

ANSI ORGANIZATIONAL MEMBER FORUM (OMF) DRAFT AGENDA

**Thursday, October 11, 2012
2:00 pm - 5:00 pm**

**The Newseum
Knight Conference Center
555 Pennsylvania Ave. NW
Washington, DC 20001
Phone: (703) 416-1600**

(Please use Freedom Forum Entrance on 6th Street)

Teleconference

Toll free: 1-866-469-3239
Conference room: 21408527

1. **Opening of the meeting (welcome and introductions)** (2:00pm, 5 min.) – Vice-Chairman Lee Webster

Vice-Chairman Lee Webster will convene the meeting since Chairman Hayes has a conflict and is unable to attend.

2. **Approval of Draft Agenda** (2:05 pm, 5 min.) – Vice-Chairman Lee Webster
Document OMF N 723

3. **Approval of Draft Report of March 20, 2011 OMF Meeting** (2:10 pm, 5 min.) – Vice-Chairman Lee Webster
Document OMF N 721

4. **Report from the OMF Nominating Committee – Election of 2012 OMF Chair and Vice Chair** (2:15pm, 5 min.) – Chris Dubay

Mr. Lee Webster, Society for Human Resource Management (SHRM), has been nominated to serve his first term as the OMF Chair in 2012 and Ms. Mary Logan, Association for the Advancement of Medical Instrumentation (AAMI), has been nominated to serve her first term as the OMF Vice-Chair in 2012.

These nominations have been reviewed and endorsed by the OMF Nominating Committee and will be presented to OMF members for approval. The 2012 OMF Nomination Committee is chaired by Mr. Chris Dubay (NFPA), and includes Ms. Susan Carioti, ASIS International and Mr. Scott Cedarquist, ASABE.

5. **Brief Remarks from ANSI Board Chairman and ANSI President** (2:20pm, 15 min.) – Jim Pauley and Joe Bhatia

6. **SDO Collaboration** (2:35pm, 20 min.) – Sharon Stanford

Ms. Stanford will share ADA's experience in pursuing different options in collaborating in standards development.

6.1 **Process Considerations for Jointly Developed American National Standards** (2:55pm, 10 min.) – Anne Caldas

Ms. Caldas will provide an overview of what is required of SDOs when they jointly develop an American National Standard.

7. **Copyright Group Update** - (3:05pm, 60 min.)

7.1 **Status of Efforts to Stop Infringers** **Tom O'Brien/William Scarborough (tentative)**

ANSI staff has compiled a list of websites that are believed to be selling unauthorized copies of copyright-protected standards. The current list of such websites can be obtained from ANSI as requested. T. O'Brien (and/or William Scarborough) will provide a brief overview of actions being taken by ASTM to combat the proliferation of counterfeit websites in China and elsewhere.

7.2 **Sample "take down" and "cease and desist" letters** **Patricia Griffin**

ANSI staff has compiled a number of template and background documents that can be used by ASDs to advise website registrants, related entities and financial intermediaries that unauthorized copies of copyright-protected documents are being sold from such sites. The repository for these template "take down" and "cease and desist" letters as well as information on contacting financial intermediaries can be found [here](#). P. Griffin will provide a brief overview of the repository.

7.3 **Incorporation by Reference** **Scott Cooper/Patricia Griffin**

On February 27, 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. Given the importance of this issue, ANSI developed a consensus response on behalf of the standardization community. [Click here](#) to view ANSI's response.

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." In addition to inviting written input, the OMB held a public workshop on May 15, 2012. [Click here](#) to view ANSI's response.

On July 13, 2012, The Department of Transportation's ([DOT](#)) Pipeline and Hazardous Material Safety Administration ([PHMSA](#)) held a public workshop to discuss PHMSA's implementation challenges with Section 24 of the recently-passed Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Act). ANSI (Scott Cooper) testified at the public workshop on the importance of copyright and the likely repercussions if the ACUS recommendations on IBR are not considered. Per Section 24, within one year of enactment (i.e., by January 2013), PHMSA will be required to cease the incorporation of voluntary consensus standards by reference into its regulations unless those standards have been made publicly and freely available on an Internet Website. In the minds of many, this provision represents a departure from established federal policy of promoting government use of private sector standards as per OMB A-119 and potentially undermines the ability of SDOs to commercially exploit their standards.

Some of the comments submitted in these forums (such as the ABA submission to the OMB Federal Register Notice) suggested that the requirement of making materials incorporated by reference reasonably available to the public and/or the requirement contained in the Pipeline Safety Bill that standards be made publicly and freely available on an Internet Website, could be satisfied via read-only digital access, either on the agency's website or that of the private standards development organization, which may be subject to restrictions on printing and downloading. Some SDOs indicated that such an approach is currently feasible and others indicated that it is not.

Scott Cooper and Patricia Griffin will lead a discussion on this topic.

7.4 Standards and Codes Posted Online by PublicResource.Org Patricia Griffin

Carl Malamud and the nonprofit organization he established, PublicResource.org, has continued to post standards that he claims have been incorporated by reference into Federal law to the following website <http://archive.org/browse.php?collection=publicsafetycode&field=creator>

Posted standards include a number of American National Standards, ISO and ITU standards, and documents developed by API, ASSE, ASTM, ASME, IEEE, NFPA, NSF, SAE, UL, and more. ANSI staff has compiled a spreadsheet of the standards that have been published to date, noting which developers are ANSI members. ANSI staff is working with Copyright Group members to review this list to determine: a) if any of their standards are included on the list, and if so, b) whether the posted standards contain substantive errors, typos or they are outdated or inaccurately portrayed.

Ms. Griffin will provide a brief update on the status of this project and invite input from OMF members.

8. Proposal for ANSI to establish a standards portal for “view only” access to standards Incorporated by Reference – (4:05pm, 20 min.) – Patricia Griffin and Fran Schrotter

A recommendation was made to ANSI that it consider setting up a portal on behalf of the Federation to provide “view only” access to standards that are Incorporated by Reference. While some larger SDOs are already providing such access, a significant number of small-medium size SDOs do not currently have the ability to do so. ANSI would welcome the views of the OMF members as to whether or not they would be supportive of ANSI providing such a portal and under what circumstances.

9. ANSI Executive Standards Council (ExSC) Activities Update (4:25pm, 15 min.) – Claire Ramspeck

Ms. Ramspeck will provide a report on items of interest to the OMF.

10. Items of Interest from the ANSI Governance Meetings – ANSI Board Meeting (May 2012) (4:40pm, 10 min.) Vice-Chairman Lee Webster and Fran Schrotter

Vice-Chairman Webster and Ms. Schrotter will provide a presentation on items from the ANSI Governance meetings.

11. Future Meetings – (4:50 pm, 5 min.) – Vice-Chairman Lee Webster

11.1 Dates / Location

- Spring 2013 date/location TBD
- 2013 World Standards Week Events – September 30 – October 4, 2013

11.2 Topics / Issues for Discussion

OMF members will be invited to contribute topics for a future meeting.

12. Other Business (4:55 pm, 5 min.) – Vice-Chairman Lee Webster

13. Adjournment (5:00 pm) – Vice-Chairman Lee Webster