National Type Evaluation Program (NTEP) Committee[1]
Interim Agenda

Randy Jennings, Chairman
Executive Assistant
Tennessee Department of Agriculture

Reference
Key Number

500 INTRODUCTION

The National Type Evaluation Program (NTEP) Committee will address the following items at its 2011 Interim Meeting. Except when posted, all meetings are open to the membership. The members will be invited to dialogue with the NTEP Committee on issues on its agenda. The NTEP Committee is currently working on the following issues:

Table A
Index to Reference Key Items

Appendices

[1] **Note:** The policy of the National Institute of Standards and Technology (NIST) is to use metric units of measurement in all of its publications; however, recommendations received by the National Conference on Weights and Measures (NCWM) technical committees have been printed in this publication as they were submitted and may, therefore, contain references to inch-pound units.

Table B
Glossary of Acronyms*

BIML	Bureau of International Legal Metrology	IR	International Recommendation
CD	Committee Draft[1]	MAA	Mutual Acceptance Arrangement
CIML	International Committee of Legal Metrology	OIML	International Organization of Legal Metrology
CPR	Committee on Participation Review	MC	Measurement Canada
DD	Draft Document[2]	R	Recommendation
DR	Draft Recommendation[2]	SC	Subcommittee
DV	Draft Vocabulary[2]	TC	Technical Committee
DoMC	Declarations of Mutual Confidence	UT	Utilizing Participant
IP	Issuing Participant	WD	Working Document[3]

[1] CD: a draft at the stage of development within a technical committee or subcommittee; in this document, successive drafts are numbered 1 CD, 2 CD, etc.

[2] DD, DR, DV: draft documents approved at the level of the technical committee or subcommittee concerned and sent to BIML for approval by CIML.

[3] WD: precedes the development of a CD; in this document, successive drafts are number 1 WD, 2 WD, etc.

* Explanation of acronyms provided by OIML.

Details of All Items
(In Order by Reference Key Number)

500-1 Mutual Recognition Arrangement (MRA)

Background/Discussion: The MRA between Measurement Canada (MC) and the National Type Evaluation Program (NTEP) labs originated April 1, 1994. Since that time, the original MRA has expanded, and a second MRA covering measuring devices has been developed. The MRA pursuant to weighing devices will expire in January 2011, and the MRA for measuring devices will expire in July 2011. The NTEP Committee and members of the Board of Directors have been actively engaged with MC over the past year to develop a new agreement that will continue our relationship with MC by formalizing an updated MRA that meets the needs of both the NCWM and MC, and includes both weighing and measuring devices in one document. A very productive meeting between MC and NCWM Board representatives was held during the July 2010 Annual Meeting in St. Paul, Minnesota. As a result, positive communications between MC and NTEP have continued.

The scope of the current MRA's includes:

- gasoline and diesel dispensers;
- high-speed dispensers;
- gasoline and diesel meters intended to be used in fuel dispensers and truck refuelers;
- electronic computing and non-computing bench and floor scales with a capacity up to 1000 kg (2000 lb);
- weighing/load receiving elements with a capacity of up to 1000 kg (2000 lb);
- electronic weight indicating elements (except those that are software based, i.e., programmed by downloading parameters); and
- mechanical scales up to 10 000 kg (20 000 lb).

As part of this evaluation process, the NTEP Committee was asked to consider expanding the MRA to higher capacity scales. The NTEP weighing labs agreed that expanding the MRA should be considered and MC expressed willingness to consider a proposal from the NCWM. The NTEP Administrator opened communication with MC with a recommendation to expand the MRA to include electronic platform scales up to 14 000 kg (30 000 lb). The current limit is 1000 kg. If the limit was expanded to just platform scales (i.e., not including hoppers, OBWS, IIIL), it appeared the only addition to what is required during an evaluation would be the field permanence test criteria (Pub 14, DES Sections 62.22., 63.7., 64.3., and 64.4.). Upon discussion with MC type evaluation personnel, other issues surfaced: a) MC tests some weighing elements up to 10 000 kg in the lab, applying influence factor requirements (power, temperature, EMI, etc). There is a size limit of 1.6 m x 1.6 m. NTEP has a lab test limit of 1000 kg and some of the chambers will not accommodate the larger weighing elements; and b) MC does not apply the minimum 20 day use limit for field permanence tests for "cost factor" reasons (i.e., they want to avoid a second visit to the site). MC initially had a 20 day use requirement, then did away with the time requirement, now only requiring 300 weighments, and may not want to reinstitute the time requirement for NTEP. Based upon this information, taking the current workload of the weighing labs and current economic conditions into consideration, NTEP does not plan to move forward with the expansion of the MRA to include larger capacity weighing devices at this time. Additionally, U.S. manufacturers requested that the Committee consider expanding the MRA to include Automatic Weighing Systems (AWS) and Multiple Dimension Measuring Devices (MDMD). The requests were discussed by the MC and the NCWM Board members. Expansion to include AWS was deemed inappropriate at this time because of significant differences in requirements. The inclusion of MDMD is under consideration. NTEP is working to identify differences between the United States and Canada technical requirements and test procedures.

The MRA is due to be renewed, and both countries have expressed a desire to renew the MRA because of the benefits. The NTEP Committee has met with representatives of MC regarding renewal and possible expansion of the MRA. Several issues were brought to the table, and the plans are to renew and sign the MRA in January 2011.

500-2 Mutual Acceptance Arrangement (MAA)

Background/Discussion: Information regarding the International Organization of Legal Metrology (OIML) Mutual Acceptance Agreement (MAA) can be found at www.oiml.org/maa. The NCWM has signed the OIML MAA DoMC for R 60 Load Cells as a utilizing participant. A Utilizing Participant is a participant which does not issue any OIML Certificates of Conformity (CC) nor OIML Test Reports and/or Test Reports under a DoMC but which utilizes the reports issued by Issuing Participants.

The OIML Technical Subcommittee for TC 3/SC 5 "Conformity assessment" is revising the following OIML B documents that are classified as Basic Publications:

- OIML B 3, "OIML Certificate System for Measuring Instruments;" and
- A combined revision of OIML B 10-1, "Framework for a Mutual Acceptance Arrangement on OIML Type Evaluations," and OIML B 10-2, "Checklists for Issuing Authorities and Testing Laboratories carrying out OIML Type Evaluations."

A 2 CD of B 3 and a 1 CD of the combined B 10 revision were distributed to TC 3/SC 5 "Conformity assessment" in December 2009. Comments were requested by April 30, 2010, in advance of a TC 3/SC 5 meeting planned for October 2010.

Plans to revise the OIML B 3 and B 10 documents are proceeding (the present revision will not incorporate the inclusion of test data from MTLs into B 10, but will keep it in B 3). It has recently been clarified by a TC 3/SC 5 member who wants to include test data from Manufacturers Testing Laboratories (MTLs) into B 10 that the data is not obtained under "unsupervised" conditions, but rather under conditions of "controlled supervision," meaning that, at a minimum, 1) a thorough review of the manufacturer's quality system has been performed; 2) the manufacturer has an independent testing laboratory that reports to the highest management level of the organization; 3) the Issuing Authority must be notified before any type approval tests are begun; 4) the Issuing Authority must be allowed to observe any and all testing on a short-notice basis; 5) the Issuing Authority is entitled to repeat any tests that it deems necessary, either at the manufacturing facility or at its own laboratory, at the manufacturer's expense; plus 6)

possibly other requirements. In addition, the Issuing Authority (Issuing Participant) would take all responsibility for any test data it obtained from the manufacturer. It would not be required, however, that the Issuing Authority be present at the MTL for all of the testing. The NCWM has already determined that NTEP will not accept test data from manufacturers unless there was an Issuing Authority representative on-site at the manufacturer's site to supervise 100 % of the testing.

Dr. Charles Ehrlich attended the TC 3/SC 5 meeting held October 2010 in France. The meeting had two intended objectives: 1) to further the process of incorporating necessary revisions to the two main documents pertaining to the OIML Certificate System for Type Evaluation (OIML B 3 on the OIML Basic Certificate System, and OIML B 10 on the OIML MAA; and 2) to further the possibility of permitting under the MAA the use of test data that is obtained directly from instrument manufacturers.

The revisions of B 3 and B 10 are necessary in order to update these documents to incorporate lessons learned over the last several years during the startup phase of the MAA. Revising the documents also permits their "harmonization," in the sense that the MAA is now seen as an extension of the Basic Certificate System and so it is necessary to better clarify how the two systems work together, yet separately. The meeting focused on addressing some specific comments that had been submitted on draft revisions of B 3 and B 10 that had been circulated prior to the meeting. Topics discussed included legal obligations of authorities that issue OIML certificates, whether to combine all of the individual signed arrangements under the MAA into one master document, confidentiality of reports submitted to the Committees on Participation Review (CPRs) that decide which testing laboratories can participate in the MAA system, equity of the processes used for accreditation or peer review of the testing laboratories, the number of participants required to begin an arrangement for a particular category of instrument, and several issues related to ownership of OIML Certificates (e.g., withdrawal and transfer of certificates). Revised drafts of the B 3 and B 10 documents were developed by the conclusion of the meeting, and will be circulated (along with responses to the comments) by the Secretariat to TC 3/SC 5 members for vote, with the objective of having final documents submitted to the International Committee on Legal Metrology (CIML) for their vote at the next CIML Meeting (October 2011).

The issue of whether to allow test data from manufacturers' test laboratories (MTLs) into the MAA has been contentious. The practice of utilizing test data from MTLs to issue national or regional type approval certificates has been used fairly successfully for many years in parts of Europe but seems to be opposed in many other parts of the world, including by the NCWM. The NCWM continues to state its current position that NTEP will not accept test data from manufacturers unless there is an Issuing Authority representative on-site at the manufacturer's site to supervise 100 % of the testing.

500-3 NTEP Participating Laboratories and Evaluations Reports

Background: During the 2010 NCWM Annual Meeting, Mr. Jim Truex, NTEP Administrator, updated the Committee on NTEP laboratory and administrative activities.

The NTEP weighing and measuring laboratories held a joint meeting March 22 - 26, 2010, in Sacramento, California. The NTEP weighing laboratories met again in August 2010 prior to the meeting of the Weighing Sector in Columbus, Ohio, and the NTEP measuring laboratories met once more in October 2010, prior to the Measuring Sector meeting in Columbia, South Carolina.

Mr. Truex, reported to the Committee that incoming applications remain strong. He reported there is no backlog concern for measuring devices and the brick and mortar weighing labs report a minimal backlog.

2011 NTEP Meetings:

• NTETC Belt-Conveyor Sector	February 23 - 24, 2011	St. Louis, Missouri
• NTETC Software Sector Meeting	March 15 - 16, 2011	Annapolis, Maryland
• NTEP Laboratory Meeting	March 28 - April 1 , 2011	Annapolis, Maryland
• NTETC Grain Analyzer Sector	August 24 - 25, 2011	Kansas City, Missouri
• NTETC Weighing Sector	August 30 - September 1, 2011	Sacramento, California

- NTETC Measuring Sector October 2011 Williamsburg, Virginia

The Committee has announced plans to conduct a survey of NTEP customers and NTEP laboratories regarding customer service. The Board plans to use the results of the survey to form a continuous improvement plan for NTEP.

500-4 National Type Evaluation Technical Committee (NTETC) Sector Reports

Background/Discussion:

The Committee is happy to report that all National Type Evaluation Technical Committee (NTETC) Sector reports were available to members at the time Pub 15 was published and is committed to insuring that electronic versions of Sector reports are available with Pub 15 in the future. Please note that the Sector reports will only be available in the electronic version of Pub 15; it will not be available in the printed versions of Pub 15. (NIST/WMD – www.nist.gov/pml/wmd/index.cfm and NCWM – www.ncwm.net)

Grain Moisture Meter and NIR Protein Analyzer Sectors: The NTETC Grain Moisture Meter and NIR Protein Analyzer Sectors held a joint meeting in Kansas City, Missouri, August 25 - 26, 2010. A draft of the final summary was provided to the Committee prior to the 2011 NCWM Interim Meeting for review and approval.

The next meeting of the Grain Moisture Meter and NIR Protein Analyzer Sectors is scheduled for August 24 - 25, 2011, in Kansas City, Missouri. For questions on the current status of Sector work or to propose items for a future meeting, please contact the Sector Technical Advisors:

Ms. Diane Lee
NIST WMD
100 Bureau Drive, Stop 2600
Gaithersburg, MD 20899-2600
Phone: (301) 975-4405
Fax: (301) 975-8091
e-mail: diane.lee@nist.gov

Mr. Jack Barber
J.B. Associates
10349 Old Indian Trail
Glenarm, IL 62536
Phone: (217) 483-4232
e-mail: barber.jw@comcast.net

Measuring Sector: The NTETC Measuring Sector met October 1 - 2, 2010, in Charleston, South Carolina. A draft of the final summary was provided to the NTEP Committee prior to the 2011 NCWM Interim Meeting for review and approval.

The next meeting of the Measuring Sector is scheduled for October 2011, in conjunction with the Southern Weights and Measures Association's 2011 Annual Meeting. For questions on the current status of Sector work or to propose items for a future meeting, please contact the Sector Technical Advisor:

Ms. Tina Butcher
NIST WMD
100 Bureau Drive, Stop 2600
Gaithersburg, MD 20899-2600
Phone: (301) 975-2196
Fax: (301) 975-8091
e-mail: tbutcher@nist.gov

Software Sector: The NTETC Software Sector met March 2 - 3, 2010, in Sacramento, California. A final draft of the meeting summary was provided to the Committee prior to the 2011 NCWM Interim Meeting for review and approval.

The next meeting of the Software Sector is scheduled for March 15 - 16, 2011, in Annapolis, Maryland. For questions on the current status of Sector work or to propose items for a future meeting, please contact the Sector Chairs and NTEP Administrator:

Mr. Jim Pettinato
Sector Chair
FMC Technologies
1602 Wagner Avenue
Erie, PA 16510
Phone: (814) 898-5250
Fax: (814) 899-3414
e-mail: jim.pettinato@fmcti.com

Mr. Norm Ingram
Sector Chair
CA Div. of Measurement Standards
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828
Phone: (916) 229-3016
Fax: (916) 229-3026
e-mail: ningram@cdfa.ca.gov

Mr. Jim Truex
NTEP Administrator
NCWM
1135 M Street, Suite 110
Lincoln, NE 68508
Phone: (740) 919-4350
Fax: (740) 919-4348
e-mail: jim.truex@ncwm.net

Weighing Sector: The NTETC Weighing Sector met August 31 – September 2, 2010, in Columbus, Ohio. A final draft of the meeting summary was provided to the Committee prior to the 2011 NCWM Interim Meeting for review and approval.

The next Weighing Sector meeting is scheduled for August 30 - September 1, 2011, in Sacramento, California. For questions on the current status of Sector work or to propose items for a future meeting, please contact the Sector Technical Advisor:

Mr. Steven Cook
NIST WMD
100 Bureau Drive, Stop 2600
Gaithersburg, MD 20899-2600
Phone: (301) 975-4003
Fax: (301) 975-8091
e-mail: steven.cook@nist.gov

Belt-Conveyor Scale Sector: The NTETC Belt-Conveyor Scale Sector met February 24 - 25, 2009, in St. Louis, Missouri. A final draft of the meeting summary was provided to the Committee prior to the 2010 NCWM Interim Meeting for review and approval.

The next meeting of the Belt Conveyor Scale sector is scheduled for February 2011, in St. Louis, Missouri. For questions on the current status of Sector work or to propose items for a future meeting, please contact the Sector Technical Advisor:

Mr. John Barton
NIST WMD
100 Bureau Drive, Stop 2600
Gaithersburg, MD 20899-2600
Phone: (301) 975-4002
Fax: (301) 975-8091
e-mail: john.barton@nist.gov

500-5 Conformity Assessment Program

Background/Discussion: The Conformity Assessment Program was established to ensure devices produced after the device has been type evaluated and certified by NTEP continue to meet the same requirements. This program has three major elements: 1) Certificate Review (administrative); 2) Initial Verification (inspection and performance testing); and 3) Verified Conformity Assessment (influence factors). This item is included on the Committee's agenda to provide an update on these elements.

Certificate Review: Certificates are constantly under review by NTEP staff and laboratories. Many active certificates are amended annually because of manufacturer submission for evaluation or issues reported by the states

pertaining to information on the certificate. When the devices are re-evaluated and certificates are amended, the information is reviewed and necessary steps are taken to assure compliance and accurate, thorough information is reported on the certificate.

In an effort to keep certificate information up to date, the NTEP Committee offered, during the CC annual maintenance fee invoice period, an opportunity for active certificate holders to update contact information that is contained in the "Submitted By" on certificates during the payment period with the payment of their annual maintenance fee. Many CC holders have taken advantage of the opportunity.

Initial Verification (IV): The IV initiative is ongoing. Field enforcement officials perform an initial inspection and test on new installations on a routine basis. The Committee recognized that the states do not want IV reporting to be cumbersome.

An IV report form has been developed. The Committee wanted to have a simple form, perhaps web based for use by the state and local regulators. The form has been approved by the Committee and distributed to the states. A completed form can be submitted via mail, e-mail, fax, or online. The form is available to regulatory officials who are members of the NCWM online at www.ncwm.net/content/initial_verification_report.

Verified Conformity Assessment Program (VCAP): The NCWM and NTEP have been concerned about production meeting type, protecting the integrity of the NTEP CC since the inception of NTEP. Load cells traceable to NTEP certificates have been selected for the initial effort. All holders of NTEP CCs for load cells have been notified.

The NTEP Committee has been asked to announce which device(s) will be next after load cells. The NTEP Committee wants some additional time to see what issues and concerns come to light with the load cell effort before making a decision.

The NCWM Board of Directors reconfirmed its belief that conformity assessment is vital to NTEP's continued success and will be implemented. VCAP Audit Reports for manufacturers with load cell certificates were due no later than June 30, 2010. VCAP Audit Reports for private label certificate holders were due no later than November 30, 2010. VCAP for load cells will occur according to the final timelines below.

NTEP VCAP Timeline – Load Cell Manufacturer Certificate Holders				
Jul 2008 – Ongoing	**Jan 2009 – Jun 2010**	**Jan 2010 – Sep 2010**	**Jul 2010 – May 2011**	**May 2011**
Refine VCAP procedures	LC Manufacturers to put VCAP QM system in place	NTEP to evaluate incoming Certification Body audit reports	NTEP to contact manufacturers not meeting VCAP and encourage compliance	CCs declared inactive if CC holder fails to meet VCAP
Answer incoming questions	Conduct audit by Certified Body		Continue to evaluate incoming audit reports	
Refine/develop appeals process	Submit audit report to NCWM/NTEP			
Notify all CC holders of updated plan, Q&A, etc.				

NTEP VCAP Timeline – Load Cell Private Label Certificate Holders				
Jul 2008 – ongoing	**Jan 2009 – Nov 2010**	**Jun 2010 – Mar 2011**	**Dec 2010 – May 2011**	**Nov 2011**
Refine VCAP procedures	CC holders to put VCAP QM system in place	NTEP to evaluate incoming Certification Body audit reports	NTEP to contact manufacturers not meeting VCAP and encourage compliance	CCs declared inactive if CC holder fails to meet VCAP
Answer incoming questions	Insure audit by Certified Body		Continue to evaluate incoming audit reports	
Refine/develop appeals process	Submit audit report to NCWM/NTEP			
Notify all CC holders of updated plan, Q&A, etc.				

The NCWM decided to require a systems audit checklist that is to be completed by an outside auditor and submitted to the NCWM per Section 2.5 of the VCAP requirements. A "VCAP Systems Audit Checklist for Manufacturers" and a "VCAP Systems Audit Checklist for Private Label Certificate Holders" have been developed and are available on the NCWM website at www.ncwm.net.

In 2010 the NCWM revised requirements for private label CC holder audits and auditors. A new checklist for private label certificate holders was developed and distributed. The requirements for the Certification Body and VCAP auditor were changed to require an "ISO auditor." Clarification was requested to avoid confusion by private label auditors. The Committee added clarification language to the introduction section of the private label checklist.

Additionally, the Committee developed a new NCWM Publication 14 (Pub 14), Administrative Policy to distinguish between the requirements for parent NTEP certificate holders (S.1.c.) and private label certificate holders. The requirements in S.1.d. track the private label checklist requirements; traceability to parent NTEP CC, traceability of the private label cell to a VCAP audit, purchase and sales records, plan to report non-conforming product and non-conforming product in stock, plan to conduct internal audits to verify non-compliance action, and internal audit records.

Proposed S.1.d. NTEP Verified Conformity Assessment Program (VCAP) Procedures for Private Label Certificate Holders

Introduction

Many NTEP Certified devices must meet NIST Handbook 44 (HB 44), *Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*, requirements for influence factors. It is not possible to verify these requirements during the Initial Verification in the field. Therefore, manufacturers of metrological devices (instruments) and/or components (modules), which are subject to influence factors, as defined in HB 44, must have a Verified Conformity Assessment Program (VCAP) in place to ensure that these metrological devices and/or components are produced to perform at a level consistent with that of the device and/or component previously certified.

For weighing devices that are subject to influence factors, traceable to a private label NTEP Certificate of Conformance, NTEP will require the private label certificate holder to verify that the parent certificate holder has complied with VCAP requirements, has a current VCAP audit certificate, the VCAP certification is traceable back to the parent NTEP certificate, and the parent certificate is active.

Devices that Must Meet this Requirement are Limited to the List Below:

- Load Cell (T.N.8.)
- Indicating Elements (T.N.8.)
- Weighing/Load Receiving Elements with non-NTEP Load Cells (T.N.8.)

- Complete Scales (T.N.8.)
- Automatic Weighing Systems (T.7.)
- Belt-Conveyor Scales (T.3)
- Automatic Bulk Weighing Systems (T.7.)

Requirements:

1. The Private label NTEP CC Holder's Responsibilities:

1.1 Documentation is available to show that all private label certificates are traceable back to a parent certificate holder(s).

1.2 All parent certificates are active.

1.3 Records are records available to show the private label certificate holder has confirmed that the supplier has a current VCAP audit meeting applicable requirements.

1.4 The private label certificate holder's purchase and sales records verify that no other supplier is providing the product listed on the NTEP certificate.

1.5 The supplier's sales records agree with the private label certificate holder's purchasing records.

1.6 The private label certificate holder has a plan in place to report non-conformance to the supplier.

1.7 The private label certificate holder has a plan in place to address non-conforming devices already sold or in stock.

1.8 The private label certificate holder has a plan in place to conduct internal audits to verify non-conformance action. Internal audits shall be conducted at established intervals, not to exceed one year.

1.9 Surveillance audits for VCAP conducted by an outside auditor representing a certification body must be completed. The surveillance audits will be conducted every three years until objective evidence is obtained to move to a maximum of every five years.

1.10 The NTEP private label CC holder shall take corrective action within 90 days of non-conformances sited by the auditor.

1.11 All records and plans shall be made available to the VCAP auditor.

2. Certification Body's Responsibilities:

2.1. The selected Certification Body (auditor) shall be accredited to the ISO 9001:2000 standard for providing audits and certifications of management systems.

2.2. The Certification Body is required to notify NCWM when a major breakdown of the NTEP private label CC holder's VCAP program is found.

2.3. The Certification Body shall submit a completed "VCAP Systems Audit Checklist for Private Label Certificate Holders" to NCWM. Submitted documentation must contain a clear statement of compliance as a result of the VCAP audit.

3. NCWM Responsibilities:

3.1. For new certificate holders, ensure that VCAP certification has been completed within a one year cycle of the first maintenance fee, but not to exceed 18 months (example: if NTEP certified in July 2011. VCAP certification would be required by November 2012).

3.2. As part of annual maintenance, NCWM shall ensure that VCAP audit reports are on file, current, and that all non-conformances have been addressed.

3.3. Ensure that an appeals process is in place and made available to Certificate holders. [Note: The appeal and review process contained in section T. of this document shall be used.]

500-6 NTEP Contingency

Source: NTEP Committee

Purpose: NTEP Contingency, to keep NTEP operating and ensure NTEP services are available at an adequate level. The NTEP Committee wants to ensure there is an appropriate number of laboratories and personnel (evaluators) to maintain viable support for NTEP services, including MRAs, MAAs, and potentially to be an R 76 Issuing Participant.

Item Under Consideration: The NTEP Committee discussed contingency planning for continuity of NTEP operations. With the state of today's economy, what if NTEP lost a lab? How will NTEP maintain workflow? Are there additional states interested in applying to become an NTEP field lab or an NTEP brick-and-mortar lab? The NTEP Committee will continue to discuss these issues during a long-range planning session and welcomes comments from the membership.

Issues under consideration include should the NCWM:

1. Employ NTEP evaluators to conduct testing at manufacturer's facilities?

2. Have evaluators under contract to conduct testing at manufacturer's facilities?

3. Employ NTEP evaluators or have evaluators under contract to assist the state NTEP laboratories?

4. Have a brick and mortar NTEP laboratory and NTEP evaluators?

5. Use a private third party laboratory to conduct NTEP evaluations?

The Committee heard testimony expressing support and concerns pertaining to the options. Several stated that the Committee should consider adding OIML MAA participation as a Utilizing Participant to the list. Another urged the Committee to continue working on the idea of NCWM NTEP evaluators, an NCWM NTEP lab, and keeping all options open. One member asked the Committee to consider accepting manufacturer compliance data in lieu of hiring NTEP contractors. Another suggestion from the floor was to consider beefing up and utilizing "Initial Verification" as part of the NTEP process. A representative of a state brick and mortar NTEP laboratory asked the Committee to move cautiously forward and not destroy the state NTEP labs. He expressed concern that the establishment of an NCWM/NTEP brick and mortar lab could lead to significant legal complications for the states.

Current Comment: The NTEP Committee wants the membership to know that, at this time, the preferred course of action would be the evaluators under contract option. The Committee recognizes the commitment states with NTEP laboratories have made over the years and would only resort to contingency measures in the event of a severe loss of state lab resources. Labs are handling current demand without a need for contingency measures. The Committee continues to keep NTEP contingency a top priority and watch over the status of the laboratories.

500-7 Publication 14 – NTEP Administrative Policy

Source: NTEP Committee

Purpose: The NTEP Committee feels that it in the best interest of the program to amend the NTEP Administrative Policy to make it clear that the manufacturers/CC holders are obligated to meet current HB 44 requirements, regardless of when the devices covered by the NTEP certificate(s) were evaluated and the certificate was issued.

Item Under Consideration: Amend sections D.2., J.1.a, R. and S. as follows.

Amend Section D.2. to read:

D.2. Responsibility for Reporting Occurrence of Modification

When a manufacturer **or other certificate holder** makes changes to a certified type, evaluation of the modification may be necessary. **Manufacturers and other certificate holders are responsible for insuring compliance of the production devices to NIST Handbook 44. When changes to NIST Handbook 44 are adopted by the NCWM that affect the device traceable to an NTEP certificate, devices produced after the effective date must meet the current applicable Handbook 44 requirements.** The manufacturer must report changes that might require the attention of NTEP. The decision to report changes is dictated by the metrological significance of the modification.

a. Notification of Change

The manufacturer **or other certificate holder** notifies NTEP that a change to a certified device has been made or is contemplated. The manufacturer may make judgments concerning the modifications and request issuance of an approval of a modification, by citing the existing Certificate of Conformance, detailing the changes, giving any data, analysis, and conclusions concerning the technical or metrological consequences of the changes.

b. NTEP Options

On the basis of the manufacturer's **or other certificate holder's** notification, NTEP will decide whether or not to require an evaluation for approving the modification or issuance of a new Certificate of Conformance. NTEP will inform the manufacturer **certificate holder** accordingly.

Amend Section J.1.a to read:

J.1. Re-evaluation to Verify Compliance

NTEP may decide to re-evaluate a previously evaluated type, whether or not a Certificate of Conformance has been issued. Re-evaluation must be justified based on considerations such as the following:

a. **Manufacturers and other certificate holders are responsible for insuring compliance of the production devices to NIST Handbook 44. When changes to NIST Handbook 44 are adopted by the NCWM that affect the device traceable to an NTEP certificate, devices produced after the effective date must meet the current applicable Handbook 44 requirements. That is,** ~~**D**~~**d**evices manufactured after the effective date of any new non-retroactive regulations must meet the new requirements; devices manufactured prior to the effective date of such regulations must meet retroactive requirements only.

Amend Section R to read:

R. Post Evaluation Responsibility of ~~**Manufacturer**~~ **Certificate Holder**

As a result of requesting an evaluation and accepting an NTEP Certificate of Conformance, the manufacturer implicitly claims that all devices manufactured as the type referenced in the Certificate of Conformance are the same type. **Manufacturers and other certificate holders are responsible for**

insuring compliance of the production devices to NIST Handbook 44. When changes to NIST Handbook 44 are adopted by the NCWM that affect the device traceable to an NTEP certificate, devices produced after the effective date must meet the current applicable Handbook 44 requirements. The certificate holder may be responsible for reporting modifications to NTEP, per section D.2.a. NTEP does not normally require re-evaluation for technical requirement changes to NIST Handbook 44 per section J.1.a. as compliance can be determined through field enforcement. If a production device is found with a model number corresponding to that referenced in the Certificate of Conformance, but which does not conform to the type, the Certificate of Conformance may be withdrawn.

Amend Section S to read:

S. Conformity Assessment Process

Type approval (certification) is one of the main elements in the metrological control system for weighing and measuring devices used in commercial measurements. The NTEP Certificate of Conformance, issued by NCWM, is a tool used by weights and measures officials in the inspection and approval of those devices. NTEP looks at one or more devices in a family, during the evaluation process. This typically occurs in the early stages of product development or production, yet it is expected that a commercial device will have a useful production life of several years. It is inevitable that changes will occur in production methods or components, that new features will be added to improve the product to respond to user needs and that the technical and performance standards will change as NIST Handbook 44 evolves in its annual cycle. Some of these changes will result in the ~~**manufacturer**~~ **certificate holder** requesting a re-evaluation. The content and format of a Certificate of Conformance will also evolve over time.

Conformity Assessment is a responsibility of the certificate holder. It is vital that the Certificate of Conformance accurately reflects the device design and its features. It is also vital that the device be manufactured in conformance with the applicable requirements, while the Certificate of Conformance is in active status. In addition to the type evaluation, described in Section E through G of this document, the steps below outline the measures NTEP will use to keep the Certificate of Conformance accurate and to ensure conformance.

Mr. Randy Jennings, Tennessee, NTEP Committee Chair

Mr. Tim Tyson, Kansas, NCWM Chair
Mr. Mike Sikula, New York
Mr. Kirk Robinson, Washington
Mr. Kurt Floren, LA County, California
NTEP Technical Advisor: Mr. Jim Truex, NTEP Administrator

National Type Evaluation Program Committee