

***Minutes from ICSP Meeting
1:00 pm – 1:45 pm
June 30, 2010***

***U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230***

Conference Room 4813

Attendees

David Alderman, NIST
Kathleen Baden, GSA
Colin Church, CPSC
Belinda Collins, NIST
Bert Coursey, DHS
Julia Doherty, USTR
Mary Donaldson, NIST
Mary Jo DiBernardo, NIST
Virginia Fitzner, DOL
Gordon Gillerman, NIST
Carol Herman, HHS-FDA
Ajit Jillavenkatesa, NIST
Timothy Klein, DOT
Chuck Martin, USDA
Laura McCarthy, NARA
Mary McKiel, EPA
Mike Moore, NIST
Erik Puskar, NIST
Nathalie Rioux, NIST
Greg Saunders, DoD
Peter Shebell, DHS

For GMF:

Scott Cooper, ANSI
*Miranda Der Ohanian, ANSI
Karen Hughes, ANSI
Scott Richter, ANAB
Frances Schrotter, ANSI

*Via Call-in

National Science and Technology Committee - Subcommittee on Standards (SOS) Update - Dr. Ajit Jilavenkatesa, NIST

The National Science and Technology Committee (NSTC) Subcommittee on Standards (SOS), co-chaired by [NIST's Director, Dr. Patrick Gallagher](#) is still in its early stages of organizing two working groups which will set up frameworks to address pressing matters in public and private standards and conformity assessment. One working group will examine standards and intellectual property (IP), the role of technology within standards and how to nurture innovation while providing protection to both patent holders and those that use standards. Carl Shapiro (Department of Justice) and Arti Rai (US Patent and Trademark Office) are co-chairing this committee. A panel at a recent public workshop, The Intersection of Patent Policy and Competition Policy, looked at some issues of interest to this working group. The panel on Standards and Competition included Mark Chandler (Cisco), Pat Gallagher, Brian Kahin (Computer & Communications Industry Association), Anne Layne-Farrar (LECG), Stanford McCoy (Office of the U.S. Trade Representative, Executive Office of the President), Amy Marasco (Microsoft) and A. Douglas Melamed (Intel). For additional information see [agenda](#) and [press release](#).

The second working group will create a “playbook” to provide policy guidance to USG agencies engaged in standards related activities, as appropriate. Pat Gallagher currently chairs this committee. This subcommittee will gather information from current and past standards activities which involve extensive federal government interest. Candidates include administration priorities such as smart grid, healthcare IT, cybersecurity, emergency communication interoperability, etc. The playbook will provide information on how agencies approached standards - what models they used, what worked and lessons learned. The subcommittee will approach the ICSP for advice via a mailing.

The SOS will next meet in September. Copies of the charters and membership lists will be provided to the ICSP when available. SOS is thinking of reaching out to private sector groups, and developing short term, mid-term and long term engagement strategies. The plan is to get out an RFI to the private sector.

Discussion:

The SOS's interest in standards and IP was clarified, as focusing on IP associated with the technology within a standard, and not the IP of the standard which is mostly held by the standards developing organizations (SDOs). Another possible role for the SOS is to provide lawmakers information about private sector participation in standards development.

Law.gov - Mention was made of the impact of the Open Government initiative in creating opportunities to infringe on the IP held by SDOs in such sites as the upcoming Law.gov. This web site will make all primary legal documents available for free, which may include providing access to the various standards by reference. More information is available, including two blog posts by Beth Noveck, WH/Office of Science and

Technology and the development of the resource by Public.Resource.org. It was suggested that the SOS should be made aware of the policy implications regarding IP and SDOs.

XMPP standard - The ICSP was asked to review, assess and develop guidance regarding the adoption of XMPP as a common, open standard for federal use of instant messaging. NIST will check with its Information Technology Laboratory for advice.

ANSI GMF/ ICSP Joint Meeting 2:00-4:10pm

G. Saunders - introductions

Report on National Policy Committee dialog with Dr. Pat Gallagher, (NSTC-SOS Co-Chair) and ANSI response plans - Mr. Scott Cooper, ANSI.

The National Policy Committee of ANSI met to develop a set of questions to bring to the SOS. Clearly standards are becoming more important, both on private and public, especially federal priorities e.g., health IT, smart grid. From the private sector there is a sense that public/private partnerships, in all its various combinations, is good.

ANSI set up a webinar to develop questions to ask the SOS, and also understand issues available in the public domain with regards to public/private partnerships. The questions centered on what direction will the SOS take, its mandate, what issues will it address, how broad will be its interpretation.

1. NPC offers a menu of options for federal participation along a continuum of how standards are developed and used. How will the subcommittee act in development and implementation of standards? Not sure how broad the SOS mandate will be.
2. How do agencies revise standards and what is the SOS's role in the development and review of federal standards? How does SOS see as its role in the overall federal participation in standards development and review? Will this segway into oversight of the process?
3. Will the SOS coordinate federal agencies interactions with the private sector standards process when more than one federal agency involved, and will its role be as an adjudicator or mediator?
4. Need effort by SOS to engage federal agencies to greater participation in private sector standards consensus process.

A number of issues raised by individuals at the webinar include:

- advancing cooperation through existing NTTAA/OMB 119 framework;
- encouraging greater federal participation in private sector standards development;
- clarification of existing federal policies that allow or encourage federal employees to serve in leadership roles for SDO committees;

- greater understanding of when and how federal employees can contribute to the creation of standards that are part of an SDO's IP.

The draft questions will go to the officers and later distributed to membership for review. Afterwards will be provided to SOS for comment.

Incorporating sustainability into ISO standards – Dr. Mary McKiel, EPA
ISO held a sustainability conference on 2/20/2010 to develop definitions for ISO technology standards. It was resolved that 'sustainability' needs to be defined in the context of ISO standards. A Sustainability Guide Drafting Group (SGDG) was created and charged with developing a guide used by ISO standards to help identify sustainability issues in the committee and how to include sustainability in standards.

Examples:

- ISO 26000 (Social Responsibility) contains section of sustainability, on environment and child labor.
- ISO 14000 series on environmental systems either references or talks about sustainability as one of the series references.

ANSI recommends federal and private sector US representation for this group. The motion was accepted; with Mary McKiel from public sector, and Ed Panaro from the private sector.

Discussion:

Does 'resiliency' equate with 'sustainability'? DHS is very interested in resiliency, and might be able to provide a perspective. DHS will be invited to attend and see if they find matching interests. It is important to note that the guide for ISO will be used internationally so it is critical to get US input.

Assessment of need and process for development of presentation materials which address federal use of and participation in the development of private sector standards - Mr. Greg Saunders, DoD

The GMF is responding to a request to develop a presentation of federal interaction with voluntary sector for ANSI staff, volunteers and anyone around the table. This presentation will help the private sector and other international entities understand the different ways that federal agencies implement NTTAA. The presentation will explain how a few agencies develop and review standards, and highlight their differences (goals, mission, risks, etc).

Discussion:

Federal agencies have specific needs, and must find a way to give the private sector a stronger, clearer picture. The private sector often overstates obligation of the NTTAA - without any other alternatives for the federal sector. Often times the role of NIST over emphasized - it's not the "standards police". It was decided to create a single master briefing with sections for each department and agency. A small group (Mary McKiel,

Mary Donaldson, Gordon Gillerman, Bert Coursey and Greg Saunders) will set up initial parameters.

Cost and availability of standards for federal agencies - Mr. Greg Saunders, DoD

Federal agencies are interested in exploring alternative models to permit greater widespread accessibility of standards throughout their agencies. For example, DoD would like to centrally fund the purchase of standards and streamline enterprise access to standards. Some examples of practices of others in the GMF include:

- DHS negotiates agreements with IEEE and ASTM to make standards available to all first responders. DHS pays for a web site, ASTM monitors downloads and negotiates costs from actual data.
- FDA makes standards available to its agency by a centrally funded mechanism and divides costs among users.
- IHS makes a collection accessible.
- NIST negotiates with major aggregators to purchase standards, and make available to NIST staff, who are warned of copy write implications.

Shift to risk and performance-based standards – discussion of federal sector perspective – Mr. Gordon Gillerman, NIST and Mr. Greg Saunders, DoD

DoD must address the use of volunteer based consensus standards that are not specific enough for certain applications. As example, torpedo tubes with corrosion - a huge challenge to go back and replace corroded tubes that were installed because of performance based standards. There are many more examples.

The buildings industry is examining performance based voluntary standards, which works well in large, wealthy cities like Las Vegas who can hire the staff to do conformity assessment. This process doesn't work in a small Iowa town. There is a need to have performance based standards matched with valuable test methods standards. The next evolution towards risk based standards is happening with medical devices.

It may be time for the metrification of risk and performance based standards. FDA now has a hybrid system to select method used to determine risk in devices. The process requires new layers of paperwork and documentation. It was suggested to consider voluntary standards with additional requirements for very specific applications.

TAG funding structure – Ms. Frances Schrotter, ANSI (Presentation not included)

Discussion:

Jim Thomas's editorial in most recent Standardization News describes how ASTM has developed rationale for costs for developing a standard. Consortia are willing to charge \$75 K per participant which is too steep for many. Alternative models are needed.

ICSP members are looking for an overview for their management that explains the ANSI structure and funding of standards. Also an issue for federal agencies is add-on fees in addition to budgeted membership costs. ANSI will develop a presentation describing the breakdown of costs/fees and what dues cover.

ANAB programs in support of government – Case: Anti-counterfeiting standard and conformity assessment system for electronics in aerospace applications – Mr.

Scott Richter, ANAB

[Presentation \(pdf\)](#)