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The Association for Challenge Course Technology (ACCT) welcomes the opportunity to comment on the ANSI ExSC proposed procedural changes (distributed as ExSC 8096) regarding conflict and duplication. ACCT is particularly aware of some of the issues these changes are intended to address:

In today's marketplace in a number of industry segments, conflict and duplication may be unavoidable because of well-entrenched individuals and organizations that see it in their best interest to have an American National Standard consistent with their technology or approach. Implementers may wish, for business reasons, to claim compliance with one or more standards which might appear to be duplicative.

We see a number of areas where this proposed draft needs additional definition and clarification:

2.4.3 states "*ANSI-Accredited Standards Developers shall make a good faith effort to avoid potential conflicts and to minimize unnecessary duplication …*". We suggest that the term "unnecessary duplication" needs further clarification. Whether or not there is perceived duplication includes not only specific technical content and overall subject matter, but also the needs of various audiences. What constitutes "<u>necessary</u> duplication" should also be addressed.

2.4.3 states in the bulleted sections "*a preliminary comprehensive review of existing projects to ensure that the contemplated project does not conflict with or duplicate a **previous** one* (emphasis added)" This wording seems to perpetuate the idea that a project which was registered first with ANSI has some sort of priority position. The wording here needs to be changed to emphasize that **all** projects, no matter when registered, have a duty to take other projects into consideration when their existence becomes known to the developer.

2.4.3 states in the bulleted sections "*outreach to other SDOs involved in similar areas to ensure that a standard does not already exist or is under development*" The definition of SDOs in this context should be broadened to include an organization or organizations that exist within the industry that already have standards in place but might not be accredited by ANSI or might be in the process of becoming ANSI accredited. A developer who only represents a small population of interested parties should not get special consideration to the detriment of what may be a more broad-based and capable developer who did not happen to get to ANSI first.

2.4.3 states in the bulleted sections "*thorough and thoughtful consideration of whether, if conflict is at issue, the alleged conflict is justified by a compelling need; and/or thorough and thoughtful review of whether, if duplication is at issue, that such duplication is justified by a compelling need*" The concept of compelling need should be clarified to give developers some guidance in this area. Compelling need may be based on subtle nuances regarding implementation differences or it may be considered compelling because of the business interests of a set of implementers. The marketplace will ultimately decide which standard will be the winner (ala VHS and Beta).

4.2.1.1 states in part "*The BSR shall not approve standards that conflict with or duplicate existing American National Standards unless good faith efforts have been undertaken and/or there is a compelling need.*" See previous comments on the need for clarification of "compelling need". The existence of an ANS should not preclude a standard which may be better or supported by a larger audience. Also, the wording in this section does not address the situation where there may be two or more standards being developed at the same time (where there is no existing ANS). Will the BSR approve multiple standards? No standards?

One area not addressed in this rewrite of the *Essential Requirements* but closely related to duplication and conflict, is the need for additional procedural safeguards limiting the use of delaying tactics where one developer (or groups closely aligned with the developer) can use comment periods to flood a developer with comments as a delaying tactic.

Thank you for the opportunity to comment on this important area.

For the Association for Challenge Course Technology
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