

## **Interest Classification and Balance Assessment Guidance for Consumer-Product-Safety Standards intended to be approved as American National Standards (ANS)**

This guidance is intended to assist ANSI-Accredited Standards Developers (ASDs) in the development of American National Standards (ANS). By definition, guidance is voluntary – adherence is not essential for ASDs to be in compliance with the *ANSI Essential Requirements* ([www.ansi.org/essentialrequirements](http://www.ansi.org/essentialrequirements)). Rather, this document is an effort to identify possible approaches that a standards developer might wish to adopt, either in whole or in part, for purposes of effectively implementing the *ANSI Essential Requirements* and their accredited procedures in connection with consumer-product-safety standards. Additional or different steps could also be selected for such purposes.

### **BACKGROUND**

The *ANSI Essential Requirements* ([www.ansi.org/essentialrequirements](http://www.ansi.org/essentialrequirements)) governs the American National Standards (ANS) process together with the sponsoring ANSI-Accredited Standards Developer's (ASD's) accredited procedures. This guidance document represents sample approaches that are intended to assist an ASD in assessing whether the make-up of a proposed or existing ANS consensus body working on a consumer-product-safety standard meets the spirit and procedural requirements for balance.

Within the context of this guidance, the following definition applies:

**Consumer-Product-Safety Standard:** A standard that addresses a particular consumer product and is intended to address the safety and protection of individual consumer end users, from death, injury or illness in connection with reasonable and foreseeable use or misuse of that consumer product.

*From ISO's guidance<sup>1</sup>:* Consumer is understood to mean an individual member of the general public purchasing or using goods, property or services, for private purposes.

### **HIGHLIGHTS OF ANSI'S PROCEDURAL REQUIREMENTS FOR PROPOSED ANS**

The *ANSI Essential Requirements* states that 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 all known directly and materially interested parties and differentiate each category from the other categories.
- ✓ Consensus body members, including consultants<sup>2</sup> and those representing trade associations, 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.

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<sup>1</sup> See ISO Online Browsing Platform, [ISO.org/obp/ui](http://ISO.org/obp/ui) (August 12, 2022)

<sup>2</sup> For purposes of this section, a "consultant" is someone who agrees to provide professional service in exchange for compensation, financial or otherwise.

The following three common interest categories should be considered when determining the planned make-up of the consensus body, though ASDs are not required to utilize these interest categories and may instead develop their own compliant categories. 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.

For consumer-product-safety standards, consider equating the producer category with "business" interests in relation to the product that is the subject of the standard.

If a "General Interest" category is deemed appropriate in any classification scheme, it should include only those whose business or other interests are not covered by another discretely defined interest category.

Interest categories shall not be created for the purpose of avoiding balance requirements.

### **EXPECTATIONS FOR BALANCE**

Balance on an ANS consensus body is always the goal and good faith efforts are required to be made and documented to ensure that meaningful outreach is undertaken to populate a balanced consensus body.

Unless an ASD's accredited procedures state otherwise, no single interest category should constitute more than one-third of the membership of a consensus body dealing with safety-related standards. In order to achieve balance, participants from diverse stakeholder groups shall be sought. If a consensus body developing a consumer-product-safety standard lacks the expected numerical balance, additional targeted outreach to achieve balance, and to add consensus body members to the underrepresented interest categories, shall be undertaken and documented.

A consumer-product-safety standard by definition affects consumers directly. Therefore, consumer participation on the consensus body is the default goal. Vigorous outreach to consumers is expected. See *Engaging Consumers in Standards Development* for additional guidance and *ANSI Guidance on Balance and Outreach within the American National Standards process*.

### **CLASSIFYING CONSENSUS BODY MEMBERS – ONE APPROACH: RECOMMENDATIONS FOR CONSUMER-PRODUCT-SAFETY STANDARDS INTEREST CATEGORIES BY PARTICIPANT TYPE (See Table 1)**

The chart shown in Table 1 classifies consensus body members under one of three frequently used interest categories. This classification scheme can help an ASD organize consensus body members that could be classified under interest categories that are named differently but that should properly be grouped together when an ASD is assessing balance.

Consultants and organizations that represent a particular interest in relation to a given standard, should not be classified as General Interest, but rather in accordance with the principal applicable business or other interest they represent or are sponsored by.

Remember that in this context, a "sponsor" is defined as an organization that provides funds specifically to support the consensus body member's participation in the standards development activities of the consensus body. A "consultant" is someone who agrees to provide professional service in exchange for compensation, financial or otherwise.

Any consensus body member that has, or represents, a producer interest in a consumer-product-safety standard should be classified accordingly and should not be classified or considered as General Interest.

**DEFINING THE INTEREST CATEGORIES: See TABLE 1**

The following interest category definitions are relevant only within the context of Table 1. These definitions may help an ASD understand, assess and preserve the distinctions among interest categories that in turn, can result in and support the goal of proper balance on consensus bodies formed to vote on consumer-product-safety standards.

**Producer interest:** all who, directly or indirectly, receive compensation, or reimbursement from the production or sale of a product (or a related product) that is the subject of a standards development proceeding. At a minimum, the term includes manufacturers, retailers, importers, distributors, trade association members and staff, paid consultants, and expert witnesses hired by a business interest for the product that is the subject of the standards development proceeding. Independent third-party testing laboratory personnel with a broad interest in the testing protocol of a standard should not be included in the Producer interest category unless they have been specifically hired to participate in the development of a standard by a business client or clients.

**User interest:** all end users for whom a product is produced. It includes parents or other caregivers of end users. Those who currently receive (or have been contracted to receive) compensation or reimbursement, directly or indirectly, from the production or sale of the product that is the subject of the standards development proceeding are ordinarily not eligible to serve as a participant in a user interest group in relation to a consumer-product-safety standard.

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.

Here are several potential user stakeholder groups as defined in the *ANSI Essential Requirements*:

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

**General Interest:** Those that cannot be categorized as Producer or User interests.

**TABLE 1**  
**ONE POSSIBLE APPROACH: THREE MAJOR INTEREST CATEGORIES**  
**(For use in connection with Consumer-Product-Safety Standards Development within the**  
**American National Standards Process)**

<b>PRODUCER INTEREST</b>	<b>USER INTEREST*</b>	<b>GENERAL INTEREST*</b>
<i>Stakeholders who derive revenue, directly or indirectly, from the design, manufacture, distribution, and sale of the product/service being addressed by the standard under development.</i>	<i>Stakeholders who have various experiences as users of the specific product/service being addressed by the standard under development.</i>	<i>Stakeholders who have various areas of expertise relevant to the product/service being addressed by the standard under development, and who are independent of the Producer or User Interest categories.</i>
Producer-Manufacturers	User-Individual consumers*	General-Medical experts*
Producer-Retailers	User-Hobbyists*	General-University researchers*
Producer-Importers	User-Consumer groups* (and other public interest groups or other civic organizations)	General-Government experts (Federal, state or local) who are considering use of the standard as part of a regulation, policy, research, etc.*
Producer-Distributors	User-Labor interests*	General-Professional societies*
Producer-Trade associations	User-industrial*	General-Test labs*
Producer-Inventors (of products/services covered by scope of standard)	User-Government experts (Federal, state, or local) who are considering use of the product or service as part of a procurement*	General-Other independent experts (e.g., technical experts, consultants, expert witnesses, attorneys, “think tanks”, etc.)*
Producer-Other experts (whose participation is sponsored by producers; e.g., consultants, expert witnesses, legal experts, etc.)	User-Trade Association (that represents users, not producers)*	
	User-Other experts (whose participation is sponsored by Users; e.g., consultants, expert witnesses, attorneys, etc.)*	

\*Participants classified to the User Interest and General Interest categories have no commercial interest in the product or service being addressed by the standard.

Note: Some stakeholders, such as university researchers, testing laboratories, expert witnesses, and attorneys could be placed in any of the three suggested interest categories depending upon who they are representing in the development of the standard.