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Helping our world work better

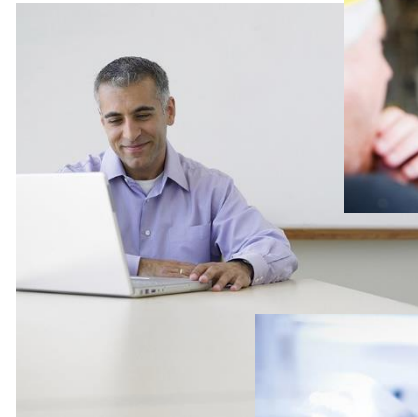
ASTM International Experience with Incorporation by Reference

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Background

ASTM International's Context

- ASTM's experience offers a robust, time-tested development process delivering globally accepted and respected standards
 - Established 1898
 - 30,000+ members in 155+ nations
 - 145+ Technical Committees meeting market needs of 90+ industry sectors
- Success based on responsiveness to the market – to both member and customer needs
 - In addition to standards, we offer training, proficiency testing, certification and an electronic platform that facilitates collaboration



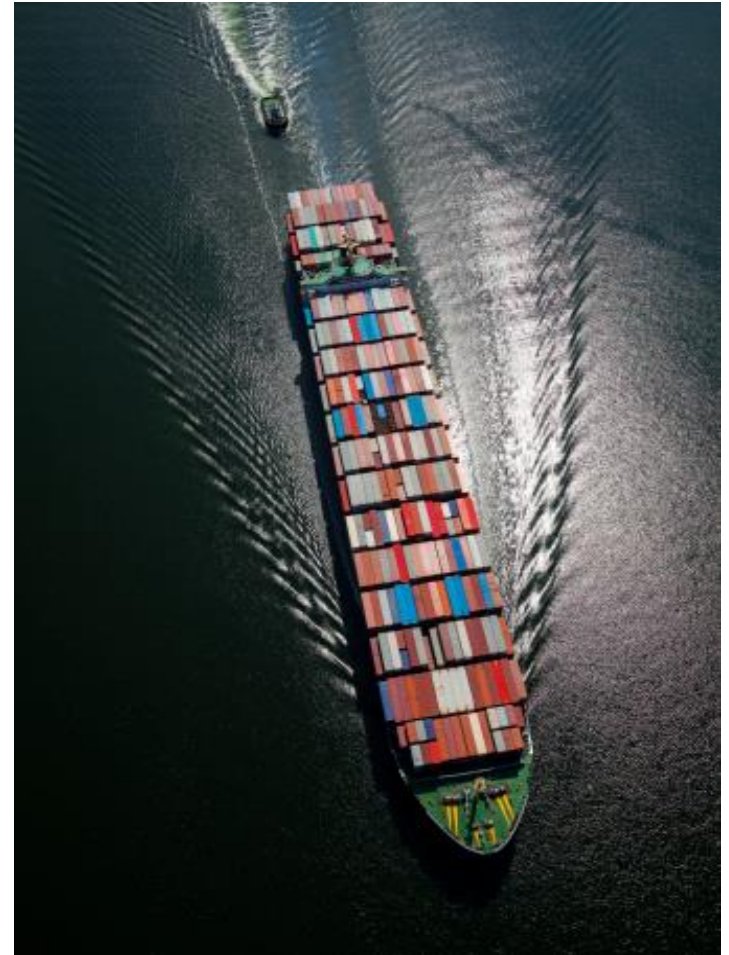
Standards and Regulatory Objectives in Today's Global Economy



We all want to facilitate market access

- Reduce non-tariff barriers that impede the flow of goods and services
- Reduce the cost of differences in regulation and standards
- Increase compatibility, transparency, and cooperation
- Foster innovation and technology transfer
- Boost the competitiveness of SMEs and companies

We want policies that advance trade and promote greater prosperity





The ASTM MoU Program

Memorandum of Understanding

ASTM International

- Full collection of ASTM Standards (adoption, as the basis of a national standard, consultation, normative reference, reference in regulation)
- Membership at no cost to participant
- Training (on-site, virtually; sponsored and shared cost)

MoU Partner

- Access to ASTM standards in its Information Center
- Annual Report on use of ASTM standards
- Utilization of ASTM standards where relevant and appropriate

113 MoU
partners
worldwide

8400+
citations of
ASTM
standards
in non-US
nations

Six Ways to Adopt and Reference ASTM

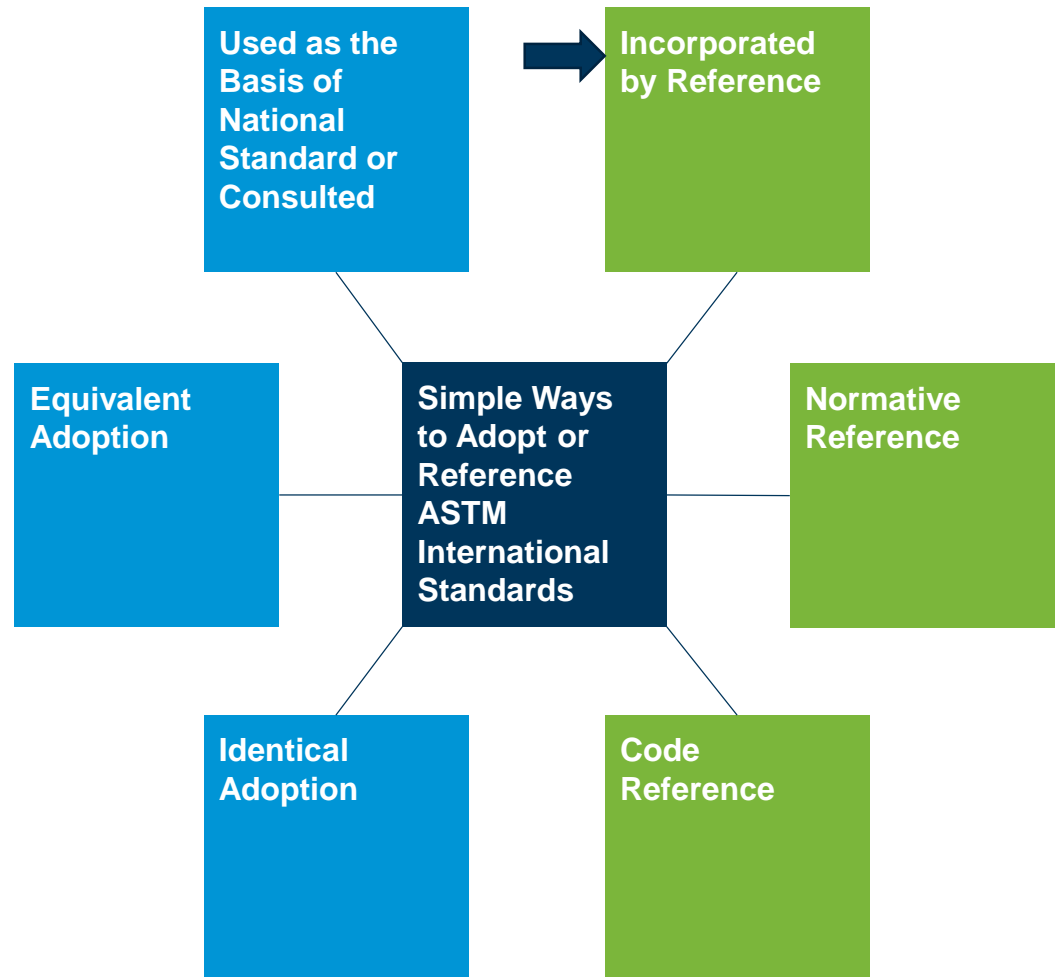


Available to all Public and Private Standards' Users

- Incorporated by Reference in Technical Regulations
- Normative Reference in Standards
- Code Reference (i.e. Building Code)

Available Only to MoU Partners

- Identical Adoption
- Equivalent Adoption
- Used as the Basis of a National Standard or Consulted



Uses of ASTM International Standards



Incorporated by Reference:

- ASTM International standard is called out, either in whole or in part, in a regulation, law, decree, rule, act, directive, order, edict, etc. (i.e. any official government document other than a National Standard) The content of the ASTM standard, either in whole or in part, is intended to be used as an additional requirement of the new regulation.
- EXAMPLE: The Pipeline and Hazardous Materials Safety Administration (PHMSA) currently incorporates by reference into 49 CFR Parts 192, 193, and 195 all or parts of more than 60 standards developed and published by standard developing organizations (SDO's).



U.S. Legal and Policy Framework



National Technology Transfer and Advancement Act of 1995 (NTTAA)

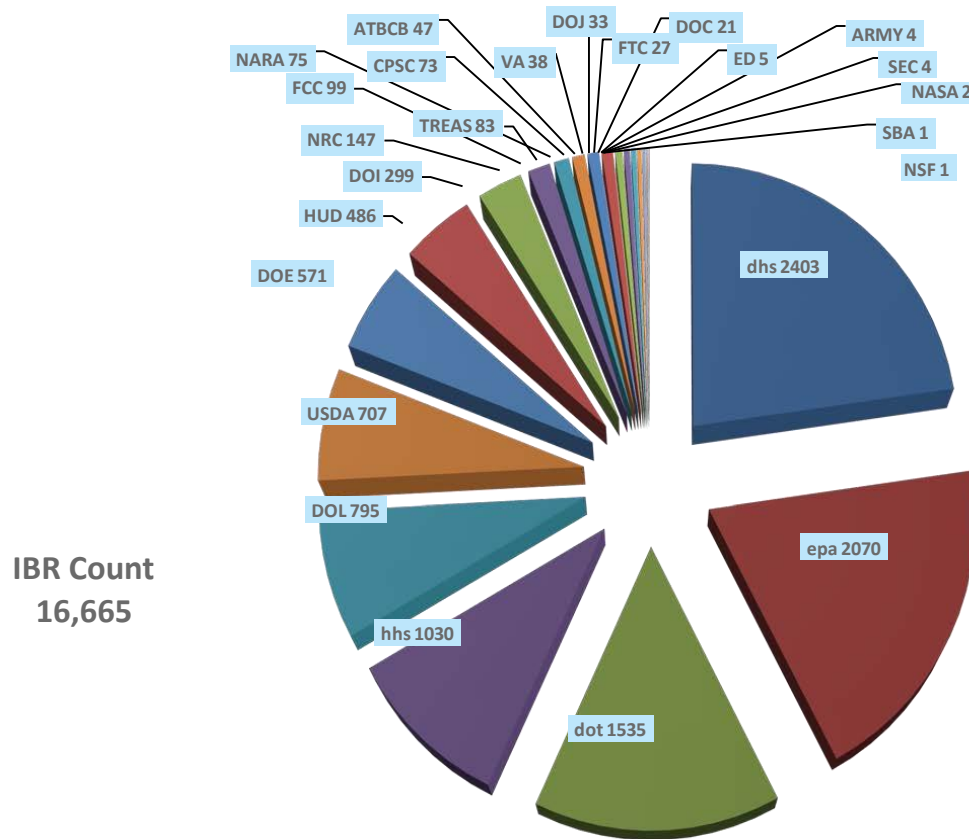
- Requires federal government agencies to use standards developed by voluntary consensus standards organization when possible
- Encourages federal government agencies to participate in standards development organizations

OMB Circular No. A-119

- Reinforces goals of National Technology Transfer and Advancement Act
- Discourages federal agencies from using government-unique standards
- Clarifies that agency reps can participate, vote, and even lead activities

“A voluntary consensus standards body is defined by the following attributes: (i) Openness. (ii) Balance of interest. (iii) Due process. (vi) An appeals process. (v) Consensus”

Government Role as Standards User – Adoption through Incorporation by Reference



Standards in US Regulations



Standards Developing Organization

Standards in
US CFR

Standards Developing Organization	Standards in US CFR
ASTM International	2366
American Society of Mechanical Engineers	599
American National Standards Institute	576
Society of Automotive Engineers	418
National Fire Protection Association	380
American Petroleum Institute	270
U.S. Environmental Protection Agency	242
State of Illinois	206
Association of Official Analytical Chemists	199
Insulated Cable Engineers Association	192



Federal Agencies Participation in ASTM

Agency Name	Members
Department of Agriculture	23
Department of Commerce (incl. NIST)	259
Consumer Product Safety Commission	56
Department of Defense	368
Department of Energy	185
Environmental Protection Agency	158
Federal Aviation Administration	55
Department of Health and Human Services (incl. FDA)	227
Housing and Urban Development	5

Agency Name	Members
Department of Interior	50
Department of Justice	122
NASA	67
Nuclear Regulatory Commission	19
Occupational Safety & Health Administration	13
Department of Transportation	120
Department of Veterans Affairs	12

Keeping Referenced Standards Up-To-Date



Consumer Product Safety Improvement Act (CPSIA)

- Passed in response to high-profile product recalls in 2007 & 2008
- Major Provisions
 - All toys must meet the safety requirements of ASTM F963 Standard Consumer Safety Specification for Toy Safety
 - Under section 106(g) of the CPSIA, if ASTM proposes revisions to ASTM F963, ASTM must notify the U.S. Consumer Product Safety Commission (CPSC). The revised standard shall be considered to be a consumer product safety standard ... effective 180 days after the date on which ASTM notifies the Commission of the revision, unless, within 90 days after receiving that notice, the Commission notifies ASTM that it has determined that the proposed revision does not improve the safety of toys.



Keeping Referenced Standards Up-To-Date



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 770

[EPA-HQ-OPPT-2017-0245; FRL-9972-68]

RIN 2070-AK36

Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is publishing this final rule to revise the formaldehyde standards for composite wood products regulations. The revision updates the incorporation by reference of multiple voluntary consensus standards that have been updated, superseded, or withdrawn, and provides a technical correction to allow panel producers to correlate their approved quality control test method to the ASTM E1333-14 test chamber, or, upon showing equivalence, the ASTM D6007-14 test chamber.

DATES: This final rule is effective on February 7, 2018. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of February 7, 2018.

Environmental Protection Agency (EPA)


TABLE 1—VOLUNTARY CONSENSUS STANDARDS COMPARISON

Current standard established by final rule 81 (FR 89674)	Status	Update to be promulgated effective February 7, 2018
ANSI/AITC A190.1-2002 American National Standard for Structural Glued Laminated Timber ¹ .	Updated version	ANSI A190.1-2017 Standard for Wood Products—Structural Glued Laminated Timber ¹ .
ANSI A208.1-2009 American National Standard for Particleboard.	Updated version	ANSI A208.1-2016 American National Standard for Particleboard.
ANSI A208.2-2009 American National Standard for Medium Density Fiberboard for Interior Applications.	Updated version	ANSI A208.2-2016 American National Standard for Medium Density Fiberboard for Interior Applications.
ANSI-HPVA HP-1-2009 American National Standard for Hardwood and Decorative Plywood.	Updated version	ANSI-HPVA HP-1-2016 American National Standard for Hardwood and Decorative Plywood.
ASTM D5055-05 Standard Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-Joists.	Updated version	ASTM D5055-16 Standard Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-Joists.
ASTM D5456-06 Standard Specification for Evaluation of Structural Composite Lumber Products.	Updated version	ASTM D5456-14b Standard Specification for Evaluation of Structural Composite Lumber Products.
ASTM D5582-00 Standard Test Method for Determining Formaldehyde Levels from Wood Products Using a Desiccator.	Updated version	ASTM D5582-14 Standard Test Method for Determining Formaldehyde Levels from Wood Products Using a Desiccator.
ASTM D6007-02 Standard Test Method for Determining Formaldehyde Concentrations in Air from Wood Products Using a Small-Scale Chamber.	Updated version	ASTM D6007-14 Standard Test Method for Determining Formaldehyde Concentrations in Air from Wood Products Using a Small-Scale Chamber.
ASTM E1333-10 Standard Test Method for Determining Formaldehyde Concentration in Air and Emission Rated from Wood Products Using a Large Chamber.	Updated version	ASTM E1333-14 Standard Test Method for Determining Formaldehyde Concentration in Air and Emission Rates from Wood Products Using a Large Chamber.
BS EN 717-2: 1995 Wood-based panels—Determination of formaldehyde release—Part 2: Formaldehyde release by the gas analysis method.	Withdrawn, superseded by BS EN ISO 12460-3:2015.	BS EN ISO 12460-3:2015 Wood-based panels—Determination of formaldehyde release. Part 3: Gas analysis method.
BS EN 120: 1992 Wood-based panels. Determination of formaldehyde content—Extraction method called the perforator method.	Withdrawn, superseded by BS EN ISO 12460-5:2015.	BS EN ISO 12460-5:2015 Wood-based panels—Determination of formaldehyde release. Part 5: Extraction method (called the perforator method).
JIS A1460:2001(E) Building boards-determination of formaldehyde emission—Desiccator method.	Updated version	JIS A1460:2015 Determination of the emission of formaldehyde from building boards—Desiccator method.
PS-1-07 Structural Plywood	Updated version	PS-1-09 Structural Plywood.
PS-2-04 Performance Standard for Wood-Based Structural-Use Panels.	Updated version	PS-2-10 Performance Standard for Wood-Based Structural-Use Panels.

¹ Note that the ANSI/AITC 190.1-2002 Standard is no longer under the American Institute of Timber Construction purview for the 2017 version, and is now an APA—the Engineered Wood Association managed standard.

Making ASTM Standards Incorporated by Reference Reasonably Available





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Helping our world work better

All

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- Proficiency Testing
- Training Courses
- Certification
- Cement & Concrete

Reading Room

This is a service where you can view and read ASTM safety standards incorporated in United States regulations.

The standards are presented for online reading. There are no print or download options. To acquire the current version of the standards with print and download options, follow the hyperlink to the current version.

CAUTION: The ASTM standards available on this site are the versions and year-dates actually referenced in the respective federal regulation or law. The ASTM standard referenced MAY NOT BE THE MOST RECENT OR UP-TO-DATE version available. It is possible that the standard and/or technology at issue has changed or been updated during the period of time since the regulation/law was enacted. As a non-governmental organization, ASTM does not control which ASTM standards (and versions thereto) are referenced in federal regulations or laws.

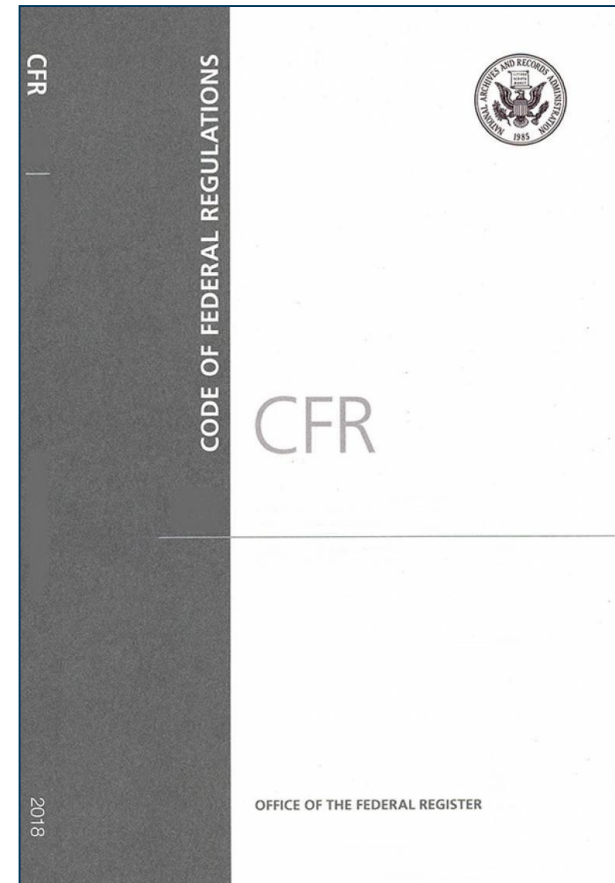
Send comments or questions to service@astm.org

OPEN READING ROOM

Working with Federal Agencies



- Review of the Code of Federal Regulations and Congressional Record
- Understand procurement and regulatory standards needs
- Communicate technical committee concerns to policymakers
- Ensure reference to current standards where practical
- Encourage government liaison with and participation in committee activities





In Conclusion

Benefits of Incorporating By Reference

- Minimizes duplication and conflicting guidance in industry
- Able to stay current with most up-to-date work product generated by industry experts around the world
- Reduces development time for new regulations and eliminates costs associated with developing new country specific regulations
- Contributes to transparency and allows feedback on whether other standards should be recognized during the proposed rule-making
- Ensures the use of a document that has already reached consensus by a broad group of stakeholders, including regulators
- Regulations incorporating consensus standards are more likely to be implemented

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Committee on Technical Barriers to Trade

FACTORS U.S. FEDERAL AGENCIES CONSIDER WHEN DECIDING TO USE A STANDARD

COMMUNICATION FROM THE UNITED STATES

The following communication, dated 8 November 2019, is being circulated at the request of the delegation of the United States.

Office of Management and Budget (OMB) Circular A-119¹, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities" outlines factors U.S. federal agencies should consider when deciding to use standards:

1. Whether the standard is effective and otherwise suitable for meeting agency regulatory, procurement, or program needs, including as applicable:
 - a. The nature of the agency's statutory mandate and the consistency of the standard with that mandate;
 - b. The level of protection the standard provides or is expected to provide for public health, welfare, safety, and the environment;
 - c. The clarity and detail of the standard's language, as the wording of a standard may contain too much detail as well as too little;
 - d. The costs and benefits of implementing other available standards that may also meet the agency's needs;
 - e. The costs and benefits to the Federal government and the regulated public of the agency developing its own standard;
 - f. The ongoing use of the standard by other agencies for the same or a similar requirement, the use of which in a particular instance would increase consistency across the Federal government;
 - g. The ongoing use of the standard by State and local governments for the same or a similar requirement, the use of which in a particular instance would increase consistency across jurisdictions;
 - h. The prevalence of the use of the standard in the national and international marketplaces;
 - i. The problems addressed by the standard and changes in the state of knowledge and technology since the standard was prepared or last revised;

¹ The full text of the Office of Management and Budget (OMB) Circular A-119 is available here: https://www.nist.gov/sites/default/files/revise/circular_a-119_as_of_01-22-2016.pdf.

- j. The extent to which the standard establishes performance rather than design criteria, where feasible;
 - k. The ability of small- and medium-sized enterprises (SMEs) to comply with the standard; and
 - l. The agency's ability to use, and enforce compliance with, the standard in its regulatory process.
2. The extent to which, when preparing the standard, the standards body reflected the attributes of a voluntary consensus standards body. The procedures related to these attributes (e.g., openness, balance, due process, appeals process, and consensus) should be easily accessible, clear and unambiguous. (Voluntary Consensus Standards are defined in Section 2.d and 2.e of OMB A-119.)
3. The extent to which the standard is an international standard (see Section 5h of OMB A-119).
4. Any barriers to membership and participation in the standards development process, given that fee structures, modes of participation, and other factors can impact the ability of SMEs, public interest groups, and the general public to participate.
5. Whether the standard is "reasonably available." (See Section 5f of OMB A-119 for additional information.)
6. The standards maintenance process used by the relevant standards developing body or bodies.
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