

In the Matter of)	
)	
Revision of OMB Circular A-119, Federal)	Docket No. 2014-02891
Participation in the Development and Use of)	
Voluntary Consensus Standards and Conformity)	
Assessment Activities)	

**JOINT COMMENTS OF THE U.S. NATIONAL COMMITTEE TECHNICAL ADVISORY
GROUP (USNC TAG) TO INTERNATIONAL ELECTROTECHNICAL COMMISSION
TECHNICAL COMMITTEE (IEC TC) 80,
THE RADIO TECHNICAL COMMISSION FOR MARITIME SERVICES (RTCM)
AND THE NATIONAL MARINE ELECTRONICS ASSOCIATION (NMEA)**

Introduction

The U.S. National Committee of the International Electrotechnical Commission (USNC/IEC) serves as the focal point for U.S. parties who are interested in the development, promulgation and use of globally-relevant voluntary consensus standards. The USNC is the United States’ representative to the IEC and is sponsored by the American National Standards Institute. The USNC operates on the basis of Technical Advisory Groups (TAGs), one for each IEC Technical Committee (TC) or Subcommittee (SC) on which the USNC is a “Participating” (“P”) Member. A TAG consists of all U. S. national interested parties (companies, organizations, government agencies, etc.) directly and materially affected by the work of the TC/SC.

These are the comments of one specific USNC TAG, the TAG for the IEC Technical Committee 80 - *Maritime navigation and radiocommunication equipment and systems*. The scope of TC80 is to prepare standards for maritime navigation and radiocommunication equipment and systems used on ships and where appropriate on shore for safety of navigation as well as distress and safety communications purposes. TC80 has currently published 38 standards of which 34 support International Maritime Organization (IMO) requirements¹. The Committee’s objective is to publish voluntary consensus standards that gain international acceptance, and thus provide international industry with a single equipment standard, which is accepted by Administrations, as suitable for type approval where this is required by the IMO Safety of Life at Sea (SOLAS) Convention and certification where this is required by the International Telecommunications Union (ITU). Both IMO and ITU are United Nations-Specialized Agencies, whose decisions typically have treaty status in the U.S. This objective is achieved, in most cases, by ensuring that the Committee has representatives from industry, Government, the user and test certification bodies.

¹ IEC TC80 Good Working Practice version 3 p.3,
http://www.iec.ch/dyn/www/f?p=103:7:0:::FSP_ORG_ID,FSP_LANG_ID:1271,25

The Radio Technical Commission for Maritime Services (RTCM) is a non-profit organization whose objectives include studying and preparing reports on maritime electronic navigation and telecommunications practices. Established by the U.S. government in 1947 to support technical decision-making in the area of maritime radiocommunications, RTCM is now a membership organization that supports and encourages needed improvements in maritime communications and electronic navigation. RTCM develops and publishes voluntary consensus technical standards.

The National Marine Electronics Association (NMEA) is a 57 year old international non-profit membership organization comprised of a variety of sectors from the maritime industry. The members include installers, dealers, electronic equipment manufacturers, boat builders, government agencies and other adjacent associations. NMEA has been developing and maintaining digital navigation and communication voluntary interface standards since 1980. NMEA is active in the facilitation and adoption of globally-accepted standards advancing interoperability of marine radiocommunications, navigation and other electronic systems.

The US Coast Guard and the Federal Communications Commission typically implement these IEC TC 80, RTCM and NMEA voluntary consensus standards incorporating them by reference into Titles 33 and 46 (USCG) and Title 47 Part 80 and 95 (FCC) of the US Code of Federal Regulations.

Comments

The USNC IEC TC80 TAG, RTCM and NMEA support these changes to OMB Circular A-119, but believes that certain planned revisions as currently worded would be ineffective in light of mandated federal cutbacks unless reasonably strengthened. Four specific recommendations are proposed: federal participation in standards groups, timely updating of standards referenced in regulations, inclusion of independent agencies, and cybersecurity.

Encouraging Agency Use of Standards and Participation in Standards Development Activities

We agree with the commenters who encourage Federal participation in the development of voluntary consensus standards. Federal representation by relevant technical subject matter experts is essential in ensuring that voluntary consensus standards developed or updated for the purpose of incorporation by reference in federal regulations remain relevant to the regulations' purposes. Nevertheless in many agencies including the Coast Guard, travel of experts to standards meetings have become restricted, often significantly, by budget cutbacks targeting funding used for travel. Even where exemptions to mandated travel cutbacks exist, travel to

standards meetings has generally not been included. We propose that language be added to the Circular strongly encouraging federal representation in the development and updating of voluntary consensus standards intended for incorporation into federal regulation by relevant technical subject matter experts. Where practical and if allowed by federal law, attendance at relevant voluntary consensus standards meetings should be included among exemptions in targeted funding cutbacks and limits to federal travel.

Encouraging the Timely Updating of Standards

We agree with the commenters which noted that many voluntary consensus standards “incorporated by reference” in regulations are outdated, often significantly so. Voluntary consensus standards developed by IEC TC80, RTCM and NMEA for purposes of ensuring navigation safety and the availability of reliable safety communications have been similarly affected.

We have found that the regulatory process for even non-controversial regulations of the USCG/Department of Homeland Security/OMB is typically lengthy and time consuming, requiring over time significant agency resources. Additionally, we propose that OMB encourage or require agencies use technical amendments for this purpose. Because use of those resources must be prioritized, updating regulations incorporating voluntary consensus standards by reference can be difficult to accomplish or even impractical. Even the FCC, whose regulations do not involve departmental review or OMB review, has difficulty updating its regulations in a timely manner simply to replace references to outdated standards with current ones.

To overcome this difficulty, we propose that OMB encourage agencies routinely (e.g. every third year) open up all of their regulations solely for the purpose of allowing the updating references to outdated voluntary consensus standards. Let the commenters identify references to outdated standards and propose updated versions. Standards organizations may know better than the agencies which regulations have references to outdated standards and which are acceptable as is.

Inclusion of Independent Federal Agencies

The draft revised Circular is addressed to the heads of Executive Departments and Agencies. Nevertheless it is in the national interest that the heads of independent federal agencies such as the Federal Communications Commission also be addressed in this Circular, since the topics addressed in this Circular affect those agencies. Since those agencies also incorporate voluntary consensus standards by reference into their regulations, their employees also should participate in standards development, and those agencies should be invited to manage and report on the development and use of voluntary consensus standards as described in section 10 of the draft revised Circular. While it is true that the OMB cannot mandate participation by those agencies, it can invite participation. We propose that affected independent agencies be so invited.

Cybersecurity

On February 12, 2013 the President issued an Executive Order on improving critical infrastructure cybersecurity². Sec. 7(a). *Baseline Framework to Reduce Cyber Risk to Critical Infrastructure* states that “The Secretary of Commerce shall direct the Director of the National Institute of Standards and Technology (the "Director") to lead the development of a framework to reduce cyber risks to critical infrastructure (the "Cybersecurity Framework") The Cybersecurity Framework shall incorporate voluntary consensus standards and industry best practices to the fullest extent possible. The Cybersecurity Framework shall be consistent with voluntary international standards when such international standards will advance the objectives of this order, and shall meet the requirements of ... OMB Circular A-119, as revised.” On February 12, 2014 the President announced the launch of the cybersecurity framework³.

IEC TC80, RTCM and NMEA develop maritime voluntary consensus standards affecting critical infrastructure as defined by Sec. 2 of the Executive Order⁴. Over 90% of world trade is transported by sea. According to the United Nations Conference on Trade and Development (UNCTAD) in 2012, this totaled some 8.7 billion tons (45 000 billion ton miles), of which about 33% was oil, 27% was bulk (ore, coal, grain and phosphates), the remaining 40% being general cargo⁵. IEC TC80, RTCM and NMEA voluntary consensus standards affect the navigation and safety communications of all ships engaged in this trade.

Nevertheless IEC TC80, RTCM and NMEA standards generally do not address the cybersecurity risk, nor are participants in these standards activities, including government participants, generally skilled in cybersecurity technology⁶. The international press has reported on the vulnerability of systems built to these standards⁷.

We therefore propose that OMB include in its Circular reference to this Executive Order and Cybersecurity Framework. We also urge OMB in its Circular ask Federal agencies provide appropriately skilled cybersecurity technical experts as representatives to relevant voluntary consensus standards working groups in which the security of critical infrastructure is affected.

² Executive Order -- Improving Critical Infrastructure Cybersecurity <http://www.whitehouse.gov/the-press-office/2013/02/12/executive-order-improving-critical-infrastructure-cybersecurity>.

³ <http://www.whitehouse.gov/the-press-office/2014/02/12/launch-cybersecurity-framework>

⁴ “Sec. 2. Critical Infrastructure. As used in this order, the term critical infrastructure means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.”

⁵ IEC TC80 Strategic Business Plan, SMB/5156/R, Sep 2013 Section B, http://www.iec.ch/dyn/www/f?p=103:7:0:::FSP_ORG_ID,FSP_LANG_ID:1271,25.

⁶ The draft standard IEC 61162-460 Safety and Security for Ethernet interface is the sole exception.

⁷ For example see http://www.japantimes.co.jp/news/2014/04/25/world/interconnectivity-exposes-global-shipping-fleet-to-hacking-threat/#.U16-915X_wc



5/2/2014

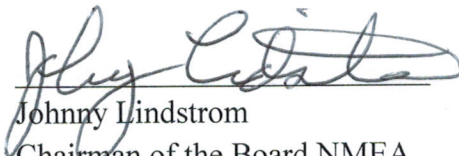
date

T. Strickland
Technical Advisor and Administrator
USNC IEC TC80 TAG



date

Robert M. Markle
President RTCM



5-5-2014

date

Johnny Lindstrom
Chairman of the Board NMEA