Due process means that any person (organization, company, government agency, individual, etc.) with a direct and material interest has a right to participate by: a) expressing a position and its basis, b) having that position considered, and c) having the right to appeal. Due process allows for equity and fair play. The following constitute the minimum acceptable due process requirements for the development of consensus.

Excerpt from: ANSI Procedures for US Participation in the International Standards Activities of the ISO
Approved by the ANSI Board of Directors
2004 Edition

B8 Criteria for Appeals
The provision of appeals is important for the protection of directly and materially affected interests and for the organizations involved in the development of U.S. positions in international activities and is required as a part of due process. This section provides for the right to appeal, indicates what may be appealed, and gives general criteria regarding the appeals mechanism.
Consensus means substantial agreement has been reached by directly and materially affected interests. This signifies the concurrence of more than a simple majority, but not necessarily unanimity. Consensus requires that all views and objections be considered, and that an effort be made toward their resolution.

Openness

Participation shall be open to all persons who are directly and materially affected by the activity in question. There shall be no undue financial barriers to participation. Voting membership on the consensus body shall not be conditional upon membership in any organization, nor unreasonably restricted on the basis of technical qualifications or other such requirements.

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.

Consensus

Consensus for a U.S. position is established when substantial agreement has been reached by the U.S. national interests that are directly and materially affected by the proposed international standard. Additionally, if the proposed U.S. position is based on giving consideration to changes in an existing U.S. national standard, the consensus process shall include U.S. national interests that are directly and materially affected by the U.S. national standard.

Openness

Participation shall be open to all U.S. national interested parties* who are directly and materially affected by the activity in question. There shall be no undue financial barriers to participation. Participation shall not be conditional upon membership in any organization, or unreasonably restricted on the basis of technical qualifications or other such requirements.

Balance

The process of developing U.S. positions shall provide an opportunity for fair and equitable participation without dominance by any single interest.

Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation. The requirement implicit in the phrase “without dominance by any single interest” normally will be satisfied if a reasonable balance among interests can be achieved. Unless it is claimed by a directly and materially affected person (organization, company, government agency, individual, etc.) that a single interest category dominated the development of the U.S. position, no test for dominance is required.

In defining the interest categories appropriate to U.S. TAG membership, consideration shall be given to at least the following:
- Producer
- User
- General interest

Where appropriate, more detailed subdivisions should be considered.

NOTE – Consensus need not imply unanimity.