

**Notes  
ICSP/GMF Joint Meeting  
10 am to 12:30 pm  
October 3, 2008**

**U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230**

**Conference Room 1412**

**Attendees**

**David Alderman, NIST  
Mary Saunders, NIST  
Mary Donaldson, NIST  
Belinda Collins, NIST/DOC  
Gordon Gillerman, NIST  
Mike Moore, NIST  
Virginia Fitzner, DOL- OSHA  
Scott Cooper, ANSI  
Miranda Der Ohanian, ANSI  
Don Marlowe, HHS-FDA  
Chuck Martin, USDA  
Erik Puskar, NIST  
Steve Domotor, DOE  
Suzanne Acar, DOI  
Peter Shebell, DHS  
Maureen Breitenberg, NIST  
Julia Doherty, USTR  
Anne Caldas, ANSI  
Jennifer Stratman, DOC ITA  
Greg Saunders, DoD  
Trudie Williams, DoD**

**Via Telephone:**

**Virginia Boyett, VA  
Carol Moyer, NRC  
Jenny Heaps, NARA  
Suzie Burke Bebee, HHS**

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*Co Chairs: Mary Saunders, NIST, ICSP and Greg Saunders, DoD, ANSI/GMF*

*Welcome - Co-Chairs*

*Self introductions – All*

*Changes to the agenda – All – There were no changes to the agenda.*

*ANSI / Legislative Update, Scott Cooper, ANSI*

- *Import Safety Legislation- The recently enacted [Consumer Product Safety Improvement Act](#) was discussed. The bill requires the Consumer Product Safety Commission to promulgate 25-30 new rules within a specified time period. The legislation covers juvenile product safety, toy safety, lead content and testing, hazardous materials, all terrain vehicles, third party testing and accreditation of testing laboratories. In particular, the laboratory accreditation rule will require ILAC recognized laboratories for product testing.*
- *Health IT Legislation – No health IT legislation passed this year, although there was draft legislation calling for HHS to establish health IT standards. The same was the case with food safety legislation – there was a draft proposal to require HHS to set certain food safety standards.*

*Update on Public Policy Related Standards Issues – Mary Saunders, NIST*

- *Draft Standard for Trial Use - Sustainable Agriculture – If there is a change to the ANSI Essential Requirements withdrawing the option to have a Draft Standard for Trial Use, then the DSTU for Sustainable Agriculture would have to be withdrawn. In addition, USDA has filed an appeal of the ANSI accreditation of the Leonardo Academy, the publisher of the DSTU for Sustainable Agriculture. The Department of Commerce supported USDA's action. There will be an ANSI hearing on December 17.*
- *Standards Duplication – NOCA and ASTM activity in Personnel Certificate Standards Development – Both organizations are developing standards for personnel certificate programs. Having two standards in this area may not be in the best interest of the government or the public. Multiple standards make it difficult for US standards to be adopted internationally. There was some concern expressed about the same organization that writes the standard also implementing that standard.*
- *[ISO Activity: Social Responsibility](#) – Last meeting was in Santiago, Chile. The draft document is moving forward with a committee draft expected in December 08. USTR, State, Labor and other agencies are concerned with certain aspects of the draft document pertaining to references to treaties and international agreements; misinterpretations which will have trade and treaty implications; policy positions being inserted into standards; and thousands of comments that were not addressed. The US Government representatives came away disappointed with the proceedings, including the disregard of treaties and the actions of the participants. Concerns will be brought up with ISO management including keeping to technical standards and staying away from areas of governmental purview. Policy related standards development issues are arising more frequently (SR, carbon footprinting, biotech labeling). There was some discussion about the activity of the US TAG for SR. Within the EU, the approach is different, policy and standards development are intertwined.*

*Other topics:*

- *Copyrighted US government documents in standards*

*Greg Saunders brought up the issue of the foreign copyright of US government documents, written by US government employees overseas (e.g. US mission to the EU) - these works may be incorporated into standards documents. There was interest in possibly forming a small working group about the topic to include ITA, State, Defense, Justice and NIST legal counsel. Mary Saunders offered to check first with the ITA lawyers referenced in an earlier exchange on this issue.*

*According to ITA counsel, the relevant portion of the Copyright Act is 17 USC 105 which reads: “copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise.” Section 105 does not preclude federal agencies from obtaining copyright in government works in other countries.*

*The bottom line in the standards arena is that anyone outside the U.S. who wishes to incorporate USG material into an international standard should verify with the authoring agency that this is acceptable. A US organization would not have to do this, although it would be an expected courtesy.*

- *EU Initiatives (such as [REACH](#) and [RoHS](#)) – Impact on US procurement, regulations and operational capabilities – Greg Saunders. EU Initiatives such as REACH (Registration, Evaluation, Authorisation and Restriction of Chemical substances) and RoHS (Restriction on Hazardous Substances Directive) have Defense and trade implications. It is important to be alert to the activities of the EU. EU Defense procurement directives include national procurement preferences. With respect to the use of international standards in defense procurement in the EU, the order of preference is that ISO and EU standards have preference over standards written within the US. The US rep to NATO persuaded several countries to look to the best (standard) not who wrote it. In addition, ITAR (International Traffic in Arms Regulations) and export controls are national security-related but have broad trade impacts. EU environmental legislation also impacts the US’s defense logistics supply chain and logistics support activities. The ICSP could have an entire day meeting just on these topics. Greg Saunders proposed bringing in speakers on these topics – either one big meeting or a couple of speakers per meeting.*

*Use of Consortia and Open Standards – Relevance to the NTTAA and OMB Circular A-119 – Open Discussion- All This topic frequently comes up with respect to IT standards. What’s the definition of an open standard? It is not necessarily a consensus standard but there is no agreement as to what is an open standard. The NTTAA and Circular may apply if it’s a consensus*

*standard. Participation in the development of a consortia standard is generally less balanced. IT standards and food industry standards are typically consortia standards. There is a USG policy document about federal government procurement with open standards. Free and open is not necessarily non-consensus.*

*NTTAA Report and Agency Training, Mary Donaldson, NIST and Mike Moore, NIST Contractor - NIST will provide NTTAA training in the first quarter 09. Anyone who is interested may add their names to the sign up sheet or contact Mike Moore or Mary Donaldson. The NTTAA reporting tool will open for data entry on November 3<sup>rd</sup> and close on December 17<sup>th</sup>. (Access the tool at: <http://standards.gov/NTTAA/agency/index.cfm>. Click on Agency Reporting Tool.) We appreciate everyone's efforts to complete their reports again this year. We encourage the addition of standards success stories in question 1 based on feedback from OMB. Please contact Mary Donaldson or Mike Moore for any assistance.*

#### *Once Around the Table – All*

- *OMB Circulars A-119 and A16 – Interior brought up the possibility of a conflict between these two circulars. A16 establishes the interagency Federal Geographic Data committee which is charged with developing NSDI (National Spatial Data Infrastructure) standards. Interior has been confused with how to resolve the seeming conflict and how to report the Federal Geographic Data Committee standards. The standards developed by the committee are submitted to ANSI to go to the ISO and become ISO standards.*
- *E-Gov – Mary Saunders mentioned that OMB is establishing a framework for eGov standards. For information on eGov activity, see <http://ts.nist.gov/standards/e-gov/> or click on the eGov link on <http://standards.gov>*
- *DoD – Government Industry Data Exchange Program (GIDEP) is now with the Defense Standardization Program Office. In 1992 OMB issued a letter to all Executive Departments urging them to use GIDEP as the single point for reporting product defects. The program has grown to include product discontinuation notices and information about counterfeits, among other things. There is some interest in DoD in reviving the OMB interest and perhaps drafting a Circular.*
- *DOI – Mike Howell has moved to OMB, the acting CIO (and standards executive) is Jerry Williams.*
- *NRC – There will be another SDO summit in November. In addition, there may be a change in the NRC standards executive appointment.*

*Other Business and Next Meeting – there was no other business discussed. There will be a GMF meeting on October 23, 2008 at the Bethesda North Conference Center during World Standards Week.*

*Adjourn*

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