

NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT (NTTAA)

ISSUE SUMMARY:

- Section 12(d) of the NTTAA and related federal policies direct EPA to use Voluntary Consensus Standards (VCS) and other private sector standards to carry out policy objectives, including regulation, procurement and other activities.
- EPA's Standards Executive is housed in the Office of Policy within the Administrator's Office and coordinates NTTAA implementation within EPA, working closely with offices across the Agency.

BACKGROUND:

About Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of P.L. 104-113, the National Technology Transfer and Advancement Act of 1995, as amended, states that Federal agencies and departments shall:

- Use Voluntary Consensus Standards to carry out policy objectives, except where "inconsistent with applicable law or otherwise impractical" (this requirement applies to regulatory and non-regulatory activities)
- Consult with VCS bodies. Within EPA we use the term "engage" to avoid confusion with other types of consultation
- Participate in the development of VCS whenever such participation is in the public interest and is compatible with agency or departmental missions, authorities, priorities, and budgetary resources

VCS are technical documents, such as test methods, specifications, and terminology, that are developed using procedures that are open to all interested parties. VCS are generally developed by private sector, not-for-profit organizations such as ASTM International, NSF International and the International Organization for Standardization (ISO).

The NTTAA also encourages Federal agencies to coordinate their conformity assessment activities (e.g., testing, inspection, certification) with those of the private sector to avoid unnecessary duplication and complexity in Federal conformity assessment activities.

Benefits to EPA and its Stakeholders

The NTTAA and related laws, regulations and policies can benefit EPA and its stakeholders in many ways, including:

- Using public resources efficiently and effectively (can help EPA "do more with less")
- Reducing unnecessary burden on regulated communities, while ensuring environmental protections
- Streamlining information exchange among a diverse set of perspectives to advance protection of human health and the environment and to spur innovation
- Aligning regulatory requirements across markets to create a level playing field for U.S. exports.

NTTAA Implementation at EPA - Examples

- Over 4500 references to VCS and other private sector standards in EPA regulations
- Over 150 EPA staff participate in the development of VCS
- VCS are foundational technical requirements of EPA voluntary programs such as ENERGY STAR and WaterSense

EPA Standards Executive

OMB Circular A-119 outlines specific responsibilities for heads of Agencies, including designating an Agency Standards Executive. EPA's Standards Executive is housed in the Office of Policy and has EPA-wide responsibilities that are outlined in OMB A-119 and 15 CFR 287, including:

- Conducting outreach to EPA staff engaged in rulemaking, procurement and other programmatic activities to ensure that they are aware of, and consider, Section 12(d) of the National Technology Transfer and Advancement Act and related policies
- Providing training, guidance and other resources to help EPA staff implement Section 12(d) of the NTTAA and related policies, consistent with EPA's budget and other considerations
- Coordinating EPA staff participation in the development of private sector standards, helping to ensure consistency with Administration priorities, as well as EPA priorities, policies and authorities
- Representing EPA's positions in interagency fora, including the Interagency Committee on Standards Policy
- Preparing EPA's annual report on implementation of the NTTAA, which is transmitted to OMB and Congress
- Maintaining the standards page on EPA's website: www.epa.gov/vcs

EPA Order 1000.36, *Implementation of Section 12(d) of the National Technology Transfer and Advancement Act and Related Federal Policies*, further clarifies the roles and responsibilities of the EPA Standards Executive and the EPA Standards Executive.

KEY EXTERNAL STAKEHOLDERS:

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| <input checked="" type="checkbox"/> Congress | <input checked="" type="checkbox"/> Industry | <input checked="" type="checkbox"/> States | <input checked="" type="checkbox"/> Tribes | <input checked="" type="checkbox"/> Media | <input checked="" type="checkbox"/> Other Federal Agency |
| <input checked="" type="checkbox"/> NGO | <input checked="" type="checkbox"/> Local Governments | <input checked="" type="checkbox"/> Other: <u>U.S. Standardization Community</u> | | | |

The U.S. Standardization Community consists of over Federal and local government agencies, industry, consumer and environmental organizations, academia, test labs and certification bodies, and others. Over 270,000 organizations and companies, and over 30 million professionals contribute to the VCS used by EPA.

MOVING FORWARD:

Key objectives for 2025 onward include:

- Implementing the [U.S. Government National Standards Strategy for Critical and Emerging Technology](#), which aims to increase U.S. leadership and counter China's influence in international standards development
- Achieving operational efficiencies, including integrating standards into EPA's multi-year budget planning process and centralizing purchasing of standards documents to achieve economies of scale
- Navigating the implications recent court cases and legislative developments addressing copyright protection for standards incorporated by reference into regulation on EPA's regulatory programs

LEAD OFFICE/REGION:

- Lead Office: Office of Policy (Office of the Administrator) houses EPA's Standards Executive and coordinates implementation of Section 12(d) of the NTTAA and related policies across the Agency
- Other Offices: all EPA offices are responsible implementation of Section 12(d) of the NTTAA and related policies.