

Development of Product Standards

Q: My association is considering developing a national product standard. Are there established procedures?

A: The development of product standards, whether performance standards or safety standards, can be a vital component of enhancing competitiveness in the marketplace. Trade associations and professional societies are well positioned to play a leading role by acting as standards developer organizations.

While associations can develop their own procedures, it is prudent to consider working under the auspices of an existing, recognized and legally sound standard-setting process. In the United States there are several organizations that have such a process in place, including the American National Standards Institute, the American Society for Testing and Materials, the American Society of Mechanical Engineers and the Society of Automotive Engineers. ANSI is a nonprofit that oversees the creation and promulgation of product standards. Although ANSI does not develop standards itself, it provides interested parties with a well-established, impartial framework of procedures for the creation and adoption of consensus-based standards. The ANSI procedures are guided by the core principles of due process, openness and balance (i.e., lack of dominance by any particular interest group).

Professional societies and trade associations can apply

to ANSI to become standards developer organizations. Standards developer organizations are accredited and authorized by ANSI to initiate, coordinate and administer the process of developing an ANSI standard in accordance with ANSI's guidelines, and so, through the establishment of consensus-based product standards, can play a key role in the promotion and acceptance of products worldwide.

In that regard, part of ANSI's mission is to promote the use of ANSI standards around the world. ANSI is the sole U.S. representative to the International Organization of Standardization, and in that role can advocate for the adoption of ANSI standards as international standards.

In addition, pursuant to the National Technology Transfer and Advancement Act, the National Institute of Standards and Technology is charged with encouraging federal and state agencies to achieve greater reliance on and adoption of voluntary standards, such as those developed through the ANSI process as opposed to government agency-developed standards.

To that end, NIST works closely with ANSI to strengthen the national voluntary consensus standards system. The potential influence of ANSI standards, both nationally and internationally, is another reason—in addition to enhancing product competitiveness—for trade associations to consider becoming ANSI-accredited standards developer organizations.

To become an ANSI-accredited standards developer organization, a professional society or trade association must first draft and adopt standards-developing procedures that conform with all of the ANSI criteria for due process, openness and balance as described in "ANSI Essential Requirements: Due Process Requirements for American National Standards." The essential requirements instruct how a standards developer organization should: (i) publicize the opportunity to participate in the development of the ANSI standard at issue; (ii) convene the group of stakeholders interested in the development or revision of a particular standard—the "consensus body"; (iii) communicate with that consensus body; (iv) prepare and circulate the draft of the ANSI standard for comment; (v) address negative comments; (vi) administer the voting process on the draft standard; and (vii) afford an appeal to any negatively impacted member of the consensus body.

Once a trade association or professional society has drafted its conforming procedures, those procedures along with a detailed application form and a \$5,000 application fee must be submitted to ANSI. ANSI then will act on the application and follow up on any possible deficiencies. Once approved as an ANSI-accredited standard developer organization, the organization's procedures and practices remain subject to periodic audit by ANSI.

As noted on the ANSI website, the "hallmarks" of the ANSI/standard developer organization process include:

- Achieving consensus on a proposed standard through a group or "consensus body" that includes representatives from the materially affected and interested parties;
- Providing for broad-based public review and comment on the draft standard;
- Ensuring fair consideration of comments submitted by voting members of the relevant consensus body and by public review commenters;
- Incorporating approved changes into the draft standard; and
- Providing a right to appeal to any participant claiming that the essential due process principles were not sufficiently adhered to during the standard development process. (See http://ansi.org/standards_activities/overview.)

Professional societies and trade associations are highly qualified to oversee the development of product standards given their collective expertise regarding the products they deal with, and their familiarity with the various stakeholders that may be impacted by a given product standard. In doing so, they should follow fair and reasonable procedures.

Organizations like ANSI have such procedures readily available and, in general, acting as a standard developer organization may provide strategic opportunities. ■

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