

March 7, 2011

Comments to Federal Register Notice:  
Docket No. 0909100442-0563-02

“Effectiveness of Federal Agency Participation in Standardization in Select Technology Sectors for National Science and Technology Council's Sub-Committee on Standardization”

Via email: [SOS\\_RFI@nist.gov](mailto:SOS_RFI@nist.gov)

Schneider Electric appreciates the opportunity to respond to the subject NIST Request for Information.

### **Executive Summary of our Comments**

The private sector standards system of the US has been a model of success for decades. It has produced a level of standardization that has provided benefits in both job creation and societal improvements. The involvement of the federal government in the private sector system is critical to the continued success of the system. The government can provide expertise and leadership in the US standards system and by doing both can often satisfy public policy needs and regulatory objectives through the effective development and implementation of standards.

A summary of elements that we believe deserve further attention and consideration can be outlined as follows:

- Expand the role of NIST as overall coordinator of the federal government's participation and leadership in the private sector system.
- Improve the communication of national priorities and governmental needs to the private sector players. ANSI (American National Standards Institute) can help bridge this communication gap in a positive manner.
- As the private sector, we have to be more responsive and receptive to the needs of the federal government and ensure that any private sector solution developed through the standards system can truly address the communicated need.
- Expand the role and authority of the Standards Executive within the federal agencies so that they can truly be the central coordinating point for both standards policy and technical positions of the agency.

- Expand the role of the Interagency Committee on Standards Policy (ICSP) such that both the agency leadership and policy makers understand its role and recognize the committee as an appropriate place for development of positions of the federal government in standards related issues.
- Provide agency leadership with a better understanding of the importance of standards and the role they can play in helping accomplish both public policy and regulatory needs.
- Look for better ways to integrate standards into the regulatory process so that updates to the standards can be better implemented without extensive rulemaking.

### **Who We Are**

As a global specialist in energy management with operations in more than 100 countries, Schneider Electric offers integrated solutions across multiple market segments, including leadership positions in energy and infrastructure, industrial processes, building automation, and data centers/networks, as well as a broad presence in residential applications. Focused on making energy safe, reliable, and efficient, the company's 110,000+ employees achieved worldwide sales of more than \$26 billion in 2010, through an active commitment to help individuals and organizations "Make the most of their energy".

We participate extensively in the US standards system at both the policy and technical levels and look forward to an expanded level of participation from the federal government.

The pages that follow provide additional detail on our views on specific elements of the RFI. Should you desire to have further discussions regarding our comments or would like our views on additional questions, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink that reads "Jim Pauley". The signature is written in a cursive style with a large initial "J".

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## **Schneider Electric Comments to the NIST RFI**

For the specific technology sectors outlined in the RFI, we will focus briefly on the efforts in Smart Grid and then offer some overall comments on the effectiveness of Federal participation in standards development and the importance of that participation.

### **Smart Grid**

Smart Grid is a critical area for not only Schneider Electric but also for the future energy security of the United States. The NIST program for Smart Grid created a structure for working with the private sector that better engaged various interests in a common direction. More importantly, it created a national imperative that better defined the overall goals that reached across various industry sectors and it is placing pressure on the private sector to produce outputs to accomplish those goals. This serves as an excellent example of the role that the Federal Government should be playing in standards policy.

The challenge is now to deliver on standards that can support the direction offered by the SGIP process and utilize those standards in both the regulatory and private sector applications.

We encourage the Subcommittee on Standards (SOS) to utilize the overall framework offered by Smart Grid to advance other national priorities into the private sector standards system. To be successful, the Federal Government has to clearly articulate that the outcomes of these frameworks will be the basis on which any potential regulation or requirements are based. This is a very key factor in motivating the private sector to participate actively in the framework.

### **Using the Private Sector Processes to Accomplish Public Policy Objectives**

Government agencies and regulators have to do a better job at clearly articulating the overall goals they are attempting to achieve and what role standards are expected to play in achieving that goal. Too often, we rush to talk about specific technical details without a good understanding of the intended purpose.

In addition, the private sector has to work to better understand government needs and respond to those needs. The model can work, but both sides have to ensure they are pushing in the same direction.

An excellent example that is in need of this expanded dialogue and coordination is the area of Electric Vehicles. There are numerous standards activities underway without a central coordinating point to ensure that the activities are aligned toward a common purpose. In addition, the Federal Government has not clearly expressed what it envisions as necessary parts of the roadmap to accomplish the public policy objectives in the EV arena.

Recently, ANSI held an initial coordination meeting of a possible steering committee for a Standards Panel on Electric Vehicles. A body of this type under the ANSI umbrella can provide the needed national coordination in the standards arena provided there is strong support from the federal government. This effort can become the ideal place where the federal government

can articulate its objectives for electric vehicles and the private sector can help respond to those objectives in a positive manner.

### **Federal Government Participation in Standards**

The Federal Government is a stakeholder in many standards activities. That stakeholder role can be from multiple perspectives - public policy, regulatory or procurement. Because of these roles, there is as much need for the governmental input into the development of the standard as there is input from industry or other stakeholders. Today, there are agencies that do this participation very well and others where they are nonexistent in the process. We believe that improvements in participation can be achieved as follows:

#### **Interagency Committee on Standards Policy (ICSP)**

The ICSP role needs to be strengthened and expanded. Not every agency is actively participating and the role of the ICSP is often relegated to lower level issues. There is a strong opportunity to better utilize the ICSP as a focal point for coordination across the agencies and should work to create a unified federal government position on standards policy wherever possible. This will require a commitment to the ICSP from those at the highest levels within the agencies and will require adequate resources to participate in the development of those positions.

#### **Standards Executives**

The role of the Standards Executive within the agencies needs to be redefined and expanded. This person should be the focal point for any particular agency on standards issues. Today, they often lack the authority to represent the overall agency and in many cases lack the support of the agency itself. Through a reinvigorated and expanded role, this position would become the focal point for a unified position on a particular issue of importance to the agency. The executive could also focus on future standards issues as well as provide definitive guidance to other agencies as part of the overall federal government effort. Every agency that has an interest in standards should have a Standards Executive in place with the full support of the highest levels of the agency. One of the key objectives would be to make sure that the agency speaks with a single voice and does not give conflicting messages from different parts of the agency to the external standards community.

#### **Consistent Approach to the ability to Participate**

There are still very broad interpretations among the different federal agencies about “how” they are permitted to participate in standards setting activities. Some have interpreted that they cannot participate at all, others have said they can only play a nonvoting “advisory” role and others participate fully as voting members. Although we recognize that there may be some limitations imposed by laws that set up an agency, there needs to be a more consistent approach among those agencies that have placed limitations on their own participation because of misunderstanding or misinterpretation. In the end, we need the federal government at the table as a full participant in the process including being able to cast a vote on a standards issue.

### Streamline Methods for Referencing of Standards in Regulations

One of the key advantages to the private sector standards system is its ability to react to changes in technology and the market and revise standards to keep them relevant to the current day. We are fully supportive of using references to standards in regulation as a way to achieve the regulatory objective. There is, however, a significant issue with this process. The referenced standard becomes outdated and the process for updating to the current edition is often simply ignored or it then becomes part of the rulemaking process which moves at a pace where even the updated standard may be replaced by a newer version before the rulemaking is complete.

One method that should be pursued and has been used in some areas of the government is to write the regulation in a manner that automatically updates to the most current edition in a set time period after that edition becomes available. The regulator could provide public notification of the update and if no substantive objections are received in that set time period, then the update would go into effect. This approach should be applied as the “norm” across all federal agencies.

### Adequacy of Resources

In this area, the government is no different than a corporation. It takes focused efforts to get senior levels of management to understand the value and importance of standards activities. Agencies where this is not understood will cut standards participation rapidly when budgets are tightened. Standards participation is an investment in the future and has to be viewed as such by the leadership of agencies and corporations alike. NIST should be given an expanded role in emphasizing the importance of standards to both policymakers and agency leadership. One of the best ways for this to be accomplished is to bring in some of the private sector participants to talk about the value of standards for commerce and job creation. Frankly, this same model can be applied in reverse as well. Having government participants that are able to talk to the private sector about the importance of standards to the government will drive better understanding as well.