Vice-Chair  
Elisabeth George  
Paul Green  
George J. Kelly  
Paul T. Kelly\*  
William G. Lawrence, Jr.  
Edward F. Mikoski, Jr.  
Paul A. Moliski  
Amy Phelps  
Gary Schrempp  
Joel Solis  
Joan E. Sterling  
Jianchao Zeng

Rockwell Automation  
UL  
Philips  
Intel Corp  
Sunset Technology, Inc.  
UL  
FM Approvals  
Electronic Components Industry Association  
Intertek Testing Services  
NIST – US Department of Commerce  
Dell Inc.  
National Electrical Manufacturers Association  
Intertek  
CDRH/FDA

**Guests Participating:**

John Thompson – USNC President  
Kevin Lippert – USNC VP Membership  
Tony Zertuche – USNC General Secretary  
Ethan Biery  
Lisa Carnahan  
Kenneth E Gettman  
Megan Hayes  
James Marquedant  
James E. Matthews, III\*  
Richard McDermott  
Kenneth Rempe  
Roberta Telles  
Joe Tretler  
Samuel Roods  
Kendall Szulewski-Francis†  
Jinny Park†

UL  
Eaton  
USNC/ANSI  
Lutron Electronics Co. Inc.  
NIST – US Department of Commerce  
National Electrical Manufacturers Association  
MITA/NEMA  
FM Approvals  
Corning Incorporated  
SignaKey LLC (ECC Corp)  
Siemens Industry, Inc.  
IFIA Federation  
ANSI  
USNC/ANSI  
USNC/ANSI  
USNC/ANSI

**Members Not Participating:**

Gabriel Alsenas	Florida Atlantic University
Don Baker	Component Trends
Wynn Bowman	Star Associates International
C.P. (Sandy) Butterfield	Boulder Wind Consulting
Jonathan Colby	Verdant Power
Ed Donahue	Mutual Cornell Environmental
Dalia El Tawy	Siemens Power & Gas
Lane Hallenbeck	American National Standards Institute
William S. Hurst	Federal Communication Commission
Ben C. Johnson	Thermon Manufacturing
Evans Massey	ABB Incorporated
Jeffrey D. Olson	Flowserve Corporation
Kevin Robinson	U.S. Department of Labor – OSHA
Bob W. Sherwin	American Renewable Energy Standards and C
Matthew B. Williams	Association of Home Appliance Manufacturer
Michael W. Woodford	Air-Conditioning, Refrigerating and Air-Conditioning Engineers (ASHRAE)

\* = Via Teleconference

† = Part Time

**Section 1 – Welcome, Opening Remarks and Introductions**

**1.1 Welcome, Opening Remarks, Introductions**

Tim Duffy, USNC VP – Electrotechnical Conformity Assessment, welcomed everyone to Eaton and thanked Eaton for hosting the events this week. He called the meeting to order at 9:00AM (EST). Tony Zertuche introduced Samuel Roods and Jinny Park, USNC's new Program Administrators. Mr. Duffy introduced guest presenters Roberta Telles and Lisa Carnahan.

**1.2 Approval of Draft Agenda**

Mr. Duffy drew attention to the meeting's agenda (USNC/CAPCC 177A). No comments were offered and the agenda was considered approved.

**1.2.1 Approval of Consent Agenda**

Mr. Duffy drew attention to the Minutes from the CAPCC Meeting held on 24 January 2017 at UL in Fremont, CA.

**VOTE #1 To Approve the Minutes (USNC/CAPCC 176) Without Changes  
(Motion was approved unanimously).**

**1.2.2 Approval of Balance Agenda**

Mr. Duffy drew attention to the Balance of the agenda and asked if there were any concerns. None were noted and it was considered approved.

**Section 2 – Outstanding Action Items**

Tony Zertuche, USNC General Secretary, reviewed the action items from the Fremont, CA CAPCC meeting:

**Action Item #1 – 1/2017 – USNC IECQ and USNC IECRE need to complete corresponding sections of**

the CA succession matrix.

*Mr. Duffy noted that the status is pending and updates were received from IECRE. The matrix lists working group participation and leadership positions held by the US. Mr. Duffy asked for IECQ's update as well.*

**Action Item #4 – 1/2017** – Mr. Margis and Mr. Duffy will work with USNC Staff to disseminate information regarding the new fees to the CA systems.

*Please see Section 3.*

*All other action items were addressed during the meeting, as listed in the sections below.*

### **Section 3 – Status Report from USNC Finance Committee Meeting Regarding CA System Dues**

Steve Margis, Vice Chair of CAPCC, reviewed the USNC Finance Committee (FinCo) meeting held in March and headed by Steve Rood, Vice President of Finance, regarding future dues of the CAPCC Systems. Mr. Margis stated that FinCo and USNC staff have new mechanisms for tracking resources applied to CA resulting in increased transparency. To lessen the financial impact on CA Systems, CAPCC has agreed to an incremental, phased introduction of these new fees. Mr. Duffy stated that for the CAPCC Systems, the new dues will have the following phases:

- in **2018** there will be approximately **\$6,000** contribution from each system,
- in **2019** there will be approximately **\$9,000** contribution from each system, and
- in **2020** there will be approximately **\$12,000** contribution from each system.

Mr. Margis noted that USNC will continue to monitor to see if there are ways to control expenses. Mr. Duffy noted that the phased-in approach will lessen the impact to organizations.

It was suggested that all information regarding the CAPCC CA Systems' dues should be distributed as soon as possible. The USNC staff will examine the option of announcing these dues in a letter from Steve Rood as the VP – Finance (**ACTION ITEM #1**). Mr. Duffy mentioned that the dues would be announced in the budget. There were concerns raised about the additional fee. In response, Mr. Duffy encouraged individuals to join future FinCo meetings where those concerns can be discussed.

### **Section 4 – IFIA Overview**

Roberta Telles presented on IFIA (International Federation of Inspection Agencies) (**ATTACHMENT A**).

There were several good questions on data collection and reporting. Details were provided by Ms. Telles related to the IFIA 2012-2016 studies in the U.S. and European markets ([link here](#)). The study evaluated and tested consumer products for compliance to standards and regulations. Members present felt that there may be opportunities to further collaborate with IFIA, especially in the area of government/agency outreach.

Mr. Duffy thanked Ms. Telles for her time and presentation.

### **Section 5 – USNC CAPCC Subcommittee on Operating Procedures of USNC Conformity Assessment Systems**

Mr. Margis provided a report on the activities of this CAPCC Subcommittee.

Mr. Margis stated that progress has been made on finalizing the MOAs between ANSI and the Systems' Secretariats, noting that two have already been submitted. Mr. Duffy mentioned that ECCC has provided ANSI with MOA edits, however NEMA had not provided any feedback on their MOA. ANSI and the CAPCC are considering all available options in that USNC Systems cannot be administered by any

Secretariat without a signed MOA with ANSI.

NEMA members present noted a number of suggested changes to the MOA and inquired as to the driving force behind the need for updated MOAs. Currently, NEMA does not have a timeline for completion of the MOA. Mr. Duffy replied that these agreements are similar to that of the arrangements TAG Administrators have with ANSI and USNC. Mr. Zertuche mentioned that because CAPCC Secretariats are more autonomous than TAG Administrators, greater legal protections are necessary for all parties involved.

Mr. Duffy stressed that since the draft MOAs have been out for comment for several months, the Secretariats have had sufficient time to submit their drafts. CAPCC requested that all comments on the MOA be submitted to the USNC office by the end of June 2017 (**ACTION ITEM #2**).

*Secretary's Note: ECCC submitted their MoA draft with comments to the USNC via Mr. Tony Zertuche on 22 May 2017. ANSI addressed ECCC's comments and responded to ECCC with a finalized MoA on 28 June 2017, requesting signature.*

*While NEMA submitted signed MoAs to the USNC via Mr. Zertuche on 8 June 2017, these signed MoAs were not in the updated ANSI template (which had been generated by incorporating comments and feedback from other Secretariats and ANSI). USNC/ANSI responded to NEMA with two updated MoAs in the new standard template on 6 July 2017 and requested signature.*

It was recommended that ANSI maintain a single, common MOA template, with the understanding that modifications can be made on a case-by-case basis. It was recommended that ANSI compile the comments received from the Secretariats for distribution to and review by all Secretariats (**ACTION ITEM #3**). ANSI and USNC Staff will work with the Secretariats to have signed MOAs before the next CAPCC meeting on 12 September 2017 (**ACTION ITEM #4**).

Mr. Duffy thanked everyone for this discussion and that CAPCC looks forward to next steps and completion of this task.

Mr. Margis introduced a discussion regarding the "Principles of USNC CA Operating Procedure" document distributed with the minutes of the January 2016 CAPCC Meeting. Mr. Margis stated that this document was to encourage the alignment of the CA Systems' Operating Procedures (OPs). However, the discussion on the OPs will be postponed until the first CAPCC Meeting of 2018, with the goal that the OPs will be approved at the second CAPCC Meeting of 2018. Mr. Margis proposed a **1 January 2019** effective start date for the proposed OPs. It was noted that IECEx submitted revisions that are still waiting for review by the subcommittee.

## **Section 6 – Status Report on the USNC CAPCC Regulatory Labeling Working Group**

- 6.1** Gary Schrempp reported on the USNC CAPCC Regulatory Labeling Working Group. He noted that ISO/IEC 22603 will be the standard for electronic labelling.
- 6.2** Tim Duffy reviewed the EU draft regulation on energy efficiency. Mr. Duffy reported that the United States had not implemented a standard on e-labeling prior to other national governments establishing their own policies regarding this matter. The following comments were articulated during this discussion:
  - In April, the European Union sent out an energy labeling political agreement document (main elements of the agreement can be found [here](#)). Some items of concern were (1) the URL or QR code would need to be placed on the product, but would not direct the consumer to the manufacturer's website, (2) there are mandatory

parts of a technical file entered into an EU database for energy consumption of products, and (3) a company's confidential information may be on this database.

- USNC Staff will contact Tim Duffy for requirements for third party verification of information for distribution in order to better understand rules and regulations surrounding e-labeling databases (**ACTION ITEM #5**).
- There will be an APEC meeting in Vietnam in August 2017; ITI will be presenting on electronic labelling among other things. It was requested that the CAPCC Label Working Group compile and then distribute information on the various countries/regions working on e-labeling (**ACTION ITEM #6**).

## **Section 7 – Liaison Reports**

**7.1** Joan E. Sterling discussed the ANSI CAPC meeting held during the week of 29 May 2017. The following was discussed:

- E-labeling.
- Concern of enforcement and discretionary use of enforcement in a number of areas.
- The new ANSI group on drones held its first meeting stating that there may be a CA scheme that CAPC could have moving forward.

Mr. Duffy asked if CAPC had brainstormed cross-cutting issues between their committee and the USNC CAPCC, and suggested that it would be beneficial if CAPC functioned as a "policy making" committee rather than a "policy reporting" committee.

Ms. Sterling discussed the topic of a call for input/comments on the renegotiation of NAFTA, which included Conformity Assessment as part of the agreement. It was noted that, from a policy standpoint, it is a good opportunity for CAPC and ANSI to be front-and-center regarding the principles that CAPCC would like to have guide these agreements between countries. It was mentioned that ANSI is not currently working on comments regarding the renegotiation of NAFTA. A question was asked whether CAPCC should be submitting comments as a whole or if we should leave commenting to the trade associations (as we do so currently).

It was stressed that the request for NAFTA comments should have been circulated to members earlier. In response, it was noted that ANSI releases the "ANSI weekly newsletter - What's New?" and it was stated that the newsletter from several weeks prior contained a note with link for comments to NAFTA. It was recommended that this newsletter be sent to CAPCC if it is not done so already.

**7.2** Tim Duffy provided an update on the ANSI International Conformity Assessment Committee (ICAC). Mr. Duffy highlighted the "Disapprove with comments" items and how ICAC registers U.S. concerns. Mr. Duffy highlighted the pending items and noted that there is still time to submit comments.

Mr. Duffy brought to attention the appeal from ANSI on the ISO/CASCO/WG 42 project, ISO/IEC 17011 (**CABPUB/148/DV**). It was noted that there was an original request from ICAC for language to be changed in the WG 42 Project, but that members of WG 42 did not want to make said change. This created a situation where ANSI appealed the decision. ANSI is unclear how the appeal is structured in terms of process, and is waiting for CASCO to respond.

This then led to a discussion on the issue of balanced representation. Ms. Sterling asked if

CAPCC should push CASCO for balanced representation. Mr. Duffy mentioned that it might be an opportunity for the U.S. to propose balanced representation at future ICAC meetings. It was suggested that CAPCC should change their mode of operation on comments, suggesting CAPCC should send the comments around the committee, and then make two votes in order to better represent the U.S. Mr. Duffy suggested that we ask ICAC if this would be possible and requested Mr. Zertuche to speak with Lane Hallenbeck and see if the USNC has the opportunity to cast two ballots regarding CASCO/ICAC and CAPCC (**ACTION ITEM #7**).

Mr. Duffy requested that members pay attention when CABPUB documents are circulated because, included in these documents, there are often calls for participants. If CAPCC members wish to participate from the IEC side, Mr. Duffy asked that they please make Mr. Duffy, Mr. Margis, or Mr. Zertuche aware. Mr. Duffy encouraged greater participation, as CAPCC can have greater access to CA issues from the IEC side than from the ISO side. A member added that ICAC is typically made up of accrediting bodies; most work is done by teleconferences and therefore it is not a major time commitment in terms of meetings. Mr. Duffy stated that these accreditors participate because it directly affects their business, whereas for industry it is just a single aspect of it.

## **Section 8 – Reports on the Conformity Assessment Systems**

- 8.1** George Kelly provided a brief status report on the activities of the USNC/IECRE and IECRE. Mr. Duffy commented that there is nothing currently written in CAPCC procedures that indicates that members of the USNC/IECRE must be ANSI members. He also stated that changes to membership in USNC/IECRE need to be approved by CAPCC (specifically the positions of vice-chair and treasurer). Currently, both positions are vacant in USNC/IECRE. Next steps will be that the USNC/IECRE committee will vote on these positions and then send the names to the USNC office. USNC staff will research ANSI's rules and procedures to see if ANSI membership is required to participate in the USNC's CA mirror committees (**ACTION ITEM #8**).

Mr. Kelly also indicated that there are no longer issues with members being able to pay their dues.

- 8.2** Steve Margis provided a status report on the activities of the IECEE and the USNC/IECEE (**ATTACHMENT B**).

Mr. Margis noted a critical issue regarding CA System officer term limits where an officer who had reached their term limit planned to sit out for a single year for a "term break" and then begin a new set of terms. Mr. Margis noted that USNC/IECEE filed a paper against the nomination of such a candidate. The challenge was submitted, the IECEE Secretariat checked with Frans, and then informed the USNC that it could not make that challenge if the candidate sat out for this term break. The USNC/IECEE understood that the intent of term limits was never to give an option to finish a set of terms, sit out for one year, and then go back and create a new set of terms. It was requested that USNC President John Thompson raise the issue of term limits and "term breaks" to IEC Council Board, noting that IECEE is defining term limits in a different way (**ACTION ITEM #9**).

- 8.3** Paul Kelly, Vice Chair of USNC/IECEX, provided a brief status report on the activities of

IECEX and the USNC/IECEX via conference call. Mr. Duffy mentioned that the Forum of the IEC National Committees of the Americas (FINCA) would be a good avenue for working with Canada in order to strengthen their engagement in the IECEX. Mr. Zertuche, at the upcoming FINCA meeting in September, will discuss the possibility of stronger Canadian participation in the IECEX System (**ACTION ITEM #10**). Mr. Kelly also brought up a general question to the other systems in terms of the relative strength of System Chairs *vis-à-vis* their Secretariats.

- 8.4** Richard McDermott provided a brief status report on the activities of IECQ and the USNC/IECQ (**ATTACHMENT C**) which included a status update of the audited accounts of the IECQ. He also presented on the various initiatives underway in the IECQ Schemes, including new working groups related to nuclear technologies, new LED lighting, and e-labeling. Mr. McDermott also provided an overview of the various outreach activities and international presentations that he has given. He then then provided an overview of his e-labeling work which included applications in multiple sectors.

### **Section 9 – CAPCC Task Force on Conformity Assessment Communications**

Gary Schrempp provided an update to CAPCC on this Task Force. The CA survey regarding possible webinar topics will be distributed as soon as possible (**ACTION ITEM #11**). Mr. Schrempp stated that Task Force may be disbanded as per an earlier decision, however, he recommended that even though the Task Force had completed their current tasks, they could also still do more.

Mr. Margis also commented that at the SES conference in Chicago there will be a panel on conformity assessment moderated by Elizabeth George.

### **Section 10 – Update on FDA’s Accreditation Scheme for Conformity Assessment Pilot Program**

Jianchao Zeng, FDA, provided a brief update on the FDA’s Accreditation Scheme for the Conformity Assessment Pilot Program. A general comment was made that currently there are standards with no related conformity assessment.

### **Section 11 – NIST Presentation on the Development of a Document for Federal Agencies around Conformity Assessment Considerations**

Amy Phelps and Lisa Carnahan led a discussion on an effort underway to develop a document for federal agencies around conformity assessment considerations. (**ATTACHMENTS D and E**). During the discussion, there were the following comments and questions from CAPCC:

- All federal agencies should analyze the marketplace and see if there are existing solutions; there is no need for NIST to reinvent the wheel. Mr. Duffy recommended that to speed up the process, NIST should stress participation in standards development within existing standards organizations, rather than just trying to write their own standards in a vacuum. Mr. Duffy noted that there are existing CA organizational programs that NIST can "plug into" and add new areas that they would like covered.
- Ms. Carnahan mentioned that NIST can communicate better and establish collaboration before rule making kicks in so that the agency can work with stakeholders to shape norms and ideas. Ms. Carnahan also mentioned that there is the challenge of time: rulemaking is difficult because in order to save time, agencies skip the step of analyzing any existing solutions that may exist. In addition, it was noted that NIST finds that many of these agencies are creating standards for the first time and are skittish.
- A CAPCC member who attended the Federal workshop noted that there are two basic assumptions about conformity assessment among agency employees that are not correct: 1) if you create a CA scheme, you *must* have a third party lab involved because manufacturers cannot be trusted, and 2) if

you're going to create a program, you *must* have a mark so you can put it on the product to show compliance. It was recommended that NIST needs to stress that these are *options* and not *requirements*.

- There was further conversation about the use of training and the generation of a new Conformity Assessment 101-type of document similar to the original "ABCs of Conformity Assessment". There was a recommendation of a process used in industry whereby federal agency employees receive quality management training and track who has received this training. Ms. Carnahan mentioned that they have considered web-based training but need willing participants.
- Ms. Carnahan mentioned how OMB Circular A-119 "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities" ([link here](#)) had been revised in January of 2016.
  - There was a concern raised that there was not an ample opportunity to comment on the A-119 document. There was further discussion regarding the Code of Federal Regulations document and whether there is value in it. Ms. Carnahan mentioned that the draft considerations document is targeted for public comment at the end of this calendar year. She iterated that it would be a good idea to have a meeting to discuss it after it is released.

### **Section 12 – Review of CAB Agenda for Meeting on 13 June 2017 in Geneva, Switzerland**

Tim Duffy reviewed items on the CAB agenda that have yet to be addressed. Mr. Duffy noted and commented in particular on the following CAB Agenda items:

- Item 6.5 CAB/SMB is looking at CA references in existing standards. Their next step should be CA training for technical standards writers.
- Item 6.6 BizL: There is a business watch list regarding the future of CA. There was an interesting and in-depth list of businesses to watch along with recommendations for existing systems.
- Item 6.10 Cyber security outside of automation. CAB is still looking at some of the work being done in JTC-1 and ACSEC, watching in particular what other industries might want to do related to cyber security.
  - Elisabeth George stated that WGs are meant to be finite and closed once their objective is achieved, and that these WGs seem to do a lot of work with no one really listening. Ms. George mentioned that the WannaCry ransomware is still heavily affecting the medical industry. Mr. Duffy stated that with the mounting concerns over cyber security, he does not see this WG being disbanded anytime soon.
  - Mr. Duffy stated that there are many similarities between cyber security in industrial automation and cyber security in the medical sector, but noted that there is not much coordination. Megan Hayes recommended that it would be worthwhile for Mr. Duffy, Ms. George, and herself (Ms. Hayes) to meet about broadly introducing cyber security to the larger medical community, and possibly include AAMI topics that MITA would not cover. Mr. Duffy suggested that cyber expert Lee Neitzel should also be included in the dialogue.
  - Mr. Margis suggested focusing energy in the IECCE system as opposed to focusing on CAB WG 17, which he stated is almost inactive. Mr. Margis stated that within IECCE, members can have more immediate impact, and then there will be a halo effect back to WG 17. Dr. Jianchao Zeng suggested UL-2900 is another area that is exploring Cyber.

### **Section 13 – Conformity Assessment Issues in the Americas**

Paul Moliski provided an update to CAPCC about CA issues from his perspective as the Chair of the ANSI RSC-Americas. Mr. Zertuche will reach out to Victor Ballivian, President of the Chilean NC, regarding the outcome of the workshop on the Standardization and Regulation on Motor EE held on 24-25 May 2017 in Santiago, Chile (**ACTION ITEM #12**).



#### **Section 14 – USNC Interface with Regional Organizations**

Tony Zertuche provided an update on the USNC's regional outreach initiatives including the USNC Country Mentoring Program with a look to the future in terms of possible CAPCC participation:

- **FINCA** – Quito, Ecuador, September 2017
- **COPANT / PASC** – Vancouver, Canada, May 2017
- **APSG** – Mr. Zertuche noted that the reorganization of APSG is ongoing and will be a completely new group. Mr. Zertuche stated that it is good for the U.S. to have a leadership role in APSG, and that he will have more information at September meeting.

#### **Section 15 – 2017 CAPCC/CAB Meeting Schedule**

Tony Zertuche shared the ANSI Event Calendar ([link here](#)) stating that is a useful tool for USNC participants to view upcoming meeting dates for the current and following calendar year. Mr. Zertuche also reviewed the meeting dates for 2017 and beyond.

#### **Section 16 – Adjournment**

Mr. Duffy thanked everyone for coming, and for the great input throughout the day. Mr. Duffy thanked Eaton for hosting USNC and CAPCC. Mr. Duffy adjourned this meeting at approximately 4:30PM (EDT).