USNC Conformity Assessment Policy Coordination Committee
DRAFT MINUTES

Tuesday, 11 January 2022
10:00 AM – 2:30 PM (ET)
(Meeting #37)
WebEx Teleconference

Members Participating
Joan Sterling, Chair Intertek
Tim Duffy, Vice Chair Rockwell Automation
Wynn Bowman Star Associates International
Jonathan Colby Verdant Power
Eric Franca FDA
Elisabeth George Philips
Paul Green Intel Corp
George Kelly Sunset Technology Inc.
Scott F. Kiddle ABB Incorporated
William Lawrence FM Approvals
Steven Margis UL
Kerry McManama USNC Honorary Life Member
Edward Mikoski ECIA
Paul Moliski Intertek
Amy Phelps NIST – US Department of Commerce
Bob Sherwin ARESCA
Matthew Williams AHAM
Kevin Wolf Intertek
Tony Zertuche USNC/ANSI
Megan Pahl USNC/ANSI

Members Not Participating
Gabriel Alsenas Florida Atlantic University
Don Baker Independent
Paul Kelly Underwriters Laboratories Inc.
Evans Massey USNC Honorary Life Member

Guests Participating
Don Abelson Sudbery International
Sonya Bird Underwriters Laboratories
Ron Borowski Eaton
Hae Choe AAMI
Valara Davis Underwriters Laboratories
Reinaldo Figueiredo ANSI
William Fiske Intertek
Section 1 – Welcome, Opening Remarks and Introductions
(J Sterling – VP – Conformity Assessment)
(10:00 – 10:10 AM)

1.1 Welcome and Introductions
Ms. Joan Sterling, CAPCC Chair, called the meeting to order at 10:00 AM ET. Ms. Sterling welcomed meeting participants. Participants on the call introduced themselves to the group.

1.2 Approval of Draft Agenda
One new item, IECQ, was requested and added to Section 6 of the agenda.

   VOTE #1 To Approve the Amended Agenda (USNC/CAPCC 327)

   (This motion was approved unanimously)

1.2.1 Approval of Consent Agenda

   (a) Approval of the Meeting Minutes – 31 August 2021 WebEx Meeting

   VOTE #2 To Approve the Minutes (USNC/CAPCC 326) from the virtual CAPCC Meeting held on 31 August 2021

   (This motion was approved unanimously)
Section 2 – Outstanding Action Items
Ms. Megan Pahl reviewed the outstanding action items from the previous meeting.

- **ACTION ITEM 2021 – 9 – 1:** Jennifer Stradtman and USNC staff will distribute the interagency proposals to the USNC policy committees.
  
  **Status: Completed.**

  The interagency proposal is open to the public and available online. Jennifer will join us on the call today; CAPCC members are encouraged to ask any follow up questions they have.

- **ACTION ITEM #2021 – 9 – 2:** USNC to send out link for registration to NIST Virtual Public Workshop, taking place on September 14-15. USNC will also circulate information on the definition of the word “components” used in the phrase “inclusive of all components.”
  
  **Status: Completed.**

  **ACTION ITEM #2021 – 9 – 3** USNC/IECEE and ANSI to discuss draft language for the MOAs regarding resolution of finances in the case of termination of a conformity assessment system and/or Secretariat. Determined action should then be communicated to Steve Margis in relation to any changes that may need to be made in CA-01.
  
  **Status: In process.**

  USNC/IECEE is working with ANSI on draft resolution language which will then be referenced in CA-01.

  Mr. Steve Margis has offered his help to provide any guidance as he was in these conversations along with Mr. Joel Solis. Mr. Tim Duffy offered the same support. This needs to be addressed in the MOAs as well as in the operating procedures (CA-01).

- **ACTION ITEM #2021 – 9 – 4:** USNC staff to schedule a call with Patty Griffin (ANSI Legal), interested parties from USNC IECEx, and USNC staff regarding the OFAC guidance document. Joel Solis to contact Tony Zertuche when USNC IECEx has collated their comments on the guidance document first, then Tony can coordinate a meeting with ANSI Legal.
  
  **Status: Completed.**

  The guidance document was produced. USNC/IECEx sent their compiled comments to USNC staff, who then shared them with ANSI Legal, who reviewed the comments. Ms. Patty Griffin (ANSI Legal) spoke with legal counsel at NEMA (Secretariat of IECEx); the two parties determined that everything is alright with the guidance document and no further questions needed to be answered. If USNC/IECEx members have any outstanding questions on the guidance document, please send them to Mr. Mike Lebowitz who will then send the compiled questions to USNC staff; USNC staff will organize a call with ANSI Legal. Mr. Scott Kiddle will also discuss this item during his report on USNC/IECEx.

Section 3 – Conformity Assessment in ANSI

3.1 **Conformity Assessment in ANSI**

  Mr. Joe Tretler reviewed USNC/CAPCC 332 and provided an update on conformity assessment activities within ANSI.
ANSI met with the Certification and Accreditation Administration of the People’s Republic of China (CNCA) virtually on 2 December 2021. This was an open session with 20 ANSI members and over 50 participants in total from companies, industry associations, and conformity assessment bodies in the U.S. and China. The CNCA leaders who participated were Liu Weijun (Director General, Department of Certification Regulatory, SAMR), Bo Yumin (Deputy DG, Department of Certification Regulatory, SAMR), and Hao Xin (Division Chief, Division of International Cooperation, Department of Certification Regulatory, SAMR).

Key topics that were discussed included commemoration of the new ANSI-CNCA MoU signed in August 2021. Participants shared opinions on Strengthening Quality Certification System Construction and Promoting Total Quality Management. China has introduced a newly revised regulation of Certification and Accreditation (2020 vs. 2021 edition). Also discussed were the goals and requirements on conformity assessment during the 14th Five-Year-Plan and through 2035, the China Compulsory Certificate (CCC) reform and the national treatment of foreign certification bodies. Finally, American conformity assessment ecosystem and the U.S. participation in the international accreditation system (introduced by NIST) was discussed. At the end of the meeting, an exchange of questions was raised by industries from both sides.

Mr. Tretler noted that it would be helpful if members of the CPACC could help formulate questions for ANSI to ask of CNCA at future meetings. Mr. Sterling supported this idea. Mr. Tretler mentioned the ANSI China Program who could also meet with interested parties of the CAPCC to discuss related items. ANSI will have ongoing dialogue with CNCA and ANSI welcomes input from CAPCC.

### 3.2 ANSI International Conformity Assessment Committee (ICAC)

Mr. Paul Moliski reported on the ANSI ICAC activities outlined USNC/CAPCC 328. He highlighted LB#28-2021: ICAC request for ISO to withdraw publication of brochure – Misuse of third party marks of conformity. ICAC felt this document included several references that were inappropriate. Mr. Moliski noted that ICAC is still waiting on a response regarding this item.

Mr. Moliski also shared that LB#29-2021: CASCO Strategic Directions 2022-2026 is currently out for comment and vote.

### Section 4 – ISO CASCO

Mr. Reinaldo Figueiredo provided an update on issues surrounding CASCO relating to CAPCC (ATTACHMENT A). CASCO’s 36th Plenary meeting will be held April 25-29, 2022. The first day will consist of virtual breakout sessions. A face-to-face only interactive session on the CASCO structure will be held on the second day. The plenary meetings will be held April 26-28 in a hybrid format.

Mr. Figueiredo provided an update on the survey designed to receive members’ feedback on CASCO structure. The survey was launched on December 6, 2021. Members and liaisons representatives should consult with their constituencies to collect inputs. The survey closes on January 31, 2022. CASCO will report back findings after the survey closes. Ms. Figueiredo has asked that CASCO members respond to the survey (ANSI’s response will come from ICAC). After the survey closes, CASCO will determine what next steps should be taken in the possible reorganization.
Mr. Figueiredo shared an update on the ad hoc group for monitoring global developments relevant to conformity assessment (ATTACHMENT B). The next steps for this group are to discuss: membership; aspects such as status, way of working, and reporting; and modalities and schedule for the constitution of the ad-hoc group and for the start of the work.

The CASCO Strategic Directions was also reviewed (ATTACHMENT C). The development of the Strategic Directions 2022-2026 started in early 2021 and was conducted by the same task group as the one working on the review of the CASCO structure. In order to develop the draft strategic directions, the task group considered the ISO Strategy 2030 and the CASCO mandate given by the terms of reference specified in the ISO Rules and Procedures. An interim report was submitted to the CPC for its 35th meeting in June 2021. Since then, working together with the CASCO leadership and secretariat, the task group has finalized the CASCO Strategic Directions 2022-2026.

Other items referenced by Mr. Figueiredo were the clarification requests addressed (ATTACHMENT D), the London Declaration (ATTACHMENT E), CASCO regional engagement (ATTACHMENT F), Changes to Clause 33 (ATTACHMENT G), and the CASCO 2022 Work Program (ATTACHMENT H). CAPCC members are welcome to review these documents. CAPCC members should note that what is listed in the CASCO 2022 Work Program does not mean it is guaranteed to happen. Ms. Sterling commented that the CASCO 2022 Work Program is a hot topic.

Section 5 – Status Report on US Government Activities Related to Conformity Assessment

5.1 USTR Update

Ms. Jennifer Stradtman provided an update on WTO TBT Ninth Triennial and other USTR activities related to conformity assessment.

The workplan from the Ninth Triennial was passed. This document is public and is located on the USTR website under Ninth Triennial review (ATTACHMENT I). The paper includes information about transparency and future actions to be taken.

South Africa submitted comments for this paper on the last day noting that they did not agree with the USTR paper. USTR can still make these comments at the next meeting.

USTR is hosting a session on accreditation in March 2022. The topics of member accreditation and related policies will be discussed. Ms. Stradtman noted that the USTR will need to be strategic and take a fresh view at how they position themselves in this session. There will be 1-2 speakers; any CAPCC members that have speaker recommendations should contact Ms. Stradtman. The sessions is scheduled to take place face-to-face in Geneva, however the session may switch to a virtual meeting.

A second session that will be held is on digital solutions for conformity assessment. The USTR is also looking for speakers for this session who can talk about their experience with new digital solutions. This session will be based on a paper that stemmed from one written by the EU, which was written in response to the COVID-19 pandemic.

In the Eighth Triennial review USTR agreed to do a guideline on the CA procedures. They now have an opportunity to update their view on conformity assessment. Eight members submitted papers on the topic. Most people wrote papers on their own systems and how they can be used as a model. The USTR paper is forthcoming and is expected
Ms. Stradtman will ask for CAPCC input on the paper once she has access to it.

5.2 International Trade Agreements

Ms. Sterling provided an update on the international trade agreements and their impacts on the work of CAPCC. Activities have been pretty quiet since the last time an update was provided to the CAPCC. Most of the discussion around trade from an international perspective has been focused on how cooperation can be sustained. Ms. Sterling expects at some point to see the US and EU having a deeper discussion on conformity assessment issues.

5.3 NIST Update

Ms. Amy Phelps provided a report on NIST activities related to conformity assessment (USNC/CAPCC 335).

Updates for the OSHA NRTL Program were reviewed. Mr. Charles Haggins and Mr. Tom Hannigan are still alternating 90-day director stints. Both the Directive Implementation Date and SNAP Transition have been extended to October 1, 2022. NIST is still in process of reviewing SNAP transition applications. With the omicron variant, the timeline for conducting onsite assessments remains unknown. For now there will only be web-based assessments.

Mr. Phelps commented on Executive Order 14028 – Improving the Nation’s Cybersecurity. This executive order directs NIST to initiate two labeling programs: (1) cybersecurity capabilities of Internet-of-Things (IoT) consumer devices; and (2) software development practices. NIST is directed to take into account existing consumer product labeling programs as it considers efforts to educate the public on the cybersecurity capabilities of IoT devices and software development practices. NIST also is to consider ways to incentivize manufacturers and developers to participate in these program. NIST will not set up their own scheme, but rather will specify desired outcomes allowing for the best solutions for devices and environments.

Ms. Phelps reviewed the tasks and associated timeline for the executive order. In May 2022 NIST will review and submit the summary report of pilot programs.

5.4 FDA Update

Ms. Phelps reported on the FDA Accreditation Scheme for Conformity Assessment (ASCA) Pilot Program (USNC/CAPCC 335). The list of ASCA Recognized Accreditation Bodies was published in November. A list of ASCA Accredited Testing Laboratories was updated in July. This list includes 80 Basic Safety and Essential Performance test laboratories and 1 bio test laboratory.

Section 6 – Reports on the Conformity Assessment Systems

6.1 IECRE and USNC/IECRE

Mr. Bob Sherwin provided a report (USNC/CAPCC 329) on the activities of the IECRE
and the USNC/IECRE. The last meeting was held on 21 September 2021. The group is working on a budget to help sponsor the 2022 IEC GM in San Francisco. They have received a positive response, but no funds yet. If anyone in the IECRE would like to contribute to the fund, they are welcome to do so. The next meeting is planned for September 2022, though they might have meetings before then on specific topics.

Since the last report to the CAPCC, four new members have expressed interest in joining the USNC/IECRE. The USNC/IECRE continues to maintain a strong leadership position in the IECRE. Mr. Sherwin also noted that the USNC/IECRE is scheduled to host a virtual WE-SWG this spring.

Regarding USNC/IECRE finances, the mirror committee has collected most invoices for 2021. One major certification body and one lab are still outstanding. USNC/IECRE is working to collect those two invoice. The group is also developing a 2022 budget very soon.

The IECRE system as a whole has added two new countries in 2021: Australia and Belgium.

Mr. Sherwin noted that WG 1 on rules developed a large package of updates to the rules last year. A highlighted change is that SWGs are now non-voting bodies. This new structure was successfully implemented last year. CAB shared some concerns on Mandatory accreditation requirement which were addressed, and in the next month or two another set of package updates will be send out for comments.

### 6.2 IECEx and USNC/IECEx

Mr. Tim Duffy provided a report (USNC/CAPCC 334) on the activities of the IECEx and the USNC/IECEx.

The last meeting was in August 2021, so there has not been a meeting since the last update given to the CAPCC. During the last meeting a two-part questionnaire on radio program was proposed by France. USNC recommended more details to be provided on both questionnaires.

Mr. Duffy reviewed additional topics to be considered. The Implementation of IECEx Designated Funds from IECEx Reserves was voted on recently. USNC commented that the process for use of funds and approval mechanism should be documented in an Operational Document approved by the CMC prior to this process being utilized.

Another item is the request to CAB for permission to adopt the standard ETSI EN 303645 (or other suitable non-IEC standards/criteria) for certification of consumer IoT products (vote 29-05). The USNC voted “no” with the comment “further analysis needed, involvement of SMB is needed and business case is needed.”

Mr. Duffy reviewed the 2022 Meeting Schedule. The next meeting will be held on 29-30 March 2022. Mr. Duffy also welcomed Mr. Leibowitz as the new NEMA secretary.

### 6.3 IECEx and USNC/IECEx

Mr. Scott Kiddle provided a report (USNC/CAPCC 330) on the activities of the IECEx
and the USNC/IECEx. The scope of USNC/IECEx has not changed; Mr. Kiddle encourages CAPCC members to use the USNC/IECEx website should they want to know more about the system.

The last meeting took place on 10 November 2021. This was a virtual meeting where the group reviewed US positions and ExMC decisions from the 2021 IECEx annual meeting. The group also planned for 2022 during this meeting.

Mr. Kiddle reviewed the upcoming meeting schedule. The next meeting will take place in April 2022 at the NEMA facilities.

The 2022 IECEx Annual Meeting will likely be hybrid; the date and location has yet to be determined.

USNC/IECEx has a new Secretary, Mr. Mike Leibowitz (NEMA). Note that former USNC/IECEx Secretary, Mr. Joel Solis, retired in October 2021.

The current main issue for the group is the Islamic Republic of Iran (ExMC/1698/DV). The USNC/IECEx is waiting on USNC/ANSI General Counsel and NEMA Counsel to opine on whether Iran membership in IECEx jeopardizes USNC/IECEx participation in IECEx. Preliminary indications are that it should affect the ability of USNC/IECEx to continue in IECEx management activity. Mr. Kiddle would like to further discuss the OFAC guidance issue as USNC/IECEx needs clarity around the executive summary. Mr. Zertuche offered to answer any additional questions USNC/IECEx. The next step is for Mr. Leibowitz to reach out to NEMA Legal Counsel to get their report from their conversation with ANSI Legal. USNC Staff to provide support to USNC/IECEx as they seek further clarity on the OFAC guidance document (ACTION ITEM #1).

6.4 USNC/IECQ

USNC withdrew from the IECQ at the end of December 2021. Mr. Zertuche has been working with Mr. Chris Agius on the transition. Mr. Ed Mikoski noted that ECIA may be interested in taking on the Secretariat for USNC/IECQ. Mr. Duffy suggested that the process for a new Secretariat should be documented.

USNC agreed to develop a process for parties interested in applying to serve as the Secretariat to USNC/IEC Conformity Assessment Schemes (ACTION ITEM #2).

6.5 USNC Honorary Life Membership Nomination

Ms. Sterling asked for support to nominate Mr. Joel Solis for USNC Honorary Life Membership. Mr. Duffy spoke to Mr. Solis’ exemplary work.

A motion to nominate Mr. Joel Solis to USNC Honorary Life Membership was made by Mr. Duffy. Ms. Elisabeth George seconded the motion.

VOTE #3 To Approve Mr. Joel Solis for USNC Honorary Life Membership

(This motion was approved unanimously)

Ms. Joan Sterling to bring the Honorary Life Member nomination of Mr. Joel Solis to
USNC Council at their January 13, 2022 meeting (ACTION ITEM #3).

Section 7 – Status Report on the USNC CAPCC Regulatory Labeling Working Group

Ms. Sterling welcomed CAPCC members on the USNC CAPCC Regulatory Labeling Working Group to share an update on its activities and called for a new Chair of the group.

Mr. Paul Green will share e-Labeling activities at a future meeting, including what the ecosystem looks like and pilot program activities. He noted that the group hasn’t been very active. There was a brief discussion around the issue of getting a Chair in place for the group. CAPCC members who are interested in chairing this group should reach out to Ms. Sterling and Mr. Duffy. Ms. Joan Sterling and USNC staff to work with Mr. Richard McDermott to determine next appropriate steps for the CAPCC Regulatory Labeling Working Group (ACTION ITEM #4).

Section 8 – IEC Conformity Assessment Board

8.1 Review of IEC CAB Decision List from hybrid meeting in Dubai on October 2 & 3, 2021

Ms. Sterling reviewed the IEC CAB Decision List (CAB/2146/DL) from the hybrid meeting in Dubai on October 2 & 3, 2021. The following decisions were highlighted.

- **CAB Decision 50/07 Ethically questionable products** – The group was relatively successful in getting their view across, which is that this issue has already been discussed and is primarily a standards issue. A CAPCC member asked Mr. Sterling if there is a definition for what an ethically questionable product is. Ms. Sterling noted that this is part of the problem; there is no universal answer to that question and it largely boils down to what each individual organization is willing to accept as appropriate.

- **CAB Decision 50/09 Use of draft IEC standards and development of CA requirements by the IEC CA Systems** – Ms. Sterling commented on the significant issues and amount of concern with what the document is suggesting. The document was submitted by IEC Central Office staff and not members of CAB. Ms. Sterling shared that the group was successful in stopping the march for approval of this document. Ms. Sterling is the convener of a group that will look further into this item.

- **CAB Decision 50/15 CAB Taskforce IECRE Improvement Plan** – The CAB did not agree to disband this task force and requested that it submit the final improvement plan to CAB at its June 2022.

- **CAB Decision 50/24 Request to IEC Treasurer** – The CAB recognized that discussions were currently underway between the IEC and CA Systems’ Treasurers on the issue of contributions by the CA Systems to Central Office overhead costs and would await feedback to the CAB by 30 November 2021. Mr. Duffy highlighted the issue of the conformity assessment side of the house paying for CAB secretariat staff. There were a lot of unanswered questions.
during this discussion. USNC President, Mr. Kevin Lippert, offered to bring this topic to the IEC Treasurer, Mr. Jo Cops. CAPCC would like to see this issue raised, traction gained, and continued request for additional transparency and process built into the situation.

Ms. Joan Sterling and Mr. Tim Duffy to provide Mr. Kevin Lippert with additional detail around CAB Decision 50/24 – Request to IEC Treasurer to determine next steps on this issue. Reach out to Gabe Alsenas (Bob Sherwin will reach out), Kerry McManama, Wynn Bowman, Steve Margis to see if they would like to be included in the discussion (ACTION ITEM #5).

- CAB Decision 50/25 Approval of IECEE Officer positions – The CAB, noting the nominated Officer position in CAB/2133B/R, approved the following positions: Mr. Steve Margis appointed at the IECEE Chair for a first term from 1 January 2022 to 31 December 2024; Mr. Toshiyuki Kajiya appointed as the IECEE Vice-Chair for a first term from 1 January 2022 to 31 December 2024; and Mr. Simon Barrowcliff as the IECEE Treasurer for a first term from 1 January 2022 to 31 December 2024.

8.2 SPTF Discussion

Ms. Sterling shared USNC/CAPCC 331, a spreadsheet identifying strategic planning initiatives. The US has made some significant points in addressing some things that were dropped into the spreadsheet and needed to be moved out. Ms. Sterling welcomed feedback on how CAPCC members see current strategic planning efforts and ideas on where they would like it to go.

Section 9 – USNC Interface with Other Regional & International Organizations

Mr. Zertuche provided an update on the USNC’s regional outreach initiatives.

- APCF/PASC: The minutes from the fall 2021 hybrid meeting in Dubai have just been distributed. During this meeting, the group solidified procedures for attendance of observers. APCF members were encouraged to nominate members to the BAC, GRAC, and DAC. SPTF members were asked to provide feedback to APCF/PASC and to contribute when possible. During the meeting, the group voted on the DAC to be added as a standing agenda item for all APCF meetings moving forward.

- FINCA/COPANT: USNC had planned to host the meeting in person, however it ended up being held virtually. The Secretariat for FINCA is now Mexico. Colombia is the new Chair of FINCA. The USNC is happy with both of these appointments.

- USNC Country Mentoring: Mr. Zertuche noted that there is still interest in hosting a workshop in the CROSQ region. The mentoring relationship with CROSQ was very active. They attended meetings, workshops, and overall were very engaged. COPANT will be in Barbados this spring. It would make sense that if some USNC members will be in Barbados for COPANT that the USNC combine COPANT with a workshop for CROSQ.

Secretary’s Note: The COPANT meeting will now be held in virtual format.
Mr. Duffy made the comment that we should continue our work with CROSQ and COPANT because it has positive impact on the USNC’s level of influence.

**Section 10 – Meeting Schedule 2022 and Beyond**

The following future meeting dates were reviewed:

**2022**

USNC Management Meetings  
10-12 May 2022  
Fremont, CA

CAB Meeting  
13 June 2022  
Geneva, Switzerland

Council Board Meeting  
16 June 2022  
Geneva, Switzerland

USNC Management Meetings  
13-15 September 2022  
Norwood, MA

86th IEC General Meeting  
31 October – 4 November 2022  
San Francisco, USA

**2023**

87th IEC General Meeting  
22 – 26 October 2023  
Sharm-el Sheik, Egypt

**Section 11 – Review of Action Items**

Ms. Pahl reviewed the following action items captured during the 11 January CAPCC meeting:

- **ACTION ITEM #1**: USNC Staff to provide support to USNC/IECEx as they seek further clarity on the OFAC guidance document.

- **ACTION ITEM #2**: USNC to develop a process for parties interested in applying to serve as the Secretariat to USNC/IEC Conformity Assessment Schemes.

- **ACTION ITEM #3**: Ms. Joan Sterling to bring the Honorary Life Member nomination of Mr. Joel Solis to USNC Council at their January 13, 2022 meeting.
• **ACTION ITEM #4**: Ms. Joan Sterling and USNC Staff to work with Mr. Richard McDermott to determine next appropriate steps for the CAPCC Regulatory Labeling Working Group.

• **ACTION ITEM #5**: Ms. Joan Sterling and Mr. Tim Duffy to provide Mr. Kevin Lippert with additional detail around *CAB Decision 50/24 – Request to IEC Treasurer* to determine next steps on this issue. Reach out to Gabe Alsenas (Bob Sherwin will reach out), Kerry McManama, Wynn Bowman, Steve Margis to see if they would like to be included in the discussion.

**Section 12 – Adjournment**

Ms. Sterling thanked USNC staff for their support of the virtual Management Meetings and thanked everyone who participated. She adjourned the meeting at 2:32 p.m. (ET).