

Mr. Douglas Bell
Chairman, Trade Policy Staff Committee
Office of the U.S Trade Representative

Via Regulations.Gov
May 10, 2013

Comment Submittal Pursuant to the "Request for Comments Concerning the
Proposed Transatlantic Trade and Investment Agreement"
Docket ID: USTR-2013-0019

Dear Mr. Bell:

As an independent contractor I am involved in various industries and work in standards development activities and test and certification activities.

The clients that I serve are all small business entities and as such I am concerned about the above referenced trade agreement and its potential impact on these industries. Therefore, the opportunity to provide comment regarding the proposed agreement is appreciated. Further, if deemed appropriate or helpful, I would be pleased to testify at the meetings.

In many respects, the agreement has the potential to open markets for US as well as European companies, especially if the goals of tariff elimination, protection of intellectual propriety rights and other factors are realized. In the realm of commodity product trade this could be extremely beneficial. I am concerned, however, that for those products that are not commodity products careful consideration needs to be given with regard to standards and the mutual acceptance of products that are tested to different standards.

One of the challenges that the USTR faces in negotiating such an agreement is to ensure that America is not absorbed by the process and thereby becomes insignificant in the global trade community. As such any trade agreements proposed or developed should not constrain federal, state, and local procurement laws. These laws as well as the Buy American laws are critical to maintain. It appears that an unintended consequence of the trade negotiations and agreement may well be that these laws would be superseded by or weakened by negotiations. As an example BDI has proposed that: ..."The Agreement should also define products and services coming from either market as meeting "Buy National" criteria, preventing all discrimination from these provisions (such as the "Buy America Provision" from 2009). " This is of great concern and should not be included in any such agreement. It is essential that while meeting the goals of trade facilitation between countries, the respect for regulatory authority of each be retained.

Because standards are key in the development of U.S.-EU trade relations, the regulatory and standards impact of such an agreement must be carefully considered and issues addressed. For example, The US system of standards development is relatively unique as it is a voluntary consensus standards development process. To quote another commenter, "It is this voluntary consensus process that allows industries and other (global stakeholders to come together to address technical issues involving interoperability, standardization, quality control and safety of the products offered for sale in the marketplace while also ensuring that the proceedings are open and transparent." (ITW) Organizations such as ANSI, IEEE, UL strive to ensure a balanced perspective by bringing participants from various sectors including producers, regulators, users, and general interest membership. The concept and practice of Openness as provided in the ANSI Essential Requirements is critical to maintain. Participation shall be open to all persons who are directly and materially affected by the activity in question. Further, the Lack of Dominance provision states that the standards development process shall not be dominated by any single interest category, individual or organization.

By contrast, important standards-setting bodies CEN and CENELEC are lacking in transparency and openness as they do not even allow participation by any U.S. interested party regardless of technical or business impact.

I would welcome the opportunity to provide additional detail regarding specific standards considerations that may be helpful in working through the trade agreement development process.

Respectfully submitted,
Andi Haa
Quality Plus