

Guidance on “Lack of Dominance” 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), 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.

Within the context of the American National Standards (ANS) process, balance and a lack of dominance are two related, but distinct considerations. The existence of a balanced consensus body does not mean that no one is exercising dominance, just as the existence of an unbalanced consensus body does not mean someone is exercising dominance.

Whether balance exists on an ANS consensus body is a numerical determination based on the applicable procedures and the interest categories relevant to the nature of the standard. By contrast, *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.*¹

A specific test for dominance is not defined in the *ANSI Essential Requirements*. However, in assessing whether an attempt is being made to exclude the fair and equitable consideration of other viewpoints, a developer may consider whether one or more person(s)/organization(s)/interest group(s):

- is deliberately acting in a way which precludes others from having the opportunity to express their viewpoints
- submits comments that are intended to or always cause a new vote
- takes actions to “control” the agenda, the meeting schedule, ballot issuance, membership on the consensus body and/or related work groups

Some potential ways to reduce the likelihood of dominance arising include, but are not limited to:

- a knowledgeable Chair is in place to ensure fairness and due process
- a clear, public meeting agenda is issued and available in advance of a meeting discussion
- staff is knowledgeable of applicable procedures and demonstrates compliance with them through actions, meeting reports, ballots, etc.
- in relation to meeting discussions, as appropriate, consider utilizing a timekeeper/time clock
- be mindful of the interest categories represented on the consensus body versus those represented at a meeting to ensure, to the greatest extent possible, an opportunity for all viewpoints to be heard and considered

A claim of dominance is considered a procedural grievance that should be reviewed by the developer in a timely manner and is later eligible for review again within the appeals process at the standards developer level and subsequently, at ANSI.

¹ See clause 1.2 *Lack of dominance* of the *ANSI Essential Requirements*.

Annex A

Excerpts from the ANSI Essential Requirements (www.ansi.org/essentialrequirements) that are relevant to “Dominance” and “Lack of Dominance”

1.2 Lack of dominance

The standards development process shall not be dominated by any single interest category, individual or organization. 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.

2.2 Lack of dominance

Unless it is claimed in writing (including electronic communications) by a directly and materially interested party that a single interest category, individual or organization dominated the standards development process, no test for dominance is required.