


Conformity Assessment in the U.S.: Federal Agency Approaches

ENISA Cybersecurity Certification Conference

Lisa J. Carnahan
US NIST/ITL Associate Director for IT Standardization

carnahan@nist.gov
301-975-3362

Key Points

1. US Federal agencies use many approaches to balance risk and resources for effective and efficient conformity assessment.
2. Three driving considerations: engage stakeholders, maximize transparency & leverage existing efforts.
3. Software and cybersecurity bring challenges to conformity assessment. 

Certain commercial products, organizations and websites are identified. Such identification is not intended to imply recommendation or endorsement by NIST, nor is it intended to imply that the products or organizations identified are necessarily the best available for the purpose.

Conformity Assessment in the U.S.

No national level coordinating organization

Numerous conformity assessment bodies, differing in size and scope

Sector developed approaches

Overlap in coverage

Conformity assessment programs are tailored to meet specific private and public sector needs*

RESULTS IN

The opportunity for effective conformity assessment programs at the most efficient cost.

*Authorities and regulators may rely on private-sector conformity assessment to support their missions

NTTAA and OMB A119 require federal agencies to first consider voluntary consensus standards and reduce industry burden for redundant conformity and compliance mechanisms



Legislation & Policy

- National Technology Transfer & Advancement Act
- OMB Circular A-119 Revised*
- WTO Technical Barrier to Trade Agreements (WTO TBT)
- Legislation focused on topic

*OMB Circular A-119: Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities – 2016



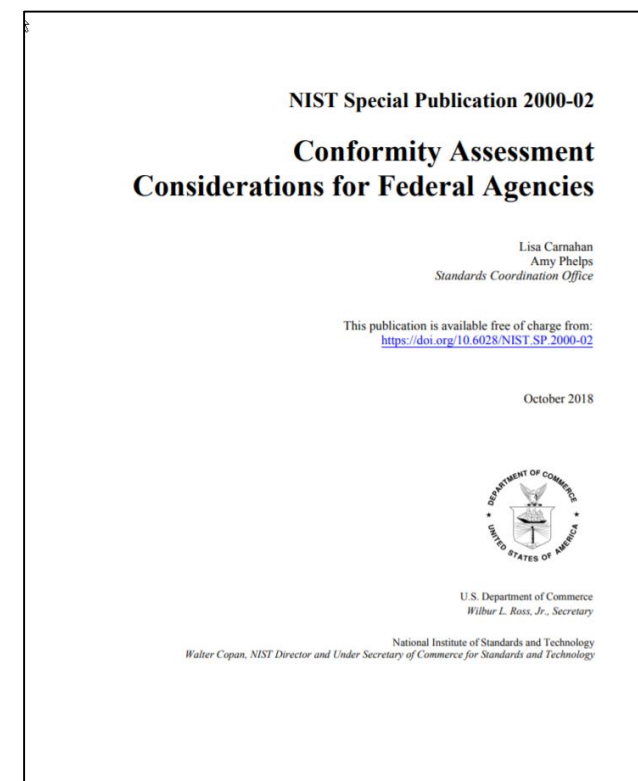
Themes

- Agencies should first consider using industry standards (conformity assessment standards)
- Agencies should reduce industry complexity where possible (complexity = time/effort/cost)
- Consider and leverage private-sector CA programs and other public-sector CA programs (where Federal Agencies are consumers of CA information)

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Foundational Considerations for CA Programs

1. Engage Stakeholders
2. Maximize Transparency
3. Leverage Existing Efforts

Objectives & Goals - Considerations

Understand conformity assessment concepts

- consider using training and awareness materials for understanding concepts
- consider gaining insights from experts in the private sector

Understand Federal law, policies, and international obligations

- understand agency responsibilities derived from laws, policy and international obligations
- consider engaging stakeholders in many avenues
- understand international obligations with respect to conformity assessment
- consult with USTR regarding compliance with international obligations
- consult with USTR and Department of State for relevant international agreements
- consider approaches to accept results of conformity assessment and meet international obligations

Understand the objectives of the underlying law, regulation, procurement or agency mission

- articulate the role conformity assessment plays in meeting objectives

Understand how conformity assessment program goals support agency objectives

- consider an approach to determine whether the intent of the program is supporting program goals and whether the program is meeting objectives

Know the market and current conformity assessment programs

- understand the markets potentially impacted by the conformity assessment program
- consult with stakeholders for expertise and knowledge
- consider the perspective of each stakeholder group impacted by the program
- consider other conformity assessment programs or arrangements that could be leveraged
- consider the method used to determine efficacy of these potential programs

NIST Special Publication 2000-02
**Conformity Assessment
Considerations for Federal Agencies**

Lisa Carnahan
Amy Phelps
Standards Coordination Office

This publication is available free of charge from:
<https://doi.org/10.6028/NIST.SP.2000-02>

October 2018



U.S. Department of Commerce
Wilbur L. Ross, Jr., Secretary

National Institute of Standards and Technology
Walter Copan, NIST Director and Under Secretary of Commerce for Standards and Technology

Considerations for Oversight

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Establish an adequate level of oversight

- consider an approach sufficient to promote continued confidence in the conformity assessment program output 
- consider a surveillance strategy for maintaining ongoing confidence in the conformity assessment bodies and other program participants
- consider requirements for conformity assessment output such as reports, attestations or approval listings
- consider a strategy for managing indications of conformity (if required)
- consider a strategy for handling non-conformities found in the marketplace after attestation or approval issuance
- consider an approach for pro-actively resolving issues, misinterpretation or misapplication of requirements
- consider processes for managing complaints and appeals

Focusing on Program Management

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Address updates, improvement and evolution

- consider cost, consequences and stakeholder impact in any program/policy changes
- consider a repeatable approach to address changes that maintain confidence
- consider updating requirements and programmatic changes using a regular schedule
- consider using well-established communication channels to convey updates
- consider an approach for getting feedback and addressing it
- consider periodically reviewing the conformity assessment program for improvement
- consider defining metrics and mechanisms to collect and analyze data

Identify resource needs

- consider a strategy to meet resource needs for program operations
- consider a strategy to respond to external changes or influences
- consider proactively planning for possible funding fluctuations
- consider subject-matter expertise (technical or otherwise) as a program resource

Variation by U.S. Federal agencies



Limited Access Death Master File

Final Rule Establishing Certification Program for Access to Death Master File in Effect

The National Technical Information Service (NTIS) established a certification program for those seeking access to the Limited Access Death Master File (LADMF) pursuant to Section 203 of the Bipartisan Budget Act of 2013 (Pub. L. 113-67). Section 203 requires that NTIS charge fees sufficient to cover the costs associated with the certification program. The final rule, which supersedes and replaces the interim final rule previously in effect,

Points to remember

1. US Federal agencies use many approaches to balance risk and resources for effective and efficient conformity assessment.
2. Three driving considerations: engage stakeholders, maximize transparency & leverage existing efforts.
3. Software and cybersecurity bring challenges to conformity assessment. **There is no silver bullet. Programs addressing cybersecurity requirements continue to evolve.**

Questions & Discussion

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carnahan@nist.gov

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Visit <https://www.standards.gov> to learn more about conformity assessment and access NIST conformity assessment guidance documents.