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TO: ANSI Executive Standards Council

FROM: Cool Roof Rating Council

DATE: January 10, 2020

SUBJECT: Comments on the Proposed Revisions to the ANSI Essential Requirements: Due Process Requirements for American National Standards

Dear Executive Standards Council,

The Cool Roof Rating Council (CRRC) appreciates the opportunity to comment on the proposed revisions to the *ANSI Essential Requirements*. The CRRC has been an ANSI-accredited Standards Developer since 2007. In general, the CRRC supports most of the proposed changes as presented in the document entitled, “ExSC_017_2019,” published on December 6, 2019. However, we do have observations and recommendations to the proposed changes to Sections 1.5, 2.3, and 2.5. These are detailed in this letter.

CRRC Comments on Proposed Revisions to Sections 1.5, 2.3, and 2.5

Section 1.5 Notification of Standards Development

73 **1.5 Notification of standards development**

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75 Reasonable advance ~~Nn~~Notification of standards development activity shall be announced in suitable
76 media as appropriate to demonstrate and provide a meaningful opportunity for participation, debate and
77 deliberation by all directly and materially affected persons in a fair and equitable manner.

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It is not clear how the introduction of the words “reasonable advance” further enhances the clarity of the requirements in Section 1.5. The interpretation of this language varies significantly since a specific timeframe or time limit is not clearly defined. “Reasonable advance notification” could be interpreted as any amount of time depending on who at ANSI is enforcing it. As this document represents the overarching requirements that American Standards Developers are expected to comply with, it is imperative that the language in the *Essential Requirements* is clear and definitive in order to avoid confusion and/or violation of the requirements. Therefore, the CRRC recommends the removal of the words “reasonable advance” from Section 1.5.

Section 2.5 Notification of Standards Development and Coordination

79 **2.5 Notification of standards development and coordination**

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81 Reasonable timely ~~Nn~~Notification of standards activity, including formation of a consensus body or a
82 consensus body meeting, shall be announced in suitable media as appropriate to demonstrate and provide
83 a meaningful ~~the~~ opportunity for participation by all directly and materially affected persons in a fair and
84 equitable manner.

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Similar to our comments on Section 1.5, it is not clear what constitutes “reasonable timely” notification. While the term “timely” is currently used in nine other locations within the *Essential Requirements*, these terms are not defined in Section 2.5, thereby making it possible for multiple interpretations as to what is considered reasonable and timely. This could result in confusion and/or violation of the requirements. The CRRC also does not believe the universal application of subjective terms like “reasonable” and “timely” justifies their continued use in the document. Therefore, the CRRC recommends removal of the terms “reasonable” and “timely” from Section 2.5.

Section 2.3 Balance

52 Where appropriate, additional interest categories should be considered.³ However, interest categories shall
53 not be created for the purpose of avoiding balance requirements.

³ Further interest categories that may be used to categorize directly and materially affected persons 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) Professional society; i) Regulatory agency; j) Testing laboratory; k) Trade association.~~

Since no rationale was provided to qualify or explain the proposed revisions to Section 2.3 that appear on lines 52 and 53 and in footnote #3, the CRRC can only speculate as to why ANSI is proposing these changes.

Additionally, the proposed removal of the categories of “Professional Society” and “Trade Association” could be construed as precluding entities that are often directly and/or materially affected by the development of standards, such as architects, engineers, and contractors.

At this time, the CRRC recommends that these proposed revisions not be incorporated into Section 2.3 and request that ANSI provide the public with a rationale for the proposed revisions so that we may adequately and appropriately comment on them.

Thank you for your consideration of our comments.

Sincerely,

Jeff Steuben
Executive Director
Cool Roof Rating Council