



PASC34 N29



Standards Development and Public Policy Expected Outputs and Outcomes “Creative Solutions”



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1 April 2011

Standards in Regulations – “Creative Solutions” Wrap-Up Objectives ...

- *Impacted Stakeholders*
 - *Relationship to “Sustainability” Needs*
- *Building on our Experiences (History)*
- *Deliverables – “Creative Solutions” considerations*
 - *“Fundamental” Solutions*
 - *“Complex” Solutions*
- *Conclusions & Recommendations*

Standards in Regulations – “Creative Solutions” Stakeholders ...

Question – Who are the Impacted “Stakeholders” and does it relate to “Sustainability?”

Sustainability - *KEY Element when Considering “Creative Solutions” – Stakeholders and Benefits Include:*

- **Consumers** - *Cost effective global products.*
- **Government** - *Budgets (times of economic uncertainties).*
- - **Manufacturers** - *Globalization and distributions of products with minimal modifications.*
- **NSBs/SDOs** – *Maintaining the revenue stream of essential funding sources; and Maintaining resources for Standards Development*

Standards in Regulations – “Creative Solutions” Considerations in Defining Solutions ...

Seeking to Achieve – Voluntary or Mandatory standards or other deliverables and forms of outcomes resulting from policy maker interaction with NSBs (SDOs).

- *Understanding the needs of the regulators in policy making activities.*
- *Understanding the roles NSBs (SDOs) play in the policy arena.*
- *Understanding that one solution may not fit all. May require a range of deliverables that NSB (SDOs) can provide policy makers.*

Standards in Regulations “Creative Solutions”

This is NOT a new Topic – Experience Exists

We have experiences to build on and improve ...

- *Some Countries today have experience with referencing standards in regulations.*
- *Some NSBs (SDOs) have a strong tradition of working cooperatively with government as well as industry, organizations, and consumer interests.*

Improvement is a Never Ending Process!

Deliverables - Part of the “Creative Solution”

Many options exist

- Some easier to implement than others
- Some can be implemented now; others need more discussion
- **Establishing a relationship between the developer and the regulator**
 - Inviting involvement in the SDO
 - Policy and technical level
 - Open, transparent process with balance of interests
- **Encouraging legislative acts to use private sector standards in regulation and procurement**
 - E.G. NTTAA
- **Establishing SDO awareness of the legislative arena**
- **Tracking legislation; regulatory needs**
 - Regulatory agenda
 - Access to a list of standards cited and related standards resources
 - www.standards.gov

Deliverables - Part of the “Creative Solution”

- **Benchmarking** – Examine how other nations address these issues

- **Education** – Ensure regulators understand the full process
 - What is involved in implementing private sector standards as solutions for public issues.
 - Consensus process with multiple stakeholders
 - Routine revision of standards

- **Protect intellectual property** – standards are copyrighted
 - Sustainability
 - The mutual benefit to many stakeholders when standards are used in legislation

Facilitating Access to Copyrighted Private Sector Standards in Legislation

Based on ASTM International's experience

- **For economies in transition**
- A MoU that provides a full collection of standards; allows
 - Direct citation
 - Use as the basis (recognize source)
 - Adoption and reproduction and distribution or translation and distribution in the territory of the NSB with no royalties
 - advance notice, caveat noting source, annual reporting
- **Within the United States**
- Options, determined on a case-by-case basis, include:
 - Place a link on the agency's site to ASTM's website
 - Discounts for bulk quantities
 - WANs for an agency
 - Access on controlled home page sites
 - View only access as part of a docket

Deliverables as Part of the Creative Solution

■ Beyond the national level

- Who maintains awareness/involvement in international standards development
 - Awareness
 - For purposes of information you may track via the WTO/TBT Inquiry Point
 - Involvement
 - Government may designate the NSB to carry out this task
 - Regulators may designate individuals who track by issue

Conclusions

- **Interaction** between the standards developers and government agencies is mutually beneficial. It can occur in in several fora
 - Within each nation
 - Regionally – the Asia Pacific Economic Cooperation
 - Internationally – within various SDOs where all stakeholders are invited and welcomed

- **Examples** of this interaction exist for consideration and as a benchmark

- **Discussion** of this important topic could be taken up in other regional entities, e.g. COPANT

Recommendations

- Take the opportunity to educate and exchange information
 - PASC/COPANT Dialogue
 - APEC
- Offer follow-up presentation at PASC 2012
 - Building from Today's Presentations
- Provide links to informational sites

For more information



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Standards in Regulations – “Creative Solutions”

Reference Information - NTTAA

- *National Technology Transfer and Advancement Act (NTTAA).*

Objective to have the standard(s) referenced in regulations, procurement and trade.

- *Encourages participation (active role) of government*
- *Established a fundamental principle of the US standardization system “Partnership Process”.*
- *Principle allows for the government benefit of critical/timely access to private sector expertise.*

- *Further acts have been enacted which reinforced the fundamental principle. IE: US FDA Modernization Act*