



Standards as an instrument of public policy?

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CMGT 564: Strategic Standardization

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Summer 2007



Public Policy defined

Any type of actual or proposed government action to address social problems (The Global History Public Policy Analyst (GHPPA))

A set of interrelated decisions taken by a political actor or group of actors concerning selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve (William Jenkins in Policy Analysis: A Political and Organizational Perspective)



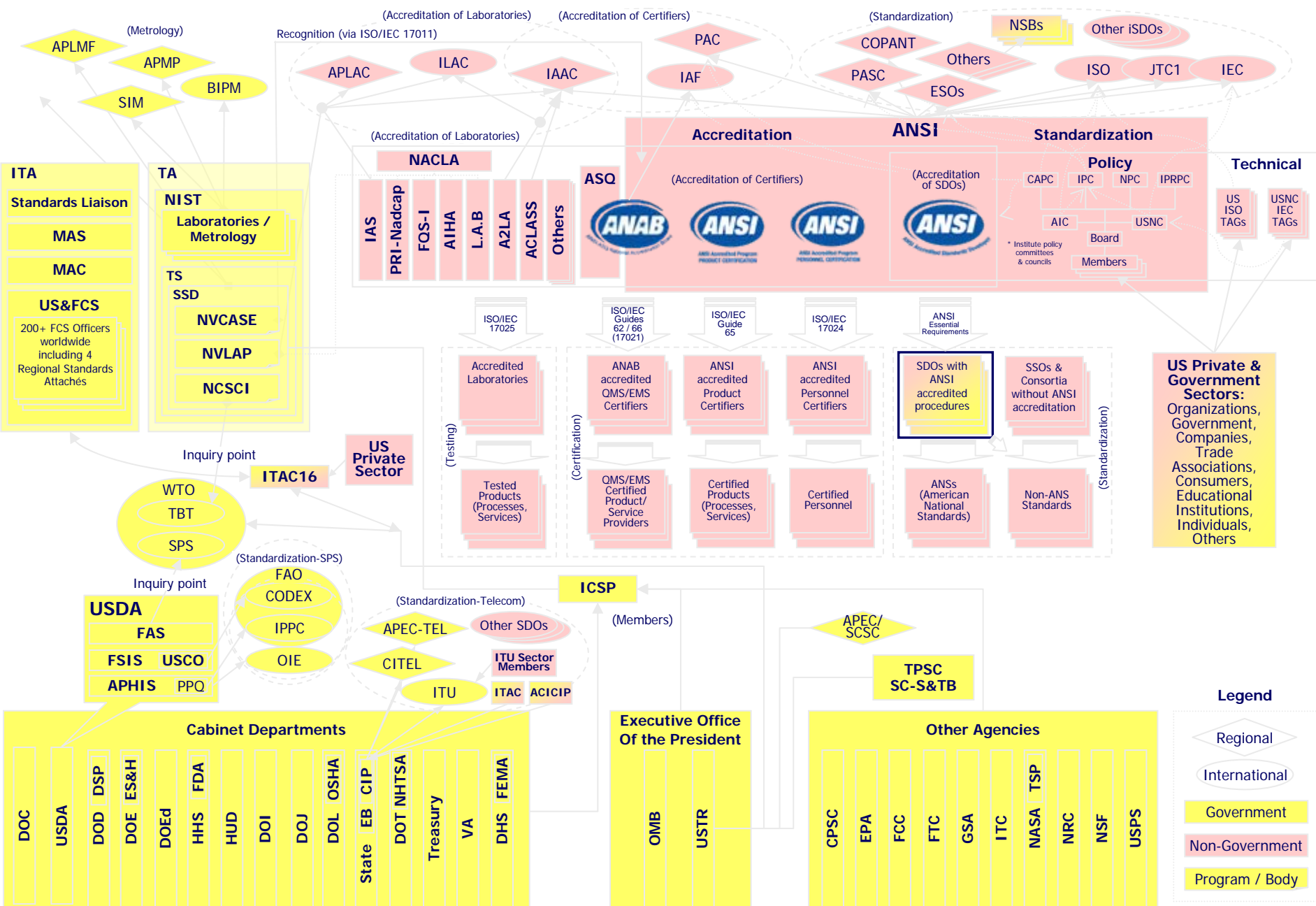
Standards defined

- A standard is “A prescribed set of rules, conditions, or requirements concerning definitions of terms; classification of components; specification of materials, performance, or operations; delineation of procedures; or measurement of quantity and quality in describing materials, products, systems, services, or practices.” (National Standards Policy Advisory Committee)

“In a military context, **standardization** is defined as: The development and implementation of concepts, doctrines, procedures and designs to achieve and maintain the required levels of compatibility, interchangeability or commonality in the operational, procedural, materiel, technical and administrative fields to attain interoperability.” (Perry, William, (1994), Memorandum from the Secretary of Defense to the Secretaries of the Military Departments, "Specifications & standards -- A new way of doing business", June 29, The Pentagon, Office of the Secretary of Defense.)

U.S. Standards and Conformity Assessment System

*Slide courtesy of Gary Kushnier, Vice President for International Policy, American National Standards Institute



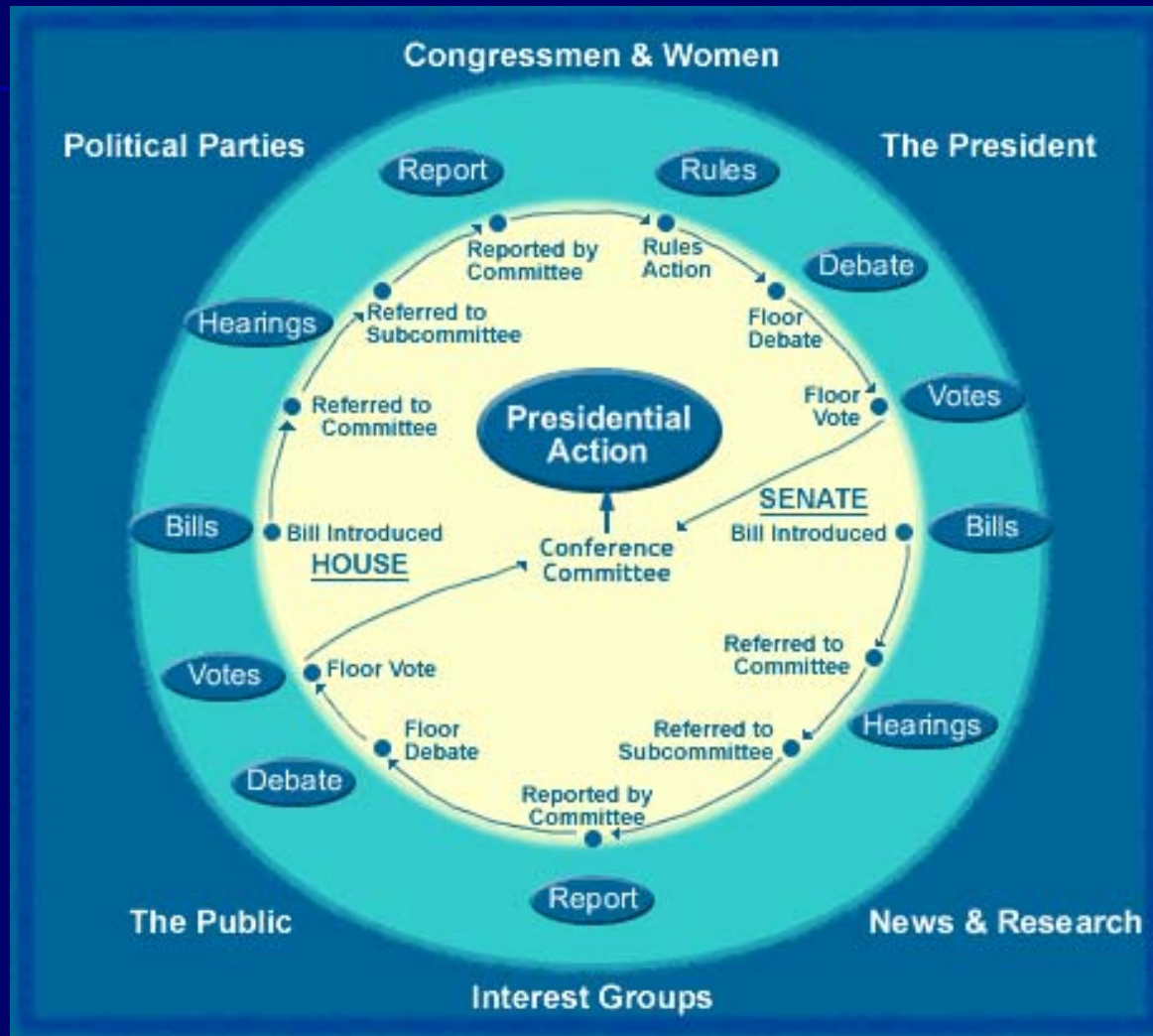


The Public Policy Process*

1. Issue identification
2. Policy analysis
3. Policy instrument development
4. Consultation
5. Coordination
6. Decision
7. Implementation
8. Evaluation

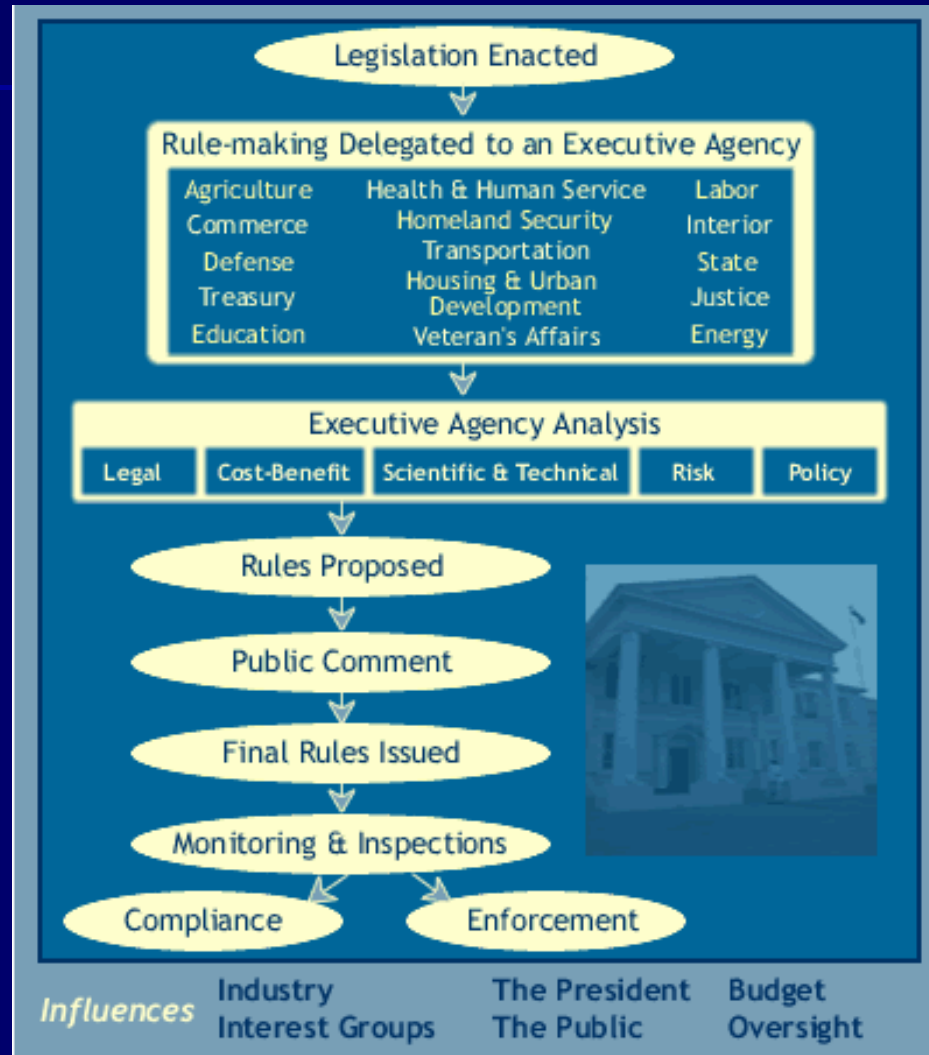


The Public Policy Process





The Public Policy Process



*Courtesy of <http://www.csuchico.edu/~kfountain/bills/implement.htm>



Standards role in Public Policy

- Presented under the context of the “Value of standards”
[Advert]
Provide a basis for improving major needs of society such as health, safety, the environment, and sustainability.*
- Private Standards bodies are making technical choices affecting public and individual rights (example W3C)**
[Inadvertent]

*Purcell, Donald. “US Standards System I”. Lecture. The Catholic University of America. 2007

** Morris, John B. Jr. “Injecting the Public Interest into Technical Standards”. Position Paper. Center for Democracy and Technology. 3 Feb 2007.



Legal Justifications

- No standards-related activity of any private person, Federal agency, or State agency shall be deemed to constitute an unnecessary obstacle to the foreign commerce of the United States if the demonstrable purpose of the standards-related activity is to achieve a legitimate domestic objective including, but not limited to, the protection of the legitimate health or safety, essential security, environmental, or consumer interests and if such activity does not operate to exclude imported products which fully meet the objectives of such activity.” [19 USC Sec. 2531 (1994)]



Fair Packaging and Labeling

“Whenever the Secretary of Commerce determines that there is undue proliferation of the weights or masses, measures, or quantities in which any consumer commodity or reasonably comparable consumer commodities are being distributed in packages for sale at retail and such undue proliferation impairs the reasonable ability of consumers to make value comparisons with respect to such consumer commodity or commodities, he shall request [industry] . . . To participate in the development of a voluntary [labeling] product standard for such commodity or commodities . . . “ [15 USC Sec. 272 (d) (1901)]



Government responsibility in standards*

- Four main areas
 1. Direct regulation
 1. Infrastructure (Power, Telephones etc)
 2. Communications (Radio, Airwaves etc)
 2. Government procurement
 - Influence comes as major buyer
 - Directive to encourage small business bids might indirectly drive proprietary standards
 3. Intellectual property law
 - Conflict between standard and IP law rights
 - *Sega v. Accolate & Atari v. Nintendo*
 4. Antitrust
 - *1998 US v. Microsoft* (Web browsers were open but plugins were MS proprietary)
 - *Rambus v. Infineon* (Example from class)

* (West, Joel. "What are Open Standards?" Standards and public policy conference. Chicago IL. 2004.



Availability of COTS[S] Standards regulated by:

- National Technology Transfer and Advancement ACT
 - “The need for legislative protection given by the SDO rules was mitigated by the creation of NTTAA of 1995, which allowed collaborative Research and Development; the need for speed and ease of creation led to the various forms of consortia.”*

- OMB Circular A119 [Expands NTTAA]
 - Defined voluntary consensus standards bodies
 - Encourage federal representatives participate in these bodies helping to meet both public and private sector needs

* Cargill, Carl and Sherrie Bolin. “Standardization: A Failing Paradigm”. Standards and public policy conference. Chicago IL. 2004.



US vs. EU Public Policy standards approach*

- HDTV and mobile telecommunications (Network Industries)
 - EU took early adoption standards approach
 - US (FCC) allowed competition between companies decide.
- *EU achieved better network effects and more value, but the US produced a higher standard

* (Cabral, Luis and Tobias Kretschmer. "Standards Battles and Public Policy. Standards and public policy conference. Chicago IL. 2004.



Conclusion & Future Outlook

- Society has expectation that technology will play an increasing role in solving the worlds problems
- Standard for the “implementation of technical standards in public policy”?
- Develop International Consensus for ISO Strategic Plan (One Standard, One Test, One Conformity Assessment procedure accepted everywhere)
- Future need for engineers operating at the interface of science, technology and policy



Acknowledgements

- Professor Don Purcell, The Catholic University of America
- Bryan O'Byrne, US Commerce
- John Morris, Center for Democracy and Technology



Thank-you

Questions?