



May 29, 2020

James C. Owens
Deputy Administrator
The National Highway Traffic Safety Administration
1200 New Jersey Avenue SE
West Building
Washington, DC 20590

**DOT Request for Public Comment- National Highway Traffic Safety Administration
49 CFR Part 571
[Docket No. NHTSA-2020-0014]
RIN 2127-AM06**

Dear Mr. Owens:

The American Association for Laboratory Accreditation (A2LA) appreciates the opportunity to provide comments regarding the proposed rule for the occupant protection for automated driving systems (ADS).

A2LA is a non-profit, accreditation body with over 3700 actively accredited organizations located in all 50 states as well as an international presence. We have been granting accreditation to automotive testing laboratories for over three decades and currently have over 140 laboratories accredited for testing to the Federal Motor Vehicle Safety Standards (FMVSS). The criteria forming the basis for our laboratory accreditation is ISO/IEC 17025 General requirements for the competence of testing and calibration laboratories. We ourselves have been evaluated against rigorous standards in providing these accreditation services and are recognized internationally as an International Laboratory Accreditation (ILAC)-recognized accreditation body.

We applaud the Administration's initiative to consider updating and improving existing standards and we acknowledge the complexities of the task at hand of applying standards that address both Automated Driving Systems (ADS) vehicles and traditional vehicles equipped with manual controls. We offer the following comments for your consideration that include recommendations that accreditation be required, as part of the solution for some of the challenges that lie ahead:

Accreditation and NTTAA

In keeping with the National Technology Transfer and Advancement Act, (NTTAA), we understand the NHTSA's objective of relying on federal government standards in the absence of directly relevant industry consensus standards. That being said, at this time of advancing technologies and standards, we strongly recommend that the NHTSA consider establishing an accreditation requirement to provide assurance that the conformity assessment body, such as testing laboratories are technically competent to perform the tests. Several government agencies have been relying on existing laboratory accreditation programs as laboratory approval mechanisms for decades. Specifically, the International Laboratory Accreditation Cooperation (ILAC) accreditation framework that uses ILAC-recognized accreditation bodies

and ISO/IEC 17025:2017 Accreditation is an integral part of qualifying testing laboratories. This approach may also assist in controlling the administration's program costs.

Self-Certification

The proposed rule mentions the term "self-certification" several times throughout the document. Specifically, in section IV. (a) third paragraph, it states that "the agency works toward providing regulatory certainty in self-certification". We believe that the best way to achieve regulatory certainty by self-declaration is through accreditation. By relying on an independent, 3rd party accreditation body to periodically assess organizations making these self-declarations, this approach will support the administration by verifying that the organization has the appropriate equipment and facilities, validated methods, trained and qualified staff, and a management system in place and implemented to ensure effective corrective action and continuous improvements. This will provide the administration with confidence in the data backing the self-certifications.

Cybersecurity

The proposed rule references cybersecurity as it relates to ADS. As technology continues to rapidly advance in the transportation industry, cybersecurity will be imperative for ADS systems. It is crucial that the risks associated with cybersecurity are not overlooked. We recommend including language that requires cybersecurity to be evaluated by an organization holding accreditation to a conformity assessment standard that has a technical competence underpinning at its core, such as the aforementioned ISO/IEC 17025 Accreditation or ISO/IEC 17020 Conformity assessment – Requirements for the operation of various types of bodies performing inspection. Both of these standards offer requirements suitable for independent organizations or in-house manufacturing testing and inspection centers.

How accreditation works

Testing and Inspection Activities: Accreditation bodies grant a scope of accreditation that identifies the specific types of conformity assessment activities (e.g. testing and inspections) that an agency was found competent to perform. Laboratories and Inspection agencies must demonstrate their ability to conduct these specific services and show their technical competency during on-site assessments. This means demonstrating the entire process from preparation to conducting and reporting the inspections and results. The accreditation body will evaluate the equipment that is used to ensure it is appropriate, well-maintained, and calibrated, as needed. Deficiencies cited during the assessment process must be addressed with corrective action prior to the accreditation being granted.

Managing remedial actions and non-conformities: Testing and Inspection agencies that follow ISO/IEC 17025 and/or ISO/IEC 17020 are required to implement systems to manage testing and inspection data and reporting. Accreditation bodies will also assess and verify that the entities are following the FMVSS and NHTSA standards.

NHTSA Oversight: By relying on International Laboratory Accreditation Cooperation (ILAC) recognized accreditation bodies to assess and provide accreditation for agencies providing testing and inspections; the accreditation bodies allow NHTSA to focus resources on program oversight and/or research for technical advancements.

Existing Models

A couple examples of effective models whereby government agencies rely on our accreditation programs include:

The US Federal Communications Commission (FCC)

The U.S. Federal Communications Commission (FCC) requires that manufacturers and suppliers of certain electrical equipment, who intend to use a “Declaration of Conformity” on their products, must have the products tested by an accredited Electromagnetic Compatibility (EMC) laboratory. Examples of devices subject to DoC include, but are not limited to Class B personal computers and peripherals, CB receivers, super-regenerative receivers, and TV interface devices. A2LA is one of the approved accreditation bodies under this program. Laboratories seeking to be accepted by the FCC by virtue of their A2LA Electrical (EMC) accreditation must also meet the technical requirements contained in 47 CFR (FCC) Parts 2, 15 & 18. <https://www.a2la.org/accreditation/fcc-equipment>

Federal Risk and Authorization Management Program (FedRAMP)

At the federal level, ISO/IEC 17020 accreditation is used government-wide. These inspections are focused on cybersecurity for cloud-based services. The third-party assessment organizations (inspection organizations) must participate for a year in the Cybersecurity Inspection Body Program in order to demonstrate a level of competency prior to consideration under the FedRAMP requirements <https://www.fedramp.gov/>.

Summary

While the proposed rule attempts to clarify crashworthiness standards and offer regulatory text for vehicles with and without ADS, it does not provide assurance for monitoring the implementation of the requirements. ILAC Accreditation does so by ensuring that the accredited organizations have demonstrated:

- the ability to adapt to technical advancements in the industry and adopting new standards by showing method validations and related data,
- technical competency to perform the specific tests and/or inspections,
- develop and implement an effective management system; and
- maintaining procedures for hiring and monitoring personnel for appropriate technical knowledge, skills, and experience relevant to the specific testing and inspections.

With accreditation, governmental resources are more available to focus on oversight and enforcement of the program and can have greater confidence in the data they receive from the private sector.

We would be pleased to elaborate on our comments or provide additional information. You are welcome to contact me directly at rquery@A2LA.org.

Sincerely,



Randall Query

Director of Government Relations

A2LA