

National Type Evaluation Program (NTEP) Committee Interim Report

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Reference
Key Number

500 INTRODUCTION

The National Type Evaluation Program (NTEP) Committee (hereinafter referred to as “Committee”) submits its Interim Report for consideration by the National Conference on Weights and Measures (NCWM). This report contains the items discussed and actions proposed by the Committee during its Interim Meeting in Nashville, Tennessee, January 24 – 27, 2010.

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.

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*Sector summaries can be viewed online at NCWM (www.ncwm.net) under Meetings, or at NIST Weights and Measures Division (<http://ts.nist.gov/WeightsAndMeasures/Publications/pub16-10.cfm>) under Publication 16 Interim Meeting Report for 2010.

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, IIL, etc.), 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 at this time.

During the interim meeting, MC updated the Committee on their type approval program. They reported their intentions to sign an OIML MAA 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. Discussions are underway to renew the MRA with some revisions.

The Committee heard requests from U.S. manufacturers to consider expanding the MRA to include Automatic Weighing Systems and Multiple Dimension Measuring Devices. Those possibilities will be discussed with MC.

500-2 I Mutual Acceptance Arrangement (MAA)

Background/Discussion: Information regarding the OIML MAA can be found at www.oiml.org/maa. NCWM has signed the OIML MAA Declaration of Mutual Confidence (DoMC) for R 60 Load Cells as a utilizing participant.

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.

An update of related OIML activities will be given to the Committee during the Annual Meeting.

500-3 I NTEP Participating Laboratories and Evaluations Reports

Background: During the 2009 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 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. Jim 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.

500-4 I 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 for 2010 has not been scheduled, but will be held 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	Phone: (301) 975-2196
NIST WMD	Fax: (301) 975-8091
100 Bureau Drive, Stop 2600	e-mail: tbutcher@nist.gov
Gaithersburg, MD 20899-2600	

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 next meeting of the Software Sector is scheduled for 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	Mr. Norm Ingram	Mr. Jim Truex
Sector Chair	Sector Chair	NTEP Administrator
FMC Technologies	CA Div. of Measurement Standards	NCWM
1602 Wagner Avenue	6790 Florin Perkins Road, Suite 100	1135 M Street, Suite 110
Erie, PA 16510	Sacramento, CA 95828	Lincoln, NE 68508
Phone: (814) 898-5250	Phone: (916) 229-3016	Phone: (740) 919-4350
Fax: (814) 899-3414	Fax: (916) 229-3026	Fax: (740) 919-4348
e-mail: jim.pettinato@fmcti.com	e-mail: ningram@cdfa.ca.gov	e-mail: jim.truex@ncwm.net

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

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 next Belt-Conveyor Scale Sector meeting is scheduled for 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	Phone: (301) 975-4002
NIST WMD	Fax: (301) 975-8091
100 Bureau Drive, Stop 2600	e-mail: john.barton@nist.gov
Gaithersburg, MD 20899-2600	

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. Although there is no set timeline, 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 Initial Verification 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. 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.

Verified Conformity Assessment Program (VCAP): 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 the Verified Conformity Assessment Program 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.

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.

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