



# **PROCEDURES FOR DOCUMENTING CONSENSUS ON ABTG STANDARDS**

## **1.0 GENERAL**

### **1.1 SCOPE**

The Applied Building Technology Group (ABTG) is a private limited liability company established in 2013, which fosters sound science and engineering to provide the foundation for innovation, product and market development. These Procedures shall govern the activities of ABTG related to the development, reaffirmation, revision, and withdrawal of American National Standards developed in the areas of building materials, assemblies, and systems, including methods of design, construction, and testing. Creation of ABTG standards will be undertaken based on unique industry needs and will reference other consensus standards where appropriate. ABTG and its standards development committees will function in accordance with “*ANSI Essential Requirements*,” making sure that due process requirements are met for the development of any and all Standards.

### **1.2 REQUIREMENTS**

These Procedures meet the requirements for due process and development of consensus for approval of American National Standards as specified in “*ANSI Essential Requirements*.”

### **1.3 DEFINITIONS**

#### **1.3.1 AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)**

A private, non-profit organization (501(c)3) that administers and coordinates the U.S. voluntary standardization and conformity assessment system. The Institute's mission is to enhance both the global competitiveness of U.S. business and the U.S. quality of life by promoting and facilitating voluntary consensus standards and conformity assessment systems, and safeguarding their integrity.

#### **1.3.2 ANSI ACCREDITATION**

The approval by the ANSI Executive Standards Council of the written procedures submitted by a standards developer relative to the development and documentation of evidence of consensus in connection with standards that are expected to be approved as American National Standards. Accreditation by ANSI signifies that the procedures submitted by the standards developer satisfy the requirements contained in “*ANSI Essential Requirements*.”

#### **1.3.3 ANSI BOARD OF STANDARDS REVIEW (BSR)**

The Board within ANSI that is responsible for approving American National Standards and acting on proposals to revise, reaffirm and withdraw American National Standards. The ANSI Board of Standards Review (BSR) reviews standards submitted to ANSI with unresolved objections on record. This includes negative votes from the consensus body as well as public review comments. If the Board of Standards Review finds that the criteria for due process have not been met or that the evidence of consensus is inadequate in connection with a standard that it has reviewed, it will not approve that standard as an American National Standard. The BSR acts only on this basis. It does not evaluate or judge the technical content of the standard. Lack of adequate consensus or due process indicates that there was opposition to the voluntary adoption and use of the standard that was sufficient to persuade the BSR that the designation “American National Standard” should not be applied.

#### **1.3.4 ANSI Standards Action**

An electronic publication maintained by ANSI. ANSI's website states that "*Standards Action*" is the Institute's key public review vehicle. Published weekly, it provides members and the public with timely, accurate information and enables effective participation in the standards development process - both in this country and internationally.

#### **1.3.5 CONTINUOUS MAINTENANCE**

The maintenance of a standard by consideration of recommended changes to any part of it according to a documented schedule for consideration and action by the consensus body.

#### **1.3.6 CONSENSUS**

Consensus means substantial agreement has been reached by directly and materially affected interests. This signifies the concurrence of more than a simple majority, but not necessarily unanimity. Consensus requires that all views and objections be considered, and that an effort be made toward their resolution.

#### **1.3.7 CONSENSUS BODY**

The group that approves the content of a standard and whose vote demonstrates evidence of consensus.

#### **1.3.8 PERIODIC MAINTENANCE**

The maintenance of a standard by review of the entire document and action to revise or reaffirm it on a schedule not to exceed five years from the date of its approval as an American National Standard.

#### **1.3.9 PROJECT INITIATION NOTIFICATION SYSTEM (PINS)**

The system established by ANSI to provide public notice of the initiation of a new standards development project. Notices are submitted by the Secretariat and published in *ANSI "Standards Action."*

#### **1.3.10 PROXY**

A written and signed document by which a voting member of a consensus body authorizes another person to vote in the member's stead, if allowed by the developer's procedures.

#### **1.3.11 PUBLIC REVIEW**

A public review period is opened around the same time as the ballot to approve or revise a candidate American National Standard is sent out to the consensus body. The public review period shall be in accordance with Section 5.2 of the ABTG Procedures. During the public review period, members of the public may request the draft from ABTG and may submit comments. These comments must be resolved before the document can be approved. Many documents have multiple public review periods, as a new public review is needed each time a substantive change is made to the document. (Subsequent reviews may be limited to the clauses that have been changed.) Public review periods are also initiated when a document is proposed for reaffirmation or withdrawal.

#### **1.3.12 RESOLVED**

A negative vote cast by a member of the consensus body or a comment submitted as a result of public review where the negative voter agrees to change his/her vote or the negative commenter accepts the proposed resolution of his/her comment.

#### **1.3.13 SUBSTANTIVE CHANGE**

A substantive change in a proposed American National Standard is one that directly and materially affects the use of the standard. Examples of substantive changes are below:

- “shall” to “should” or “should” to “shall”;
- addition, deletion or revision of requirements, regardless of the number of changes;
- addition of mandatory compliance with referenced standards.

#### **1.3.14 UNRESOLVED**

Either (a) a negative vote submitted by a consensus body member or (b) written comments, submitted by a person during public review expressing disagreement with some or all of the proposed standard, that have not been satisfied and/or withdrawn after having been addressed according to the developer’s approved procedures.

### **1.4 DEVELOPMENT OF CONSENSUS**

**1.4.1** In keeping with the due process requirements for the development of consensus, as established by *“ANSI Essential Requirements,”* ABTG ensures that all interested persons have an opportunity to participate in the development process by: 1) expressing a position and its basis, 2) having that position considered, and c) appealing if adversely affected.

**1.4.2** These written procedures, *“Procedures for Documenting Consensus on ABTG Standards”* outline the due process requirements for consensus development, and ensure that ABTG Standards have achieved general recognition, agreement, and acceptance for use as a national voluntary standard.

### **1.5 FORM OF MEASUREMENT**

All standards developed under the *“Procedures for Documenting Consensus on ABTG Standards”* shall include Imperial (inches and pounds) and SI (millimeters and Newtons) forms of measurement. Both forms of measurement are to be included to facilitate the documents’ use by a wide audience.

### **1.6 AUTHORITY**

ABTG’s Officers have general charge of the affairs of the organization and are authorized to appoint Committees as occasion may require, and to define the structure, powers, and duties of those Committees.

**1.6.1** Pursuant to those powers, the ABTG Officers have issued these written procedures, *“Procedures for Documenting Consensus on ABTG Standards,”* which it may amend, waive, or supplement, in whole or in part, at any time at its discretion.

**1.6.2** The ABTG Officers are responsible for the establishment, appointment, administration, and termination of Committees. To assist the ABTG Officers in carrying out this responsibility, the Officers shall appoint a Standards Administrator, who carries out its assigned function and reports to the Officers.

## **2.0 ESTABLISHMENT OF A CONSENSUS STANDARDS DEVELOPMENT PROJECT**

**2.1** Any person, organization, or existing Project Committee (PC) may request the Standards Administrator to consider establishing a standards development project. Following receipt of such a request and upon approval of the ABTG Officers, the Standards Administrator shall request a solicitation of opinions on the need for the Project, information on resources, those interested in participating in the Project, and other

organizations actively involved with the subject. The Standards Administrator shall request from the ABTG Officers the establishment, administration, and termination of PCs.

**2.2** ABTG shall announce the initiation and scope of new projects and establishment of PCs via an "ABTG Announcement" and ANSI using their Project Initiation Notification System (PINS) form, or its equivalent, for announcement in their "Standards Action" publication. Upon establishment of the Project and PC, the Project's schedule, written procedures, and PC membership list shall be available to all interested parties upon written request.

**2.3** The PC application period shall be a minimum of thirty (30) calendar days.

**2.4** If ABTG receives written comments within 30 days from the publication date of a PINS announcement in ANSI's "Standards Action," and said comments assert that a proposed standard duplicates or conflicts with an existing American National Standard (ANS), or a candidate ANS that has been announced previously (or concurrently) in ANSI's "Standards Action," ABTG will make a good faith effort to schedule a deliberation of representatives from the relevant stakeholder groups within 90 days from the comment deadline. The purpose of the deliberation is to provide the relevant stakeholders with an opportunity to discuss whether there is a compelling need for the proposed standards project.

The outcome of a PINS deliberation shall be conveyed in writing (the "Deliberation Report") within 30 days after the conclusion of the deliberation by the developer to the commenter and to ANSI. Upon submission of the Deliberation Report, the developer may continue with the submission of the proposed standard for public review. If additional deliberations take place, they should not delay the submission of the proposed standard for public review, and an updated Deliberation Report shall be conveyed within 30 days after each deliberation. Any actions agreed upon from the deliberations shall be carried out in a reasonably timely manner, but normally should not exceed 90 days following the deliberation. Subsequently, the developer shall include all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI Board of Standards Review (BSR) for consideration should the developer ultimately submit the subject standard to ANSI for approval. Stakeholders who were involved in the PINS deliberation process may also file separate Deliberation Report(s) with ANSI and the developer within 30 days after conclusion of any deliberation for consideration by the BSR, if the standard submitted is submitted to ANSI for approval.

While the outcome is not binding, unless binding provisions are agreed to by ABTG, participants are encouraged to develop a consensus on whether and how the standards development project should proceed. See *ANSI Essential Requirements* for additional requirements, if any.

### **3.0 PC MEMBERSHIP**

#### **3.1 GENERAL**

Appropriate representative views shall be actively sought and fully considered in ABTG Standards activities. Every effort shall be made to have such standards reflect well-established scientific knowledge and appropriate engineering practice.

**3.1.1** Whenever possible, PC participants shall be those with the requisite industry, manufacturing and engineering skills, but others may also participate.

**3.1.2** Organizations requiring evidence of consensus for ABTG referenced standards should be solicited for active participation in the ABTG PCs.

**3.1.3** The PC Chairperson and other PC members shall be appointed by the ABTG Officers. A person may be appointed by the ABTG Officers to membership on a PC from any of the following categories:

**3.1.3.1 ORGANIZATION REPRESENTATIVE**

An organization representative who has the authority to speak for the organization in the particular field of Project activity. Such representative shall have an “instructed vote.” See Section 3.2.4. If an Organization Representative member leaves his/her organization during the project the organization being represented may reassign the committee position to another person from within the organization.

**3.1.3.2 ABTG COMMITTEE REPRESENTATIVE**

A representative of another ABTG PC who has the authority to speak for the other ABTG PC in the particular field of Project activity. Such representative will have an “instructed vote.” See Section 3.2.4. If a Committee Representative member leaves his/her represented committee during the project the represented committee may reassign the committee position to another person.

**3.1.3.3 INDIVIDUAL REPRESENTATIVE**

Any person, regardless of association, business, or service connection, especially qualified to serve. Such members shall be appointed on the basis of their personal qualifications; although, for purposes of Project balance, their business interests and affiliations shall be considered. Such representative will have an “individual vote.” An Individual Representative can maintain his/her membership regardless of organizational association provided the balance of interest in the committee is maintained.

**3.2 APPLICATION**

Each candidate for PC membership shall submit statements to the Standards Administrator indicating the following:

**3.2.1** Evidence of knowledge and competence in the work of the Project;

**3.2.2** Relationship of applicant to the Scope of the Project;

**3.2.3** Assurance of ability to participate actively in the work of the PC including responding to correspondence and attendance at PC meetings; and

**3.2.4** Whether the applicant would have an instructed vote and, if so, by and on behalf of whom; and whether the organization, in instructing its representatives, can meet the time constraints imposed by these procedures.

**3.3 APPOINTMENT**

The ABTG Officers may appoint a nominee for PC membership, hold the application pending further information, reject an application, or defer the action as deemed necessary.

**3.3.1** In appointing candidates for PC membership, the ABTG Officers shall consider the following:

**3.3.1.1** Qualifications of the applicant under the provisions of Section 3.2;

**3.3.1.2** Limiting the size of each PC to a manageable working group. When enrollment must be limited to keep the group to a manageable size, additional qualified applicants shall be placed on a reserve list; and

**3.3.1.3** Maintaining a balance of interests within the membership of each PC.

**3.3.2** An individual or organization that has applied for, and has been denied, appointment to membership on a PC may file an appeal with the Standards Administrator for purposes of reconsideration by the ABTG Officers.

### **3.4 REVIEW OF MEMBERSHIP**

All such appointments are subject to annual review and reappointment by the Officers. Those members, who consistently fail to attend meetings, neglect to return ballots, or otherwise exhibit lack of interest, knowledge, or responsibility shall not be reappointed and may be removed for the stated causes at any time.

### **3.5 REPRESENTATION OF INTERESTS**

The Officers shall determine the interests to be represented on PCs.

**3.5.1** In defining the interest categories for any particular PC, consideration shall be given to at least the following:

#### **3.5.1.1 USER:**

Any person or organization who directly or indirectly utilize services or products which may be described in the content of the project work during standards development.

#### **3.5.1.2 PRODUCERS:**

Any person or organization that directly or indirectly produce, manufacture or distribute products or develop services which may be described in the content of the project work during standards development.

#### **3.5.1.3 GENERAL INTEREST:**

Any person who has expressed a general interest in the content of the project work during standards development and may belong to a trade association, an educational or research organization, a regulatory agency or other persons not categorized as Users or Producers.

**3.5.2** The standards development process shall not be dominated by any single interest category, individual or organization. Dominance 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.

**3.5.3** The standards development process shall have a balance of interests. Participants from diverse interest categories shall be sought with the objective of achieving balance. If a consensus body lacks balance, outreach to achieve balance shall be undertaken.

#### **4.0 CONDUCT OF CONSENSUS STANDARDS DEVELOPMENT PC**

##### **4.1 PROCEDURES**

These written procedures, "*Procedures for Documenting Consensus on ABTG Standards*" shall govern the methods used for ABTG consensus standards development.

##### **4.2 STAFF RESPONSIBILITIES**

To assist the consensus standards development PC, the Standards Administrator shall perform the following functions:

**4.2.1** Assure that the membership list is in compliance with the procedures presented herein and maintain a reserve list of qualified PC candidates;

**4.2.2** Disseminate project information per Section 4.3;

**4.2.3** Provide PC Members with editorial assistance to assure compliance with ANSI style manuals;

**4.2.4** Receive and record all completed ballots and votes, advise members of the results of the ballot and votes, and forward all objections to the membership for resolution;

**4.2.5** Assist PC chairs in carrying out "*Procedures for Documenting Consensus on ABTG Standards*" and planning PC meetings; and,

**4.2.6** Maintain relevant comments and issues raised by the public via phone calls, mail, etc., and present the information at PC meetings and/or ABTG Officer meetings or through other methods as deemed appropriate.

##### **4.3 PROJECT INFORMATION**

**4.3.1** ABTG shall disseminate the following information, via direct mailing or other means as deemed appropriate, to the PC membership and ABTG Officers:

**4.3.1.1** Project's schedule of activities;

**4.3.1.2** Written procedures ("*Procedures for Documenting Consensus on ABTG Standards*"); and

**4.3.1.3** PC list, consisting of the name, contact information, and category of interest of each member.

**4.3.2** In addition to the items listed in Section 4.3.1, ABTG shall transmit the following to the PC membership:



**4.3.2.1** A brief history and explanation of how the proposed standard will be developed or explanation of how the existing standard scheduled for review was developed.

**4.3.2.2** A copy of the proposed standard, or the relevant portion under consideration if the member has previously received the complete standard.

#### **4.4 FORMAL VOTING BY PC**

##### **4.4.1 New standards or revisions, reaffirmation, or withdrawal of existing standards**

**4.4.1.1** Ballots (letter, fax, or electronic means) shall provide the preferred means for PC members to cast a formal vote on new standards, to revise or reaffirm proposed standards, or to withdraw existing standards. Each participant shall vote one of the following positions: affirmative, affirmative with comment, negative with comment, or abstention.

**4.4.1.2** Formal voting may also be obtained at a PC meeting provided the votes are recorded/ documented and those absent from the meeting are given the opportunity to vote before or after the meeting.

**4.4.1.3** In order to receive consideration, ballots with objections or negative votes shall be accompanied by written explanations that support the objection and should include a proposed solution to the problem.

##### **4.4.2 Resolution of negative ballots/votes and objections**

###### **4.4.2.1**

In connection with an objection articulated during a public comment period, or submitted with a vote, an effort to resolve all expressed objections accompanied by comments related to the proposal under consideration shall be made, and each such objector shall be advised in writing (including electronic communication) of the disposition of the objection and the reasons therefore. If resolution is not achieved, each such objector shall be informed in writing that an appeals process exists within the ABTG Procedures. Each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved must be reported to the ANSI BSR.

Each unresolved objection and attempt at resolution, and any substantive change made shall be reported to the consensus body in order to afford all members of the consensus body an opportunity to respond, reaffirm, or change their vote.

**4.4.2.2** Voting at a PC meeting to resolve objections or negative votes shall provide the preferred means for PC members to cast a formal vote to resolve negative ballots/votes and objections provided the votes are recorded/ documented and those absent from the meeting are given the opportunity to vote before or after the meeting. Each participant shall vote one of the following positions: persuasive, persuasive with comment, non-persuasive with comment, or abstention.

**4.4.2.3** Formal voting may also be obtained by ballots (letter, fax, or electronic means).

**4.4.2.4** In order to provide appropriate feedback to objector/voter, all votes of "non-persuasive with comment" shall be accompanied with a written explanation for the non-persuasive vote.

#### **4.4.3 Voting Period**

**4.4.3.1** The voting period shall be thirty (30) days with the exception of ballot votes as per Section 4.4.4. The ballot period shall be appropriate to the material being reviewed as determined by the PC Chairman. All ballots will be sent by ABTG staff on behalf of the PC Chairperson who will clearly indicate the ballot closing date on all ballots issued.

**4.4.3.2** All ballots shall be counted, tabulated and reported within thirty (30) calendar days after closure of the voting period. Unreturned ballots shall also be recorded as such.

#### **4.4.4 Consideration of Views & Objections**

All objections and negative votes shall be reported to the PC, and the PC shall then be afforded an opportunity to consider the expressed views and objections, and respond, reaffirm, revise or withdraw their original vote(s) in a timely manner. The consideration of views and objections period shall be closed at the end of fifteen (15) to thirty (30) calendar days, as deemed appropriate, from the date it is announced. Announcement for considerations of views and objections shall indicate the due date. The Standards Administrator may schedule a second consideration of views and objections period if determined to be necessary. The disposition of objections, negative votes and comments shall follow the procedures outlined in Section 6.0.

#### **4.4.5 Approval**

Approval of standards, or portions thereof, proposed for adoption by ABTG shall require the following voting results by the PC:

**4.4.5.1** The recorded vote (affirmative or persuasive, negative or non-persuasive, and abstentions) establish a quorum (greater than 50% of the registered PC members have voted).

**4.4.5.2** The affirmative or persuasive votes are not less than two-thirds of the votes cast excluding abstentions.

#### **4.4.6 Negative Votes**

All objections, herein described as negative votes, shall be dealt with in accordance with the procedures described in Section 6.

### **5.0 PUBLIC REVIEW <sup>1</sup>**

**5.1** A public review call for comment on all proposals for new standards or proposals to revise, reaffirm, or withdraw existing standards shall be made in an "ABTG Announcement" and ANSI's "Standards Action."

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<sup>1</sup> Although a 60-day public comment period is not required in all instances, a number of provisions in the *ANSI Essential Requirements*, when read in combination, satisfy the WTO's 60-day rule. Before adopting a standard, ABTG shall allow a period of at least 60 days in total for submission of comments on the draft standard, if requested by an interested party within the territory of a Member of the WTO. Exceptions outlined in the rule are permitted due to issues of safety, health or environment. (See *WTO Agreement on Technical Barriers to Trade (TBT), Annex 3 Code of Good Practice for the Preparation, Adoption and Application of Standards (CGP) Substantive Provision L.*)

**5.2** The public review period shall be one of the following:

**5.2.1** A minimum of thirty (30) days if the full text of the revision(s) can be published in ANSI's *"Standards Action"*;

**5.2.2** A minimum of forty-five (45) days if the document is available in an electronic format, deliverable within one day of a request, and the source (e.g., URL or an e-mail address) from which it can be obtained by the public is provided to ANSI for announcement in their *"Standards Action"*; or

**5.2.3** A minimum of sixty (60) days, if neither of the aforementioned options is applicable. Public review comments shall be counted and reported within thirty (30) calendar days after the close of the period.

**5.3** Public review objections and comments shall be processed in accordance with Section 6.

**5.4** Any substantive modifications to the proposed standard that are made after the close of the public review period shall require another public review of the modified portion(s), and shall be in accordance with the public review procedures outlined in this section.

## **6.0 DISPOSITION OF OBJECTIONS, NEGATIVE PROJECT COMMITTEE VOTES AND COMMENTS**

ABTG assures prompt consideration to the expressed views and objections of all participants. A concerted effort to resolve all objections and negative PC votes shall be made in accordance with the procedures outlined in this section.

**6.1** Negative votes from PC members and objections from public reviewers shall be accompanied by an explanation and should include a suggested change to overcome the negative vote or objection. If a negative vote or objection excludes an explanation, it shall be recorded as "negative without comments" and shall not be required to be considered. Comments accompanying negative votes concerning potential conflict or duplication of the proposed standard with an existing standard and negative votes accompanied by comments of a procedural or philosophical nature shall not be dismissed due to the fact that they do not necessarily provide alternative language or a specific remedy to the negative vote.

**6.2** The PC Chairperson, assisted by ABTG staff, shall review each objection and negative PC vote. If the item has had previous consideration by the PC membership following formal ballot, it shall not be necessary to reconsider it unless new information has been introduced. All items withdrawn as per Section 6.7 or found non-persuasive do not need to be reconsidered by the Committee. Per Section 6.3, all unresolved comments are required to be recirculated to the PC, even those deemed non-persuasive by the PC Chairman.

**6.3** If the negative vote or objection is not dismissed, or withdrawn by the voter or objector after discussion, and a modification in the proposed standard (other than editorial) is required to resolve the negative vote or objection, the proposed modification shall be sent to the PC membership. The PC will review all substantive changes, not just those required to resolve a negative vote or objection, and will deliberate on the accompanying explanation and any proposed alternative wording for all negative votes or objections. After deliberation, the PC will vote whether the material submitted with the negative vote

or objection is persuasive or non-persuasive. The deliberation and voting by the PC on all negative votes and objections shall be recorded in writing.

**6.3.1** If the proposed modification is not accepted by the PC, the objection or negative vote shall be non-persuasive and the objector or negative voter shall be so advised.

**6.3.2** If the proposed modification is accepted by the PC in accordance with Section 4.4.5, the appropriate modification(s) shall be made to the proposed standard.

**6.4** The procedures outlined in Sections 6.1 through 6.3 shall be completed for each objection or negative vote. Following the resolution of all objections or negative votes, any substantive changes identified since the last public review affecting the standard or portions of the standard, shall be announced and made available for public review and comment, in accordance with Section 5.

**6.5** The objector(s) or negative voter(s) shall be informed in writing of the action taken on the objection or negative vote; if the views of the objector(s) or negative voter(s) are not accepted, the objector(s) or voter(s) shall be informed of the reasons therefore. The PC Chairperson and ABTG staff shall work together to provide the objector(s) and negative voter(s) with the reason(s) for the non-persuasive votes.

**6.6** The objector(s) or negative voter(s) shall be informed in writing of the right to appeal, per Section 9, any procedural actions or inactions of the PC or ABTG Officers. The appeal must be filed in writing within 30 days from the date of the contested action.

**6.7** Objector(s) or negative voter(s) shall also be informed of the right to withdraw, in writing, their original objection or vote. The request to withdraw the objection or negative vote must be filed in writing within 30 days from the date of the contested action. Objections and negative votes that have not been withdrawn in writing by the objector or voter will be recorded as “outstanding negatives” and reported as such to ANSI.

**6.8** The PC membership shall be informed of the final outcome of all objections and negative votes.

## **7.0 REPORT OF RESULTS & EVIDENCE OF CONSENSUS**

**7.1** The voting results from the PC, pertaining to a particular document, shall be sent to the ABTG Officers. Each negative vote or objection not withdrawn prior to the submittal to the ABTG Officers shall include documentation of consideration given thereto, including letter of response and/or record of meeting to commenter. The ABTG Officers may elect to accept, table for further study, or have the document re-evaluated at the PC level.

**7.2** The Standards Administrator shall advise the ABTG Officers if consensus, as defined in these written procedures, was met. In addition, the Standards Administrator shall provide any evidence to the ABTG Officers that would help assist the Officers in determining whether the proposed standard is contrary to the public interest, contains unfair provisions, is unsuitable for national use, or is technically inadequate.

## **8.0 FINAL DISPOSITION**

**8.1** ABTG's Officers determine the final disposition of the ABTG consensus standard. The ABTG consensus standard shall be released upon the Officers' consideration of the following criteria:

**8.1.1** Due process requirements pertaining to objections were met and consensus was achieved, per the procedures presented herein and the Officers' recommendation.

**8.1.2** Due process requirements pertaining to the appeals process as provided in Section 9 were met and consensus was achieved, per the procedures presented herein and the Board of Appeal's recommendation.

**8.2** ABTG's Officers may further process the ABTG consensus standard by submitting it to the American National Standards Institute (ANSI) for approval as an American National Standard.

## **9.0 APPEALS**

Persons (PC members and public reviewers), who have directly and materially affected interests, and who have been or will be adversely affected by the proposed standard, shall have the right to appeal any procedural action or inaction by ABTG. Appeals shall be in accordance with the procedures outlined in this section.

### **9.1 BOARD OF APPEALS**

The Officers shall provide for at least three individuals to serve as a Board of Appeals. The selected individuals shall not have been directly involved in the dispute and shall not be materially affected by any decision made in this dispute. The appellant shall be notified in writing and given an opportunity to object to the composition of the Board of Appeals on grounds of claimed conflict of interest and to suggest one or more replacements in writing to the Officers. If the appellant and Officers cannot agree within 15 days on the final composition of the Board of Appeals, the determination of the Officers shall be final.

### **9.2 SUBMITTAL**

The appeal must be filed in writing, within 30 days from the date of the contested action, with ABTG. The appeal shall give a summary of the nature of the appeal, including any adverse effects, actions or inactions that are at issue, and the remedial action that would satisfy the appellant's concerns.

### **9.3 APPEAL HEARING**

ABTG shall schedule an appropriate appeals review during an ABTG Officer's meeting.

### **9.4 CONDUCT OF THE HEARING**

**9.4.1** The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action.

**9.4.2** ABTG has the burden of demonstrating that the PC and ABTG staff took all actions in compliance with these procedures, and that the requested remedial actions would be ineffective or detrimental.

**9.4.3** Each party may address other pertinent arguments, and members of the Board of Appeals may address questions to individuals. *Roberts Rules of Order* shall apply to questions of parliamentary procedures for the hearing.

### **9.5 ACTION**

The Board of Appeals shall review the matter and make the final decision regarding the appeal. Within ten (10) working days of the review or hearing, the Board of Appeals shall notify, in writing via certified mail, the appellant and the PC of its decision.

### **9.6 FURTHER APPEAL**

If the appellant is not satisfied with the appeal hearing and final decision of the Board of Appeals, the appellant may further appeal to ANSI. The appellant shall notify ABTG if further appeal to ANSI is intended, and ABTG staff shall submit a full record of the complaint, hearing, and final decision to ANSI.

## **10.0 MAINTENANCE AND INTERPRETATION OF ABTG STANDARDS**

### **10.1 PERIODIC MAINTENANCE**

**10.1.1** ABTG Standards shall be reaffirmed, revised, or withdrawn at intervals not to exceed five (5) years from the publication date of the standard.

**10.1.2** Requests for revisions to an ABTG Standard may be made by any person or organization and shall be made in writing to the Standards Administrator.

**10.1.3** Revisions and reaffirmations shall be conducted in accordance with these written procedures, *"Procedures for Documenting Consensus on ABTG Standards"* and with ANSI Procedures.

### **10.2 WITHDRAWALS**

In the event that an ABTG Standard in effect becomes obsolete, is no longer in demand, or is no longer appropriate for ABTG, the Officers shall determine the final disposition regarding the process of withdrawal. When withdrawal is approved for an ABTG Standard that is also an ANSI Standard, the Officers shall process the withdrawal in accordance with ANSI procedures.

#### **10.2.1 Administrative withdrawal**

The ABTG Standard shall be withdrawn five years following approval, if the standard has not been revised or reaffirmed, unless an extension has been granted by the ANSI ExSC or its designee. An American National Standard that has not been reaffirmed or revised within the five-year period, and that has been recommended for withdrawal by the ExSC or its designee, shall be withdrawn at the close of a 30-day public review notice in *"Standards Action."* American National Standards that have not been revised or reaffirmed within ten years from the date of their approval as an ANS shall be withdrawn and such action shall be announced in *"Standards Action."*

#### **10.2.2 Withdrawal by ANSI-Accredited Standards Developer**

If ABTG as an accredited standards developer wishes to withdraw its approval of the ABTG Standard, it may do so without a vote of the relevant consensus body. If this action is taken, ABTG shall notify ANSI immediately and the ABTG standard shall be withdrawn as an ANS and announced in *"Standards Action."*

### **10.2.3 Discontinuance of a standards project**

If ABTG as an accredited standards developer decides to discontinue or abandon the processing of a proposed new or revised ANS, or portion thereof, at its own discretion and without vote of the relevant consensus body, ABTG shall notify ANSI immediately and such actions will be announced in "*Standards Action.*"

An application for withdrawal may be submitted to the BSR by any materially interested party or ABTG.

### **10.3 INTERPRETATION**

Official interpretation of ABTG Standards and documents shall be made in writing only by ABTG. The ABTG Officers shall be responsible for developing written interpretations of the standard.

### **11.0 RECORDS**

ABTG staff shall be responsible for developing, recording, and maintaining all records. All records will be filed systematically and be readily accessible from ABTG.

**11.1** Records shall be maintained for periods as follows:

**11.1.1** Records concerning new, revised or reaffirmed American National Standards shall be retained for one complete standards cycle, or until the standard is revised or such longer period as the PC or Standards Administrator deems appropriate.

**11.1.2** Records concerning withdrawals of all American National Standards shall be retained for at least five years from the date of withdrawal or such longer period as the PC or Standards Administrator deems appropriate.

**11.2** Records shall include but not be limited to the following:

**11.2.1** Rosters of Committee members, their biographical summaries, and PC balance evaluations.

**11.2.2** Notice of meetings, agenda, exhibits, and meeting minutes.

**11.2.3** Correspondence, notice of standards activities, invitations to participate.

**11.2.4** Appeals resolutions.

**11.2.5** Interpretations.

**11.2.6** Ballots and tallies on standards.

**11.2.7** Resolution of conflicts from ballots on standards.

### **12.0 INCLUSION OF PATENTS**

If it is considered justified, for technical reasons, to include patented items within a standard, the procedures outlined in the *ANSI Patent Policy* (e.g., ANSI ER Section 3.1) shall be followed.

### **13.0 COMMERCIAL TERMS AND CONDITIONS**

The appearance that a standard endorses any particular products, services or companies shall be avoided. Standards developed according to this "*Procedures for Documenting Consensus on ABTG Standards*" shall adhere to the *ANSI Essential Requirements: Due process requirements for American National Standards* section related to Commercial Terms and Conditions (Section 3.2).

### **14.0 ANTITRUST POLICY**

American National Standards shall be developed in accordance with applicable antitrust and competition laws, and meetings amongst competitors to develop American National Standards are to be conducted in accordance with these laws.