



May 8, 2017

To: PSA@ansi.org via email

From: Valley View Corporation and Dan Bart

Re: Standards Action Notice, SAV4814, April 7, 2017, on Proposed Changes to the Operating Procedures of the ANSI Appeals Board, ANSI Board of Standards Review, and ANSI Executive Standards Council.

In the Referenced Standards Action Notice, ANSI advised that:

The proposed revisions presented in [ExSC_029_2017](#) are the next iteration of the proposed revisions announced in 2016 as [ExSC_053_2016](#). Note that some public comments received in response to [ExSC_053_2016](#) were accepted and incorporated by the ANSI Executive Standards Council (ExSC), while others were not.

Public comments are invited on new revisions presented in [ExSC_029_2017](#). For reference, [ExSC_029_2017](#) displays the proposed revisions available for public comment and [ExSC_029_A_2017](#), which follows it, incorporates the new revisions as clean copy.

Please return comments to psa@ansi.org by May 8, 2017.

Specific Comments

Having been in charge of a large ANSI Accredited SDO for over 13 years and being a former member of the Appeals Board and a former ANSI Auditor, and having Valley View Corporation ("VVC") clients involved in a variety of Appeals before Accredited Standards Developers, the ANSI Appeals Board, the BSR, and the ExSC, and serving as a voting member of the National Policy Committee (or its predecessors) for over two decades and having staff that reported to him serving on the ExSC, Mr. Bart believes he is very familiar with the practical operating rules of these three ANSI Program Oversight Committees ("POC") and was one of the parties offering comments in July 2016 ([ExSC_053A_2016](#)). VVC is pleased that the ExSC has addressed many of the issues raised by VVC in its Comments last July. However, some were not addressed in the current proposal and some new problems have been introduced in this proposed version.

1. VVC had commented in July 2016 that it was good that the ExSC fix a precise date and time for when pleadings were due at ANSI on Appeals, but also noted the disadvantage of using the Eastern Time Zone for parties that do not reside in the Eastern Time Zone. VVC noted in its July comments the value of using an "Anywhere on Earth" ("AoE") type rule like used by many other organizations and again repeats that suggestion in these comments. Since what is important to the Institute and fair to all parties regardless of their geolocation is that PSA staff have the Pleadings when they report to work the next day and can determine if documents were timely filed, even under an AoE-type rule this can be done. (**See VVC July 2016 Comments, page 3.**)
2. In its Comments in July 2016, VVC noted it did not support the removal of the specific size of an Appeals Panel at the BSR. VVC is happy to see the panel size now specified in this proposal at **five** in **Section 7.5**.
3. However, VVC sees no reason for the **DELETION** in BSR Procedures **Section 7.6** of the current requirement that decisions of the BSR Appeal Panel be a majority decision, and **strongly** urges that in the final proposal this

requirement be restored. (**NOTE:** a *majority decision* is the rule for Appeals Panels of the other two POCs, the Appeals Board and the ExSC.)

4. VVC believes the new proposed wording addresses the VVC 2016 Comment about the Appeal document and the Appeal fee arriving at ANSI at **precisely the same time** (*i.e.*, “along with”), by changing to: “Appeals and the required filing fee shall be directed to the secretary of the ANSI BSR on or before” The “**on or before**” language would allow them to come in at different time points.
5. In its July 2016 Comments, page 2, VVC noted that since BSR, Appeals Board and ExSC all have Appeals Procedures, it is helpful to have similar (if not identical) language in each set of Procedures unless there is an articulable reason why the language has to be different. VVC believes the latest draft comes much closer to that goal. However, in the current ExSC proposed procedures it spells out what happens if the ExSC secretary cannot find five members of the ExSC to serve on an Appeals Panel:

If **five members** of the ExSC are not available to serve on the panel, the Chair or the Vice Chair of the ExSC may appoint one or more additional panel members who shall be persons knowledgeable about the *ANSI Essential Requirements*: ... (Emphasis added)

It is VVC’s understanding that ANSI may follow a similar approach today for the BSR and the Appeals Board, and if true, then the final Appeals Procedures for each Program Oversight Committee (“POC”) should document what is *actually* being done at ANSI to remove any doubt. For example, if POC Appeals Panels are **ALWAYS** at least five members, then that should be covered explicitly in each set of Procedures with similar language (*e.g.*, ExSC proposed procedures in **Section 17.1** state “five” and BSR proposed procedures in **Section 7.5** also **now** states “five,” but the Appeals Board proposed procedures contain no specific number but VVC believes current practice is also “five,” and, if true, that should be documented in the final Appeals Board procedures.) Similarly, if the Secretary and Chair (or Vice Chair if applicable) cannot find five members of the POC “available to serve on the panel” then language similar to what is in **Section 17.1** of ExSC procedures should also be added to the Appeals Board procedures and the BSR procedures where prior members of those POCs may be sought to serve on a particular panel. As stated, the procedures should parallel each other.

6. Finally, VVC supports the use of terminology like “Chair” versus “Chairman,” and notes the consistent use of the term “Chair or Vice Chair” for each section of the proposed POC Appeals Procedures in this *Standards Action Notice*, but notes that the **ENTIRE** set of POC Procedures should be consistent and a similar editorial change to *Chairman* or *Vice Chairman* should be made to the other sections of the procedures in the final release of the procedures.

CONCLUSION

Valley View Corporation appreciates the opportunity to offer these additional comments on the Proposed Changes to the Program Oversight Committee Appeals Procedures, and offers its constructive comments to make them conform to current practice, treat all parties fairly with respect to deadlines for filing, and have similar language in each set of procedures.