

A Brief Synopsis of How ESTA's Technical Standards Program Works

ESTA's Technical Standards Program operates by procedures that are consistent with ANSI's *Essential Requirements*. These procedures are different from those used by clubs and civic organizations with which people might be familiar, but it is important that the ANSI-approved procedures be followed. This document will give you an idea of how the program works.

Introduction

The Technical Standards Program (TSP) was established in 1994 by ESTA in response to the increasing number of members who were encountering situations where the lack of standards, or the imposition of standards developed outside the entertainment industry, were making it increasingly difficult to conduct business safely, efficiently, and profitably. The impact of the TSP extends far beyond ESTA's membership to every facet of the entertainment and event industries.

ANSI accredited

The Technical Standards Program is accredited by the American National Standards Institute to write American National Standards. American National Standards have “ANSI” as part of their alphanumeric designation to show their special status as American National Standards. While “American” suggests that these standards are for the USA—and indeed ANSI standards have special value for government officials in the USA—for the rest of the world, the ANSI designation means that the standards-making process has passed detailed scrutiny of ANSI to make sure it meets ANSI's stringent requirements for fairness and freedom from control by special interests.

The TSP is accredited by ANSI because our policies and procedures conform to *ANSI Essential Requirements: Due process requirements for American National Standards*. Furthermore, ANSI audits our records on a regular basis to make sure we actually follow the approved procedures and don't take short-cuts. Our policies and procedures can be found on the ESTA website at http://tsp.esta.org/tsp/documents/procedural_docs.html.

ANSI's Essential Requirements can be summarized as requiring:

- Openness
- Lack of dominance
- Coordination and harmonization
- Notification of standards development
- Consideration of views and objections
- Consensus vote
- Appeals
- Written procedures
- Compliance with ANSI policies and administrative procedures

Why ANS status matters

The ANSI-approved procedures are not unreasonable, but they require much more work than simply having meetings and writing something, but that extra work is worth the effort. The procedures require at least one and often many public reviews of draft standards, during

which anyone with a material interest can offer comments, suggestions, or objection. We have to respond in a formal way, saying we will accept the comment and will revise the draft, or give our reasons for not doing so. We don't have to do everything that is suggested, but we have to seriously consider these suggestions. The result is that the finished American National Standard is the consensus of the industry about what the minimum is that must be done for a safety standard, or the acceptable range of product specifications for a product compatibility standard. Furthermore, the development of this consensus statement is documented and the documents are audited.

As consensus documents, American National Standards provide excellent advice on the minimum people should do for safety and how things should be made or what protocols they should use for compatibility—and, as written before, it's all done in a documented and third-party audited way. This is important because:

American National Standards help people and companies do the right thing

ANSs set a minimum for safety. People can go beyond the standard (e.g., a 10:1 design factor instead of 5:1) but the standard sets a baseline, a level that people can't go below without doing less than what the consensus of the industry says is the minimum.

The standards also outline how products from different manufacturers can work with each other. The alternative would be for a company to survey the market, but that would be expensive and they probably would miss something.

American National Standards end arguments faster

If you are trying to do a safe event, and a fire marshal or other inspector questions what you are doing, showing that you are complying with an American National Standard ends that discussion fairly quickly. Complying with the standard shows due-diligence. You're okay; the inspector can move on.

If something does go wrong, that you followed an American National Standard shows that you did what the industry says is reasonable. That's a big help when people are looking for other people to blame.

American National Standards are more likely to be adopted

If a local government or other standards organization is looking for another standard to reference (rather than re-inventing the wheel) they will first look to American National Standards. If you want to propose that a city or state accept something into the local building code, for example, this argument is much easier to make if you offer an American National Standard. If you simply offer your own good idea, every sentence will be questioned, but if you offer an ANS—well, it's a American National Standard, so it is presumed to be good.

Foreign governments and standards organizations are unlikely to duplicate ANSs

If there is an American National Standard for something and it is accepted in the industry, other standards organizations are unlikely to make a conflicting standard.

What a standard is

A standard is a consensus document. The contents of the document are what the consensus body (in ESTA's TSP, that's a working group) decides the standard should say, after considering whatever public review comments were submitted. Standards that are written to

be used for enforcement (e.g., building codes used by building inspectors) are written with clear, pass-not pass criteria, but standards can be much looser. A standard could give no definite requirements, could be full of “you should think about” statements, if that is what the consensus body decided is appropriate.

Joining a working group

In ESTA's TSP, the actual work of creating standards, recommended practices, and informational pieces is done in the working groups. Membership in a working group is open to anyone materially affected by the work of the group who has knowledge relevant to the topics. “Materially affected” means it affects your life or your business.

There are two basic types of membership: voting and observer. To be a voting member you must be able to attend meetings on a regular basis and respond to letter ballots. Observer status is non-voting and attendance at meetings is not required. Both observer members and voting members are encouraged to contribute to the work of the group, but final action on motions is taken by the voters. Working group meetings are usually face-to-face, but people who can't be at the meeting may participate via teleconference.

You do not need to be a member of ESTA to participate in a working group. There is a \$100 a year participation fee to help pay for running the TSP program. This is a flat rate per calendar year, regardless of voting status or the number of working groups in which a person is a participant. If you cannot afford the participation fee, the TSP Participation Fee Donor Fund may be able to assist you. Please contact TSP staff at standards@esta.org and tell us why the participation fee prevents you from participating.

If you want to be a voting member, it would be a good idea to attend, either in-person or on-line, the meeting at which your application will be considered. If you are not there, you are likely to be accepted as an observer member. You can ask to be moved to voting status at the next meeting you attend.

There is one vote per company or organization, no matter how many representatives that company or organization has, no matter how big or small it is. The biggest concert producers have the same voting power as the smallest labor provider. We need to make standards that work for the vast majority of us—big and small and in-between—in the entertainment industry.

Making a standard

The full process with all the rules is outlined in our Policies and Procedures document, but here is a summary of it.

Initial work

Once an idea for a new standard is accepted by a working group, and the scope and purpose of that standard is defined, a small task group will be appointed to write the first draft. The task group is kept small because it is very hard to write anything word-for-word in a large group, but the larger working group is the consensus body, the people who decide whether the task group's work is on the right track or not. It is not necessary to be part of the task group to have a say in a document's contents.

First public review

When the working group decides that a document is done—or close to it—it will vote to offer the document for public review. There are specific voting steps and approvals needed, and they are outlined in our Policies and Procedures document.

Some standards-drafting organizations figure they are pretty well done with a document by the time it is offered for public review, but generally we offer documents for public review expecting that the public review comments will cause us to revise it. If the revisions are substantive, meaning that they change what a person reading the standard would understand he must or should do or not do, we need another public review.

Our public reviews are 45 days from the time that ANSI announces them in *Standards Action*, but they could be longer. Given the lead-time to submit a public review announcement to ANSI, the whole public review period is usually about 60 days.

The working group must respond to each of the comments received in the public review, showing that the comments have been reasonably considered. We don't have to do everything that any commenter suggests; we only have to consider if the suggestion is a good idea or not. If it is good, we make the change. If it isn't, we don't, and we tell the commenter in a formal comment resolutions summary document why we don't. The comment resolutions are sent back to the commenters, and they are given a deadline to respond if they want us to reconsider.

Subsequent public reviews

If we make substantive revisions, we have a new document, and we need another public review. The procedure for that public review is essentially the same as it was for the first public review.

Some standards-drafting organizations have a fixed number of public review cycles. We don't. We offer a document for public review and revise it until we get no comments that cause us to make any more revisions. When we stop revising it, we can call it done and vote to accept it as an ANS.

To comply with ANSI requirements, every ANS must be offered for public review at least once. We usually offer draft standards for public review at least twice, more often four times, and sometimes twelve. The number of public reviews is dependent on how well the document is written to start, how many people in the wider world care about the draft standard, and how much divergence of opinion there is in the wider world. Documents that are well written and are fairly esoteric usually move through the process quickly. Documents that are not well written or about which many people have strong, conflicting opinions take longer.

Final acceptance

When the working group decides a document is good—or at least good enough that it should be published rather than worked on longer—the working group can vote to accept it as an American National Standard. There are a few steps, which are outlined in our Policies and Procedures. If the motion to accept the document as an ANS meets all the approval vote criteria, we can submit it to ANSI.

When the document is submitted to ANSI, what is really submitted is the record of how we developed the document: how the working group voted on the final vote and the public reviews and how any comments were addressed. ANSI does not vet the standard itself; ANSI vets the process.

Voting

We have several ways to conduct votes in the TSP, and different methods are used depending on what kind of decision needs to be made. The most important votes are often done by letter ballot (which is done by email), but all the votes that move a draft standard forward require achieving consensus. With voting, “consensus” is defined as more than 50% of the entire voting body voting Yes, and 2/3rds of those who actually voted voting Yes. Furthermore, when there is dissent, the people voting No need to explain why they have voted No so that the rest of the voting body can consider their objections.

Our voting requirements are different from what most people experience as voting citizens, where most of the elections can be won with a simple plurality, and nobody has to explain why they voted as they did. We have to reach consensus, which is not unanimity, but is pretty close. This takes time and can be frustrating, but it's what helps give American National Standards their authority.

Questions?

The details of how we write standards are laid out in our Policies and Procedures document, available on the ESTA website at http://tsp.esta.org/tsp/documents/procedural_docs.html. If you still have questions, ESTA TSP staff can answer them. Write to standards@esta.org.