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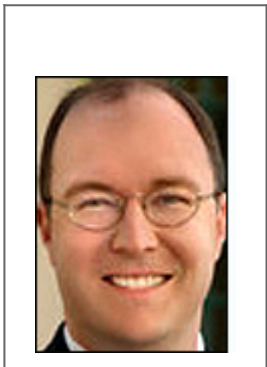
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Act Now!

By the time you read this, California Gov. Arnold Schwarzenegger will have signed into law the Identity Information Protection Act of 2006 (SB-768), the most sweeping legislation to date regulating RFID's use. Yet only a handful of technology companies were actively engaged with policy makers in Sacramento.

With one step, an entire market could be closed for RFID products that don't meet the new legal requirements. Other politicians, both state and federal, will be observing the reaction to the legislation, to decide whether to imitate or repudiate it. The California standards could be adopted by the public and private sectors, to avoid deploying RFID systems that are "less secure." The legislation also tells the general public that RFID is too risky—a growing perception already shaping the overall market for RFID products.



The jury is still out on whether the authors of this legislation will be hailed as champions of privacy protection or lampooned as shortsighted Luddites blocking valuable innovations. But one thing is certain: Governments are not going to leave the RFID industry alone. There are things RFID vendors and users can do to help shape responsible public policy that supports their business.

Listen and Learn

Pay attention to what the government is doing with RFID—both good and bad—by reading trade journals, government Web sites and industry blogs. Understand and be prepared to address the concerns of RFID critics.

Have a Government Strategy

If you do not have a corporate strategy for dealing with the government, you should. Hire an expert who can help you identify realistic priorities and an effective strategy to achieve them. What good government actions—such as limiting litigation risk, increasing available spectrum and clarifying intellectual property issues—would improve your business climate? What bad government actions do you need to defend against?

Get Engaged

Once you have a plan, execute it. Be active in your trade associations and push them to make the government aware of your priorities. Identify a few legislative “champions” willing to articulate the promise of RFID to improve the lives of their constituents. Participate in industry conferences where you can engage government leaders on issues you care about.



Work Together

Some RFID vendors may be relatively inexperienced when it

comes to dealing with governments, but many RFID customers—including manufacturers, defense contractors, pharmaceutical companies and retailers—have well-established government relations practices. Work together to set priorities and mutual goals.

Be Proactive

Don't wait to engage, the way Microsoft did, until the government comes after your business. At the same time, don't negotiate your surrender before the first shots are fired. The IT industry has a reputation for offering to cut off its own fingers in the hope of saving its arm. It never works. Remember, the government is there to serve the public—and that includes you, your employees, your shareholders and your customers. Be successful in conveying that.

Doug Farry is a managing director with the government affairs practice of McKenna Long & Aldridge. He provides strategic and tactical support for clients before the U.S. House of Representatives, Senate and White House, on technology and telecommunications policy. Illustration By Joyce Hesselberth.



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