

## **Guidance on “Balance”<sup>1</sup> and Outreach within the American National Standards (ANS) Process**

*This document is for informational use only and does not supersede the requirements set-forth in the ANSI Essential Requirements: Due process requirements for American National Standards ( ANSI Essential Requirements – [www.ansi.org/essentialrequirements](http://www.ansi.org/essentialrequirements) ), which contains the procedures that govern the American National Standards (ANS) process. Adherence to this document is not required in order to be found in compliance with the ANSI Essential Requirements.*

### **1.0 Background**

Balance is one of the essential requirements for due process that characterize the American National Standards (ANS) process. Broad and targeted outreach, as appropriate, are expected in connection with the formation and maintenance of an American National Standard (ANS) consensus body<sup>2</sup>.

### **2.0 Accredited Procedures** (see ExSC 7067 Matrix at [www.ansi.org/asd](http://www.ansi.org/asd)):

Balance is to be addressed in a ANSI-Accredited Standards Developer’s (ASD) procedures, but the historical criteria (see clause 2.3 of the *Essential Requirements*) are not required to be explicitly referenced. The ExSC will evaluate the language contained in any balance provisions to determine if they are in compliance with the *Essential Requirements*. If the procedures are generic and do not otherwise address balance in detail, then the developer is bound by the historical criteria for balance.

### **3.0 Outreach to Achieve Balance**

Balance is a goal for all ASDs in relation to a consensus body and *outreach to achieve balance in accordance with a developer’s accredited procedures is a requirement*. The ANSI Board of Standards Review (ANSI BSR) and the ANSI Standards Developer Audit Program (Audit Program) shall evaluate balance as it is defined in a developer’s accredited procedures or if the procedures are silent, then in accordance with the historical criteria for balance. Further, in the course of their review, the ANSI BSR and the Audit Program may request related evidence that demonstrates the type of outreach undertaken by a developer to achieve balance.

“Outreach” relates to documented efforts to recruit directly and materially interested parties from diverse interest categories<sup>3</sup> to become members of a balanced consensus body at the beginning of the standards development process and at appropriate points during it, should the need arise. Outreach via *ANSI Standards Action* ([www.ansi.org/standardsaction](http://www.ansi.org/standardsaction)) is not sufficient in and of itself; additional notice and outreach is necessary.

When one or more specific interest categories is not sufficiently populated on an ANS consensus body, an ASD is expected to undertake and document targeted outreach intended to increase consensus body membership in any specific underrepresented interest categories. Such underrepresented interest

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<sup>1</sup> See Annex A for excerpts from the *ANSI Essential Requirements*

<sup>2</sup> Consensus body: The group that approves the content of a standard and whose vote demonstrates evidence of consensus.

<sup>3</sup> The interest categories appropriate to the development of consensus in any given standards activity are a function of the nature of the standards being developed.

categories are to be identified in the outreach efforts. These outreach efforts must vigorously recruit consensus body members in underrepresented interest categories, above and beyond standard communications with consensus body members when an ANS consensus body appears out of balance. Where outreach is needed, general public notice of standards activities and meetings shall include information about the interest categories for which participation is sought and how to apply for consensus body membership.

#### **4. Outreach Mechanisms**

Outreach can take many forms, including, but not limited to: specific website solicitations, webinars, meeting announcements with specific recruitment of identified interest categories sought, social media postings, targeted solicitations in meeting agendas and reports, trade press, publications, direct E-mails/mailings, press releases, articles, phone calls (document them) and soliciting recommendations from consensus body members. In order for such outreach to be considered “targeted”, specific interest categories for which participation is sought must be identified as part of the outreach effort.

#### **5. Evidence of Outreach Efforts**

ASDs must retain documentation that demonstrates appropriate outreach efforts to solicit a balanced consensus body. Such documentation is subject to review during every ASD’s audit. If a consensus body is not balanced in accordance with the *ANSI Essential Requirements* and the developer’s accredited procedures, and such documentation is not available, it will likely be difficult for a developer to demonstrate compliance with balance requirements. Evidence of general outreach is not the equivalent of evidence of targeted outreach to specific interest categories. Failure to undertake targeted outreach, when needed, will likely result in an audit finding and could serve as a basis for the denial of approval of a document as an American National Standard.

#### **6. Balance vs. Lack of Dominance<sup>4</sup>**

Balance and a lack of dominance are two distinct considerations. The existence of a balanced consensus body does not preclude the exercise of dominance<sup>5</sup>. Similarly, the existence of a less than perfectly balanced consensus body does not necessarily reflect a process in which dominance automatically occurs.

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<sup>4</sup> See “Guidance on “Lack of Dominance” within the ANS process”

<sup>5</sup> Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints. (See 1.2 ANSI Essential Requirements)

## **Annex A: Excerpts from the *ANSI Essential Requirements* (2022)**

### **1.3 Balance**

The standards development process should have a balance of interests. Participants from diverse interest categories shall be sought with the objective of achieving balance. If a consensus body lacks balance in accordance with the historical criteria for balance, and no specific alternative formulation of balance was approved by the ANSI Executive Standards Council, outreach to achieve balance shall be undertaken.

### **2.3 Balance**

Historically the criteria for balance are that a) no single interest category constitutes more than one-third of the membership of a consensus body dealing with safety-related standards or b) no single interest category constitutes a majority of the membership of a consensus body dealing with other than safety-related standards.

The interest categories appropriate to the development of consensus in any given standards activity are a function of the nature of the standards being developed. Interest categories shall be discretely defined, cover directly and materially interested parties and differentiate each category from the other categories. Such definitions shall be available upon request.

Consensus body members, including consultants<sup>6</sup>, typically are classified in accordance with the business or other interests of their employers or the sponsors they represent in connection with the standards development activity. In cases where a consensus body member receives funding from the sponsoring ANSI-Accredited Standards Developer (ASD) or other entities, that information shall be disclosed to determine if it will impact the member's interest classification.

In determining the interest categories appropriate to a standards development activity, an ASD shall give consideration to at least the following three categories:

- a) producer;
- b) user;
- c) general interest.

If, after consideration, a "General Interest" category is deemed appropriate, that interest category should include only those whose business or other interests are not covered by another discretely defined interest category.

Where appropriate, additional interest categories should be considered.<sup>7</sup> However, interest categories shall not be created for the purpose of avoiding balance requirements.

Appropriate, representative user views shall be actively sought and fully considered in standards activities. Whenever possible, user participants shall be those with the requisite technical knowledge, but other users may also participate. User participation should come from both individuals and representatives of organized groups. There are several user categories:

1. User-consumer: Where the standards activity in question deals with a consumer product, such

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<sup>6</sup> For purposes of this section, a "consultant" is someone who agrees to provide professional service in exchange for compensation, financial or otherwise.

<sup>7</sup> Further interest categories that may be used to categorize directly and materially interested parties consist of, but are not limited to, the following: a) Consumer; b) Directly affected public; c) Distributor and retailer; d) Industrial/commercial; e) Insurance; f) Labor; g) Manufacturer; h) Regulatory agency; i) Testing laboratory.

as lawn mowers or aerosol sprays, an appropriate consumer participant's view is considered to be synonymous with that of the individual user – a person using goods and services rather than producing or selling them.

2. User-industrial: Where the standards activity in question deals with an industrial product, such as steel or insulation used in transformers, an appropriate user participant is the industrial user of the product.
3. User-government: Where the standards activity in question is likely to result in a standard that may become the basis for government agency procurement, an appropriate user participant is the representative of that government agency.
4. User-labor: Where the standards activity in question deals with subjects of special interest to the American worker, such as products used in the workplace, an appropriate user participant is a representative of labor.