

(draft) Meeting Report

**ANSI Policy Committee
Unified CAPC-NPC**

Monday, September 30, 2013

**American National Standards Institute
1899 L St. NW
11th Floor
Washington, DC 20036**

Section 1 – NPC Organizational Matters

1.1 Welcome

Saunders (NIST)

(1000 - 1005)

NPC Chair, Mary

The Chair welcomed attendees in person and on the phone.

1.2 Administrative issues

(1005 - 1015)

Scott Cooper

The May 2013 Meeting Report was accepted as distributed.

Members were advised that if the government closes, the ICSP/GMF meeting scheduled for October 1, 2013 will not be held.

1.3 NPC Nominating Committee Report (NPC 012-2013)

(1015 - 1030)

John Kulick

Dr. Kulick noted that Annette Alonso, AWS, was inadvertently left off of the NPC Nominating Committee Report, but that her nomination will be approved.

Action: NPC Nominating Committee recommendations, including Annette Alonso, were approved.

**1.4 Discussion on the release for public
comment of FDA's new food safety rule
(NPC 015-2013)***

FDA

(1030 - 1100)

Charlotte Christin

Ms. Christin gave a presentation on the Food Safety Modernization Act (see NPC xxxx). The FDA Food Safety Modernization Act (FSMA), which reforms our food safety laws for the first time in more than 70 years, was signed into law by President Obama on January 4, 2011. It aims to ensure the U.S. food supply is safe by shifting the focus from responding to contamination to preventing it.

Points made during the presentation and discussion include:

- The FSMA provides enforceable food safety authority.
- Its requirements are consistent with WTO obligations.
- International capacity building is addressed in order to prevent problems before products reach US ports of entry.
- FDA tries to deploy resources toward the highest risk.
- FDA does not regulate technology; they regulate the products.
- FSMA Enhances Partnerships:
 - Explicit recognition that all regulatory agencies, domestic and foreign, must work together to achieve our public health goals. The public sector leverages work in the private sector.
 - Includes reliance on inspections by private and public third parties that meet standards.
- Information about activities related to the FSMA is available here: <http://www.fda.gov/Food/GuidanceRegulation/FSMA/default.htm>

1.5 State & Local Adoption of Codes
(1100-1115)

Jeff Grove, ASTM

Jeff Grove addressed the NPC and introduced Kevin Washington of Illinois Tool Works (ITW), to initiate a discussion of an industry concern about the failure of states and local jurisdictions to reference and rely on current versions of standards. Unfortunately, these jurisdictions are challenged to keep up with updates to standards, but the result is viewed by some in industry as a breakdown of the standards process. The effect of referencing outdated standards can be that newer and innovative technology is prevented from entering the market. This has been the case for ITW.

Jim Pauley noted that this is a long standing concern and a number of organizations have formed coalitions to attempt to address it. A sample of these include: NEMA, NFPA and ICC. A related concern is that some states, like Tennessee and Ohio, are extending the cycle of adoption from, for example, 3 to 6 years. The result is that it is difficult for current and advanced technology to enter certain markets; if a product that incorporates newer technology does not meet an older standard and thus, cannot be certified, then those products are kept out of the market.

Members indicated their interest in discussing this topic and invited Mr. Washington to pursue future discussions through ANSI and the NPC.

Section 2 – Unified CAPC-NPC agenda
Chairs

CAPC & NPC

2.1 COE Update (NPC 014-2013)
(1130 - 1145)

Deborah Prince

Ms. Prince, Chair of the ANSI Committee on Education provided an update on the many successful programs presently underway. These include the University Outreach Pilot Project, the Student Paper Competition, and the COE Partnering with the World Standards Cooperation (WSC) and the Library of Congress in a World Standards Cooperation Roundtable, among others.

2.2 Government Update (NPC 016-2013)*
(1145 - 1200)

Cooper

Mr. Cooper provided an overview of government related activities, noting the possibility of a

government shut-down at midnight.

2.3 Incorporation by Reference Update (NPC 013-2013)
(1200 - 1215)

Cooper

Mr. Cooper provided an overview of the status of the IBR issue.

Note: during WSW, The National Archives and Records Administration (NARA) issued a Federal Register notice officially responding to a February 2012 petition calling for the amendment of NARA's regulations regarding U.S. government agency requests to add standards and other documents to the Code of Federal Regulations through a process known as incorporation by reference (IBR). ANSI is currently developing its response to NARA's new notice, and strongly encourages all affected members of the ANSI Federation and other relevant stakeholders to submit their own comments. All comments to NARA must be received by December 31, 2013, and may be submitted by email to Fedreg.legal@nara.gov or online at www.regulations.gov.

A related, linked article is available here:

http://www.ansi.org/news_publications/news_story.aspx?menuid=7&articleid=3762

It was also noted that NFPA, ASTM and ASHRAE filed a lawsuit in August 2013 in the US District Court for the District of Columbia against Public.Resource.org. No damages were requested; the goal of the lawsuit is simply to stop the copyright infringing posting of standards and related documents.

2.4 Workforce Development Update
(1330 - 1400)

Roy Swift

Dr. Swift gave a thorough presentation concerning ANSI's role as a significant solutions provider for workforce issues in today's economy. Among other things detailed in the slides (CAPC xxx), he highlighted a recent grant from Lumina (http://www.ansi.org/news_publications/news_story.aspx?menuid=7&articleid=3739), which engages GW University, the successful reliance of the State of California on ANSI programs with respect to food handler certificates and many other specific examples of where ANSI's personnel certificate and certification programs are working to positive effects.

President Joe Bhatia also encouraged NPC and CAPC Members to share their thoughts and ideas with the new ANSI Board Task Group on Workforce Development, ~~for~~ which Mary Logan, AAMI, serves as chairsChair.

2.5 Executive Standards Council Update (NPC 015-2013)*
(1400 - 1430)

Claire Ramspeck

Ms. Ramspeck gave an update on ExSC items of interest. She noted that at the NPC's request, the ExSC recently discussed a proposal to consider the current public review options for proposed American National Standards. In particular, the 45-day public review option was raised as potentially inconsistent with the WTO Code of Good Practice. Years ago the ExSC engaged the USTR who agreed that a 45-day public review of a draft proposed ANS was acceptable if the document is available electronically and within 24 hours of request. This option was subsequently memorialized in the ANSI Essential Requirements (www.ansi.org/essentialrequirements), but the USTR did not provide written notice of approval to ANSI. As a result, the ExSC asked ANSI Staff to discuss this option with the USTR and obtain a statement of agreement that if a proposed ANS is available in electronic format and available within 24 hours of request, that is the equivalent of a 60 day public review of a hard copy document that must be mailed.

It was also noted that no complaints or appeals have been filed with ANSI in connection with a request for a 60 day public review rather than a 45 day public review.

Relatedly, the issue of whether ISONET exists was raised. Staff offered that it is our understanding that ISONET is no longer in existence; however, ANSI publishes every issue of Standards Action online weekly and maintains a historical repository as well that is freely available to all (www.ansi.org/standardsaction). Staff was asked to contact NIST to determine the status of ISONET.

ACTION: ANSI Staff will investigate the status of ISONET. An update on these issues will be provided at the next meeting.

Section 3 – CAPC Organizational Matters
Gleason

CAPC Chair, Pat

The CAPC Chair thanked attendees for their interest and participation.

3.1 Administrative issues
(1445 - 1450)

Lane Hallenbeck

A CAPC Nominating Committee will be convened by staff soon.

ACTION: A CAPC Nominating Committee will be convened.

3.2 Action Item status
(1450 - 1455)

Hallenbeck

The action items from the May 2013 meeting were reviewed earlier in the agenda.

3.3 International Conformity Assessment participation
(1455- 1500)

Hallenbeck

Lane reported on many recent ANSI activities in the conformity assessment arena including:

- Successful US hosted PASC/PAC plenary in Hawaii earlier this year.
- ICAC (CASCO mirror committee) is engaged with most of the accreditation standards, which are in transition, and systematic reviews of ISO 17000 and 17011 are tabled.
- ANSI is offering 17065 Workshops and is already auditing CBs to 17065.
- CASCO plenary in October 2013 in Beijing. Lane will attend as Chair.

ANSI was asked to post/otherwise make available workshop materials as all interested stakeholders do not attend ANSI training where they are addressed. ANSI does post these, but staff will review the current practice to see if we can do a better job. In the interim, please see the interpretations posted here. NEED URL.

ACTION: Staff to review options for access to accreditation standards revision workshop materials.

3.4 ANSI Accreditation Update
(1500 – 1510)

Hallenbeck

Lane gave an update about the proposed ANSI Ecolabeling accreditation program including discussions held at a recent ANSI meeting of stakeholders. ANSI's role is intended to be similar to that in other accreditation contexts, i.e., to accredit process and procedures, not to evaluate the

technical content of standards that underpin a labeling program. This focus is at the heart of discussions related to the program's launch. It was noted that the FTC has indeed been engaged in ANSI's related work. Discussions about the proposed program will continue.

ACTION: Updates on the status of the proposed ANSI Ecolabeling Accreditation Program will be given at future meetings.

Section 4 - Items for Consent

4.1 Accreditation Committee Memberships

See 3.1.

4.2 NPC Approval of Proposed Procedural Revision (NPC 011-2013)

As the approval of the proposed procedural revision was a consent agenda item and no one asked to address it otherwise, it was approved without further discussion.

ACTION: Proposed procedural revision approved for incorporation into the 2014 edition of the ANSI Essential Requirements (www.ansi.org/essentialrequirements).

Section 5 – Other Business

Section 6 - Closing Items

6.1 Future Meeting Dates

Gleason/Saunders

NPC-CAPC 20 May 2014 (note that the ANSI Board of Directors meets 22 May 2014)

6.2 Summary of Action Items

Secretaries

Action items are noted above under each agenda item, as appropriate.

6.3 Adjournment

The meeting was adjourned at approximately 3:00 pm.

