

**STANDARDS DEVELOPMENT
PROGRAM (SDP) FOR
MARINE SAFETY, SECURITY,
AND ENVIRONMENTAL
STEWARDSHIP PROGRAMS**



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COMMANDANT INSTRUCTION 5420.32A

Subj: STANDARDS DEVELOPMENT PROGRAM (SDP) FOR MARINE SAFETY,
SECURITY, AND ENVIRONMENTAL STEWARDSHIP PROGRAMS

Ref: (a) Office of Management and Budget Circular (OMB) A-119, Federal Participation
in the Development and Use of Voluntary Consensus Standards and in
Conformity Assessment Activities
(b) Executive Order 12866, Regulatory Planning and Review
(c) Executive Order 13563, Improving Regulation and Regulatory Review
(d) Executive Order 13609, Promoting International Regulatory Cooperation
(e) DHS Management Directive 078-04, Standards Policy Governance and
Coordination

1. PURPOSE. Through this Instruction, the Assistant Commandant for Prevention Policy (CG-5P) establishes policy for Coast Guard participation in standards development activities to support the Regulatory Development Program (RDP) and development of certain guidance documents.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, chief of headquarter directorates must comply with the policies contained.
3. AUTHORIZED RELEASE. Internet release is authorized.
4. DIRECTIVES AFFECTED. Standards Program for Marine Safety, Security, and Environmental Protection Programs, COMDTINST 5420.32, is hereby cancelled.
5. DISCUSSION. The Coast Guard has partnered with standards development organizations for almost 60 years to develop standards referenced in regulations and guidance documents and to benefit the U.S. maritime community. Through this Instruction, the Coast Guard updates requirements for participation in standards development activities to comply with the provisions of References (a) through (e).
6. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide administrative guidance for Coast Guard personnel and is not intended nor does it impose legally binding requirements on any party outside the Coast Guard.

7. MAJOR CHANGES. In this updated Instruction, the Coast Guard incorporates the provisions of Reference (a) regarding our standards development program including:
 - a. Designation and training for Coast Guard personnel conducting standards development activities while representing the Coast Guard;
 - b. Designation of the agency Standards Executive;
 - c. Review of regulations to evaluate material incorporated by reference at least once every 5 years; and
 - d. Creation of a website to advise the public of Coast Guard standards development activities.
8. SCOPE AND AUTHORITIES. Personnel affected by this Instruction should become familiar with References (a) through (e).
9. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. The Office of Environmental Management, Commandant (CG-47) reviewed this Commandant Instruction and the general policies contained within, and determined that this policy falls under the Department of Homeland Security (DHS) categorical exclusion A3. This Commandant Instruction will not result in any substantial change to existing environmental conditions or violation of any applicable federal, state, or local laws relating to the protection of the environment. It is the responsibility of the action proponent to evaluate all future specific actions resulting from this policy for compliance with the National Environmental Policy Act (NEPA), other applicable environmental requirements, and the U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series).
10. DISTRIBUTION. No paper distribution will be made of this Instruction. An electronic version will be located in the Coast Guard Directives System Library internally, and if applicable on the Internet at www.dcms.uscg.mil/directives .

NOTE: You must complete a Certificate of Need for Printing, DHS Form 500-07, found at http://www.uscg.mil/directives/Printing_Graphics.asp, to request a paper version of this Instruction.
11. RECORDS MANAGEMENT CONSIDERATIONS. Records created as a result of this Instruction, regardless of format or media, must be managed in accordance with the records retention schedules located on the Records Resource Center SharePoint Online site: <https://uscg.sharepoint-mil.us/sites/cg61/CG611/SitePages/Home.aspx> .
12. GOALS AND OBJECTIVES. Through this Instruction, the Commandant (CG-5P) creates the framework for the Coast Guard Standards Development Program (SDP). This framework includes:

- a. Clarifying Coast Guard's responsibilities under Reference (a);
 - b. Maximizing program effectiveness by stipulating training requirements for Coast Guard personnel participating in standards-related activities;
 - c. Informing the public of Coast Guard standards-related activities;
 - d. Establishing procedures for participating in standards-related activities;
 - e. Collaborating with other agencies to identify best practices and promote consistency of Federal participation in standards-related activities;
 - f. Promoting program consistency and access to standards through the DHS Standards Library; and
 - g. Leveraging incorporation by reference¹ tools.
13. POLICY STATEMENT. The Commandant (CG-5P) commits to developing and using national and international standards to implement the provisions of Reference (a), meet Prevention Program objectives, and promote a U.S. maritime industry that is competitive in the global marketplace.
14. BACKGROUND.
- a. The Freedom of Information Act (FOIA) of 1967 creates the mechanism for Federal agencies to reference in regulations and guidance documents material reasonably available to the class of persons affected in lieu of detailed specifications. In the Coast Guard's case, this material typically includes industry standards and treaties, codes, and resolutions from intergovernmental organizations such as the International Maritime Organization.
 - b. Reference (a), originally published in 1998, establishes the Federal government's strategy for engagement in standards development activities. Through the National Technology Transfer and Advancement Act of 1995, Congress codified the policies in Reference (a) regarding development and use of standards. OMB revised and updated Reference (a) in 2016.
 - c. Coast Guard personnel have actively engaged in creating industry standards to support regulatory and guidance development for over 50 years. The Coast Guard adopted over 1000 industry standards into regulations and guidance since 1968 to help reduce the government's regulatory role, minimize the cost of compliance with the regulations, and create opportunities for U.S. manufacturers to compete in the global marketplace.

¹ Incorporation by reference is the practice of giving legal effect to materials that are already published elsewhere, such as voluntary industry standards, by referencing them in regulations. The Office of the Federal Register establishes procedures for using incorporation by reference in Title 1 Code of Federal Regulations part 51.

Adopting standards by reference helps keep the regulations and guidance on the leading edge of advances in technology, helps ensure manufacturers produce products to an expected quality that perform to expectations, and promotes the regulatory flexibility to facilitate compliance and maintenance, as discussed in Reference (a).

- d. In addition, incorporating standards by reference into regulations and guidance helps achieve the objectives for international regulatory cooperation described in Reference (b) and to meet the objectives of Reference (c) to minimize regulatory burdens.
- e. Reference (d) describes, among other things, the conditions for Federal participation in standards-related activities. In this Instruction, the Commandant (CG-5P) details implementation of the provisions of Reference (d) that promote a successful, effective, and transparent standards development program.

15. DEFINITIONS. For the purposes of this Instruction:

- a. Standard – means all of the following:
 - (1) Common and repeated use of rules, conditions, guidelines, or characteristics for products or related processes and production methods, and related management systems practices;
 - (2) The definition of terms; classification of components; delineation of procedures; specification of dimensions, materials, performance, designs, or operations; measurement of quality and quantity in describing materials, processes, products, systems, services, or practices; test methods and sampling procedures; formats for information and communication exchange; or descriptions of fit and measurements of size or strength; and
 - (3) Terminology, symbols, packaging, marking, or labeling requirements as they apply to a product, process, or production method.
- b. Standards-related activity – means an activity related to development, adoption, or application of a standard including attending meetings, drafting standards, and reviewing draft standards.
- c. Standards development organization (SDO) – means an organization that develops standards as defined in this Instruction.
- d. Voluntary consensus standards body - means a type of standards development organization that plans, develops, establishes, or coordinates voluntary consensus standards using a voluntary consensus standards development process that includes the following attributes or elements as discussed in Reference (a):
 - (1) Openness: The procedures or processes used are open to interested parties. All parties are provided meaningful opportunities to participate in standards development on a non-discriminatory basis. The procedures or processes for

- participating in standards development and for developing the standard are transparent.
- (2) Balance: The standards development process should be balanced. Specifically, there should be meaningful involvement from a broad range of parties, with no single interest dominating the decision-making.
 - (3) Due process: Due process that includes documented and publicly available policies and procedures, adequate notice of meetings and standards development, sufficient time to review drafts and prepare views and objections, access to views and objections of other participants, and a fair and impartial process for resolving conflicting views.
 - (4) Appeals process: An appeals process that is available for the impartial handling of procedural appeals.
 - (5) Consensus: Consensus is defined as general agreement, but not necessarily unanimity. During the development of consensus, comments and objections are considered using fair, impartial, open, and transparent processes.
- e. Federal participation – means participation in standards-related activities, as defined in paragraph 15.b. by a uniformed member of the Coast Guard or a civilian assigned in accordance with paragraph 18.

16. GENERAL PRINCIPLES.

- a. Coast Guard personnel participate in standards-related activities primarily to support regulatory and guidance development. Reference (a) governs the scope of our activities. Our participation in standards development benefits the Coast Guard and the public in many ways:
 - (1) Incorporation of standards is a force multiplier by leveraging the expertise of industry leaders and resource sharing among the stakeholders;
 - (2) Coast Guard personnel collaborate with experts and learn from their experiences;
 - (3) Entities affected by a regulation or guidance, including equipment manufacturers and users, participate in the development of technical standards that might become incorporated by reference into regulations and guidance;
 - (4) Standards promote consumer confidence that products meet specified performance criteria;
 - (5) Standards promote international regulatory cooperation; and
 - (6) Standards help U.S. manufacturers compete in a global marketplace.

17. STANDARDS DEVELOPMENT PROGRAM GOALS. The Coast Guard Standards Development Program goals include:

- a. Supporting rulemaking and policy development through participation in national and international standards-related activities, by:
 - (1) Identifying opportunities to replace detailed regulations or guidance with appropriate standards;
 - (2) Providing knowledgeable Coast Guard personnel in standards development activities;
 - (3) Identifying rulemaking and guidance implications of standards-related activities early in the process; and
 - (4) Ensuring Coast Guard personnel assigned to conduct standards development activities have access to the training needed to successfully fill their roles and responsibilities;
- b. Complying with the requirements of Reference (a), by:
 - (1) Implementing policies to meet agency responsibilities when participating in standards-related activities;
 - (2) Implementing policies to meet DHS component responsibilities and comply with management directives;
 - (3) Participating in department and interagency committees to help develop consistent and effective policies and best practices for development and use of standards; and
 - (4) Giving preference to the use of voluntary consensus standards developed by voluntary consensus standards organizations, as defined in paragraph 15.d. when deciding which standards to reference in regulations and guidance in lieu of Government-unique standards.
- c. Maintaining a standards library that includes:
 - (1) An inventory of material incorporated by reference;
 - (2) An inventory of organizations from whom the Coast Guard has incorporated material by reference;
 - (3) A searchable, electronic library of all material incorporated by reference in Coast Guard regulations and guidance; and

- (4) Availability to Coast Guard personnel through a secure means that preserves the publishers' copyright protections.
- d. Improving competitiveness of the U.S. maritime industry by:
 - (1) Incorporating standards to help remove regulatory and other barriers that impede productivity and a free flow of commerce;
 - (2) Accepting internationally and nationally agreed standards as equivalent to regulations where feasible as described in Reference (a); and
 - (3) Promoting performance-based standards rather than detailed specifications as the means of compliance.
 - e. Maximizing effective use of Coast Guard resources by:
 - (1) Participating in standards-related activities when the activity supports Coast Guard rulemaking, guidance development, has or will have some other clear benefit to the Coast Guard, or when Coast Guard expertise benefits the maritime community;
 - (2) Creating a force multiplier and increasing our knowledge base through collaboration with industry leaders and use of third-party organizations; and
 - (3) Identifying voluntary consensus standards bodies and other organizations with whom we should collaborate and the appropriate level of participation, keeping in mind compliance with Reference (a).
18. COMPONENT STANDARDS EXECUTIVE. The Chief, Office of Standards Evaluation and Development (Commandant, CG-REG) serves as the Coast Guard Component Standards Executive (CSE). References (a) and (e) guide the CSE's duties in support of the RDP. In this role, the CSE must:
- a. Fulfill the intent of References (a) and (e) with regard to the Coast Guard's SDP;
 - b. Ensure Coast Guard Headquarters personnel participating in standards development activities have access to training commensurate with their roles and responsibilities. Training, for this purpose, might include attending a course conducted by the National Institute of Standards and Technology (NIST), DHS Science and Technology Directorate (S&T), the relevant SDO, or other training identified by the Supervisor or the CSE;
 - c. Ensure creation and maintenance of a public-facing web site that lists current Coast Guard standards development activities, the sponsoring SDO, the titles and summary of the standards under development, instructions for participating in standards development, and an indicator to show whether the activity could have regulatory implications;
 - d. Ensure the Coast Guard maintains representation on the DHS Standards Council and the

Interagency Council on Standards Policy (ICSP) to coordinate standards development activities, governance, and policy with other Federal agencies;

- e. Provide awareness to Coast Guard personnel of standards development credentialing programs provided by the DHS Standards Council and the Science and Technology Directorate;
- f. Conduct periodic workshops or similar instruction on the Coast Guard SDP that includes at least training on the Coast Guard's standards development policies, the provisions of Reference (a), and incorporation by reference procedures;
- g. Create and maintain the standards library in coordination with the DHS Librarian;
- h. Coordinate review and balloting of draft standards related to Coast Guard regulations and guidance and submitted to the Coast Guard for comment by the U.S. Technical Advisory Groups (TAGs) to the International Organization for Standardization, Technical Committees, or other SDOs;
- i. Coordinate a review of incorporation by reference material in Coast Guard regulations at least every once every 5 years to confirm the material's currency and continued applicability; and
- j. Ensure completion and submission of the annual report of agency standards activities required by the National Technology Transfer and Advancement Act.

19. FORMS/REPORTS. The forms referenced in this Instruction are available on the Coast Guard Standard Workstation or on the Internet: www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/Forms-Management/ .

20. SECTION 508. This Instruction was created to adhere to Accessibility guidelines and standards as promulgated by the U.S. Access Board. If changes are needed, please communicate with the Coast Guard Section 508 Program Management Office at Section.508@uscg.mil .

21. REQUESTS FOR CHANGES. Recommendations for changes or improvements to Standards Development Program (SDP) for Marine Safety, Security, and Environmental Stewardship Programs, COMDTINST 5420.32A (series), are welcome and should be submitted via the chain of command to the Office of Standards Evaluation and Development, Commandant (CG-REG), at USCGStandardsProgram@uscg.mil.

/WAYNE R. ARUGIN/
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Prevention Policy