



**USNC Conformity Assessment Policy Coordination Committee
DRAFT MEETING MINUTES**

**Tuesday, 10 May 2022
9:00 AM – 4:00 PM (PT)
(Meeting #38)**

**Underwriters Laboratories
47173 Benicia Street
Fremont, CA 94538**

Members Participating

Joan Sterling, Chair	Intertek
Tim Duffy, Vice-Chair	Rockwell Automation
Hae Choe*	AAMI
Jonathan Colby	ARESCA
Eric Franca*	FDA
Elisabeth George	Philips
Paul Green	Intel
George Kelly	Sunset Technologies
Scott Kiddle*	ABB
Steve Margis	UL
Ed Mikoski*	ECIA
Paul Moliski*	Intertek
Amy Phelps*	NIST
Bob Sherwin*	VT Wind Power
Matt Williams*	AHAM
Kevin Lippert, USNC President	Underwriters Laboratories
Sonya Bird, USNC VP - Technical	Underwriters Laboratories
Peter Pondillo, USNC VP – Finance	Corning Incorporated
Tony Zertuche, USNC General Secretary	USNC/ANSI

Members Not Participating

Gabriel Alsenas	Florida Atlantic University
David Bain	INCITS
Wynn Bowman	Star Associates International
Paul Kelly	Underwriters Laboratories
Bill Lawrence	FM Approvals
Mike Leibowitz	NEMA

Evans Massey
Kerry McManama
Kevin Wolf

USNC Honorary Life Member
USNC Honorary Life Member
Intertek

Guests Participating

Jo Cops	IEC
Valara Davis*	Underwriters Laboratories
Bill Fiske	Intertek
Megan Hayes	NEMA
Amanda Johnson*	Festools USA
Philippe Metzger	IEC
David Osborn	Philips
Rui Peng*	FDA
Wallie Zoller	Rockwell Automation
Joe Tretler	ANSI
Ade Gladstein	USNC/ANSI
Chynna Anuszewski	USNC/ANSI
Megan Pahl	USNC/ANSI

* = *Virtual Participation*

Section 1 – Welcome, Opening Remarks and Introductions

1.1 Welcome and Introductions

Ms. Joan Sterling opened the meeting at 9:20AM PT. She welcomed USNC participants and guests from the IEC leadership, IEC Secretary General Mr. Philippe Metzger and IEC Treasurer and incoming IEC President Mr. Jo Cops.

The group provided introductions.

1.2 Introductions of IEC Leadership

1.2.1 Topics for Discussion

Ms. Sterling opened the floor up for discussion with IEC leadership regarding items of interest, including the use of non-IEC/ISO standards within the system.

1.2.1.1 Non-IEC/ISO standards

Mr. Tim Duffy introduced the issue regarding use of non-IEC/ISO standards. IECEE has received requests to use standards that are non-IEC/ISO, particularly in areas of radio equipment, as well as the proposal to utilize ETSI standards. The USNC/IECEE

discussed both of these issues and reviewed the rules on how to address them. Mr. Duffy noted that a business case is required for new services. The USNC/IECEE considered this issue and noted that there are some wider concerns. Manufacturers put a lot of faith into international harmonization to get products around the world. The wider issue is the fact that the conformity assessment side is recognizing some of the national standards and bringing them into the conformity assessment systems leading to the lack of international (harmonized) standards and competing with the IEC standardization process. CAPCC members reviewed the USNC/IECEE proposal to IECEE requesting that the issue be raised at the highest level at the IEC. The fundamental issue for conformity assessment is offering services that address market needs and assist in facilitating global market access for products. This is a risk that the IEC needs to address. Several CAPCC members supported Mr. Duffy's stance on the issue.

Mr. Philippe Metzger responded by confirming that the issue raised would need to be addressed by the IEC Board (IB), not necessarily the General Assembly (GA). As he reads the proposal, on one hand there is direct competition with the best interests of the IEC and on the other hand there is the suggestion to consider possibly new agreements of the Frankfurt Agreement type. Philippe noted that we would see how this issue plays out at IEEE and CAB and how they handle the elevation of it. It is important to find the right balance between stakeholders and interests of the IEC.

Mr. Jo Cops furthered the conversation by adding that if we take one step back, this question is coming from industry. Industry is looking for certification on cybersecurity and artificial intelligence (AI). CAB will look into new conformity assessment systems or place cybersecurity and AI under existing conformity assessment systems. ISO/IEC JTC 1 is looking to do similar things on the standards side, and the sides are not in sync yet. The IEC and its membership are looking for growth. There is not perfect synchronization between conformity assessment and standardization.

CAPCC members noted that the SMB and CAB do not spend enough time discussing items of mutual interest; a renewed effort is something that needs to be addressed.

ACTION ITEM #1: Add to all bilateral agendas – use of non-IEC and non-ISO standards and associated IECEE proposal

1.2.1.2 Financial Contribution by the IEC CA Systems

Ms. Sterling provided some background on the next issue, financial transparency of contributions by the IEC conformity assessment systems. There has been a significant increase in charges back to the systems and the systems would like to know the link to how costs are assessed on the standards side. CAPCC requested of IEC leadership a clear understanding that the discussion will happen on both the conformity assessment and standards sides.

Mr. Duffy also questioned what role CAB has in approving budgets, making recommendations, and inquired about who has the authority on how much conformity assessment systems will pay. The conformity assessment systems and CAB had no input on fees and Mr. Duffy would like to see this become part of the process.

Mr. Cops responded that the conformity assessment systems have always been on his mind as he considers the conformity assessment system as a business unit. Business units should know what their costs are, and which are direct. Not to have the same process on the standards side is a big hole. Mr. Cops recommended that we take this issue step-by-step. He noted that great progress has been made, calling out the IEC consolidated budget that will be presented for the first time at the 2022 General Meeting.

ACTION ITEM #2: USNC Staff to add the financial contributions by the IEC CA Systems issue to the USNC bilateral meeting agendas.

ACTION ITEM #3: Consider a September CAPCC agenda topic regarding vote by correspondence to discuss options for a collaborative way to have dialogues effectively. How to use the tools and how to encourage the process

1.2.2 Questions from the CAPCC Membership

No other items were addressed.

1.3 Approval of Draft Agenda

One additional item was added to the agenda: conformity assessment activity in India. This item was added to Section 6.5 on the agenda.

VOTE #1 To Approve the Agenda (USNC/CAPCC 337A)

(This motion was approved unanimously)

1.3.1 Approval of Consent Agenda

(a) Approval of the Meeting Minutes

11 January 2022 WebEx Meeting

Ms. Sterling reviewed the consent agenda, including the CAPCC Minutes from the virtual meeting on 11 January 2022. It was moved and seconded.

VOTE #2 To Approve the Minutes (USNC/CAPCC 336) from the virtual CAPCC Meeting held on 11 January 2022

(This motion was approved unanimously)

Section 2 – Outstanding Action Items

Ms. Megan Pahl reviewed USNC CAPCC Resolutions from the January 2022 meeting. If CAPCC members have any questions or comments about the Resolutions, please let the Chair, Vice Chair, and USNC staff know.

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

USNC staff met with USNC/IECEEx in February to help clarify the letter regarding OFAC exposure. The USNC remains available for any additional support needed by the USNC/IECEEx on this issue. This item will also be touched on during the USNC/IECEEx report in Section 6.

A CAPCC member noted that the USNC/IECEEx testing laboratories will put a disclaimer on items saying that they cannot be used for purposes of certification for organizations that are on the OFAC list. This is something all of the mirror committees should be considering. **ACTION ITEM #4:** USNC/IECEEx to provide the sample disclaimer language to all CA systems (**ATTACHMENT A**).

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

USNC Staff drafted language around this process and are working with CAPCC officers and Mr. Steve Margis to move this forward. This item will be addressed further in section 6.4.2 of the agenda.

- **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.
STATUS: Completed.

Ms. Sterling brought forth the nomination at the January USNC Council Meeting; Mr. Joel Solis was approved as a USNC Honorary Life Member. His name has been added to the USNC Hall of Fame on the USNC webpage.

- **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.
STATUS: Completed.

Mr. Paul Green has stepped in to serve as interim Chair of the CAPCC Regulatory Labeling Working Group. He will provide a report on this group in section 7 of the agenda.

- **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.
STATUS: Completed.

Section 3 – For Discussion – ANSI International Conformity Assessment Committee (ICAC)

Mr. Paul Moliski reported on the ANSI ICAC activities outlined USNC/CAPCC 346. He highlighted LB#6-2022: ISO/NP TS 17012 – Guidelines for use of remote methods in conducting audits of management systems. This issue was raised to CAB, specifically looking into why CAB does not have a say in this process. Mr. Moliski is seeking clarity on whether this ballot item is simply a vote or if it is a discussion process open to IEC members.

The recent ICAC meeting focused on the proposal to revise the CASCO terms of reference. Comments were submitted on this issue, urging CASCO to look into a more balanced stakeholder approach to its members, as a lack of stakeholder diversity it has become an issue in some working groups.

Section 4 – For Information – ISO CASCO

Mr. Reinaldo Figueiredo provided a report (**ATTACHMENT B**) on the CASCO reorganization and issues relating to CAPCC.

CASCO held several meetings the week of April 25, 2022 including open technical work and interactive sessions. The Plenary meeting was held on April 26 – 28, 2022 with leaders meeting and workshop embracing the present and prepare for the future was held on April 29, 2002.

The goal is for ISO/IEC 17060, ISO/IEC 17043, and ISO/IEC 17030 to be approved by the end

of the year.

Main topics discussed during these meetings include the CASCO Strategic Direction 2022-2026, the CASCO Work program 2022, ISO/IEC Directives Part 2 – Clause 33, and Technical Interface Group (TIG) – Creation of the Technical Expert Group (TEG).

The ISO/IEC Directives Part 2 – Clause 33 will stand as previously agreed. IEC branding will remain since this clause is not changed.

The London declaration defines ISO's commitment to combat climate change through standards. ISO commits to work with its members, stakeholders and partners to ensure that International Standards and publications accelerate the successful achievement of the Paris Agreement.

Mr. Figueiredo also spoke on the ISO/IEC Smart Program. A program overview workshop will be held on May 30, 2022. SMART is an IEC and ISO key joint program, where both IEC and ISO are actively involved to ensure alignment and a fruitful collaboration between the two organizations. This workshop will also be recorded and added to the CASCO home page.

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

5.1 USTR Update

Ms. Sterling provided a brief update on the WTO TBT Ninth Triennial and other USTR activities related to conformity assessment.

The USTR reached out to Ms. Elisabeth George and Mr. Paul Moliski to lead a March 8, 2022 discussion on conformity assessment activities. Technical barriers to trade on accreditation were discussed.

The Triennial review is scheduled for June. The CAPCC will request a recap from Ms. Jennifer Stradtman. CAPCC input to the upcoming meeting was that the European model for accreditation could use improvements. The system has become more complex with new barriers added.

The medical device single review program is currently being worked on; from an industry standpoint, the desire is to have devices tested once and accepted everywhere.

5.2 International Trade Agreements

Ms. Sterling updated the CAPCC on international trade agreements and their impacts on the work of the CAPCC.

The Indo-Pacific Economic Framework (IPEF) is beginning discussions. The group is still fluid as to which countries will want to participate. The U.S. is

pushing for regulatory transparency and good practices. Discussions are progressing.

The U.S. – EU Trade and Technology Council (TTC) meeting is coming up in May and will be held in France. Discussion topics include facilitation of regulatory policy and promotion of innovation. There are currently ten working groups; the private sector is allowed to participate in some of these discussions.

The United States – Mexico – Canada Agreement (USMCA) is talking about enforcement. The U.S. is keeping an eye on the Mexico NQI rollout. While this is not part of the agreement, it will be of interest to the USNC CAPCC.

Compliance issues are an ongoing problem with China. The U.S. Administration has a number of issues they will want pay attention to. The U.S. should pursue bilateral engagement with China to find progress on issues that have not been met yet. Global partners and economies will need to work together to force compliance on China on these issues.

5.3 NIST Update

Ms. Amy Phelps reported on NIST activities related to conformity assessment, including updates on the Executive Order and the OSHA NRTL Program.

The Executive Order on cybersecurity directs NIST to take into account existing consumer product labeling programs as it considers efforts to educate the public on the cybersecurity capabilities of consumer Internet-of-Things (IoT) devices and software development practices. Ms. Phelps reviewed the timeline of the Executive Order. The final report has been delivered early and is now in the hands of the White House. Ms. Phelps will let CAPCC members know when the report becomes available to the public.

Ms. Phelps provided an update on the OSHA NRTL Program. Kevin Robinson is still the acting Director; timing on the transition back is still to be determined. Both the Directive Implementation date and SNAP Transition have been extended to October 1, 2022. Onsite assessment will begin later this month.

5.4 FDA Update

Mr. Eric Franca reported on the FDA Accreditation Scheme for Conformity Assessment (ASCA) Pilot Program. The ASCA website is constantly being updated to include additional program details and clarifications. There are currently 85 basic safety labs and 1 biocompatibility test laboratory.

The FDA is holding regular, ongoing meeting with accreditation bodies and testing labs to identify improvements as the program continues forward.

The scheduled date to make ASCA a permanent program is October 21, 2023. This is expected to be approved by September 2022. The FDA will also look at expansion opportunities for the ASCA program. There are also planned IT improvements on the horizon.

Section 6 – Reports on the Conformity Assessment Systems

6.1 IECRE and USNC/IECRE

Mr. Bob Sherwin provided a report on the activities of the IECRE and the USNC/IECRE. The last meeting was held virtually on September 21, 2021. There are no significant issues with this group at this time.

The USNC/IECRE has pledged sponsorship of 2022 IEC General Meeting in San Francisco.

The group is starting to see product certifications. There was discussion around the value of continuing with solar as there is a lack of demand at the moment.

The next meeting is scheduled for September 2022. This meeting is tentatively scheduled to be held face-to-face.

6.2 IECEE and USNC/IECEE

Mr. Duffy provided a report on the activities of the IECEE and the USNC/IECEE. The last meeting was held on March 29-30, 2022 in Florida. Mr. Duffy discussed the budget and the proposal related to non-ISO and non-IEC standards.

Mr. Duffy highlighted the proposed changes in the terms of reference on functional safety. These proposed changes will be reviewed at the IECEE CMC Meeting in Halifax in June.

The USNC/IECEE 2022 budget is on track and the contingency fund is at or above a single year full budget.

The next meeting is scheduled for May 24-26, 2022 in California.

The ANSI/NEMA MOA renewal is in process. There is a need for inclusion of dissolution language. The USNC/IECEE requests greater clarity concerning the withdrawal of a U.S. conformity assessment body's financial obligations, voting rights, and USNC responsibility for representing their interest.

ACTION ITEM #5: Constitute a task group to work on the language and process for dissolution of mirror committee or secretariat and funds, as well as the USNC/IEC CA system secretariat appointment process. This task group will

include Officers of the USNC conformity assessment system, Steve Margis, Jonathan Colby, and Tony Zertuche.

6.3 IECEEx and USNC/IECEEx

Mr. Scott Kiddle provided a report on the activities of the IECEEx and the USNC/IECEEx. The last meeting was held on April 6-7, 2022. This was the first in-person meeting since 2019. Mr. Kiddle highlighted that Mr. Paul Meanwell is the new chair of IECEEx; the U.S. supports this appointment.

One change to the USNC-IECEEx Officers lists is that Mr. Joe Genre has retired. He will continue throughout this year; a call for nominations will go out soon.

The next meeting will be held in Austin, TX in August 2022.

6.4 MOAs and USNC/IEC CA System Secretariat

6.4.1 Dissolution of Mirror Committee and Funds Language for MOAs

The Committee discussed the process for developing language around the dissolution of mirror committee and their funds to be included in the MOA in USNC CAPCC agenda item 6.2.

6.4.2 USNC/IEC CA System Secretariat Appointment Process

The Committee discussed the process for defining the USNC/IEC CA System Secretariat appointment process in USNC CAPCC agenda item 6.2.

6.5 Conformity Assessment in India

Ms. George shared the general background regarding setting up of test houses, including the purpose, scope of standards, regulations requirements and linkage with IECEE. India is a non-voting member of the conformity assessment system. There is only one standard within their scope, which includes 3 versions. India participates in standards but not within the IECEE; their further participation should be encouraged. Ms. George encouraged Ms. Sterling to add this item to the USNC bilateral meeting agendas.

ACTION ITEM #6: Ms. Joan Sterling to recommend to USNC Council a bilateral meeting with India to discuss participation in the IEC CA systems.

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

Mr. Paul Green provided a report on the activities of the USNC CAPCC Regulatory Labeling

Working Group as outlined in USNC/CAPCC 343. The working group met on Tuesday, April 26, 2022. The group is in the process of finalizing membership. Two current observers will remain in the group on an ad-hoc basis, but will not be on the formal roster because they are not CAPCC members.

Other main items discussed during the meeting included a status update on regulatory labeling standards, EU targeted efforts and timeline, and the initiation of a letter and media campaign to convince the EU that e-labeling is a viable and responsible concept/model.

The work of this group will have an extremely long runway. We will need a new chair for this working group as Mr. Green is soon retiring. The group could also use additional resource in JTC1/SC 31.

CAPCC members discussed whether CAPCC was the right venue for this ad-hoc group and its ongoing work. Some members questioned whether CAPCC has enough of a stake in this work, or if it is better situated with the USNC TMC. The group will target the September USNC TMC meeting to provide an update on the e-labeling working group.

Section 8 – Environmental, Social and Governance (ESG)

Ms. Sterling provided an update on Environment, Social and Governance (ESG) in relation to IEC conformity assessment systems. Ms. Sterling encouraged CAPCC members to review the related CAB document (**ATTACHMENT C**); note this is not a final document.

Ms. Sterling also spoke to the IEC Board Task Force. She noted that a lot of the work to date has been around standards, so this group was tasked with seeking out more conformity assessment work.

Section 9 – IEC Conformity Assessment Board

9.1 Review of IEC CAB June 2022 Agenda

Ms. Sterling reviewed the agenda (**ATTACHMENT D**) for the upcoming IEC CAB meeting to be held in June 2022. There will be a finance discussion with Mr. Jo Cops with a request about a resolution from CAB to arrange a transparent reporting of costs.

9.2 Implications on the SRoP and the IEC Strategic Plan for IEC CA

Ms. Sterling encouraged CAPCC members to review CAB agenda item 5.4: Implication of SRoP and the IEC Strategic Plan (**ATTACHMENT E**).

The committee raised the need for further discussion around the use of non-IEC

standards.

Section 10 – USNC Program Requests

Ms. Megan Hayes provided an overview on the proposed process for USNC program requests. Ms. Hayes led a task group to develop a procedure for prioritizing and processing for funding requests for USNC programs. All request submissions must include a title, abstract, rationale, needed resources, and duration of project/program. The process for prioritization of programs is to 1) identify potential programs for funding, 2) have an ongoing review of budget/spending to know what funds are available, 3) USNC Finance Committee to review programs for impact versus cost and prioritize based upon strategic plan and available funds, and 4) when funds are available, USNC Finance Committee to recommend to USNC Council for decision. Program requests should be submitted by 17 June 2022, so the USNC Finance Committee can consider and review the requests at their meeting on 21 June 2022. Anyone from the USNC constituency is welcomed to submit a USNC program request.

ACTION ITEM #7: USNC staff to circulate information on how to submit a USNC program requests via the Items of Interest emails. Program requests received by June 17, 2022 will be considered by the Finance Committee at their June 23, 2022 meeting. USNC to include strategic objectives in the Items of Interest (IOI) email.

Section 11 – USNC Interface with Other Regional & International Organizations

Mr. Tony Zertuche provided an update on the USNC's regional outreach initiatives. He reviewed the first draft of the SWOT analysis that USNC staff developed. The SWOT analysis focuses on USNC's participation in regional groups, including FINCA, COPANT, CANENA, PASC, and APCF. CAPCC members expressed interest in submitting their input into the SWOT analysis. USNC staff will hold a workshop session with USNC policy committee members to continue to develop the SWOT analysis.

ACTION ITEM #8: Mr. Tony Zertuche to host a regional organization SWOT workshop with interested parties from the USNC policy committees.

Section 12 – Meeting Schedule 2020 and Beyond

Mr. Zertuche emphasized that USNC is seeking hosts for the USNC Management Meetings in 2023. He hopes that organizations step up to host that may have not hosted the USNC Management Meetings before. USNC policy committee members are encouraged to let USNC staff know soon if they are able to host meetings next year.

ACTION ITEM #9: USNC to create a spreadsheet of which organizations have hosted the management meetings in the last five years (to be distributed with the meeting minutes). Add link to top of management meeting agendas to spreadsheet that shows orgs that have hosted in

past 5 years. Put up spreadsheet at the beginning of management meetings.

The following future meeting dates were reviewed.

2022

IEC Forum Meeting
25 May 2022
Geneva, Switzerland

CAB Meeting
13 June 2022
Geneva, Switzerland

IEC 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

IEC Forum Meeting
10 May 2023
Geneva, Switzerland

IEC Board Meeting
15 June 2023
Geneva, Switzerland

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

Section 13 – Review of Action Items

Ms. Pahl reviewed the action items captured during the 10 May CAPCC meeting.

- **ACTION ITEM #1:** Add to all bilateral agendas – use of non-IEC and non-

ISO standards and associated IECEE proposal.

- **ACTION ITEM #2:** USNC Staff to add the financial contributions by the IEC CA Systems issue to the USNC bilateral meeting agendas.
- **ACTION ITEM #3:** Consider a September CAPCC agenda topic regarding vote by correspondence to discuss options for a collaborative way to have dialogues effectively. How to use the tools and how to encourage the process.
- **ACTION ITEM #4:** USNC/IECEEx has developed disclaimer language to address the issue around certifications for organizations that are on the OFAC list. USNC/IECEEx will share the sample disclaimer language to all USNC CA systems.
- **ACTION ITEM #5:** Constitute a task group to work on the language and process for dissolution of mirror committee or secretariat and funds, as well as the USNC/IEC CA system secretariat appointment process. This task group will include Officers of the USNC conformity assessment system, Steve Margis, Jonathan Colby, and Tony Zertuche.
- **ACTION ITEM #6:** Joan Sterling to recommend to USNC Council a bilateral meeting with India to discuss participation in the IEC CA systems.
- **ACTION ITEM #7:** USNC staff to circulate information on how to submit a USNC program requests via the Items of Interest emails. Program requests received by June 17, 2022 will be considered by the Finance Committee at their June 23, 2022 meeting. Include strategic objectives in the IOI.
- **ACTION ITEM #8:** Tony Zertuche to host a regional organization SWOT workshop with interested parties from the USNC policy committees.
- **ACTION ITEM #9:** USNC to create a spreadsheet of which organizations have hosted the management meetings in the last five years (to be distributed with the meeting minutes). Add link to top of management meeting agendas to spreadsheet that shows orgs that have hosted in past 5 years. Put up spreadsheet at the beginning of management meetings. **(ATTACHMENT F)**.

Section 14 – Adjournment

Ms. Sterling thanked everyone who participated in-person and remotely. She adjourned the meeting at 3:52 p.m. (PDT).