

# National Type Evaluation Program (NTEP) Committee Interim Report

Mr. Tim Tyson, Committee Chair  
Kansas

## 500 INTRODUCTION

The NTEP Committee (hereinafter referred to as the “committee”) submits this Committee Interim Report for consideration by National Conference on Weights and Measures (NCWM). This report contains the items discussed and actions proposed by the committee during its Interim Meeting in New Orleans, Louisiana, January 22-25, 2012. The report will address the items in Table A during the Annual Meeting. Table A identifies the agenda items by reference key, title of item, page number and the appendices by appendix designations. The acronyms for organizations and technical terms used throughout the agenda are identified in Table B. Changes to *NCWM Publication 14, Administrative Policy* are by recommendation of the committee and a majority vote of the Board of Directors. Changes to *NCWM Publication 14, Technical Policy, Checklists, Test Procedures* are by recommendation of the National Type Evaluation Technical Committee (NTETC) sectors and a majority vote of the NTEP Committee. The first three digits of an item’s reference key are assigned from the Subject Series List. The status of each item contained in the report is designated as one of the following: **(D) Developing Item:** the committee determined the item has merit; however, the item was returned to the submitter or other designated party for further development before any action can be taken at the national level; **(I) Informational Item:** the item is under consideration by the committee but not proposed for Voting; **(V) Voting Item:** the committee is making recommendations requiring a vote by the active members of NCWM; **(W) Withdrawn Item:** the item has been removed from consideration by the committee.

Some Voting Items are considered individually, others may be grouped in a consent calendar. Consent calendar items are Voting Items that the committee has assembled as a single Voting Item during their deliberation after the Open Hearings on the assumption that the items are without opposition and will not require discussion. The Voting Items that have been grouped into consent calendar items will be listed on the addendum sheets. Prior to adoption of the consent calendar, the committee will entertain any requests from the floor to remove specific items from the consent calendar to be discussed and voted upon individually.

Committees may change the status designation of agenda items (Developing, Informational, Voting, and Withdrawn) up until the report is adopted, except that items which are marked Developing, Informational or Withdrawn cannot be changed to Voting Status. Any change from the Committee Interim Report (as contained in this publication) or from what appears on the addendum sheets will be explained to the attendees prior to a motion and will be acted upon by the active members of NCWM prior to calling for the vote.

An “Item Under Consideration” is a statement of proposal and not necessarily a recommendation of the committee. Suggested revisions 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 *bold faced italics*. Additional letters, presentations and data may have been part of the committee’s consideration. Please refer to [www.ncwm.net/content/2012pub-16](http://www.ncwm.net/content/2012pub-16) to review these documents.

All sessions are open to registered attendees of the conference. If the committee must discuss any issue that involves proprietary information or other confidential material; that portion of the session dealing with the special issue may be closed provided that (1) the Chairman or, in his absence, the Chairman-Elect approves; (2) the Executive Director is notified; and (3) an announcement of the closed meeting is posted on or near the door to the meeting session and at the registration desk. If at all possible, the posting will be done at least a day prior to the planned closed session.

**Note:** The policy is to use metric units of measurement in all of its publications; however, recommendations received by NCWM technical committees and regional weights and measures associations have been printed in this publication as submitted. Therefore, the report may contain references to inch-pound units.

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**Table B**  
**Glossary of Acronyms and Terms**

<b>Acronym</b>	<b>Term</b>	<b>Acronym</b>	<b>Term</b>
B	Basic Publication	NCWM	National Conference on Weights and Measures
CC	Certificate of Conformance	NIST	National Institute of Standards and Technology
CIML	International Committee of Legal Metrology	NTEP	National Type Evaluation Program
CTT	Conformity to Type	NTETC	National Type Evaluation Technical Committee
DoMC	Declaration of Mutual Confidence	OIML	International Organization of Legal Metrology
IV	Initial Verification	OWM	Office of Weights and Measures
MAA	Mutual Acceptance Arrangement	R	Recommendation
MC	Measurement Canada	SC	Technical Subcommittee
MDMD	Multiple Dimension Measuring Devices	TC	Technical Committee
MRA	Mutual Recognition Arrangement	VCAP	Verification Conformity Assessment Program
MTL	Manufacturers' Testing Laboratories		

**Details of All Items**  
*(In order by Reference Key)*

## 510 INTERNATIONAL

### 510-1 I Mutual Recognition Arrangement (MRA)

**Background / Discussion:**

The MRA between Measurement Canada (MC) and NTEP labs originated April 1, 1994. Since that time, the original MRA has expanded, and a second MRA covering measuring devices was developed. On Tuesday July 19th, 2011, NCWM Chairman Mr. Tyson and MC President Mr. Johnston signed a renewal MRA that combines the weighing and measuring devices into one document and provides for continued cooperation between the two organizations and continuation of the beneficial partnership. The new MRA will be effective for five years.

**The scope of the current MRA 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, counter, floor, and platform 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).

The committee continues working with MC to explore the possibility of expanding the scope to include Multiple Dimension Measuring Devices (MDMD) and higher capacity scales. Technical obstacles have prevented inclusion of both MDMD and higher capacity scales for now, but NTEP and MC remain committed to continue to discuss expansion. NTEP also requested that tests conducted at manufacturers' premises under the supervision of an NTEP evaluator be included in the scope of the MRA. MC expressed the desire to keep these evaluations outside the scope of the MRA for scales, load receiving elements, and electronic weight indicating elements.

MC, NTEP, and all of our mutual stakeholders agree that the MRA is a benefit for the North American weights and measures industry. The NTEP Committee appreciates the efforts and cooperation of Measurement Canada.

## **510-2 I Mutual Acceptance Arrangement (MAA)**

### **Background / Discussion:**

Information regarding the International Organization of Legal Metrology (OIML) MAA can be found at [www.oiml.org/maa](http://www.oiml.org/maa). NCWM has signed the OIML MAA Declaration of Mutual Confidence (DoMC) for Recommendation (R) 60 Load Cells as a utilizing participant. A utilizing participant is a participant which does not issue any OIML Certificate of Conformance (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 (SC) for Technical Committee (TC) 3/SC 5 *Conformity Assessment* made revisions to the following OIML Basic Publication (B) documents:

- 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*.

At the January 2011 Interim Meeting, the committee reviewed four items related to the revisions of B 3 and B 10: (1) housekeeping revisions to document B 3; (2) housekeeping revisions to B 10; (3) revisions to B 10 that would incorporate provisions under which manufacturers' test data would be accepted under the MAA, and (4) a resolution of compromise whereby countries may voluntarily accept manufacturers' test data. The committee recommended that the Board of Directors authorize the United States representative to vote YES on items (1) and (2), NO on item (3), and YES on item (4) with a qualifying statement that the United States would not accept any MAA certificates based on manufactures' test data. The Board of Directors voted to support all of the recommendations from the NTEP Committee.

A Meeting of the Committee on Participation Review for R 60 and R 76 was held September 21-23, 2011 in Braunschweig, Germany. Dr. Ehrlich, National Institute of Standards and Technology (NIST), Office of Weights and Measures (OWM); Mr. Barton, NIST, OWM; and Mr. Truex, NCWM attended the meeting.

The International Committee of Legal Metrology (CIML) Preliminary Ballots on B 3 and B 10 closed in July 2011 without any negative votes, and a final CIML vote was held at the CIML Meeting in Prague in October 2011. Both B 3 and B 10 passed the CIML vote. International comments on a new document entitled *The Role of Measurement Uncertainty in Conformity Assessment Decisions in Legal Metrology* have been received and the Secretariat is using them to develop the 2 Committee Draft.

The CIML, noting the report of TC 3/SC 5 on the issue of the acceptance of manufacturers' test results within a DoMC under the MAA, and recalling its Resolution no. 20 at the 43rd CIML Meeting, decided that Issuing Participants may request the registration of Manufacturers' Testing Laboratories (MTLs) under a DoMC, provided that the conditions agreed by TC 3/SC 5 and laid down in a respective amendment to, or revision of, OIML B 10 are met, and that after this amendment to, or revision of, OIML B 10, MAA Type Evaluation Reports that contain test results from MTLs may be accepted by Participants on a voluntary basis.

The CIML approved as a new work item for OIML TC 3/SC 5:

- the amendment to, or the revision of, OIML B 10 Framework for a MAA on OIML Type Evaluations MAA to include appropriate conditions for the registration of MTLs under a DoMC.

However, the CIML also decided that the registration of MTLs under a DoMC remains excluded from the scope of the MAA until this amendment to, or revision of, OIML B 10 is approved.

An OIML Meeting to discuss Conformity to Type (CTT) was held June 29-30, 2011 in Utrecht, Netherlands. NCWM was invited to the meeting to give a presentation about the Verification Conformity Assessment Program (VCAP) initiative. NCWM Executive Director Mr. Onwiler made the presentation for NCWM. Dr. Ehrlich, NIST, OWM, forwarded a *Report on OIML Utrecht Seminar on Conformity to Type* to NCWM. The CIML, noting the written report of the seminar on *Conformity to Type* held in the Netherlands, June 2011, and noting the oral report and presentation by the CIML member for New Zealand, Mr. O'Brien, on the outcome of the follow-up CTT Seminar held in Prague on 10 October 2011, approved the establishment of a new subcommittee of TC 3, to be titled *Conformity to Type*. The subcommittee shall undertake as a work item the development of a guidance document on the "scope for pre-market surveillance activities focused on the conformity assessment of measuring instruments to give assurance that manufactured (or production) instruments meet their approved type". The responsibility for the Secretariat of the new subcommittee was assigned jointly to New Zealand and the International Bureau of Legal Metrology.

The committee and NCWM Board of Directors have been invited to review the reports and make comments.

During 2011, 10 NTEP certificates for load cells were issued under the MAA. All to date have been tested by the National Measurement Institute in The Netherlands. The NTEP Administrator reviewed the test data and drafted the CCs.

## 520 ACTIVITY REPORTS

### 520-1 I NTEP Participating Laboratories and Evaluations Reports

#### Background / Discussion:

During the 2011 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 28 – April 1, 2011, in Annapolis, Maryland. The NTEP weighing laboratories met again in August 2011 prior to the meeting of the NTETC Weighing Sector in Sacramento, California and the NTEP measuring laboratories met once more in October 2011, prior to the NTETC Measuring Sector meeting in Norfolk, Virginia.

NTEP Administrator, Mr. Truex, reported to the committee that incoming applications remain comparable to normal. He reported there is no backlog concern for measuring devices and the brick and mortar weighing labs at this time. Updated NTEP laboratory statistics will be provided to the membership at NCWM Interim Meeting.

#### 2012 NTEP Meetings:

- |                                 |                      |                       |
|---------------------------------|----------------------|-----------------------|
| • NTETC Belt-Conveyor Sector    | February 22-23, 2012 | St. Louis, Missouri   |
| • NTETC Software Sector Meeting | March 20-21, 2012    | Columbus, OH          |
| • NTEP Laboratory Meeting       | April 2-5, 2012      | Columbus, OH          |
| • NTETC Grain Analyzer Sector   | August 22-23, 2012   | Kansas City, Missouri |
| • NTETC Weighing Sector         | August 28-29, 2012   | Annapolis, Maryland   |
| • NTETC Measuring Sector        | October 2012         | Kentucky              |

The committee 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. A small working group was formed to get the project started. The resulting draft was presented to the board during the 2011 Annual Meeting in Montana. With any survey, the challenge is to develop a document that is concise enough that customers will respond, while also providing a meaningful set of data. The survey was released to active CC holders. The NCWM Board of Directors reviewed the survey results in October, 2011.

## **520-2 I NTETC Sector Reports**

### **Background / Discussion:**

The committee is happy to report that all NTETC Sector reports were available to members at the time *NCWM Publication 15* was published and is committed to ensuring that electronic versions of sector reports are available with *NCWM Publication 15* in the future. Please note that the sector reports will only be available in the electronic version of *NCWM Publication 15* at [ncwm.net/content/meeting-archive](http://ncwm.net/content/meeting-archive); they will not be available in the printed versions of *NCWM Publication 15*.

### **NTETC Belt-Conveyor Scale Sector:**

The NTETC Belt-Conveyor Scale Sector met February 23-24, 2011, in St. Louis, Missouri. A final draft of the meeting summary was provided to the committee prior to the 2012 NCWM Interim Meeting for review and approval. (See Appendix A)

The next meeting of the NTETC Belt-Conveyor Scale sector is scheduled for February 22-23, 2012, 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:

#### **Technical Advisor**

Mr. John Barton  
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Gaithersburg, MD 20899  
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### **NTETC 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 24-25, 2011. A draft of the final summary was provided to the committee prior to the 2012 NCWM Interim Meeting for review and approval. (See Appendix B)

The next meeting of the NTETC Grain Moisture Meter and NIR Protein Analyzer Sectors is scheduled for August 22-23, 2012, in Kansas City, Missouri. For questions on the current status of sector work or to propose items for a future meeting, please contact the Co-Technical Advisors:

#### **Co-Technical Advisor**

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**NTETC Measuring Sector:**

The NTETC Measuring Sector met October 21-22, 2011, in Norfolk, Virginia. A draft of the final summary was provided to the committee prior to the 2012 NCWM Interim Meeting for review and approval. (See Appendix C)

The next meeting of the NTETC Measuring Sector is scheduled to be held in October 2012 in conjunction with the Southern Weights and Measures Association's 2012 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:

**Technical Advisor**

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**NTETC Software Sector:**

The NTETC Software Sector met March 15-16, 2011, in Annapolis, MD. A final draft of the meeting summary was provided to the committee prior to the 2012 NCWM Interim Meeting for review and approval. (See Appendix D)

The next meeting of the NTETC Software Sector is scheduled for March 20-21, 2012, in Columbus, Ohio. For questions on the current status of sector work or to propose items for a future meeting, please contact the sector Co-Chairs and/or the NTEP Administrator:

**Co-Chair**

Mr. Norman Ingram  
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**Co-Chair**

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**NTETC Weighing Sector:**

The NTETC Weighing Sector met August 31 – September 1, 2011, in Sacramento, California. A final draft of the meeting summary was provided to the committee prior to the 2012 NCWM Interim Meeting for review and approval. (See Appendix E)

The next NTETC Weighing Sector meeting is scheduled for August 28-29, 2012 in Annapolis, Maryland. For questions on the current status of sector work or to propose items for a future meeting, please contact the sector Technical Advisor:

**Technical Advisor**

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The NTEP Committee reviewed all 2011 NTETC Sector reports during the Interim Meeting. Reports of the Belt-Conveyor Scale, Grain Moisture Meter and NIR Protein Analyzer, Software and Weighing Sectors were approved in their entirety. The report of the Measuring Sector was approved except for agenda items 4 and 6, which were not deemed consensus conclusions and were returned to the sector for consideration.

## **530 CONFORMITY ASSESSMENT PROGRAM**

### **530-1 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:**

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 that accurate, thorough information is reported on the certificate.

In an effort to keep certificate information up to date, the committee continues to offer an opportunity for active certificate holders to update contact information that is contained in the "Submitted By" box on certificates. This is offered during the payment period 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 NCWM at [www.ncwm.net/content/initial-verification-report](http://www.ncwm.net/content/initial-verification-report).

#### **VCAP:**

NCWM has been concerned about production meeting type and protecting the integrity of the NTEP CC since the inception of NTEP. Load cells traceable to NTEP certificates have been selected for the initial assessment effort. All holders of NTEP CCs for load cells have been notified.

The board 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 May, 2011. VCAP Audit Reports for private label certificate holders were due no later than November, 2011.

NCWM decided to require a systems audit checklist that is to be completed by an outside auditor and submitted to 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 website at [www.ncwm.net/content/checklists](http://www.ncwm.net/content/checklists). Additionally, the committee developed a new *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. 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.

During the 2011 NCWM Annual Meeting Open Hearings, the committee announced that the next device category under consideration is weighing/load receiving elements, 2000 lb capacity and less using load cells that are not traceable to their own NTEP certificate. The committee heard comments from several manufacturers pertaining to VCAP and the next device category. The committee expects there will be additional questions and is considering the need to form a VCAP committee to discuss the issues. However, the committee wanted to have a better understanding of the specific questions and concerns. Certificate holders and other interested parties were encouraged to submit written questions to the NTEP Committee so decisions could be made regarding the need for a VCAP Committee and, if needed, the make-up of the group.

The committee received two letters and a list of questions. The committee made plans to review and develop answers to the questions in a timely manner.

VCAP audits for load cells were due in 2011. As a result of VCAP, 24 load cell certificates, involving 12 different certificate holders were changed to “inactive” status. The committee reconfirmed its commitment to VCAP and decided to move forward with the next device category. The following compliance timeline was developed for weighing/load receiving element CC holders with active certificates using non-NTEP load cells. The committee encourages affected certificate holders to start the process immediately.

<b>NCWM / NTEP VCAP Compliance Timeline</b>					
<b>Weighing/Load Receiving Element, 2000 lb Capacity and Less Using Non-NTEP Load Cells</b>					
<b>January 2012 – Ongoing</b>	<b>July 2012 – November 2013</b>	<b>July 2012 – May 2014</b>	<b>July 2012 – November 2013</b>	<b>December 2013</b>	<b>June 2014</b>
<ul style="list-style-type: none"> <li>• NTEP to review and refine VCAP procedures</li> <li>• NTEP answers incoming questions</li> <li>• NTEP notifies active CC holders of VCAP requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Parent CC holders to put VCAP QM system in place</li> <li>• CC holder to have audit conducted by Certified Body</li> <li>• Submit audit report to NCWM/NTEP</li> </ul>	<ul style="list-style-type: none"> <li>• Private Label CC holders to put VCAP QM system in place</li> <li>• CC holder to have audit conducted by Certified Body</li> <li>• Submit audit report to NCWM/NTEP</li> </ul>	<ul style="list-style-type: none"> <li>• NTEP evaluates incoming audit reports</li> <li>• NTEP contacts CC holders not meeting VCAP requirements to encourage compliance</li> </ul>	<ul style="list-style-type: none"> <li>• NCWM declares CCs inactive if Parent CC holder fails to comply with VCAP</li> </ul>	<ul style="list-style-type: none"> <li>• NCWM declares CCs inactive if Private Label CC holder fails to comply with VCAP</li> </ul>

## 540 OTHER ITEMS – DEVELOPING ITEMS

### 540-1 D NTEP Contingency Plan

**Source:**

NTEP Committee

**Purpose:**

NTEP Contingency Plan was created to keep NTEP operating and to ensure that NTEP services are available at an adequate level including 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, one of the NTEP-authorized labs could close due to government budget cuts. How would NTEP maintain workflow? Are there additional states interested in applying to become an NTEP field lab or an NTEP brick-and-mortar lab? The committee will continue to discuss these issues during a long-range planning session and welcomes comments from the membership.

**Background / Discussion:**

The committee continues to consider whether NCWM should:

1. Employ NTEP evaluators to conduct testing at manufacturers' facilities?
2. Have evaluators under contract to conduct testing at manufacturers' 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 has 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. Others have 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 strengthening and utilizing IV 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 committee reiterated to the membership that, at this time, the preferred course of action would be the option of evaluators under contract. The committee recognizes the commitment that the 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 demands without a need for contingency measures. The committee is updated on the status of the participating laboratories, personnel and backlog on a quarterly basis and will continue to keep NTEP contingency a top priority.

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Mr. Tim Tyson, Kansas | Committee Chair  
Mr. Kurt Floren, Los Angeles County, California | Chairman  
Mr. Stephen Benjamin, North Carolina | Chairman-Elect  
Mr. Brett Saum, San Luis Obispo County, California | Member  
Mr. James Cassidy, City of Cambridge, Massachusetts | Member

Mr. Jim Truex, NCWM Headquarters | NTEP Administrator

### National Type Evaluation Program