

September 19, 2011

Administrative Conference of the United States  
Committee of Administration and Management  
Suite 706  
1120 20<sup>th</sup> Street, NW  
Washington, DC 20036

Reference: Comments on 09/09/2011 Draft of ***Incorporation by Reference in Federal Regulations***

Members of the Committee and Staff:

SAE International (referenced in the draft report as “Society of Automotive Engineers”) appreciates the opportunity to comment on the draft report, ***Incorporation by Reference in Federal Regulations***. We also thank the staff of ACUS for the opportunity to be interviewed prior to the creation of the draft report.

As background, SAE International is a 106-year-old not-for-profit, professional engineering society serving the global mobility industry. A core competency is the development of globally-accepted, voluntary-consensus standards for the aerospace, automotive, and commercial vehicle mobility sectors. SAE maintains the world’s largest database of mobility engineering-related standards. SAE is a member of and accredited by the American National Standards Institute (ANSI). In addition, SAE meets the requirements of the World Trade Organization (WTO), which permits SAE to develop international or globally accepted standards.

#### **Comments Relevant to Committee Draft Report:**

1. **General Comment:** SAE values its relationship with the U.S. Federal government, especially with those agencies that relate to standards development. These relationships have benefited the public, as well as industry and government, by increasing the safety and health of citizens and reducing the costs of regulations and compliance.

The standards development process also has facilitated greater discussion of technical issues affecting the various stakeholders, thereby improving the basis of public policy decision-making. SAE has used and continues to explore mutually beneficial methods of enhancing the relationships between SAE and the Federal agencies to increase the value of any referenced standard to regulated parties and the public.

2. **Comment on Recommendation 3b:** SAE agrees with the intent of this recommendation. The intellectual property (IP) rights of SDOs, and the cost of developing and maintaining that IP, is an important consideration in the context of accessibility discussions. The current model of private funding of standards development in the U.S. without using public resources has worked well for all parties and the public. The ultimate goal of all parties should be to serve the public, while not creating extra costs to Federal agencies, and subsequently to the public.

Recognizing its public stewardship role, SAE ensures that its entire standards portfolio is readily assessable and affordable to all parties via its website and/or direct mail.

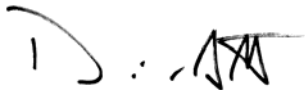
3. **Comment on Recommendation 4a:** SAE concurs that there is a difference between the type of accessibility needed during the rulemaking stage and that following publication of a rule.
4. **Comment on Recommendation 7:** SAE agrees that agencies should be encouraged to participate in the standards setting process. SAE's standards development process encourages open and transparent participation by all interested parties, including the public, by not requiring a participation fee.

The regulatory process would benefit from a more uniform approach among different departments within individuals agencies. This uniform approach would ensure the maximum benefit to all parties involved. Creating "best practices" between agencies might be useful in this respect.

5. **Comment on "Updating Incorporations by Reference:"** SAE has made a significant investment to ensure that all historical versions of referenced standards are readily accessible and attainable to anyone via its web site at the same cost as the current version. While SAE would prefer that the latest version of a consensus standard be referenced and updated (we believe the regulated parties also would prefer such a model), we understand the complexity of the issue. Nevertheless, the process to create a common solution used by all agencies should begin as soon as possible. Only then will the benefits to the public and the regulated parties be maximized through lower costs to test and manufacture and the use of the latest technologies to enhance safety.

SAE appreciates the leadership shown by ACUS in selecting the issue of *Incorporation by Reference in Federal Regulations* to study and issue recommendations that would improve the process for all affected parties. We are happy to have been asked to contribute to the research and comment stages of this effort. If further information is desired, please contact Tim Mellon in the SAE International Washington office at 202.434.8944.

Sincerely,



David L. Schutt, PhD  
Chief Executive Officer