

**Before the  
NATIONAL SCIENCE AND TECHNOLOGY COUNCIL  
SUB-COMMITTEE ON STANDARDIZATION**

Effectiveness of Federal Agency Participation )  
in Standardization in Select Technology )     Docket No. 0909100442-0563-02  
Sectors for National Science and Technology )  
Council’s Sub-Committee on Standardization )  
)

**COMMENTS OF THE  
CONSUMER ELECTRONICS ASSOCIATION**

The Consumer Electronics Association (CEA) is the preeminent trade association promoting growth in the \$186 billion U.S. consumer electronics industry. More than 2,000 companies enjoy the benefits of CEA membership, including legislative advocacy, market research, technical training and education, industry promotion, standards development and the fostering of business and strategic relationships. CEA also sponsors and manages the International CES – The Global Stage for Innovation. All profits from CES are reinvested into CEA’s industry services.

CEA makes an ongoing effort to grow the CE industry by developing essential industry standards. CEA functions as a vital connection between companies, retailers and consumers to develop a unified technology roadmap. With more than 30 committees, subcommittees and working groups and roughly 1,400 participants, the CEA Technology & Standards program maintains an unmatched reputation as a credible and flexible standards-setting body. CEA is accredited by the American National Standards Institute (ANSI) as a Standards Development

Organization (SDO). In addition, CEA participates in the global coordination of standards and their development through participation and as a technical contributor in the International Electrotechnical Commission (IEC) and other international standardization activities intended to coordinate standards-setting in a globally harmonized manner.

Emerging technologies offer great potential for delivering new, innovative products and services for the global marketplace. Standards can enable further innovation and enhance the value of these new technologies by promoting interoperability and economies of scale and ultimately lower cost for the end-user of the products. The National Technology Transfer and Advancement Act of 1995 (NTTAA) directs Federal agencies to rely on voluntary, consensus standards, in lieu of government-unique standards. Moreover, the NTTAA encourages the Federal government to participate in standards development activities led by the private sector, where appropriate.

In this Request for Information the National Institute of Standards and Technology, on behalf of the National Science and Technology Council's Sub-Committee on Standards, seeks comments on the effectiveness of Federal government's participation in the development and implementation of standards and conformity assessment activities and programs. As an ANSI-accredited Standards Development Organization, CEA welcomes the opportunity to inform, and encourage, the Federal government's continued engagement in industry-led standards-setting.

### **Perspectives on Government's Approach to Standards Activities**

As the RFI notes, there are a variety of approaches that the Federal Government uses to participate in the standards-setting process, both nationally and internationally. Sometimes staff

members from Federal agencies participate directly as subject matter experts in standards-setting activities that are led by the private sector. At other times, agencies identify their standards needs and requirements, and then reach out to the private sector to develop the standards. Sometimes, agencies help fund coordination of private standards-setting activities to develop standards that are identified as national priorities. At other times, agencies take an active role in both identifying standards needs and directly contributing to the standards development process in collaboration with the private sector. In multi-disciplinary technologies, such as smart grid, health information technology, cyber security, emergency communications, etc., several Federal agencies with differing roles and mandates participate in standards development activities.

CEA believes that all of these approaches for Government participation are valid and can result in the efficient development of standards that meet the needs of industry and address national priorities. The voluntary, industry led, consensus-based standards process which is the basis of much of the standardization activity in the U.S., is one that provides flexibility depending on the focus of the participants. No method of engagement by Federal agencies is inherently better than the others, since one size does not fit all possible standards solutions being sought. However, the Government should not control the outcome of the standards-setting process. Rather, the Government should define its requirements and let Standards Development Organizations, through their processes, develop the standards in the most efficient and effective manner. CEA encourages Federal agencies to carefully explore the relative benefits of these possible approaches for participation when contemplating engagement with industry in standards-setting. Strategic planning across the various agencies involved in any specific standard will help ensure the best possible outcome in terms of speed and utility of the resulting standard. CEA also encourages the continued and increased coordination across Federal

agencies on multi-disciplinary technologies mentioned above so that consistent needs are identified for the standards-setting process.

The U.S. Government should also continue to work with our trading partners to reduce and eliminate non-tariff barriers to trade, by utilizing relevant international standards as the basis for technical regulations. Most recently, a proliferation of divergent or non-harmonized approaches to accessibility, cyber security, energy efficiency, or smart grid standards have begun to create or have the potential to become non-tariff barriers that hinder trade and burden CE companies with unnecessary compliance costs. The Agreement on Technical Barriers to Trade – commonly referred to as the TBT Agreement – requires signatories, including the United States, to ensure that technical regulations, standards, testing, and certification procedures do not create unnecessary obstacles to trade. To the extent that the U.S. Government encourages or facilitates the coordination of national standards in emerging technologies, it should also create a strategy to harmonize such standards with global trading partners.

### **Issues Considered During the Standards-Setting Process**

Various factors including the existence of related or duplicative standards, competition among manufacturers and technology solutions, and the inclusion of intellectual property arise and are addressed during standards development through policies and procedures that the standards developers' members agree to as a basis of participation.

The CEA procedures for standards creation comply with ANSI *Essential Requirements*, which detail the process an ANSI accredited Standards Development Organization (SDO) must undertake to ensure a good faith effort is made to avoid duplicative standard development

projects. CEA supports the approach outlined in the *ANSI Essential Requirements* to address conflict and duplication issues. Further, through CEA's participation in relevant International Electrotechnical Commission (IEC) technical committees, efforts are made to determine whether there is potential for overlap or duplication with existing international standards. Duplicative or interrelated international standards of interest are identified through our IEC participation, members of the standards-setting committee, and periodic meetings with other standards-setting bodies throughout the world involved in efforts to write standards for similar technologies.

Consistent with *ANSI Essential Requirements*, CEA supports Intellectual Property Rights (IPR) policies that require reasonable and non-discriminatory disclosure (RAND). CEA's IPR policy requires patent holders to make commitments to offer licenses on essential, patented technology on RAND terms and conditions, with or without compensation. CEA policies encourage the early disclosure of essential patents in the standards process.

CEA supports "open standards" processes. Participants in CEA standards-setting committees understand "open standards" in this context to mean that standards are developed and maintained by a collaborative, consensus-based process; the standards-setting processes and procedures are transparent; any party with a direct and material interest can participate; a variety of interest groups are solicited during the drafting process; published standards are subject to RAND IPR policies; and published standards are made available to the public under reasonable terms.

## Conclusion

Effective engagement and participation by Federal agencies' in the development and implementation of standards and conformity assessment activities and programs is essential to the success of the standards-setting system in the U.S., especially for multidisciplinary technologies such as smart grid, health information technology, cyber security, emergency communications, etc.

CEA appreciates the opportunity to provide input in response to the National Science and Technology Council's Sub-Committee on Standards Request for Information.

Respectfully submitted,

CONSUMER ELECTRONICS  
ASSOCIATION

By: 

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