First Party and Third Party Conformity Assessment

- **First-Party Conformity Assessment**: “Performed by the person or organization that provides the object”\(^1\), that is, the supplier or manufacturer demonstrates that a product or service fulfills specified requirements, and it is typically used when there is a lower level of risk associated with non-compliance and with the product.

- **Third-Party Conformity Assessment**: Performed “by a person or body whose interests in the product are independent from those of first parties and whose interests in fulfilment of requirements are independent from those of second parties.”\(^2\) Independent third-party conformity assessment bodies (CABs) are typically accredited and regularly assessed to international (e.g. ISO) standards by accreditation bodies as proof of qualification (competence) to provide services.

The American Council of Independent Laboratories (ACIL) believes that of all conformity assessment procedures that give assurance that a product, process or service conforms to specified requirements (safety, health and the environment), third party certification provides the greatest value. Third party certification:

- Is independent,
- Is cost effective,
- Results in safer and more reliable products,
- Has immediate acceptance in the marketplace,
- Instills consumer confidence,
- Distinguishes manufacturers making compliant products, and
- Can aid in defense of a product liability action.

Each of these benefits is discussed in more detail in ACIL’s companion paper, “The Value of Third Party Certification”, 2002\(^3\).

First party certification by the manufacturer, if designed appropriately, can be an effective method of assuring that products meet minimum technical requirements for market entry; however, ACIL does not believe the necessary conditions are in place for first party certification to be effective for the ENERGY STAR program. For first party certification by the manufacturer to be considered, the following conditions must be met:

- sufficient historical data exist that demonstrate that manufacturers understand the technical, regulatory and market requirements for conformity of their products in question,
- safety, health and/or environmental concerns of each product have been sufficiently addressed through technical, regulatory or market mechanisms, and
- confidence needs of acceptance interests (authorities having jurisdiction) have been satisfied.

An operational, effective post-market surveillance system is in place that addresses the complexity and development changes to the product in question. Accordingly, the post-market surveillance system should consist of some or all of the following elements:

- customer complaints,
- marketplace surveillance and testing,
- factory surveillance and testing,
- regular independent audits of individual manufacturer’s declarations of conformity to assure that they accurately identify and describe the supplier and product, referenced appropriate standards, contain a date and place of issue, the signature and name of the person making the declaration, it is shipped individually with all products, the declaration and all test results are kept for a minimum of ten years, and that a numbering/labeling scheme is in place for customers to contact the manufacturer, and
- penalties for noncompliance, which include civil and criminal, product recall, and/or product bans.

Government regulatory authorities have the obligation of enforcement and must provide annual reports on effectiveness of the first party system and, if deemed necessary, make changes in conformity assessment requirements as appropriate. There are many options that regulators can use (both public and private sector) to assist them in carrying out these statutory responsibilities. Conditions for these changes are discussed in ACIL’s “Supplier’s Declaration of Conformity (sDoC) Position Paper”, 2002\(^4\).

Independence, cost, safety and reliability, confidence, superior manufacturing and liability protection make third party certification the most valuable route to placing safe and effective products in the world marketplace.

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\(^1\) https://www.iso.org/standard/29316.html
\(^2\) https://www.iso.org/standard/29316.html