

CURRENT LEGISLATION
AND OTHER POLICY INITIATIVES
THAT MAY BE OF INTEREST TO MEMBERS OF ANSI

S.773 “The Cybersecurity Act of 2009” Senators Rockefeller (D-WVA) and Snowe (R-ME)

The legislation would broaden the focus of the government's cybersecurity efforts to include not only military networks but also private systems that control essentials such as electricity and water distribution. As well, the bill would add regulatory obligations to ensure private sector compliance with the rules. The legislation also calls for the appointment of a White House cybersecurity "czar" with new authority to shut down computer networks, including private ones, if a cyberattack is perceived to be underway.

This legislation has been received with caution by industry and many privacy groups. The Chamber of Commerce is leading an effort – which ANSI is participating in—to craft a measured response that acknowledges the importance of the issue but advocates a greater involvement of the private sector in the solution-seeking. The bill as currently drafted is seen to have a steep road to achieve passage.

S.778 “Office of the National Security Advisor” Rockefeller & Snowe

Establishes a White House Office to monitor and enforce the provisions of S. 773

S 510 “The FDA Food Safety Modernization Act” Senators Durbin (D-IL), Gregg (R-NH) and Kennedy (D-MA)

The bill addresses current concerns about the food safety. It directs the Secretary of HHS to “promulgate regulations to establish science-based minimum standards...” to make food safe. The Secretary shall work with other federal, state and local food and health officials to develop “such standards” and will also request “public input”

As well, the bill would:

- Require all facilities to have in place preventive plans to address identified hazards and prevent adulteration, and give FDA access to these plans and relevant documentation;

- Allows FDA to recognize laboratory accreditation bodies to help ensure U.S. food testing labs meet high quality standards and require results from food testing performed by these labs to be reported to FDA;
- Require importers to verify the safety of foreign suppliers and imported food, provide that FDA require certification for high-risk foods, and deny entry to a food that lacks certification or that is from a foreign facility that has refused U.S. inspectors;
- Increase FDA inspections at all food facilities, providing for annual inspections of high-risk facilities and inspections of other facilities at least once every four years;
- Enhance food-borne illness surveillance systems to improve the collection, analysis, reporting and usefulness of data on food-borne illnesses;

H.R. 759 “The FDA Globalization Act of 2009” Rep Dingell (D-MI)

The bill is similar in many ways to the Durbin Senate bill, but requires the Secretary of HHS to develop an accreditation system for third-party Laboratory Certifying Agents. This authority cannot be delegated in this version of the bill (as was the case in the Toy Safety legislation), but staff have said that they may consider such a proposal.

H.R. 875 “The Food Safety Modernization Act of 2009” Rep. DeLauro (D-CT)

This bill would establish a new Food Safety Administration which would take the food safety regulatory portion of FDA and USDA (and perhaps other agencies) under this new organizational umbrella. As the safety of the food supply in the US is “vital to the public health” the diverse food safety enforcement mechanisms should be placed under one administrator, similar to how security functions are now (for the most part, and with mixed success), located in DHS.

Discussion Draft: “The American Clean Energy and Security Act of 2009” Reps. Waxman (D-CSA) and Markey (D-MA)

This is an omnibus global warming bill that covers greenhouse gas, energy conservation, alternative energy, etc. A number of standards are referenced, including those from UL, NFPA, ASTM, and ASHRAE. ANSI is referenced both as ANS as well as directly:

“Industrial Plant Energy Efficiency Standards”: -- “The Secretary of Energy shall develop industrial energy efficiency certification standards as part of the existing DOE program of developing American National Standards Institute (ANSI) accredited standards for industrial benchmarking, and shall seek ANSI accreditation of such standards.” [Sec. 241] and

The “accreditation of third-party verifiers” of this section [above] shall be “accredited under ANSI accreditation programs in accordance with ISO 14065. The Administrator shall accredit or accept accreditation, verifiers under this paragraph only if the Administrator finds that the ANSI accreditation program provides sufficient assurance that the requirements of this part shall be met. [Sec. 242(d)(2)]

The House Energy & Commerce Committee may hold hearings on this legislation as early as this week (April 20th). Chairman Waxman has stated that he will move legislation out of the Committee before Summer Recess. Commensurate rapid activity in the Senate is less certain.

H.R.1 “The American Recovery and Reinvestment Act of 2009” [ie the Stimulus Bill]

Among other things the ARRA provides money for:

- Energy Efficiency and Renewable Energy -- \$16.8 billion
- Federal Buildings Fund (GSA) \$5.5 b, including \$4 million for the Office of Federal High-Performance Green Buildings
- Health Information Technology: Establishment of a National Health Coordinator at HHS
- Broadband Technology Opportunities Program \$4.7 billion
- NIST Scientific and Technical Research and Services \$220 million