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Sent: Wednesday, January 26, 2022 3:28 PM
To: Anne Caldas <acaldas@ansi.org>; Ally Kupferberg <akupferberg@ansi.org>; Jim Thompson <Jthompso@ansi.org>; Rachel Hawthorne <rhawthorne@ansi.org>
Subject: [EXTERNAL] RE: ANSI-Accredited U.S. TAG to ISO Compliance Webinar - Thank you

Good afternoon Anne and ISOT.

I went to *quickly* do my 2021/2022 TAG Accreditation and Compliance work and fell down deep into the revised International Procedures rabbit hole. 2-days and 8 hours later I have this comment e-mail.

I apologize for the late response, but I would like to submit the following comments to the proposed amendments to the International Procedures.

Please let me know if you or the ExSC has any questions or would like to discuss these comments further.

Thank you for the opportunity to provide these comments.
-Greg

RESPONSE: Thank you for your comments, but please note that your comments were not submitted in the requested format and include extra commentary, thoughts and questions that are not all addressed below as the scope of this project is to respond to specific public comments related to the proposed revisions that were published for public comment in ANSI Standards Action.

GENERAL

Should “National Interested Parties” be capitalized throughout? Is it possible to change “national interested parties” to “National Interested Party” throughout by changing the sentence structure a little? Or adding "Party(ies)" in the 1.1 definition?

RESPONSE: The term “National Interested Party” will be capitalized throughout.

The use of “administrator”, “TAG Administrator” and “US TAG Administrator” are used interchangeably. Harmonize.
Should “Administrator” be capitalized throughout if used alone?

RESPONSE: “U.S. TAG Administrator” will be used throughout, as appropriate.

The use of “chair”, “TAG Chair”, and “US TAG Chair” are used interchangeably. Harmonize.
Should “Chair” be capitalized throughout if used alone?
Is “Chairperson” better than “Chair”?

RESPONSE: Chair or TAG Chair will be used throughout.

The use of “TAG”, “US TAG” and “ANSI-Accredited US TAG” are used interchangeably. Harmonize.

RESPONSE: The appropriate terminology is “ANSI-Accredited U.S. TAG” but for ease of reading, “TAG” will be used as an equivalent. The only “TAG” referenced in the ANSI International Procedures is a U.S. TAG.

1.1. US National Interested Party

1. Does ANSI have an opinion on whether or not a “corporation or organization domiciled in the US” should/may have more than one “Participant” (voting) member on a TAG? Is the “corporation/organization” the member, and/or is the individual that is affiliated / sponsored by a “corporation/organization” the member? Or are they all options?
I assume 1. includes Trade Associations / Standards Development Organizations as “organizations”? This interpretation is needed to comply with the new requirement in 2.3.1.2 – 1.

RESPONSE: This is outside of the scope of these revisions. Please submit any unrelated questions to the ExSC for consideration in the future. Each TAG Member has one vote, though a TAG Member, if an organization, may still have multiple participants on a TAG. In addition, TAG procedures vary and so different parts of an organization may be allowed to apply for individual voting membership – you must consult the TAG’s procedures.

4. Is the intent that 4. cannot be 1., 2., or 3.? If an US citizen is part of a corporation or government entity as described in 1., 2. or 3., but that corporation / agency already has a “Participant” member, can that person participate as a “U.S. citizen”? This is a possible loop hole and puts additional burden on the TAG Admin and TAG to deal with “dominance”. Consider revising as follows (if it is indeed the intent):
“a U.S. citizen or permanent legal resident not affiliated with 1-3 above.”

RESPONSE: 1-4 are descriptions of different ways in which a TAG Member may satisfy the definition of U.S. National Interested Party. If any single criterion is fulfilled, then the definition is fulfilled.

1.3.2. Determination of US Membership Status in ISO Committees

“... shall be referred to the ExSC or its designee...” Who is/may be the “designee” (I assume ANSI Secretary ExSC, but don’t see that clarified anywhere, and could it be someone else)? What does is the role of “the designee” after a request has been submitted to him/her? Assuming “the designee” is staff, it seems to imply that staff may make a determination on a member request for ANSI to become a P-member.

The context is a little different, but “recommendation of it designee” was removed in section 2.2.1. and other references to “designee” were removed.

RESPONSE: Delete “or its designee”.

1.5.5.3 Delegation of Secretariate to an External Organization

“8. The external organization has agreed to serve as a voting or non-voting member of the TAG.”
What does this mean? Voting = Participant. Non-Voting = Observer. What are the other options... not a member of the TAG at all? I assume it means they agree to (must) be a member of the TAG – What is relevance of “voting” or “non-voting” – wouldn’t “...has agreed to serve as member of the TAG” be sufficient?

RESPONSE: The language recognizes that some TAGs have voting and non-voting members. See change made in response to other public comments:

8. Unless the external organization administers the TAG, it has agreed to serve as a voting or non-voting member of the TAG.

2.1.1 Formation of US TAG / General

Paragraph 3 now includes the option for separate US TAG to be formed for WORKING GROUPS. This was OPEI's EXACT first request in January 2019 – To act as the TAG to IEC TC116 WG10 – Which was denied by USNC staff without any input from the TMC. Is there any ANSI policy with regards to announcing WGs and offering fair opportunity for groups to pursue TAG Admin for WGs (where in all cases a Committee or Subcommittee TAG Admin would already exist)? What are the conditions by which a WG TAG “may be formed”? This is awfully vague, confusing and I am concerned decisions would be ANSI staff driven if this is challenged in the future without additional process, background or rationale. Consider OPEI's experience and recent appeals here.

RESPONSE: The main text of the ANSI International Procedures does not apply to IEC TAGs and the ANSI ExSC has no jurisdiction over IEC TAGs. In addition, see revised clarifying text.

2.1.2 Formation of the U.S. TAG

FIRST PARAGRAPH – Seems odd that this paragraph first talks about the TAG Admin outreach, then a notice of information in Standards Action. Unclear how these are related as I assume (?) ANSI automatically publishes the notice of formation of the TAG. In many cases this type of announcement could happen without a TAG Admin identified. Presumably, the TAG Admin would be responsible for “general” outreach beyond Standards Action, such as social media and other relevant publications. Consider revising as follows for clarification:

“ANSI shall announce the formation of a U.S. TAG in ANSI's Standards Action.

The TAG Administrator shall take the responsibility of contacting U.S. National Interested Parties who might reasonable be expected to be, or who indicate that they are, directly and materially interested in the ISO committee's work, to solicit requests for membership on the U.S. TAG. In addition to direct outreach to U.S. National Interested Parties, the TAG Administrator shall announce the formation of the U.S. TAG by appropriate electronic means and publications.”

RESPONSE: Notices published in Standards Action concerning the creation of a U.S. TAG are the result of the submittal of an application for accreditation by a would-be TAG Administrator. The TAG Administrator is responsible for initiating public notice. As appropriate, ANSI may initiate notice in Standards Action; however, the current text is viewed as acceptable.

2.1.3 Registration as P-Member

“Typically, before ANSI registers as a P-member of an ISO committee, an appropriate body shall be designed to serve as the U.S. TAG....”

However, 1.3.2 says “Formation and accreditation of a US TAG is required for the US to register as a P-member..”

Whats the point/meaning of “Typically” here vs requirements of section 1.3.2?

RESPONSE: ANSI may form a virtual TAG in certain instances, where it benefits the U.S. and an application has not yet been submitted.

2.2.1 Approval of the U.S. TAG & 2.3.1 Approval of a U.S. TAG Administrator

“ANSI normally looks to the body that develops national standards in a particular area to serve as the U.S. TAG and TAG Administrator”. This is not OPEI’s experience – At least as it regards to IEC TAGs. Whatever ANSI’s position is it should be harmonized for ISO and IEC and executed. If this is not an unconditional requirement of ANSI to directly reach out to ANSI ASD’s (as “the body that develops national standards in a particular area”) to serve as the TAG and TAG Administrator, even if/when competing interests exist, then this should be removed. “Normally” is too subjective here. Consider revising as follows:

“When an (multiple) ANSI ASD that develops national standards in a particular area exists, ANSI shall conduct outreach to that (those) ASD(s) to notify them of the opportunity to serve as the U.S. TAG and TAG Administrator. ANSI shall also publish an announcement in Standards Action solicitating interest in U.S. TAG participation and in the TAG Administrator role.”

RESPONSE: ANSI publishes public information in Standards Action and news items about new areas of technical activity. The ExSC has successfully addressed instances in which multiple applications were submitted and the language in 2.3.1 reflects current practice.

2.3.2 Multiple Administrators

What is history, purpose, intent, need and execution for this provision? The intent, applicability and execution of this not realistic based on OPEI recent experience. Needs to be removed or overhauled for clarity.

“upon recommendation by its designee, if any” should be removed consistent with the use / revision in 2.2.1 – Assuming the “designee” is staff this is giving the authority of staff to make a decision whether or not to submit a recommendation for multiple administrators – Respectfully, I don’t think that is staff’s role.

RESPONSE: Commentary is outside the scope of this project. Delete: “upon recommendation by its designee, if any”. IEC TAGs are not overseen by the ExSC.

2.3.3

Consistent with the revised A3, recommend the following revisions:

“3. Appointing members of the U.S. TAG”,

And revise

“4. Monitoring...”, and

“12. Monitoring...”

I could understand why 3. is not in 2.3.3, if the ExSC wants to leave the appoint process flexible for those that do not use the Model Procedures (so perhaps omission of 3. here was intentional), but 4 and 12 seem like they absolutely should be consistent.

RESPONSE: All of Annex A applies only to those U.S. TAGs to ISO activities that are accredited by the ANSI ExSC to use the Model TAG Procedures. Other ANSI-Accredited U.S. TAGs use unique procedures. See other revisions to Annex A.

3. and 11. will be edited to “Monitoring”

2.3.3 – 2, 2.4.1, 2.4.3, 2.5.3, 2.5.5.3, A3, A7.7

Again, several things about the “designee” and their influence? Who is the designee and what is their role.

RESPONSE: Some edits accepted. The ExSC delegates to staff the role of issuing, reviewing and reporting on Annual Compliance Forms and Annual Reports. No documentation is submitted by TAG Administrators to the ExSC directly, but rather through staff. No change to 2.3.3, 2.5.5.3 or A7.7; A7.7 is appropriate as the context is the TAG and a TAG may have subgroups or individuals appointed by the Chair to address public comments.

Seems like “recommendations from its designee” have been removed in several other places, suggesting the responsibility to evaluate things is the sole responsibility of the ExSC and should not be influenced by one particular “designee”.

Some instances of the use seem to be strictly for the purposes of information sharing (flow) between members and the ExSC. The use of “designee” in these places could be appropriate – although I’m not sure its important to state the information flow so precisely.

RESPONSE: Delete phrase from 2.4.1, 2.4.3, 2.5.3 and A3.

2.4.1 Application for Accreditation / Application

“The application shall include verification of the requirements found in section 2.3.1.2, the initial list of U.S. TAG members and their representatives.”

This seems to imply that “members” are the organizations – Seems consistent with US Interested Party 1., but ignores individuals (because its unconditional).

Meanwhile 2.3.2 – 5 seems to imply the member may be an individual representing an “entity” or “sponsored”, or an “organization” with a point of contact.

Meanwhile, 2.5.5.2 – 2e) which is referenced requires the “names of individuals... and business affiliations including names of the organizations they are representing on the U.S. TAG”. This might imply individuals are “members”.

The intent of “corporations or organizations” as the “members” vs. “individuals with business affiliations” as the “members” gets a pretty murky between 1.1 US National Interested Party, 2.4.1 and 2.5.5.2. Its very hard to understand if an individual representing an organization is the “member” (or National Interest Party) or if the organization is the member throughout all these sections. All these sections need to be harmonized.

I’m not sure... maybe recommend to revise as follows:

“The application shall include verification of the requirements found in section 2.3.1.2, and the initial list of U.S. TAG members and their affiliations or sponsorships (if applicable).”; OR

“The application shall include verification of the requirements found in section 2.3.1.2, and the initial list of U.S. TAG National Interest Parties.”

RESPONSE: Please read 5 and Footnote 6 combined as together they address variations on TAG Membership. Individuals can be members of a U.S. TAG if they meet the definition of U.S. National Interested Party, which is the overarching requirement for participation on an ANSI-Accredited U.S.

TAG to ISO. As well, organizations can be members, with one or more individuals representing a single organization, but typically with one vote. 2.5.5.2 addresses what must be reported to the ExSC.

I would propose to replace all this with “US TAG National Interest Parties”, because all TAG members are “National Interest Parties”. BUT, not all National Interest Parties are US TAG Members (at their choice), so “US TAG” is needed in front of “National Interest Parties” throughout these application and reporting sections.

RESPONSE: Thank you, but no change will be made. Reporting on existing or proposed TAG Membership by definition limits the information to U.S. National Interested Parties only.

2.5.4 Accreditation of the U.S. TAGs for Subcommittees...

Is this section now also applicable to U.S. TAGs for WORKING GROUPS now permitted per 2.1.1? Assuming so, this section should be updated accordingly.

RESPONSE: See earlier response and update.

A1 General

Second paragraph needs to be updated to include WORKING GROUPS as proposed by the revisions in 2.1.1.

RESPONSE: See earlier response and update.

of the TAG Chair

“... at the pleasure of the organization that serves as TAG Administrator”

What is the purpose of this? Its intent / meaning is unclear / confusing.

Does this mean **tA4.1 Role**

he TAG Administrator may remove a chair? If so such a specific permission should called out in A4.

If it just means that the TAG Admin appoints the Chair, with a majority approval vote by the TAG that’s sufficiently covered in A4.

Recommend to delete this language.

RESPONSE: Thank you but disagree. Under the revision to Annex A, the TAG Administrator appoints the Chair subject to approval by a majority vote of the U.S. TAG, but may also replace a Chair.

A.5.1 Application

Not all applicant will have an affiliation. And this is a long sentence. And the use of “shall” followed “if desired” seems odd.

Recommend

“... the applicant’s interest category based on their affiliation (if any). If the applicant is a representative of an organization, company, or government agency, and an alternate is desired, the alternate shall also be identified.”

RESPONSE: Accept.

“A membership application... may be required as a condition of applying to serve as a voting member of the TAG...”

Not sure the point or location of this text.

Per A3 and A5.8 members are required to “participate actively”, including voting.

Are Observers members or not? If so, does this imply that a TAG Admin may prohibit “Observer” members?

I think this is intended to be a set-up for the next sentence, which says an application may require proof of ones interest and qualifications, but if so, not sure the lead-in sentence is required or even accurate. Are these additional things, additional explanation and resume ONLY allowed if they are required to serve as a “voting member”, as implied by combination of the first and second sentences?

Recommend delete first sentence.

RESPONSE: Thank you but disagree. This is informative text that is responsive to questions posed routinely. TAGs vary in whether they allow standing “observer members” versus A5.5 Observers.

A5.3 Intra-company Interests

Does this section prohibit members from the same division from being members? If that is the intent it should be directly stated.

RESPONSE: The language as written is accurate and has been in place, used successfully for years.

What about “alternates”? Are they “Observers” until they need to fill in (vote)? I see this is also covered in A7.2.

Recommend:

“Multiple representatives from the same division of an organization shall simultaneously be not be voting members.” Or

“There may be only one voting member from a division of an organization at any given time.” (This may be better with consideration of “alternates”.)

RESPONSE: Thank you but disagree. An Alternate is identified by a voting member and the term is used here as it is commonly used in consensus procedures. An alternate’s vote counts only if the voting member fails to vote.

A5.4 Combined Interest

“When appropriate, the U.S. TAG Administrator may recommend that the applicant seek representation through another U.S. TAG National Interest Party ~~an organization that is already represented by a member who represents the same or similar interests.~~”

RESPONSE: Thank you but disagree, unnecessary.

A5.5 Observers

Are Observers members?

If not, recommend

“Individuals and representatives... may request listing as observers. Observers are not U.S. TAG members (or U.S. TAG National Interest Parties). Observers shall...”

RESPONSE: Thank you but disagree. Some TAGs consider observers to be non-voting members. This practice does not harm the consensus process.

A5.6 Representation of Direct and Material Interests

Why go back to “Direct and Material Interests” with new definition of U.S. National Interested Party? Seems confusing to switch back and forth.

Recommend

*“A5.6 Representation of U.S. National Interested Parties”, and
“Unless it is claimed by a U.S. National Interested Party that...”*

RESPONSE: Accept. Change title to “A5.6 Lack of dominance”

A5.7 Membership Roster

5-a/b See above comments RE individuals, organizations, companies, affiliates, etc.... If the individual, organization, company, affiliate, etc.. is the “member” is unclear as these sections inconsistently use terms and requirements. Looking for clear direction and harmonization.

RESPONSE: Noted. This will be reviewed during final editing but may remain as presented.

A5.9 Review of Membership

“Members are expected to participate...” is redundant with 5.8. I understand you are driving home the message for the next (new) sentence. See following comment.

“TAG members who regularly...” Perhaps the title of this section might be expanded to *“Review and Updates of Membership”* (or something) to suggest this also covers adding/removing/reassigning membership, not just “review”.

RESPONSE: Thank you but disagree as the context is different.

Optionally, it seems like the entire section A5.9, including the removal clause and new Code of Conduct language could be combined with A5.8 Membership Obligations.

RESPONSE: Move lines 969-971 to A5.8 Membership. The history of A5.8-9 will be reviewed and further edits may be made to eliminate duplicate text, unless the ExSC expressly wanted to reiterate specific text.

A6 Meetings

Why is “chair/US TAG Admin” slashed? These should be clear separated. Either the Chair OR TAG Admin or petition of members may determine....

Recommend:

“U.S. TAG meetings shall be held, as determined by the chair, and/or the U.S. TAG Administrator, and/or by petition of the members.”

RESPONSE: U.S. TAG meetings shall be held, as determined by the chair, ~~and/or~~ the U.S. TAG Administrator, ~~and/or~~ by petition of a majority of the members.

A6.1 Open Meetings.

What is a “Meeting” vs an “Open Meeting”? Is the TAG Administrator expected to submit to ANSI for publication in Standards Action notification of every meeting? For example, TC23/SC17 schedules a meeting to discuss comments submitted from the group on a DIS? I need to add 4 weeks+ before we can meet to satisfy the requirements of A6.1, including publication in Standards Action?

RESPONSE: The title makes sense in the context of model procedures. TAG Administrators accredited under the Model Procedures are expected to announce regularly scheduled TAG meetings – not meetings of subgroups – in “Standards Action or suitable media”.

Why go back to “Direct and Material Interests” with new definition of U.S. National Interested Party? Seems confusing to switch back and forth.

As written it could suggest the approval is needed for members as well. Consider separating.

Recommend

“Meetings of the U.S. TAG shall be open to all U.S. National Interested Parties. If a party is not a member of the TAG, prior approval from the TAG Chair is required, or if unavailable the TAG Administrator, is required.”

RESPONSE – edited text accepted: Meetings of the U.S. TAG shall be open to all members and other U.S. National Interested Parties approved in advance by the Chair or the TAG Administrator.

On the same note, what are the conditions for approval? *How or why* can a “National Interested Party” / “direct and material interest” (that is not a TAG “member”) be denied? If the TAG Chair disapproves a National Interest Party is the meeting really “open”?

RESPONSE: Requests to attend a meeting may be denied based on timing, size of meeting space, nature of the meeting, e.g., Executive Session, and the like.

A10.4 Appeals Panel

“... and who will not be materially or directly affected by any decision made or to be made by the dispute. Members of the TAG that voted on an issue under appeal may not serve on a related appeals panel.”

By definition a TAG member must be “materially or directly interested” in the TAG (arguably “affected” by any decision), regardless of if they voted or not. They are also expected to participate, so they should not “not have been involved in the matter”. It seems difficult to understand how a TAG member (1) could not be materially or directly affected, (2) not be participating in TAG issues and (3) be a member of the TAG (by definitions and requirements). Its my opinion, supported by these definitions and procedures that TAG members, and members of their affiliates/sponsor should not be on appeals panels. “Observers” could be if they are not considered members, and not associated with corporations/organizations, affiliates or sponsors of TAG members.

RESPONSE: TAG members are not always involved in every issue and every action or inaction that may be the subject of an appeal. Parties to an appeal may raise conflict of interest concerns that must be addressed and a panel of other-than-TAG members may be formed.

B4.1 Openness

“Participation shall be open to all U.S. national interested parties who are directly and materially interested in the activity in question.”

Inclusion of “who are directly and materially interested” is redundant with the new definition of “national interest party”.

Recommend:

“Participation shall be open to all U.S. national interested parties.”

RESPONSE: Accept.

“Timely and adequate notice of the formation..... to all known directly and materially interested parties”
Why not just “U.S. national interested parties”?

Recommend:

“Timely and adequate notice of the formation..... to all known U.S. national interested parties”

RESPONSE: Accept.

B5.1 Written Procedures & B8 Participation

“A TAG Admin may require members and observers to agree to comply with a Code of Conduct....”

“may”? Is compliance with code of conduct optional? Perhaps a “signed agreement” is optional, but having and requiring compliance with a Code of Conduct is not optional, correct?

RESPONSE: A Code of Conduct is required when the TAG is accredited under the Model Procedures. Otherwise, flexibility exists, for example, some organizations include the equivalent in an application or other document.

B5.2 Listing in Standards Action

Is this section necessary? – All it does is say comply with the International Procedures, of which compliance with is already required. What is the intent and value here? If such a section remains, it should list the required “appropriate” actions and not simply direct back to the International Procedures.

RESPONSE: Yes. Annex B is entitled “Criteria for the Development and Coordination of U.S. Positions in the International Activities of the ISO and IEC”.

B7.2 Consensus

Inclusion of “who are directly and materially interested” is redundant with the new definition of “U.S. national interest parties”.

Recommend:

“Consensus for a U.S. position on a proposed internal standard is established when substantial agreement has been reached by the U.S. national interested parties.”

RESPONSE: Accept.

CODE OF CONDUCT

Generally, most of the “should” should be “shall”. Example:

“...they ~~should~~ shall refrain from debate and discussion that is disrespectful or unprofessional in tone or that is unduly personalized....”

“9. Participants ~~should~~ shall treat all persons with respect...”

RESPONSE: Thank you but disagree. Much of the text is based on ANSI’s Code of Conduct, developed and vetted accordingly.

“Participant Obligations”

Use of “Participant” should be reconsidered here as it has its own meaning / definition in ISO standards and the ANSI International Procedures. I can’t think of a better option right now....

RESPONSE: Thank you. No change. See line 1427 that defines “Participants”.

Delete 3. 7. Supersedes 3, requiring “shall declare those interests”. 3 only suggests (should) business interest disclosure.

RESPONSE: 7 will be moved before 3, but both will be retained as both are useful statements.

9 could be combined with 6.

RESPONSE: Thank you. Disagree, but edit 9: Participants should refrain from disseminating false or misleading information or from withholding information necessary to a full, fair, and complete consideration of the issues duly discussed.

Editorially, should 1-9 have “;” instead of “.” at the end? 10 has “; and”. Or remove “; and” from 10?

RESPONSE: A period will be used at the end of what is shown as original number 10.

TAG Administrator Obligations

Can “TAG Administrator” be added to the list of “Participants”? Why is a separate section needed?

If retained, recommend removing “*Staff serving in the role of*”.

“The TAG Administrator is expected to comply.....”

RESPONSE: Agree to the proposed change, but not to add TAG Administrator to “Participants” as they are not Participants, but neutral administrators.

Violations of this Code

“The Chair of the TAG along with the TAG Admin, shall consider any violation brought to their attention by directly and materially interested party (including....) in a timely manner”.

In this case, why does the party need to be “directly and materially interested”? If in a meeting a TAG Member violates the code against someone who is not “directly and materially interested”, should they not be disciplined? For example, there is a Plenary meeting of the TAG and the AV person comes in and a TAG member insults them – It’s a reflection of the TAG. The AV person is not “materially interested” and no action can be taken by the TAG / ANSI? Code of Conduct should apply to anyone at TAG meetings / functions.

RESPONSE: Agree. Delete “by a directly and materially interested party...” and end with “in a timely manner”.