

**Proposed Revision to the ANSI Essential Requirements: Due process Requirements for American National Standards
(www.ansi.org/essentialrequirements)**

Public Comments are due to psa@ansi.org by January 17, 2020

The ANSI Essential Requirements governs and applies to the American National Standards (ANS) process and to the procedures used by ANSI-Accredited Standards Developers (ASDs) (www.ansi.org/asd) in connection with proposed and approved ANS only. During this public comment period, the ANSI Executive Standards Council (ExSC) is accepting comments on the proposed revision that follows and that is shown in strike-through-underline format. This revision is the result of the **ExSC's consideration over several years of multiple proposed revisions and comments submitted by consumer representatives, ANSI March 2018 ANS Workshop participants and other stakeholders.** The proposed revision reflects modified text as shown in **sections 1.5 Notification of standards development, 2.1 Openness, 2.3 Balance, 2.5 Notification of standards development and coordination and 2.8 Appeals.** **The proposed revision is intended to clarify existing requirements and process implementation expectations and, in some cases, establish new procedural requirements.** Public comments received in connection with this proposed revision will be made available to the public, with attribution, in the ANSI online public library after the close of the public comment deadline. The ANSI ExSC will consider all timely public comments received and provide a written response to commenters. If substantive changes are made to this proposed revision, another public comment opportunity for those changes will be announced in a future edition of ANSI Standards Action. **Final approved procedural revisions will appear in a future edition of the ANSI Essential Requirements, which is typically issued each January.**

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<p align="center">Proposed Changes ExSC_017_2019 NEW TEXT underscored AND BOLDED Dec. 6, 2019 ANSI Standards Action</p>	<p align="center">Nokia Comments/Feedback</p>
<p>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 affected interests. 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. In addition, the member's name (or if membership is by organization, the name of the organization with a point of contact), affiliation¹⁴ and interest category of each member of the consensus body shall be made available to interested parties upon request.</p> <p><u>The 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, that person's employer (if employed), sponsor (if other than employer) and interest category shall be made available. Contact information is not required.</u></p> <p><small>¹⁴"Affiliation" 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, that person's employer, sponsor and interest category should be available. Contact information is not required.</small></p>	<p>No Nokia comments here.</p>
<p>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.</p> <p>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. Interest categories shall be discretely defined, cover all materially affected parties and differentiate each category from the other categories. Such definitions shall be available upon request.</p>	

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<p><u>Consensus body members, including consultants², shall normally be classified in accordance with the business or other interests of their employers or the sponsor they represent in connection with the standards development activity. In cases where a consensus body member receives funding from the sponsoring ASD or other entity, that information shall be disclosed, to determine if it will impact the participant's interest classification.</u></p> <p>In defining the interest categories appropriate to a standards activity, consideration shall be given to at least the following:</p> <ul style="list-style-type: none"> a) producer; b) user; c) general interest. <p><u>A "General Interest" category, if one is offered, should include only those whose business or other interests are not covered by a discretely defined interest category, or those who represent multiple interest categories.</u></p> <p>Where appropriate, additional interest categories should be considered.³ <u>However, interest categories shall not be created for the purpose of avoiding balance requirements.</u></p> <p>Appropriate, representative user views shall be actively sought and fully considered in standards activities. Whenever possible, user participants shall be those with the requisite technical knowledge, but other users may also participate. User participation should come from both individuals and representatives of organized groups. There are several user categories:</p> <ol style="list-style-type: none"> 1. User-consumer: Where the standards activity in question deals with a consumer product, such as lawn mowers or aerosol sprays, an appropriate consumer participant's view is considered to be synonymous with that of the individual user – a person using goods and services rather than producing or selling them. 2. User-industrial: Where the standards activity in question deals with an industrial product, such as steel or insulation used in transformers, an appropriate user participant is the industrial user of the product. 3. User-government: Where the standards activity in question is likely to result in a standard that may become the basis for government agency procurement, an appropriate user participant is the representative of that government agency. 4. User-labor: Where the standards activity in question deals with subjects of special interest to the American worker, such as products used in the workplace, an appropriate user participant is a representative of labor. <p><u>² For purposes of this section, a "consultant" is someone who agrees to provide professional advice or representation in exchange for compensation, financial or otherwise.</u></p> <p>³ Further interest categories that may be used to categorize directly and materially affected persons 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) Professional society; I) Regulatory agency; j) Testing laboratory; k) Trade association.</p>	<p>Nokia welcomes the attempt to add further transparency as to the interests of all participating consensus body members. It is important to know if individuals may have particular voting interests stemming from financial or other motives that might not be readily apparent. Examples include consultants or independent technical experts being compensated for participation by other entities that may already have voting members before an ASD project or committee.</p> <p>Here, it is unclear why the language "if one is offered" modifies the "general interest" category in this newly added sentence. It adds ambiguity given the immediately preceding language dictates that such a category "shall" be one of three default interest categories.</p> <p>Nokia also disfavors the use of "general interest" to categorize a participant who represents multiple interest categories. In such cases, for the greatest transparency of interests, the participants should simply be identified as belonging to each of the multiple categories – a there does not appear to be any suggestion or requirement that a participant must only be identified solely by one category.</p> <p>We question the deletions of "professional society" and "trade association" from the list of further exemplar categories. These seem like reasonable inclusions still. IEEE, for example, could be classified as a professional society and it may sometimes participate in the standards development activities of other ASDs. Likewise, a trade association like TIA may do the same.</p>

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<p>[NOTE SECTION NUMBERS NOT IN SEQUENCE FOR CONVENIENCE]</p> <p>1.5 Notification of standards development <u>Reasonable advance</u> Notification of standards <u>development</u> activity shall be announced in suitable media as appropriate to demonstrate <u>and provide a meaningful</u> opportunity for participation, <u>debate and deliberation</u> by all directly and materially affected persons <u>in a fair and equitable manner</u>.</p>	<p>Please see comment below for 2.5</p>
<p>2.5 Notification of standards development and coordination</p> <p><u>Reasonable timely</u> Notification of standards activity, <u>including formation of a consensus body or a consensus body meeting</u>, shall be announced in suitable media as appropriate to demonstrate <u>and provide a meaningful</u> the the opportunity for participation by all directly and materially affected persons <u>in a fair and equitable manner</u>.</p> <p>Developers are encouraged to consult any relevant international or regional guides that may impact the proposed standard and shall advise the relevant ANSI-Accredited U.S. TAG(s) if the standard is intended to be submitted for consideration as an ISO, IEC or ISO/IEC JTC-1 standard.</p>	<p>It is unclear why the similar ideas in 1.5 above and 2.5 here would be expressed differently in Section 1.0 Essential Requirements for Due Process and Section 2.0 Benchmarks. We suggest using consistent language in both sections: “Timely and adequate notice of standards development activity, including formation of a consensus body or a consensus body meeting, shall be announced in suitable media as appropriate to demonstrate and provide a meaningful opportunity for participation, debate and deliberation by all directly and materially affected persons in a fair and equitable manner.”</p> <p>The “timely and adequate notice” language already is used in Section 2.1 Openness and it should be maintained here for the sake of consistency. The language “standards development activity” should be employed because that phrase is defined in the Standards Development Organization Advancement Act of 2004 and the definition there can provide useful guidance should it be needed for interpretation of these provisions.</p> <p>Last, we note and applaud the explanatory language that any opportunity to participate should be “meaningful,” as a further check to ensure maximum openness in any standards development process or procedure.</p>
<p>2.5.1 Project Initiation Notification (PINS)</p> <p>At the initiation of a project to develop or revise an American National Standard⁴, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in <i>Standards Action</i>. Comments received in connection with a PINS announcement shall be handled in accordance with these procedures.</p> <p>A statement shall be submitted and published as part of the PINS announcement that shall include:</p> <p>(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, IEC or ISO/IEC JTC-1 standard; and</p> <p>(b) identification of the stakeholders (e.g., telecom, consumer, medical, environmental, etc.) likely to be directly impacted by the standard; and</p> <p>(c) the interest categories that will (are expected to) comprise the consensus body.</p>	<p>We are confused by the phrase “will (are expected to) comprise...” In this context, “will” and “are expected to” seem like two different ideas that might not sensibly be used together depending on what the intent is. We suggest further explanation.</p>

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<p>If the response to sub-section (b) changes substantively as the standard is developed, a revised PINS shall be submitted and published.</p> <p><u>If a developer receives a written request from a directly and materially interested party, including a consensus body member, within 30 days from the publication date of a PINS announcement in Standards Action for additional information or for the opportunity to discuss the proposal, the ASD shall respond in writing within 30 days from the comment deadline.</u></p> <p>⁴ Including the national adoption of ISO and IEC standards as American National Standards, but excluding actions set forth in 2.5.1.1.</p>	
<p>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 <u>and issued in writing</u>. 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.</p> <p style="text-align: center;">...</p>	<p>Nokia understands that written decisions on appeals are generally the current practice and we support making such practice a requirement.</p>
<p>2.8.2 Right to Appeal: Appeals at ANSI Persons who have directly and materially affected interests and who have been or will be adversely affected by any procedural action or inaction by ANSI or by any ANS-related process have the right to appeal. ANSI will not normally hear an appeal of an action or inaction by a standards developer relative to the development of an American National Standard until the appeals procedures provided by the standards developer, <u>which must be implemented promptly and with decisions made expeditiously</u>, have been completed. <u>However, conclusion of the appeals process at the standards developer, is not a precondition for filing an appeal with the Executive Standards Council (ExSC) of an organization's continuing accreditation status.</u></p> <p><u>Claims of procedural non-compliance raised during the course of an active standards development process are to be addressed in accordance with the standards developer's appeals process which shall conclude before final submittal of evidence of consensus is made to ANSI in support of the approval of a standard as an American National Standard.</u></p> <p><u>Except in the case of an Audited Designator, an appeal of the approval of a standard as an American National Standard is to be filed in accordance with the Operating Procedures of the ANSI Board of Standards Review (BSR). Complaints concerning ANSI Audited Designators, including the approval of a standard as an American National Standard, are governed by the Operating Procedures of the ANSI Executive Standards Council (ExSC).</u></p> <p>Appeals of actions shall be made within reasonable <u>the time limits specified in applicable procedures</u>; appeals of inactions may be made at any time. Such appeals shall be directed to ANSI in accordance with the procedures of the appropriate ANSI Committee board or council board or council (e.g., Board of Standards Review, Executive Standards Council).</p>	<p>No Nokia comments here.</p>