

DRAFT Meeting Report
ANSI National Policy Committee (NPC) Meeting

ANSI
Washington, DC
1899 L Street, NW
11th Floor
Washington, DC 20036

October 27, 2011

AGENDA ITEM 1 – ORGANIZATIONAL MATTERS

1.1 Welcome and Opening Remarks

Ms. Mary
Saunders

The Chair welcomed attendees. Participants introduced themselves and quorum was established. See Attachment A for a list of attendees.

**1.2 Approval of Agenda
(Action)**

Ms. Mary
Saunders

Document: NPC 011-2011

As no modifications to the draft agenda were requested, it was approved as distributed.

Action: NPC 011-2011 approved.

AGENDA ITEM 2 – STATUS OF ACTION ITEMS, LAST MEETING

**2.1 Status of Action Items from Last Meeting
(Information / Discussion)**

ANSI Staff

Staff review of the action item that resulted from the May 2011 NPC meeting took place under Agenda item 5.

Action: None.

AGENDA ITEM 3 – NSTC SUBCOMMITTEE ON STANDARDS

3.1 NSTC Subcommittee on Standards (SOS) (Information/Discussion)

Ms. Mary
Saunders

Documents: NPC 012-2011

Ms. Saunders led a discussion on the recently issued Report on *Federal Engagement in Standards Activities to Address National Priorities*. ANSI, as well as some 91 other organizations, submitted comments in response to the SOS's December 8, 2010 Request for Information (RFI). ANSI's coverage of this Report and a link to it is available at:

http://www.ansi.org/news_publications/news_story.aspx?menuid=7&articleid=3037

Ms. Saunders' presentation (NPC 012-2011) highlights the NSTC SOS background, RFI, profile of respondents, general themes and the Report's policy recommendations.

It was noted that comments on the Report are welcome. As to next steps for the NSTC SOS, a policy memo that will reflect NSTC recommendations is under development and will provide policy guidance to Federal Agencies. These recommendations reinforce OMB A-119 and current policies; they build on the current principles, but do not supersede them.

Action: Post Ms. Saunders' presentation for NPC access.

AGENDA ITEM 4 – ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

4.1 Administrative Conference of the United States (ACUS) (Information/Discussion)

Ms. Emily
Schleicher
Bremer

Documents: NPC 013-2011

Ms. Emily Schleicher Bremer, Attorney Advisor and In-house Researcher for ACUS (www.acus.gov), gave a presentation on the ACUS draft Report that addresses *Incorporation by Reference*. Information about the project is available here:

<http://www.acus.gov/research/the-conference-current-projects/incorporation-by-reference/>

As noted by ACUS, "incorporation by reference" allows Federal Agencies to fulfill their legal obligation to publish rules in the Code of Federal Regulations (CFR) by referring to standards or other materials that have been published elsewhere.

Ms. Bremer acknowledged as very positive, the current private-public cooperative relationship with respect to standards, e.g., OMB A119 and the NTTAA. Within the current landscape, Federal Agencies work directly with copyright holders to ensure and increase access to copyrighted documents that may be referenced in Regulations.

The Recommendations that will be included in the *Incorporation by Reference* Report were discussed by an ACUS committee on October 28, 2011, and will be voted on at the December 2011 ACUS Plenary meeting, and thereafter issued as guidance to the Agencies. Although compliance with ACUS Recommendations is not mandatory, the Recommendations are impactful and Agencies are encouraged to implement them.

Attendees discussed issues related to Agency referencing practices, including:

- The reference update process can take significant time.
- Congress should not mandate updated references across-the-board as there may be a valid reason why an Agency could not comply.
- Outdated references can be problematic for standards users. A Federal Agency's rules may cite a prior version of a standard, which may be outdated or obsolete, thus, users and the public lose the benefit of the improvements incorporated in the most current version of a standard.
- Agencies employ various approaches to reliance on voluntary consensus standards. The Coast Guard's model was cited as an effective one.

Attendees agreed that all look forward to reviewing the final Report and to continued engagement with ACUS.

Action: None.

AGENDA ITEM 5 – REPORTS AND ACTION ITEMS

5.1 Government Affairs Update

Mr. Scott Cooper

Scott Cooper, ANSI VP Policy & Government Affairs updated the NPC on ANSI's current government relations efforts.

5.1.1 Legislation (Information)

Mr. Scott Cooper

Mr. Cooper provided updates on the status of legislation of interest to the NPC.

Food Safety Modernization Act (FSMA)

Mr. Cooper noted that this is the last of the significant bills that passed in the last Congress. It is expected that the final rule will address 3rd party certification. He highlighted several aspects of the Act:

- Reference to “Science-based” standards.
- Allows foreign governments to be accredited.
- Audit reports are to be available to officials within 45 days; thus, a quick turnaround is expected. This also allows the FDA and other oversight groups to know what is going on in the field and food processing factories..

Some highlights of the Bill follow:

- Sec. 808 Accreditation of Third-Party Auditors:
“Accreditation Body...means an authority that performs accreditation of third-party auditors”

“Third-Party Auditor...means a foreign government...or other third party as the Secretary determines appropriate...”
- Sec. 808(b)(1) Recognition of Accreditation Bodies: No later than 2 years, the Secretary ‘shall establish a system for the recognition of accreditation bodies that accredit third-party auditors...”
- Sec. 808(b)(2) Model Accreditation Standards: Not later than 18 months, Secretary shall develop model standards “for regulatory audit reports, and each accreditation body shall ensure that the third-party auditors ...meet such standards”
- Sec. 808(c)(3) Audit Submission Requirements: No later than 45 days after conducting an audit, must be submitted “in a form or manner designated by the Secretary”
- Sec. 808(c)(4)(A) Risks to Public Health: “If at any time during an audit, an accredited third-party auditor...discovers a condition that could cause or contribute to a serious risk to the public health, such auditor shall immediately notify the Secretary...”

S. 1000: Energy savings in residential and commercial buildings.

Mr. Cooper noted that this Bill recognizes ASHRAE standards and ICC’s International Energy Conservation Code (IECC). The Bill establishes targets; if they are not met by a standard, however, then the Secretary is allowed to propose changes to the standard. If such changes are not accepted, then the Secretary may establish a modified code.

Attendees discussed some concerns with this approach as the standards development process works efficiently and effectively

when proposed changes are known in advance and thus, can be processed prior to the issuance of a standard. The consensus process is designed to allow the vetting of all duly proposed revisions. If proposed revisions fail, then they do so as a result of a due process based review, not arbitrariness. Accordingly, it appears that there may be a misunderstanding of at least the American National Standards (ANS) process and thus, an opportunity exists to educate staff and elected officials about its safeguards and integrity.

It was noted that even after a standard is promulgated, an Agency may choose which portions of it are acceptable and which are to be modified. This is similar to the State building code process, where a State may accept a base standard in whole or with some or many modifications, as the final code.

Some highlights of the Bill follow:

- Sec. 304(a)(1)(A) “Support the development of national model building energy codes, including the updating of ASHRAE and IECC model building codes and standards”
- Sec 304(a)(1)(C) “Targets for specific years shall be established and revised by the Secretary through rulemaking and coordinated with the IECC and ASHRAE...at the maximum level of energy efficiency that is technologically feasible and life-cycle cost-effective, while accounting for...economic considerations...”
- Sec 304(a)(3)(A) “The Secretary shall, on a timely basis, provide technical assistance to model code-setting and standards development organizations”
- Sec 304(a)(4)(B) “Codes or Standards Not Meeting Targets”: “If the Secretary makes a preliminary determination...that a code or standard does not meet the targets established...the Secretary may...provide the model code or standard developer with proposed changes that would result in a model code that meets the targets...”
- Sec 304(a)(4)(D) “If the Secretary makes a final determination...the Secretary shall...establish a modified national model building energy code”

Pipeline Safety Bills

Several related Bills in the House and Senate exist:

- H.R. 2845 – Committee on Transportation and Infrastructure.

Schuster R-PA and Mica R-FL. Awaiting Floor action.

- H.R. 2937 – Committee on Energy and Commerce. Upton R-MI and Dingell D-MI. Awaiting Floor action.
- Amendment offered and withdrawn to Transportation Committee bill. Brown (D-FL)

Some of the highlights of the Rep. Brown amendment are:

“Documents Incorporated By Reference in Guidance and Regulations...the Secretary of Transportation may not issue guidance or a regulation...that incorporates by reference any document or portion thereof unless the document or portion thereof is made available to the public *free of charge* on an Internet Web site maintained by the Secretary.” [emphasis added]

Same obligation for existing documents

Senate Bill:

- S. 275 Unanimously approved by the Senate. Lautenberg (D-NJ) and Rockefeller (D-WV)

These are some highlight of the Bill:

- Sec. 8. Public Education and Awareness
- Sec. 8(a)(4) “maintain a copy or, at a minimum a detailed summary of any industry-developed or professional organization pipeline safety standards that have been incorporated by reference into regulations, to the extent consistent with fair use.”
- Sec. 8(b) Public Availability “The requirements of subsection (a) shall be considered to have been met if the information required to be made public is made available on the Pipeline and Hazardous Material Safety Administration’s public Web site.”

Action: Scott Cooper to send briefing notes to the NPC regarding the bills discussed. These are outlined above.

5.2 **Update on Committee on Education (COE) Activities**
(Information)
Document: NPC 014-2011

Ms. Deborah
Prince

Ms. Deborah Prince, UL, COE Chair-Elect, gave an update on the COE's activities. Please refer to NPC 014-2011 for details and related urls.

In connection with WSW 2012, the COE will conduct a standards simulation exercise and a roundtable discussion with NIST's assistance and utilizing NIST's current in-house module. 25-50 students during WSW will be able to participate.

A suggestion was made to engage the FDA in such a simulation and to design the exercise so that it asks students to address an important problem and how standards could be applied to it.

Attendees noted and commended the positive growth and development of COE activities during the past several years.

Action: Those interested in learning more about or joining the COE, should contact Lisa Rajchel (lrajchel@ansi.org) of ANSI.

5.3 **Update on ANSI Executive Standards Council (ExSC) Activities**
(Information)
Document: NPC 015-2011

Ms. Claire
Ramspeck

Ms. Claire Ramspeck, Chair of the ANSI Executive Standards Council, provided an update on ExSC items of interest. A summary of the background related to the pending proposed revisions to ANS-related procedures is contained in NPC 015-2011.

In brief:

- ExSC 8096: These proposed revisions to the *ANSI Essential Requirements*, which related to conflict and duplication within the ANS process were withdrawn. However, the ExSC will continue to work on: 1) Enhancements to the existing PINS Guidance Document; 2) Definition of Duplication within the ANS Process; and 3) a limited set of proposed revisions related to the PINS Deliberation process and timeframes, which were announced for public comment in September 2011 as contained in ExSC 8189.
- ExSC 8169: These proposed revisions related to the shelf-life of a PINS. The public comments received are under review by an ExSC Task Group and will be discussed at the next ExSC meeting in February 2012.
- Three proposed revisions contained on the NPC Consent Agenda are:

- 8111: Annex A – *Operating Procedures of the ANSI ExSC*: Additional flexibility in the procedures that govern the relationship between a Secretariat and an ANSI-Accredited Standards Committee
- 8165: 1.3 Balance, *ANSI Essential Requirements*. Clarifies outreach requirements
- 8166: 2.5.5.5 Transfer of U.S. TAG Administrator, *ANSI International Procedures*. Clarifies voting requirements.

Recommendations for ExSC consideration were made and Ms. Ramspeck agreed that the ExSC would consider them as part of its February 2012 meeting agenda:

- Include as a footnote within the *ANSI Essential Requirements* clarification as to what mechanisms, in addition to *Standards Action*, constitute acceptable outreach efforts, e.g., website announcements, press releases, standing announcements in trade journals, etc.
- A review of the Balance provisions in the *ANSI Essential Requirements* should be undertaken to ensure that the requirements related to Balance are not minimized and are, indeed, reflected in the procedures as an important consideration.

Action: The ANSI ExSC will consider in February 2012, the above issues raised during the NPC discussions.

**5.4 Report from the Nominating Committee
(Information)**

Mr. William
Berger

NPC Nominating Committee Member, William Berger, provided an update on the Committee's activities.

The NPC needs to drop from 37 members to 36 to meet ExCo guidelines. The NPC Nominating Committee is fair and balanced in the selection of members nominated. Nominees' bios and history of attendance at NPC were taken into account. The Committee also nominated Chair & vice-chair of COE. The names will be released after accepted by the Board of Directors in their December 1st meeting.

Action: NPC Nominating Committee Report will be provided to the Chair of the ANSI Board of Directors.

AGENDA ITEM 6 – CONSENT AGENDA ITEMS

6.1 Approval of Report of Last Meeting

Ms. Mary

(Action)

Saunders

Document: NPC 008-2011

Action: Draft meeting report dated 06/22/2011 was approved as circulated.

6.2

Proposed Procedural Revisions

Ms. Claire
Ramspeck

(Action)

Document: NPC 016-2011, NPC 017-2011, NPC 018-2011

The ANSI NPC was asked to approved the following three proposed procedural revisions: NPC 016-2011, which clarifies outreach requirements with respect to American National Standard consensus body membership and the goal of balance as addressed in the *ANSI Essential Requirements*; NPC 017-2011, which clarifies voting requirements associated with the transfer of a U.S. TAG Administrator as addressed in the *ANSI International Procedures*; and NPC 018-2011, which is intended to add flexibility to current requirements that apply to standards developers that were accredited as ANSI-Accredited Standards Committees and is contained in the *Operating Procedures of the ANSI Executive Standards Council*. Each of these proposed revisions was announced for public comment in *Standards Action* and no comments were received.

Action: NPC 016-2011, NPC 017-2011 and NPC 018-2011 were approved for issuance in 2012.

AGENDA ITEM 7 – FUTURE MEETING DATES

7.1 Future Meeting Schedule

Ms. Mary
Saunders

The NPC was asked to select 2012 meeting dates.

Location: ANSI, Washington, DC

Date: May 21st

Time: 9:30 am – 1:00 pm

Host: ANSI

- Those in attendance did not favor a Friday, May 25th meeting date, noting that the 25th is the Friday before Memorial Day weekend and the traveling concerns that result. They asked to consider May 21st as an alternative to May 25th, understanding that although the CAPC has its meeting scheduled for 21st, perhaps the NPC could be held in the morning on the same day.
- Fall – TBD

Attendees agreed that inviting a guest speaker to future meetings to address a national priority issue or hot topic is encouraged.

Action: Chair to finalize meeting date with staff.

AGENDA ITEM 8 – ADJOURNMENT

8.1 Closing Remarks and Adjournment

Ms. Mary
Saunders

The meeting was adjourned at approximately 1:00 pm.

NATIONAL POLICY COMMITTEE – 2011 Roster

Bold denotes attendance at the Meeting

Chair: **Ms. Mary H. Saunders, NIST**
Staff: **Scott Cooper**

Voting Members: (37)

Mr. Vince A. Baclawski, NEMA (2012)
Mr. Dan Bart, Valley View Corporation (2012)
Mr. William Berger, ASME (2012)
Ms. Susan Blaeser, ASA (2013)

Mr. Neil Bogatz, IAPMO (2013)

Ms. Susan Carioti, ASIS International (2013)
Mr. Bruce DeMaine, Building Performance Institute (2011)
Mr. Michael DeSpain, John Deere (2013)
Mr. Jean-Paul Emard, ATIS (2013) Represented by Kerri Conn
Mr. Dale Gallmann, Bradley Corporation (2012)
Mr. Gordon Gillerman, NIST (2012)
Mr. Jeff Grove, ASTM International (2012)
Mr. Eduardo Gutentag, Oracle (2013)
Ms. Heidi Hijikata, DoC (2011)
Ms. Susan Hoyler, Qualcomm (2011)
Mr. Prasad Kadambi, American Nuclear Society (2013)
Mr. John D. Kulick, Siemens (2012)
Mr. Hung Ling, Alcatel Lucent (2013)
Ms. Amy Marasco, Microsoft (2013) Represented by Eric Wenger

Non-voting Member: (43)

Mr. Dave Adams, Hewlett Packard
Dr. George W. Arnold, NIST
Mr. Colin B. Church, CPSC
Dr. Belinda Collins, NIST
Mr. Andrew R. Davis, American Welding Society
Mr. Donald Deutsch, Oracle
Mr. Thomas Eberhardy, Bradley Corporation
Mr. Scott R. Edwards, Gentex Corporation
Mr. Tim Fisher, ASSE
Mr. Rich Forselius, UTC/Sikorsky Aircraft Corporation
Ms. Cynthia L. Fuller, ACS X9, Inc.
Mr. John Gayler, American Welding Society
Ms. Cristin Goodwin-Flynn, Microsoft
Ms. Laura Hitchcock, Boeing Company
Ms. Claire Kammer, UL
Mr. Jason Mahler, Oracle
Mr. Bruce L. Mahone, SAE
Ms. Elise McIntosh, Kavi Corporation
Ms. Nancy McNabb, NFPA
Ms. Rae McQuade, NAESB
Ms. Susan M. Miller, ATIS
Mr. Edward F. Mikoski, Jr., ECA

Ms. Shazia McGeehan, CEA (2013)
Dr. Mary McKiel, U.S. EPA (2013)
Mr. David Miller, American Petroleum Institute (2013)
Ms. Christine Neuro, Professional Testing Inc. (2013)
Mr. Stephen P. Oksala, SCTE (2012) Represented by Tom Russell
Mr. James Pauley, Schneider Electric (2012) Represented by Lori Tennant
Ms. Claire Ramspeck, ASHRAE (2011)
Mr. Gregory E. Saunders, U.S. DoD (2011)
Mr. Donald E. Snyder, UL (2012)
Ms. Sharon K. Stanford, ADA (2013)
Ms. Joan E. Sterling, ITS (2013)
Ms. Susan K. Tatiner, IEEE (2011)
Ms. Kathleen Thuner, NACCA (2013)
Mr. Robert J. Vondrasek, NFPA (2013)
Mr. James Walters, AHRI (2011)
Mr. Robert Weber, 3M (2011)
Mr. John Zlockie, Project Management Inst. (2011)
Ms. Theresa C. Zuraski, AAMI (2011)

Mr. Andrei Moldoveanu, NEMA
Ms. Erin Morris, USDA
Mr. Brendan Owens, U.S. Green Building Council
Mr. Richard Papa, CSA America
Mr. Jack Pokrzywa, SAE International
Mr. Erik Puskar, NIST
Mr. Bruce Quinn, Rockwell Automation
Mr. Dan Roley, Caterpillar
Ms. Alison Ruger, IHS, Inc.
Ms. Jane W. Schweiker, Schweiker & Associates
Mr. Paris Stavrianidis, FM Approvals
Mr. Craig Updyke, NEMA
Ms. Susan Vogel, IEEE
Mr. Philip C. Wennblom, Intel Corp.
Mr. Adam West, NASA Standards Program
Mr. Matt Williams, AHAM
Mr. George T. Willingmyre, GTW Associates
Mr. Robert Willis, EIA
Ms. Jane Wilson, NSF International
Ms. Kay Winn, CSA America
Mr. Don Wright, Lexmark

