

NIST

Standards Coordination Office



Current Federal Policy on Standards

May 9, 2013

Today's Discussion

- Legislation and Policies that Direct Federal Standards Activities
- US Government Roles in the Standards System

Current Legal and Policy Framework

There is no overarching “standardization law” in the United States. The framework for USG use and participation is defined in a series of statutes, regulations and administrative orders.

- NTTAA (1996)
- OMB Circular A-119
- Executive Branch Documents
- Trade Agreements Act of 1979
- Agency Specific Laws, Rules, and Policies

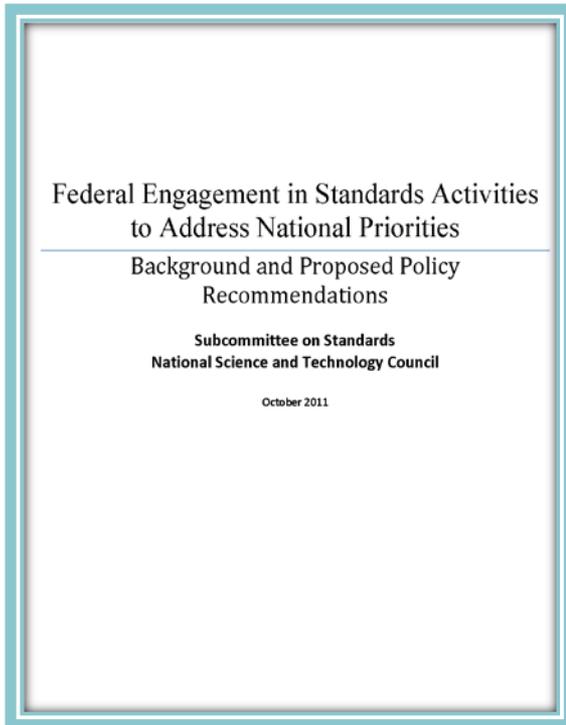
Recent Key Documents

Federal Engagement in Standards Activities to Address National Priorities, Background and Proposed Policy Recommendations (October 2011) – Provides a high level overview of current legal and policy framework for government engagement in private sector standards activities; describes how the government engages; summarizes stakeholder observations in response to the RFI; outlines policy recommendations

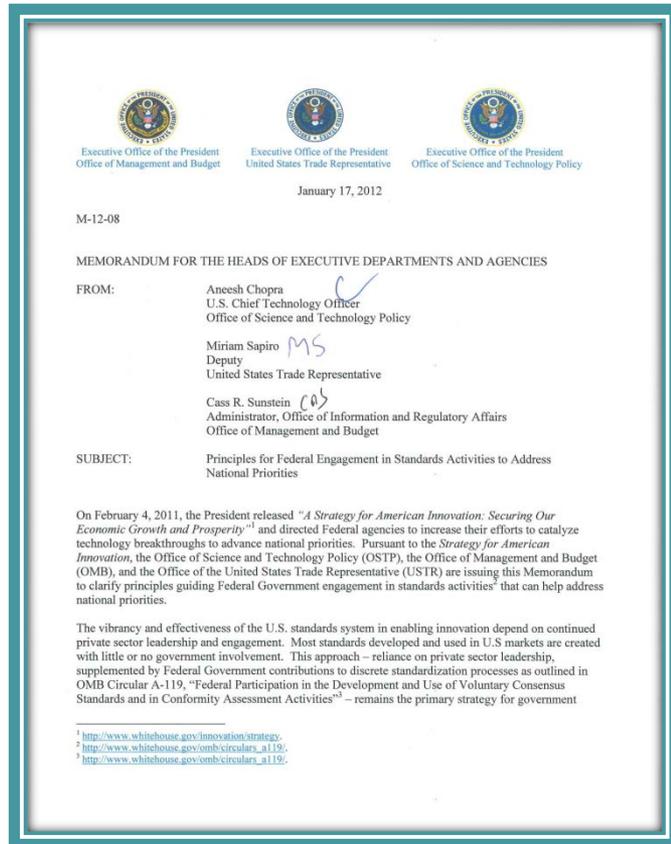
Policy Principles for Federal Engagement in Standards Activities to Address National Priorities (January 2012) – Memo provides guidance for federal agencies in developing effective strategies for exceptional federal engagement to meet national priorities

Policy Recommendations

1. Recognize that in most government-private-sector standards engagements, the primary role of the government will continue to be that of active contributor to the private-sector-led process.
2. Identify the context(s) where Federal government leadership / coordination may be appropriate.
3. Outline objectives for government engagement in standardization activities to support national priorities.
4. Enhance effective coordination and participation by agencies.
5. Clarify agency responsibilities with respect to the full range of standards setting alternatives.
6. Lay out key principles underpinning voluntary standardization processes.



White House Memo for Heads of Agencies

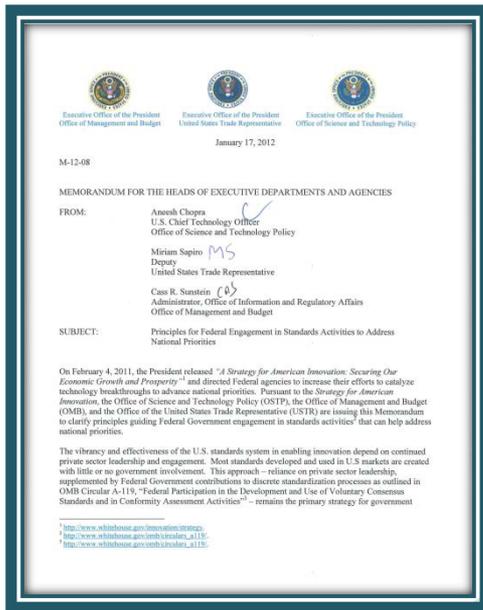


- Establishes principles for federal engagement in standards activities to address national priorities
- Reinforces innovation focus and private sector role in the standardization system
- Outlines strategic objectives for federal agencies
- Recognizes the growth of ICT technologies and changes in the standardization system in the past decade
- Emphasizes the global nature and broad impact of standardization and standards policy

Strategic Objectives

- Produce timely, effective standards and efficient conformity assessment schemes that are essential to addressing an identified need
- Achieve cost-efficient, timely and effective solutions to legitimate regulatory, procurement and policy objectives
- Promote standards and standardization systems that promote and sustain innovation and foster competition
- Enhance U.S. growth and competitiveness and ensure non-discrimination, consistent with international obligations
- Facilitate international trade and avoid the creation of unnecessary obstacles to trade (TAA)

Principles Impact



Provides the private sector greater clarity and certainty about federal government engagement

Conveys the U.S. government's continuing commitment to the public-private partnership that is the foundation of the U.S. standards system

Sends an important message to both domestic and international audiences

Establishes a framework for policy makers (Administration and Congress) to use while defining their standards needs

Provides clear direction to agency staff and leadership in their efforts to catalyze technology breakthroughs to drive U.S. innovation and competitiveness

Executive Orders

- E.O. 13563 – Improving Regulation & Regulatory Review
- E.O. 13609 – Promoting International Regulatory Cooperation
- E.O. 13610 - Identifying and Reducing Regulatory Burdens

Conclusions on Standards Policy

- Clear policy signals regarding the important role that voluntary standards play in supporting regulatory programs
- Emphasis on agencies reducing costs and increasing efficiencies; lowering the regulatory burden on industry
- Integration and innovation, flexibility are key
- Regulatory cooperation is identified as an important tool for addressing global challenges

National Technology Transfer and Advancement Act (NTTAA)

- Directs Federal agencies with respect to their use of private sector standards and conformity assessment practices.
- Objective is for Federal agencies to use private sector standards, wherever possible, in lieu of creating government-unique standards.
- Directs NIST to bring together Federal agencies, as well as State and local governments, to achieve greater reliance on voluntary standards and decreased dependence on in-house standards.

NTTAA

(1) IN GENERAL- Except as provided in paragraph (3) of this subsection, **all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies**, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.

(2) CONSULTATION; PARTICIPATION- In carrying out paragraph (1) of this subsection, **Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies and shall**, when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources, **participate** with such bodies in the development of technical standards.

(3) EXCEPTION- If compliance with paragraph (1) of this subsection is inconsistent with applicable law or otherwise impractical, **a Federal agency or department may elect to use technical standards that are not developed or adopted by voluntary consensus standards bodies** if the head of each such agency or department transmits to the Office of Management and Budget an explanation of the reasons for using such standards.

OMB Circular A-119 – Policy Guidelines on Implementation of the NTTAA

- Establishes policies on Federal use and development of voluntary consensus standards and on conformity assessment activities
- Revised in 1998 to be consistent with, and reinforce, the NTTAA

Federal Agencies Need to Coordinate

Federal agencies, consistent with agency missions, need to coordinate their positions. OMB Circular A-119 [Section 15.b.(3)] emphasizes the need for interagency coordination and cooperation in voluntary standards development:

“Ensuring, when two or more agencies participate in a given voluntary consensus standards activity, that they coordinate their views on matters of paramount importance so as to present, whenever feasible, a single, unified position and, where not feasible, a mutual recognition of differences.”

Goals of NTTAA and OMB A-119

- Eliminate cost (of developing standards)
- Decrease the cost of goods and burden of complying with agency regulations
- Promote efficiency and economic competition through harmonization of standards
- Further the reliance on the private sector to supply Government needs
- Enhance collaboration with the private sector on standards that serve national needs

Federal Agency Responsibilities under NTTAA & Circular

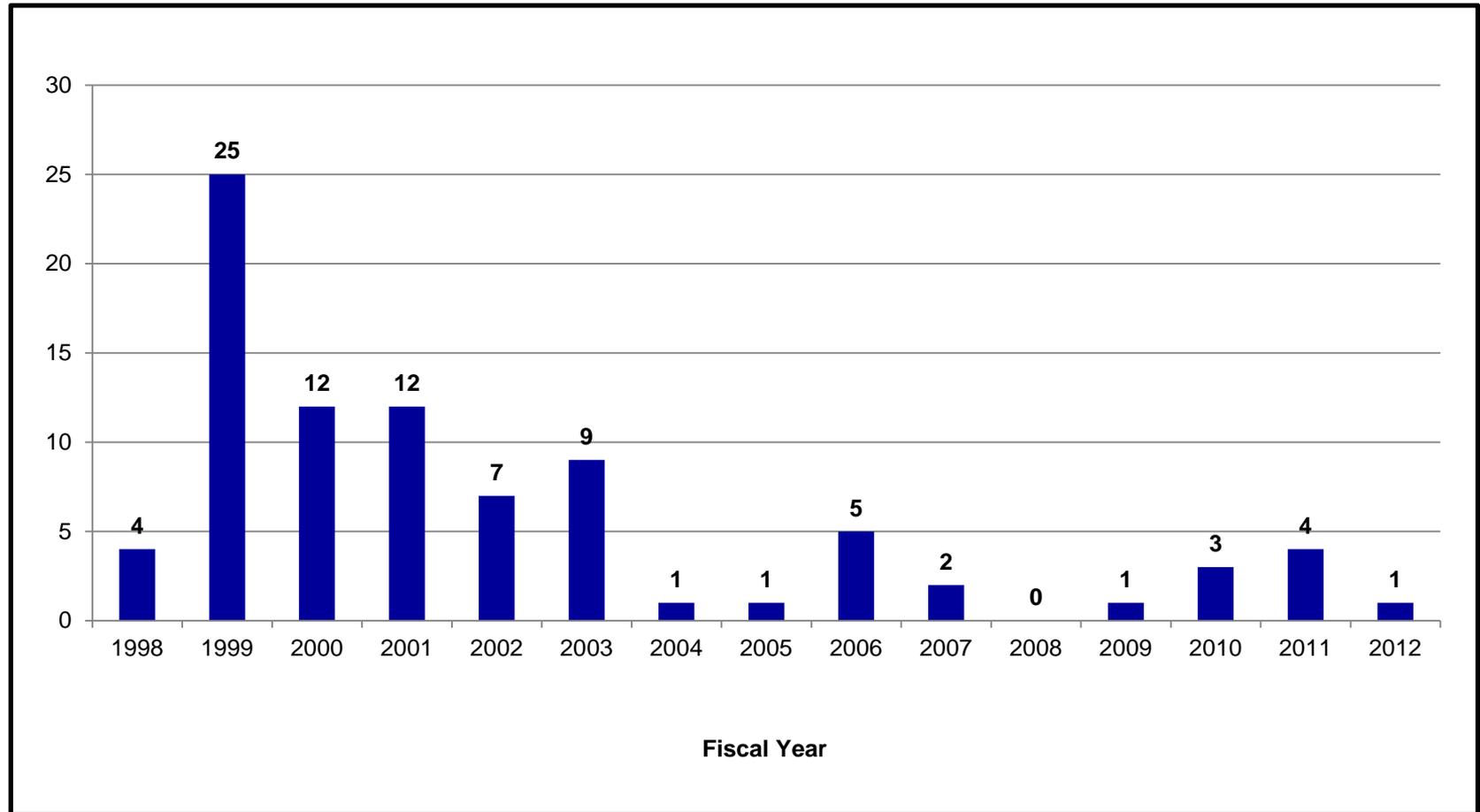
- Ensure agency compliance with NTTAA and the Circular
- Appoint a Standards Executive to serve on the Interagency Committee on Standards Policy (ICSP)
- Provide annual report to NIST

NTTAA Has Been Effective

Since reporting began in 1997:

- **3,579** private sector standards have replaced Government-unique standards
- **91** Government-unique standards have been reported
- Only **53** government standards remain in lieu of private sector standards under the NTTAA

New Government Unique Standards 1998-2012



How the USG Engages in Standards

- USG plays many roles – user, specifier, participant, facilitator, advocate, technical advisor/leader, convener, provides funding
- Supports regulation, procurement and policy activities, and incorporates into voluntary programs
- Provides citizen services, enables connectivity between commercial and government IT systems, supports financial tools and incentives
- Competition, anti-trust, IPR, consumer protection laws

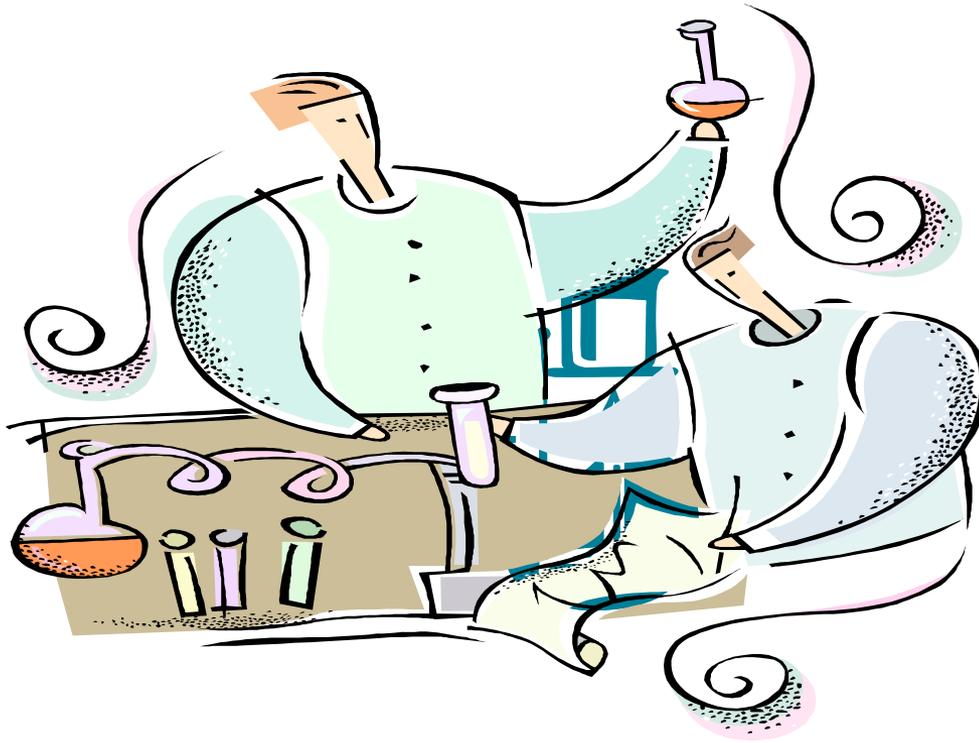
Ways Voluntary Standards Are “Used” by Government

- Adoption into Regulation through Incorporation by Reference
 - ✓ Code of Federal Regulations
 - ✓ State and Local Adoption
- Decision not to Regulate - Deference
- Written into Federal Contracts - Procurement

Government Role as Standards User

- In Regulation
 - ✓ Over 9,863 citations of standards incorporated by reference
 - ✓ Over $\frac{3}{4}$ are non-government standards
- In specifying what USG will buy (procurement contracts)
 - ✓ 1000's of standards are used in purchasing goods

Government Role as Standards User – Adoption through Incorporation by Reference



Example: There are about 670 incorporations by reference of ASTM International Standards by EPA – more than half of these are standard test methods.

Government Role as Standards User – Adoption State and Local Adoption of Model Codes



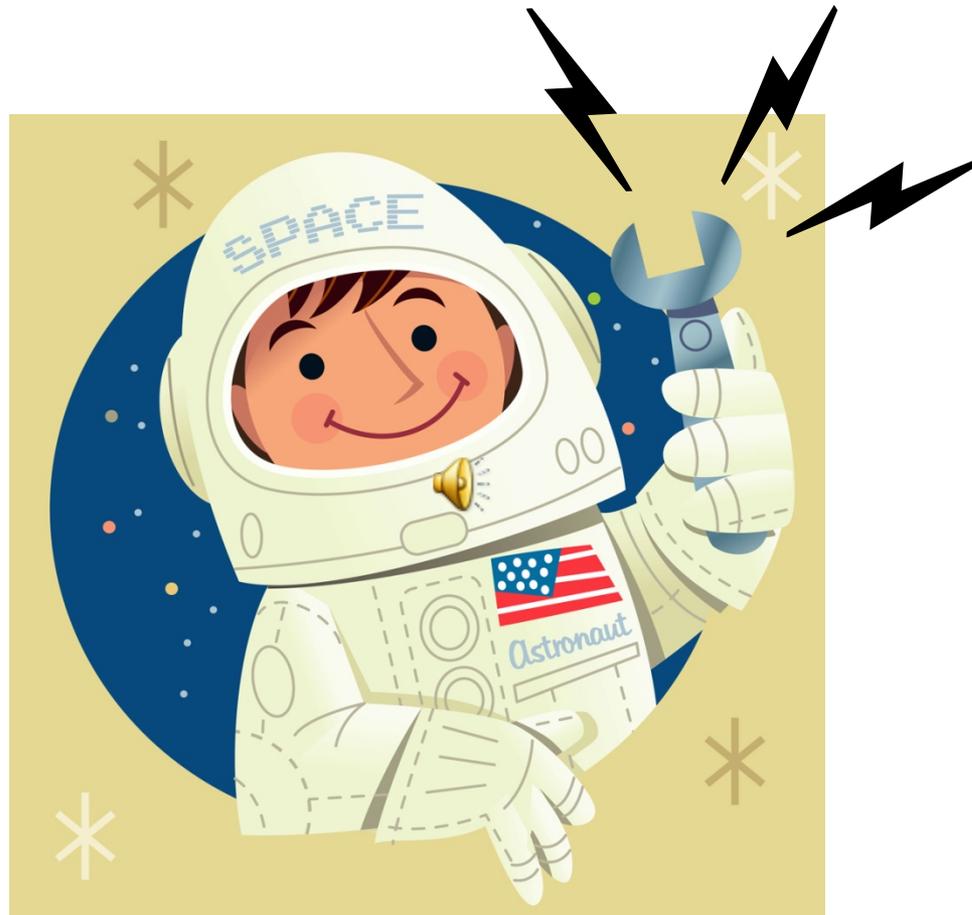
Government Role as Standards User – Deference

Residential Gas Water Heater Standard

**ANSI Z21.10/
CSA 4.3-2004 (R2009)**



Government Role as Standards User – Procurement



Example: NASA requires certain garments to meet standards developed by the Electrostatic Discharge Association

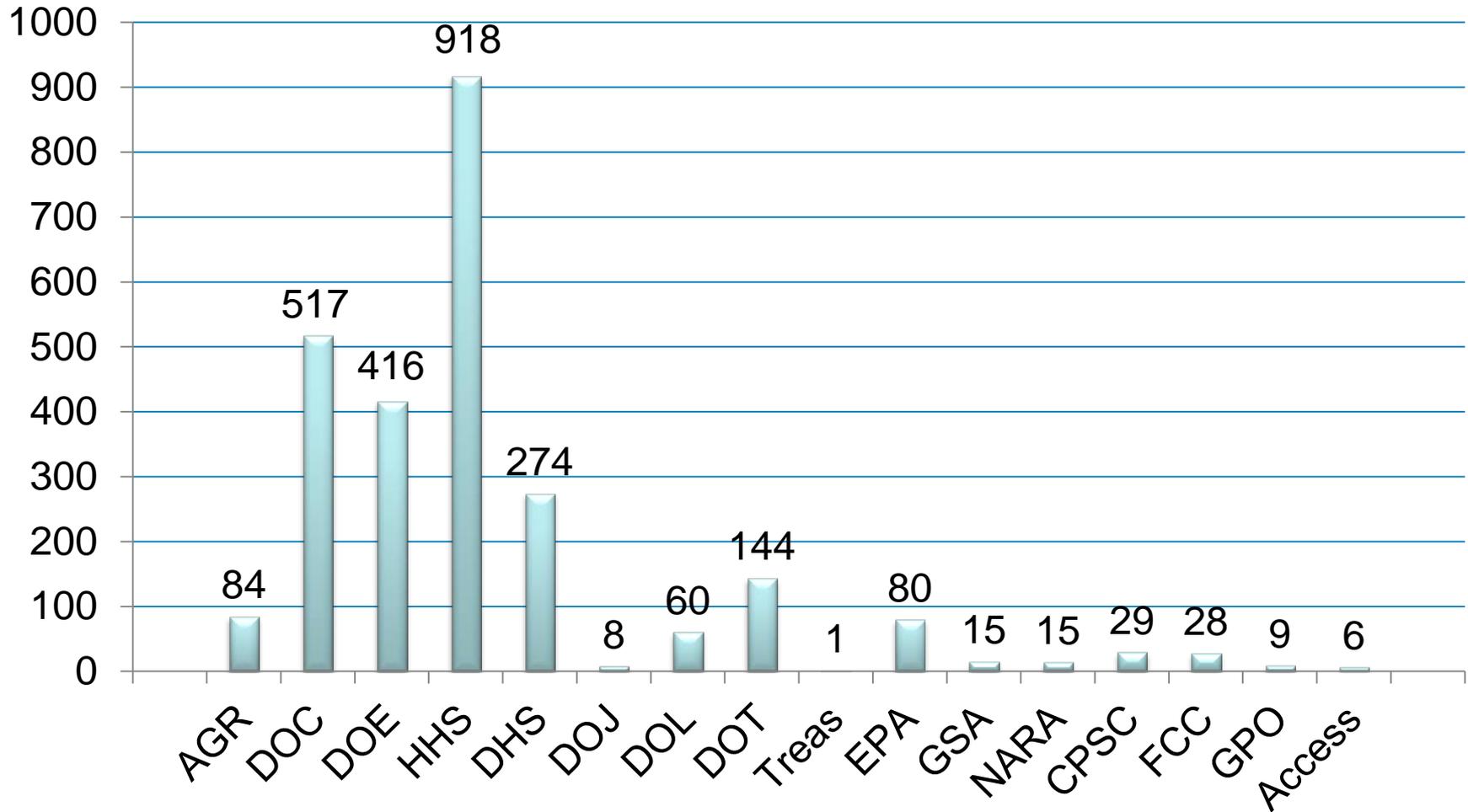
Government Role as Participant – Standards Development

Government staff participate in the standards development process:

- Contribute technical expertise/resources
- Ensure government needs are being met



Number of Federal Agency Staff Participating in Standards Setting Organizations in 2012



Thank You

Standards: Federal Participation and Use

David F. Alderman

david.alderman@nist.gov

301-975-4019

<http://www.standards.gov>