07 June 2023

Travis Hall
National Telecommunications and Information Administration (NTIA)
U.S. Department of Commerce
1401 Constitution Avenue NW, Room 4725
Washington, DC 20230

Ref: **"AI Accountability Policy Request for Comment" NTIA, 88 FR 22433, docket number NTIA–2023–0005**

Dear Mr. Travis Hall,

The TIC Council Americas is pleased to provide comment on the request entitled "AI Accountability Policy Request for Comment" NTIA, 88 FR 22433, docket number NTIA–2023–0005 issued on 13 April 2023. Artificial Intelligence (AI) touches every industry and ensuring the reliability, safety, and 'trustworthiness' of this technology is critical.

The independent third-party testing, inspection, and certification ("TIC") industry supports industry, policymakers, and consumers in understanding these technologies, developing safe, reliable, and compliant products, systems, and services, and stands ready to lend our knowledge and expertise to this effort. Addressing the risks that present themselves in the design, development, use, and evaluation of AI products, services, and systems to ensure a consistent ecosystem of safety and reliability is a common-sense approach and we look forward to working with all stakeholders in the development of this framework.

As highlighted in our published paper on "Principles for Effective and Reliable Artificial Intelligence in the Americas[1]," technology is advancing at an exponential pace and will provide consumers with new ways to make their lives easier and more efficient. However, such advancements come with risk such as cybersecurity, safety, bias, and unreliable function over the life of the product, system, or service.

A combination of AI standards, evaluation, and certification will improve safety, reliability, and risk management, through metrics, measurements, and benchmarks that support acquisition requirements.
- Through third-party evaluation of AI, using established benchmarks for performance and bias testing, AI can be tested, inspected, and certified as having the necessary safeguards in place so as not to provide inequitable results to protected classes and disadvantaged groups.
- Evaluation of data input and outputs of AI systems by independent third-party conformity assessment bodies will serve as a beneficial check on the reliability of such use cases, supporting industry in its efforts to bring new products and systems to market and building trust among consumers.
- Independent third-party conformity assessment can play a critical role in confirming the compliance of each step in the AI and technology supply chain, eliminating the need for each manufacturer, software developer, retailer, government agency, or consumer from needing to independently evaluate each step.

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[1] "Principles for Effective and Reliable Artificial Intelligence in the Americas," September 2022, https://www.tic-council.org/application/files/3916/6374/5390/Principles_for_Effective_and_Reliable_Artificial_Intelligence_in_the_Americas_-_September_2022.pdf

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- Use of independent third-party conformity assessment bodies in confirming that AI applications meet necessary safeguards for privacy and security reduces the risk to communities and helps to protect the private data of consumers.

Independent third-party security audits can be conducted as a conformity assessment of an AI system's cybersecurity controls, and vulnerability to cyber threats, identify potential weaknesses, and recommend best practices for securing the system against breaches and attacks.

Independent evaluation of AI models, the underlying mathematical and computational structures that enable AI systems to learn, will ensure their accuracy, robustness, and generalizability. By analyzing their algorithms, data, and assumptions, this process helps ensure that AI models produce reliable and accurate outputs.

Evaluation by independent third-party conformity assessment bodies, of the transparency and interpretability of AI systems will help to ensure that their decision-making processes can be easily understood and explained to stakeholders, regulators, and users.

We recommend that the above general recommendations be considered and incorporated when developing AI audits, assessments, certifications, and other mechanisms to create earned trust in AI systems. In the following pages you will also find additional recommendations in response to your posed questions.

TIC Council Americas is the US-branch of the TIC Council, a global association representing over 90 international independent third-party testing, inspection, certification and verification organizations. Testing, Inspection and Certification (TIC) companies cater to a diverse range of industry sectors and a variety of standards and legislation. The industry represents an estimated one million employees across the world with annual sales of approximately USD 200 billion.

We appreciate the opportunity to give feedback on "AI Accountability Policy Request for Comment" NTIA, 88 FR 22433, docket number NTIA–2023–0005. Should you have any questions, please don't hesitate to contact Karin Athanas at +1 240 762 8069 / kathanas@tic-council.org.

Sincerely,

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