Joint ICSP/ANSI GMF Meeting
Minutes

1:00 pm
April 30, 2008

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

Conference Room 1414

Attendees:

Carol Herman, HHS/FDA
Emile Beshai, Treasury
Trudie William, DoD
Greg Saunders, DoD
Ajit Jilla, NIST
Carmina Londono,NIST
Julia Doherty, USTR
Colin Church, CPSC
Virginia Fitzner, DOL
Tim Klein, DOT
Carol Moyer, NRC
Mary Saunders, NIST
Mary McKiel, EPA
Dave Alderman, NIST
Suzanne Acar, DOI
Stephen Domotor, DOE
Michael Fitzmaurice, HHS/ARHQ
Nancy Allard, NARA (via telephone)
Mary Donaldson, NIST
Michael Hogan, NIST
Jeffrey Feit, DOE
Jenny Heaps, NARA
Manny OLDS, USGPO
Jennifer Moffat, GSA
Anne Caldas, ANSI
Brian Meinke, ANSI
Scott Cooper, ANSI
Suzie Burke Beebe, HHS (via telephone)
Don Pittenger, DOL
Peter Shebell, DHS
Brad Hall, NOAA (via telephone)

ICSP Only Session- Mary Saunders, Chair

Welcome and Self Introductions
Mary Saunders opened the meeting with introductory remarks and proceeded around the room and telephone for self introductions

Review of GUSs for the Annual NTTAA Report – Lessons Learned – Mary McKiel, EPA

Mary McKiel described the process by which she reviewed the list of previously reported Government Unique Standards used in lieu of voluntary standards for the NTTAA report. She was able to trace a number of the standards back to the original rule writers. In the early days of reporting on GUS used in lieu of VCS, if the writers identified a VCS that was somehow related to the rule they were writing, they analyzed it for appropriateness to the EPA's needs. In 27 cases where it had initially been reported that EPA was using a GUS in lieu of a VCS, it was later determined that the VCS was not appropriate for the intended use and therefore the GUS should not have been counted as an "in lieu of a VCS". EPA's interpretation of the NTTAA requirements is that a GUS is only reported in lieu of a VCS if there is a VCS available that could be used. EPA has a rule writers' guide to help writers consider the various requirements involved with writing and promulgating a rule.

The question of how to update a rule to refer to the most recent version of a referenced Voluntary Consensus Standard was raised. According to NARA some agencies have been able to use the Direct Final Rule process when promulgating a technical amendment to a regulation. For more guidance on Federal Register requirements, see NARA's website: http://www.archives.gov/federal-register/write/. Department of Labor will be using the Direct Final Rule Procedure to update its regulations which incorporate Voluntary Consensus Standards. Another point was raised by DOE (Stephen Domotor) that when reviewing existing standards, agencies should check to see if there is already an existing government standard that would be useful. One database to check is DOD's Acquisition Streamlining and Standardization Information System (ASSIST) http://assist.daps.dla.mil/online/start/

NTTAA Report for FY 2007, Status Update – Mary Donaldson, NIST. The NTTAA report has been drafted and is in internal Department of Commerce review.

ICSP/GMF Joint Session, Mary Saunders and Greg Saunders, Co-Chairs

Introduction of ANSI staff

Update on ANSI Activities – Scott Cooper, ANSI

Scott Cooper discussed ANSI becoming more involved in the updating of government regulations incorporating national consensus standards, as well as in Congressional legislation. Revising government standards is labor intensive. OSHA's NPR which uses

an approach to updating referenced voluntary consensus standards used the phrase "Good Design Standard" which ANSI had some concerns with. ANSI provided some language in the draft Toy Safety (Act) bill for the US Senate's consideration – it included a reference to the ASTM toy safety standard with a mechanism for updating to reflect the most recent version of the ASTM standard. This mechanism calls for CPSC to publish a Federal Register notice incorporating the latest ASTM toy standard. If there are no substantive negative comments received then the revision would go into effect without further action. If an adverse comment is received, then the original or most recently updated version would remain in effect.

Greg Saunders noted that old versions of standards are more available than in the past since electronic archives are easier to maintain. FDA mentioned that the latest version of a standard in the health field often reflects the latest thinking in the medical field. FDA has an interim mechanism in place to update its regulations with the latest standards. They are able to alter a standard if the latest standard has a flaw. NRC and GPO sometimes need to fix or patch standards when there is a problem.

ANSI also outlined a plan to provide information presentations that are educational in nature to Capital Hill staff as well as agency heads. One recent example was a presentation on green buildings and sustainability. ANSI is planning an event on hydrogen fuel, with NIST participation.

ANSI described a new project that is outside of the general realm of ANSI's business – a cook stove project. Along with several other organizations including EPA, ANSI is sponsoring the development of a low cost wood burning cooking stove for home use in developing countries that would be safer, more efficient, and improve indoor air quality by reducing the environmental impact from deforestation and air pollution. See attached PPT on the cook stove project for more information.

Update on Public Policy-Related Standards Issues – Social Responsibility, Sustainable Agriculture, Biotechnology and Import Safety – Mary Saunders, NIST and Scott Cooper, ANSI

Mary Saunders described recent issues that have surfaced in the standards policy area which involve the creeping of technical standards development into areas that have traditionally been the domain of public policy and governmental functions. One example is the area of Social Responsibility. Mary McKiel described her experience at the meeting of the ISO working group on social responsibility and expressed her concerns about the overlap of the draft language into areas which have traditionally been the domain of governmental responsibility. She is concerned that this may set a precedent for expansion of the domain of other international standards efforts into unclear guideline-type standards which impact on government treaty commitments and legislation globally. This is particularly important since, in many countries, ISO standards are mandated. ISO has recently formed a task group to look at areas where it can do more standards work related to energy and biotechnology. ANSI could use assistance helping to identify US stakeholder interests in the energy management area.

In the area of Sustainable Agriculture, within the US there is a draft standard for trial use on sustainable agriculture which is sponsored by the Leonardo Academy. It has been presented as a starting point in the development of an American National Standard. Several federal agencies and some agricultural stakeholder groups are concerned about the draft standard as written. The point was raised that this standard was proposed only as a starting point and that there will be opportunity for input through the comment process. EPA is already involved; USDA is considering its options. ANSI will be alert to the evidence of lack of consensus as this standard is developed and the ANSI appeals process is available if needed.

Proposed ANSI Principles for Standards and Public Policy – Carmina Londono, NIST

Carmina Londono detailed the document developed by the ANSI ISO Council for consideration by the ISO regarding guiding principles for developing ISO Standards. The document provides suggested guidelines that may help ISO avoid developing standards that fall within the public policy arena of governmental functions. It was presented to the ISO by Joe Bhatia, President & CEO of ANSI. The main thrust of the document was the need for sensitivity to the functions of governments and that ISO should refrain from establishing special interest committees that bypass the National Standards Bodies. ANSI is awaiting a response from ISO and the ANSI ISO Council will take up this topic at their next meeting (scheduled for October 8, 2008).

ISO Proposed Privacy Activities – Mary Saunders

Mary Saunders discussed the proposal from the Standards Council of Canada that ISO take up the issue of the possibility of developing ISO standards on privacy (in general). An email was circulated to the ICSP on April 14 soliciting comments. Any agency not represented on the ANSI ISO Council may direct comments to NIST by May 9th for consideration as part of the NIST response.

Federal Participation in Standards Activities

> *Government Agency as Accredited SDO: Mike Hogan, NIST*

Mike Hogan presented an overview of the [NIST experience as an ANSI accredited Standards Developing Oganization](). NIST is currently the only active federal agency that is an ANSI accredited SDO. Activities include maintaining a canvassing body, maintaining compliance with ANSI requirements including changes, maintaining procedure updates and going through routine ANSI audits. Benefits of procedural updates include documentation of institutional memory. Fees are paid out of appropriated funds.

> *ANSI Accreditation Criteria – Anne Caldas, ANSI*

Anne Caldas, Director of Procedures and Standards Administration, Accreditation Services, ANSI presented an overview of the ANSI process to accredit a standards developer. (See link for a copy of Ms. Caldas' presentation: Accreditation by ANSI as a Standards Developer).
Accreditation is not based on the scope of activity and ANSI is willing to discuss any of these topics with agencies individually. Additional information on ANSI's procedures and criteria may be found at the following link:
http://www.ansi.org/standards_activities/domestic_programs/overview.aspx?menuid=3

Nanotechnology Standards Coordination Efforts: Issues for Government Agencies – Ajit Jilla, NIST

Ajit Jilla, NIST Standards Services Division and member of the ANSI Nanotechnology Standards Panel, and the US Technical Advisory Group (TAG) to ISO TC229 (Nanotechnologies), presented an overview of standards activities in the nanotechnology area. Standards activities are currently focused on terminology, health, safety and the environmental impact aspects of these new materials, as well as techniques for property measurement. ASTM has developed a terminology standard which may be downloaded at no charge: http://www.astm.org/Standards/E2456.htm. This standard was developed by Committee E56 on Nanotechnology (Subcommittee on Terminology and Nomenclature E56.01) There are a number of other subcommittees under E56. See ASTM E56 committee webpage for additional information including a listing:http://www.astm.org/COMMIT/COMMITTEE/E56.htm.

The OECD (Organisation for Economic Co-operation and Development) and ISO have established activities in the nanotechnology area. There is limited USG participation.

There was some discussion of coordination among US Government agencies and how the US Government's position is developed. There was discussion of a need for further coordination of activities across agencies. Agencies may want to become familiar with or become involved with the ANSI Standards Panel on Nanotechnology (http://www.ansi.org/standards_activities/standards_boards_panels/nsp/overview.aspx?menuid=3) including ANSI's US TAG on nanotechnology (http://www.ansi.org/standards_activities/standards_boards_panels/tc229.aspx?menuid=3)

GMF Only Session – Greg Saunders, Chair

ANSI Leadership Meetings with Senior Executive Department Officials – Greg Saunders, GMF Chair and Scott Cooper, ANSI

Scott Cooper described ANSI's plans to set up informational meetings with senior government officials and brought up the idea of involving the agency Standards Executives. There was some discussion of the need for Standards Executive involvement and that involvement might better be tailored to the agency on a case by case basis.

GMF Adjourns