

ANSI ExSC Interpretation: Inclusion in an ANS of a generic requirement for 3rd party certification

At its May 15, 2013 meeting, the ANSI Executive Standards Council (ExSC) considered the language in clause 3.2 *Commercial terms and conditions* (see below) as contained in the *ANSI Essential Requirements* in light of a request from an interested party that asked whether it is acceptable for an American National Standard (ANS) to include a generic requirement for third party certification. The ANSI ExSC confirmed that an ANS could contain a generic requirement for 3rd party certification (i.e., requiring that a product or service be subject to “third-party certification” but not explicitly naming the organizations that may perform such certification).

For reference, clause 3.2 reads as follows:

3.2 Commercial terms and conditions (2013 ANSI Essential Requirements)

Provisions involving business relations between buyer and seller such as guarantees, warranties, and other commercial terms and conditions shall not be included in an American National Standard. The appearance that a standard endorses any particular products, services or companies must be avoided. Therefore, it generally is not acceptable to include manufacturer lists, service provider lists, or similar material in the text of a standard or in an annex (or the equivalent). Where a sole source exists for essential equipment, materials or services necessary to comply with or to determine compliance with the standard, it is permissible to supply the name and address of the source in a footnote or informative annex as long as the words “or the equivalent” are added to the reference. In connection with standards that relate to the determination of whether products or services conform to one or more standards, the process or criteria for determining conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns and does not include what would otherwise be a commercial term.