



Committee on Technical Barriers to Trade

**IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT
ON TECHNICAL BARRIERS TO TRADE**

COMMUNICATION FROM THE UNITED STATES OF AMERICA¹

The following statement under Article 15.2 of the Agreement on Technical Barriers to Trade, dated 4 April 2024, has been received from the delegation of the United States of America.

1 IMPLEMENTING ACTIONS

The Administrative Procedure Act (APA), as amended

The APA is a statute that sets forth the general notice-and-comment procedures for rulemaking to be followed by agencies of the United States Government (5 U.S.C. section 551 et seq.). It governs how administrative agencies of the federal government of the United States may propose, seek public comment on, and establish regulations, and it grants U.S. federal courts oversight over all agency actions.

Link: [5 U.S. Code Chapter 5, Subchapter II](#) (govinfo.gov); [APA](#) (U.S. National Archives and Records Administration)

Date of entry into force: 11 June 1946

The Trade Agreements Act of 1979 (TAA), as amended

Title IV of the TAA authorizes the [United States Trade Representative \(USTR\)](#) to sign and accept responsibility for the WTO Agreement on Technical Barriers to Trade and the TBT Committee. It gives responsibility to the U.S. [Department of Commerce](#) to operate the Technical Barriers to Trade Enquiry Point. It also directs the U.S. [Department of Agriculture](#) (for agricultural issues) and Commerce (for non-agricultural issues) to create technical offices to inform, consult and coordinate with USTR with respect to international standards-related activities, and keep informed of international standards activities that substantially affect commerce.

Link: [19 U.S. Code Chapter 13](#) (govinfo.gov)

Date of entry into force: 26 July 1979

The National Technology Transfer and Advancement Act (NTTAA), as amended

The NTTAA directs U.S. agencies to use voluntary consensus standards instead of government-unique standards except if inconsistent with applicable law or otherwise impracticable. Agencies are also directed to consult with voluntary, private sector, consensus standards bodies and, when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources, participate in the development of technical standards.

Link: [Public Law 104-113](#) (govinfo.gov)

Date of entry into force: 7 March 1996

¹ This document replaces the United States' original notification under Article.15.2 of the TBT Agreement contained in [G/TBT/2/Add.2](#).

Executive Order 12866 Regulatory Planning and Review and Executive Order 13563 Improving Regulation and Regulatory Review, as supplemented and reaffirmed by Executive Order 14094, Modernizing Regulatory Review

These Executive Orders establish and govern the process under which the Office of Management and Budget reviews agency draft and proposed final regulatory actions. The objectives of this process are to enhance planning and coordination with respect to both new and existing regulations; improve public participation in rulemaking; and strengthen regulatory analysis.

Link: [Regulatory Matters | OMB | The White House](#) (whitehouse.gov)

Date of entry into force: 30 September 1993, 18 January 2011, and 6 April 2023

OMB Circular A-119, Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities

Consistent with the NTTAA, the Circular establishes policies on the use and development of voluntary consensus standards and on conformity assessment activities. It promotes federal agency participation on standards bodies, specifies reporting requirements on conformity assessment activities, and informs agencies of their statutory obligations related to standards setting.

Link: [Revised Circular A-119 effective as of 27 January 2016](#) (whitehouse.gov)

Date of entry into force: Originally issued in 1993, updated in 2016

Guidance on Federal Conformity Assessment Activities, as amended

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 directs NIST to "coordinate technical standards activities and conformity assessment activities of Federal, State, and local governments with private sector technical standards activities and conformity assessment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures" (15 U.S.C. 272(b)(13)). NIST originally issued the guidance found in 15 CFR part 287 (this Guidance) on 10 August 2000, in response to Office of Management and Budget (OMB) Circular A-119 (10 February 1998) directing the Secretary of Commerce to issue guidance to Federal agencies to ensure effective coordination of Federal conformity assessment activities (65 FR 48894). Corresponding amendments to the 2016 Revision of A-119 notified in [G/TBT/N/USA/1587 and Add.1](#).

Link: [Guidance on Federal Conformity Assessment Activities](#) (Federal Register) ([15 CFR Part 287](#)) (eCFR).

Date of entry into force: 29 September 2020

2 PUBLICATION OF A NOTICE

Name of publication: Federal Register

Website for publication: www.federalregister.gov

Published by the Office of the Federal Register, National Archives and Records Administration (NARA), the Federal Register is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

Name of publication: American National Standards Institute (ANSI) *Standards Action*

Website for publication: <https://www.ansi.org/resource-center/standards-action>

Standards Action is published weekly and provides information about current standards development work in which ANSI plays a role. The publication is designed to facilitate participation in the American National Standards (ANS) development process as well as other domestic, regional, and international standardization activities advanced by ANSI. Each weekly edition – [available by download](#) or free email subscription – comprises a round-up of the latest information available to help all interested

parties stay informed and engaged in standards. ANSI is the signatory for the United States to the [Code of Good Practice](#).

3 COMMENTS

Where comments can be submitted, including online consultation platform: [Regulations.gov](#)

Regulations.gov provides information on the development of U.S. central government regulations and other related documents issued by the U.S. government and provides for the online submission of comments. Any interested stakeholder can comment on documents such as Federal Register Notices or Proposed and Final Rules. The site also includes supplementary information for actions, including scientific and technical information used to support the action, as applicable, as well as the public comments submitted. Comments on actions notified to the WTO TBT Committee and received by the USA TBT Enquiry Point from WTO Members and their stakeholders are submitted to the docket folder on Regulations.gov, transferred to the responsible agency, and shared with the Office of the United States Trade Representative (USTR).

The United States comports with the TBT Committee recommendation for a 60-day comment period, under normal circumstances, for draft technical regulations and conformity assessment procedures ([G/TBT/1/Rev.15](#), paragraph 6.3.1.8; see [Executive Order 13563](#)).

Requests for comment extensions of notified actions received via the [USA TBT Enquiry Point](#) at least one week prior to the published comment deadline are given positive consideration. Official comment extensions published by the regulators for previously notified actions are notified as addenda.

For each activity published in ANSI's *Standards Action*, comments are directed to the appropriate standards developer.

4 PUBLICATION OF FINAL TEXTS

Name of publication: Federal Register

Website for publication: [www.federalregister.gov](#)

Published by the Office of the Federal Register, National Archives and Records Administration (NARA), the Federal Register is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

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5 CONTACT INFORMATION²

Enquiry Point(s)

Standards Coordination Office (SCO)
National Institute of Standards and Technology (NIST)
100 Bureau Drive MS 2100
Gaithersburg, MD 20899
USA

Tel: +(1 301) 975 29 18

Email: usatbtep@nist.gov

Website: <https://www.nist.gov/standardsgov/usa-wto-tbt-enquiry-point>

² Enquiry point and notification authority contact details may subsequently be updated after the circulation of this notification. The latest information is available on [ePing](#).

Notification Authority

Same as TBT Enquiry Point

Other Agencies

The Trade Agreements Act of 1979, as amended, authorizes the United States Trade Representative (USTR) to sign and accept responsibility for the Agreement on Technical Barriers to Trade and the TBT Committee, and gives responsibility for agriculture standards to the U.S. [Department of Agriculture](#) (USDA), and for non-agricultural standards to the U.S. [Department of Commerce](#) (DOC).

6 ADDITIONAL INFORMATION**Other relevant resources:**

Additional information about the U.S. regulatory system can be found on the website [reginfo.gov](#). The website includes a link to the [Unified Agenda of Regulatory and Deregulatory Actions \(Agenda\)](#), a compilation of all proposed agency regulatory and deregulatory actions. The Unified Regulatory Agenda is published each spring with a supplement issued each fall.

The U.S. signatory to the Code of Good Practice for the Preparation, Adoption and Application of Standards for the United States is the American National Standards Institute ([ANSI](#)). The [American National Standards Institute Incorporated by Reference \(IBR\)](#) Portal provides a mechanism for access to standards that have been incorporated by reference in the U.S. Code of Federal Regulations (CFR). These standards incorporated by the U.S. government in rulemakings are offered at no cost in "read only" format and are presented for online reading. There are no print or download options.

[NIST Standards Incorporated by Reference \(SIBR\) Database](#) provides information on standards referenced in U.S. regulations, including voluntary consensus standards, government-unique standards, industry standards, and international standards referenced in the U.S. Code of Federal Regulations ([CFR](#)).

The [United States Standards Strategy \(USSS\)](#), published by ANSI and amended every five years, serves as a statement of purpose and ideals for voluntary standardization activities. The Strategy establishes a standardization framework built upon the traditional strengths of the U.S. system—consensus, openness, and transparency—while giving additional emphasis to speed, relevance, cross-sector interactions and dependencies, and the needs of public interest constituencies.

In alignment with the ANSI USSS, the [United States Government National Standards Strategy for Critical and Emerging Technology](#) emphasizes U.S. government support for engagement in international standards for critical and emerging technologies. Notified in [G/TBT/N/USA/2004 and subsequent addenda](#).
