DRAFT Reports
Joint ICSP/GMF Meeting
Arlington Ballroom
Crowne Plaza Hotel 1480 Crystal Drive, Arlington, VA 22202
Thursday, April 21, 2011
9:00 a.m. – 3:00 p.m.

Joint ICSP-GMF Session with Standards Developers
9:00 a.m. – 12:30 p.m.

The Joint ICSP-GMF session explored how six representative standards developing organizations (SDOs) are providing federal agencies with access to their standards development process and standards. Below are hyperlinks to ANSI prepared documents and SDO presentations.

Agenda and **Meeting Report** (please do not access hyperlinks via the report but use links below)

ANSI Presentation on Results of SDO Survey - Fran Schrotter (ANSI)
ANSI surveyed SDOs and Consortia on access offered to government agencies. Results of the survey were used to invite six representative SDOs to provide presentations (below).

   Complete survey and summary of responses

SDO Presentations

American Petroleum Institute (API) - presentation by David Miller, Director, Standards

American Society of Agricultural and Biological Engineers (ASABE) - presentation by Scott Cedarquist, Director of Standards & Technical Activities

Consumer Electronics Association (CEA) - presentation by Shazia McGeehan, Director, Standards Programs & Compliance

Health Level 7 (HL7) - presentation by Chuck Jaffe, Chief Executive Officer

National Fire Protection Association (NFPA) - presentation by Maureen Brodoff, Vice President and General Counsel and Christian Dubay, Vice President and Chief Engineer

OASIS - presentation by Scott McGrath, Chief Operating Officer

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ICSP Session
1:30-3:00

List of participants (*participation via teleconference)

Chair: Mary Saunders. NIST   Julia Doherty, USTR
Secretariat: Mary Donaldson, NIST   Jeffrey Feit, DOE*
Michael Case, NRC   J. Michael Fitzmaurice, HHS
Colin Church, CPSC   Carol Herman, HHS
Bert Coursey, DHS   James Hicks, ED

Heidi Hijikata, DOC/ITA   Henry Wixon, DOC
Joan Lawrence, TIA   Gordon Gillerman, NIST
Mary McKiel, EPA   Ajit Jillavenkatesa, NIST
Carol Moyer, NRC   Erik Puskar, NIST
Oksana Pozda, GPO   Nathalie Rioux, NIST
Peter Shebell, DHS
James Sorace, HHS*

Welcome   **Mary Saunders, Chair**

Mary Saunders welcomed ICSP members and requested feedback on the preceding GMF meeting arranged by ANSI. In general, the comments about the GMF meeting were positive.   The ICSP would consider (or be open to) future presentations on other SDO models from across a single sector, from organizations outside of ANSI such as consortia or treaty organizations (UN/ECE, Codex), and on topics such as balancing interests.

Responses to the NSTC Subcommittee on Standards (SOS)
Request for Information and Follow-on Action Plans   **Mary Saunders**

Mary next provided an update on the National Science and Technology Council's SOS and the RFI. The SOS was created a year ago to engage government agencies at a decision making level on standards policy issues, explain the US model of private-public cooperation in standards setting to both domestic and foreign audiences, and raise awareness at decision making and working levels within the federal government of best practices and policy issues. NIST issued an RFI soliciting information regarding the current federal engagement in standardization activities. The SOS will use this information to examine methods applied by federal agencies to engage in standards efforts; develop guidance on how federal agencies can engage more effectively; and construct case study examples of effective federal engagement. The White House and others are interested in generating documents based on the responses to the RFI including:
-   Case studies;
-   Overview of the current system, how the federal government engages in it and other information helpful for strategic engagement; and
-   Principles for strategic federal engagement in standardization in national priority areas where multi-disciplinary, complex technologies are involved.

The case study approach was suggested by Aneesh Chopra, the US Chief Technology Officer, to encourage examination of federal agency engagement with technology sectors such as smart grid, health information technology, cyber security, emergency communications interoperability, and radioactivity detectors and radiation monitors. The RFI was published in December, 2010, with comments due March 7, 2011. Ninety-two comments were submitted responding to questions and themes in the RFI including input on standards setting process; perspectives on the government 's approach to standards activities; issues considered in the standards process (IPR, competition, foreign regulation, technology); adequacy of resources; and process review and improvement measures. A NIST team prepared a data driven summary with key observations now available on Standards.gov.

An ad hoc subgroup will review the principles document to be presented by Pat Gallagher to the SOS. The subgroup is composed of 'competition' agencies (DOJ, FTC, PTO); trade agencies (ITA, USTR); policy agencies (NEC, OMB); and key representatives from regulatory and procurement agencies. The PTO, DOJ and FTC representatives have been asked to give their specific perspective on intellectual property rights with regards to the RFI comments.

The ICSP will help identify issues that the SOS should address. Given the high level of representation on the SOS, Standards Executives may want to provide a clear set of issues to their SOS representative. The ICSP is requested to help update the SOS membership list.

The SOS will consider and provide policy recommendations for high level issues identified by the RFI responders. Other issues expressed by the comments fall in the purview of the ICSP. These include:
- Outdated references to standards in regulations
- Confusion caused by different agencies having different policies or models with respect to staff participation;
- Implementation of OMB circular and recommendations for possible changes.

ICSP members are requested to become familiar with the themes expressed in the RFI in order to provide their agency's perspective on the issues raised. A primary focus is on how complex interagency or across agency technology issues are being handled. However, agencies should also be able to explain how they identify standards gaps and engage in the standardization arena proactively.

The next work product will be the development and refinement of the standardization case studies. The four case studies center on the role of the development of standards in Smart Grid, Health IT, Cybersecurity and Emergency Communications – all of which involve complex, multi-agency technology issues. These standardization efforts have involved formal direction from government leadership (either legislative or administrative) and represent unique cases involving a major role of government.

The ICSP is invited to assist in the development of SOS deliverables through:
- providing additional examples or case studies highlighting how agencies engage with the private sector on standards development. Of high value are case studies highlighting across-agency collaborations;
- identifying gaps in representation among the RFI respondents, particularly missing representation from sectors , such as manufacturing, or organizations.

It was noted that the GMF is developing a slide presentation from various federal agencies explaining how they use standards and engage in the standards development process. It may be helpful to ask the SDOs how they typically find out about government needs. In addition, it may be useful to share the slide presentation with the SOS as a primer.

ICSP members asked if the case studies could be used to capture the informal ways that federal agencies request development of VCS. For example, an agency knows that it may need to develop a regulation that may reference a standard not yet developed, e.g., DOT's request to establish a

consortium to develop intelligent transportation standards. These kinds of informal requests may be an important way that agencies transmit their needs to SDOs.

RFI responses can be examined across several themes. Of interest is the interplay between standards and regulation, standards and trade, and standards and technology development and whether agencies have the same understanding of the system. The principles document may help improve understanding and visibility of the system throughout senior levels of the government. For example, having a well articulated coherent vision of the US standards policy will help in international discussions on standards related trade policy.

ICSP members raised concern over the potential for confusion by our trading partners by the case study choices and the federal government's ongoing assessment of the US standards system. The case studies are unique and not typical of the usual ways that the government engages in the US standardization system. In addition, some federal agencies have created novel interpretations of or may not be following existing guidance for use of standards in regulations or use of VCS. Typically trading partners will send inquiries when they detect variations in interpretations of regulations and guidance on conformity assessment and VCS. For other countries looking in, there is confusion about the US government's position since agency approaches differ. The SOS could help resolve this confusion by developing a cohesive government policy across the agencies (regulatory, procurement etc.).

ICSP members also raised concern that important standards related issues which may impact trade and international obligations may not receive the same level of attention by all agencies. For example, some regulators may appear to be less concerned with how regulations impact trade and more concerned with the domestic impact of regulations.

There was discussion of how the US system is explained and promoted overseas. The nature of the system as a public private partnership should be promoted along with the processes and outcomes. However, it may not be necessary to promote the structure of the standards system since this would be virtually impossible to replicate in any other country. Much of what the RFI covers are systems engineering efforts across sectors of industry and government coordination. This internal coordination may not be easily explained to other countries.

Mary welcomed the ICSP members' advice regarding the principles document. The document will provide the SOS with information to arrive at closure on some issues such as a statement of principles of federal engagement in standardization activities. There will also likely be another set of issues that will not be resolved and will require additional work. The summary of the RFI and key observations will be posted on Standards.gov. Mary requested that if anyone noticed gaps in stakeholders represented by the RFI commenters to let her know so that they can be contacted to provide missing input.

Other Business   **All**

Wrap Up and Adjourn