



National Fenestration Rating Council Incorporated

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ANSI Standards Committee Procedures Manual

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PREPARED BY:

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FOREWORD

National Fenestration Rating Council, Incorporated (NFRC) develops and administers comparative energy and related rating programs to serve the public and satisfy the needs of its private sector partners by providing fair, accurate, credible, and user-friendly information on fenestration energy performance. NFRC members consist of representatives from fenestration product manufacturers, major trade organizations, state energy offices, research organizations, utilities, specifiers, builders, testing laboratories, energy consultants, and public interest groups.

NFRC is an American National Standard Institute (ANSI) Accredited Standards Developer (ASD). As an ANSI ASD, NFRC is required to submit for public review and comment in accordance with the ANSI required procedures any NFRC document that NFRC wishes to become an ANSI Standard as well as any amendments or modifications it proposes to make to an NFRC document that is an ANSI Standard. In order to comply with ANSI's requirements, NFRC has established as a standing committee designated as the "ANS Standards Committee" (Standards Committee), comprised of a variety of interested stakeholders. The Standards Committee is responsible for implementing the consensus process required for adoption or modification of an ANSI Standard and performing such other duties as NFRC's Board of Directors may request.

The composition of the Standards Committee and the procedures for its operation are set forth in Section 5.7.2 of NFRC 710--Operating Policies Manual (OPM). This Manual of Procedures summarizes and supplements the requirements of the OPM and provides specific guidance on the procedures and rules for the operation of the Standards Committee. In the event of any conflict between the terms of this Manual of Procedures and the OPM, the OPM provisions shall prevail.

1. Role of Standards Committee

The Standards Committee is responsible for the adoption and revisions to NFRC ANSI Standards to ensure the ANSI consensus process is followed.

2. Composition of the Standards Committee

A. The following are the general categories (Membership Categories) of interested stakeholders who comprise the Standards Committee. These Membership Categories may be interpreted and revised as deemed appropriate by NFRC's Board of Directors. The goal of NFRC is that each category have approximately one-third (and no more than half) of the membership of the Standards Committee.

- *Producer*: this category includes manufacturers and vendors of fenestration products or components, organizations that represent fenestration industry interests, third party fenestration inspection and accreditation agencies, test and simulation laboratories, and similar parties with interests in fenestration issues;
- *User*: this category includes consumers and consumer advocacy organizations, utilities and other energy service providers, architects, specifiers and design professionals, builders and other construction contractors, and similar parties with interests in fenestration issues;
- *General Interest*: this category includes institutions of higher learning and research, federal, state or local governments, energy or building code offices, not-for profit organizations that promote energy efficiency or conservation, standards developers involved in energy efficiency and performance, and any other interested party not included in the other categories.

B. If the member's employment or organizational affiliation changes in such a manner that the member no longer meets the criteria for his/her Membership Category, the member shall promptly notify the Staff Representative. The [Board of Directors] [Chair] of the Standard Committee may then elect to do any of the following with respect to such member:

- Allow the member to continue in his/her current Membership Category for the remainder of his/her present term or for some other period, or
- Appoint the member to a new Membership Category consistent with his/her current employment or affiliation, or
- Terminate his/her membership on the Standards Committee.

In making that decision, the [Board/Chair] shall take into account the effect of decision on the desired balance of stakeholders' interest on the Standard Committee.

3. Selection of Members

The Board shall select the members of the Standards Committee based on a review of applications submitted by individuals interested in serving on the Standards Committee. The form of the application and any amendments shall be approved by the Board and shall require applicants to identify their direct and material interests in the work of the Standards Committee and their relevant professional employment, interests, and affiliations. Members of the Standards Committee may be removed by the Board for cause. Cause may include failing to return a ballot on three consecutive proposals submitted to the committee for a vote, failure to attend three consecutive committee meetings, failure to fully disclose relevant relationships in the application form relating to

potential sources of bias and conflict of interest, and repeated failure to comply with the rules of conduct established for the Standards Committee.

4. Officers

- A. The Board of Directors will appoint a Chair and Vice Chair of the Standards Committee from among the current Board members or ex-officio Board members. The Chair and Vice Chair shall serve in those positions for as long as they are members of the NFRC Board or are removed by the Board.
- B. The Chair shall be the executive officer of the Standards Committee and shall preside at all meetings of the Standards Committee and shall perform such duties and exercise such other powers as prescribed by the Standards Committee or the Board of Directors.
- C. The Committee Vice Chair shall, in the absence of the Chair, perform the duties and exercise the powers of the Chair, and shall perform such other duties and exercise such other powers as the Standards Committee or the Board may prescribe. The Chair and Vice Chair presiding over a Committee, have the responsibility to ensure that these standards development procedures are followed and that the meetings are conducted in a fair and efficient manner. [The Chair and Vice Chair should remain neutral in all discussions and should not attempt to influence decisions based on his/her leadership positions.]
- D. A member of NFRC's staff shall be designated as "Staff Representative" and shall provide administrative support to the Committee and its operations.

5. Task Groups

- A. The Chair may appoint ad hoc task groups or working groups comprised of members of the Standards Committee to address particular issues and to assist in the resolution of negative ballots cast on proposals for the adoption, revision, or withdrawal of an ANSI Standard. The task groups and working groups may also include other individuals who are not members of the Standard Committee. Task groups shall report their findings to the Chair.
- B. The Chair shall appoint a chair person for each such task group and working group and shall assign the group's responsibilities, including development of the content of a Proposal, assisting the Standards Committee in responding to view and objections raised with respect to a Proposal, conduct research, or otherwise serving in an advisory function.
- C. The Chair of the task group or working group shall notify the Chair and Staff Representative of all meetings of the groups and the actions and deliberations of such groups.

6. Term

Members selected to serve on the Standards Committee will serve for a term of three years or such other term as may be designated by the Board of Directors from time to time.

7. NFRC Support

NFRC shall be responsible for providing the following support services to the Standards Committee:

- A. Oversee the Standard Committee's compliance with Section 5.7 of the Operating Policies Manual, including obtaining legal review, as necessary;

- B. Maintain a current roster of the members of the Standards Committee, documenting the classification of each committee member;
- C. Maintain NFRC's accreditation as an ASD in accordance with ANSI requirements;
- D. Maintain rosters of all task groups and working groups;
- E. Submit drafts of American National Standards, approved by Standards Committee and Board of Directors with supporting documentation, for ANSI review and approval as American National Standards;
- F. Ensure adherence to periodic maintenance of ANSI Standards to include taking action to revise, reaffirm, or withdraw a document as an American National Standard by the fourth year of its approval or other applicable time frame;
- G. Maintain all records pertaining to the Standards Committee;
- H. Provide administrative support and secretarial services, as necessary, for the Standard Committee;
- I. Publish approved ANSI Standards and revisions; and
- J. Perform other functions as required.

8. Records

Materials associated with the development of an ANSI Standard (including revisions, reaffirmations, and withdrawals) shall be retained for one complete ANSI standards cycle or until the standard is revised. Records regarding the withdrawal of all ANSI Standards shall be retained for at least five years from the date of withdrawal.

9. Participation by Members

Standards Committee members shall actively participate in the activities of the Standards Committee, including commenting and voting on proposals submitted to the Standards Committee for action, assisting in the resolution of all comments properly submitted on such proposals, and in the efficient administration of the Standards Committee's activities. The Board of Directors shall have the right to remove any Standards Committee member for cause, including failure to return ballots on three consecutive proposals submitted for the vote of the Standards Committee members, failure to attend three consecutive Standards Committee meetings, and failure to return 75% of the ballots within any 12 month period. The Staff Representative shall notify voting members who fail to return two letter ballots or fail to attend two consecutive meetings that they are subject to removal if that failure continues. Members may also resign upon written notice to the Chair and the Staff Representative.

Staff will email Standards Committee members, requesting immediate return of the ballot, to all members who have not voted 10 days prior to the ballot closing.

10. Professional Conduct of Members

Members are expected to participate in the deliberations and voting of the Standards Committee in an ethical manner and shall avoid improper conflicts of interest. Each member is expected to give thorough consideration to each subject brought before the Standards Committee, to vote on Proposals, to contribute expertise for the preparation and publication of ANSI Standards and other materials produced by the Standards Committee, to recommend personnel for membership on the Main Body, and to assist generally in carrying on the functions of the Standards Committee. Such duties will be carried out by attendance at Standards Committee meetings and by returning Standards

Committee ballots. Each member will be expected to carry out these responsibilities in all Standards Committee activities. The ballots and actions taken by members of the Standards Committee shall be deemed their own acts and in no way shall be deemed to commit or bind their employers or organizational affiliates.

11. Confidentiality of Proceedings

Standards Committee meetings are open to the public, both for observation and participation. However, to provide an atmosphere conducive to candid discussions and to prevent premature and misleading inferences, members and guests are specifically prohibited from publishing, quoting, announcing, or distributing to the public through any means, any discussions, statements, drafts, or other preliminary or informal material used in the committee's work that was gathered as part of participating in a Standards Committee meeting. Violation of this prohibition can be grounds for removal from membership in the Standards Committee or the withdrawal of the right to attend and observe meetings of the Standards Committee. Participation in the meeting by a non-member of the Standards Committee shall require the consent of the Chair. The Chair at any time may convert a meeting into executive session and only members, the Staff Representative, and legal counsel may be present at such executive sessions.

12. Meetings, Quorum, and Voting

- A. NFRC shall provide to the Standards Committee a written proposal (Proposal) describing any proposal for adoption, revision, or withdrawal of a standard and a written ballot for vote by the Standards Committee. The Proposal shall include a notice of the date, time, and place of any meeting of the Standards Committee to discuss the Proposal.
- B. Any meeting of the Standards Committee to discuss a Proposal shall be scheduled no fewer than five business days after the Proposal is distributed by NFRC and the meeting shall be conducted so that any Standards Committee member may participate by conference call. The ballot on the Proposal shall be completed and returned by Standards Committee members within 45 days after the Standards Committee meeting is conducted or, if no meeting is conducted, within 45 days after the Proposal and ballot was distributed to the Standards Committee members. Balloting on Proposals may be done electronically utilizing a process adopted by NFRC for such balloting.
- C. When recorded votes are taken on a Proposal at a Standards Committee meeting, members who are absent shall be given a reasonable opportunity to vote before the meeting or within a time period after the meeting stipulated by the Chair. Any member of the Standards Committee voting at a Standards Committee meeting may submit written comments in support of his/her vote. Any Proposal circulated following a vote at a Standards Committee meeting shall include all written comments provided at that meeting and all written comments provided after that meeting and prior to the circulation of the Proposal. Following balloting on a Proposal, the results of the balloting and all written comments by members provided in connection with the balloting of that Proposal shall be distributed to the Standards Committee members. All members of the Standards Committee shall then be entitled to change their votes on the Proposal within a time period and pursuant to a process stipulated by NFRC. NFRC shall then calculate the final vote on the Proposal and notify the Standards Committee members of the result.
- D. Meetings of the Standards Committee shall be conducted on an as needed basis. Meetings of the Standards Committee may be called at the request of the

Chair, the Board of Directors, or at least two-thirds of members of the Standards Committee. All meetings of the Standards Committee shall be at a location selected by NFRC and any member shall be entitled to attend the meeting by conference call or webcast.

13. Notification

All meetings of the Standards Committee shall be announced through e-mail communications to the Standards Committee members and shall be posted to the NFRC Website no fewer than 30 calendar days prior to the meeting date. Special exceptions to the notice periods to call meetings may be made by the Chair for extraordinary circumstances on an as-needed basis. In such events, notice of the meeting shall be provided as soon as practicable. A draft agenda for the Standards Committee meeting shall be prepared and distributed with the meeting notice.

14. Minutes

The Staff Representative shall prepare minutes of all meetings of the Standards Committee. The minutes shall include:

- Date(s), type of meeting (i.e. webcast, conference call, face-to-face), location, and the name of the person taking the notes of the meeting
- Attendance list
- Approved agenda
- Identification of matters discussed and their status
- Identification of corrections/additions made to previous meeting record
- Agreements reached at the meeting
- Action items indicating responsible party and due date
- Copies of presentations made during the meeting or a reference to where the documentation is available

15. Parliamentary Procedures

For any procedural issues not covered under these procedures, *Robert's Rules of Order* (latest edition) shall apply on questions of parliamentary procedure.

16. Proxy

A Standards Committee member may be represented by a proxy at a Standards Committee meeting. A signed statement from the member not in attendance authorizing another Standards Committee member in the same membership category to use a proxy to vote for the absent member with respect to matters presented at that meeting shall be provided to the Chair or the Staff Representative at or prior to the meeting.

17. Public Review and Comment

Concurrently with the consideration of a Proposal by the Standards Committee pursuant to Section 12 above, NFRC shall provide public notice of an opportunity for any interested persons or organizations to comment on the Proposal. All comments from this public review process shall be submitted in writing (in a form stipulated by NFRC) and directed to the Chair of the Standards Committee within the time periods authorized under the applicable provisions of the current version of ANSI Essential Requirements. Comments shall include the specific objections or proposed changes to the Proposal

being requested and a detailed explanation supporting that objection or proposed change.

18. Vote

- A. Standards Committee members shall vote on the balloted Proposals as follows:
- Affirmative
 - Affirmative with comment
 - Negative, with reasons (the reasons shall be provided in detail and, if applicable, shall identify specific wording or actions that would resolve the negative) or
 - Abstain
- B. Votes by the Standards Committee on matters other than Proposals shall be limited to Affirmative, Negative, or Abstain and need not be accompanied with comments or reasons for the vote and any reasons or comments submitted need not be resolved or circulated to the Standards Committee members; and
- C. Each member of the Standards Committee shall have one vote.

19. Ballot Results

Affirmative ballots from a majority of the total Standards Committee membership and from at least two-thirds of all Standards Committee members voting on the Proposal (excluding from such calculation all abstentions) shall be required to approve any Proposal. Any other matters submitted to the Standards Committee for approval shall require a simple majority of all votes cast by the Standards Committee members.

20. Consideration of Negative Ballots and Public Comments

- A. Negative votes accompanied by comments or explanations on the Proposal received in the ballots cast by Standards Committee members and comments properly submitted in writing from the public shall be referred to the Standards Committee Chair for prompt review and action. The Standards Committee Chair shall not be required to consider negative votes accompanied by comments that are not related to the Proposal or negative votes that are submitted without written comments or explanation in the required format.
- B. Negative ballots and comments on a Proposal shall be resolved through one of the following means: (i) resolution by communication between the Standards Committee Chair or one or more designated representatives of the Chair and the submitter of such vote or comment; (ii) vote of the Standards Committee; or (iii) at the election of the Board of Directors by vote of the Board of Directors or of a designated committee of the Board of Directors. Any substantive changes to a previously balloted Proposal that are deemed necessary to properly accommodate or resolve any persuasive negative comments may, at the election of the Board of Directors, be approved by the Board of Directors or by a designated committee of the Board.
- C. All negative ballots with comments or comments from the public, including any unresolved objections and information describing all attempts at resolution of those objections, that are not resolved in accordance with the foregoing process shall then be resubmitted to the Standards Committee for a vote by written ballot and to the public for comment (in accordance with the procedures described

above) in order to afford the Standards Committee members the opportunity to respond, reaffirm, or change their votes.

- D. Standards Committee members shall have a period designated by NFRC (but not fewer than 20 days) to complete this revised balloting. The results of that revised balloting shall then be determined in accordance with the procedures set forth above, including any rebaloting required to resolve negative comments.
- E. The Standards Committee Chair shall advise in writing all persons submitting negative votes with comments and comments through the public review process of the action of the Standards Committee on the negative vote, and in the case of negative comments that were not accepted or resolved, shall explain the technical or procedural reason that such negative comments were not accepted or resolved. Persons submitting negative votes with comments that were not accepted or resolved shall also be notified in writing that they have the right to appeal any action or inaction relating to the Proposal that such person believes was technically or procedurally incorrect in accordance with the appeal procedures described in Section 22. All unresolved negative comments and related information required by ANSI shall be reported to ANSI in accordance with ANSI's procedures.
- F. Proposed changes to Proposals that are deemed editorial by the Chair may be made without additional approval from the Standards Committee.

21. Ratification by Board of Directors

Any Proposal adopted by the Standards Committee in accordance with the foregoing process shall then be submitted to the Board of Directors for final approval, along with a report of the unresolved negative comments and information describing the efforts to resolve these comments.

22. Appeals

Persons who have directly and materially affected interests in any Proposal or in the abandonment of an NFRC ANSI Standard or portion thereof and who have been or will be adversely affected by any failure by NFRC to follow the required due process procedures for the consideration of such matter (Appellant) shall have the appeal rights set forth in the NFRC 710 -- Operating Policies Manual.