



## **RVIA – STANDARDS DEVELOPMENT OPERATING PROCEDURES**

### **A.1 General**

These procedures constitute RVIA's process of developing evidence of consensus for the approval, reaffirmation, revision, or withdrawal and periodic maintenance of American National Standards (ANS).

In addition, and when applicable, all requirements of the latest version of the ANSI Essential Requirements not addressed herein shall be adhered to.

### **A.2 Development of canvass list**

**A.2.1** The standards developer shall develop a list of potential canvasees consisting of those organizations, companies, government agencies, standards developers, individuals, etc., known to be, or who have indicated that they are, directly and materially affected by the standard. The standards developer shall meet the ANSI Essential Requirements regarding Lack of Dominance and Balance. No individual shall represent more than one interest category.

Balance of the consensus body shall be sought out by the standards developer, with focus on the historical criteria for balance from 1.3 of the ANSI Essential Requirements that are a) no single interest category constitutes more than one-third of the membership of a consensus body dealing with safety-related standards or b) no single interest category constitutes a majority of the membership of a consensus body dealing with other than safety-related standards.

The interest categories appropriate to the development of consensus in any given standards activity are a function of the nature of the standards being developed. Interest categories shall be discretely defined, cover all materially affected parties and differentiate each category from the other categories. Such definitions shall be available upon request. In defining the interest categories appropriate to a standards activity, consideration shall be given to at least the following:

a) Producer:

An Individual that represents a company, or companies, that are directly involved in the manufacturing of the product(s) addressed by the standard(s). This category could include suppliers, manufacturers and trade association representatives.

b) User:

1. User-Consumer:

Where the standards activity in question deals with a consumer product, such as lawn mowers or aerosol sprays, an appropriate consumer participant's view is considered to be synonymous with that of the individual user – a person using goods and services rather than producing or selling them.

2. User-Industrial:

Where the standards activity in question deals with an industrial product, such as steel or insulation used in transformers, an appropriate user participant is the industrial user of the product

3. User-Government:

Where the standards activity in question is likely to result in a standard that may become the basis for government agency procurement, an appropriate user participant is the representative of that government agency.

4. User-Labor:

Where the standards activity in question deals with subjects of special interest to the American worker, such as products used in the workplace, an appropriate user participant is a representative of labor.

c) General Interest:

An individual that has knowledge of the product(s) addressed by the standard(s) and a good working relationship to the ANSI standards making process.

d) Independent Expert:

An individual that has knowledge of the product(s) addressed by the standard(s), but is not financially affiliated with a company.

e) Insurance:

An individual that represents an insurance company that insure the covered product(s) addressed by the standard(s).

f) Distributor:

An individual that distributes the product(s) addressed by the standard(s).

g) Government:

An individual from government (Federal, State, or local) that is directly involved in the regulation of products(s) addressed by the standard(s).

h) Testing/Listing:

An individual that represents a testing laboratory involved in the testing of the product(s) addressed by the standard(s).

Where appropriate, additional interest categories should be considered.

**A.2.2** In order to determine if potential canvasees are interested in participating, the standards developer shall conduct a pre-canvass interest survey, in which the standards developer informs the potential canvasees in writing about the use of RVIA's Process for developing evidence of consensus, and, if the potential canvasees are interested in participating, obtains an appropriate interest category classification. The letter shall contain the title, designation, scope, description of the standard along with the history of its development, purpose and intended application of the standard, and an explanation of the ANSI function. The time for response shall be at least 30 days from the date of the letter and shall be so noted in the letter. All those who have agreed to participate shall be included on the consensus body roster, together with their agreed-upon interest categories in accordance with ANSI Essential Requirements regarding Lack of Dominance and Balance. In addition, the affiliation and interest category of each member of the consensus body shall be made available to interested parties upon request.

Retain in records, all individuals who submitted written documentation that they do not wish to participate.

Once an interest survey has been completed for a standard, it need not be repeated for subsequent balloting of the document. In addition, the standards developer may conduct a single interest survey

for a group or category of standards. A canvasee who has indicated a desire to be on the standards developer's consensus body roster for a particular category or categories of standards shall receive the draft document(s), letter ballot(s), and all appropriate information pertaining to A.4.2 and A.5 of this document.

### **A.3 Announcement of canvass initiation**

Upon receipt of the standards developer's list of potential canvasees, RVIA may request that ANSI announce an initiation of canvass in *Standards Action* to elicit additional canvasees. This announcement shall include a statement that the consensus body roster is available upon request from the developer, or alternately, a URL address where an electronic version of the canvass list is posted.

The review period shall be thirty days from the date of publication. Any resulting proposals for addition to the consensus body roster shall be referred directly to the standards developer.

### **A.4 Conduct of canvass**

**A.4.1** The standards developer may begin to conduct the consensus body at any time after submittal of the list of potential canvasees to ANSI, but canvasees subsequently added to the consensus body roster shall have the same amount of time to respond as do the other canvasees.

**A.4.2** The standards developer shall transmit, at minimum, the following information to all canvasees and other interested parties unless the developer has previously supplied this information:

- a) the purpose and intended application of the standard;
- b) a brief history and explanation of how the standard was developed;
- c) an explanation of ANSI's function and the use of the canvass method in the voluntary consensus standards system;
- d) a copy of the consensus body roster, consisting of the name, affiliation, and category of interest of each canvasee;
- e) a copy of the complete proposed American National Standard or the relevant portion under consideration when the canvasee has previously received the complete standard;
- f) official letter ballot(s) to all canvasees.

Upon request, the standards developer shall provide to the canvasee a reasonable number of copies of the document being considered, to allow for a speedy determination of position by the canvasee. Should the document contain material that is not to be considered for approval as an American National Standard, such as an introduction or annex, a clear statement shall be included indicating those portions of the standard that are to be considered for approval by ANSI.

The ballot form used by the standards developer shall provide opportunity for the canvasee to indicate its position (i.e., approval, object (with reasons), or abstention with the advice that, in order to receive consideration, objections must be accompanied by supporting written reasons and, where possible, proposals for a solution to the problem raised. At least one follow-up shall be sent 10 days before ballot deadline to canvasses not responding. The canvass ballot may be closed at the end of thirty days or sooner if all canvasees have responded. An extension of up to thirty days shall be granted upon request from any canvasee giving a legitimate reason.

Those not on the consensus body roster who have a direct and material interest in the standard have an opportunity to participate in the review of the standard during the public review process, announced in *Standards Action*.

**A.4.3** Approval of a new standard, revision or reaffirmation of an existing standard, or an addendum to part or all of an existing standard shall require approval by at least a majority of the consensus body roster and at least two-thirds of those voting, excluding abstentions.

**A.4.4** Consensus is demonstrated, in part, by a vote of the consensus body. Such a vote shall be conducted and reported in accordance with the rules set forth herein. Votes for the approval of a document or portion thereof as a candidate ANS may be obtained by letter, fax or electronic means. All members of the consensus body shall have the opportunity to vote.

- a) RVIA shall not change a vote unless instructed to do so by the voter. If the change of vote was not submitted in writing by the voter, then written confirmation of such a vote change shall be provided to the voter by the developer. It is never appropriate for RVIA to inform voters that if they are not heard from, their negative vote will be considered withdrawn and their vote will be recorded as an abstention or an affirmative. All negative votes that are not changed at the request of the voter shall be recorded and reported to the BSR as outstanding negatives by RVIA which has not been granted the authority to designate its standards as American National Standards without approval by the BSR.
- b) RVIA shall record and consider all negative votes accompanied by any comments that are related to the proposal under consideration. This includes negative votes accompanied by comments concerning potential conflict or duplication of the draft standard with an existing American National Standard and negative votes accompanied by comments of a procedural or philosophical nature. These types of comments shall not be dismissed due to the fact that they do not necessarily provide alternative language or a specific remedy to the negative vote.
- c) RVIA is not required to consider negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments. The RVIA shall indicate conspicuously on the letter ballot that negative votes must be accompanied by comments related to the proposal and that votes unaccompanied by such comments will be recorded as “negative without comments” without further notice to the voter. If comments not related to the proposal are submitted with a negative vote, the comments shall be documented and considered in the same manner as submittal of a new proposal. If clear instruction is provided on the ballot, and a negative vote unaccompanied by comments related to the proposal is received notwithstanding, the vote may be counted as a “negative without comment” for the purposes of establishing a quorum and reporting to ANSI. However, such votes (i.e., negative vote without comment or negative vote accompanied by comments not related to the proposal) shall not be factored into the numerical requirements for consensus, unless the RVIA procedures state otherwise. The RVIA is not required to solicit any comments from the negative voter. The RVIA is not required to conduct a recirculation ballot of the negative vote. The RVIA is required to report the “no” vote as a “negative without comment” when making their final submittal to the BSR unless the RVIA has been granted the authority to designate its standards as American National Standards without approval by the BSR.
- d) The RVIA shall maintain records of evidence regarding any change of an original vote.

- e) For votes on membership and officer-related issues, the affirmative/negative/abstain method of voting shall be followed. Votes with regard to these issues need not be accompanied by reasons and need not be resolved or circulated to the consensus body.

**A.4.5** Views and objections resulting from the canvass (A.4.2 and A.4.3 above) shall be dealt with in accordance with clause A.6 of this document.

#### **A.5 Notification of standards development and coordination (PINS) (BSR-8)**

Notification of standards activity shall be announced in suitable media as appropriate to demonstrate the opportunity for participation by all directly and materially affected persons. At the initiation of a project to develop or revise an American National Standard, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in Standards Action. A statement shall be submitted and published as part of the PINS announcement that shall include:

- a) an explanation of the need for the project; including, if it is the case, a statement of intent to submit the standard for consideration as an ISO, IEC or ISO/IEC JTC-1 standard; and
- b) identification of the stakeholders (e.g., telecom, consumer, medical, environmental, etc.) likely to be directly impacted by the standard.

Developers are encouraged to consult any relevant international or regional guides that may impact the proposed standard. If the response to sub-section (b) changes substantively as the standard is developed, a revised PINS shall be submitted and published. A PINS form may be submitted, but is not required, at the initiation of a project to reaffirm or withdraw an American National Standard. Comments received in connection with a PINS announcement shall be handled in accordance with these procedures.

A PINS is not required for revisions of an American National Standard that is maintained under continuous maintenance and (1) is registered as such on the ANSI website, (2) has a notice in the standard that the standard is always open for comment and how to submit comments, and (3) has information on the developer's website that the standard is under continuous maintenance and how to submit comments. A PINS is also not required in connection with the decision to maintain an ANS under the stabilized maintenance option as outlined in the ANSI Essential Requirements.

If a developer receives written comments within 30 days from the publication date of a PINS announcement in 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 in Standards Action, a mandatory deliberation of representatives from the relevant stakeholder groups shall be held within 90 days from the comment deadline. Such a deliberation shall be organized by the developer and the commenter and shall be concluded before the developer may submit a draft standard for public review. If the deliberation does not take place within the 90-day period and the developer can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then the developer will be excused from compliance with this requirement. 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 is submitted to ANSI for approval.

In the case of ANSI Audited Designators, the Audited Designator shall provide a Deliberation Report to the commenter and to ANSI within 30 days after each deliberation. The Audited Designator shall review the results of the deliberation prior to designating a standard as an ANS.

While the outcome is not binding, unless binding provisions are agreed to by the developer, participants are encouraged to develop a consensus on whether and how the standards development project should proceed. *See* also 4.3 of the ANSI Essential Requirements.

In addition, proposals for new American National Standards and proposals to revise, reaffirm, or withdraw approval of existing American National Standards shall be transmitted to ANSI using the BSR-8 form, or its equivalent, for listing in Standards Action in order to provide an opportunity for public comment. The comment period shall be one of the following:

- a) A minimum of thirty days if the full text of the revision(s) can be published in Standards Action;
- b) A minimum of forty-five 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 Standards Action; or
- c) A minimum of sixty days, if neither of the aforementioned options is applicable.

Such listing may be requested at any stage in the development of the proposal, at the option of the standards developer, and may be concurrent with final balloting. However, any substantive change subsequently made in a proposed American National Standard requires listing of the change in Standards Action.

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, ANSI-Accredited Standards Developers 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.)

## **A.6 Consideration of views and objections**

Prompt consideration shall be given to the written views and objections of all participants, including those commenting on the PINS announcement or public comment listing in *Standards Action*. For recirculation of comments, a minimum period of not less than 30 days is required.

In connection with an objection articulated during a public comment period, or submitted in connection with a vote, an effort to resolve all expressed objections accompanied by comments

related to the proposal under consideration shall be made, and each objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefor. If resolution is not achieved, each such objector shall be informed in writing that an appeals process exists within procedures used by the standards developer. In addition, each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved (see definition) must be reported to the ANSI BSR.

In connection with comments that are not related to the proposal(s) under consideration and submitted during a public comment period, or submitted in connection with a vote, each objector shall be advised in writing (including electronic communications) that these will be classified as new proposals and held for the next revision by the standards developer.

When the process is completed in accordance with the written procedures of the standards developer, the standards developer may consider any comments received subsequent to the closing of the public review and comment period, or shall consider them in the same manner as a new proposal. Timely comments that are not related to the proposal under consideration shall be documented and considered in the same manner as submittal of a new proposal. The submitter of the comments shall be notified.

Each unresolved objection, attempt at resolution and any substantive change made in a proposed American National Standard 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.

#### **A.6.1 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:

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

#### **A.7 Submittal of standard (BSR-9)**

Upon completion of the procedures for canvass, for disposition of views and objections, and for appeals, the proposed standard may be submitted to ANSI for approval, using the latest version of BSR-9. Final submittal shall be made within one year from the close of public review. The information to be supplied to ANSI shall be in accordance with the ANSI Essential Requirements 4.2.1.1 Criteria for approval of an American National Standard.

#### **A.8 Appeals**

##### **A.8.1 Appeals at the standards developer level**

Persons who have directly and materially affected interests and who have been or will be adversely affected by any procedural action or inaction by a standards developer with regard to the development of a proposed American National Standard or the revision, reaffirmation, or withdrawal of an existing American National Standard, have the right to appeal. Procedural complaints include whether a technical issue was afforded due process. The burden of proof to show adverse effect shall be on the appellant. In addition persons who have not been allowed to participate on the consensus body may also have the right to appeal. Appeals of actions shall be made within reasonable time limits; appeals of inactions may be made at any time. Appeals shall be

directed to the standards developer responsible for the action or inaction in accordance with the appeals procedures of the standards developer.

### **A.8.2 Complaint**

The appellant shall file a written complaint with the secretariat within thirty days after the date of notification of action or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the clause(s) of these procedures or the standard that is at issue, actions or inactions that are at issue, and the specific remedial action(s) that would satisfy the appellant's concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

### **A.8.3 Response**

Within thirty days after receipt of the complaint, the respondent (chair or secretariat representative) shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

### **A.8.4 Hearing**

If the appellant and the respondent are unable to resolve the written complaint informally in a manner consistent with these procedures, the secretariat shall schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least ten working days notice.

### **A.8.5 Appeals panel**

The appeals panel shall consist of three individuals who have not been directly involved in the matter in dispute, and who will not be materially or directly affected by any decision made or to be made in the dispute. At least two members shall be acceptable to the appellant and at least two shall be acceptable to the respondent.

### **A.8.6 Conduct of the hearing**

The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The respondent has the burden of demonstrating that the consensus body and the secretariat took all actions in compliance with these procedures and that the requested remedial action would be ineffective or detrimental. Each party may adduce other pertinent arguments, and members of the appeals panel may address questions to individuals. Robert's Rules of Order (latest edition) shall apply to questions of parliamentary procedure for the hearing.

### **A.8.7 Decision**

The appeals panel shall render its decision in writing within thirty days, stating findings of fact and conclusions, with reasons therefor, based on a preponderance of the evidence presented to the appeals panel. Consideration shall be given to the following positions, among others, in formulating the decision:

- a) Finding for the appellant, remanding the action to the consensus body or the secretariat with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;

- b) Finding for the respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections;
- c) Finding that new, substantive evidence has been introduced, and remanding the entire action to the consensus body or the secretariat for appropriate reconsideration.

### **A.9 Requests for interpretation of standards**

The standards developer shall not provide interpretations.

### **A.10 Parliamentary procedures**

On questions of parliamentary procedure not covered in these procedures, *Robert's Rules of Order* (latest edition) may be used to expedite due process.

### **A.11 Metric Policy**

The standards developer shall not require the use of International Systems of Units (SI) or other metric units of measurement; however, such metric units of measurement may be included along with English standard units of measurement optionally, as deemed desirable.

### **A.12 Evidence of compliance**

ANSI-accredited standards developers shall retain records to demonstrate compliance with all aspects of these and the developer's accredited procedures. Such records shall be available for audit as directed by the ANSI Executive Standards Council (ExCS).

Records shall be retained for one complete standards cycle, or until the standard is revised.

Records concerning withdrawals of all American National Standards shall be retained for at least five years from the date of withdrawal or for a duration consistent with the audit schedule, whichever is longer.

### **A.13 Patent Policy**

The standards developer shall meet the ANSI Essential Requirements patent policy regarding the inclusion of patents in ANS. Also, the standards developer will refer to the ANSI guidelines for implementation of the ANSI patent policy.

#### **A.13.1 Commercial terms and conditions**

The standards developer shall meet the ANSI Essential Requirements regarding commercial terms and conditions.

### **A.14 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.

## **A.15 Definitions**

The standards developer shall use the definitions identified in Annex A of the ANSI Essential Requirements, when those terms are used in these procedures.

## **A.16 Criteria for Withdrawal**

**A.16.1** The standards developer shall meet the ANSI Essential Requirements Criteria for Withdrawal regarding the withdrawal of an American National Standard.

**A.16.2** To withdraw a standard the Senior Director of Standards will obtain approval from the Vice President of Standards who will in turn seek final approval from the Chairman of the Standards Steering Committee.

**A.16.3** Written notification of withdrawal of a standard will be immediately sent to ANSI.

## **A.17 Discontinuance of Standards Project**

**A.17.1** The standards developer shall meet the ANSI Essential Requirements for Discontinuance of a standards project.

**A.17.2** To discontinue a standard the Senior Director of Standards will obtain approval from the Vice President of Standards who will in turn seek final approval from the Chairman of the Standards Steering Committee.

**A.17.3** Written notification to discontinue a standard will be immediately sent to ANSI.

## **A.18 Publication of American National Standard**

Upon receiving final approval from the ANSI Board of Standards Review all standards shall be published in accordance with the ANSI Essential Requirements.

### **A.18.1 Reaffirmation**

If a standard is being reaffirmed then it shall be in accordance with the ANSI Essential Requirements 4.2.1.2. The designation of the ANSI approval shall clearly indicate reaffirmation by including in the designation the original year-date of approval following in parenthesis the year of reaffirmation [i.e. “ANSI/ABC 123-2000 (R2005)”].

The Origin and Development section located in the foreword of the standard shall be updated with the minimum as follows:

The \_\_\_\_\_ Canvass voted to reaffirm the current \_\_\_\_\_ (year) \_\_\_\_\_ edition, and publish it as a \_\_\_\_\_ (year) \_\_\_\_\_ edition. Therefore, this edition contains no substantive changes to the main text of the standard. All nonsubstantive changes in the main text of the standard are noted as follows:

## **A.19 Periodic Maintenance of American National Standards**

The Standards developer shall meet the ANSI Essential Requirements relating to the Maintenance of American National Standards. Periodic maintenance is defined as 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.

\* “Approval” as an ANS refers to an action to approve a new document or reaffirm or revise an existing ANS.

**A.20 Normative American National Standards Administrative Procedures.**

The Standards developer shall meet the ANSI Essential Requirements, Section 4.0, regarding normative ANS Administrative procedures.