

Standards and Conformance: Who's Lead in the U.S.?

In order to address U.S. exporter trade-related concerns stemming from standards and conformity assessment practices in the most effective way possible, it is critical to understand and support the respective U.S. Government (USG) and private sector roles in the U.S. and international systems. The U.S. standards system is led by the private sector. The American National Standards Institute (ANSI), a private, non-profit organization, coordinates private sector activities. In the international sphere, the U.S. Government leads in the standards-setting bodies of treaty organizations (Codex, OECD, UNECE, IMO, ITU, etc.), while ANSI represents the U.S. in and/or with many non-treaty (private sector) international and regional standards and conformity assessment organizations, including the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), their national member bodies and their regional and/or sub-regional associations including the Pacific Area Standards Congress (PASC), the Pan American Standards Commission (COPANT), the European Standards Organizations (ESOs: CEN, CENELEC, ETSI) and others.

It is important to remember that standards and conformity assessment practices are voluntary until they are referenced by government in regulation. Standards and conformity assessment practices can cause disputes in private, commercial transactions and be a de facto marketplace requirement. When made mandatory by governments, standards and conformity assessment practices can become a non-tariff trade barrier especially if imposed in a discriminatory manner. The USG and private sector work together on many trade-related issues involving standards and conformity assessment; below are examples of the types of issues that U.S. exporters may face, divided into ones for which the USG generally has primary responsibility and those for which the private sector has the lead. However, these issues can be highly technical, complex, and difficult to discern; they do not always neatly fit into one box or the other. Therefore ITA staff should always work with their ITA standards expert(s) on any given concern regarding standards or conformity assessment practices.

Government

WTO Issues

Example: Client alleges that foreign government is breaking its WTO obligations

Principle: USG is responsible for addressing WTO compliance

Issues with Foreign Regulations

Example: Company feels that a foreign regulation is discriminating against its products

Principle: USG addresses issues with government-imposed (mandatory) requirements

Issues with Conformity Assessment Required by Foreign Government

Example: Company can't enter a market due to mandatory certification requirements

Principle: USG works to resolve trade difficulties caused by government-imposed (mandatory) requirements

Issues with CODEX, GHTF, WP29 or other Intergovernmental Process

Example: Company concerned about a draft Codex standard

Principle: USG represents the U.S. in standards development activities of treaty organizations and intergovernmental harmonization efforts

Private Sector

Issues with U.S. or Foreign Standards

Example: Company complains that a foreign standard makes it hard to do business

Principle: When requirements are market imposed and non-governmental, the private sector takes the lead to resolve

Issues with ISO, IEC or other Private-Sector Process

Example: Company is concerned about lack of global relevance of an ISO or IEC standard

Principle: ANSI represents the U.S. in ISO and IEC and works with the ISO and IEC members of other countries on topics pertaining to voluntary standards and conformance

Issues with Conformity Assessment Required by Foreign Client

Example: Company is frustrated with testing required by a purchaser in a foreign market

Principle: Private sector addresses issues with market-imposed (i.e. non-governmental) requirements