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**Before the
 Office of Management and Budget
 Washington, D.C.**

In the Matter of:)
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)
 Federal Participation in the)
 Development and Use of Voluntary)
 Consensus Standards and in)
 Conformity Assessments Activities)
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**COMMENTS OF THE
 CONSUMER ELECTRONICS ASSOCIATION**

The Consumer Electronics Association submits these comments on the Request for Information and Notice of public workshop for *Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*, published in the Federal Register on March 30, 2012.

The Consumer Electronics Association (CEA) is the preeminent trade association promoting growth in the \$195 billion U.S. consumer electronics industry. More than 2,000 companies enjoy the benefits of CEA membership, including legislative advocacy, market research, technical training and education, industry promotion, standards development and the fostering of business and strategic relationships. CEA also owns and produces the International CES – The Global Stage for Innovation.



CEA is accredited by the American National Standards Institute as a Standards Development Organization to develop essential standards for the consumer electronics industry. CEA has more than 70 committees, subcommittees and working groups and roughly 1,100 participants engaged in its standards-setting program. CEA standards are reference in regulations and programs by the Department of Energy, the Federal Communications Commission, the Environmental Protection Agency, and others. Our standards are continuously reviewed to ensure they remain relevant to the fast moving, high-tech sector we serve. Review and revisions to existing CEA standards occur as needed, but no less than every five years. CEA standards are available for purchase online and range in price from approximately \$25 to \$500. Federal government agencies routinely receive complimentary copies of CEA standards free of charge upon request.

The National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104-113) directs Federal agencies and departments to use technical standards that are developed or adopted by voluntary, consensus standards bodies whenever possible. Industry technical standards are expected to serve as a means to carry out policy objectives or activities determined by the agencies and departments. Revisions made to OMB Circular A-119 in February 1998 further instruct agencies to use voluntary, consensus standards in lieu of government-unique standards “except where inconsistent with law or otherwise impractical.” The policies in this Circular are intended to reduce to a minimum the reliance by agencies on government-unique standards.

In January 2012 the Office of Management and Budget, the Office of Science and Technology Policy, and the United States Trade Representative issued further guidance on Federal engagement in standards activities to address national priorities. Here the Federal government stresses that reliance on private sector leadership, supplemented by Federal government contributions, remains the primary strategy for government engagement in standards development.

The Federal government benefits greatly from the use of technical standards produced by the industry-led, standards-setting process. Yet Federal agencies often seem intent on writing their own, unique standards. Indeed, CEA recently noted in a separate proceeding that a Federal agency was relying on select portions from several different standards and specifications in proposed, new regulations. Yet, an industry consensus standard already exists that meets the needs of the agency and the regulation it is drafting. In fact, the agency is participating in the standards-setting working group currently updating this particular standard. By relying on portions of several source standards, the Federal agency is - in effect - creating a new standard. CEA does not believe that picking and choosing specific sections from several source standards and specifications is consistent with the obvious intent of the NTTAA.

Duplication of standards-setting efforts wastes valuable resources and taxpayer funds and increases the costs of doing business. Moreover, it threatens the effectiveness of industry-led efforts by creating multiple standards when existing standards suffice.

When the Federal government circumvents the industry standards process by writing their own, unique standards or by using select portions of multiple technical documents, the private sector, standards-setting process is jeopardized. The private sector process can only succeed if participants believe that the ensuing standards will be used by Federal, State, and local governments when necessary and appropriate. For the public sector to invest the required time and resources in the creation of standards, it must have reasonable assurance that the government will rely on its work.

As a participant in the standards-setting process the Federal government can, and should, help shape the standards they reference. This would ensure that industry-led standards are consistent with law and practical for reference by the government. CEA urges OMB to develop supplemental guidance for the Circular to ensure that appropriate agency personnel are empowered with the authority to represent their agency's interests in industry-led standards-setting bodies.

CEA's market driven approach to standards development offers flexibility, efficiency and a timeliness that is unmatched in government. CEA's partnership with the American National Standards Institute ensures our reputation as a credible standards-making body. By participating in standards development activities and by implementing industry standards, the Federal government can streamline processes and trim costs. Reliance on industry standards will ensure that government has the best technologies and processes available for their needs. Federal government resources would best be spent by strengthening cooperation with voluntary, private sector standards bodies like CEA.

Government participation in the development of industry-led technical standards, and the use of such standards by government, is in the public interest and benefits all stakeholders equally.

Respectfully submitted,



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