

NISTIR 8329

**Twenty-Third Annual Report on
Federal Agency Use of Voluntary
Consensus Standards and
Conformity Assessment Activities**

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Walter Copan, NIST Director and Undersecretary of Commerce for Standards and Technology

Twenty-Third Annual Report on Federal Agency Use of Voluntary Consensus Standards and Conformity Assessment Activities

Each year the U.S. Department of Commerce (DOC) provides a report to the Office of Management and Budget (OMB) summarizing federal agency use of government unique standards (GUS) used in lieu of voluntary consensus standards (VCS) during the previous fiscal year (FY) as required by Section 12(d)(3) of Public Law 104-113, the “National Technology Transfer and Advancement Act of 1995” (NTTAA). By implementing the NTTAA and Circular A-119 “Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities” (Circular A-119), agencies seek to minimize their reliance on GUS by using VCS whenever possible to achieve the following goals:

- reduce costs and regulatory burden;
- provide incentives and opportunities encouraging growth of U.S. enterprises;
- increase agency benefits from private sector expertise.

The FY 2019 summary, prepared by the National Institute of Standards and Technology (NIST), compiles the reports provided by 22 participating agencies listed in Appendix A. In these reports, agencies document any new use of GUS in lieu of VCS during FY 2019 and provide a rationale for each new use. Agencies also list any rescinded GUS in lieu of VCS during the past year. Agencies briefly describe their activities undertaken to carry out provisions described in Circular A-119. Individual agency reports may be found at <https://standards.gov/NTTAA/agency/index.cfm?fuseaction=agencyReports.main>.

VCS are defined in OMB Circular A-119 Sections 2d-e as standards developed via a process incorporating openness, balance, due process, an appeals process, and a consensus process defined therein. GUS, defined in OMB Circular A-119 Section 2c, are standards developed by and for use by the Federal Government that do not follow the process used in developing VCS.

For FY 2019, federal agencies reported four new GUS used in lieu of VCS as noted in Appendix B. The Department of State (DOS) applied their own building code standard in order to coordinate with DOS requirements and to standardize local industry provisions into contractual requirements applied in a wider jurisdiction. The Environmental Protection Agency (EPA) added a GUS to allow for specified analytical methods to be validated by multiple laboratories. The General Services Administration (GSA) added two GUS for temporary use during FY 2019 as the agency transitioned to new VCS.

As reported in Appendix C, in FY 2019, agencies rescinded two GUS used in lieu of VCS. Access Board (ACCESS) rescinded their GUS addressing hearing aid compatibility and now references the IEEE/ANSI C63.19-2011, American National Standard Methods of Measurement of Compatibility between Wireless Communications Devices and Hearing Aids. DOS rescinded their 2016 design standards in favor of a newer version.

1.1. Summary

In FY 2019, agencies added four GUS in lieu of VCS and rescinded two GUS used in lieu of VCS. The resulting additions and rescissions bring the total to 80 reported GUS currently used in lieu of VCS since reporting began in 1997. This analysis does not reflect the use of standards by the Department of Defense (DoD) or the National Aeronautics and Space Administration (NASA) as they must report their use of GUS on a categorical basis via a different reporting mechanism. The effectiveness of the NTTAA and Circular A-119 in encouraging an enhanced awareness and acceptance of private sector standards by federal agencies is demonstrated by the low numbers of reported new GUS used in lieu of VCS and the continuous review of opportunities to rescind GUS by using VCS. These activities suggest that federal agencies are cognizant of the benefits of meeting their mission needs by actively seeking to use standards developed by the private sector.

In accordance with its coordination role as defined in the NTTAA and OMB A-119, NIST continues to assist federal agencies and their stakeholders with standards and conformity assessment information, program support, guidance, and policy concerns. NIST hosts <http://standards.gov>, which offers ongoing practical guidance and information needed by agencies to implement the NTTAA successfully and report standards activities as required by the NTTAA and OMB Circular A-119. This report fulfills the annual reporting requirements of both the NTTAA and OMB Circular A-119.

Appendix A: FY 2019 Federal Agencies Reporting per OMB Circular A-119

Access Board (ACCESS)
Consumer Product Safety Commission (CPSC)
Department of Agriculture (USDA)
Department of Commerce (DOC)
Department of Defense (DoD)*
Department of Energy (DOE)
Department of Health and Human Services (HHS)
Department of Homeland Security (DHS)
Department of Housing and Urban Development (HUD)
Department of the Interior (DOI)
Department of Justice (DOJ)
Department of Labor (DOL)
Department of State (DOS)
Department of Transportation (DOT)
Environmental Protection Agency (EPA)
Federal Communications Commission (FCC)
Federal Trade Commission (FTC)
General Services Administration (GSA)
Government Publishing Office (GPO)
National Aeronautics and Space Administration (NASA)*
National Archives and Records Administration (NARA)
Nuclear Regulatory Commission (NRC)

* Agencies reporting on a categorical basis per OMB Circular A-119, Section 11.

Appendix B: New GUS Used in Lieu of VCS for FY 2019

Agency: **DOS**
GUS: General 2019 Bureau of Overseas Building Operations (OBO) Design Standards

VCS: The 2018 International Building Code
Rationale: OBO prefers to leverage industry codes and standards to the degree they support the mission of OBO of delivering safe, secure, functional, and resilient facilities. However, in some cases it is necessary to amend, modify, or focus industry codes and standards to address considerations such as for coordination with DOS security requirements and the Secure Embassy Construction and Counterterrorism Act. In other cases, it is useful to transform and standardize some U.S. industry provisions into contractual requirements which at the national level in the U.S. are addressed only as guidance for local jurisdictions. This is the case for some considerations related to zoning and utilities.

Agency: **EPA**
GUS: Validated Method 8327: Per- and Polyfluoroalkyl Substances (PFAS) Using External Standard Calibration and Multiple Reaction Monitoring (MRM) Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS)

VCS: ASTM D7979-19: Standard Test Method for Determination of Per- and Polyfluoroalkyl Compounds in Water, Sludge, Influent, Effluent and Wastewater by Liquid Chromatography Tandem Mass Spectrometry (LC/MS/MS)

Rationale: For the reasons set forth below, EPA determined that PFAS analytical methods should be validated by multiple laboratories, rather than by a single lab, for use under the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The ASTM D7979 standard is not multi-lab validated for the matrices of concern for RCRA and CERCLA.

Multi-lab validation accomplishes several purposes: First, it is a means to assess accuracy and reproducibility of data independent of the organization that developed the method. Second, it reduces uncertainty regarding the method used to produce the data to support decision making. By assuring accuracy and reproducibility of the data and confidence in the method, methods that are multi-lab validated provide additional assurance to EPA decision-makers and the public that resulting data used to protect human health and the environment are robust, reliable and of known quality.

EPA test methods that support RCRA and are used by other federal programs can be found in the EPA publication, Test Methods for Evaluating Solid

Waste: Physical/Chemical Methods, also known as SW-846. Under RCRA's SW-846 methods program, the methods development and validation process for Validated Method 8327 and other methods contained in SW-846 includes posting a method on EPA's public website for public comment, comment adjudication and relevant method revisions.

Agency: GSA
GUS: MIL-DTL-22520G, Crimping Tools, Wire Termination, General Specification for

VCS: SAE AS22520, Crimping Tools, Wire Termination, General Specification for

Rationale: Temporary use of GUS continued in FY2019 to allow transition to VCS.

Agency: GSA
GUS: MIL-I-81969B, Installing and Removal Tools, Connector Electrical Contact, General Specification for

VCS: SAE AS81969, Installing and Removal Tools, Connector Electrical Contact, General Specification for

Rationale: Temporary use of GUS continued in FY2019 to allow transition to VCS.

Appendix C: Rescinded GUS Used in Lieu of VCS for FY 2019

Agency:	ACCESS
Year GUS Incorporated:	2006
GUS Rescinded:	36 CFR Part 1194 Electronic and Information Technology Accessibility Standards (December 2000)
VCS:	ANSI/IEEE Standard for Hearing Aid Compatibility with Wireless Devices
Agency:	DOS
Year GUS Incorporated:	2016
GUS Rescinded:	The 2017 OBO Design Standards
VCS:	2015 International Building Code