



January 13, 2009

Mr. Michael Arny, President
Leonardo Academy
1526 Chandler Street
Madison, Wisconsin 53711

Mr. R. Charles Martin
Deputy Associate Administrator
Agricultural Marketing Service (AMS)
U.S. Department of Agriculture (USDA)
1400 Independence Ave., SW
Washington, D.C. 20250-0201

Dated Notice – Corrected Decision – See FN 8, Page 7

Re: ANSI Executive Standards Council (“ExSC”) Decision in Response to the Agricultural Marketing Service, U.S. Department of Agriculture (“USDA”) Appeal of the Accreditation of Leonardo Academy as a Developer of American National Standards (“ANS”)

Dear Appeals Participants:

On December 17, 2008, the ANSI Executive Standards Council (ExSC) heard the above referenced appeal. The decision of the ANSI ExSC is attached.

Please be advised that **this transmission via E-mail constitutes your official notification of the decision of the ExSC.**

Parties to the appeal to the ANSI ExSC who believe that they have been or will be adversely affected by the results of the subject appeal are hereby notified of the right of further appeal to the ANSI Appeals Board.

Should you choose to appeal to the ANSI Appeals Board, written notice of appeal and all appeals statements and supporting documentation must be filed with the Secretary of the ANSI Appeals Board (the office of the undersigned) by **February 4, 2009**. The appeal shall be accompanied by a \$500.00 filing fee. If you require an extension for the filing of appeals materials, you must contact me as the Secretary of the ANSI Appeals Board on or before **February 4, 2009**, or you will forfeit your right to further appeal. The appeals statement must specify the decision from which the appeal is taken, the ANSI body that made the decision, a short statement of the matter in controversy and the reason(s) why the appellant believes the decision is in error. The appeals statement must also list all other parties that appeared before the ANSI body with respect to the matter being appealed. A copy of the *ANSI Appeals Board Operating Procedures* is attached for your reference.

Thank you for your attention to this matter. If you have any questions, or if I may be of assistance to you, please contact me at (212) 642-4914 or send an E-mail to acaldas@ansi.org.

Sincerely,
Anne

Anne Caldas
Secretary
ANSI Executive Standards Council

cc: P. Griffin, ANSI VP & General Counsel
L. Hallenbeck, ANSI VP-Accreditation Services
ANSI Executive Standards Council

**ANSI EXECUTIVE STANDARDS COUNCIL (ExSC)
SUMMARY DECISION**

Relating to the decision of the ANSI ExSC concerning the USDA AMS (“USDA”) appeal of the status of Leonardo Academy (“Leonardo”) as an ANSI-Accredited Standards Developer, the ExSC, for the reasons set forth below, denies the appeal. However, the USDA has raised a number of questions regarding the propriety of Leonardo’s practices and processes with respect to a particular standard that should be addressed and if necessary corrected prior to the submission by Leonardo of any such standard as a proposed American National Standard (“ANS”) to the ANSI Board of Standards Review (“BSR”).¹

Appellant: **USDA’s Agricultural Marketing Service (USDA)**

Represented by: **Charles Martin, USDA
Frank Martin, Office of the General
Counsel, USDA
Babak Rastgoufard, Office of the General
Counsel (currently detailed to the
National Organic Program)**

Respondent: **Leonardo Academy**

Represented by: **Michael Arny, Leonardo Academy
Robert Uram, Esq., Sheppard, Mullin,
Richter & Hampton LLP
Bill Wolf, DiMatteo + Associates**

Hearing Date: December 17, 2008

Hearing Location: CEA, Arlington, Virginia

ANSI Executive Standards Council (ExSC) Panel Members

William Berger, Chair
Neil Bogatz
Shazia McGeehan
Jean-Paul Emar
Art Munos

Claire Ramspeck
Don Snyder

¹ The procedures that govern the American National Standards (ANS) process, including the accreditation of standards developers and the approval of standards as such, are contained in the *ANSI Essential Requirements: Due process requirements for American National Standards* (“ANSI Essential Requirements”). The ANSI Executive Standards Council (ExSC) is the accrediting body with respect to standards developers. The ANSI Board of Standards Review (BSR) is the body that approves candidate standards as American National Standards based on evidence of compliance with a developer’s ANSI-accredited procedures.

Observers

Bama Athreya, International Labor Rights Forum
Mary Donaldson, NIST
Michael Driver, Esq., Patton Boggs LLP
Jane Earley, on behalf of the U.S. Soy Export Council
Kenneth Lowry, Foreign Agricultural Service, USDA
Kerry Robinson, Food Safety International Food Information Council
Dan Smith, ASTM
Jimmie Turner, Agricultural Marketing Service, USDA

ANSI EXECUTIVE STANDARDS COUNCIL (ExSC) DECISION

The ANSI ExSC has considered the USDA AMS (“USDA”) appeal of the status of Leonardo Academy (“Leonardo”) as an ANSI-Accredited Standards Developer. For the reasons that follow the ExSC denies the appeal. However, USDA has raised concerns regarding the propriety of Leonardo’s practices and processes with respect to a particular standard. The ExSC believes that such concerns should be addressed and if necessary corrected prior to the submission by Leonardo of that standard as a proposed ANS.

1.0 Procedural History

The procedural history in this matter is complicated, but warrants discussion here. Leonardo, the respondent in this appeal, was accredited as a standards developer by the ANSI Executive Standards Council (ExSC) on December 9, 2005. Leonardo sponsors and administers a set of procedures that have been approved by the ANSI ExSC as satisfying the requirements set-forth in the *ANSI Essential Requirements*. These procedures were revised several times since the initial accreditation decision and most recently approved on October 23, 2008².

a. Leonardo’s Draft Standard for Trial Use Related to Sustainable Agriculture

The focus of the appeal before the ANSI ExSC is Leonardo’s management of the standards development process for a document entitled the “*Sustainable Agriculture Practice Standard*” (“SCS-001”). SCS-001 was initially announced as a *Draft American National Standard for Trial Use (DSTU)* in accordance with then *Annex B* of the *ANSI Essential Requirements* in the April 13, 2007 issue of *Standards Action* by NSF International, an ANSI-Accredited Standards Developer³.

In September 2007, Leonardo assumed administrative responsibility for SCS-001 as a DSTU, thereby eliminating NSF’s sponsorship of the document within the ANS process⁴. Upon transfer of the DSTU to Leonardo, an announcement was made in the October 5, 2007 issue of *Standards Action* that listed Leonardo as the new ANSI-Accredited Standards Developer with maintenance responsibility for the document. Subsequently, in the May 16, 2008 issue of *Standards Action*, Leonardo again announced the DSTU and solicited participation.

² As of this date, an additional revision is pending before the ANSI ExSC. The pending version includes a revision to the provision that addressed Draft American National Standard for Trial Use.

³ Scientific Certification Systems (SCS), an organization that is referenced throughout the appeals documentation, is listed as the copyright owner of SCS-001 on the document itself. SCS, however, is not an ANSI-Accredited Standards Developer and has no special recognition or standing within the ANS process.

⁴ The *ANSI Essential Requirements* do not address the transfer of documents within the ANS process; only that any project intended to become an ANS must be sponsored by an ANSI-Accredited Standards Developer.

Separately, in response to numerous inquiries and comments during 2008, the ANSI ExSC conducted a formal review of the entire DSTU procedures contained in Annex B of the *ANSI Essential Requirements* (“Annex B”). In doing so, the ExSC sought and reviewed input from standards developers that were current or potential users of that option as well as public comments. Upon conclusion of its review, the ExSC recommended to the ANSI National Policy Committee (NPC)⁵ the deletion of Annex B from the *ANSI Essential Requirements*. On September 25, 2008, the ANSI NPC agreed that Annex B shall be deleted as an option within the *ANSI Essential Requirements*.

Deletion of Annex B was not intended to preclude an ANSI-Accredited Standards Developer from developing, approving and disseminating its own draft standards for trial use; however, such documents can no longer be announced or otherwise promoted as “Draft American National Standards for Trial Use.” Further, such documents no longer have standing within ANSI or the ANS process. ANSI-Accredited Standards Developers including Leonardo, were advised that any documents previously designated *Draft American National Standards for Trial Use* were required to be stripped of such labeling by December 1, 2008. Leonardo is complying with the requirements associated with the elimination by ANSI of the *Draft American National Standard for Trial Use* option.

b. The USDA’s Appeal to the ExSC

On September 11, 2008, after Leonardo announced the SCS-001 standard as a DSTU but before the option was withdrawn by ANSI and before the SCS-001 Committee had its first meeting, the USDA filed this appeal raising challenges to Leonardo’s accreditation and its administration of procedures with respect to the SCS-001 standard. The USDA maintained that: (1) Leonardo did not prepare the DSTU, which exceeds the scope of standards activities for which Leonardo was approved to develop standards as an ANSI-Accredited Standards Developer; (2) Leonardo failed to develop, promulgate and make publicly available its procedures with respect to DSTUs⁶; (3) Leonardo failed to afford materially affected interests the opportunity to challenge the decision to register a DSTU with ANSI; (4) Leonardo’s alleged flawed procedures have led to a flawed process which will be impossible to administer; (5) Leonardo’s alleged flawed procedures for representation on its Standards Committee created interest categories without input from the affected stakeholders and resulted in a lack of appropriate representation on the consensus body; (6) Leonardo lacks the administrative ability to properly administer its procedures; (7) Leonardo’s operations do not comply with ANSI’s requirements for coordination and harmonization; (8) Leonardo’s operations do not comply with ANSI’s requirements relating to due process; and (9) Leonardo’s operations do not comply with other ANSI requirements relating to normative policies and procedures. The remedies requested by the USDA are: 1) the withdrawal of Leonardo’s status as an ANSI-Accredited Standards Developer; and 2) the withdrawal of SCS-001 from further consideration as a DSTU or as an American National Standard.

c. Initial Work of the SCS-001 Standards Committee

Following the submission of the USDA’s appeal to the ExSC, the Standards Committee for SCS-001 met for the first time on September 25-26, 2008. Thirty-nine of the Standards Committee members participated in person and eighteen participated by teleconference. Twenty-eight observers also participated, including a representative of the USDA. The Standards Committee agreed to set aside

⁵ The ANSI National Policy Committee is an ANSI Board level committee that has oversight responsibility for the American National Standards process and its related procedures.

⁶ At the hearing, the USDA withdrew this allegation.

the DSTU SCS-001 and use the document as a reference document (along with other reference documents) in the Standards Committee's work with respect to the development of a new draft standard that would be submitted for public comment, subjected to ANSI's procedural requirements and, ultimately, submitted for consideration as an American National Standard. In addition, the Standards Committee established six Task Forces, including an Outreach Task Force, to provide a *foundation for the development of the standard* intended for submittal to ANSI for approval as an ANS in the future. Leonardo is providing the administrative support for all of this activity.

Subsequent to the September 25-26, 2008 committee meeting, Leonardo submitted a Project Initiation Notification ("PINS") notice to ANSI relating to SCS-001 that was published in ANSI's *Standards Action* on November 28, 2008. A PINS notice is a public announcement published in ANSI's *Standards Action* at the initiation of a project to develop or revise an American National Standard.

d. Leonardo's Response to USDA's Appeal

On October 3, 2008, Leonardo filed a response to the USDA appeal in which it raised a number of procedural and substantive arguments, including that the USDA lacks standing to challenge Leonardo's accreditation because it is not "materially affected" and because the USDA failed to file an appeal with Leonardo before coming to ANSI.

In its oral argument before the ExSC on December 17, 2008, Leonardo summarized and restated its other arguments, maintaining that issues 1, 2 and 3 were moot because the DSTU option has been eliminated by ANSI and the SCS-001 Committee set aside the DSTU as a resource document; that inasmuch as the ExSC is responsible for accreditation issues and issues of procedural compliance, not the content of standards, the USDA appeal issues 4, 7, 8 and 9 were outside the jurisdiction of the ExSC. Further, as to the remaining issues 5 and 6, Leonardo maintained with respect to issue 5 (whether interest categories comprising the standards Committee adequately represent a fair balance of affected stakeholders), that membership of the SCS-001 Committee in fact complies with ANSI's procedural requirements with respect to balance and interest categories (see 1.3 and 2.3 of the *ANSI Essential Requirements*.) As to issue 6 (whether Leonardo possesses the administrative ability to properly administer its procedures for DSTUs), Leonardo maintained that its administrative process has only just begun and that its efforts to date amply demonstrate its administrative abilities and resources.

e. Other Submissions Relevant to the Appeal

In addition, after the USDA's appeal and Leonardo's response was submitted to the ExSC, a number of interested parties sent letters unsolicited by ANSI, in support of one or the other of the parties to the appeal. Both parties to the appeal were afforded a time period during which each was allowed to respond to these letters; neither party elected to respond specifically to any of the letters⁷. The letters and the responses from both parties were provided to the ANSI ExSC for its consideration.

2.0 Analysis

This decision summarizes the oral and written arguments presented to the ANSI ExSC. While this decision may not reference every argument or point made in connection with the appeal, the ExSC had full access to the complete written record. The ExSC did not evaluate any technical data or make

⁷ Two additional letters were received immediately preceding the hearing; these were similarly sent to the parties to the appeal and the ANSI ExSC Panel.

any assessment of the merits of the technical content of any particular standards or other documents identified within the context of this appeal. The ExSC relied on the written record and oral statements made by both parties regarding procedural matters only.

1. Procedural Arguments Raised by Leonardo

a. Standing/Exhaustion of Remedies at Developer Level

The ANSI ExSC disagrees that the USDA lacks standing as a materially affected party. The USDA has the same right that is available to any materially affected party to file an appeal with the ANSI ExSC of a developer's status as an ANSI-Accredited Standards Developer. Further, as such an appeal specifically relates to the developer's status as bestowed by the ANSI ExSC, and while it is reasonable to expect that the aggrieved party attempt to first address the underlying issues with the developer, a requirement that a party first appeal a developer's accreditation status at the standards developer level would not be appropriate. Only the ANSI ExSC has the right to review a developer's status as an ANSI-Accredited Standards Developer.

b. Mootness

The ANSI ExSC agrees with Leonardo that the first three issues⁸ raised in the USDA's appeal relating to the DSTU process and procedures are rendered moot because the option to establish procedures, announce and/or maintain documents as *Draft American National Standards for Trial Use* (DSTU) no longer exists within the *ANSI Essential Requirements*.

c. Jurisdiction of the ANSI ExSC to Hear Arguments Related to Standards Development

With respect to Leonardo's "jurisdictional" arguments, the ExSC recognizes that Leonardo is in the early stages of development of a proposed ANS, e.g., a related PINS was announced in the November 28, 2008 issue of *ANSI Standards Action*, and thus, a number of procedural issues that relate specifically to the standards development process are not sufficiently mature or appropriate for review by the ANSI ExSC at this time. Accordingly, the ExSC agrees that Issues 4, 7, 8 and 9 raised by the USDA are not yet ripe for consideration. To the extent such arguments focus on the development of a particular candidate American National Standard yet to be subjected to ANSI's consensus requirements, they would likely be more appropriately raised during the course of the standards development process first with Leonardo and then with the ANSI BSR⁹.

2. Substantive Issues Relating to Leonardo Academy's Procedures and Practices

a. Issue 5: Flawed Interest Categories

The USDA argues that the interest categories established by Leonardo for the SCS-001 Standards Committee lack appropriate input from affected stakeholders. Lacking such input, USDA maintains that these interest categories result in over-representation by certain industry-related segments and

⁸ With respect to concerns that Leonardo is undertaking activities outside of its scope, the ExSC notes that a scope of accreditation is informational only, per clause 4.1.2 *Application for Accreditation as a Developer of American National Standards* of the *ANSI Essential Requirements*. Issues related to the scope of a standard, conflict, duplication and harmonization are addressed during the standards development process.

⁹ In the appropriate case, the ExSC does have the authority to withdraw a developer's status as an ANSI-Accredited Standards Developer in accordance with clause 2.5 of the *ANSI Essential Requirements* if the record demonstrates that the conditions upon which accreditation was granted are not satisfied. The result of any such withdrawal would also be the withdrawal of any ANS and standards projects under development that are sponsored by the standards developer under review.

under-representation by certain industry participants. The ExSC finds that the record does not provide sufficient evidence to demonstrate, on its face, that Leonardo has acted improperly with respect to the establishment of interest categories relative to the make-up of the consensus body. The ExSC notes that if it is believed that Leonardo's procedures, which contain the applicable interest categories, are flawed, then stakeholders should propose procedural revisions for Leonardo's consideration. The ExSC is unaware of any such specific proposals.

The record demonstrates that outreach has been undertaken over the course of the past year, e.g., teleconferences, regional meetings, public notices, multiple announcements in *ANSI Standards Action* and that a high level of interest in the work exists as is evidenced by the estimated 200 applications for committee membership. At the hearing, Leonardo also confirmed that membership on the Committee will be reviewed and maintained on an ongoing basis and that several new members have been approved to replace departing members. The ExSC also notes that should the stakeholders affected by the SCS-001 project change after the PINS announcement has been published, that a revised PINS listing the additional stakeholders affected is required to be published, thereby providing another channel for interested parties to become aware of the activity.

The ExSC acknowledges that Leonardo's website provides the public with information concerning the sustainable agriculture initiative and that the participation structure allows interested parties who are not members of the Committee to participate in the process. This latter provision is important, as consensus does not merely relate to the voting record of the consensus body, but to compliance with a range of due process provisions including the handling of public comments. Further, to date, appeals that may be pending at Leonardo related to the denial of committee membership applications, have not concluded or subsequent appeals have not been filed with ANSI. Thus, it appears too early to make an assessment related to the final balance of interests among the committee membership. Indeed, absent substantial evidence demonstrating Leonardo's failure to implement its procedures in good faith or a failure by Leonardo to commit to maintaining an appropriate balance on the consensus body, it may be that such an assessment will not be made until the ANSI BSR reviews evidence of consensus in support of the standard's approval as an ANS. At that time, if it can be demonstrated that appropriate interests were not solicited, that participation was denied to interested parties, that balance appropriate to the nature of the standard was not sought, or that ANSI's rules related to dominance were violated, then the standard at issue will not be approved as an ANS.

In sum, the ExSC accepts Leonardo's statements during the appeals hearing that it is committed to ensuring representation by appropriate interests. To this end, Leonardo: (1) is attempting to resolve committee membership appeals; (2) has formed an Outreach Task Force (among other task forces); (3) offers multiple participation options; and (4) is mindful that a representative consensus body membership must be maintained as participants change or the scope of the standard changes.

b. Issue 6: Lack of Administrative Abilities

The USDA argues that Leonardo is not capable of administering a standards development process that meets ANSI's expectations. When asked during the course of the hearing whether any specific provisions contained in Leonardo's procedures were a cause of concern, the USDA declined to identify any. Consequently, the focus of the USDA's argument is on Leonardo's implementation of its ANSI-accredited procedures related to the previously announced DSTU and to the formation of a new consensus body¹⁰, i.e., SCS-001 Standards Committee.

¹⁰ "Consensus body", as defined in the *ANSI Essential Requirements*: The group that approves the content of a standard and whose vote demonstrates evidence of consensus.

The USDA maintains that the proposed standard will address issues for which consensus cannot be achieved. The ExSC, however cannot base its accreditation decisions on whether or not a proposed activity will succeed. In essence, accreditation by ANSI of a standards developer's procedures gives that developer the right to try to develop American National Standards within a system that requires due process, equity and fair play; it does not predetermine a positive outcome.

The ANSI ExSC also does not determine whether a proposed project merits vetting; once announced, a proposed project will succeed or not, based on participation by materially affected interests – either via voting membership on a standards committee or by the submission of public comments or, as offered by Leonardo, participation in a work group or the like. In order to have one's voice heard, one must participate in the standards development process in some way. At the hearing, the USDA responded to a question concerning participation in the Committee. It was confirmed that the USDA did not finally apply for membership on the Committee, but has several observers involved in the activity. The ExSC respects the USDA's right to choose its level of participation, and remarks that ANSI's procedural requirements against which Leonardo is judged include whether the opportunity for materially affected parties to participate in a standard's development process exists and whether good faith outreach efforts are undertaken. The decision by an interested party not to participate in a standards development process does not on its own doom the effort, as long as the developer complies with ANSI's requirements.

Acknowledging that the nature of the standards development work at issue is controversial to many, the ExSC does not believe that sufficient evidence has been presented to date to demonstrate that Leonardo lacks the ability to administer its procedures. Accordingly, the ExSC denies the USDA's request to suspend or withdraw Leonardo's ANSI accreditation on this basis.

3.0 ExSC's Concerns: Expectations of Leonardo

Although the ANSI ExSC denies the USDA's request to withdraw Leonardo's status as an ANSI-Accredited Standards Developer, the ExSC reiterates that the implementation by a standards developer of its accredited procedures simply as written does not guarantee approval of a standard as an American National Standard. For example, merely categorizing a consensus body in accordance with the interest classification scheme contained in a developer's accredited procedures does not equate to demonstrating that all materially affected interests have had the opportunity to participate in the consensus process; nor is it true that extensive outreach is equivalent to effective outreach. If, at the end of the standards development process, the ANSI BSR determines that the opportunity for all materially affected interests to participate in the consensus process did not exist, and as a result, does not approve the proposed ANS, then years of work and significant resources may have been expended in vain. That said, the ExSC also recognizes that if interested parties do not choose to participate given reasonable opportunities to do so, standards development within the ANS context may still continue.

In sum, there are a number of issues that warrant Leonardo's careful and continuous attention, if any standards sponsored by it are eventually to be approved as American National Standards. These include:

1. Appeals filed with Leonardo must be handled fairly and in an expeditious manner. Leonardo reported at the hearing that appeals related to membership denials are pending, but that to date, such appeals are in the informal resolution stage. Leonardo must ensure that aggrieved

parties are advised clearly of the possibility for and timeframe in which formal appeals may be filed and to conclude any such appeals in a timely manner.

2. Outreach efforts to achieve balance will be reviewed by the ANSI BSR when a standard is submitted for approval as an ANS. Effective outreach requires that materially affected parties known or expected to be interested in the standards development activity be provided with adequate notice. To this end, the ExSC anticipates that the recently created Outreach Task Force will be mindful of and informed by the concerns raised by interested parties about both the make-up of the current committee and future efforts to address balance and representation issues as the project matures.
3. The *ANSI Essential Requirements* acknowledge that the interest categories appropriate to the development of consensus in any given standards activity are a function of the nature of the standard being developed. At the hearing, Leonardo did not demonstrate that it was secure in the knowledge that all appropriate parties are represented on the consensus body. The ExSC reiterates that it is not enough to have a consensus body that mirrors the interest categories identified in a developer's procedures if those who are materially affected by the standard are not, for reasons other than lack of interest, committee size, etc., represented on the consensus body. In addition, it is not enough to say that interests that are not represented should not be/will not be sought simply because a call for membership has concluded and in some way the solicitation of additional participation would disenfranchise those who applied in response to the original solicitation.
4. Dominance, as defined in the *ANSI Essential Requirements*, means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints. While specific evidence of dominance by SCS within the ANS context was not provided, several points of information garnered during the appeals hearing, warrant a word of caution. SCS is: (1) the known sponsor of the original DSTU; (2) a voting member of the consensus body that will base its work in some way in consideration of that DSTU and that will cast a final vote on the resulting proposed ANS; (3) the source of substantial financial support for the standards development activity; and (4) a certification body with a program based on the original DSTU. As a result, concerns as to the potential dominance by SCS are apparent. Leonardo is encouraged to ensure that no one party or interest is allowed to dominate any standards development process that is intended to result in an American National Standard. If dominance can be demonstrated in the future, then the standard will not be approved as an American National Standard.
5. It is true that American National Standards satisfy the requirements established in OMB-A119 (*Office of Management and Budget, OMB Circular A-119; Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*), which is referenced in exchanges between Leonardo and the USDA. However, it is also true that the USDA would not be required under OMB-A119 to utilize the sustainable agriculture standard that may result from Leonardo's process. This clarification is offered to avoid any misunderstanding that the resulting standard, even if approved as an ANS, would result in the USDA's automatic reliance on it.
6. If the scope of a standard changes and the associated stakeholders change, then a revised PINS must be published in accordance with the *ANSI Essential Requirements* to provide an opportunity for stakeholders to be advised of the activity and to participate in it.

In conclusion, the ExSC accepts Leonardo's assurances that it will fully comply with its ANSI-accredited procedures and the due process underpinnings of the *ANSI Essential Requirements*. The Panel also acknowledges that the consensus standards development process with respect to the planned sustainable agriculture standard is in its early stages. There should be ample opportunity for Leonardo to demonstrate its stated commitment to equity and consensus to all those interested in its work. There should also be ample opportunity for the USDA as well as those who may feel at this point that they are excluded from the process, to participate in some way in it. There also remains the opportunity in the future, for aggrieved parties to seek review by the ANSI ExSC or the ANSI BSR, as appropriate, should a record be established that sufficiently demonstrates specific procedural non-compliances.