

Saunders, Mary H.

From: Anne Caldas <acaldas@ansi.org>
Sent: Friday, June 28, 2013 10:56 AM
To: Saunders, Mary H.; Patricia A Gleason
Cc: Lane Hallenbeck; Scott Cooper; Frances Limon; Elizabeth Gonzalez; Anne Caldas
Subject: Please review - Draft CAPC-NPC Meeting Report
Attachments: Unified CAPC-NPC 14May2013 draft Mtg Report_062813_for review by Chairs.doc

Follow Up Flag: Follow up
Flag Status: Completed

Greetings –

Attached is the current draft of the joint CAPC-NPC May 2013 meeting report. Please review this draft and return your comments to me at your earliest convenience.

Have a good weekend...

Thanks very much,
Anne

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American National Standards Key Steps: www.ansi.org/anskeysteps
American National Standards Value: www.ansi.org/ansvalue
ANSI Standards Action: www.ansi.org/standardsaction
ANSI Essential Requirements: www.ansi.org/essentialrequirements
ANSI-Accredited Standards Developers: www.ansi.org/asd
ANS National Adoption Procedures: www.ansi.org/nationaladoption
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Document Number: CAPC xx-001; NPC xx-2013
Date Issued: 6/xx/2013

(draft) Meeting Report

**ANSI Policy Committee
Unified CAPC-NPC**

Tuesday 14 May 2013
American National Standards Institute
1899 L St. NW
Washington, DC 20036

(See attached attendee lists)

Section 1 – CAPC Organizational Matters

1.1 Welcome CAPC Chair Pat Gleason

Ms. Pat Gleason, CAPC Chair, welcomed attendees, including Ms. Mary Saunders, NPC Chair, and those participating via webinar to the first joint CAPC-NPC meeting. Attendees introduced themselves.

1.2 Administrative Issues Lane Hallenbeck

Mr. Lane Hallenbeck solicited comments on the previous CAPC meeting report, and hearing none reviewed the protocol for the day's joint CAPC - NPC meeting.

Action: Lane will confirm the CAPC Nominating Committee Members after the meeting.

1.3 Action Item status Hallenbeck

Mr. Hallenbeck confirmed closure of the 3 action items from the previous meeting.

1.4 ANSI Accreditation update Hallenbeck

To familiarize attendees with the range of information that is available online, Lane reviewed the current Accreditation Services website live: www.ansi.org/accreditation, which also includes a list of Accredited Certification Bodies.

Several collaborative efforts were highlighted, in particular the Department of Energy-led Superior Energy Performance (SEP) Accreditation Program, which brings together ANSI and ANAB accreditation at that intersection of ISO 17021, ISO 17024, ISO 14065 and MSE 50028 standards. The SEP option is also based on, among other documents, a number of American National Standards sponsored by ASME and Georgia Tech Energy & Sustainability Services. A summary of the SEP is available here: <https://www.ansica.org/wwwversion2/outside/SEPgeneral.asp?menuID=218>

Other noted areas of interest include ANAB's acquisition of FQS, a forensic testing agency (<http://fqsforensics.org/>) that accredits forensic test labs and forensic inspection agencies. FQS is recognized by the FBI to perform QAS DNA assessment and is recognized by the NIJ as a

provider.

ACTION: None

1.5 International Conformity Assessment Participation Hallenbeck

CAPC Members and NPC Members, who may be new to Conformity Assessment, reviewed and discussed a number of issues:

- Background concerning CASCO was provided (http://www.iso.org/iso/iso_technical_committee.html?commid=54998). CASCO is the ISO Committee on Conformity Assessment. Lane Hallenbeck is the current International Chair of CASCO. Via ANSI, the International Conformity Assessment Committee (ICAC; chaired by Keith Mowry of UL) is the US mirror committee to CASCO. IEC is also well represented on ISO CASCO Working Groups, given that most CASCO documents are jointly published by ISO and IEC.

Attendees were advised that China is hosting the CASCO plenary in Beijing in the Fall of 2013. Some concern was expressed by attendees (particularly government representatives) that a Chinese venue is a hardship in terms of travel and as a result, the US may lose some influence over the proceedings. Lane explained his efforts to rotate these meetings worldwide to make these hardships equitable and to encourage balanced international participation. Historically, these meetings have all been held in Geneva, which may explain why 75% of the working group participants are European. Those who are willing and able to host a future CASCO meeting in the US were encouraged to solidify such an offer.

It was noted that ANSI staff (Roy Swift and Ann Bowles) are providing leadership at the International Accreditation Forum (IAF) in the development of new multilateral recognition arrangements (MLAs) for Personnel and GHG accreditation.

- Additional discussion ensued about MLAs and background was shared. For example, ANSI is a signatory to the IAF MLA based on a Peer Assessment of the requirements in ISO 17011: *Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies*. Through this process, peer accreditation bodies determine the equal reliability of member accreditation bodies and the conformity assessment bodies they accredit. These assessments have primarily been beneficial in sector-based schemes and management systems.
- Attendees were encouraged to review the USNC IEC Newsletter and other publications, which address Conformity Assessment issues within the IEC context. Sample links include:
 - USNC News & Notes: [USNC News & Notes Spring 2013 Vol. 8 No. 1](#)
 - *An Introduction to IEC Conformity Assessment Systems in the US:* http://publicaa.ansi.org/sites/apdi/Documents/Standards%20Activities/International%20Standardization/IEC/USNC%20Tool%20Box/USNC_CA_brochure_2013.pdf

Action: Any offers to host future CASCO meetings should be sent to Lane Hallenbeck (lhallenbeck@ansi.org) and Elizabeth Gonzalez (egonzalez@ansi.org).

Section 2 – Unified CAPC-NPC agenda

CAPC & NPC Chairs

2.1 Ecolabeling

Hallenbeck

(Doc. CAPC 13-002 and CAPC 13-004)

Trevor Boden, co-founder, Big Room

Mr. Trevor Boden gave an overview of a report entitled *Results from the Stakeholder and Market Analysis for the proposed ANSI program on Eco-labeling Accreditation*. The report relates to efforts underway to develop a new ANSI program to accredit eco-labeling programs. The goal of the program is to provide an objective differentiation among the myriad of eco-labeling programs that exist and continue to proliferate.

ANSI has been involved in discussions concerning eco-labels for a number of years and in 2009 held a well-received *Workshop on Product Standards for Sustainability* with support from the EPA, which highlighted the negative impacts of the fragmented and confusing eco-labeling landscape as well as the potential benefits a neutral, objective assessment process could bring to consumers and the market. In addition, the issuance of Executive Order (EO) 13154 *Federal Leadership in Environmental, Energy and Economic Performance* along with encouragement from many stakeholders, led to ANSI's consideration of a future role as an accreditor of eco-labeling programs. The proposed ANSI program will result in an accreditation based on process-related criteria (ISO 14020/24/2) and not the content of the underlying standards. As with other ANSI accreditation programs, ISO 17011 will govern ANSI's systems for delivering this program.

A discussion was had about whether ANSI should partner with one or more organizations that could address eco-labeling content issues (for example, the Sustainable Purchasing Council) was had. As well, some concern was voiced that the proposed program would not require underlying standards to be approved as American National Standards; however, it was pointed out that this is not a requirement in any conformity assessment (or even the SDO) accreditation program at this time.

With respect to governance, support was voiced for the creation of an Advisory Council as part of the ANSI accreditation committee for product/process/services certification bodies, as has been established in the past. As the report noted, the program design and governance structure needs to be mindful of the global nature of the underlying issues; the need for coordination in the marketplace; and whether the various ecolabel standards have standards have a beneficial environmental impact, which is a content issue. This space has had failed efforts, so diligence in the investigation of these was suggested.

All of this said, the ANSI Federation has signaled the obligation to address standardization and conformity assessment issues of such national importance.

Action: Provide a status report at the Fall meeting.

2.2 Workforce Development (Doc CAPC 13-003; NPC 002-2013)

Roy Swift, Erik Puskar

Mr. Erik Puskar, NIST, offered an overview of the ANSI NPC Committee on Education (COE) activities, citing www.standardslearn.org and the many training options available through it. Highlights of the report include:

- Establishment of a joint COE/USNC Communications and Continuing Education Committee Task Force on Emerging Professionals
- University Outreach Pilot Project & University Engagement
- 2nd Student Paper Competition
- Partnering with the World Standards Cooperation (WSC) and the Library of Congress in a World Standards Cooperation Roundtable June 26-27, 2013 at the Library of Congress

Dr. Roy Swift presented an update on the current state of personnel-related accreditation programs at ANSI. The presentation clarified the difference between "certification" and "certificate" programs and highlighted the connection these programs increasingly serve with

respect to government goals (e.g., DoD, DoE, HHS/FDA) and various professions regulated by States (e.g., Crane Operators, Financial Advisors, Food Safety Managers and Food Handlers.) ANSI's personnel accreditation programs increasingly address the needs articulated by the White House as well and provide a mechanism for improving the quality of the US workforce and advancing the needs of the active duty military as well as the veterans community who can, as a result, be connected to the workforce in a meaningful way. In addition, ANSI is working to establish and strengthen linkages with the global credentialing community, academia and others.

Action: None

2.3 Revisions to OMB A-119

Mary Saunders

Ms. Saunders, NPC Chair, provided an update on the pending revisions to OMB A-119 including a response to NARA. A draft proposal is not yet public, but it is expected within the next month or so. The revised circular should address: IBR, definition of "international standards" and conformity assessment.

On February 27, 2012, a Federal Register notice called for comment on a petition filed by a group of academics to amend the National Archives and Records Administration's (NARA's) regulations governing the approval of agency requests to incorporate materials by reference into the Code of Federal Regulations. ANSI developed a consensus response on behalf of the standardization community. There has been no final output by NARA although one is expected soon. (For additional history, see http://www.ansi.org/news_publications/news_story.aspx?menuid=7&articleid=3259)

On March 30, 2012, a Federal Register notice from the Office of Management and Budget (OMB) invited input on OMB's consideration of whether and how to supplement Circular A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities." OMB specifically invited input on IBR. In addition to inviting written input, the OMB held a public workshop on May 15, 2012. There has been no final output by OMB, although one is expected soon. (For additional history, see http://www.ansi.org/news_publications/news_story.aspx?menuid=7&articleid=3260)

Action: Update to be provided at Fall meeting.

2.4 Government Update (Doc. NPC 006-2013)

Cooper

Scott Cooper reviewed the following issues detailed in NPC 006-2013:

- S. 761 The "Energy Savings and Industrial Competitiveness Act of 2013" Shaheen-Portman. Text available at: <http://www.shaheen.senate.gov/imo/media/doc/Shahen-Portman%20introduced%20Version.pdf>
- Executive Order (EO) 13636 on Cybersecurity. The RFI and public comments related to this EO are available on NIST's website. A summary of the themes of the public comments concerning the proposed framework will be announced as well on NIST's website. For this information and to register for the next conference, go to NIST's website: <http://www.nist.gov/itl/cyberframework.cfm>
- Consumer Financial Protection Bureau (CFPB) Report on financial challenges of 50 million older Americans: http://files.consumerfinance.gov/f/201304_CFPB_OlderAmericans_Report.pdf
- Cookstoves: ANSI (AIC) has submitted to ISO a new field of technical activity on "cookstoves and clean cooking solutions". More related to this topic can be found under

agenda item 2.5.

- Global Supply Chains: ANSI (AIC) has voted to support an ISO new work item proposal (NWIP) on Occupational Health and Safety Management Systems.

2.5 Cookstoves, and Global Public Schools Jacob Moss – US Dept of State

Mr. Jacob E. Moss, Director, U.S. Cookstoves Initiative, U.S. Department of State, gave two presentations:

- Global Alliance for Clean Cookstoves: Mr. Moss' presentation reviewed the health risks associated with exposure to cookstove smoke and the three-pronged strategy that has been developed to spur the clean cookstove market: strengthen supply, foster and enabling environment and enhance demand. Standards are key to mitigating the risk posed by cookstoves in terms of health and safety, and also induce efficient practicable product design.

Existing standards efforts were noted: 1) In 2012, ISO issued an International Workshop Agreement (IWA) on *Guidelines for evaluating cookstove performance*. 2) ASHRAE is presently developing a document on *Unvented Combustion Documents and Indoor Air Quality* and would welcome further dialog and collaboration.

- AMP – Accelerating Market-Driven Partnerships (<http://ampglobal.org/>): This US Department of State initiative provides a cross-sector platform to bring stakeholders together. Investment + Innovation = impact. For the US Department of State, there is the opportunity to create uncommon alliances among diverse actors to build more prosperous, inclusive, and stable societies. To this goal, State is transforming the way the United States conducts diplomacy and development to enable real world solutions to critical global challenges.

Relatedly, ANSI's JMF meeting held in April focused on "Smart Cities". Sustainable Cities and Housing issues, like those identified in the AMP Brazil Pilot, lend themselves to solutions based on standards and conformity assessment. ANSI stands ready to assist State as the programs under AMP develop.

Action: Provide information about the JMF "Smart Cities" event, ASHRAE and ISO activities and relevant contact information to State.

Section 3 – NPC Organizational Matters NPC Chair Mary Saunders

Ms. Mary Saunders, NPC Chair, thanked everyone for their attendance and participation, inviting CAPC Members to join in NPC-related discussions.

3.1 Administrative issues Cooper

Mr. Cooper reviewed the protocol for the remainder of the day's session.

3.2 Action Item status Cooper

No action items were pending since the last NPC Meeting.

3.3 Incorporation by Reference Cooper (Doc. NPC 003-2013)

Following up on some of the conversations held earlier in the meeting under agenda item 2.3, an overview of the "IBR" or Incorporation by Reference issue was provided. Standards referenced in

regulations that are published in the Federal Register are required to be made "reasonably available". Some U.S.-based SDOs make IBR'd standards available on a read-only basis online and without fees (e.g. "ASTM Reading Room", "API Government-cited & Safety Documents, "NFPA Free Access") while other standards developers do not view "reasonable access" as requiring free, on-line access.

The slides presented reviewed recent history and actions related to the Department of Transportation's enforcement of the requirements in the Pipeline Act Bill, which prohibits the reference of any standard in a guidance document or regulation promulgated under the Pipeline Act Bill "unless the documents or portions thereof are made available free of charge on an Internet Website." Recently, a clarification was provided given by the US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) that this applies only to primary, not secondary or other, references. In addition, PHMSA has reached a compromise agreement with some SDOs, for example, that an online reading rooms has been made available free of charge to the public will meet the requirements of the Pipeline Act Bill. Discussions continue on what is "reasonable availability" and on making standards in an IBR available in a "read-only" format.

In addition, ANSI has developed an ANSI IBR Portal. ANSI-Accredited Standards Developers (ASDs) whose standards are referenced in Federal Regulations have the option of participating in this portal to allow free, but tightly controlled, viewing of the standards. About 12 ASDs will have expressed interest in participating. Links to ASD sites will also be added and a statement will be posted that indicates that: 1) all copyrights are preserved, and 2) the IBR portal is one way to access the documents, not the only or preferred way.

Finally, attendees were made aware of recently announced hearings on the Copyright Act: http://judiciary.house.gov/news/2013/04242013_2.html.

Action: Provide update at the Fall meeting.

3.4 **ANS 45 day comment period** (Doc. NPC 004-2013)

Philip Wennblom (phone)

Mr. Wennblom reviewed the history of the current 45 day public review option as described in the *ANSI Essential Requirements: Due process requirements for American National Standards* (www.ansi.org/essentialrequirements) and questioned whether the option is consistent with the WTO Code of Good Practice, to which ANSI has signed on behalf of ANSI-Accredited Standards Developers (ASD). This issue was raised now, after an IPC discussion, because of difficulties some industries are experiencing with foreign governments that do not provide ready access to draft standards, some of which are also not available for review in English.

By way of further background, U.S. companies are increasingly facing "government standards" in key export markets and while labeled as "voluntary" these standards are often made mandatory or quasi-mandatory by governments. These standards are sometimes developed through a closed process where U.S. industry is unable to participate.

The CGP is noted as requiring, among other things, a 60 day public comment period. In 2000, after a successful pilot and with the verbal agreement of the US Trade Representative's Office, the procedures that govern the American National Standards (ANS) process were revised to incorporate a 45 day public review option for proposed ANS as long as the draft document is available in electronic format within 24 hours of a request during an open public comment period.

Some of the comments made include:

- The concerns raised could be addressed via government-to-government communications as the rules that govern the American National Standards (ANS) process are limited in their

- reach. That said, another perspective is that the precedent ANSI sets matters.
- The USTR should be engaged on this issue.
 - An assessment of how the Code of Good Practice applies to standards developers in general versus ANSI-Accredited Standards Developers and the ANS process should be undertaken.
 - Does the ANS process need to be inextricably bound by and hampered by rules intended to address roadblocks established by and in other countries but that have no or limited relation to the ANS process?
 - It was suggested that there are various ways to fulfill the 60 day public review window. For example, combine the time an SDO offers the standard for comment prior to any ANSI Standards Action announcement; or combine the 30 day PINS announcement period with the 45-60+ day public review announcement; or some other unique formula based on an ASD's procedures.
 - The 45 day public review period has its roots in the broadly embraced goal of expediting the voluntary consensus process. This was and has been an issue in the ICT space in particular, though the Federal Government routinely raises this issue as a concern. Disruption of the ANS process in the hopes that it will cause China, as an example, to change its policies is not a strong argument on which to base an institutionalized delay.
 - ANSI has no record of any ANS related appeals, unfulfilled requests or complaints related to the 45 day public comment period – either domestically or from an international interested party.
 - Requiring a 60 day public comment period made sense in a different world. A 45 day comment period, predicated on the availability of the draft in an electronic format, is equivalent to 60 days when hard copy was the only option.
 - Institutionalizing a 60 day minimum public comment period for ANS only could have a chilling effect on the willingness of standards developers to become accredited by ANSI and to submit standards for approval as ANS. This is because only ASDs that sponsor ANS would be bound by such a revision to the ANSI Essential Requirements.

As the provision at issue is contained in the *ANSI Essential Requirements*, which is a document that is maintained by the ANSI Executive Standards Council (ExSC), the NPC agreed that the issue and questions presented should be given over to the ANSI ExSC first for review, analysis and recommendation.

ActionCTION: The issues raised in the slides presented and during the meeting discussions will be referred to the ANSI Executive Standards Council for consideration, analysis and recommendation. The ExSC is asked to report back to the ANSI NPC.

3.5 Executive Standards Council (ExSC) update _____
Ramspeck
 (Doc. NPC 005-2013)

Claire

Ms. Ramspeck, Chair of the ANSI ExSC, reviewed items of interest to the ANSI NPC and CAPC as presented in the slides. These included among other things, the issuance of the 2013 edition of ANSI's Essential Requirements (www.ansi.org/essentialrequirements) and the 2013 edition of ANSI International Procedures (www.ansi.org/internationalprocedures). The NPC was not required to vote on any items presented.

ActionCTION: None.

Section 4 - Items for Consent

4.1 Accreditation Committee Memberships

Section 5 – Other Business

No other business was proposed or discussed.

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Section 6 - Closing Items

6.1 Future Meeting Dates

Gleason/Saunders

- _____NPC-CAPC

Monday 30 September 2013

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ActionCTION: Attendees agreed to continue jointly with the next meeting, to be held during World Standards Week.

6.2 Summary of Action Items

Action: The action items noted above were reviewed.

6.3 Adjournment

The CAPC and NPC Chairs thanked participants for their attendance and contributions.

Action: The meeting was adjourned at approximately 2pm.

FINALIZE Attendee List

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CAPC

NPC

In person:

- Milton Bush
- Gordon Gillerman
- John Kulick
- Christine Niero
- Shawn Paulsen
- Daniel Roley
- Joan Sterling
- George Willingmyre

By phone:

- Dan Bart
- Colin Church
- Bruce DeMaine
- Brian Meincke
- Keith Mowry