

BIFMA International - Procedures for canvass development process of standards development

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1.0 General

These procedures constitute the canvass process of developing evidence of consensus for the approval, reaffirmation, revision, or withdrawal of American National Standards. In addition, BIFMA International will comply with the current edition of the ANSI Essential Requirements. In the event of conflict, the ANSI Essential Requirements shall supersede these procedures.

2.0 Development of canvass list

2.1 BIFMA International 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. BIFMA shall meet the requirements in Section 1.2 of the current edition of the ANSI Essential Requirements regarding lack of dominance. No individual shall represent more than one canvasee.

2.2 In order to determine if potential canvasees are interested in participating, BIFMA shall conduct a pre-canvass interest survey, in which BIFMA informs the potential canvasees in writing about the use of the canvass process for developing evidence of consensus, and, if the potential canvasees are interested in participating, obtains an appropriate interest and 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 and process. The time for response shall be at least 30 days from the date of the letter and shall be so noted in the letter. BIFMA shall retain a copy of the letter, the list of potential canvasees contacted, and the proposed canvass list. All those who have agreed to participate shall be included on the canvass list (consensus body), together with their agreed-upon interest categories in accordance with Sections 1.2 (Lack of dominance) and 1.3 (Balance) of the current edition of the ANSI Essential Requirements. BIFMA will strive for a goal such that no single interest category shall constitute a majority of the membership of a consensus body. For safety-related standards, BIFMA will strive for a goal such that no single interest category constitutes more than one-third of the membership of the consensus body. Outreach may be required in order to achieve balance. In addition, the affiliation¹ and interest category of each member of the canvass list (consensus body) shall be made available to interested parties upon request.

BIFMA may use the following four categories for balance:

- a. Producer/Manufacturer – an organization or company directly involved with the production of the item or items covered by the proposed standard. Manufacturers Trade Associations are also included in this category.
- b. Engineering & Testing/Standards User – an organization or individual specializing in

¹ Affiliation refers to the entity that the canvass list (consensus body) member represents which may or may not be that person's employer. If the canvass list (consensus body) member is serving in an individual capacity, then the name of the individual, that person's employer and interest category should be available. Contact information is not required.

product testing and experienced in testing of products covered by the proposed standard. Certification agencies and organizations or individuals performing product development and engineering functions only (not production) fall into this category.

c. Supply Chain – raw material providers, component producers, contract manufacturers, or any person or organization not employed directly by the Producer/Manufacturer; yet a participant in the transformation of natural resources into a finished product that is delivered to the end customer.

d. General Interest – any person or organization with an interest in the product covered by the proposed standard that isn't identified in the other categories. This category may include: Specifiers, Professional Societies, Distributors/Retailers, Customers, Academia, Consultants, and Government Agencies.

Once an interest survey has been completed for a standard, it need not be repeated for subsequent balloting of the document. In addition, BIFMA may conduct a single interest survey for a group or category of standards. A canvasee who has indicated a desire to be on BIFMA's canvass list for a particular category or categories of standards shall receive the draft document(s), letter ballot(s), and all appropriate information pertaining to Section 4: Conduct of canvass, and Section 5: Disposition of views and objections.

3.0 Announcement of canvass initiation

BIFMA will use the Initiation of the Canvass section of ANSI *Standards Action* to solicit additional canvasees. This announcement shall include a statement that the canvass list is available upon request. The review period of the proposed standard shall be 30 days from the date of publication of ANSI *Standards Action*.

BIFMA may also use news releases, the BIFMA newsletter, and the BIFMA website as means of soliciting additional canvasees.

4.0 Conduct of canvass

4.1 BIFMA may begin to conduct the canvass at any time after submittal of the notice of intent to canvass to ANSI. Canvasees subsequently added to the canvass list shall have the same amount of time to respond as do the other canvasees. Newly added canvasees will be encouraged to meet the original deadline established for the canvass.

4.2 BIFMA shall transmit, at minimum, the following information to all canvasees and other interested parties so requesting:

- 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 process in the voluntary consensus standards system;

- d) a copy of the canvass list, 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, BIFMA shall provide to the canvasee a reasonable number of copies of the document being considered, to allow for a prompt 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 BIFMA shall provide opportunity for the canvasee to indicate its position (i.e., affirmative, affirmative with comment, negative with reasons, or abstention) along 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 letter or email message shall be sent to canvasees not responding approximately 15 days before the close of the canvass period. The canvass ballot may be closed at the end of thirty (30) days, or sooner if all canvasees have responded. An extension may be granted upon request from any canvasee giving a legitimate reason.

Those not on the canvass list 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 ANSI *Standards Action*.

4.3 Proposals for new American National Standards and proposals to revise, reaffirm, or withdraw existing American National Standards shall be transmitted to ANSI for listing in *Standards Action* for comment. BIFMA shall determine whether such listing shall be concurrent with the canvass and whether announcement of the proposed action in other suitable media is appropriate.

4.4 Views and objections resulting from the canvass (4.2 and 4.3) shall be dealt with in accordance with clause 5.0.

5.0 Disposition of views and objections

Prompt consideration shall be given to the written views and objections of all participants, including those commenting on either the PINS (Project Initiation Notice System) announcement or public comment listing in *Standards Action*.

5.1 PINS announcement comments

If BIFMA 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 BIFMA 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 such a 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 BIFMA 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 BIFMA 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.

While the outcome is not binding, participants are encouraged to develop a consensus on whether and how the standards development project should proceed.

5.2 Public review and consensus body comments

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 shall be made, and each objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefore. If resolution is not achieved, the 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 must be reported to the ANSI Board of Standards Review.

When this process is completed in accordance with the written procedures of the standards developer, BIFMA may consider any comments received subsequent to the closing of the public review and comment period at the next review.

Unresolved objections, attempts 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 an opportunity to respond, reaffirm, or change their vote within four weeks. Substantive changes shall be submitted to the ANSI public review process.

6.0 Determination of Consensus

The criteria for consensus is a majority of the consensus body cast a vote (counting abstentions) and at least two-thirds of those voting approve (not counting abstentions).

7.0 Appeals

Persons who have directly and materially affected interests and who have been or will be adversely affected by a standard within the secretariat's (BIFMA's) jurisdiction, or by the lack thereof, shall have the right to appeal procedural actions or in-actions of the secretariat. Appeals shall only be considered when due process provided in these procedures has been exhausted. Appeals will be considered only on procedural issues. Technical issues are not appealable and will not be considered. Procedural appeals can include whether or not a technical issue that was specifically identified during the ballot and/or public review periods was afforded due process.

7.1 Complaint

The appellant shall file a written complaint with the secretariat within fifteen (15) 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 are at issue, actions or in-actions that are at issue, and the specific remedial action(s) that would satisfy the appellant's concerns. Previous efforts to resolve the objection(s) of the appellant and the outcome of each shall be noted.

7.2 Response

Within thirty (30) days after receipt of the complaint, the secretariat (BIFMA) representative shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the responding person's knowledge.

7.3 Hearing

If the appellant and the responding person are unable to resolve the written complaint informally in a manner consistent with these procedures, the secretariat (BIFMA) shall schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least ten working days notice. The hearing shall be held no later than sixty (60) days after the secretariat (BIFMA) has received the complaint from the appellant. If the appellant cannot attend in person within this time frame, the hearing shall be conducted by teleconference and if the appellant is not available for a teleconference, the appeal will be handled by correspondence.

7.4 Appeals panel

The appeals panel shall consist of three individuals who have not been directly involved in the matter in dispute, who will not be materially or directly affected by any decision made or to be made in the dispute, and who are appointed by BIFMA International. At least two of the members shall be acceptable to the appellant, which acceptance shall not be unreasonably withheld. If appellant does not accept at least two members of the panel within thirty (30) days, then the panel appointed by BIFMA shall hold the hearing.

7.5 Conduct of the hearing

The appellant has the burden of demonstrating adverse effects, improper actions or in-actions, and the efficacy of the requested remedial action. The respondent has the burden of demonstrating that 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 not covered herein.

7.6 Decision

The appeals panel shall render its decision in writing within thirty (30) days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision:

- a) Finding for the appellant, remanding the action to 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 secretariat for appropriate reconsideration.

7.7 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.

7.8 Expenses

BIFMA International will charge a \$500.00 fee for handling any appeal request. BIFMA will consider written requests to waive this fee. Appellants should submit that request for waiver along with the appeal request.

7.9 Reporting

A summary of the nature of the appeal, and the decision and rationale thereof, shall be reported to the consensus body (canvass list) for the particular standard involved in the appeal and to ANSI.

8.0 Requests for interpretation of standards

The current Director of Technical Services will be responsible for interpretations of the technical content of ANSI/BIFMA approved standards.

Requests for written interpretations must be accompanied by a letter from the requesting party on their company letterhead. Requests are to be sent to the Director of Technical Services.

The Director of Technical Services may consult with members of the BIFMA Engineering Standards Committee before issuing a formal interpretation. Interpretation questions may be reviewed by the BIFMA Engineering Standards Committee. Interpretation questions will be limited to the current edition of the ANSI/BIFMA or BIFMA standard.

If an individual requesting a formal interpretation has met the criteria above, a letter will be written to that individual explaining the part of the standard that the individual is not clear about. A copy of the letter will be kept by the Director of Technical Services.

9.0 Record Retention

BIFMA will retain electronic files of all documents and records concerning the development of a standard version until at least two subsequent versions of the document have been approved by ANSI and released for public use. Documents and records include meeting minutes, correspondence, ballots, canvass comments, vote tallies, etc.

In the case of a standard that is no longer actively maintained, records will be retained for at least 10 years after the standard has been formally withdrawn.

BIFMA will permanently retain a hard copy of every BIFMA standard publication.

10.0 Commercial Terms and Conditions

BIFMA will comply with the current ANSI Commercial Terms and Conditions Policy per ANSI Essential Requirements.

11.0 Patent Policy

BIFMA will comply with the ANSI Patent Policy Section 3.1 of the current edition of the ANSI Essential Requirements for all of our American National Standards.

12.0 Metric Units of Measurement

BIFMA will use Metric units in ANSI/BIFMA and BIFMA standards. The metric units will be used for but not limited to such values as: Weights, Mass, Force, Temperature, and Velocity.

The metric units will be stated in the text of the standard, with the US (inch/pound) units shown following and in parentheses. Example: "A force of 890 N (200 lbf.) shall be applied for one (1) minute."

BIFMA supports the use of the Metric dimensions and units of measure to promote harmonization of standards worldwide. BIFMA encourages our membership to use metric dimensions and units in product descriptions.

13.0 Criteria for Withdrawal or Discontinuance of a Standards Project

BIFMA will comply with the current ANSI Criteria for Withdrawal (includes criteria for Discontinuance) per ANSI Essential Requirements.

Requests for withdrawal of a BIFMA standard shall be submitted to the BIFMA Engineering Committee for approval. Upon approval by the Committee, the Director of Technical Services shall notify ANSI in writing (email is acceptable) of the plans for withdrawal.

Requests for discontinuance of a standards project shall be determined by the Director of Technical Services. The Director of Technical Services shall notify ANSI in writing (email is acceptable) of the plan to discontinue a project.

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