

# BSA Standards

## Synopsis

BSA has reached a point where it needs to strengthen and enhance the process for the development of standards, best practices, and guidelines.

Following is a proposed revision of BSA's current process which is designed to reflect the need to update it and create greater efficiencies. **Process and Procedures**

## Definitions

**“Standard”** shall mean a voluntary consensus standard providing benefit to the industry and others directly and materially affected by its terms.

**“Best Practices”** shall mean recommended business practices based upon a consensus of “what works” in the industry.

**“Guidelines”** shall mean a set or sets of suggestions pertaining to businesses practices for industry members to consider.

## Compliance with Laws

As a trade association BSA and its members are subject to the Anti-Trust laws of the U.S. A. as well as state anti-trust statutes and strict adherence to the BSA Anti-Trust Policy is mandatory for the BSA Board of Directors, Standards Council and all Task Groups, SubGroups or Committees, and the members of BSA. Each member of these groups is expected to adhere to this Policy and BSA legal counsel must be contacted should any question arise regarding any legal issue.

## The Process

It is important to note the BSA Standards involve a development process that is structured with the commitment of adhering to the principles of voluntary consensus standards development where consensus Task Groups, Sub-Groups and Committees develop new BSA Standards and revise those that require updating. This is accomplished by offering the industry and those directly and materially affected, the opportunity to provide input and express comments/opinions on proposed or adopted standards.

Task Groups, Sub-Groups and Committees are appointed by the Standards Council which, in turn, is appointed by the Board of Directors. Currently there are voting members who represent a balance of interests: manufacturers, buying groups, independent dealers, wholesalers, manufacturer representatives and third-party providers. BSA membership is not required in order to participate and selection is based on such factors as technical expertise, experience, commitment to the industry and bringing a point of view of a segment of interested people or groups. Each group or committee shall be comprised so that there is a balance of interested parties. The group or committee must achieve consensus in order to adopt or revise a standard.

**The Steps:****The Proposal Level:**

The development of new or revised BSA Standards is subject to approval of the Standards Council. This is where the Standards or Practices are conceived or rejected and, if approved, for development, are referred to a BSA Task Groups, Sub-Groups or Committees.

**The Comment Level:**

After a Standard is drafted by a BSA Task Group, Sub-Committee or Committee it shall be reviewed by legal counsel, after which there will be a call to the industry and those directly and materially affected by the proposed Standard to submit comments, opinions or reviews. This information will be studied and reviewed by BSA, and, if approved, incorporated in the draft Standard. Comments may be accepted or rejected.

**The Approval Level:**

At this level, the Standard is approved and adopted by BSA. The Proposed Standard must be reviewed by the Standards Council and approved by the BSA Board of Directors. The Board has the ultimate approval of any standard or best practice. Approved standards or best practices are then published and disseminated to BSA members, the industry and any affected parties.

**Standards Timing:**

Standards shall be reviewed every two to three years, or more often depending upon technological changes or impacts.

**Creation of Subcommittees:** The initial Standard Development is done at the subcommittee level. Subcommittees will be staffed by volunteers, each of whom must submit an application and commitment form. The application form will outline qualifications and references. The commitment form states the individual (and company represented) understands what is involved and the obligation to pay their own expenses.

**Operations of Subcommittees:** Subcommittees shall conduct research and gather such information as needed to develop the proposed Standard. At any time during the process should the Subcommittee determine the proposed standard is not feasible it shall refer the matter back to the Standards Council for review. Once the standard is developed it shall be referred to legal counsel for review. Upon completion of the legal review it shall then be submitted to all interested and affected parties for review and comment. Any comments received by the Subcommittee shall be reviewed and accepted or rejected as the case may be. Upon completion of this review the standard shall be submitted to the Standards Council for approval.

**Appeals Process**

Understanding that new issues may be raised through the process and after approval of the Standard, the industry and those directly and materially affected may request an appeal on any Standard. The appeals process shall be public. The BSA Board of Directors is the authority for any appeals activity and/or decision.

## RECOMMENDATIONS FOR REVISION

**Recommendation:** Establish a 10 – 15 person "Standards Council" that reports to the Board and oversees all standards activities.

The Standards Council is charged with the responsibility of approving or rejecting all proposals for the development of a standard, (guidelines or best practices): and insuring staffing of all subcommittees and involvement of the industry others who may be directly and materially affected by the proposed standard. .

For each standard/best practice/guideline, there will be a subcommittee; which is responsible to the Standards Council. Any action taken by a subcommittee, must be approved by the Standards Council, and ultimately approved by the BSA Board of Directors.

No member of the Board of Directors shall serve on the Standards Council, and vice versa.

**Rationale:** The current structure is just too large and inefficient. There are 40 – 50 persons sitting in on Task Group meetings. If we continue the current set-up, we could end up with 100 persons attending the Task Group meetings. Some are already on subcommittees, and some may or may not have interest in other subcommittees' activities.

By streamlining the Standards Council to 10 – 15 persons, those individuals save a lot of time, but increase their responsibility. For all those other persons, they are assigned to a specific subcommittee(s), thereby preserving their time and expenses. In this manner, a subcommittee could have open enrollment and invite as many participants as they wish.

The Standards Council can then develop its policies and procedures (with BSA Board approval), making the process open and transparent. In addition, accountability is added to the equation.

**Composition:** No member of the Board of Directors can serve on the Standards Council, and vice versa. No member of the Board of Directors can serve on a subcommittee.

Possible composition of Standards Council:

- Wholesalers – 3
- Manufacturers - 3
- Resellers/Dealers - 3
- Technology Partners – 2
- End users - 2
- Researcher - 1
- At-Large, Non Affiliated – 1

- Qualifications: competency, experience, expertise

Term – 2-3, initial committee with staggered terms

### **American National Standards Institute (ANSI)**

BSA should seriously consider membership into ANSI as a member and as an ANSI accredited standards developer.

As the voice of the U.S. standards and conformity assessment system, the American National Standards Institute (ANSI) empowers its members and constituents to strengthen the U.S. marketplace position in the global economy while helping to assure the safety and health of consumers and the protection of the environment.

The Institute oversees the creation, promulgation and use of thousands of norms and guidelines that directly impact businesses in nearly every sector: from acoustical devices to construction equipment, from dairy and livestock production to energy distribution, and many more. ANSI is also actively engaged in accrediting programs that assess conformance to standards – including globally-recognized cross-sector programs such as the ISO 9000 (quality) and ISO 14000 (environmental) management systems.

ANSI currently provides a forum for more than 200 ANSI-accredited standards developers representing approximately 200 distinct organizations in the private and public sectors. These groups work cooperatively to develop voluntary national consensus standards and American National Standards (ANS). In 2002, there were approximately 10,000 such documents.

In order to maintain ANSI accreditation, standards developers are required to consistently adhere to a set of requirements or procedures known as the "**ANSI Essential Requirements: Due process requirements for American National Standards**", that govern the consensus development process. Due process is the key to ensuring that ANSs are developed in an environment that is equitable, accessible and responsive to the requirements of various stakeholders. The open and fair ANS process ensures that all interested and affected parties have an opportunity to participate in a standard's development. It also serves and protects the public interest since standards developer accredited by ANSI must meet the Institute's requirements for openness, balance, consensus and other due process safeguards.

The hallmarks of the American National Standards process include:

- consensus on a proposed standard by a group or "consensus body" that includes representatives from materially affected and interested parties;
- broad-based public review and comment on draft standards;
- consideration of and response to comments submitted by voting members of the relevant consensus body and by public review commenters;
- incorporation of approved changes into a draft standard; and

- right to appeal by any participant that believes that due process principles were not sufficiently respected during the standards development in accordance with the ANSI-accredited procedures of the standards developer.

The ANSI process serves all standardization efforts in the United States by providing and promoting a process that withstands scrutiny, while protecting the rights and interests of every participant. In essence, ANSI standards quicken the market acceptance of products while making clear how to improve the safety of those products for the protection of consumers