



*American Academy of Forensic Sciences  
American Society of Crime Laboratory Directors  
International Association for Identification  
National Association of Medical Examiners  
Society of Forensic Toxicologists/ American Board of Forensic Toxicology*

July 12, 2021

## **FORENSIC STANDARDS DEVELOPMENT**

### **REQUEST**

CFSO requests that Congress appropriate \$5m for the NIST Organization of Scientific Area Committees (OSAC) to provide for forensic standards development, and to create within OJP a \$2m grant program for Standards Development Organizations (SDO) to comply with the National Technology Transfer and Advancement Act of 1995 (NTTAA) and OMB circular A-119, requiring federal government to use “voluntary consensus standards.”

### **BACKGROUND**

As stated in the 2009 National Research Council report, Strengthening Forensic Science in the United States: A Path Forward:

*“...Standards and best practices create a professional environment that allows organizations and professions to create quality systems, policies, and procedures and maintain autonomy from vested interest groups. Standards ensure desirable characteristics of services and techniques such as quality, reliability, efficiency, and consistency among practitioners.”*

Based on the above recommendation in 2014, the National Institute of Standards and Technology (NIST) created the OSAC to develop draft standards for the forensic science community. These standards define minimum requirements, best practices, standard protocols, and other guidance to help ensure that the results of forensic analysis are reliable and reproducible. OSAC’s 550-plus members, and affiliate members, work in forensic laboratories and other institutions around the country and have expertise in at least 22 forensic disciplines, as well as scientific research, measurement science, statistics, law, and policy. These experts produce collaborative work product documents, determine appropriate terminology and definitions, and work to implement standards by forensic science service providers in the United States. The importance of OSAC in developing forensic science standards is enormous because of the level of engagement by practitioners, statisticians, legal experts, and standard development experts. This collaborative process at NIST allows for high quality drafts to be constructed and vetted.

The draft standards developed by OSAC must further go through a Standards Developing Organization (SDO) for the standards’ evolution into a “voluntary consensus standard” pursuant to the NTTAA and A-119. The SDO has a process for the public and the stakeholder community to make comments that must be adjudicated or addressed as the standard is developed. The standard is considered for technical merit, fitness for purpose, and other important considerations such as practicability of implementation. Some SDO’s processing NIST draft standards charge for a copy of the resulting voluntary consensus standards, burdening laboratories, litigants, courts, and the public with the cost of their purchase. Many of these criminal justice members and stakeholders do not have adequate budgets to purchase these standards from the various organizations. The best practice is to allow a cost-free access to these standards to obtain the widest distribution and equality in the criminal justice system. SDOs can be incentivized to make these standards available at no cost by allowing them to pay for operational costs with federal grants. Those SDOs that do not charge for their voluntary consensus standards may not have financial resources for operational expenses without this federal grant funding. Federal grants from NIST to support these SDOs is important for the operation of the SDOs and for OSAC, which was not created to generate voluntary consensus standards.

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