

Overview of the *ANSI Essential Requirements*:

Sections 1.0 & 2.0

- ✓ The webinar will start at 2pm Eastern
- ✓ All participants are muted for the duration of the webinar
- ✓ Slides will be distributed to all via email
- ✓ Please use the CHAT option to submit a question and send it to “All Panelists” (Not to Host)
- ✓ 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
- A huge thank you to those of you who are already involved in standards...you literally make the world a better place
- Goals (Agenda) for the next 90 minutes:
 - ✓ Walk through sections 1.0 and 2.0 of the 2022 *ANSI Essential Requirements* (www.ansi.org/essentialrequirements)
 - ✓ Raise your awareness
 - ✓ Answer your questions

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
 - Heather Benko – NY – 4912, hbenko@ansi.org
 - Elizabeth Gonzalez – NY – 8912, egonzalez@ansi.org
 - Ally Bonacasa – NY – 4978, abonacasa@ansi.org
 - Jay Moskowitz – NY – 8925, jmoskowitz@ansi.org
 - Jim Thompson – NY – 4913, jthompso@ansi.org
 - Mary Weldon – NY – 4908, mweldon@ansi.org
- psa@ansi.org = our common email box

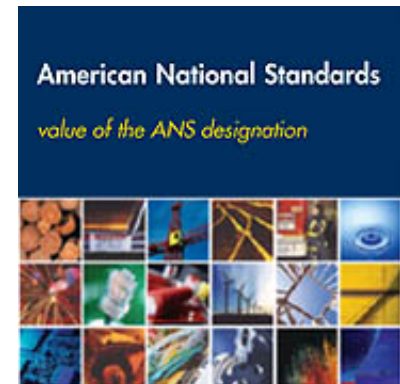


American National Standards

Let's focus on one topic: American National Standards (ANS)

- 235 ANSI-accredited standards developers (ASD) www.ansi.org/asd
 - *ANSI Essential Requirements: due process requirements for American National Standards* (www.ansi.org/essentialrequirements)
 - “ANSI Essential Requirements” and an ASD’s accredited procedures govern the ANS process
 - Only ASDs may submit standards for approval as ANS
 - Accreditation by ANSI is a pre-condition for submitting a standard for approval as an ANS
 - All ANS are maintained on a regular cycle to ensure currency
 - Approximately 14,000 American National Standards
 - All ASDs are subject to ANSI’s neutral third-party oversight including a regular procedural audit
 - Not all standards developed by these organizations are approved as ANS
 - ANSI’s rules apply only to ANS

Learn more: www.ansi.org/ansvalue





AMERICAN NATIONAL STANDARDS

STANDARDS COORDINATION

ISO

USNC / IEC

INTERNATIONAL TRADE & DEVELOPMENT

OUTREACH

EDUCATION

ABOUT

NEWS

EVENTS

ACCESS STANDARDS

MEMBERSHIP

RESOURCE CENTER

FAQ

HELP



ANSI ESSENTIAL REQUIREMENTS

Due process requirements for American National Standards

DOWNLOAD PDF

EDITION: JANUARY 2022

+ 1.0 ESSENTIAL REQUIREMENTS FOR DUE PROCESS

+ 2.0 BENCHMARKS

Type here to search



1:37 PM
5/25/2023



- 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

https://www.ansi.org/#

Who makes decisions about ANS-related actions?

3 main committees populated by ANSI members:

➤ **ANSI Executive Standards Council (ExSC)**

➤ **ANSI Board of Standards Review (BSR)**

➤ **ANSI Appeals Board**

- All serve as fiduciaries and neutral, knowledgeable professionals
- Oversight role and decision-making is subject to conflict of interest procedures

See next slide

What is ANSI's role in the ANS process?

ANSI Members/Program Oversight Committees

- Oversee the **integrity** of the ANS consensus process by assessing evidence of procedural compliance with *ANSI's Essential Requirements*
- Maintain and revise the **procedures** that govern the ANS process - ExSC
- **Accredit (and re-accredit)** standards developers (procedures) - ExSC
- Approve individual standards as American National Standards (**ANS**) – BSR, Audited Designators
- **Audit ANS** for procedural compliance - ExSC
- **Hear procedural appeals related to ANS**
 - Were procedures followed?
 - Was a comment afforded due process?
 - Is a developer in compliance with ANSI's requirements?
- Consider whether an ANS designation should be withdrawn for cause (at any time, after ANS approval) - BSR

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
 - To support due process: 1) a developer's procedures should be readily available; and 2) communications should specify timeframes and deadlines, which should be clear, known and adhered to by all

Overarching Consideration of ANS Process: Due Process (Section 1.0 Intro)

- 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 and consistency are safeguards

ANSI Essential Requirements

Table of contents

- *ANSI's Essential Requirements* (see sections [1.0](#) & [2.0](#))
 - 1.1 Openness (2022)
 - 1.2 Lack of dominance
 - 1.3 Balance (2022)
 - 1.4 Coordination and harmonization
 - 1.5 Notification of standards development (2022)
 - 1.6 Consideration of views and objections
 - 1.7 Consensus body vote
 - 1.8 Procedural appeals (2022)
 - 1.9 Written procedures

ANSI Essential Requirements (Continued)

- All ASDs and accredited procedures must comply with ANSI's requirements related to (see 3.0):
 - ANSI Patent Policy (3.1) - 2020
 - Commercial terms & conditions (3.2) - 2021
 - 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)
- 4.0 Normative ANS Administrative Procedures
- 5.0 ANSI Audited Designator
- Annex A: Definitions (select, not all)
- Annex B: Provisional ANS

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

- Consensus requires due process
 - **More** than a numerical determination
- Consensus requires that all views and objections be considered, and that an effort be made toward their resolution.
 - Consensus means substantial agreement has been reached by directly and materially interested parties. 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.
- When assessing your standards development process, ask yourself:
 - Was the process open and fair and implemented as written?
 - Were good faith efforts made to:
 - Make the process and information about it accessible
 - Provide public notice
 - Engage stakeholders
 - Engage underrepresented stakeholders
 - Provide meaningful opportunities to participate

Consensus Body (Voting Group, Committee, TC, Canvass List, etc.) - applicability of 1.0 & 2.0

- ANSI Definition: The group that approves the content of a standard and whose vote demonstrates evidence of consensus.
- Must be identifiable in a developer's procedures
- ANSI's relevant procedural requirements apply to the ANS consensus body only, *unless a developer's procedures state otherwise*, e.g., working group

Something to think about today re access to information: *How easily can stakeholders ...*

- Find your ANSI-Accredited Procedures?
- Recommend changes to your procedures?
- Learn about the formation of a consensus body?
- Understand how to apply to join a consensus body?
- Find information about the development of a draft document and any meetings and deadlines?
- Find draft documents for comment?
- Understand how/when to submit public comments?
- Find or request an ANS Consensus Body Roster?
- Know who to contact with questions about a document or a process or your organization?



American National Standard (ANS) Development: Key Steps

Governing document: "ANSI Essential Requirements: Due process requirements for American National Standards"

NOTE: Some steps may take place concurrently

www.ansi.org/essentialrequirements

Standards developer's procedures are accredited by ANSI Executive Standards Council (ExSC) – upon accreditation, which includes a public review of procedures, developer may be referred to as an ANSI-Accredited Standards Developer (www.ansi.org/asd)



Accreditation may be appealed to the ANSI ExSC and then to the ANSI Appeals Board – appeal right exists thereafter as well



Consensus body established; discretely defined interest categories assigned or selected



Preliminary development stage of document as an ANS in accordance with developer's procedures (Filing of ANSI PINS form online [www.ansi.org/psawebforms] for draft new, national adoptions and revised ANS; publication of PINS in *ANSI Standards Action*; deliberation among stakeholders if claim of conflict or duplication is lodged)



Draft document is announced in *ANSI Standards Action* (www.ansi.org/standardsaction) for ANSI public review (Filing of ANSI BSR-8 form online [www.ansi.org/psawebforms] by developer; subsequent substantive changes require additional public review; developer must make document available for review)



Draft document balloted to consensus body (If vote to approve a document as an ANS is taken at a meeting, members who are absent shall have the opportunity to vote before or after the meeting; balloting and public review can be concurrent)



Attempt to resolve and respond to comments resulting from public review and consensus body ballot (Written responses required; comments not related to the proposal at hand must be processed as a new proposal)



Recirculation of unresolved public review comments and unresolved votes from consensus body members along with attempts at resolution and substantive changes to the full consensus body (in order to afford all consensus body members the opportunity to respond, reaffirm, or change their vote – typically via ballot)



Written notification of right to appeal at the standards developer level sent to unresolved¹ objectors (public review and consensus body members)



Appeals process concluded or appeals filing period expires at the standards developer level



Documentation submitted to ANSI via BSR-9 form, which includes final tally by interest category of consensus body vote and other supporting documentation demonstrating evidence of consensus and due process; approval of document by ANSI Board of Standards Review (BSR) (ANSI Audited Designator reviews evidence of consensus, approves ANS, and notifies ANSI)



Notification by ANSI of the right to appeal procedural, not technical, issues to the ANSI BSR (In the case of an Audited Designator, there is no notification by ANSI and any related appeals are filed with the ANSI ExSC)



Notification by ANSI of right to appeal an ANS BSR or ANSI ExSC appeals decision to the ANSI Appeals Board

¹ As defined in the ANSI Essential Requirements: "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."

**Sections 1.0 *Essential*
Requirements for due process &
*2.0 Benchmarks***

1.1 Openness

- Participation shall be **open** to all parties who are directly and materially interested in 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.
 - A developer cannot categorically exclude a type of entity or an individual from applying for ANS consensus body membership
 - “Undue financial barriers” – relative term, related to the market, but a developer should be able to defend any fee structure upon appeal
 - A developer cannot require that anyone join its or any organization in order to apply for/join an ANS consensus body
 - A “participation” fee, or the like, e.g., “affiliate” status, is an option
 - It is not sufficient to provide notice to your organization’s members only

1.1 & 2.1 Openness

- Timely and adequate notice of any action to create, revise, reaffirm, or withdraw a **standard**, and the **establishment of a new consensus body** shall be provided to all known directly and materially interested parties.
- Notice should include a clear and meaningful description of the purpose of the proposed activity and shall identify a readily available source for further information.
 - ✓ ASDs are expected to identify or know how to reach stakeholders in the scope of activity in which they are developing proposed ANS
 - ✓ Websites, social media, direct emails/mail, announcements at conferences and meetings, colleagues of consensus body members, professional organizations in the field, consumer organizations when relevant (see new guidance in July 2022), ANSI Standards Action (special announcements)
 - ✓ Don't ever ignore the obvious

1.1 & 2.1 Openness

- **CB Roster:** the member's name (or if membership is by organization, the name of the organization with a point of contact), affiliation and interest category of each member of the consensus body **shall be made available to interested parties upon request.**
- **Affiliation** of a consensus body member refers to the **entity that the consensus body member represents, which may or may not be that person's employer.** If the consensus body member is serving in an individual capacity, then the name of the individual, their sponsors **[1]** (if any) and interest category shall be made available upon request. Contact information is not required.
- **[1] 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.**
 - ✓ *See 2022 Q&A for more on this topic*

1.5 Notification of Standards Development - *goes to "openness"*

- Timely and adequate notice of standards development activity shall be announced in **media suitable to** demonstrate that a meaningful opportunity for participation, debate and deliberation by all directly and materially interested parties in a fair and equitable manner was provided.
 - ✓ Notice required - more than *Standards Action* alone
 - ✓ Notice to more than your organization's members
 - ✓ Section 2.5 covers: PINS, PINS Deliberation & Reporting and BSR-8/Public Review Requirements

Discussion of Common Misunderstandings – Openness

- Membership in an ASD’s organization vs. membership on an ANS consensus body
- Cannot categorically prohibit someone from *applying* for consensus body membership, but can create and require an application
- Participation fees (vs. Membership)
 - Vary by sector/market
 - Neither the ANSI ExSC nor the ANSI BSR approve fees, though they would adjudicate “undue barriers to participation”
- The opportunity to attend public portions of a consensus body meeting should exist and agendas should be available upon request
- Public notice in *ANSI Standards Action* alone is not sufficient, but notice in *ANSI Standards Action* can help demonstrate targeted outreach (more under 1.3 and 1.5) – See *GUIDANCE document*

Good practices - Openness

- **Public notice** - posted on website, known sources of information regularly consulted by stakeholders, broad press releases, meeting notices and through social media
 - You should know your stakeholders! (More later...)
- **Procedures** are readily available
- Establish and document a routine “public notice” mechanism/distribution to ensure consistency (update lists/outlets regularly)
- Implement **consistent consensus body application and related review process**
- Establish a queue for eligible applicants if space on the consensus body is not available
- Consider **non-voting alternatives** to consensus body membership and public review

Considerations - Openness

- Implement a Code of Conduct
 - See ANSI's <https://www.ansi.org/publicstatements/Code-of-Conduct>
 - See *ANSI International Procedures, Annex C*: www.ansi.org/internationalprocedures
 - Another example – ISO's Code of Conduct (iso.org/files/live/sites/isoorg/files/store/en/PUB100397.pdf)
- Expectations for participation and consequences for failure to participate in good faith should be clear
 - ✓ May be part of a consensus body membership application or a free-standing document, signed by participants/consensus body members
 - ✓ Include in your organization's accredited procedures or "welcome kit"
 - ✓ Linked to agendas and meeting reports
 - ✓ Reviewed at the start of a meeting
 - ✓ Circulate annually in January of each year to all consensus body members

1.2 Lack of Dominance - ANSI's definition

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.

- If someone claims dominance in writing, it must be reviewed by the ASD, it cannot be ignored
- Evidence can refute or show the *exercise of undue influence* (next slide)

1.2 Lack of dominance – *Guidance Document Exists*

- 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.

1.2 Lack of dominance – Guidance

- 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 and a productive meeting
 - Participants' sponsors should be known so it is clear whose interests are being represented/advanced (**transparency**)
 - 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., and **Staff is neutral**
 - In relation to meeting discussions, as appropriate, consider utilizing a timekeeper/time clock - establish **time allocations** for each agenda item and publish this on the agenda
 - Keep a **queue** during meeting discussions (including virtual) and ensure all who wish to speak have that chance before someone gets a second or additional opportunity
 - 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.

1.2 Lack of dominance – Guidance for ASDs

- A **claim of dominance is considered a procedural grievance** that is to be reviewed by the developer in a timely manner (*“real time”, not at the end of the process*) and is later eligible for review again within the appeals process at the standards developer level and subsequently, at ANSI.
 - Your written record speaks for itself
 - Always comply with your accredited procedures
 - Always take the high road
 - Always try to resolve issues informally
 - Your actions matter
 - Fairness to all is a balancing act...sometimes trying to resolve one person’s issue is viewed as unfair to all other members, so always assess the full picture
 - Your neutrality, as the administrator of the process, matters
 - Your accessibility, as the administrator of the process, matters

1.2 Lack of dominance – Guidance for ASDs

- Address any claims of dominance in a timely and meaningful way
 - Document any such review
 - Engage officers, who are obliged to be neutral
 - Recuse any involved party with a conflict of interest
- Ensure that all involved staff are expert in your accredited procedures as they are safeguards against such claims – *if someone isn't expert, be sure they **read** the procedures and refer to them*
- As appropriate, legal claims should be brought to the attention of your Legal Counsel

QUESTIONS?

1.3 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.
- If a consensus body lacks balance in accordance with the historical criteria for balance (**see 2.3**), and no specific alternative formulation of balance was approved by the ANSI Executive Standards Council, **outreach to achieve balance shall be undertaken.**
 - Balance is important and shall be sought
 - Evidence of outreach – **and targeted outreach as needed** - shall be available to the BSR via the BSR-9 submittal and in connection with an ANSI Audit
 - **Vigorous efforts, as needed, are expected**
 - Balance and lack of dominance are two different concepts: for example, a balanced consensus body does not preclude the exercise of dominance

2.3 Balance

- Historically, the criteria for balance are that:
 - a) no single interest category constitutes more than one-third of the membership of a consensus body dealing with safety-related standards; or,
 - b) no single interest category constitutes a majority of the membership of a consensus body dealing with other than safety-related standards...
- ❖ *Your organization's accredited procedures may differ – know what they say*
- **Targeted outreach** to solicit participation from one or more interest categories, when needed, is important and is required to be documented
- ANSI does not define “safety-related” standards, but a standard that includes “safety” in the title or scope is assumed to be one
- If safety-related standards are developed, then associated balance requirements must be addressed in an ASD's procedures

2.3 Balance (2022 updates)

- *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.*
- ✓ Consensus body members, including consultants, 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.
- ✓ In cases where a consensus body member receives funding from the sponsoring ANSI-Accredited Standards Developer (ASD) or other entities, that information shall be disclosed to determine if it will impact the member's interest classification.
- ✓ 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.
- ✓ For purposes of this section, a "consultant" is someone who agrees to provide professional service in exchange for compensation, financial or otherwise.

2.3 Balance

- Interest categories shall be:
 - ✓ **discretely defined**,
 - ✓ cover directly and materially interested parties
 - ✓ differentiate each category from the other categories
 - ✓ such definitions shall be available upon request
- An ASD shall give consideration to at least the following three categories:
 - a) Producer
 - b) User
 - c) General interest
- If a “**General Interest**” category is deemed appropriate, that interest category **should include only those whose business or other interests are not covered by another discretely defined interest category.**
- Where appropriate, additional interest categories should be considered.^[3] However, interest categories shall not be created for the purpose of avoiding balance requirements.
- ^[3] Further interest categories that *may be used* to categorize directly and materially interested parties consist of, but are not limited to, the following: a) Consumer; b) Directly affected public; c) Distributor and retailer; d) Industrial/commercial; e) Insurance; f) Labor; g) Manufacturer; h) Regulatory agency; i) Testing laboratory

2.3 Balance - Notes

- ANSI does not *require* the use of “user, producer, GI” – other interest categories are fine if appropriate to the nature of the standard
- Representatives of Trade Associations and Professional Societies, if directly and materially interested parties, are eligible for consensus body membership in the interest classification that reflects the business or other interests of their employer or the sponsor they represent
- Interest category definitions must be available upon request
- If your procedures identify and require the use of (shall use) x interest categories for a particular standard, then those are the ones you must use and report on the BSR-9
 - If appropriate, add flexibility to your written procedures
 - *Targeted outreach may be required*

2.3 Balance - Outreach Notes

- Typical outreach *in addition to the PINS & BSR-8 checkboxes* (routine SA) includes:
 - Targeted outreach as needed in 1 or more under-populated interest categories
 - Special/unique recruitment announcements in Standards Action
 - Website announcements: standing and special
 - Trade press
 - E-mail/letter based solicitations
 - Announcements at meetings and/or meeting reports
 - Social media posts
 - Recruitment webinars
 - Documented phone calls
 - Recruitment emails
 - Other

Targeted Outreach – *Standards Action*

- A general call for consensus body members is a good thing and checking the relevant box on a **PINS or BSR-8 form** at <https://www.ansi.org/portal/psawebforms> automatically generates such an announcement
 - *This is NOT Targeted Outreach*
- Developers may request publication of announcements intended to **target and recruit** consensus body members in one or more specific interest categories. Please send the text of the announcement to psa@ansi.org:
 - Proposed standard's designation and title
 - Identify the underrepresented interest category(ies) on the consensus body along with the definitions of those interest categories
 - Interesting information about the project to generate interest
 - A contact/link to apply for consensus body membership and obtain additional information
 - Any relevant deadlines

Evidence of outreach

- Outreach (targeted as needed) to achieve balance is **required to be documented** and is subject to review by the ANSI BSR, ANSI ExSC, ANSI Appeals Board, Auditors
- **Evidence** is reviewed by the ANSI BSR via **BSR-9** submittal (or by Audited Designator prior to approval)
 - ✓ Keep a running list of your outreach and targeted outreach – event, date, interest categories reached – and include it with the BSR-9 as needed
 - ✓ If some of your outreach takes place, for example, at a conference, document/highlight the interest categories in attendance
 - ✓ Document outreach and targeted outreach, including screenshots *while the announcement is active on your website or social media, etc.*
 - ✓ Keep copies of emails, letters, etc.

Discussion of Common Misunderstandings

1. General outreach is not sufficient if the ANS consensus body is not balanced in accordance with the developer's procedures (or the historical ANSI criteria)
2. Outreach just to your organization's membership is not sufficient
3. The ANSI BSR routinely requests evidence of targeted outreach – **so be clear in your efforts...which interest categories are you targeting?**

Good practices...

- Review balance regularly and pause the process if the consensus body is not balanced, then undertake recruitment in the under-represented interest categories
- Review your procedures – interest category of a consensus body member can change by standard (build flexibility into your procedures)
- Review interest category definitions and make sure they are discrete and relevant to the standard
 - Generally, “General interest” should only be available to those that do not fit another discretely defined category
 - Generally, consultants should be categorized based on who is paying for their participation, i.e., principal sponsor
 - disclosure and transparency is important and also goes to openness...
- Interest categories can change per standard if your procedures do not preclude this

Good practices...

- Include interest category definitions on consensus body membership applications, rosters and related documents
 - ✓ Improves transparency
 - ✓ Improves selection process, if an applicant is expected to self-select their interest category
- ✓ Any change in a consensus body member's interest category should be provided to the consensus body member for their review and written agreement to avoid any concerns that a reclassification was undertaken to manipulate balance on the consensus body

Are you an ASD looking to increase consumer participation?

**ANSI's Consumer & Government Relations
Manager:**

Cleo Stamatou: Cstamatou@ansi.org

Cell: 410-245-3483

➤ <https://www.ansi.org/outreach/consumers/consumers-standards>

Bringing Consumers to the Table, as appropriate (not all standards require consumer participation)

- Targeted outreach should highlight the impact consumers can have on standardization activities and how the standard will impact them or their organization
- Consumer participation can ensure:
 - Standards are market relevant
 - Provide insight on acceptable levels of risk
 - Provide examples on how products are used (or predictably misused)
 - Provide insight on communication issues including labeling, product instructions and warnings
- Actions that can bring consumers to the table:
 - Outreach emails to potential consumers should highlight specific sections of the standard that would be of great interest to consumers (labeling, maximum speed, required force, etc.)
 - Provide a handbook for consumers detailing the standardization process and the impact on standards on the United States
 - Try a video
 - Some ASDs provide funding, though this is not an ANSI requirement

Targeted Outreach to Consumers

- Typical methods of outreach may not reach consumers
- Targeted outreach to consumers can include:
 - Identify not-for-profit organizations via online searches or through networking that have a focus on the sector the standardization activity covers
 - Contact technical experts and members of academia to gauge interest and tap their network
- Some potential contacts:
 - Consumers Union, Consumer Federation of America, National Consumers League, technical departments of universities, academic societies, retired business executives, retired teachers, and appropriate governmental agencies

Keeping Consumers Engaged

- Suggestions from Consumer Representatives for improving meaningful engagement of consumers in standardization activities:
 - Educate involved ASD staff and participants as to why consumer participation matters to a particular standard
 - Cover travel and lodging expenses if in-person meetings are required, if feasible
 - If your organization funds consumers, see if you can advance the funds rather than reimburse after
 - Waive membership fees
 - Create a consumer mentoring program
 - Create opportunities for consumers to engage with other consensus body members
 - Create an after-action report for consumers to complete and provide feedback on their experiences
 - Ensure deadlines for review or commenting are reasonable
 - Utilize web conferencing technology when hosting meetings

New Guidance Documents – July 2022

- 3 new guidance documents related to engaging consumers in consumer-product-safety standards development with helpful general information as well
 - ✓ Engaging consumers
 - ✓ Disclosure
 - ✓ Interest categories

General Concepts: *Good Faith Efforts* support transparency, fairness and consensus

- “Good faith efforts” are identifiable based on a review of the record by an ANSI Program Oversight Committee – BSR, ExSC, Appeals Board
 - Timely and clear communications
 - Response to inquiries and proposals
 - Genuine and appropriate efforts to engage and address issues related to consensus
 - Documented efforts to engage under-represented groups
 - Broad and documented public notice
 - Equivalent treatment for all

Good Practices – Consistency promotes fairness

- Create templates, relevant to different phases in the consensus process, to include information about:
 - whom to contact for different issues
 - directions for submitting votes
 - directions for submitting public comments
 - appeals notification language, etc.

Good Practices – Make effective participation easy!

1. ASD's procedures are publicly available
2. Consensus body members are automatically given a copy of accredited procedures and subsequent updates – and perhaps a mentor too
3. Any supplemental procedures are updated whenever revisions are made to accredited procedures
4. Procedures are clear and not overly complicated
 - ✓ Not every ASD has the ability to implement complex, multi-level procedures
5. Deadlines are clearly noted
6. Procedures provide some flexibility while still being compliant with the Essential Requirements
7. Procedures are dated and a contact for further information is published in the document
8. Training is available – videos, slide decks, staff as a resource

QUESTIONS?

1.4 Coordination and Harmonization

Good faith efforts shall be made to resolve **potential conflicts** between and among existing ANS and candidate ANS.

- ANSI's jurisdiction reaches ANS and proposed ANS *only*
- ANSI's definition of conflict applies (2.4.1)
- ANSI BSR makes final decision (unless AD)

2.4.1 Definition of Conflict

Conflict within the ANS process refers to a situation where, viewed from the perspective of a future implementer,

- The terms of one standard are inconsistent or incompatible with the terms of the other standard
- Such that implementation of one standard under terms allowable under that standard would preclude proper implementation of the other standard in accordance with its terms

2.4 Coordination and Harmonization

2.4.2 Coordination/Harmonization

- ASDs shall make a good faith effort to resolve potential conflicts and to coordinate standardization activities intended to result in harmonized American National Standards^[3].
- A “good faith” effort shall require **substantial, thorough and comprehensive efforts to harmonize a candidate ANS and existing ANSs**. Such efforts shall include, at minimum, compliance with all relevant sections of these procedures^[4]. Developers shall retain evidence of such efforts in order to demonstrate compliance with this requirement to the satisfaction of the appropriate ANSI body.

^[3] Note that clause 4.2.1.3.4 *Withdrawal for Cause* provides a mechanism by which an interested party may at any time request the withdrawal of an existing ANS.

^[4] For example, see clauses 2.1, 2.4, 2.5, 2.6 and 4.3. (*Next slide.*)

Good Faith Efforts Relate To...

- 2.1 Openness
- 2.4 Coordination and harmonization
- 2.5 Notification of standards development and coordination
- 2.6 Consideration of views and objections
- 4.3 Planning, coordination and public notice
- “Good faith efforts” are identifiable based on a review of the record by an ANSI Program Oversight Committee – BSR, ExSC, Appeals Board
 - ✓ Timely and clear communications
 - ✓ Response to inquiries and proposals
 - ✓ Genuine and appropriate efforts to discuss issues
 - ✓ Meaningful opportunities
 - ✓ Documented efforts

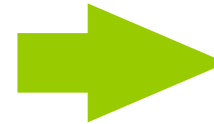
ANS Development Cycle



**PINS Announcement;
PINS Deliberation (2.5)**



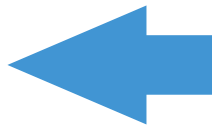
**Public Review and
Consensus vote (2.5, 2.6, 2.7)**



**Consideration of
Views & Objections;
Recirculation;
Complete SDO Appeals
(2.6)**



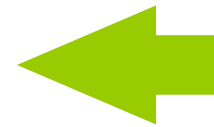
**ANSI Appeals (2.8);
Publication (4.5)**



Approval



**Review of
Due Process
Requirements (4.2)**





PUBLISHED WEEKLY BY THE AMERICAN NATIONAL STANDARDS INSTITUTE 25 W43RD STREET NY, NY 10036

VOL. 54, NO. 20

MAY 19, 2023

CONTENTS

American National Standards

Project Initiation Notification System (PINS) 2
Call for Comment on Standards Proposals 7
Final Actions - (Approved ANS) 79
Call for Members (ANS Consensus Bodies) 82
American National Standards (ANS) Process 110
Meeting Notices (Standards Developers) 111
ANS Under Continuous Maintenance 112
ANSI-Accredited Standards Developer Contacts 113

International Standards

ISO and IEC Draft Standards 115
ISO and IEC Newly Published Standards 118
U.S. Technical Advisory Groups 121
International Organization for Standardization (ISO) 122
Meeting Notices (International) 123

Information Concerning

Registration of Organization Names in the United States 124
Proposed Foreign Government Regulations 125

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.



2.5.1 Notification of Standards Development - PINS information (2022)

- At the initiation of a project to **develop or revise** an American National Standard^[3], notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in *Standards Action*.
- A statement shall be submitted and published as part of the PINS announcement that shall include:
 - a) An explanation of the need for the project, including, if it is the case, a statement of intent to submit the standard for consideration as an ISO or ISO/IEC JTC-1 standard; and,
 - b) Identification of the stakeholders (e.g., telecom, consumer, medical, environmental, etc.) likely to be directly impacted by the standard. (next slides)
 - c) the interest categories that will or are expected to comprise the consensus body.

If the response to sub-section (b) changes substantively as the standard is developed, a revised PINS shall be submitted and published.

If a developer receives a written request for additional information or for the opportunity to discuss the proposal from a directly and materially interested outside party or current consensus body member, during the 30-day PINS comment period, the ASD shall respond in writing within 30 days of the comment deadline.

2.5.1 Notification of Standards Development - PINS comments

- Comments received in connection with a PINS
 - See 2.5 and its sub-parts
 - ASD's related provisions
 - [PINS informative guidance document](#) – helpful but not binding
 - Sample [PINS Deliberation Report](#) format offered

2.5 Notification of Standards Development - PINS post-SA change to (b)

- If the response to sub-section (b) changes substantively as the standard is developed, a revised PINS shall be submitted and published.
 - Note: If the Project Intent changes after a PINS or a BSR-8 is published, a new PINS would also be required in these instances:
 - From *Reaffirmation* to Revision or National Adoption
 - From *Withdrawal* to Revision or National Adoption
 - See PINS Chart (ExSC 004-2012)

2.5.1 PINS Exceptions - when is a PINS not required?

2.5.1.1 PINS Exceptions

- A PINS is not required for **revisions of an American National Standard that is maintained under continuous maintenance** and (1) is registered as such on the ANSI website, (2) has a notice in the standard that the standard is always open for comment and how to submit comments, and (3) has information on the developer's website that the standard is under continuous maintenance and how to submit comments.
- A PINS is also not required in connection with the decision to maintain an ANS under the **stabilized maintenance option**.
- A PINS form may be submitted, but is not required, at the initiation of a project to **reaffirm or withdraw** an American National Standard.

2.5.2 Assertions of Conflict or Duplication - *Mandatory Deliberation*

- If a developer receives written comments within **30 days** from the publication date of a PINS announcement in *Standards Action* that assert that a proposed standard duplicates or conflicts with an existing ANS or a candidate ANS that has been announced previously (or concurrently) in *Standards Action*,
 - A **mandatory deliberation** of representatives from the relevant stakeholder groups shall be held within 90 days from the comment deadline.
 - Such a deliberation shall be organized by the developer and the commenter and shall be concluded before the developer may submit a draft standard for public review.
 - The purpose of the deliberation is to provide the relevant stakeholders with an opportunity to discuss whether there is a compelling need for the proposed standards project

2.5.1.3 PINS Deliberation Report - timing

- The outcome of a PINS deliberation shall be conveyed in writing (the “Deliberation Report”) within 30 days after the conclusion of the deliberation by the developer to the commenter and to ANSI.
 - PINS Guidance document includes a sample and optional report format
- Upon submission of the Deliberation Report, the developer may continue with the submission of the draft standard for public review.
 - If additional deliberations take place, they should not delay the submission of the draft for public review, and an updated Deliberation Report shall be conveyed within 30 days after each deliberation.
 - Any actions agreed upon from the deliberations shall be carried out in a reasonably timely manner, but normally should not exceed 90 days following the deliberation.

2.5.1.3 PINS Deliberation Report - 1 or more

- Subsequently, the developer shall include all of the Deliberation Report(s) with the [BSR-9 submittal](#) to the ANSI Board of Standards Review (BSR) for consideration should the developer ultimately submit the subject standard to ANSI for approval.
- [Stakeholders who were involved in the PINS deliberation process may also file separate Deliberation Report\(s\)](#) with ANSI and the developer within 30 days after conclusion of any deliberation for consideration by the BSR, if the standard is submitted to ANSI for approval.

2.5.1.3 PINS Deliberation Report - Outcome

- In the case of ANSI Audited Designators, the Audited Designator shall provide a Deliberation Report to the commenter and to ANSI within 30 days after each deliberation. The Audited Designator shall review the results of the deliberation prior to designating a standard as an ANS.
- While the outcome is not binding, unless binding provisions are agreed to by the developer, participants are encouraged to develop a consensus on whether and how the standards development project should proceed. See also 4.3.

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

ANSI PINS Deliberation Report

*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 PINS Deliberation - Notes

- See Informative PINS Guidance Document (2022)
 - www.ansi.org/asd
 - Relevant procedural excerpts
 - Relevant ANSI ExSC interpretations
 - Examples of possible PINS Deliberation outcomes
- PINS Deliberation may take place via
 - In person meeting
 - Teleconference/webinar
 - In writing
 - Other?

2.5 PINS Deliberation - Notes

Possible PINS Deliberation Common Outcomes

- Agreement to undertake a joint standard
- One party abandons a project or modifies scope
- Parties agree to continue discussions/coordination throughout the process, e.g., liaison members
- Involved parties agree to disagree and continue to develop separate standards
- Other

2.5.2 Notification of Standards Development

Public Review in ANSI Standards Action/BSR-8 Form

- Proposals for new ANS and proposals to revise, reaffirm, or withdraw approval of existing ANS shall be transmitted to ANSI for publication in *ANSI Standards Action*
 - using the [BSR-8 form](#), or its equivalent, for listing in *Standards Action* in order to provide an opportunity for public comment.
- If it is the case, then a statement of intent to submit the standard for consideration as an ISO or ISO/IEC JTC-1 standard shall be included as part of the description of the scope summary that is published in *Standards Action*.

2.5.2 Notification of Standards Development – *Public Review/BSR-8 Form*

- The comment period shall be one of the following:
 - A minimum of **thirty days** if the full text of the revision(s) can be published in *Standards Action*;
 - **Up to 5 pages** in strikethrough-underline; recommend an intro explaining intent
 - **Not for a new ANS or reaffirmation of existing ANS**
 - A minimum of **forty-five days** if the document is available in an **electronic format, deliverable within one day of a request**, and the source (e.g., URL or an E-mail address) from which it can be obtained by the public is provided to ANSI for announcement in *Standards Action*; or,
 - A minimum of **sixty days**, if neither of the aforementioned options is applicable.
 - Such listing may be requested at any stage in the development of the proposal, at the option of the standards developer, and may be concurrent with final balloting.
 - **However, any substantive change subsequently made in a proposed American National Standard requires listing of the change in *Standards Action*.**

2.5 Public Review - Notes

- Public Review in *Standards Action*
 - Text that is not part of the proposed ANS should be clearly labeled as such so comments related to it are not submitted (see also clause 4.4 Designation of ANS).
 - A second or third, etc., BSR-8 is required if substantive changes are made to the draft after ANSI public review
 - ✓ Strikethrough and underline format is best, with an explanation
 - ✓ If the goal is to allow comments on a limited section only, state this in the scope of the BSR-8, which is published in Standards Action

Substantive changes

- **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

Questions?

1.6 and 2.6 Consideration of Views and Objections

- 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

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 <gomezn@asme.org>](mailto:Nicole.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>

2.6 Consideration of Views and Objections

- In connection with an objection articulated during an ANSI public comment period, or submitted with a vote to approve a document as an ANS,
 - ✓ 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 notice is required; verbal discussions are not sufficient.

2.6 Consideration of Views and Objections

Appeals notification to unresolved public commenters and voters

- If resolution is not achieved, each such 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
- **Review appeals guidance document for tips**

2.6 Consideration of Views and Objections

- In addition, 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 (on the BSR-9 form)**.
- 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 their 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.

2.6 Consideration of Views and Objections - 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.**
 - This type of language however, is never an option with respect to a vote submitted by an ANS consensus body member.
 - See clause 2.7 for details (slides to follow)

2.6 Consideration of Views and Objections

- When this process is completed in accordance with the written procedures of the standards developer, the standards developer
 - **may** consider any comments received subsequent to the closing of the public review and comment period, or
 - **shall** consider them in the same manner as a new proposal.
- **Timely comments 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.
 - ✓ Timely, relevant comments must be considered in the current cycle
 - ✓ Late comments may be considered, but if considered, must be afforded full due process, including appeals

2.6 Consideration of Views and Objections “Recirculation”

- Each unresolved objection and attempt at resolution, and any substantive change made in a proposed American National Standard shall be reported to the consensus body in order to afford all members of the consensus body 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 voted on the main ballot
 - ✓ Include unresolved objection, attempt at resolution and any substantive change
 - ✓ 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
 - ✓ NOTE: a vote to approve a comment resolution alone does not satisfy the recirculation requirement.

1.7 and 2.7 Evidence of Consensus and Consensus Body Vote

- Evidence of consensus in accordance with these procedures and the accredited procedures of the standards developer **shall be documented**.
- **Consensus is demonstrated, *in part*, by a vote of the consensus body.** The developer's procedures shall state specifically how consensus will be determined.
- **An example of the criteria for consensus includes a requirement that a majority of the consensus body cast a vote (counting abstentions) and at least two-thirds of those voting approve (not counting abstentions).**
- The developer may submit for approval an alternative methodology for determining consensus.
 - ✓ ANSI ExSC decision

2.7 Evidence of Consensus and Consensus Body Vote

- Votes for the approval of a document or portion thereof as a candidate ANS may be obtained by letter, fax, recorded votes at a meeting or electronic means.
- All members of the consensus body shall have the opportunity to vote.
 - On a decision to approve a document as an ANS
- When recorded votes are taken at meetings, members who are absent shall be given the opportunity to vote before or after the meeting.
 - This is a vote separate from a recirculation opportunity

2.7 Evidence of Consensus and Consensus Body Vote

- ASDs shall not change a vote unless instructed to do so by the voter.
- If the 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 by any ASD that has not been granted the authority to designate its standards as American National Standards without approval by the BSR.

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

- 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.

2.7 Evidence of Consensus and Consensus Body Vote

- If clear instruction is provided on the ballot, **and a negative vote unaccompanied by comments related to the proposal is received notwithstanding**, the vote may be counted as a “negative without comment” for the purposes of establishing a quorum and reporting to ANSI. However, such votes (i.e., negative vote without comment or negative vote accompanied by comments not related to the proposal) shall not be factored into the numerical requirements for consensus, unless the ASD’s procedures state otherwise.
- The ASD is not required to solicit any comments from the negative voter.
- The ASD is **not required to conduct a recirculation** ballot of the negative vote **or notify the negative voter of the right to appeal**.
- The ASD is required to report the “no” vote as a “negative without comment” when making their final submittal to the BSR unless the ASD has been granted the authority to designate its standards as American National Standards without approval by the BSR.

2.7 Evidence of Consensus and Consensus Body Vote

- 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.

2.7 Evidence of Consensus and Consensus Body Vote

- For votes on membership and officer-related issues, the affirmative/negative/abstain method of voting shall be followed.
 - Votes with regard to these issues need not be accompanied by reasons and need not be resolved or circulated to the consensus body.
 - *Be mindful that sometimes voters provide comments related to a candidate that should not, in general, be circulated*

2.7 Consensus Vote

- To recap, pay close attention to clause *2.7 Evidence of consensus and consensus body vote*
 - ✓ Numerical requirement is only part of the definition of consensus
 - ✓ Documentation of votes and vote changes required
 - ✓ When votes to approve a standard as an ANS are taken at a meeting, absent members shall be given the opportunity to vote before or after the meeting – separate from the recirculation
 - ✓ Reporting and handling negative votes without comment
 - ✓ Options re: negative votes unrelated to revision underway
 - ✓ Philosophical comments cannot be ignored
 - ✓ With clear instruction, a negative vote without comment or a negative vote accompanied by comments not related to the proposal, does not require an attempt at resolution

QUESTIONS?

2.8 Appeals

2.8.1 Right to Appeal: Appeals at the standards developer level

The written procedures of an ANSI-Accredited Standards Developer (ASD) shall contain an **identifiable, realistic, and readily available mechanism for the impartial handling of procedural appeals regarding any action or inaction**. Appeals shall be addressed promptly and a decision made expeditiously and issued in writing. A standards developer may choose to offer an appeals process to address appeals on other than procedural issues. **Procedural appeals include whether a technical issue was afforded due process**. Appeals procedures shall provide for participation by all parties concerned without imposing an undue burden on them. Consideration of appeals shall be fair and unbiased and shall fully address the concerns expressed.

2.8.2 To ANSI

- the ANSI Board of Standards Review (BSR)
 - the ANSI Executive Standards Council (ExSC)
 - the Appeals Board
- ✓ Summary explanation of appeals processes is posted on ANSI Online in *ANS Guidance Documents* (www.ansi.org/asd)

Informal Resolution – Listen...

- ANSI encourages settlement of disputes at any time if the settlement is consistent with the applicable ANSI procedures
- Some participants do not understand how standards are developed...help to educate them and avoid appeals.
- Address concerns seriously and quickly – don't avoid potential problems, they usually do not go away.
- Any settlement or agreement to which the parties agree will terminate the appeals process, but be sure to document the agreement in writing and keep it as part of your records.

QUESTIONS?

Helpful Resources...

- ANS Process Overview: <https://www.ansi.org/> (1st tab on the left)
- *ANSI Essential Requirements*: www.ansi.org/essentialrequirements
- 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>
- Staff are available via psa@ansi.org

American National Standards Institute

**Procedures and
Standards
Administration (PSA)**

psa@ansi.org

Headquarters

1899 L Street, NW
11th Floor
Washington, DC 20036

T: 202.293.8020

F: 202.293.9287

New York Office

25 West 43rd Street
4th Floor
New York, NY 10036

T: 212.642.4900

F: 212.398.0023

www.ansi.org

<https://webstore.ansi.org/>

