



OSAC Member Comments Guide

This guide is written to:

- provide helpful information to all OSAC members regarding the opportunities to provide comments during the development of standards and guidelines, during an standards developing organization's (SDO's) comment period and during the OSAC Notice of Intent to Publish on an OSAC Registry public comment period; and
- identify the key areas that the FSSB would like each OSAC unit to focus on when providing comments.

The FSSB has developed a 3-tiered "Level" system to describe commenting at different times during the standards development process. In the "Comment Levels and Visibility" section, this guide discusses what types of comments are best provided at different steps in the process, and the associated level of public visibility to comments in different phases of the process.

This guide further discusses ways that OSAC members can engage in the SDO public commenting process and provide feedback during the development of a standard by an SDO that is external to the OSAC.

Lastly, in the OSAC Comment Focus Areas section, this guide provides key areas for each type of OSAC unit to focus on when submitting comments.

Comment Levels and Visibility

The Organization of Scientific Area Committees for Forensic Science (OSAC) encourages comments from OSAC members at various stages of document development to help strengthen standards and guidelines, and facilitate their ultimate placement on the OSAC Registries. This guide was developed to help OSAC members, to include Resource Committees (RCs), better understand the types of comments they may provide at each stage of document development. This guide also clarifies who will have access to those comments. In addition, a section on making comments within an external SDO is provided as OSAC members may decide to leverage this mechanism.

Process	Level	What	How	Mechanism	Visibility
Working with an SDO	Level 1: Pre-process	Comment on draft working document relative to SAC or RC specific focus areas	Express substantive concerns and proposed solutions, relative to your focus area (area of expertise)	Subcommittees engage with appropriate liaisons via email/discussion	Subcommittee and commenter
	Level 2: OSAC Internal Review (SDO-300)	Comment on SAC or RC specific focus areas during the period when Subcommittee is preparing to submit to SAC for approval to work with SDO. This should be a single document based on at least a 2/3 opinion of the unit.	Express substantive concerns and proposed solutions, relative to your focus area (area of expertise)	Post reply from RC and other OSAC members via Kavi	Internal to OSAC
	Level 3: Public Comment Period of SDO (SDO-900)	Opportunity for OSAC Members, individually or as a group/unit to submit a comment on a working draft issued by an SDO during the SDO's comment period. Depending on the SDO, membership may be required.	Express substantive concerns and proposed solutions, in particular relative to your focus area (area of expertise)	Submit comments to SDO via SDO mechanism provided	External to OSAC; SDO process for sharing of comments

Process	Level	What	How	Mechanism	Visibility
Registry Approval	Level 1: Pre-process	Comment on concerns/issues with final published document relative to RC specific focus areas. During the Registry Approval stage, the content of a document cannot be changed. Comments should be restricted to why a document should not be placed on the appropriate Registry.	Comments should be restricted to areas of concern/negative comments regarding posting of a document to the appropriate OSAC Registry. Comments do not have to address every paragraph or section of a document.	Engage with RC liaisons via email/discussion	Subcommittee and Commenter
	Level 3: RCs or other OSAC Units Provide Consensus Comments During Public Comment Period of RA Process (RA-600)	Opportunity for OSAC Members, individually or as a group/unit to submit a comment relative to focus areas. Comments should be restricted to why a document should not be placed on the appropriate Registry, and unit comments must be submitted in the proper format and reflect at least a 2/3 vote of the unit. If unit members have individual concerns that do not reflect a 2/3 opinion of the unit, they are welcome to submit those as an individual.	Comments should be restricted to areas of concern/negative comments regarding posting of a document to the appropriate OSAC Registry. Comments do not have to address every paragraph or section of a document.	Follow instructions on how to submit comments via Kavi public workspace	External to OSAC; public

Details on the Levels

Level 1

- Level 1 comments are provided before the document enters the “OSAC Working with an SDO Process” and/or the “OSAC Registry Approval Process.”
- Level 1 comments consist of baseline feedback that is shared between an OSAC member or Resource Committee (RC) member and a Subcommittee representative via working group meeting discussions, e-mail, or telephone during early stages of document or concept development.
- This is an ideal spot to provide comments as one can
 - 1) heavily influence the deliberative stage of document development or the decision to move toward OSAC Registry Approval; and
 - 2) offer the subcommittee the opportunity to build a more cohesive and unified OSAC document that incorporates multiple viewpoints and considerations.
- Also, only the OSAC subcommittee and comment provider will have access to these comments.
- One way to view Level 1 comments might be along the lines of OSAC’s own internal “counsel” on a particular matter in a particular area of expertise.

Level 2

- Level 2 comments are provided as part of the “OSAC Working with an SDO Process” (SDO-300) to improve a document before being submitted to an external SDO for formal development.
- These comments are delivered from a member or Resource Committee as a single submission (in one 2/3-opinion document) to the Subcommittee.
- These comments/documents are considered internal and part of the OSAC deliberative process.
- The comments are maintained behind the Kavi firewall and are not available to share with the public.

Note: A FOIA request to NIST would probably make these comments available to the requesting party, unless a “Pre-decisional” or “Draft Deliberative” label can be placed to limit FOIA availability (OSAC Affairs and LRC are analyzing – decision pending).

Level 3

- Level 3 comments are provided by an OSAC Member or unit during formal comment periods that are part of an SDO process that is external to the OSAC (SDO-900) or part of the OSAC Registry Approval process (RA-600). These comments are provided knowing that the material will be shared publicly by the SDO or the OSAC along with how the SDO or the OSAC Subcommittee/SAC adjudicated the specific comment(s).
- These are the most formal comments and are publicly/freely available (in the SDO comment adjudication process, availability may be limited to members).

Making Comments on OSAC Documents Submitted as Work Items with a SDO

OSAC Members are encouraged to participate in the activities of standard development organizations (SDOs) (e.g., ASTM, AAFS, NPFA, ADA, etc.) as OSAC-developed documents are introduced to the SDOs' formal standards development process as a work item.

During each SDO's consensus development process there are opportunities for SDO members* to provide comments and vote on documents before the SDO's committees. The balloting process within an SDO is critical for updating technical deficiencies or making editorial changes to a proposed document.

SDO members are able to vote Abstain, Affirm, Affirm with Comment, Negative, or Negative with Comment on documents that are balloted within the SDO. A "Negative Vote with Comment" requires the SDO committee considering the document to formally address the negative comment.

- As the committee adjudicates the negative comments, they determine if the proposed change suggested by the commenter should be made and if so, whether it is considered "editorial" or "substantive."
 - If they determine the change is "editorial" and would improve the document, then the revision is made without re-balloting the document, as the substance of the document has not changed.
 - If the change is determined to be substantive and "persuasive," then this change requires the document to be re-balloted. All members must consider the document again with the updated text included.
 - The SDO committee can also determine if the comment should be considered "non-persuasive." No revision to the document would occur based on a comment that was determined to be "non-persuasive."
 - Determinations of "persuasive" and "non-persuasive" occur by a vote of a quorum of the SDO committee members.
- Another common outcome is that the original comment submitter may decide to "withdraw" their "negative comment". This occurs when the technical representative shepherding the standard through the SDO's consensus process contacts the negative comment submitter and explains why they believe their comment is not relevant or already addressed in the standard. If the submitter is convinced, then they "withdraw" their comment and it is considered resolved.

There are other possible outcomes in the comment adjudication process, but these are the common ones.

* Some SDOs allow non-members to attend the meetings of an SDO (virtually or in-person) and/or participate in the adjudication of comments to draft standards. It should be noted that OSAC members are free to attend the meetings of the SDO (virtually or in-person) and participate in the adjudication of comments to the draft standards as allowed by the SDO.

Subcommittee

- Technical issues
- Scientific reliability

Scientific Area Committee

- Technical issues
- Scientific reliability

Human Factors Resource Committee

- Systems design
- Human performance
- Bias
- Ergonomics
- Impact associated with human factors

Legal Resource Committee

- Admissibility concerns
- Daubert/Frye issues
- Brady issues
- Impact of using/not using the standard or guideline when presenting forensic results in the court system

Quality Infrastructure Resource Committee

- Quality control
- Quality assurance
- Validation studies
- Impact on laboratory