

March 16, 2009

Peter Orszag
Director - Office of Management & Budget
Executive Office of the President
1650 Pennsylvania Avenue, NW,
Washington, DC 20503

RE: Office of Management & Budget
74 Fed. Reg. 8819
Request for Comments on Federal Regulatory Review

Dear Director Orszag:

ASTM International is pleased to submit these comments on the President's Executive Order for Regulatory Planning & Review.

ASTM International is a leading non-profit organization devoted to the development of voluntary consensus standards that are utilized by ninety industrial sectors in the US and in most geographic regions of the world. For more than 100 years, ASTM has served society as a leading venue for consumers, industry and regulators to work together in the development of voluntary consensus standards that promote health, safety, the environment, and that improve the overall quality of life. ASTM is accredited by the American National Standards Institute and meets World Trade Organization principles for the development of international standards.

ASTM Standards and the Code of Federal Regulations

ASTM has a long history of working in partnership with Federal agencies to develop standards that meet evolving regulatory and procurement needs. According to the National Institute of Standards and Technology (NIST) Standards Incorporated by Reference Database, there are 2,500 standards from ASTM International incorporated by reference in the US Code of Federal Regulations. An additional 500 ASTM standards have been identified by NIST as federal procurement standards incorporated by reference in various Federal policies. Accordingly, ASTM International is the single most Federally-referenced standards developing organization in the US.

OMB Circular A-119

Pursuant to the February 10, 1998, Memorandum from Office of Management and Budget (OMB) Director Franklin D. Raines, OMB Circular A-119 establishes existing Federal policy and guidance regarding "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities". Consistent with Section 12(d) of P.L. 104-113, the National Technology Transfer and Advancement Act of 1995, the Circular directs Federal agencies to use voluntary consensus standards in lieu of government-unique standards except where inconsistent

with law or otherwise impractical. It also provides guidance for agencies participating in voluntary consensus standards bodies such as ASTM International.

As OMB develops a set of recommendations to the President for a new Executive Order on Federal Regulatory Review, ASTM International finds that OMB A-119 continues to be an extremely effective policy that benefits the Federal government and the regulated community alike. The Circular affirms and ensures that the US has a decentralized system of standardization that is driven by the needs of stakeholders. It eliminates or significantly reduces the cost to the Federal government of developing its own standards. For consumers, it reduces the costs of most goods that are purchased. But most importantly, the system allows stakeholders – technical experts, consumer advocates and regulators - to engage directly under an open, transparent and balanced process in the development voluntary consensus standards that can be utilized to meet regulatory objectives.

In summary, OMB A-119 promotes successful public-private sector standards development efforts that help reduce the cost and improve the management and effectiveness of the Executive Branch. The Circular is a model regulatory policy for other nations and OMB should promote it and the principles of our standards system as it pursues regional or international harmonization of technical regulations.

Conclusion

While ASTM and other standards developers have demonstrated great success in working cooperatively with Federal agencies, consumers, industry and other stakeholders to craft voluntary consensus standards that meet current regulatory needs, enhanced public-private cooperation and Federal participation will be important to ensure that regulatory challenges of the future continue to be met. It is vital to the competitiveness of industry and the safety of the public that OMB promote policies such as OMB A-119 that help produce technically superior standards while reducing the cost and improving the overall effectiveness of the Federal government.