



**NIST Interagency Report
NISTIR 8543**

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

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Abstract

In FY 2023, of the 23 federal agencies that reported, only one federal agency, which submitted a report for the first time, added 1 GUS in lieu of VCS. No other agency added or rescinded any GUS in lieu of VCS, leaving a total of 80 previously reported GUS in lieu of VCS still in use. 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 report their use of GUS on a categorical basis via a different reporting mechanism. Agencies demonstrate the effectiveness of the NTTAA and Circular A-119 by their continuous review of opportunities to rescind GUS in favor of using VCS, and their involvement with the private sector through the VCS process. These activities suggest that federal agencies are cognizant of the benefits of meeting their mission needs by actively seeking to use VCS developed by the private sector.

Keywords

Agency use of standards, government unique standards, NTTAA, voluntary consensus standards.

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

Annually since 1997, 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 OMB Circular A-119 “*Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*” (Circular A-119), agencies minimize their reliance on GUS by using VCS whenever possible and thus help to achieve the following goals:

- reduce costs and regulatory burdens,
- provide incentives and opportunities that encourage growth of U.S. enterprises,
- realize benefits from public-private collaboration in standards setting.

This FY 2023 summary, prepared by the National Institute of Standards and Technology (NIST), compiles annual reports provided by the 23 agencies listed in Appendix A. For these reports, agencies were asked to document any new use of GUS in lieu of VCS during FY 2023 and provide a rationale for each new use. Agencies additionally were asked to list any rescinded GUS in lieu of VCS during the past fiscal year, and to briefly describe their activities undertaken to carry out provisions described in Circular A-119. The two questions are listed in Appendix B. Individual agency reports may be found at <https://www.nist.gov/standardsgov/nttaa-reports>.

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. 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 2023, only one federal agency reported new GUS used in lieu of VCS, when they submitted a report for the first time. The Federal Energy Regulatory Commission (FERC) reported the use of “Updating Regulations for Engineering and Design Materials for Liquefied Natural Gas Facilities Related to Potential Impacts Caused by Natural Hazards,” 185 FERC 61050 (Oct. 23, 2023). The Final Rule does not adopt voluntary consensus standards related to natural hazard evaluation and design criteria for Liquefied Natural Gas (LNG) structures, systems, and components because adopting such standards would be impractical. More detailed information on this rationale is available in their agency report.

For FY 2023, federal agencies did not rescind any GUS used in lieu of VCS.

Summary

In FY 2023, of the 23 federal agencies that reported, only one federal agency, which submitted a report for the first time, added 1 GUS in lieu of VCS. No other agency added or rescinded any GUS in lieu of VCS, leaving a total of 80 previously reported GUS in lieu of VCS still in use. 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 report their use of GUS on a categorical basis via a different reporting mechanism. Agencies demonstrate the effectiveness of the NTTAA and Circular A-119 by their continuous review of opportunities to rescind GUS in favor of using VCS, and their involvement with the private sector through the VCS process. These activities suggest that federal agencies are cognizant of the benefits of meeting their mission needs by actively seeking to use VCS 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 by providing standards and conformity assessment information, program support, and guidance. NIST hosts <https://www.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 2023 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)
Federal Energy Regulatory Commission (FERC)
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: NTTAA Annual Reporting Survey

Instructions provided to each agency:

Per the [NTTAA and the revised OMB Circular A-119](#), your agency is requested to report on the following two questions:

1. Please provide a summary of your agency's activities undertaken to carry out the provisions of OMB Circular A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities" and the National Technology Transfer and Advance Act (NTTAA). The summary should contain a link to the agency's standards-specific website(s) where information about your agency's standards and conformity assessment related activities are available.
2. Please list the government-unique standards (GUS) your agency began using in lieu of voluntary consensus standards during FY 2023. Please note that GUS which are still in effect from previous years should continue to be listed, thus the total number in your agency's report will include all GUS currently in use (previous years and new as of this FY):

Process:

Attached is a Word (.docx) file with Question 1 and Question 2. Please complete, finalize, and send to NIST.

1. Question 1 is for reporting on your agency's activities in standards and conformity assessment during FY2023. As a reference, we have included the greyed-out response from last year and instructions on completing.
2. Question 2 is for reporting on GUS used in lieu VCS and includes previously reported GUS. Please update by adding any new and removing any rescinded GUS.

We will post your agency's NTTAA Agency report on our [website](#) in pdf format.

Please do not hesitate to give feedback, ask questions, provide comments, etc. on this process.