

TO: Kevin F. Neyland
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Office of Information and Regulatory Affairs (OIRA)
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FROM: S. Joe Bhatia
President and Chief Executive Officer
American National Standards Institute (ANSI)

RE: Request for Comments on 74 FR 5977 “Executive Order on Federal Regulatory Review”

Dear Mr. Neyland:

The American National Standards Institute (ANSI) welcomes the opportunity to provide comments on 74 FR 5977, the proposed “Executive Order on Federal Regulatory Review.”

ANSI serves as coordinator of this nation’s private sector-led and public sector-supported standardization system. The Institute oversees the creation, promulgation, and use of thousands of norms, guidelines, and conformance activities that directly impact businesses in nearly every industry. And ANSI cooperates with government agencies at the federal, state, and local levels to achieve optimum compatibility between government laws and regulations and the voluntary standards of industry and commerce.

In this role, ANSI coordinates a consensus-based, public-private partnership that seeks input and participation from a broad range of U.S. government agencies, industry sectors, standards developers, consumer groups and others.

In addition, ANSI speaks as the U.S. voice in standardization forums around the globe. And, through its network of members, the Institute represents the interests of more than 125,000 organizations and companies and 3.5 million professionals worldwide.

The robust U.S. standardization system is proof that the consensus-based, public-private partnership works – one of the best examples of this success is the *National Technology Transfer and Advancement Act of 1995* (NTTAA), Public Law 104-113.

This law directs all federal government agencies to use, wherever feasible, standards and conformity assessment solutions developed or adopted by voluntary consensus standards bodies in lieu of developing government-unique standards or regulations. The NTTAA also requires government agencies to participate in standards development processes, given that such involvement is in keeping with an agency’s mission and budget priorities.

The NTTAA remains the cornerstone for promoting the use of voluntary consensus standards and conformance for both regulation and procurement at the federal level. OMB – through its Circular A-119 – confirms that close interaction and cooperation between the public and private sectors is critical to developing and using standards that serve national needs and support innovation and competitiveness.

Since the NTTAA became law in 1995, the U.S. federal government has saved millions of dollars by using consensus standards for procurement purposes and mitigating overlap and conflict in regulations. During the last decade, tremendous progress has been made in the cooperative standardization efforts of industry and government, including significant accomplishments in such critical areas as health and safety, security and defense, protection of the environment, and technological advancement.

It is ANSI's view that public policy should build upon demonstrated success in this area and continue to encourage government, consumers, industry, and voluntary standards developers to rely upon the public-private partnership model to explore consensus-based solutions to key national priorities.

The key to a successful partnership is active participation, which requires support and resources from government policy makers at all levels.

The federal government is already a key player in the U.S. standardization system. The thousands of agency representatives who participate in the private sector-led standards development process are instrumental in ensuring agency compliance with the NTTAA and OMB Circular A-119. Even more importantly, government participation means that government users understand both the intent and content of specific standards and conformity assessment activities. Government representatives currently participate in the activities of hundreds of standards developing organizations, at both the technical and policy levels.

Standards and conformity assessment are essential to a sound national economy and to the facilitation of global commerce. The global standardization landscape is rich with entities, systems and processes, and both the U.S. government and private sector participate in international standards activities in a variety of ways: through treaty organizations where governments are members; through private, voluntary organizations where the United States is represented by a single "national body" organization; through professional and technical organizations whose membership is on an individual or organizational basis; and through consortia, whose membership is typically technology based.

Our nation's market-driven, private sector-led approach to global standardization is substantially different from the top-down approach favored in many other countries. Though the U.S. system is unique, it is based upon a set of globally accepted principles for standards development, many of which are echoed in President Obama's request for recommendations on Federal Regulatory Review. These include:

- ***Transparency***
Essential information regarding standardization activities is accessible to all interested

parties.

- ***Openness***
Participation is open to all affected interests.
- ***Impartiality***
No one interest dominates the process or is favored over another.
- ***Effectiveness and Relevance***
Standards are relevant and effectively respond to regulatory and market needs, as well as scientific and technological developments.
- ***Consensus***
Decisions are reached through consensus among those affected.
- ***Performance Based***
Standards are performance based (specifying essential characteristics rather than detailed designs) where feasible.
- ***Coherence***
The process encourages coherence to avoid overlapping and conflicting standards.
- ***Due Process***
Standards development accords with due process so that all views are considered and appeals are possible.
- ***Technical Assistance***
Assistance is offered to developing countries in the formulation and application of standards.

The continued strength of the U.S. standardization system depends upon the ongoing effective cooperation of government and industry. The NTTAA, as recognized by OMB Circular A-119, is an excellent example of how the public-private partnership is already working to meet and exceed the public policy goals described in your Request for Comment.

Working in partnership with stakeholders from government and industry, ANSI is dedicated to the continued exploration of how standards and conformity assessment-based solutions – developed with the consensus of all interested parties – can meet the critical needs of the United States and the entire global community.

Thank you very much for your consideration of these comments. Please do not hesitate to call on me should you need any additional information.

Best regards,

S. Joe Bhatia
President and CEO

American National Standards Institute

Additional Resources

- The *United States Standards Strategy*

www.us-standards-strategy.org

- *ANSI Reporter* - Special Feature on the National Technology Transfer and Advancement Act (NTTAA)

[http://publicaa.ansi.org/sites/apdl/Documents/News%20and%20Publications/ANSI%20Reporter%20\(public\)/ANSI%20Reporter%20Special%20Feature%20-%20NTTAA.pdf](http://publicaa.ansi.org/sites/apdl/Documents/News%20and%20Publications/ANSI%20Reporter%20(public)/ANSI%20Reporter%20Special%20Feature%20-%20NTTAA.pdf)