

R2 Solutions

*promoting environmentally responsible
electronics recycling practices*

May 12, 2014

**Office of Management and Budget
725 17th Street, NW
Washington, DC 20503**

**Re: Federal Participation in the Development and Use of Voluntary
Consensus Standards and in Conformity Assessment Activities
(Circular A-119)**

R2 Solutions (“R2S”) appreciates the opportunity to respond to OMB’s “Request for Comments on a Proposed Revision of OMB Circular No. A-119, ‘Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities’; Notice of Availability,” Vol. 79 Federal Register No. 28 (11 February 2014) pp. 8207-08.

R2S is an independent non-profit organization established in 2010 to administer and educate the public about the R2 Standard. The R2 Standard is the premier global environmental, worker health and safety standard for the electronics refurbishing and recycling industry – and the only voluntary consensus standard governing the refurbishment and recycling of end-of-life electronics.

As provided in Circular A-119 Revised (1988), and carried forth into this proposed revision, a voluntary consensus standard (VCS) development process is defined by the following elements: openness, balance of representation, due process, opportunity for appeal and consensus decision-making. These elements characterize the process by which the R2 Standard was developed and, importantly, they are codified in the Charter under which all R2 Standard development must proceed.

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The current R2 Standard was developed by the R2S Technical Advisory Committee (TAC). The TAC was open, diverse and balanced. It engaged in an 18-month development process that included the solicitation and consideration of public comment, and a transparent and fair treatment of all competing views. After unanimous approval was reached by the TAC on a draft, the R2S Board of Directors allowed for appeals by commenters and then adopted the final version.

R2S is committed to ensuring that future R2 Standard development activities also meet the elements required for developing VCS. As noted above, the TAC Charter, which governs all R2 development activities, establishes a comprehensive and carefully structured standard development process based on the principles of openness, balance, due process, opportunity for appeal and consensus-based decision-making. <http://asoft10298.accrisoft.com/r2solutions/about/r2-technical-advisory-committee-charter/>.

With this background in mind, R2S submits the following comments:

Preference for voluntary consensus standards.

R2S strongly supports the proposed revisions to Circular A-119 which reassert and strengthen the preference for agency use of VCS. R2S seeks additional clarity, however, regarding who will make the decision that a particular standard constitutes a VCS and how?

Revised §13(a) assigns responsibility to the Secretary of Commerce for providing guidance to agencies on implementing Circular A-119, “including guidance on identifying voluntary consensus standards bodies and voluntary consensus standards.” Will such guidance identify specific VCB and/or VCS, or rather will it provide a framework for making those decisions at the Head of Agencies or Agency Standard Executive level? Moreover, what criteria will the ultimate decision-maker use for VCB/VCS identification? Will VCB/VCS identifications made by other bodies be considered binding upon agencies, e.g., ANSI accreditation of a VCB/VCS?

R2S seeks clarification on these questions and, regarding the last, recommends that OMB advise agency adherence to VCB/VCS identification by ANSI. This would allow agencies to leverage the expertise and resources of that private standards organization, consistent with the overall purposes of Circular A-119.

Guidance on use of standards and participation in standard development.

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R2S supports the revisions to Circular A-119 providing guidance on agency use of standards and participation in standard development, particularly those revisions which establish a preference for performance standards and which discuss whether and when agencies should use more than one standard to meet their program goals.

Regarding the latter, OMB suggests that in certain contexts, including environmental protection, “it may be preferable for an agency to allow the use of only one standard.” R2S urges OMB to expand upon this suggestion through a broader discussion of those contexts best suited to a single standard.

Guidance on conformity assessment.

R2S supports the revisions to Circular A-119 regarding conformity assessment, including their reliance upon private accreditation/certification schemes whenever appropriate.

Enhanced transparency.

R2S supports the revisions throughout Circular A-119 regarding increased agency transparency when making standards-related decisions and when participating in standards development activities.

Burden reduction.

R2S supports the revisions to Circular A-119 regarding burden reduction, subject to the comments above regarding expanding guidance on single standard use.

International considerations.

As an international organization with a global focus, R2S supports the revisions to Circular A-119 regarding international considerations.

In summary, R2S generally supports the revisions to Circular A-119 and their strengthening of the preference for agency use of VCS. R2S seeks additional clarity, however, regarding who will make the decision that a

particular standard constitutes a VCS, and urges reliance upon ANSI VCB/
VCS accreditation in such decision-making.

Respectfully submitted by:

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