



June 21, 2007

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**RE: Suggestions for NIST Standards and Trade Workshops**

Dear Ms. Emard:

This letter is in response to the Federal Register notice of May 22, 2007 soliciting suggestions for National Institute of Standards and Technology (NIST) workshops covering specific sectors and targeted countries or regions where training in the U.S. system of standards development, and conformity assessment may facilitate trade. The United States Council for International Business (USCIB) is pleased to offer its recommendations.

USCIB represents 300 leading U.S. companies, professional services firms and associations whose combined annual revenues exceed \$3.5 trillion, many with trade and investment interests around the world. As the exclusive American affiliate of three key global business groups – the International Chamber of Commerce (ICC), the International Organization of Employers (IOE), and the Business and Industry Advisory Committee (BIAC) to the OECD – USCIB provides business views to policy makers and regulatory authorities worldwide, and works to facilitate international trade, while promoting an open system of global commerce in which business can flourish and contribute to economic growth, human welfare and protection of the environment.

We believe that the following suggestions for educational seminars would meet the objectives of familiarizing participants with U.S. technology and practices in standardization and conformity assessment. These possible exchanges would allow the officials from key agencies suggested below to benefit from understanding the roles of the U.S. government and private sector in development and implementing standards, and for the American stakeholders to understand the structure of standards and conformity assessment systems around the world, and the roles and responsibilities of organizations. As selected seminars develop, we look forward to continued engagement with you to assist with the agendas, speakers, and details for the proposed seminars, as necessary and appropriate.



**China:**

USCIB members have noted that the chemicals, electronics, and high-tech sectors are areas in China with very significant standards-related activities. The following standards sectors in China seem to be quite active at present:

- (1) chemicals classification;
- (2) product quality (including standards for the date of manufacture);
- (3) energy conservation/efficiency; and
- (4) materials restriction and related technology classification (lead, etc.).

We would recommend NIST continuing educational seminars in these sectors with China. Key agencies to target for invitations to educational workshops could include:

- (1) Standardization Administration of China (SAC). Sub-agency is the Administration for Quality Supervision, Inspection and Quarantine (AQSIQ). Other department representatives within AQSIQ could be invited, in light of AQSIQ's role in the area of product quality supervision and inspection.
- (2) State Environmental Protection Administration (SEPA). The important area of environmental standards could include seminars related to chemical registration and some associated testing-related standards.
- (3) National Development and Reform Commission (NDRC) and AQSIQ. This group could be invited on energy-efficiency related standards.
- (4) Ministry of Information Industry (MII). This ministry could be invited to discuss high-tech products, wireless communications/radio, and materials restriction and related technology classification standards.
- (5) The Ministry of Health, and the State Administration for Work Safety, which cover health and work safety standards issues respectively, could certainly also be added as possible choices.

We also suggest that NIST could consider inviting appropriate official counterparts to address standards that are related to foods (human and animal) and medical products (drugs and devices) safety.

We commend NIST on the many standards-related activities at present. Much of the discussion centers on harmonization, and we would suggest during these meetings, more clarity is expressed concerning the definition of harmonization. There is often a consensus on a "floor" where standards are concerned, but not a "ceiling." We would urge a discussion during these seminars that highlight the opportunities in finding consensus on how restrictive a government can be above a particular baseline.



Additionally, we note that standards and general regulatory conformity assessment in China increasingly involves pre-market compulsory certification involving the use of only China-based laboratories to conduct relevant product or materials testing. These certification programs may also require manufacturing facility inspections as part of the market-entry approval program. Such approaches can present very significant trade barriers and may not be suitable subjects to address in technical standards. However, they are certainly issues of concern to industry that we hope NIST will consider in any outreach programs. Conformity assessment programs which incorporate risk assessment and reward compliant behavior address the goals of promoting compliance without preventing the above-described potential barriers to trade.

USCIB appreciates this opportunity to express its views and give recommendations on potential areas and sectors where training in the U.S. system of standards development, and conformity assessment may facilitate trade. We recognize that the suggestions above are not exhaustive. There may be significant issues that our members have not raised with us for various reasons. The potential for sectors, countries, and targets is much broader and a response to your notice could be much more technical and detailed. We would therefore be pleased to continue our engagement to discuss our recommendations at greater length, and possibly identify specific case studies for your consideration. USCIB would be pleased to facilitate a conference call between NIST and our members to discuss more specific details for the proposals. Please feel free to contact USCIB's Manager for China, EU and APEC Affairs, Kimberly Halamar at [khalamar@uscib.org](mailto:khalamar@uscib.org) or 212-703-5091 for additional information and to discuss appropriate scheduling.

Sincerely,

Richard "Tad" Ferris, Jr.  
Chair, USCIB China Environmental Working Group  
Vice Chair, USCIB China Committee