

Report of the National Type Evaluation Program (NTEP) Committee

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Reference
Key Number

500 INTRODUCTION

The National Type Evaluation Program (NTEP) Committee (hereinafter referred to as “Committee”) submits its report for consideration by the 95th National Conference on Weights and Measures (NCWM). This consists of the Interim Report presented in NCWM Publication 16 as amended in the Addendum Sheets issued during the Annual Meeting that was held July 11 - 15, 2010, in St. Paul, Minnesota. The Committee considered communications received prior to and during the 95th Annual Meeting that are noted in this report.

Table A identifies the agenda items in the report by Reference Key Number, Item Title, and Page Number. The item numbers are those assigned in the Committee’s Interim Meeting Agenda. A Voting item is indicated with a “**V**” after the item number or, if the item was part of the consent calendar, by the suffix “**VC**.” An item marked with an “**T**” after the reference key number is an Information item. An item marked with a “**W**” was Withdrawn by the Committee and generally will be referred to the regional weights and measures associations because it either needs additional development, analysis, and input or does not have sufficient Committee support to bring it before the NCWM. Table B lists the appendices to the report, and Table C provides a summary of the results of the voting on the Committee’s items and the report in entirety.

This report contains many recommendations to revise or amend National Conference on Weights and Measures (NCWM) Publication 14, Administrative Procedures, Technical Policy, Checklists, and Test Procedures or other documents. Proposed revisions to the publication(s) are shown in **bold face print** by ~~striking out~~ information to be deleted and underlining information to be added. Requirements that are proposed to be nonretroactive are printed in *italics*.

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 NCWM technical committees have been printed in this publication as they were submitted and may, therefore, contain references to inch-pound units.

**Table A
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**Table C
Voting Results**

Reference Key Number	House of State Representatives		House of Delegates		Results
	Yeas	Nays	Yeas	Nays	
					No voting items
500 (In its entirety) voice vote	All Yeas	No Nays	All Yeas	No Nays	Passed

**Table D
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 I Mutual Recognition Arrangement (MRA)

Background/Discussion: Both Measurement Canada (MC) and the NTEP labs continue striving to improve the data exchange under the Mutual Recognition Arrangement (MRA). During the 2009 NTEP labs meeting, MC supplied the U.S. NTEP labs with an updated version of an Excel spreadsheet program to standardize the test report forms for weighing devices that fall under the MRA. This updated version of the spreadsheet is now in use for evaluations conducted by the labs. NTEP will continue to review progress and work on improvements during the NTEP lab meetings.

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 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, IILL), 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.

During the interim meeting, MC updated the Committee on their type approval program. They reported their intentions to sign an International Organization of Legal Metrology (OIML) MAA Declaration of Mutual Confidence (DoMC) for R 76 (Non-Automatic Weighing Instruments). This should have minimal affect on NTEP. They also stated their intent to continue the MRA with the NCWM. The Committee heard requests from U.S. manufacturers to consider expanding the MRA to include Automatic Weighing Systems and Multiple Dimension Measuring Devices.

The MRA is due to be renewed. 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. The Committee plans to complete discussions and have a signed MRA by January 2011.

500-2 I Mutual Acceptance Arrangement (MAA)

Background/Discussion: Information regarding the OIML 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.

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.

A meeting of the MAA Committee on Participation Review (CPR) was held in June 2009 in Berne, Switzerland. The NCWM was represented at the CPR meeting by Mr. Jim Truex. Dr. Charles Ehrlich and Mr. John Barton of NIST also attended the meeting as Secretariats of OIML TC 3/SC 5 “Conformity assessment” and TC 9 “Instruments for measuring mass,” respectively.

A major discussion topic at the CPR meeting was whether to allow data from manufacturers’ test laboratories (obtained under “unsupervised” conditions) as part of the MAA process. While this issue was not resolved at the CPR meeting, a way of possibly moving forward was developed. The CPR members have been queried to better understand the minimum requirements they would have for assessing the impartiality of manufacturers’ test labs (MTLs), as well as the minimum requirements that an MTL must meet so that those MTLs that were excluded would not have a basis for complaint. CPR members have also been queried on their view of a possible compromise, where a minimum requirement on “frequency of supervision” of an MTL could be established. Comments from the CPR members were due by February 28, 2010.

Another discussion topic at the CPR meeting was whether to accept laboratories in three countries into the MAA program for OIML R 76 (non-automatic weighing instruments) and OIML R 60 (load cells). These three countries were approved, and this is anticipated to soon lead to a significant increase in the number of OIML MAA Certificates that are issued for these instruments.

During the Annual Meeting, Dr. Ehrlich gave an update of current international activities. 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 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 is an Issuing Authority representative on-site at the manufacturer’s site to supervise 100 % of the testing.

500-3 I NTEP Participating Laboratories and Evaluations Reports

Background: During the 2009 NCWM Annual Meeting, Mr. Truex, NTEP Administrator, updated the Committee on NTEP laboratory and administrative activities.

The NTEP weighing and measuring laboratories held a joint meeting March 31 - April 2, 2009, in Reynoldsburg, Ohio. The NTEP weighing laboratories also met in August 2009, prior to the meeting of the Weighing Sector in Columbus, Ohio. The NTEP measuring laboratories met again in October 2009, prior to the Measuring Sector meeting in Clearwater Beach, Florida.

During the Interim Meeting, NTEP Administrator Mr. Truex, reported that incoming applications remain strong and all labs are busy. He reported there is no backlog concern for measuring devices, but three of the brick and mortar weighing labs still report about a two to three month backlog. However, the number of outstanding applications and evaluations in process is in a downward trend. The Committee noted that NTEP is maintaining a very active business.

2010 NTEP Meetings:

- NTETC Belt-Conveyor Sector February 24 - 25, 2010 St. Louis, Missouri
- NTETC Software Sector Meeting March 2 - 3, 2010 Sacramento, California
- NTEP Laboratory Meeting March 22 - 26, 2010 Sacramento, California
- NTETC Grain Analyzer Sector August 25 - 26, 2010 Kansas City, Missouri
- NTETC Weighing Sector August 31 - September 2, 2010 Columbus, Ohio
- NTETC Measuring Sector October 1 - 2, 2010 Columbia, South Carolina

The Committee discussed the format and need for laboratory statistics that are routinely provided during NCWM Board meetings. The Committee decided to continue receiving updated statistics on a quarterly basis with some minor modifications. They also want statistics to be printed annually in the NTEP Committee addendum sheet.

The Committee 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.

The Committee reviewed the following NTEP statistics:

General NTEP Statistics	2008 - 2009	2009 - 2010	Grand Total
	10/01/08 – 9/30/09	10/01/09 – 6/18/10	10/1/00 – 6/18/10
Total Applications Processed	(20) 310	(6) 176	(80) 2559
Applications Completed	336	215	2558
New Certificates Issued	301	197	2316
Active NTEP Certificates			1770

() = **Reactivations**

Assignments to Labs per Year	10/1/08 – 9/30/09	10/1/09 – 6/18/10	10/1/00 – 6/18/10
California	(1) 36	(1) 22	(14) 355
Canada	(4) 12	4	(4) 26
GIPSA-DC	0	1	15
GIPSA-KC	10	6	66
Kansas	(2) 14	9	(8) 54
Maryland	(1) 22	(3) 31	(12) 254
Minnesota	(Inactive)	(Inactive)	10
Montana	(Inactive)	(Inactive)	(1) 2
Nebraska	(Inactive)	(Inactive)	(1) 38
New York	(6) 30	5	(15) 157
NIST Force Group	2	(1) 10	(1) 71
North Carolina	(1) 12	(2) 7	(2) 75
Ohio	(8) 58	25	(15) 686
Oregon	(Inactive)	(Inactive)	6
NTEP Staff	(5) 135	58	(8) 734
Applications Not Yet Assigned to a Lab			1

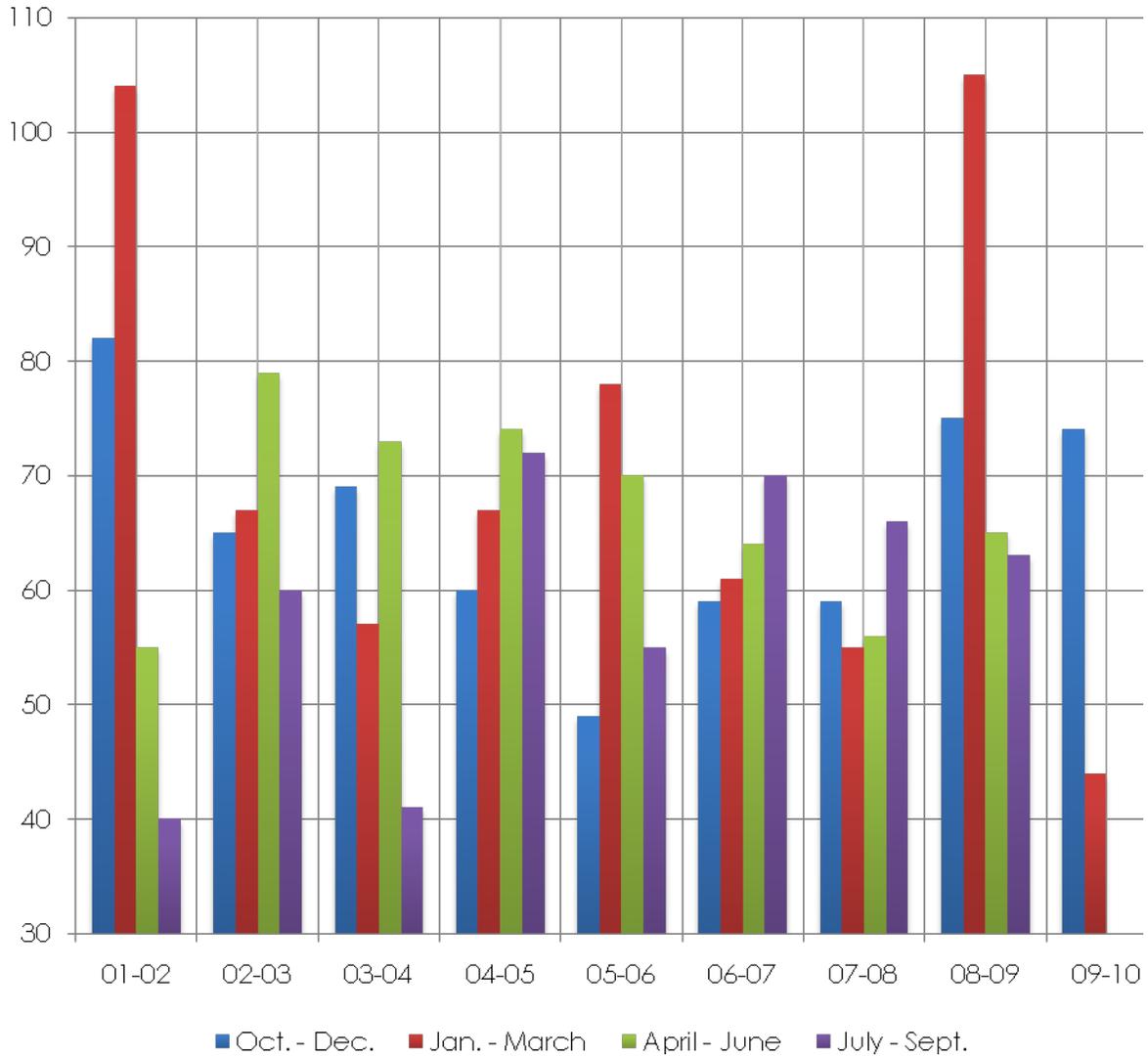
() = Reassignments from another lab

Process Statistics	2009 - 2010	2000 - 2010
Average Time to Assign an Evaluation	5 Days	10 Days
Average Time to Complete an Evaluation		150 Days

Evaluations in Progress	3 Months	3-6 Months	6-9 Months	9-12 Months	Over 1 Year	Total
April 2009	58	29	27	17	36	167
June 2009	48	27	17	12	29	133
October 2009	41	33	18	12	33	137
December 2009	45	30	22	12	28	137
March 31, 2010	24	20	18	19	23	104
June 18, 2010	37	12	15	10	26	100

In Progress by Lab	3 Months	3-6 Months	6-9 Months	9-12 Months	Over 1 Year	Total
California	8	3	5	2	8	26
Canada	0	1	1	0	0	2
GIPSA-DC	0	0	0	0	0	0
GIPSA-KC	6	0	0	1	2	9
Kansas	2	1	4	1	2	10
Maryland	9	3	1	1	0	14
New York	2	0	1	1	5	9
NIST Force Group	3	3	1	1	1	9
North Carolina	2	0	0	0	0	2
Ohio	4	1	1	3	7	16
NTEP Staff	1	0	1	0	1	3
Total Pending:						100

Report on Applications Received by Quarter



Applications	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10
Oct – Dec	82	65	69	60	49	59	59	75	74
Jan – Mar	104	67	57	67	78	61	55	105	44
Apr – Jun	55	79	73	74	70	64	56	65	**58
Jul –Sep	40	60	41	72	55	70	66	63	
Total	281	271	240	273	252	254	236	308	176

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

Background/Discussion:

The NTEP Committee is working to correct the Sector report process to ensure the reports are posted for members on the NCWM website prior to the Interim Meeting.

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 19 - 20, 2009. A draft of the final summary was provided to the Committee prior to the 2010 NCWM Interim Meeting for review and approval.

The next meeting of the Grain Moisture Meter and NIR Protein Analyzer Sectors is scheduled for August 25 - 26, 2010, 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 2 - 3, 2009, in Clearwater Beach, Florida. A draft of the final summary was provided to the NTEP Committee prior to the 2010 NCWM Interim Meeting for review and approval.

The next meeting of the Measuring Sector is scheduled for October 1 - 2, 2010, in conjunction with the Southern Weights and Measures Association's 2010 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
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Software Sector: The NTETC Software Sector met March 11 - 12, 2009, in Reynoldsburg, Ohio. A final draft of the meeting summary was provided to the Committee prior to the 2010 NCWM Interim Meeting for review and approval.

The NTETC Software Sector met March 2 - 3, 2010, in Sacramento, California. 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
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Mr. Jim Truex
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1135 M Street, Suite 110
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Weighing Sector: The NTETC Weighing Sector met August 25 - 27, 2009, in Columbus, Ohio. 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 Weighing Sector meeting is scheduled for August 31 - September 2, 2010, in Columbus, Ohio. 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 25 - 26, 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 NTETC Belt-Conveyor Scale Sector met February 24 - 25, 2010, 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

The Committee is happy to report that all 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.

The NTEP Committee reviewed and approved all 2009 NTETC Sector reports during the Interim Meeting.

500-5 I 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: The question addresses how this would be accomplished given the limited resources of NCWM. It was suggested this item may need to continue on a "back burner" until resources can be clearly identified to proceed with the project in an efficient, thorough, and accurate manner.

During the 92nd NCWM (2007), it was reported that this item continues on the "back burner" until funding can be identified for this project. The NTEP Committee considered the fact that continuing improvement is occurring on Certificates of Conformance (CC) and the improvements are making it easier for inspectors to verify. Therefore, for the time being, the NTEP Committee plans to discontinue reporting on this portion of Conformity Assessment in future NTEP reports.

Current Comment: 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 last 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.

Initial Verification (IV): Work group (WG) chair, Mr. Lou Straub, reported that IV checklists have been developed for small scales, vehicle scales, and retail motor-fuel dispensers. Data has been received from several states on small-capacity price computing scales, and the pilot of Initial Verification for small-capacity scales has been completed. All data has been forwarded to NCWM staff for safekeeping.

The WG asked for direction from the NTEP Committee on how to proceed to the next step. Mr. Straub clarified that not all states or jurisdictions need to participate in submitting information to NCWM on Initial Verification. A subset of states would be sufficient. The NTEP Committee instructed the WG to proceed with development of additional checklists, but there was a sense that the WG was reluctant until they know how states will react and use the developed checklists. The NTEP Committee also noted the need to decide how to process the data generated from Initial Verification. The Committee acknowledges that Verification Conformity Assessment (VCAP) is the priority and thinks IV is a very important element of conformity assessment, but may need to rest until the states are ready to act.

Current Comment: 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. The NCWM staff has been directed to develop a simple online report form to be used in reporting device deficiencies and non-conformities found in the field. The report form will be reviewed by the NTEP Committee and shared with members.

An Initial Verification 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 attached to this report as Appendix H and 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. A WG was developed to assist the NCWM with this effort, which has provided feedback and recommendations to the conference. The NCWM Board of Directors thinks it has reached a point that VCAP can be launched. 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 NTEP Committee decided to use the current process in Publication 14, Administrative Policy, Section T, “Appeal and Review Process” for all VCAP appeals. To make it clear, the NTEP Committee decided to add a bullet to Pub. 14, Section T to read: “A certificate holder may appeal a certificate made inactive due to non-compliance with VCAP. However, the decision of the Certification Body or VCAP auditor cannot be appealed to the NCWM.”

During the 2009 Annual Meeting, a decision was made to keep the established timeline for load cell manufacturers with NTEP certificates, but to delay the timeline by six months for “private label” load cell certificate holders. A new timeline was developed.

The VCAP/Load Cell Project is progressing. The NTEP Administrator attended the fall SMA meeting to explain and update details of the project.

The NCWM Board of Directors reconfirmed its belief that conformity assessment is vital to NTEP’s continued success and will be implemented. The NCWM Board recently made decisions that affect Private Label NTEP Load Cell certificate holders and Manufacturers of NTEP Load Cell certificate holders. The Board extended the timeline by six months for both “Manufacturer” and “Private Label” NTEP load cell certificate holders. VCAP Audit Reports for manufacturers with load cell certificates are now due no later than June 30, 2010. VCAP Audit Reports for private label certificate holders are now due no later than November 30, 2010. These decisions finalize the load cell VCAP audit process and timeline. 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.

The NTEP Committee has also established a work group to modify VCAP frequently asked questions and other clarifications and a guideline document to assist manufacturers and auditors when completing the checklist and VCAP audit.

Current Comment: During the Interim Meeting, the NTEP Committee heard many comments about VCAP, the direction of VCAP, and other related issues. In addition to the open hearing on agenda Item 500-5, a special two-hour session, moderated by NCWM Chair Mr. Randy Jennings, was held to hear more comments and exchange ideas on the topic.

A newly formed industry group, named Industry for Better NTEP (IBN), presented the Committee with a document containing positions on NTEP, VCAP, and creep requirements for load cells. The entire IBN document can be found in Appendix F of the NTEP Committee Report. Major issues raised by the IBN include:

- NTEP is going in the wrong direction and should pay more attention to the needs of smaller businesses (the little guys).
- The new creep requirement should be applied equally to all. Load cells tested under the old requirements should be retested.
- VCAP is not type evaluation; it is production evaluation and is not necessary. VCAP should immediately be suspended or should go away completely.
- NTEP evaluation of load cells is not necessary and is detrimental to the scale industry. The NTEP evaluation of load cells should be eliminated.
- NTEP should take a hard look at the need for T.N.8. influence factor testing for all types of scales.
- The current VCAP requirement is too costly to manufacturers. It is redundant. The NCWM/NTEP should consider certifying manufacturers to perform type evaluations themselves.

The Committee also received written communications responding to IBN positions. Those communications can be found in Appendix G of the NTEP Committee agenda.

The NTEP Committee appreciates the interest in NTEP, the positions brought forward and the issues raised by the various enforcement officials, manufacturers, organizations, groups and other interested individuals. The Committee responded to many of the issues raised during the open meetings.

- The Committee pointed out that the creep requirement is a Handbook 44 issue, which can be traced back to international requirements and harmonization. The changes to the creep requirements in Handbook 44 were not initiated by NTEP, but NTEP has a responsibility to test for Handbook 44 compliance.
- The Committee answered questions about the evaluation and testing of load cells and clarified a point the non-NTEP cells used in smaller devices are tested, under influence factors, in the laboratory as part of the device under test. They just do not have a separate certificate.

The NTEP Committee discussed the positions presented by the IBN and others that provided input – written and oral. The Committee is committed to the NTEP process and VCAP. The Committee wants the members to understand that NTEP has always been concerned about production devices traceable to an NTEP certificate. The NCWM has long been searching for a method to provide some level of assurance those devices and main elements being produced and used with NTEP certificates, susceptible to influence factors that cannot be verified by field inspectors, meet the applicable requirements of Handbook 44. The Committee and the NCWM Board confirmed the published deadlines for load cells and will move forward with VCAP.

After the Interim Meeting, 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 plans to add clarification language to the introduction section of the private label checklist to read:

Private label certificate holders are not required to submit devices for testing, on-site or elsewhere.
The private label certificate holder is required 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 NTEP certificate is active.

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

Additionally, the Committee plans to create a new section S.1.d. in NCWM Publication 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. will 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. Requirements for the Certification Body and their auditors will also be included.

500-6 I NTEP Contingency – NCWM NTEP Laboratory

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?

Current Comment: During the Interim Meeting, 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.

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.

During the Annual Meeting, an industry representative requested the Committee keep a close watch over the status of the laboratories and make NTEP contingency a priority.

Ms. Judy Cardin, Wisconsin, NTEP Committee Chair

Mr. Randy Jennings, Tennessee, NCWM Chair

Mr. Tim Tyson, Kansas

Mr. Mike Sikula, New York

Mr. Kirk Robinson, Washington

NTEP Technical Advisor: Mr. Jim Truex, NTEP Administrator

National Type Evaluation Program Committee

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