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March 9, 2012

Juan RAMOS-GARCIA
Mechanical Engineer
UNECE TRANSPORT DIVISION
Chief of the Vehicle Regulations and Transport Innovations Section &
Secretary of the World Forum for Harmonization of Vehicle Regulations (WP.29)
8-14, Avenue de la Paix
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Dear Juan Ramos-Garcia;

Thank you for contacting ASTM International to seek our views as the World Forum for Harmonization of Vehicle Regulations (WP.29) examines the use and availability of private standards in the text of vehicle regulations developed by WP.29 and incorporated in the Agreements administered by WP.29.

ASTM International has found the use of private consensus-based standards in regulations throughout the world both improves public safety and the environment and reduces the cost of government. Known for the technical quality and relevance, ASTM standards are widely referenced in the worldwide operations of automotive OEMs and their suppliers, and referenced in the regulatory frameworks of North America and Europe. The National Highway Transportation Safety Administration includes over 50 references to ASTM documents in U.S. regulations, while Canada and the European Union reference dozens of ASTM standards in various regulations covering the general safety of motor vehicles, their trailers and systems, components, and separate technical units. As you may know, UN ECE regulations also reference ASTM standards – including UN ECE Regulation Number 117 which references four different ASTM standards that are fundamental to tire safety and performance.

In our experience working hand-in-hand with regulators from around the world, we have found the practice of including all or part of the text of an ASTM standard into the text of a regulation to be ineffective. First, this practice can have a chilling effect on innovation, and, can – in some circumstances – undermine public safety since ASTM standards are constantly being revised to reflect changes in technology or to address new hazards in the marketplace. Embedding the text of standards in regulations freezes that text in place until there is an administrative or regulatory action to revise it, even though the standard has been revised by the technical experts convened by ASTM International. Second, this practice infringes upon our vibrancy as a standards development organization since we rely upon the funding we receive from the commercial enterprises in the automotive industry that purchase our standards at very flexible and reasonable terms in order to carry-out our mission as a non-profit organization.

ASTM International strongly supports the UN ECE Working Party on Regulatory Cooperation and Standardization Policies (WP.6) Section D.1 which states, “*ECE Governments should in legislation whenever possible use reference to national standards, to regional standards or preferably to international standards when they exist...*”.

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March 9, 2012

Page 2

We find that the most effective way for regulators to make use of voluntary consensus standards in support of regulatory objectives is through the act of incorporation by reference. In the United States, the Office of Management and Budget (OMB) Circular A-119 and the National Technology Transfer and Advancement Act of 1994 (P.L. 104-119) effectively establish Federal policy and guidance regarding the use of voluntary consensus standards in support of regulatory initiatives in a manner that bolsters incorporation by reference. This well-established Federal policy was recently examined and reaffirmed on October 17, 2011, by the Obama Administration's National Science and Technology Council report entitled Federal Engagement in Standards Activities to Address National Priorities which included the following finding:

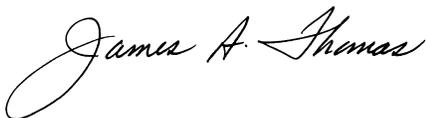
“Access and Availability: the text of standards and associated documents should be available to all interested parties on a reasonable basis, which may include monetary compensation where appropriate.”

While this is an aspect of U.S. law and policy, we find that this same concept of incorporation by reference is generally applied on a worldwide basis allowing over 5,000 ASTM standards to be utilized by governments in over 125 countries. It is a model policy for making most effective use of standards in the text of vehicle regulations developed by WP.29 and incorporated in the Agreements administered by WP.29.

ASTM International is recognized worldwide for making its standards available on flexible and reasonable basis. During the review of standards to support regulations, ASTM would be pleased to make specific standards available to WP.29 for official purposes. We routinely provide such access to the governments of over 70 nations that participate in ASTM International's global cooperation program. As an additional benefit to assist WP.29 in its important mission, ASTM would be pleased to offer your staff participation in the standards development activities of our technical committees at no cost.

In closing, we wish to thank you for contacting us and suggest that you contact Jeff Grove at (202)223-8505 or jgrove@astm.org to continue this important dialogue.

Sincerely,

A handwritten signature in cursive script that reads "James A. Thomas". The signature is written in black ink and is positioned above the printed name.

James A. Thomas