

ACCT has asked its ANSI Consultant, Dan Bart, to answer some questions in Q and A format as an aid to our members and others.

Dan Bart is an Attorney, was in charge of the standards activities of the Telecommunications Industry Association (TIA) for over 13 years, an ANSI-accredited Standards Development Organization (SDO). Dan has supervised staff which served on the ANSI Executive Standards Council (ExSC), has been on the ANSI Board almost 20 years, has held various leadership positions at ANSI, was an ANSI Auditor for four years, and serves on the ANSI Appeals Board. He is not speaking for ANSI but based on his vast ANSI experience.

**1. Q. Is it true that once an ANSI standard is published everyone has to start using it?**

**A.** No, absolutely not. All standards, including what are properly called "American National Standards" (ANSs) not "ANSI Standards" (since ANSI is not a SDO), are VOLUNTARY documents. Users decide to use standards including ANSs based on their content, the process used to develop them, and possibly demands of their customers. In some sectors, like telecommunications, if you want a mobile phone to work, for interoperability reasons, it must comply with the appropriate standard. SOME standards end up being adopted and mandated by an Authority Having Jurisdiction (AHJ) like local, county, state or federal authorities, and cease being a Voluntary standard, and become a Technical Regulation or "the Law." For example, in a number of states (i.e. West Virginia, Massachusetts) the ACCT standards have been mandated by statute or regulation and thus users must comply with those ACCT standards.

**2. Q. In jurisdictions where ACCT standards have not been mandated, must we use an ANS?**

**A.** Again, no, absolutely not! Standards are VOLUNTARY and a user chooses to use or not use any particular standard based on its usefulness to the user's requirements. ANSI does not control or even evaluate the CONTENT of any standard, nor could it, and thus, having the designation of being an ANS does not mean the content of one standard is better or worse than another standard. What the ANS designation does signify is that the document went through a PROCESS that is supposed to be in compliance with the *ANSI Essential Requirements*, and ANSI monitors and enforces that compliance via

its accreditation criteria for an organization to become an Accredited Standards Developer (ASD), the *ANSI Essential Requirements* for development of ANSs, review by the Board of Standards Review (BSR), a complaint and Appeals process at both the ASD and ANSI, and via Audits of ASDs and the ANSs they have published.

### 3. Q. But isn't an ANS "better" than a standard that is not yet an ANS?

- A. Not necessarily. Again, the CONTENT is what determines the value of a standard, and, to some degree, the PROCESS for its development, in order to allow peer review and comment by interested parties. ANSI merely announces its "approval." It does not make a value judgment about other standards any and all of which may be the equivalent of or even more reliable than the ANS. What ANSI looks for are the following: Is the Process, open, transparent, inclusive, fair, representative of all stakeholders, allow for comment resolution by the subject matter experts on the Consensus Group, ensure due process, have a timely Appeals process, etc., like the process used at ACCT? Or is the Consensus Group small and non representative of the affected industry, is the document written and developed not by a group with many balanced subject matter experts but by one or two individuals, is review of the comments not done by the full Consensus Group but again by just a few individuals, are meetings not held to resolve comments but one person makes all the decisions, do Appeals take not weeks to resolve but years, etc.? Those are also factors that would influence a user in deciding what standard to use.
- B. The ultimate success of a standard is its strategic and informed use in the market or whether it satisfies the needs of AHJs for their regulatory purposes. Thus, ACCT standards are widely used in our industry and as noted, have been mandated by AHJs in a number of states. Industry acceptance and "use" of a standard, like the ACCT Standard, is what determines which is the BEST standard.

**4. Q. Does ACCT intend to ask the ANSI BSR to review the recent Professional Ropes Course Association (PRCA) ANS?**

- A.** Yes. The final step in the adoption of an American National Standard is the fact that the ANSI process allows interested parties, like ACCT, which have processed an Appeal at the developer level to seek review of the final action of the BSR by filing an Appeal with ANSI within 15 working days of notification by ANSI of that BSR decision. The ACCT Board of Directors has directed its staff to file such an Appeal and ask the BSR to suspend the ANS designation for that PRCA Standard pending the review and hearing by the BSR, and possibly, even the ANSI Appeals Board.
- B.** Since ACCT and ACCT members have long believed that the development process for this PRCA Standard did not represent a consensus of the challenge course industry and did not comply with PRCA's own procedures or the *ANSI Essential Requirements* for the development of ANSs, or with specific instructions issued to both ACCT and PRCA by ANSI's Executive Standards Council (ExSC) in its decision issued on October 11, 2006, ACCT did file and successfully prosecuted an Appeal last July at PRCA. As such, under ANSI Rules ACCT is now eligible to file an Appeal with the BSR regarding its final action related to this standard.