



## Response to 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

**79 FR 8207**

Office of Management and Budget

Thank you for the opportunity to comment on the Request for Comments on a Proposed Revision of OMB Circular A-119. The National Association of State Boating Law Administrators (NASBLA) is an organizational member of the American National Standards Institute (ANSI), coordinator of the U.S. standards and conformity assessment system, and would like to file a letter of support for the comments filed by ANSI per this Request for Comments. We have used their letter, filed on or about May 6, 2014, as a blueprint for our comments.

As a new applicant to ANSI for accreditation as a Standards Developer Organization (SDO), NASBLA is implementing full use of the voluntary consensus standards developing process, working with federal agencies and states to ensure broad participation in and support of standards development activities for the nation's recreational boating community. As with other standards development processes, our standardization community highly values the expert input that government employees provide and the reliance that agencies demonstrate by adopting voluntary consensus standards and compliance programs. The proposed revision of OMB Circular A-119 continues to be supportive of this public-private partnership.

The revision to OMB Circular A-119 creates a distinction between those activities that result in voluntary consensus standards and those that take place outside of that process. NASBLA supports this "multiple-path approach" to standardization, and, in fact, our experience has shown that each pathway provides a unique opportunity to build toward a standard of national and/or global applicability – be it an American National Standard developed by an ANSI-accredited SDO, a voluntary consensus standard developed by an SDO or consortium, or a voluntary non-consensus standard developed by a consortium.

NASBLA supports ANSI's statement *"that agencies should have wide latitude in deciding when a particular standard – whether it be a voluntary consensus standard or a voluntary non-consensus standard – is best suited for the needs of that agency."* As a new applicant for standards developer organization accreditation, NASBLA expresses support for ANSI's discussion points regarding the proposed revision to OMB Circular A-119's potential impact to ANSI's existing *Essential Requirements*. ANSI's *Essential Requirements* have historically aligned with OMB A-119 and the *National Technology Transfer and Advancement Act* (NTTAA). It is vital to avoid confusion among standards developers and users and to ensure the continued existence of a responsive voluntary consensus standards development system in the United States. NASBLA supports ANSI's comments regarding *Essential Requirements* addressing Openness, Balance of Representation, Due Process, Appeals Process, and

Consensus. In addition, NASBLA also shares concerns expressed by ANSI regarding Suitability of a Standard and Financial Support of SDOs and Standards Development Work.

Regarding Financial Support of SDOs and Standards Development Work, of particular concern is the proposed elimination of statement 7.c (1) from the current version of OMB Circular A-119. The current version reads:

*7. C. What forms of support may my agency provide?*

The form of agency support may include the following:

**(1) Direct financial support; e.g., grants, memberships, and contracts.**

(2) Administrative support; e.g., travel costs, hosting of meetings, and secretarial functions.

(3) Technical support; e.g., cooperative testing for standards evaluation and participation of agency personnel in the activities of voluntary consensus standards bodies.

(4) Joint planning with voluntary consensus standards bodies to promote the identification and development of needed standards.

(5) Participation of agency personnel.

As NASBLA and the national non-profit boating organization community benefits from grants from the Sport Fish Restoration and Boating Trust Fund administered by the US Coast Guard in support of our standards development work, the absence of 7.c. (1) from the proposed revision is of deep concern.

Agencies need to know clearly that they are permitted to support SDOs and standards development activities. Active participation by federal government stakeholders is essential to the development of voluntary consensus standards. NASBLA supports ANSI's recommends that the revisions to OMB Circular A-119 include a strong reminder to all federal agencies to give adequate priority to standards developing work including the travel budget needed for direct participation.

Additional comments filed by ANSI address a range of items including Compliance with International Obligations, Enhanced Transparency and Stakeholder Participation, Strengthening the Role of Agency Standards Executives, and Management and Reporting on the Development and Use of Standards. These comments were compiled to reflect a general consensus of the ANSI member community. As one of the newest members, NASBLA is happy to lend our statement of support for these comments.

Sincerely,



John Johnson, Chief Executive Officer  
National Association of State Boating Law Administrators  
1648 McGrathiana Parkway, Suite 360  
Lexington, KY 40511

Phone: 859-225-9487

Email: john@nasbla.org