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August 17, 2017

INCITS Comments on the Proposed Revisions to the ANSI International Procedures

INCITS thanks ANSI for the opportunity to comment on the proposed revisions to the ANSI International Procedures. We offer comments in the attached document with track-changes.

Our primary comment rests on the principle that US TAGS for ISO TCs are the primary stakeholder for those TCs and shall have first-right-of-refusal for performing the Secretariat function of any sub-committees formed under the TC.

Other comments are editorial in nature.

Announcement of Proposed Procedural Revisions

Comment Deadline: August 28, 2017

Comments with regard to these proposed revisions should be submitted to psa@ansi.org.

Public comments received in connection with these proposed revisions will be made available to the public in the ANSI Online public library (<https://share.ansi.org/default.aspx>) one week after the close of the comment deadline. The ANSI Executive Standards Council (ExSC) will consider all public comments received by the comment deadline at its next regularly scheduled meeting. Thereafter, all commenters will be provided with a written disposition of their respective comments.

Questions should be directed to psa@ansi.org.

July 12, 2017

Proposed Revisions to the ANSI International Procedures
(www.ansi.org/internationalprocedures)

The proposed revisions that follow are intended to: 1) support the assignment of ISO International Secretariats to ANSI when appropriate and with the support of the affected stakeholders; and 2) update requirements applicable to an organization that wishes to serve as TAG Administrator for an ANSI-Accredited U.S. TAG to ISO or as an ISO International Secretariat.

As the U.S. member body of ISO, ANSI is ultimately responsible to ISO for the proper performance of all secretariats assigned to the United States and for the submission of votes and positions that are representative of U.S. interests. Accordingly, with respect to ISO International Secretariats, particularly in new areas of standardization or where other candidates are lacking expertise and experience, the delegation of a secretariat to ANSI should be considered when appropriate and supported by the affected stakeholders. If an ISO International Secretariat is delegated to an external organization with little or no experience, the proposed revision below would require such an organization to agree to be mentored by ANSI. In addition, it is reasonable to require that the administering staff of an organization serving as an ISO International Secretariat be a U.S. citizen (or seeking U.S. citizenship) residing in the U.S., or a U.S. citizen (or seeking U.S. citizenship) living or working abroad, or otherwise legally authorized to work in the U.S. (which would also include lawful permanent residents and individuals in the U.S. on temporary work visas). Like many activities undertaken by ANSI on behalf of stakeholders, ANSI would expect that the costs associated with the acceptance of an ISO International Secretariat will be borne by the participating stakeholders.

As well, as the role of an ANSI-accredited U.S. TAG and TAG Administrator to ISO is to formulate U.S. positions for contribution into the broader ISO arena, for which interested national member bodies have distinct representation by country, it is reasonable to require that the administering staff of an organization serving as a U.S. TAG Administrator to an ISO activity, be a U.S. citizen (or seeking U.S. citizenship) residing in the U.S., or a U.S. citizen (or seeking U.S. citizenship) living or working abroad, or otherwise legally authorized to work in the U.S. (which would also include lawful permanent residents and individuals in the U.S. on temporary work visas).

In all cases, the relevant procedural compliance requirements established in the *ANSI International Procedures* apply to any organization serving as an ISO International Secretariat or an ANSI-Accredited U.S. TAG Administrator to an ISO activity, regardless of whether those roles are fulfilled by ANSI or delegated to an external organization.

ANSI management note: If approved, these revisions will be included in the current ISO International Secretariat MoUs, as well as the new MoU for U.S. TAG Administrators to ANSI-accredited U.S. TAGs to ISO that will be implemented by ANSI management in 2018 and will cover the terms and conditions for administering organizations.

Please submit comments on the proposed revisions that follow, to psa@ansi.org by August 28, 2017.

1.5 Acceptance of ISO Committee Secretariats

1.5.1 General. The secretariat of an ISO technical committee is appointed by the ISO Technical Management Board from among the P-member countries of the technical committee. The secretariat of an ISO subcommittee is appointed by the parent technical committee from among the P-members of the subcommittee if there is a single applicant. The secretariat of an ISO project committee is assigned to the national body that submitted the proposal. If the proposal did not originate from a national body, then the ISO Technical Management Board selects from among the offers received.

In all other cases, the ISO Technical Management Board makes the appointment. When ANSI registers as a P-member of a newly created committee or of a committee whose secretariat is being reallocated, it may offer to undertake the secretariat.

1.5.2 Ultimate Responsibility. As the U.S. member body of ISO, ANSI is ultimately responsible to ISO for the proper performance of all secretariats assigned to the United States. Accordingly, before a secretariat is assigned, the delegation of a secretariat to ANSI should be considered when appropriate and supported by the affected stakeholders/interested parties. ~~This responsibility exists where ANSI has delegated the administration of a secretariat to an external organization as well as where a secretariat is directly administered by ANSI.~~ Any offer to undertake a secretariat in the U.S. shall only be issued by ANSI.

1.5.3 Tentative Offers to Accept Secretariat. To the extent feasible, ANSI will engage in discussions with relevant U.S. interested parties/stakeholders prior to any international meeting at which the availability of a secretariat is expected to be made known. Informed by such a discussion, tThe

U.S. Head of Delegation to a meeting of an ISO committee may make an offer to accept a secretariat. In such cases, the Head of Delegation shall clearly state that the offer is subject to confirmation by ANSI. Immediately following any meeting at which such a tentative offer has been made, the Head of Delegation shall notify ANSI and the U.S. TAG of the offer and ensure that a written request to undertake the secretariat is submitted in accordance with 1.5.4.

1.5.4 Requests for Acceptance or Retention of Secretariats. The AIC shall make all decisions concerning the acceptance, transfer or relinquishment of the secretariat of ISO committees. The AIC will assign the secretariat to ANSI or to an external organization, taking into account the support of the affected stakeholders/interested parties. For a new subcommittee within an existing technical committee, the existing US TAG for the parent technical committee shall be granted the first "right of refusal" to undertake the secretariat. The AIC shall consider any written request to undertake the secretariat of a new or existing ISO committee or to retain the secretariat of an ISO committee. For consultative purposes, such requests shall be provided to the responsible U.S. TAG, where one exists, and a notice shall be placed in ANSI's *Standards Action* and other appropriate publications. Such requests shall indicate the willingness of ANSI or the sponsoring an external organization to provide professional and financial resources to support the secretariat function. Such requests shall include the basis for the recommendation as to whether that the proposed U.S. secretariat should be administered by ANSI or by another organization on behalf of ANSI in accordance with section 1.5.5.2 or 1.5.5.3, as applicable. Such requests shall also address the four points listed below and provide supporting documentation when appropriate. If no U.S. TAG exists, the request should also include a commitment to establish a U.S. TAG in accordance with these procedures.

When considering such requests, ~~ANSI~~ the AIC shall be guided by the following criteria:

1. Documented evidence of strong U.S. interest on the part of materially affected parties

2. Evidence that affected and interested ANSI members support the commitment and, if appropriate, support the recommendation of ANSI to serve as secretariat
3. Availability of a minimum three year financial and technical commitment to support the activity
4. Availability of competent staff and administrative resources to administer the secretariat, including an agreement to complete mandatory training offered by ANSI to support compliance with ISO and ANSI procedures governing the administration of the international secretariat

1.5.5 Delegation of Administration of Secretariats to ISO Committees. The AIC shall make all decisions concerning the assignment of the administration of secretariats, including the granting, continuance, transfer or withdrawal of such assignments to ANSI or external organizations ~~or to ANSI.~~

1.5.5.1 Decision by ANSI ISO Council (AIC). In determining the assignment or transfer of administration of a secretariat, the AIC, in consultation with relevant ANSI leadership, shall follow the guiding principle that assignment or delegation shall be made to ANSI if supported by the affected stakeholders interested parties or, if not, then to an external organization based on industry support by the affected stakeholders interested parties and feasibility, pursuant to the criteria in 1.5.5.2 and 1.5.5.3, respectively.

Any decision of the AIC pursuant to section 1.5.4 or 1.5.5 shall be announced in ANSI's *Standards Action*. Any directly and materially affected interest may appeal the decision of the AIC in accordance with section 3. The appeal shall be filed in writing with the Secretary of the AIC within 15 working days of the announcement of the action by the AIC in *Standards Action*.

If more than one organization is interested in administering a secretariat, the AIC shall base its decision on all relevant information provided.

1.5.5.2 Assignment of a Secretariat to ANSI. Any request that the assignment of the administration of a secretariat be assumed by ANSI, ANSI accept a secretariat shall demonstrate that the following criteria are met: the affected interests have made a financial commitment for not less than three years covering all defined costs incurred by ANSI associated with holding the secretariat, and:

1. The affected technical sector, organizations or companies desiring that the U.S. hold the secretariat request that ANSI perform this function;
2. The relevant U.S. TAG has been consulted with regard to ANSI's potential role as secretariat; and
3. ANSI is able to fulfill the requirements of a secretariat; and. -
- ~~3.4.~~ The affected stakeholders interested parties have made a financial commitment for not less than three years covering all defined costs incurred by ANSI associated with holding the secretariat.

1.5.5.3 Delegation of a Secretariat to an External Organization. Any request that the assignment of the administration of a secretariat be delegated to an external organization, rather than ANSI, shall demonstrate that the following criteria are met:

1. Evidence of a strong U.S. materially affected party interested in holding the secretariat has been documented and the relevant U.S. TAG has been consulted with regard to the external organization's potential role as secretariat.
2. The external organization is a member of ANSI and has committed to encourage its members to join ANSI.
3. The external organization has sufficient documented technical and administrative competence.
- ~~3.4.~~ The external organization has sufficient experience in administering a secretariat on behalf of ANSI or agrees to be mentored by ANSI, to ANSI's satisfaction, to ensure that they are properly trained to carry out their responsibilities.

- 4.5. Evidence of support for the external organization seeking to hold the secretariat by members of ANSI impacted by the standards area for which the secretariat is sought has been documented.
- 5.6. The external organization has made a financial commitment for not less than three years covering the costs associated with holding the secretariat, including the defined costs incurred by ANSI for administrative support and oversight of the delegated secretariat.
- 6.7. The external organization agrees that, should it be unable to continue to serve, it will provide fifteen (15) months prior written notice to ANSI of its intent to relinquish.
- 7.8. The external organization has agreed to comply with the requirements associated with ANSI oversight of the activities of all parties holding secretariats in accordance with 1.6.
- 8.9. The external organization has committed in writing to comply with all applicable rules, regulations and policies of ANSI and ISO.
10. The external organization has agreed to complete mandatory training offered by ANSI to support compliance with ISO and ANSI procedures governing the administration of the international secretariat.
- 9.11. The external organization has agreed that the person(s) administering the Secretariat shall be a U.S. citizen (or seeking U.S. citizenship) residing in the U.S., or a U.S. citizen (or seeking U.S. citizenship) living or working abroad, or otherwise legally authorized to work in the U.S. (which would also include lawful permanent residents and individuals in the U.S. on temporary work visas).
- 10.12. A mutually acceptable written agreement between ANSI and the external organization concerning the terms and conditions of the secretariat assignment has been executed, providing, in part, that the external organization shall not assign or delegate any of its responsibilities to a third party without the prior approval of ANSI and, as appropriate, the AIC.

Additionally, in the case where no U.S. TAG exists, the external organization shall notify ANSI if it intends to apply to the ExSC for approval as the TAG Administrator.

1.6 ANSI Oversight of U.S. Secretariats to ISO Committees

Secretariats are required to follow ISO rules and procedures, maintain close liaison with the ISO Central Secretariat, and to meet certain ISO reporting requirements, including an annual report. Since U.S. secretariats act on behalf of ANSI, and ANSI is ultimately responsible to ISO for the performance of U.S. secretariats, it is necessary that ANSI maintain oversight of U.S. secretariats. Such oversight shall apply both to secretariats held by external organizations pursuant to delegation and to secretariats administered by ANSI itself.

Oversight shall consist of the following elements, designed to demonstrate appropriate performance and to ensure that liabilities are not created for ANSI, while minimizing the burden on secretariats.

1.6.1 Annual Report. An annual report, in summary narrative form, to be submitted to ANSI not later than January 31 of the following year, shall be prepared by each secretariat documenting its activity during the past year. In satisfying this requirement, any relevant reports sent to ISO may be incorporated or appended. It shall include, at a minimum, an expressed certification by the secretariat that it has been and continues to be operated in a manner that complies with all ISO directives and applicable ANSI procedures that have been communicated to it.

1.6.2 Complaint Notification. Each secretariat shall forward to ANSI, upon receipt, a copy of any formal complaint concerning the manner in which the secretariat function is being administered. Copies of the secretariat response to the party lodging the complaint, and all subsequent related correspondence, shall also be sent.

1.6.3 ANSI Audit. An audit of each secretariat may be made ~~by representatives of ANSI~~ at selected intervals as directed by the AIC, depending upon need as indicated by routine secretariat

documentation received by ANSI. The purpose of the audit is to validate the secretariat's annual certification that it is operating according to applicable ISO directives and ANSI procedures and to identify areas where ANSI can help the secretariat improve its operation. The date and time of such audit shall follow reasonable notice and be agreed to by ~~ANSI~~ the auditor and the secretariat. During the audit the secretariat shall make such records available as needed including a copy of applicable procedures and arrange for someone to be available who is knowledgeable about the secretariat operations. The cost of the audit shall be borne by the secretariat.

Following each audit, a report shall be prepared by the ~~ANSI~~ auditor documenting their findings, and recommendations, if any. A copy of the report shall be provided to the involved secretariat for review, and the report and any secretariat comment shall be submitted to the AIC. The AIC shall take whatever action it deems appropriate, based upon the report, and any final AIC action may be appealed to the ANSI Appeals Board.

1.7 Transfer or Relinquishment of a U.S. Held Secretariat

ANSI staff and the AIC shall consider problems related to ANSI-held ISO secretariats and ANSI shall review such problems with the affected ~~stakeholders~~ interested parties to try to resolve them. If ANSI or an external organization serving as secretariat is unable to continue serving in that capacity or if ANSI determines that a transfer of responsibility is in the best interest of the U.S., an announcement shall be made in *Standards Action* and the following actions will be considered:

1. Transfer the secretariat to ANSI or another external organization in accordance with section 1.5.5
2. Relinquish the secretariat

In the event that the external organization is unable to continue serving as secretariat, the external organization shall provide notice of its intent to relinquish, giving fifteen (15) months prior written notice to ANSI.

2.5.2 Criteria for Accreditation. U.S. TAG accreditation shall be based on compliance with the following criteria:

1. The U.S. TAG Administrator shall agree to comply with the criteria for balance and openness as outlined in sections B4.1 and B4.2 of the *ANSI Criteria for the Development and Coordination of U.S. Positions in the International Standardization Activities of the ISO and IEC* (see Annex B)
2. The U.S. TAG operating procedures for developing and coordinating U.S. positions shall conform to the requirements of the *ANSI Criteria for the Development and Coordination of U.S. Positions in the International Standardization Activities of the ISO and IEC* (see Annex B)
3. The U.S. TAG Administrator shall agree to assume the functions given in section 2.3.3
4. The U.S. TAG Administrator shall agree to pay to ANSI all relevant fees
- 4.5. The U.S. TAG Administrator shall agree that the person(s) serving as the administrator of the TAG shall be ~~a U.S. citizen (or seeking U.S. citizenship) residing in the U.S., or a U.S. citizen (or seeking U.S. citizenship) living or working abroad, or otherwise~~ legally authorized to work in the U.S. ~~(which would also include lawful permanent residents and individuals in the U.S. on temporary work visas).~~