**From:** Edward Mikoski [mailto:emikoski@ecaus.org]   
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**To:** PSA Department  
**Subject:** ANS Process - Proposed procedural revisions - review and comment   
**Importance:** High

**Comments submitted by**

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**Date: 16DEC2010**

**Subject: ANS Process - Proposed procedural revisions - for your review and comment by December 6, 2010**

Although it may be beyond the comment date, I was informed several other organizations have requested extensions and received them. Consequently while that is taking place I am submitting these comments in hopes they will become part of the subsequent discussion. Without going into a lot of detail, I would like to highlight a couple of items that immediately feed into the topic of this discussion.

The first of which is the basic question of, “Why do we have to go into such detail to define the expression "good faith"? Or better still, just why are we going about this exercise? Just what has been the frequency of conflict to date? Has it affected so many situations where it is cost-effective to have every ASD go through this considerable extra effort?

Perhaps ANSI's focus should be placed more upon a proactive frame of reference. Although ANSI Standards Action announces new projects and standards, it takes considerable time to go through, review, and identify the items which might possibly be perceived as being in conflict with the standard of another ASD. Quite often there is not enough text to adequately describe just what the range and scope is included in the intended project simply by the title and a short description. And to research beyond that takes additional effort just to find out if there is a potential conflict. Most standards-developing activities run on extremely tight budgets and consequently do not have trained staff with the additional time to go through this exercise. Instead of increasing the burden upon each Accredited Standards Developer, ANSI may wish to consider what tools it could provide for industry to simplify the job and make everyone's process simpler. By placing significant emphasis upon the terms “good faith” combined with “shall”, we are creating major additional demands upon each ASD, which is not cost effective for the US industry. Just as detailed patent searches are generally not practical for the industry to produce standards, so too in-depth good faith efforts would prove to be quite costly. A system already appears to be working quite well, that of industry networking. Handcuffing the successful voluntary standards process in the US is not the way to go!

The Right to Claim Exclusivity in a particular scope and project area may not be healthy for the traditional US competitive marketplace. A little competition is healthy. Although the goal of having one American National Standard is a noble one, it is not really practical in today's global marketplace. If an organization sees a need to develop a standard where it knows elsewhere one already exists, there must be a perceived need to do so. If an organization sees a need to develop a standard where it does not know one exists, then ANSI may be able to help that organization save the “unnecessary” duplication of effort if it was able to provide a more user-friendly system to enable that search.

In the former case, ANSI would not be able to stop the development of the standard by enforcing its rules. What would simply happen is ANSI would simply be bypassed in the process, which is not healthy for our overall program. Over the last couple of decades we have seen the example of numerous consortia popping up because they viewed the process that existed as being too burdensome as it was. The emphasis perhaps should be more upon providing helpful information to save effort rather than burdening everyone with an extra task. In the case where there would be competing standards, that marketplace would determine ultimately which one would become the successful standard.

Thank you for the opportunity to comment.

Respectfully,

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