Public Review of Regulations and Accepting Comments from other WTO Members

Jennifer Stradtman, Director, Technical Barriers to Trade, Office of the United States Trade Representative

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Any views expressed here are solely those of the presenter, and do not necessarily reflect the position of the U.S. Trade Representative or the Executive Office of the President.
Public Review of U.S. Regulations
January 21, 2009: President’s Memorandum on “Transparency and Open Government”

- “Knowledge is widely dispersed in society….My Administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use.”
  - January 21, 2009, Memorandum

- President Obama: “…sunlight is the best disinfectant.”
  - January 28, 2009

Overview of U.S. eRulemaking

- Regulations.gov: A public website to make the Federal rulemaking process more accessible, participatory, and comprehensible.

- Federal Docket Management System (FDMS): The “back end” system agencies use to accept and review public comments and manage docket materials.
Overview of Regulations.gov

- Direct data feed from the Federal Register, the daily U.S. publication that publishes all regulatory actions.

- Over 2 million documents, including public comments and supporting materials, available to the public.

- Redesign launched in February 2012 with improved navigation, search, and layout features.

- Continuous upgrades to underlying technology to enable rapid and dramatic changes to user interface at lower cost.

- Application Programming Interface (API) now available for other users to repurpose the regulatory content.
Regulations.gov: Homepage

- Homepage
  - Navigate with Search, Browse, and Learn
  - Commenter’s Checklist
  - Connect with social media tools and Exchange

- Browse up to 10 new categories
- What’s Trending uses site data
- Learn about the regulatory lifecycle
- Search improvements
Docket Page
- Puts docket materials into a “virtual folder” including: primary documents, supporting documents, and comments.
- “Comment Now” button is one click access to submitting a comment.
- Shows how many comments have been received.
- Compiles relevant data from other sites, such as the Federal Register and RegInfo.gov
WTO Inquiry Point Operations

Sending and Responding to WTO Member Comments
WTO Member Obligations under the TBT Agreement

• The World Trade Organization (WTO) requires all signatories to the Agreement on Technical Barriers to Trade (TBT) to establish a national Inquiry Point and Notification Authority.
U.S. WTO TBT Inquiry Point: What We Do

• Notify U.S. Draft Technical Regulations to the WTO for Member Comments

• Distribute WTO member TBT notifications to interested U.S. parties

• Provide the associated full texts of the standards, technical regulations, and conformity assessment procedures notified to WTO

• Circulate U.S. and WTO Member comments

• Respond to technical inquiries

• Provide training on best practices to other TBT inquiry points
U.S. WTO TBT Notification Authority: What We Do

• Identify

• Actions or measures concerning standards, technical regulations, and conformity assessment procedures which:
  • Have significant trade effects
  • Do not conform to internationally-accepted standards, technical regulations, or conformity assessment procedures
  • Do not have internationally-accepted standards, technical regulations, or conformity assessment procedures in place
U.S. WTO TBT Notification Authority: What We Do

• Notify to the WTO

Sample Notification Template
U.S. WTO TBT Inquiry Point: What We Do

• Distribute WTO TBT Member Notifications and Provide Full Texts

www.nist.gov/notifyus

a free, web-based, e-mail registration service
U.S. trade stakeholders are immediately informed about changing or proposed regulations in global markets.

U.S. trade stakeholders have the opportunity to comment on and potentially influence those changing or proposed regulations.

U.S. trade stakeholders gain value and assistance in global trade issues.
U.S. WTO TBT Inquiry Point: What We Do

• Circulate U.S. and WTO Member Comments
• U.S. entities submit comments on proposed non-U.S. technical regulations (notifications) via Notify U.S.
  o U.S. Inquiry Point distributes comments to:
    ✓ appropriate WTO Member national inquiry point
    ✓ U.S. government trade and export agencies
• WTO Members submit comments on proposed U.S. measures to U.S. inquiry point
  o U.S. Inquiry Point distributes comments to:
    ✓ U.S. government regulators and trade and export agencies
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Industry & Government Working Together

Image courtesy of flickr, highersights
In-Depth: Processing Own Government or Industry Comments to Members

- Comments made by industry, trade associations, government agencies, etc., should be sent to the authority designated on the notification to accept comments, and sent to the Member’s inquiry Point or Notification Authority if no other authority is specified.

- Encourage use of inquiry points for sending comments.
Preparing for TBT Committee

• Inquiry Point liaises with Commerce, USTR and FAS on specific trade concerns of U.S. interested parties and WTO Members.

• USTR works with U.S. industry, regulators, and trade agencies to develop information that will help to rectify the trade concern.

• If there is no ability to rectify the trade concern bilaterally, we will then raise the issue in the WTO TBT Committee as a specific trade concern.
References


- Open Government Initiative: http://www.whitehouse.gov/open/


- Federal Register: http://www.federalregister.gov/