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Sent: Friday, November 1, 2019 12:19 PM

To: PSA Department <PSA@ansi.org>

Subject: proposed revision to section 3.2 Commercial terms and conditions of the ANSI Essential Requirements

This is my comment and objection to ANSI's proposed revision to section 3.2 *Commercial terms and conditions* of the *ANSI Essential Requirements*

I have been a member of various ANSI committies and international standards committies for 28 years. Most recently I stepped down from the chairmanship of ANSI/SAIA A92 which I held for 17 years. This letter is not an ANSI/SAIA document but my own opinion as proprietor of Merrifield Safety Consulting LLC. During those 28 years I held the conviction that ANSI is the premier standards organization, worldwide, when it comes to safety. Unfortunately, I sense a change in ANSI's focus whereby commercialism now trumps safety. I sincerely hope I'm wrong.

The proposed section 3.2.2 appears to open the door to persons other than the manufacturer to create and distribute user manuals and labels. If I am correct in my reading of this section it would allow anyone, regardless of qualification to produce faulty manuals and labels and claim they are "equivalent" This idea goes against both industry wide standards and practices as well as legal requirements. It is the Manufacturer who is required to provide information for use and especially provide warnings where hazards exist. The manufacturer is the ultimate expert in the design and use of a product. In my experience the courts are universally in agreement with this principle.

Before you unleash this nightmare on the workplace, please consult with some experts in Product Safety and Testifying Experts who understand the duty of the manufacturers both in the workplace and the courtroom.

For some things there is no "equivalent", operating manuals and warning labels are among them.

Think what would happen the first time a tower crane or a personnel lifting device came down and it turned out it was installed and used

according to some jack-leg manual. Thank you.

3.2.2 Endorsements of Products or Services

ANS shall not require the purchase or use of, or endorse, brand-name or proprietary products or service providers as a condition of implementing the standard. For example, an ANS may not require the purchase or use of, or endorse, brand-name tools or components, copyrighted **user manuals, labels** or licenses, manufacturer lists, or service

provider lists, ~~or similar material in the text of a standard or in an annex (or the equivalent). Where a sole source exists.~~

However, ~~for essential equipment, materials~~ informational purposes, where known sources exist for products or services necessary to comply with ~~or to determine compliance with the standard~~ANS, it is permissible, but not obligatory, to ~~supply~~ identify the name and address of the ~~source~~ sources in a footnote or ~~informative annex~~ an appendix, or reference to a website, as long as the referenced products or services are reasonably available from the referenced sources, the words “**or the equivalent**” are added to the reference, and a note is added to such reference stating expressly that the identified sources are not presented as endorsements.

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