

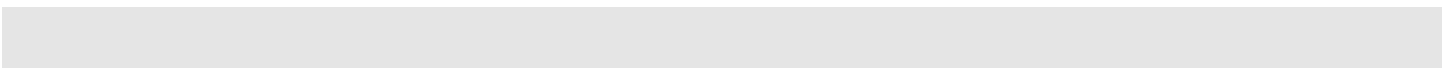


# **NEMA Position on Conformity Assessment**



**SEPTEMBER**

**2003**



# NEMA Position on Conformity Assessment

## Introduction

The core electrical industry includes products used primarily for the generation, transmission, distribution, control, and utilization of electrical energy. These products, by and large unregulated, are used in utility, industrial, commercial, and residential installations. The products include items such as electrical conductors, raceway system components, motor controls, contactors, circuit breakers, fuses, enclosed switches, panelboards, generators, transformers, and the like that incorporate the spectrum of electrical and electronic technologies - including a growing use of information technology and telecommunications technologies. The result is the use of technologies in the core electrical industry that overlaps other industries. Because of this overlap, there must be an understanding and recognition of the needs and contribution of each sector in order to operate an effective Conformity Assessment System to meet National and Global needs. Through the years, electrical products built to accepted standards have effectively served the US electrical infrastructure and maintained electrical safety.

ISO/IEC Guide 2:1996, *Standardization and related activities – General vocabulary*, defines Conformity Assessment as “any activity concerned with determining directly or indirectly that relevant requirements are fulfilled.” For the purpose of this document, these activities usually include product certification, testing and laboratory accreditation.

Conformity Assessment needs to be better understood in order to meaningfully select the option most appropriate. Non-value added conformity assessment serves as an inhibitor to trade, increases product cost and must be avoided.

## **Policy Statement**

In recognition and support of the free enterprise system, and the encouragement of traditional basic supplier-customer relationships, NEMA believes that ease of market access consistent with safety, health, and protection of the environment should be the objective of any arrangements for conformity assessment (product testing, certification, quality system registration and accreditation). Flow across international borders of products compliant with designated requirements (e.g. installation codes and product standards) should be assured with a minimum of cost and restrictions.

NEMA supports the accreditation of laboratories to test the conformance of electrical products to standards, provided that accredited laboratories will utilize and maintain a uniform set of conformance requirements for each product and will assure consistency in the application and interpretation of test results.

There should be minimal, if any, Government involvement in any conformity assessment scheme; recognizing that in certain cases where there is no effective voluntary system there may be a need for government involvement. Any Government intervention should be limited to regulating a focused product sector and based only on safety, health or protection of the environment. The decision making process should involve the manufacturers in that sector as well as other interested parties such as consumers, users, inspection authorities, and certification agencies. Conformity assessment systems should be pursued in a manner that ensures the safe installation and use of products in accordance with relevant electrical installation codes and product safety standards.

Conformity assessment systems should not be discriminatory in nature. Where appropriate, product acceptance should be by means of one standard and one test, ideally capable of being conducted anywhere. Acceptance should be based on supplier's declaration of conformity or third party certification as determined by market

requirements and recognizing compatibility with the electrical safety concepts and practices represented within the installed infrastructure.

NEMA believes supplier's declaration of conformity (sdoc) is an option that should continue to be available to manufacturers who will determine its viability and applicability to their individual situations. Those responsible for product approval (such as inspection authorities) should carefully weigh the acceptability of sdoc versus third-party certification.

NEMA believes that the testing should be under sponsorship and procedures that meet the requirements of either ISO/IEC Guide 22:1996, *General criteria for Supplier's Declaration of Conformity* or ISO/IEC Guide 65:1996, *General requirements for bodies operating product certification systems*, depending on the option chosen.

The following options for conformity assessment and product acceptance may be appropriate in a given sector based on safety, regulatory, and marketplace needs:

- Company reputation (brand name recognition);
- Supplier's declaration;
- Third-party certification;
- Certification through voluntary agreements among conformity assessment organizations that are not limited by national borders;
- Private sector agreements on conformity assessment activities (sub-contracting and laboratory memorandums of understandings, including company laboratories) that are not limited by national borders;
- Government approval processes limited to the extent consistent with this position.

The following options for conformity assessment and product acceptance are not considered acceptable:

- Government mandated use of specific conformity assessment organizations including private laboratories and/or government laboratories.

Insofar as possible, there should be no artificial constraints to influence the dynamics of the marketplace. Although NEMA supports the concept of Mutual Recognition Agreements (MRAs) for regulated products such as medical devices, we strongly feel that MRAs must be restricted to Federally regulated products (which are limited in scope) and considered as a last resort. Unfortunately, with regard to unregulated products, MRAs can encourage unnecessary product-related government regulatory initiatives. Rather than assume an MRA will be required, it is more productive to first pursue the potential for a private sector conformity assessment system that allows for National Treatment of foreign testing bodies and cooperative testing agreements between testing bodies in different countries. Experience over the last several years has shown that MRAs are effective only where a high degree of harmonization exists in both the regulatory requirements and the conformity assessment procedures. Moreover, experience clearly indicates that MRAs must be negotiated and implemented on a product sector specific basis with bilateral implementation.

Global and Regional mechanisms to build confidences in conformity assessment activities should be pursued through the private sector, but with Government support where necessary.

Conformity assessment systems should be pursued in a manner that reflects the principles of the Technical Barriers to Trade Agreement of the World Trade Organization. The Agreement contains a comprehensive set of rules, but there is an important need for more WTO Member countries to properly implement the current TBT Agreement. NEMA notes that Article 6.3 encourages the use of MRAs as a primary means for reducing trade barriers. Experience has shown that MRAs should be given very limited and focused consideration, not primary consideration.

## Implementation Objectives

NEMA intends to take a proactive role with respect to participation in the development of conformity assessment systems that affect its members. Any conformity assessment system must support the installation and use of NEMA member products in accordance with appropriate safety practices and installation codes and should be based on safety, regulatory and market place needs. In support of this policy, included in the implementation to be pursued, are the following:

- Expand participation in the IEC Conformity Assessment Schemes (IECEE CB, IECEEx) for appropriate NEMA member products.
- Take a proactive role with governments, standards bodies, inspection authorities, and other industry associations on the importance of adopting private sector Conformity Assessment programs—particularly in lieu of any MRA.
- Encourage National Treatment for conformity assessment organizations and private sector agreements on conformity assessment activities with limited or no government intervention. (Any agreement must be between conformity assessment organizations, which of themselves do not create a monopoly, have sufficient capacity, are appropriate for the product sector involved, and which may be company laboratories).