

STANDARDS

December 14, 1992

A Proposed Strategy regarding IAO Standards

The proposed strategy summarized below envisions activities at two levels: (1) the regulatory and technical level, where the goal is to persuade those regulators and technicians who actually design and implement standards that rules consistent with our interests are technically appropriate and offer effective methods of regulation; and (2) the public and political level, where the goal is to persuade politicians and the public to push regulators and standards-makers toward rules favorable to our interests. In Europe, the first level is likely to prove the principal battleground, but the second level is an important adjunct.

The first eight steps below are designed to serve either or both levels. The ninth step is at once a question and a recommendation. It urges an active and affirmative program regarding standards, at least in Europe.

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First. Self-analysis. For purposes of our own guidance, we must first understand our own interests. This means we must decide what forms and levels of standards would be acceptable to us, including both those we would prefer and those which would be merely tolerable. This would be desirable even if there were a decision never to seek the adoption of standards under any circumstances, even on a protective basis.

Second. Monitoring. We must continue to monitor closely the plans and activities of the principal regulatory and standards organizations. This includes both national and international institutions. In Europe, this is already in progress through the consultant program. The goals are (1) to provide early and timely warnings of potentially unfavorable rules and standards; (2) to provide early and timely notice of opportunities to win favorable rules and standards; (3) to identify potential allies among the regulators and technicians; and (4) to identify potential new consultants who could enhance our abilities to participate effectively in the regulatory process.

Third. Factual development. We must continue to develop factual and technical evidence which will support the adoption of our preferred standards and discourage the adoption of unfavorable standards. Standards are neither slogans nor sound-bites; they are regulatory instruments. As such, they cannot effectively be either

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supported or opposed without reasonable factual and technical evidence. In Europe, this process has begun with the collection and presentation of comprehensive indoor air monitoring data. We need more such work on a worldwide basis. We also need carefully selected research programs conducted in worldwide centers of technical excellence, selected in part because of their influence upon the regulatory process.

Fourth. Technical and regulatory literature and conferences. We must present our factual and technical evidence, together with reasoned justifications of our preferred standards, in appropriate technical and regulatory journals and at relevant conferences. The goal is to persuade regulators and technicians that our preferred standards are appropriate and effective. This process has begun in Europe through the consultants program. The recent Prague conference was one important step. Other such conferences should be held in order to attract attention, build contacts with regulators, and stimulate discussion.

Fifth. Materials development. We cannot lobby effectively without clear and persuasive materials. Once steps one and three above are fully underway, we should embody our views and evidence into modular materials suitable for use in a variety of institutional, regulatory and technical contexts.

Sixth. Lobbying the standards process. We should conduct an active program to communicate our views effectively to regulators and standards-makers. The best device is to place our consultants and allies into positions of influence in the regulatory and standards process. We are already doing that in Europe. In addition, we should find and seize opportunities to present those views to regulators and technical working groups, either directly or through consultants. This will require the materials developed through the fifth step above. It is also assisted by the fourth step above, which will give our lobbying added credibility.

Seventh. Ally development. We need to identify groups, firms, unions and industries which are likely to share our interests in connection with the regulatory and standards process. This should not be limited to those which will always and completely share our interests. Few, if any, exist. Once identified, we should seek opportunities to explore and build areas of cooperation. This is ideally a corporate affairs issue and project.

Eighth. Public debate and discussion. In Europe, there is a significant risk that regulatory standards may be adopted without public notice or discussion, and simply as a silent technocratic exercise. Once adopted, they could be endorsed politically on a blanket basis without controversy. In other words, the politicians may simply demand "clean" air, leaving the crucial methodological questions to the regulators and technocrats. This is already

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occurring in occupational hygiene and other regulatory areas, such as food composition. We and our allies must work politically and through the media to develop a public consensus favoring balanced and reasonable rules and against impractical standards. The politicians will not decide the important methodological details, but they can provide a barrier against broad unfairnesses. This again is ideally a corporate affairs issue and project.

Ninth. Standards advocacy or defensiveness? The eight steps listed above are desirable whether we seek affirmatively to obtain standards of our choice or instead merely to prevent the adoption of unfavorable standards. The principal option which must be resolved is whether to approach the issue actively or defensively. In my view, it is preferable to be active, and affirmatively to seek those standards which we believe most favorable to us. The reasons are several. An active policy is politically and publicly more effective. It is, and appears to be, more responsible. It permits us to take the initiative. It offers an affirmative basis for lobbying. It allows us to fight at times and on grounds of our choice, rather than those chosen by others.

The situation may be different in the United States, but in Europe IAQ standards are virtually inevitable. Given that, the real issue is whether we should seek something we wish, or whether instead we should struggle merely to delay or divert the inexorable. The latter has been the industry's traditional approach, and it has rarely produced long-term successes. Where it has, its success has really depended on earlier affirmative steps. The industry's rear-guard efforts over the past two decades have been partly successful largely because of affirmative steps regarding advertising and preemption in the U.S. in the 1950's and 1960's.

This is again a place and time in which an affirmative strategy is appropriate. The principal argument for defensiveness is often merely that the industry cannot agree about what it wants. Such an argument is simply a confession of our own irrationality. We have found ways to agree about tort reform in the U.S., and regulatory standards are no less difficult or important. If in fact everyone cannot agree, this should not prevent some of us from going forward.

Charles Lister

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