

American National Standards (ANS) Process:

ANSI's Rules on Votes, Public comments & Response to Comments

- The webinar will start at 2pm Eastern
- All participants are muted for the duration of the webinar
- Slides will be distributed to all
- Please use the CHAT option to submit questions to ALL PANELISTS
- This session will be recorded and the recording *may* be available at a later date



Let's get started...

- On behalf of ANSI, thanks very much for joining us today – we hope that you are enjoying the summer
- A huge thank you to those of you who are already involved in standards...you literally make the world a better place
- Goal for the next 90 minutes:
 - Identify sources of comments & requirements for responding
 - Discuss consideration of and responses to votes & public comments
 - Review relevant procedural requirements
 - Answer your questions at 3 points during the session

Just a reminder...

ANS-Related ANSI Staff - psa@ansi.org

- Fran Schrotter, ANSI Sr VP & COO - NY
- Patty Griffin, ANSI Sr VP & General Counsel – NY
- Procedures & Standards Administration - NY
 - Anne Caldas – NY – 212-642-4914, acaldas@ansi.org
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 - Jay Moskowitz – NY – 8925, jmoskowitz@ansi.org
 - Jim Thompson – NY – 4913, jthompso@ansi.org
 - Mary Weldon – NY – psa@ansi.org
- psa@ansi.org = our common email box

Today's agenda...

1. ANSI's procedures as they address:

- **Public comments** in response to *ANSI Standards Action* notice (www.ansi.org/standardsaction)
 - Questions?
- **Voting** on the approval of an ANS
 - Questions?
- **Comment consideration** – PINS, Public review and Consensus Body Votes
 - Questions?

2. ASD's accredited procedures also address voting, public comment and comment consideration and should not be inconsistent with ANSI's requirements

*ANSI Essential Requirements: Due process requirements for
American National Standards*

www.ansi.org/essentialrequirements



Overarching Consideration of ANS Process: Due Process

- ANSI perspective: **Due process** means that any party (organization, company, government agency, individual, etc.) with a direct and material interest has a right to participate by:
 - ✓ Expressing a position and its basis
 - ✓ Having that position considered
 - ✓ Appealing if adversely affected
- Due process allows for equity and fair play
 - ✓ Fairness, timeliness and consistency are safeguards

Overarching Consideration of ANS Process: Due Process

- ✓ The *ANSI Essential Requirements* (www.ansi.org/essentialrequirements) in their entirety provide a framework for due process
- ✓ Proper implementation of the *ANSI Essential Requirements* **and** an ANSI-Accredited Standards Developer's (ASD's) procedures promote openness and consensus and mitigate risk that the process might be misused

Promote due process and transparency: Make effective participation easy!

- ✓ ASD's procedures are publicly available
- ✓ Consensus body members are automatically given a copy of accredited procedures and subsequent updates – and perhaps a mentor too
- ✓ New participants are directed to training resources and a contact person
- ✓ Procedures are clear and not overly complicated
 - Not every ASD has the ability to implement complex, multi-level procedures
- ✓ Deadlines are clearly noted along with “consequences” for failure to respond
- ✓ Procedures provide some flexibility while still being compliant with the *ANSI Essential Requirements*
- ✓ Any supplemental procedures are updated whenever revisions are made to accredited procedures (so staff know what to do)

ANSI Essential Requirements

* Our focus today

- Openness (1.1)
- Lack of dominance (1.2)
- Balance (1.3)
- Coordination and harmonization (1.4)
- Notification of standards development (1.5)
- * **Consideration of views and objections (1.6, 2.6)**
- * **Consensus body vote (1.7,2.7)**
- Procedural appeals (1.8)
- Written procedures (1.9)
- ANSI Patent Policy (3.1)
- Commercial terms & conditions (3.2)
- Antitrust policy (3.3)
- ANS record retention/evidence of compliance (3.4)
- Metric policy (3.5)
- Interpretations policy (3.6)
- Publication (4.4) & maintenance requirements (4.7)
- Audited Designator (5.0)
- Annex A: Definitions
- Annex B: Provisional ANS

Good Faith Efforts support transparency, fairness and consensus

- ***Be mindful as administrators of “Good faith efforts”***
 - ✓ Availability of understandable information about the consensus process and how to participate (If you don’t understand a process, how can stakeholders?)
 - ✓ Accessibility of procedures and staff
 - ✓ Timely and clear communications
 - ✓ Timely and meaningful responses to inquiries and proposals
 - ✓ Clear and published deadlines
 - ✓ Genuine and appropriate efforts to engage and address issues related to consensus
 - ✓ Meaningful opportunities to participate
 - ✓ Documented efforts to engage under-represented groups
 - ✓ Broad and documented public notice – general, targeted
 - ✓ Fair treatment for all

ANSI's Definition of Consensus – as Consensus is the goal

- Consensus requires due process
 - More than a numerical determination
- Consensus requires
 - ✓ All views and objections be considered, and that an effort be made toward their resolution....
“comment consideration”
 - ✓ *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 Body (Voting Group, Committee, TC, Canvass List, etc.) - applicability of 1.0 & 2.0

- ANSI Definition:

Consensus body is the group that approves the content of a standard and whose vote demonstrates evidence of consensus. (See definitions, Annex A)

- ✓ Must be identifiable in a developer's procedures

ANSI's focus in terms of documenting consensus and compliance relates to

1. **Public comments** received in response to *ANSI Standards Action* announcements
 - Project Initiation Notification (PINS)
 - Public review/BSR-8
 - At least one, but unlimited **if substantive changes**
 - Text of entire document (once every 5 years)
 - Announcement of limited revisions
2. **Vote and comments** submitted by voting members of an ANS Consensus Body
 - ***Note: distinguish consensus body from public commenters***



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Project Initiation Notification System (PINS)

Section 2.5.1 of the ANSI Essential Requirements (www.ansi.org/essentialrequirements) describes the Project Initiation Notification System (PINS) and includes requirements associated with a PINS Deliberation. Following is a list of PINS notices submitted for publication in this issue of ANSI Standards Action by ANSI-Accredited Standards Developers (ASDs). Please also review the section in Standards Action entitled "American National Standards Maintained Under Continuous Maintenance" for information about American National Standards (ANS) maintained under the continuous maintenance option, as a PINS to initiate a revision of such standards is not required. Use the following Public Document Library url to access PDF & EXCEL reports of approved & proposed ANS: List of Approved and Proposed ANS. Directly and materially interested parties wishing to receive more information or to submit comments are to contact the sponsoring ANSI-Accredited Standards Developer directly within 30 calendar days of the publication of this PINS announcement.

AAFS (American Academy of Forensic Sciences)

Teresa Ambrosius <tambrosius@aafs.org> | 410 North 21st Street | Colorado Springs, CO 80904 www.aafs.org

New Standard

BSR/ASB BPR 190-202x, Best Practice Recommendation for the Use of Digital Image Capture and File Storage Technology in Forensic Document Examination (new standard)

Stakeholders: All Forensic Document Examiners in both the private and public sectors

Project Need: Forensic Document Examiners are often required to capture digital images of evidentiary items during the course of routine casework either for the purpose of a record or in order to conduct direct analyses. Digital imaging technology, which includes photography and scanning, has matured a great deal since its introduction into a document examination workflow in the past two decades. Simultaneously, advances in digital file formats and storage technology have created ever increasingly digital document examination workflows.

Interest Categories: N/A

This document provides best practice recommendations for Forensic Document Examiners when using digital image capture and file storage technology in the course of casework and case archiving. This best practice recommendation does not include the forensic analysis of digital imagery itself, nor any other computers files or hardware which contains them.

AAFS (American Academy of Forensic Sciences)

Teresa Ambrosius <tambrosius@aafs.org> | 410 North 21st Street | Colorado Springs, CO 80904 www.aafs.org

New Standard

BSR/ASB Std 191-202x, Standard for the Examination of Dry Seals and Dry Seal Impressions (new standard)

Stakeholders: Forensic Document Examiners

Project Need: Forensic document examiners are called upon to determine the source of dry seal impressions such as notary seals and corporate seals, or to determine whether or not a particular seal produced a particular impression. This standard will provide the procedures necessary in order to make these determinations.

Interest Categories: Academics and Researchers, General Interest, Jurisprudence and Criminal Justice, Organizations, Producer, User - Government, User - Non-Government

This standard provides procedures and requirements for determining the source of a dry seal image or the common source (or otherwise) of multiple dry seal impressions.



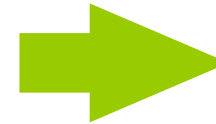
ANS Development Cycle — What are “ANSI” comment periods?



**1. PINS Announcement;
PINS Deliberation**



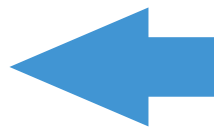
**2. Public Review: 1+
3. Consensus vote**



**Consideration of
Views & Objections;
Recirculation;
Complete SDO
Appeals**



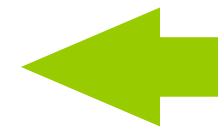
**ANSI Appeals;
Publication**



Approval



**Review of
Due Process
Requirements**



Sources of comments subject to ANSI's *Essential Requirements*

1. *PINS*
2. *Public Review*
3. *Comments submitted with a consensus
body member's vote*



2.5.1 Project Initiation Notification System (PINS) Comments – STEP 1

- **Notice** at the **initiation of a project** to develop or revise an ANS, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in Standards Action. *Comments received in connection with a PINS announcement shall be handled in accordance with these procedures.*
- ✓ **PINS comments** require a response even if they are not claims of conflict or duplication within the ANS process, which trigger a PINS Deliberation (see 2.5, 1.6 and 2.6)
- ✓ **PINS comments** that relate to conflict or duplication require a **PINS Deliberation** and the filing of a report before you can move to public review (See 2.5.1.3)
- See PINS Guidance document
 - PINS Deliberation requirements and possible outcomes
 - PINS Deliberation Meeting Report – sample
 - Timeframes apply

Annex A – Sample, Use of this Form is Not Required

ANSI PINS Deliberation Report – A special response to comments

Note: to be submitted to ANSI in accordance with the current edition of the ANSI Essential Requirements: Due process requirements for American National Standards

1. **Date of Deliberation:**
2. **Location of Deliberation:**
3. **Deliberation Chair/Leader:**
4. **Deliberation Attendees (Name/affiliation):**
5. **Decision-making Panel members (if by panel):**
6. **Standard at issue (Designation and Title):**
7. **ANSI-Accredited Standards Developer (Sponsor of standard):**
8. **Scope of standard:**
9. **Summary of comments prompting a PINS Deliberation (or attach comments):**
10. **Summary of good faith efforts to date to resolve issue:**
11. **Do the parties agree that there is conflict or duplication? If no, summarize position of each side:**
12. **Key Discussion Points:**
13. **Outcome of Deliberation/Next Steps and Agreed Upon Timeline:**
14. **Contact information for submitter(s):**

2.5.2 Notification of Standards

Development - *ANSI Public Review/BSR-8 Form - STEP 2*

- BSR-8/108 form required for:
 - proposal for new ANS and proposals to revise, reaffirm, or withdraw approval of existing ANS **in order to provide an opportunity for public comment.**
- Multiple public review announcements are required if **substantive changes** continue to be made to the draft that was first announced for public comment in *Standards Action*
 - ✓ **Comments resulting from multiple public reviews must be considered and properly handled**

Substantive change – What does this mean?

- **Substantive Change:** A substantive change in a proposed American National Standard is one that **directly and materially affects the use of the standard**. Examples of substantive changes are below:
 - “Shall” to “should” or “should” to “shall”;
 - Addition, deletion or revision of requirements, regardless of the number of changes;
 - Addition of mandatory compliance with referenced standards.
- ***If your procedures do not include a process for determining whether changes are substantive vs. editorial, consult the Chair or Officers or drafting group or consensus body and document the results***
- A second or third, etc., public review is required if substantive changes are made to the draft after an ANSI public review
 - ✓ You may limit a public comment period to just the change since the last public comment, e.g., a word, a phrase, a paragraph
 - ✓ It is the consensus body’s decision when to stop making new substantive changes, but any substantive change must be fully processed, **including public review, comment resolution, vote, etc.**
 - ✓ Document who makes the decision, how and why a particular decision was made as it can be challenged by a participant via a complaint or appeal, or later identified as a concern in the ANSI audit

2.5.2 Public Review - Clearly identify the text that is available for public comment

- Public Review through *ANSI Standards Action*
 - ✓ **Strikethrough-underline format is best**, with an explanation of what text is available for public comment
 - ✓ If the goal is to allow comments on a limited section only, briefly **state this in the scope of the BSR-8**, which is published in Standards Action, and on the draft itself
 - ✓ If the **entire standard** is available for public comment, state this
 - ✓ **Number the lines in the text** of the draft so a commenter can easily identify the text that is the subject of the comment

2.5.2 Public Review - Clearly identify the text that is available for public comment

- A second or third, etc., public review is required if substantive changes are made to the draft after an ANSI public review
 - ✓ You may limit a public comment period to just the change since the last public comment, e.g., a word, a phrase, a paragraph
 - ✓ It is the consensus body's decision when to stop making new substantive changes, but any substantive change must be fully processed, **including public review, comment resolution, vote, etc.**
- View *Standards Action* issues for examples of revisions
 - www.ansi.org/standardsaction

Call for Comment on Standards Proposals

American National Standards

This section solicits public comments on proposed draft new American National Standards, including the national adoption of ISO and IEC standards as American National Standards, and on proposals to revise, reaffirm or withdraw approval of existing American National Standards. A draft standard is listed in this section under the ANSI-accredited standards developer (ASD) that sponsors it and from whom a copy may be obtained. Comments in connection with a draft American National Standard must be submitted in writing to the ASD no later than the last day of the comment period specified herein. Such comments shall be specific to the section (s) of the standard under review and include sufficient detail so as to enable the reader to understand the commenter's position, concerns and suggested alternative language, if appropriate. Please note that the ANSI Executive Standards Council (ExSC) has determined that an ASD has the right to require that interested parties submit public review comments electronically, in accordance with the developer's procedures.

Ordering Instructions for "Call-for-Comment" Listings

1. Order from the organization indicated for the specific proposal.
2. Use the full identification in your order, including the BSR prefix; for example, Electric Fuses BSR/SAE J554.
3. Include remittance with all orders.
4. BSR proposals will not be available after the deadline of call for comment.

Comments should be addressed to the organization indicated, with a copy to the Board of Standards Review, American National Standards Institute, 25 West 43rd Street, New York, NY 10036. e-mail: psa@ansi.org
* Standard for consumer products

Comment Deadline: June 18, 2023

ASHRAE (American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.)

180 Technology Parkway, Peachtree Corners, GA 30092 | tloxley@ashrae.org, www.ashrae.org

Addenda

BSR/ASHRAE/ICC/IES/USGBC Addendum ao to BSR/ASHRAE/ICC/IES/USGBC Standard 189.1.202x, Standard for the Design of High-Performance Green Buildings Except Low-Rise Residential Buildings (addenda to ANSI/ASHRAE/ICC/IES/USGBC Standard 189.1.2020)

This addendum draft modifies Section 10.4.2, IAQ Construction Management and System Startup. Section 10.4.2(d) strikes the requirement to cover permanent HVAC vents during activities that produce dust since these activities could prove harmful and unproductive to workers in an unconditioned environment. Section 10.4.2(e), is modified to allow operation of permanent HVAC systems during construction provided that they are protected from dirt, dust, and debris, and that all filters and controls are in place and operational. Section 10.4.2(f) is modified editorially, with no change in the requirement.

[Click here to view these changes in full](#)

Send comments (copy psa@ansi.org) to: <https://www.ashrae.org/technical-resources/standards-and-guidelines/public-review-drafts>

Comment Deadline: June 18, 2023

ASHRAE (American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.)

180 Technology Parkway, Peachtree Corners, GA 30092 | tloxley@ashrae.org, www.ashrae.org

Addenda

BSR/ASHRAE/ICC/IES/USGBC Addendum bd to BSR/ASHRAE/ICC/IES/USGBC Standard 189.1.202x, Standard for the Design of High-Performance Green Buildings Except Low-Rise Residential Buildings (addenda to ANSI/ASHRAE/ICC/IES/USGBC Standard 189.1.2020)

This addendum deletes the exception to Section 7.5.4 of the standard. The exception is no longer needed because of published addendum A to Standard 209. Section 11 reference with Addendum A is added. Standard 209 - Addendum A is added below the line for informational purposes only.

[Click here to view these changes in full](#)

Send comments (copy psa@ansi.org) to: <https://www.ashrae.org/technical-resources/standards-and-guidelines/public-review-drafts>

ASME (American Society of Mechanical Engineers)

Two Park Avenue, M/S 6-2B, New York, NY 10016-5990 | ansibox@asme.org, www.asme.org

Revision

BSR/ASME TES-1.202x, Safety Standard for Thermal Energy Storage Systems: Molten Salt (revision of ANSI/ASME TES-1.2020)

This Standard establishes requirements for the design, construction, installation, inspection, testing, commissioning, maintenance, operation, and decommissioning of molten salt thermal energy storage (TES) systems. Molten salt thermal energy systems include the storage medium and associated storage vessels, controls for the system, and associated system components such as circulation pumps, valves, piping, and heat exchangers that are in contact with molten salt.

[Click here to view these changes in full](#)

Send comments (copy psa@ansi.org) to: Nicole Gomez <gomez@asme.org>

NEMTAC (Non-Emergency Medical Transportation Accreditation Commission)

2307 S Rural Road, Tempe, AZ 85282 | phicks@nemtac.co, www.nemtac.co

New Standard

BSR/NEMTAC 1001.202x, NEMT Levels of Service (new standard)

The consensus body created by NEMTAC includes: non-emergency medical transportation providers, stretcher transport services, wheelchair van transportation services, passengers/consumers, insurance plans, non-emergency medical transportation brokers, and taxi services. NEMTAC has identified the various levels of services required by passengers. In providing these levels of services the assistance provided is commensurate with the needs of the passenger or as defined under contract. This standard will designate the different levels of service available to be provided to passengers receiving non-emergency medical transportation (NEMT) services by a transportation provider company or organization. This standard will allow transportation providers to clearly identify in plain language the services they provide and allow the healthcare provider to request the appropriate level of service for the individual being transported.

[Click here to view these changes in full](#)

Send comments (copy psa@ansi.org) to: <https://nemtac.growthzoneapp.com/ap/Form/Fill/p59BRsxp>

Sample strikethrough-underline

ExSC_017_2019_ExSC TG rev to ER_SA version.pdf - Adobe Acrobat Pro DC

File Edit View Window Help

Home Tools Document

5 / 5 137%

Sign In

Search Tools...

- Create PDF
- Edit PDF
- Export PDF
- Comment
- Organize Pages
- Enhance Scans
- Protect
- Fill & Sign
- Prepare Form
- Combine Files

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135 to appeal. ANSI will not normally hear an appeal of an action or inaction by a standards developer
136 relative to the development of an American National Standard until the appeals procedures
137 provided by the standards developer, which must be implemented promptly and with decisions
138 made expeditiously, have been completed. However, conclusion of the appeals process at the
139 standards developer, is not a precondition for filing an appeal with the Executive Standards Council
140 (ExSC) of an organization's continuing accreditation status.
141
142 Claims of procedural non-compliance raised during the course of an active standards development
143 process are to be addressed in accordance with the standards developer's appeals process which
144 shall conclude before final submittal of evidence of consensus is made to ANSI in support of the
145 approval of a standard as an American National Standard.
146
147 Except in the case of an Audited Designator, an appeal of the approval of a standard as an
148 American National Standard is to be filed in accordance with the *Operating Procedures of the ANSI*
149 *Board of Standards Review (BSR)*. Complaints concerning ANSI Audited Designators, including
150 the approval of a standard as an American National Standard, are governed by the *Operating*
151 *Procedures of the ANSI Executive Standards Council (ExSC)*.
152
153 Appeals of actions shall be made within reasonable ~~the~~ time limits specified in applicable
154 procedures; appeals of inactions may be made at any time. Such appeals shall be directed to ANSI
155 in accordance with the procedures of the appropriate ANSI Committee board or council board or
156 council (e.g., Board of Standards Review, Executive Standards Council).
157

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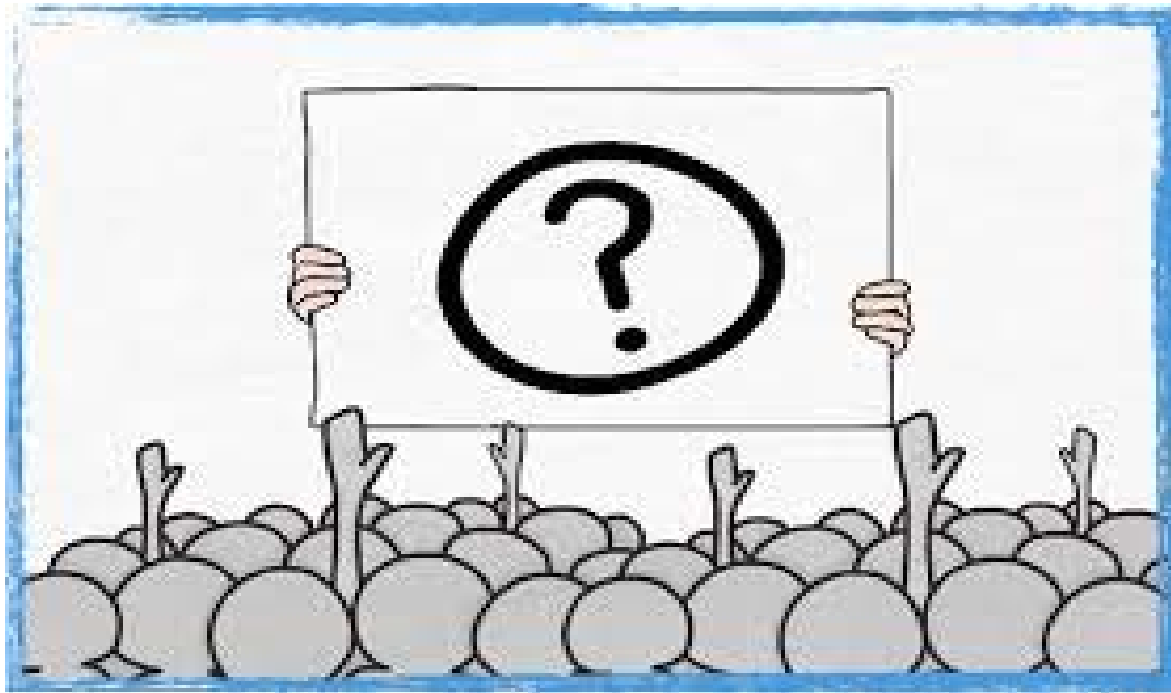
12:23 PM 6/29/2020

2.5.2 Public Review – Clearly identify the text that is NOT available for public comment

- Attachments (or the like) to a draft that are not open for public comment should be clearly labeled as such so comments are not submitted on excluded text
 - ✓ “Only the text shown in strikethrough-underline format is available for comment at this time...”
 - ✓ “This informative reference article is not available for public comment”
 - Label this type of reference material, so it’s clear that comments are not possible

Optional: Use of public comment forms

- Goal of public comment opportunity is to receive input
 - Please make the process for submitting comments accessible and easy – not challenging and not an undue barrier!
- ASDs **may** require the use of a particular form, or that commenters submit online/electronically
 - ASD's procedures should address this
 - Form should be useable and include instructions
 - Form should identify required fields
 - Form should explain consequences if not complete or completed incorrectly
 - Form should include a readily available contact for questions
- A public comment form should not imply that it is a ballot that gives the commenter a “vote”



1.7 Consensus Body Vote to approve ANS

- Every proposed ANS **must be approved by vote of a duly constituted consensus body**
 - The vote can be by ballot, at a meeting, or other (?), but the same comment consideration requirements apply
 - All members of the consensus body shall have the opportunity to vote.
 - On a decision to approve a document as an ANS (rule does not apply to every administrative vote taken at a meeting)
- Evidence of consensus body votes (on ANS) shall be documented.
 - ✓ All related evidence is subject to review by ANSI BSR or ANSI ExSC and ANSI Audit

1.7 Consensus Body Vote to approve ANS

- Evidence of consensus **shall be documented** – and is subject to audit
- **Evidence includes** dated **consensus body membership roster, interest category and vote** (including evidence of vote changes)
 - ✓ **Fair and consistent membership practices and adequate monitoring** of balance and participation require an accurate and up-to-date list of, and a record of changes to, the members of the consensus body.
 - Consider an **annual review** of membership to ensure its currency – staff review and by consensus body membership
 - ✓ Documentation when a member **resigns or is removed** from the consensus body
 - ✓ Votes of primary or alternate
 - ✓ Documentation and written disposition of comments submitted with each vote

ANS – Consensus Body Voting by Ballot

- ✓ How the ballot question is posed matters, so be careful with the wording of the ballot
- ✓ There must be a vote to approve the standard:
 - Either in parts; or
 - As a whole (this is often cleaner, but not required if the votes on parts are clear)
- ✓ A vote to approve responses to public comments is not (on its own) a vote to approve the standard
- ✓ Whatever voting options are documented in an ASD's procedures apply - unless the procedures provide flexibility, the ASD must use the voting options specified

2.7 Evidence of Consensus and Consensus Body Vote - 2.7 is full of details!

- Consensus is demonstrated, *in part*, by a vote of the consensus body.
- An ASD's procedures shall state specifically how consensus will be determined.
- An **example of a numerical formula for consensus**:
 - a majority of the consensus body cast a vote (counting abstentions) and at least two-thirds of those voting approve (not counting abstentions)
 - Recommend that your procedures address abstentions and how they are counted
- ASD may submit for approval an alternative methodology for determining consensus.
 - ANSI ExSC will review and approve (or not) alternative methodologies

2.7 Evidence of Consensus and Consensus Body Vote

- When recorded votes are taken at **meetings**, members who are absent shall be given the opportunity to vote before or after the meeting.
 - All members of the consensus body shall have the opportunity to vote.
 - On a decision to approve a document as an ANS, not every admin vote taken at a meeting
 - This is a vote separate from a recirculation opportunity
 - If someone **withdraws a negative vote at a meeting**, record it in the meeting report, send a written email confirmation to the voter or provide a form at the meeting for the withdrawal of a negative vote (or other) – *vote changes must be documented*
 - If the **meeting report will be used as evidence of comment consideration**, then details about the consideration and the outcome must be included in the meeting report, not just, for example, “accepted in part...”

2.7 Evidence of Consensus and Consensus Body Vote

- ASDs **shall not change a vote unless instructed to do so by the voter.**
 - ✓ If a change of vote was not submitted in writing by the voter, then written confirmation of such a vote change shall be provided to the voter by the developer.
- It is never appropriate for an ASD to inform voters that if they are not heard from, their negative vote will be considered withdrawn and their vote will be recorded as an abstention or an affirmative.
- **All negative votes that are not changed at the request of the voter shall be recorded and reported to the BSR as unresolved negatives**
 - ✓ unless the ASD is an Audited Designator, in which case voting records must be maintained, subject to review by the AD prior to approval and ANSI audit.

2.7 Evidence of Consensus and Consensus Body Vote

- ASDs shall record and consider all negative votes accompanied by any comments *that are related to the proposal under consideration*.
- This includes negative votes accompanied by comments concerning potential conflict or duplication of the draft standard with an existing ANS and negative votes accompanied by comments of a procedural or philosophical nature.
 - ✓ These types of comments shall not be dismissed due to the fact that they do not necessarily provide alternative language or a specific remedy to the negative vote.

2.7 Evidence of Consensus and Consensus Body Vote - Comments not related

- ASDs are not required to consider negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments.
 - ✓ The ASD shall indicate conspicuously on the letter ballot that negative votes must be accompanied by comments related to the proposal and that votes unaccompanied by such comments will be recorded as “negative without comments” without further notice to the voter.
- If comments not related to the proposal are submitted with a negative vote, the comments shall be documented and considered in the same manner as submittal of a new proposal.
 - ✓ A mechanism for maintaining and tracking these comments should be established, so the proposals/comments are not lost or discarded

2.7 Evidence of Consensus and Consensus Body Vote - Comments not related

If clear instruction is provided on the ballot, and a negative vote unaccompanied by comments related to the proposal is received notwithstanding, or a negative vote without any comments is received:

1. the vote may be counted as a “negative without comment” for the purposes of establishing a quorum and reporting to ANSI
2. the vote shall not be factored into the numerical requirements for consensus, unless the ASD’s procedures state otherwise
3. further solicitation of comments from such a negative voter is not required
4. a recirculation ballot of the negative vote (unaccompanied by comments related to the proposal or without comments) is not required
5. notification of the right to appeal is not required (for these vote types only)
6. ASD must report these as a “negative without comment” on the BSR-9 (unless, an Audited Designator, in which case, evidence must be retained and reviewed)

2.7 Evidence of Consensus and Consensus Body Vote - Options

- The ASD shall maintain records of evidence regarding any **change** of an original vote.
- Except in regard to votes on membership and officer-related issues, each member of a consensus body should vote one of the following positions (or the equivalent):
 - a) Affirmative;
 - b) Affirmative, with comment;
 - c) Negative, with reasons (the reasons for a negative vote shall be given and if possible should include specific wording or actions that would resolve the objection);
 - d) Abstain.

Consensus Body Vote by Ballot

- Balloting is the most commonly used option and provides a clear audit trail and record
- ✓ Specify and publish ballot periods (start and end)
 - Review ballot periods regularly: are they appropriate, too long, are all uses covered?
- ✓ Ensure ballot purpose/question (and any limitation) is clear
- ✓ Identify a contact for questions
- ✓ Issue a reminder notice prior to ballot closing
- ✓ If a ballot extension is authorized, it should apply to all voting consensus body members
- ✓ Note that “negative votes without comments” will only count towards quorum if a developer’s procedures state as much, but will not be given further attention (see 2.7)

Reconciliation of votes of consensus body for reporting to ANSI BSR/Audit verification

- How to reconcile multiple ballot tallies (NOTE: if no change to a vote is received, then the original vote stands)

Original Vote	Yes w/comments	Yes w/comments	No w/comments	No with Comments	Not returned	Not returned
Recirculation Vote	No w/comments	No w/out comments	No w/out comments	No with comments	No w/comments	No w/out comments
Final Record	No w/comments	No w/out comments	Original comments from original “no” vote would have to have been addressed – in other words, you can report a final vote as “no w/out comments” but you would have had to address and recirculate the original comments	No with comments	No w/comments	No w/out comments

If you wish to “re-start” with a new ballot

- If you wish to “re-start” the ANS approval process with a new ballot and a new draft (and your procedures do not preclude this), then
 - Notify all who participated in the original/last review – consensus body and public commenters
 - Explain that the prior draft and ballot are cancelled and a new version will be issued, and that votes will be solicited anew, and public comments will be welcome on the new version
 - Explain that prior votes and comments will not be addressed
 - Provide contact information for questions
 - This should not be a routine option or undertaken lightly (the ER does not address this)
 - Ensure records are retained, subject to audit



Comment consideration – What ANSI requires



1.6 and 2.6 Consideration of Views and Objections - Procedural Requirements

- **Prompt consideration** shall be given to the written views and objections of all participants,
 - ✓ including those commenting on the **PINS** announcement or
 - ✓ **public comment** listing in *Standards Action*.
- All relevant comments must be considered, even if you think the comments are not well written, not important, philosophical in nature or do not provide alternative language
 - ✓ **Written responses can be proportional and previous responses, if still valid, may be repurposed**
- If consideration of public review comments will be **delayed** (for whatever reason), then the ASD should let the commenters know this and when a response to their comments can be expected.
 - This way submitters are informed, don't feel like their comments fell in a black hole or feel disenfranchised.

2.6 Consideration of Views and Objections - Procedural Requirements

- In connection with an objection articulated during a public comment period, or submitted with a vote,
 - an effort to resolve **all expressed objections accompanied by comments related to the proposal under consideration shall be made**, and
 - each such objector shall be **advised in writing** (including electronic communications) of the disposition of the objection **and the reasons therefor**.
- ✓ Written response is required; verbal discussions are great and often helpful, but the **disposition with reasons** must be documented.
 - Send a follow-up confirming email and retain it

2.6 Consideration of Views and Objections - Recirculation requirement

- Each **unresolved objection** (voter, public commenter) and **attempt at resolution**, and any **substantive change** made in a proposed American National Standard shall be reported to all members of the consensus body in order to afford **all members an opportunity to respond, reaffirm, or change their vote**.
 - This is the “recirculation”, “reconsideration” requirement
 - All members of the ANS consensus body, *not just those that cast a vote on the original ballot to approve the standard as an ANS*
 - Include: 1) unresolved objections (votes and public comments); 2) attempt at resolution; and 3) **any** substantive change (related to public comments or otherwise)
 - If a voter does not respond to a recirculation opportunity, then his/her original vote stands, otherwise, the vote on recirculation trumps the original vote (see chart)
 - **NOTE: a vote to approve a response to comments alone does not satisfy the recirculation requirement.**

Document how comments are addressed

- ANSI does not specify how comments are to be handled; **but** an ASD's procedures should address the comment resolution process
 - ✓ they must be followed as written
- Some considerations:
 - How will informal resolutions take place?
 - Who is responsible for each aspect of comment receipt and response?
 - Who or which group will “attempt to resolve” and what steps are to be followed
 - Timeframes associated with each step

Comment resolution

- An effort to resolve all timely objections related to the content (all or part of a document) announced for public comment or vote is required
- Inform the objector in writing of the status of their comments: accepted in whole or in part, rejected, deferred to the next revision cycle and – for all – why (reasons therefor)
 - ✓ *If the responses are posted, provide a direct link to the responses – don't just say "responses are posted on our website"*
- Response *could* include a copy of the meeting report that reflects when the comments were considered and dispositioned (if at a meeting), but if this option is used, the "reasons therefor" should be clear (not simply a record of which comments were considered)

Consider using a “comment resolution matrix”

- A summary comment resolution matrix, which includes all comments and attempted resolutions is used by some ASDs
 - Organize by commenter or by line number (by document) or by topic or section, etc.
- Convenient and efficient way to record each comment, its disposition, and the rationale for the disposition
- Convenient and efficient way to provide such information to objectors and to include in recirculation ballots of unresolved objections
- Although not required to circulate affirmative comments, doing so can provide consensus body members with insight and potentially useful information



Template for comments and secretariat observations

Date: 4.30.2020	Document: NANO TAG N 3754-2020	Project: TS 21357
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MB/ NC ¹	Line number	Clause/ Subclause	Paragraph/ Figure/ Table/	Type of comment ²	Comments	Proposed change	Observations of the secretariat
US	4	5.1	1	ED	since RI is defined in abbreviations section, suggest using RI throughout doc after first instance, instead of spelling out refractive index each time. Similarly, RIs can be used for refractive indices	Replace refractive index with RI abbreviation throughout text. Give abbreviation parenthetically at first instance only.	
US	4	5.1	2	ED	"random medium" is not defined anywhere	Either use a defined term or include definition in section 3	
US		5.1	Note 1	ED	in wrong location	Move after "scattering angles"	
US		5.1	Note 1	GE	"phase function or scattering diagram P(theta) * P(thetat) is normally referred to as the scattering form factor	Define property or use different abbreviation	
US		5.1	Fig 1	ED	In all figure captions, previously defined abbreviations, like for backscattering intensity, are redefined.	Do not do this. Just use abbreviations already defined.	
US	1	5.1	5	ED	"For measuring (for instance) the backscattered light intensity from the incident light it is possible to derive an approximate expression for backscattered intensity (BSI)." Abbreviation already defined.	Change to: "For measuring (for instance) the BSI from the incident light it is possible to derive an approximate expression:"	
US	1	5.1	7	ED	Author's name in citation is incorrect	Change to "van de Hulst, H.C."	
US		5.2	Para 1	Ed	"Error! Reference source not found."	Reference needs to be fixed.	
US	4	5.2	2	ED	"in comparison" poor grammar	Change to "by comparison"	
US		5.2	Fig 2	ED	Y axis title unnecessarily long	Change to "intensity of light [%]"	
US	4	5.3.2	1	ED	Throughout text, "backscattered intensity" and "transmitted intensity" are variably either written out or abbreviated.	At first instance of use, define abbreviation, and from there on out use abbreviation and do not spell out these terms.	
US	6	5.3.2	1	ED	"materials" should be singular	Change to "material"	

¹ MB = Member body / NC = National Committee (enter the ISO 3166 two-letter country code, e.g. CN for China; comments from the ISO/ICS editing unit are identified by **)

² Type of comment: ge = general te = technical ed = editorial

2.6 Consideration of Views and Objections - Tip: Response to Public Comment

- In connection with an objection submitted via public comment:
 - An ASD should add language to the written disposition letter/E-mail sent to a public commenter that states something like
 - This response provides you with an attempted resolution of your comments. **If you wish to remain on record as an unresolved public commenter and thus, have the right to file a procedural appeal, please respond to x by xx/yy/zz and state as much. If I do not hear from you by this date, then your comments will be considered resolved and you will not have the right to a procedural appeal.**
 - This type of language however, is never an option with respect to a properly submitted vote cast by an ANS consensus body member.
 - See section 2.7 for details
- ✓ **NOTE:** Separate written notice of the right to appeal must be given to any unresolved objectors. Appeals notice can be added to the response to the public commenter or sent separately. The above sample text does not fulfill the appeals notification requirement.

TIP: Make it easy on staff – create templates

- Create templates, so only the substance needs to be written after the comments are considered – include, as appropriate:
 1. Confirmation of receipt (Make sure this is timely, even if substantive review will not take place until the next meeting a few months away - explain this)
 2. Next steps, including how to confirm resolved or not
 3. State the consequences of failure to respond
 4. State all applicable deadlines
 5. Appeals notification language (link or excerpt)
 6. Readily available contact for questions
- *Internal: establish repository for all templates*

Informal Resolution – Listen...

- Procedural concerns should be addressed in a timely manner:
 - ANSI encourages settlement of disputes at any time if the settlement is consistent with the applicable ANSI procedures
 - If a comment was not properly addressed, take corrective action
 - Address concerns seriously and quickly – don't avoid potential problems, they usually do not go away!
 - Some participants do not understand how standards are developed...help to educate them...avoid unnecessary appeals!

2.6 Consideration of Views and Objections - notification of the right to appeal

- If resolution is not achieved, each unresolved objector shall be informed in writing that an appeals process exists within procedures used by the standards developer.
 - ✓ Procedural appeal regarding the standards development process is to the standards developer first, then to ANSI in the future after a final action has been taken
 - ✓ Appeals notice must be in writing
 - ✓ Deadline for filing appeal should be clear
 - ✓ Procedures for filing appeal should be clear and provided or easily accessible (e.g., send a link)
- Review appeals guidance document for tips

2.6 Consideration of Views and Objections - Timely and Late Comments

- The ASD must follow its procedures, and
 - **may consider** any comments received subsequent to the closing of the public review and comment period (*treat all late comments consistently so the process is fair*); or
 - **shall consider** them in the same manner as a new proposal.
- Timely public comments or votes that are **not related to the proposal** under consideration shall be documented and considered in the same manner as submittal of a new proposal.
 - **The submitter of the comments shall be so notified.**

2.6 Consideration of Views and Objections - Unresolved objections reporting

REMEMBER: tracking unresolved comments and responses is a requirement...and when the BSR reviews the record, they will review comment consideration documentation

- Each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved (see definition) **must be reported to the ANSI BSR.** (except in the case of Audited Designators)
- Definitions in Annex A of the ANSI Essential Requirements:
 - Resolved: A negative vote cast by a member of the consensus body or a comment submitted as a result of public review where the negative voter agrees to change his/her vote or the negative commenter accepts the proposed resolution of his/her comment.
 - Unresolved: Either (a) a negative vote submitted by a consensus body member or (b) written comments, submitted by a person during public review expressing disagreement with some or all of the proposed standard, that have not been satisfied and/or withdrawn after having been addressed according to the developer's approved procedures.

QUESTIONS?

- Introduction
- Standards Developers
- General Public

- What is an ANS?
- More to Know
- Get Involved
- Essential Requirements

GET TO KNOW ANSI'S ESSENTIAL REQUIREMENTS!



The Essential Requirements govern the American National Standards development process.

[ACCESS THE ER >](#)

SOLUTIONS

I want to... Select an option

THE AMERICAN NATIONAL STANDARDS INSTITUTE OVERSEES STANDARDS AND CONFORMITY ASSESSMENT ACTIVITIES IN THE UNITED STATES.



ANSI's mission is to enhance both the global competitiveness of U.S. business and the U.S. quality of life by promoting and facilitating voluntary consensus standards

Where can I find ANS and ASD information?

www.ansi.org

[First tab on the left!](http://www.ansi.org)

www.ansi.org/asd

1. List of ANSI-Accredited Standards Developers (ASD) with a scope and contact
2. Lists of **proposed** and **approved** ANS – **including national adoptions (point-in-time)**

www.ansi.org/StandardsAction

1. Public review announcements, approvals and link to ANS reports

Helpful Resources...

- ANS Webforms (PINS, BSR-8, BSR-11, PSA-01): <https://www.ansi.org/portal/psawebforms/>
- ANS Process Overview: <https://www.ansi.org/> (1st tab on the left)
- *ANSI Essential Requirements*: www.ansi.org/essentialrequirements
- *ANSI National Adoption Procedures*: www.ansi.org/nationaladoption
- List of approved ANS and proposed ANS: www.ansi.org/asd
- List of ANSI-Accredited Standards Developers: www.ansi.org/asd
- *ANSI Standards Action* (weekly information about proposed and approved ANS, subscription option): www.ansi.org/standardsaction
- Summary of ANS process steps: www.ansi.org/anskeysteps
- ANS Value Brochure: www.ansi.org/ansvalue
- ANSI FAQ page: <https://www.ansi.org/standards-faqs>
- ANSI Acronym Glossary: <https://www.ansi.org/standards-faqs/acronym-glossary>
- Standards Boost Business: www.standardsboostbusiness.org
- Online and in-person training options: <https://www.ansi.org/education/activities/standards-training-courses-webinars>
- Hybrid meetings and the “new normal”: <https://www.ansi.org/resource-center/new-normal-resources>
- ANSI Logo usage rules: <https://www.ansi.org/resource-center/logo-use>
- PSA Staff are available via psa@ansi.org

Thanks for joining us today...

- ✓ Exit survey – 3 quick questions,
please complete them:
 - ❖ Was this webinar useful?
 - ❖ How can we improve it?

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