

Guidance re: Disclosure of Consensus Body Member Interests and Supporting Transparency in the American National Standards (ANS) Process

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). 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. Additional or different steps could also be selected for such purposes.

ANSI's Procedural Requirements

The *ANSI Essential Requirements* (www.ansi.org/essentialrequirements) clarifies expectations with respect to American National Standard (ANS) consensus body¹ membership interest classifications. The text emphasizes the need for disclosure of information that supports transparency so that the identification of each consensus body member's sponsor is available upon request. Here are some key points:

1. An ASD's interest categories must be discretely defined, cover all directly and materially interested parties and differentiate each category from the other categories.
 - Interest categories shall not be created for the purpose of avoiding balance requirements – each interest category should be independent from the others.
 - If a General Interest category is used (and that may be appropriate), it should not include consensus body members sponsored by organizations that meet the definition of a different available interest category.
2. The affiliation of a consensus body member refers to the entity whose interests the consensus body member represents, which may or may not be that person's employer.
3. If a consensus body member is serving in an individual capacity, then the name of the individual, their sponsors (if any) and interest category shall be made available upon request.
 - A sponsor is defined as an organization that provides funds specifically to support the individual's participation in the standards activities of the consensus body.
 - Note: If the participant is sponsored by an ASD or other entity, but represents their own personal interests, then that information shall be disclosed to determine if it will impact the consensus body member's interest classification.
4. The term "consultant" is defined as someone who agrees to provide professional service in exchange for compensation, financial or otherwise. A consultant belongs in the interest category that aligns with the organization or individual who is paying to support their participation.
5. Trade Associations may serve two roles in the ANS Process: 1) the role of ANSI-Accredited Standards Developer (ASD); and 2) the role of participant (voting member on an ANS consensus body or public commenter).
 - When Trade Associations are also ASDs, they are bound, like all other ASDs in that capacity, to follow the *ANSI Essential Requirements* and their accredited procedures, which treat all directly and materially interested parties within the ANS process equally.
 - When an employee of a Trade Association is seated as a consensus body member who is

¹ Consensus body: The group that approves the content of a standard and whose vote demonstrates evidence of consensus. See ANSI Essential Requirements: Due process requirements for American National Standards.

representing the Trade Association, it is important that they are categorized appropriately and consistent with the primary interest they represent, e.g., the business interest for which the Trade Association exists.

- Except in limited circumstances, such as where the nature of the standard addresses "Trade Associations", a Trade Association is not considered a consensus body membership interest category nor would a representative of a Trade Association ordinarily be categorized under "General Interest". Rather, a representative of a Trade Association would be a consensus body member that should be classified in accordance with the business (or other) interests the Trade Association represents.
6. While it is possible that a consultant or trade association could be categorized as "General Interest" such a determination should be assessed within the context of the nature of the standard under development and the basis for categorization should be documented.
 7. ASDs are encouraged to explore any other forms of bias an individual applicant for consensus body membership may have, e.g., serving as an Expert Witness in a particular industry or a retired industry professional with an ongoing financial relationship with their past employer such as a contractor or consultant.

ASD Options for Promoting Appropriate Disclosure

As with many aspects of the ANS process, flexibility exists with regard to the mechanisms used to identify and disclose the business or other interests of consensus body members. Here are some sample options:

1. To promote transparency, ASDs should routinely share the current ANS consensus body roster with consensus body members and applicants, including the affiliation and interest category of each. In addition, this information is required by the *ANSI Essential Requirements* to be made available upon request. See 2.1 of the *ANSI Essential Requirements* (www.ansi.org/essentialrequirements).
2. Require disclosure as part of a signed consensus body membership application.
3. Require disclosure through a separate and signed form.
4. Require compliance with a signed Code of Conduct/Ethics that addresses expectations with respect to interest category selection and the connection between one's sponsor and one's interest category.
 - Incorporate a link to an appropriate Code of Conduct/Ethics in all agendas, meeting reports and ballots and read it aloud during each consensus body meeting.
5. Provide for a process by which the consensus body reviews interest categories at the beginning of the standards development process and thereafter annually, or the like, and may question an individual's assigned or chosen interest category. Such an inquiry should be submitted in writing, provided to the consensus body member for response, and considered in a timely manner by the ASD and the officers of the consensus body, also subject to conflict of interest procedures.
6. On an ongoing basis, if a consensus body member is allowed to self-select their interest category, ensure that appropriate information about ANSI's procedural requirements for disclosure and transparency are provided to the consensus body. If an ASD (or consensus body member) questions a consensus body member's selected interest category, an impartial process should exist through which the consensus body member may respond and the issue be adjudicated. (See 5 above)

Share Best Practices

ASDs are invited to share best practices for promoting appropriate disclosure within the ANS process with ANSI for review and potential posting in ANSI's ANS-related public library (www.ansi.org/asd). Please submit suggested best practices or sample forms to psa@ansi.org.