



**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION**

**ORDER  
8000.376**

National Policy

Effective date:  
03/04/2024

**SUBJ:** Development and Use of Voluntary Consensus Standards

---

**1. Purpose of This Order.** This Order provides guidance for the Federal Aviation Administration (FAA) in the development of standards as outlined in the Office of Management and Budget (OMB) Circular A-119, *Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*, published on January 27, 2016. OMB Circular A-119 outlines federal policy for Agency engagement in standards development based on the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Public Law 104-113), as amended by Public Law 107-107 section 1115 on December 28, 2001. The NTTAA codified the policies on the development and use of voluntary consensus standards, as well as established reporting requirements. This Order facilitates the implementation of updated OMB Circular A-119 and provides the FAA with instructions for implementing the requirements of OMB Circular A-119. The key objectives of this Order are to:

- a.** Enable a coordinated and effective approach to the development and use of voluntary consensus standards, international standards, and other standards.
- b.** Manage the effective use of resources by focusing the FAA's participation on the development of standards on anticipated regulatory needs. Promote a consistent approach to Agency engagement with standards bodies.

**2. Audience.** This Order applies to all FAA employees.

**3. Where Can I Find This Order.** You can find this Order on the FAA website at [FAA Regulations Policies and Orders](#) and on the Dynamic Regulatory System (DRS) website at [FAA Dynamic Regulatory System](#).

**4. What This Order Cancels.** This Order supersedes and cancels FAA Order 8110.116, *Procedures for Requesting Development of SAE Standards*, dated September 23, 2011.

**5. Background.** The OMB Circular A-119 details the Federal Government's strategy for standards development. It promotes Agency participation on standards bodies, specifies reporting requirements on conformity assessment activities, and informs agencies of their statutory obligations related to standards setting and the use of different standard types.

**6. Definitions.** See Appendix A.

## **7. FAA Objectives during Standards Development and Use of Standards.**

**a.** In accordance with OMB Circular A-119, in lieu of using government-unique standards, FAA employees must use voluntary consensus standards, both domestic and international, in their regulatory activities unless the use of such standards would be inconsistent with applicable law or otherwise impractical<sup>1</sup>, including where the use of a voluntary consensus standard would not be as effective at meeting the Agency's regulatory or program needs. In all cases, the FAA has the discretion to decline to use existing voluntary consensus standards if the FAA determines that such standards are inconsistent with applicable law or are otherwise impractical. For factors the Federal Government should consider when determining the use of voluntary consensus standards, see OMB Circular A-119, section 5.

**b.** While FAA use of voluntary consensus standards is encouraged, Agency participation in standards bodies does not imply formal FAA endorsement or agreement with decisions by such bodies.

**c.** International Civil Aviation Organization (ICAO) standards are not "voluntary consensus standards." Therefore, this Order does not apply to FAA employee's participation in ICAO standard activities.

**d.** Consistent with section 5.b of OMB Circular A-119, while there is a preference to use voluntary consensus standards, it does not preclude the Agency from participating in the development of or using standards that are not developed by a voluntary consensus standards body.

**e.** There are a wide range of objectives for employee participation in standards development across the FAA. Following are some examples:

- Help develop standards the FAA may reference in regulations and policies as a means of compliance or other activities.
- Promote safety, interoperability, and efficiency by helping to develop standards other federal or state agencies reference (or may reference) in regulations, policies, or other activities.
- Promote safety, interoperability, and efficiency by helping to develop standards used voluntarily in the aviation industry.
- Learn more about standards the FAA is considering referencing in regulations and policies or other activities.

---

<sup>1</sup> "Impractical" includes circumstances in which such use would fail to serve the Agency's program needs; would be infeasible; would be inadequate, ineffectual, inefficient, or inconsistent with Agency mission; or would impose more burdens, or would be less useful, than the use of another standard.

- Promote safety by transferring FAA scientific and technical knowledge to the private sector in open, transparent, and balanced processes.

f. The FAA may use standards in a number of ways, including:

- Advisory Circulars (AC)
- Technical Standard Orders (TSO)
- Means of Compliance
- Policy Statements/Memoranda
- Rulemaking
- Federal Register Notices
- Conformity Assessments

## **8. FAA Governance of Standard Activities.**

### **a. FAA Standards Executive.**

(1) The Executive Director of the Aircraft Certification Service (or their designee) will serve as the FAA Standards Executive to ensure intra-Agency coordination and promote the objectives of this Order. Section 14 of the OMB Circular A-119 defines the responsibilities of the Agency's Standards Executive. The FAA Standards Executive discharges those responsibilities through the FAA Standards Executive Board in coordination with the Department of Transportation Standards Executive.

(2) Pursuant to OMB Circular A-119, section 9, the Standards Executive will submit the FAA's yearly report on the FAA's use of government-unique standards in lieu of voluntary consensus standards to the Department of Transportation Standards Executive.

(3) The FAA Standards Executive may delegate their responsibilities and assign staff to support the execution of this Order, as applicable, with concurrence from the FAA Standards Executive Board.

### **b. FAA Standards Executive Board.**

(1) This Order establishes the FAA Standards Executive Board; the FAA Standards Executive (or their designee) chairs the Board. Only FAA employees may participate in the FAA Standards Executive Board. When an FAA service or office is involved in developing or using a standard, it must identify a cognizant senior management member to represent that organization on the FAA Standards Executive Board. Each board member is responsible for overseeing the implementation of the Order within their respective organization. The FAA Standards Executive Board will operate on a consensus basis. The responsibilities of the FAA Standards Executive Board are:

- Setting the Agency-wide strategic direction for the FAA's involvement in standards activities;
- Facilitating FAA participation in standards organizations and the FAA's use of standards;
- Facilitating Intra-Agency coordination when standards may affect multiple offices;
- Facilitating standard organization memberships and FAA employee access to standards;
- Addressing issues that the FAA Service or Staff Office raises through their representing board member with respect to the implementation and coordination of this Order;
- Overseeing the development of the annual report on the Agency's use of government-unique standards in lieu of voluntary consensus standards; and
- Ensuring individual Lines of Business and Staff Offices, as the Office of Primary Responsibility for certain topics, retain the ability to make individual policy decisions regarding the use of consensus standards.

(2) The FAA Aircraft Certification Service Consensus Standards Management Section will support the FAA Standards Executive and FAA Standards Executive Board in the implementation of this Order. Responsibilities of the FAA Aircraft Certification Service Consensus Standards Management Section include:

- Facilitating the Standards Executive Board.
- Maintaining an Agency-wide directory, identifying employees participating in standards organizations.
- Providing FAA employees with access to industry standards and a wide variety of other documents published by standards organizations used by FAA employees.
- Preparing and submitting the annual report on the Agency's use of government-unique standards in lieu of voluntary consensus standards to the FAA Standards Executive Board. The report must cover the previous fiscal year pursuant to OMB Circular A-119, section 9.

**9. FAA Participation in Standard Development Activities.** The FAA consults with voluntary consensus standards bodies and participates with such bodies in the development of standards when consultation and participation are in the public interest and are compatible with FAA missions, authorities, priorities, and budgetary resources. Any employee participating on behalf of the FAA with standard bodies must have FAA authorization.

**a. Authorization of FAA Employee Participation.**

(1) FAA employees need authorization to participate in standard development activities on behalf of the FAA.

(2) A manager may authorize an employee to participate in a standards development activity, consistent with the employee's work responsibilities and with appropriate consideration of effective use of resources. FAA management is responsible for selecting an FAA employee who will represent the FAA's interest while participating in the standards committee. FAA employees participating in a standard committee must not represent the interests of the standards committee or their own while participating on behalf of the FAA. A manager assigning this work must inform the FAA Aircraft Certification Service Consensus Standards Management Section of their participation. In the event that multiple offices in the FAA authorize participation in a particular standards-development activity, the FAA Standards Executive Board will ensure the participation is coordinated and efficient.

(3) FAA employees can participate in standard activities in many different roles. The following are some examples:

- Committee Representative – A committee representative provides technical leadership for committee activities. Works with all Government stakeholders to coordinate feedback to standards.
- Activity Representative – An activity representative is usually the primary point of contact for a given standard or set of standard activities. They coordinate with technical support and committee representatives on technical issues, feedback, and comments.
- Technical Support – Technical support will provide technical support and expertise as needed. They may be authorized to attend standard committee or activity meetings.
- Observer – An observer may only observe standard activities. The observer shall not present a formal FAA position.

(4) Many standards bodies have committees that develop and oversee numerous standard activities. Management has the discretion to limit authorization to a given committee or a set of standard activities.

**b. Non-Official FAA Employee Participation.**

(1) To ensure employees avoid conflicts of interest and related criminal code provisions, no FAA employee should participate in a standard body activity outside of their specified authorized work assignment (i.e., in their personal capacity) without first disclosing their intended participation to their management. The employee must also receive guidance on participation from the Ethics and Compliance Division of the Office of the Chief Counsel. The Ethics and Compliance Division of the Office of the Chief Counsel will review the scope for proposed participation and, as applicable, may require the employee's recusal from participating in official FAA matters affecting or involving the standards body or future official FAA action pertaining to the standards developed by the body. FAA management must review the scope of the proposed recusal and concur that the recusal will not interfere with the employee's official Agency duties. If the FAA advises an employee that personal capacity participation in an activity involving standards does not conflict with their official duties, the employee must clearly inform the standard body they are participating as an individual and not as an FAA employee and must not use Agency resources (e.g., official time, email, and computer) in support of the activity.

(2) Reserved.

**c. Authorization for Standards Body Leadership or Voting.**

(1) When specifically authorized by FAA management, authorized employees can serve in a nonprofit standards body leadership role or voting capacity when it is in the best interest of the FAA to do so. No FAA employee may serve in an official capacity in a for-profit standards body leadership role or voting capacity.

(2) Some standards organizations require all members to be active and voting members to be members of the committee. In these situations where FAA authorization to vote is not granted, abstention from voting or a vote of abstain is acceptable to remain in good standing since it does not constitute a formal vote.

**10. Representation of FAA by Authorized Employees.****a. FAA employees must:**

- (1) Represent FAA policies and program objectives.
- (2) Not express views that are inconsistent or in conflict with established Agency views.
- (3) Not disclose or provide information that would be exempt from disclosure pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, including but not limited to classified or security-sensitive information; proprietary information of third parties; privileged pre-decisional, internal Agency documents or communications; personally identifiable

information (PII) that would be protected under FOIA Exemption 6 or 7(A); and information the FAA is otherwise prohibited by law from disclosing or providing.

(4) Not seek advice or recommendations from groups in which the FAA participates. FAA employees participating in or serving in leadership roles on these groups are expressly not authorized to task the group with providing advice or recommendations. Such activity may implicate and violate the Federal Advisory Committee Act (FACA), 5 U.S.C. §§ 1001 et seq.

(5) Ensure coordination with the FAA Paperwork Reduction Act Program Office before seeking the use of any standards body to conduct a collection of information for the FAA. See FAA Paperwork Reduction Act, Order 1370.127.

(6) Notify the FAA Standards Executive Board when standards may affect multiple offices.

(7) Follow standards organization's rules and procedures unless they conflict with federal law, regulation, or this Order. If there is a conflict, the FAA management and staff must raise it to the FAA Aircraft Certification Service Consensus Standards Management Section to coordinate an FAA response to the standards organizations.

(8) Prevent any unnecessary obstacles to the foreign commerce of the United States. See OMB Circular A-119 Section 5, paragraphs (h) and (i). If an FAA employee has questions or concerns, they should contact the Office of the Chief Counsel's International Affairs and National Security Law Division.

(9) Not receive compensation from any standards bodies or accept any gifts. Compensation includes any form of consideration, remuneration, or income; and unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or the Agency gift acceptance statute, it includes transportation, lodgings, and meals, whether provided in kind, by purchase of a ticket, by payment in advance, or by reimbursement after the expense has been incurred.

(10) Not become involved with financial decision making in any standards organization.

(11) Not vote on a standards activity until the FAA completes an internal review and the FAA (not an individual employee) confirms the proposed vote represents FAA views and is appropriate to the potential use of the standard. FAA votes must be consistent and not conflict with established FAA views and positions. Voting does not commit the FAA to any course of action in using or accepting the standard but should inform industry of known issues or the lack thereof.

**b. Reserved.**

## **11. Identifying Significant Issues in Standards Development.**

**a.** FAA employees must pay particular attention to significant issues in standards development activities and must inform their front-line manager when such issues arise.

**b.** Examples of significant issues include:

(1) An issue likely brought to the attention of senior FAA leadership by one or more outside groups.

(2) A standard affecting more than one FAA office or line of business and, therefore, requiring coordination within the FAA.

(3) The identification and/or assertion of intellectual property rights by one or more members of the standards group. In addition to notifying their manager, FAA employees should contact the Information Law Division of the Office of Chief Counsel before continuing to participate in that standards organization.

(4) An issue that could potentially result in significant outside criticism of the FAA.

(5) An issue that could potentially adversely affect the health, safety, or environmental conditions of U.S. citizens or U.S. international trade.

(6) A standards development organization seeking to retain the copyright of published standards. FAA participants should not comment on the validity of any such claim, as standards frequently include FAA-published material within the standard.

## **12. Avoiding Dominance.**

**a.** Agency representatives must avoid the practice or the appearance of dominance or undue influence relating to their participation in standards bodies and activities. Examples of dominance or undue influence include but are not limited to:

(1) Deliberately acting in a way that precludes others from having the opportunity to express their viewpoints.

(2) Dominating standards bodies. In any case, Agency representatives are bound by standards bodies' rules and procedures, including those regarding domination of proceedings by any individual. Regardless, such Agency employees must avoid the practice or the appearance of undue influence relating to their Agency representation and activities in standards bodies.

(3) Internally managing or influencing standards bodies (e.g., selection of salaried officers and employees, establishment of staff salaries, and administrative policies).

**b.** Reserved.



### 13. Participation Agreements.

a. Some standards organizations require participants to sign participation agreements that address adherence to the standards organization's code of ethics, disclosure of internal standards organization's documents, intellectual property rights, disposition of participant's contributions toward the standards development process, etc.

b. The FAA does not sign such agreements because some aspects of the agreements are not applicable to – or are duplicative of – requirements of federal service or unnecessarily bind the FAA to unacceptable terms.

c. In lieu of a signed participation agreement, some standards organizations have accepted an email outlining the requirements of federal employees as they relate to records management, confidential business information, ethics, etc. For an example, see Appendix B.

A handwritten signature in black ink, appearing to read "M. Whitaker", with a stylized, cursive script.

Michael G. Whitaker  
Administrator

## Appendix A. Definitions

**1. Standards** – The term “standard” or “technical standard” (hereinafter “standard”), as cited in the NTTAA and OMB Circular A-119, includes the following:

**a.** Common and repeated use of rules, conditions, guidelines, or characteristics for products or related processes and production methods and related management systems practices

**b.** 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

**c.** Terminology, symbols, packaging, marking or labeling requirements as they apply to a part, service, process, or production method.

**d.** The term “standard” does not include professional standards of personal conduct or institutional codes of ethics.

**2. Voluntary Consensus Standards** – “Voluntary consensus standard” is a type of standard developed or adopted by voluntary consensus standards bodies using a voluntary consensus standards development process.

**3. Voluntary Consensus Standards Body** – “Voluntary consensus standards body” is a type of association, organization, or technical society that plans, develops, establishes, or coordinates voluntary consensus standards using a voluntary consensus standards development process that includes the following attributes or elements:

**a.** Openness: The procedures or processes used are open to interested parties. Such 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.

**b.** 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.

**c.** Due process: Due process shall include 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.

**d.** Appeals process: An appeals process shall be available for the impartial handling of procedural appeals.

e. **Consensus:** Consensus is general agreement, but not necessarily unanimity. During the development of consensus, the Voluntary Consensus Standards Body considers comments and objections using fair, impartial, open, and transparent processes.

f. **Voluntary Consensus Standards Bodies:** Voluntary Consensus Standards Bodies may be in the form of either a domestic or an international body. International standards can promote harmonization with foreign civil aviation authorities and international stakeholders.

**4. Government Unique Standard** – “Government-unique standard” is a standard developed by and for use by the Federal Government in its regulations, policy, guidance, or other program areas specifically for government use (i.e., not generally used by the private sector unless required by regulation or program participation). The standard was not developed as a voluntary consensus standard.

## **Appendix B. Example of FAA Employee Response to Standards Organization Request for Participation Agreement**

*Hi [Standards Organization contact],*

*Typically, FAA employees are not permitted to sign agreements like this because we are sworn to uphold the United States Constitution and to abide by federal laws and regulations. That obligation takes precedence over state laws that pertain to private party agreements. As we carry out our FAA duties, we already are obliged to adhere to a variety of restrictions on our conduct, for example:*

- Federal conflicts of interest statutes codified in Title 18 of the United States Code*
- The Standards of Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635*
- The Hatch Act, 5 U.S.C. § 7321 et seq.*
- Prohibitions on disclosure of proprietary or confidential information, 18 U.S.C § 1905*

*In addition, a majority of FAA employees – including me – are designated as financial disclosure filers, which means that we must disclose, either confidentially or publicly, our assets, liabilities, and any outside positions to our ethics officials to ensure the prevention of financial conflicts of interest and loss of impartiality.*

*As FAA employees, we are required to take annual interactive training that includes but is not limited to:*

- Ethics*
- Workplace Harassment*
- Information Security and Privacy Awareness*
- Records Management*

*Given these federal obligations and the fact that I cannot sign the [title of agreement] in my official capacity, I am writing to confirm that [Standard Organization] will accept this email as meeting the fundamental requirements of the [title of agreement]. I can refer you to the FAA Ethics Office if you require further information.*

## Appendix C. Administrative Information

**1. Distribution.** This Order is distributed to all offices in Washington Headquarters, regions, and centers, with distribution to all field offices and facilities.

**2. Authority to Change This Order.** The FAA Administrator has authority to issue changes and revisions to this Order.

**3. Related Publications.**

a. National Technology Transfer and Advancement Act of 1995, Public Law 104-113, <https://www.nist.gov/standardsgov/national-technology-transfer-and-advancement-act-1995>

b. Office of Management and Budget Circular A-119- Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities, [https://www.whitehouse.gov/wp-content/uploads/2020/07/revised\\_circular\\_a-119\\_as\\_of\\_1\\_22.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/07/revised_circular_a-119_as_of_1_22.pdf).

**4. Records Management.** Refer to FAA Order 0000.1, *FAA Standard Subject Classification System*; FAA Order 1350.14, *Records Management*; or your office Records Liaison Officer (RLO)/Directives Management Officer (DMO) for guidance regarding retention or disposition of records.

**Appendix D. Directives Feedback Information**

Please submit any written comments or recommendations for improving this directive or suggest new items or subjects that should be added to it. Also, if you find an error, please tell us about it.

Subject: Order 8000.376, *Development and Use of Voluntary Consensus Standards*

To: Directive Management Officer at [9-AVS-AIR-Directives Management Officer \(FAA\)](#).

*(Please mark all appropriate line items)*

☐ An error (procedural or typographical) has been noted in paragraph \_\_\_\_\_ on page \_\_\_\_\_.

☐ Recommend paragraph \_\_\_\_\_ on page \_\_\_\_\_ be changed as follows:  
*(attach separate sheet if necessary)*

☐ In a future change to this order, please include coverage on the following subject:  
*(briefly describe what you want added)*

☐ Other comments:

☐ I would like to discuss the above. Please contact me.

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Routing Symbol: \_\_\_\_\_