



Case Study in Space Sustainability: Policy and Regulatory Framework for Space Activities

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Roles of U.S. Department of Commerce

Advocacy

- Foster the conditions for the economic growth and tech advancement of the US space industry
- Seek the removal of legal, policy, and institutional impediments to space commerce
- Advocate for industry in Executive Branch policy deliberations

Regulation

- License operation of U.S. private remote sensing space systems
- Coordinate regulatory policy with other U.S. Government agencies
 - Federal Communications Commission (FCC) – Radio frequency licensing
 - Department of Transportation (DOT) – Space launch and reentry licensing
 - NASA – Orbital debris mitigation research and development
 - Department of State – International outreach



Implementation of LTS Guidelines

A.1: Adopt, revise and amend, as necessary, national regulatory frameworks for outer space activities

- Extensive set of existing U.S. federal regulations
- Regulations periodically updated to reflect evolution of commercial space activities and new capabilities, including:
- DOC update to regulations for licensing of private remote sensing system, effective 20 July 2020
 - “Licensing of Private Remote Sensing Space Systems, “15 CFR 960
- DOT Federal Aviation Administration revised regulations for commercial spaceflight operations
 - “Streamlined launch and reentry license requirements,” 14 CFR Part 450, effective 21 March 2021
- FCC rulemaking on “Mitigation of Orbital Debris in the New Space Age”
 - Amendments to existing rules, effective 24 September 2020
 - Further rulemaking in progress (FCC IB Docket 18-313)



Implementation of LTS Guidelines

A.2 Consider a number of elements when developing, revising or amending, as necessary, national regulatory frameworks for outer space activities

- Consider using existing international technical standards, including those published by:
 - International Organization for Standardization (ISO)
 - Consultative Committee for Space Data Systems
 - National standardization bodies
- U.S. approach to use of standards in space regulations seeks to:
 - Increase the quality and effectiveness of the U.S. rulemaking process in meeting regulatory objectives
 - Consider inputs of all interested stakeholders
 - Minimize burdens on industry and the public



U.S. Principles for Use of Standards in Regulation

- **Transparency** in the making of technical assessments, factual findings, and normative policy choices, including:
 - Transparent and open opportunities for public participation regarding assessments, findings and policy choices to ensure effective monitoring, critiquing and reviewing of rulemaking
- **Regulatory analyses**, based on sound science and data and the consideration of alternative approaches to and stringency of regulation
- **Strong support** from the federal government for the use of regulatory best practices
- **Accountability of government agencies** within the executive, legislative and judicial branches of the Federal government.

Source: U.S.-EU High Level Regulatory Cooperation Forum, "Report on the Use of Voluntary Standards¹ in Support of Regulation in the United States," October 2009 https://www.nist.gov/system/files/documents/2016/12/30/voluntary_standards_usregs.pdf



Concluding Points

- United States has extensive national regulatory framework for space activities
- U.S regulations periodically updated using inclusive rulemaking processes which allows for comments from all interested parties
- U.S. principles for use of standards in regulation can serve as a model for other national regulatory frameworks