



Pool & Hot Tub Alliance (PHTA) Procedures for American National Standards

(Approved by ANSI on December 1, 2023 | Replaces Previous Procedures Dated February 22, 2023)

FINAL VERSION

The Pool & Hot Tub Alliance (PHTA) - (hereafter referred to as the Secretariat) will follow the established Standards Development Policies and Procedures (hereafter referred to as Procedures) when developing standards as American National Standards (hereafter referred to as ANS). These requirements are defined in the American National Standards Institute (ANSI) *Essential Requirements: Due Process Requirements for American National Standards*. Where PHTA is silent on an issue, the ANSI *Essential Requirements* will be the precedent document. All references to the ANSI *Essential Requirements* within this document are to the most current version.

1.0 General

These procedures meet the requirements for due process and development of consensus for approval of ANS as required in the ANSI *Essential Requirements: Due Process Requirements for American National Standards*.

1.1 Scope

These procedures shall govern the activities of the Standards Consensus Committee consensus body (hereafter referred to as SCC) and the Secretariat, Pool & Hot Tub Alliance (PHTA), and their respective roles (see Section 2.0), as it relates to the development, reaffirmation, revision, and withdrawal of American National Standards for projects, including, but not limited to the design, construction and installation of swimming pools, hot tubs, spas or other aquatic venues, and related equipment, components, and processes.

1.1.1 When submitting standards for American National Standards Institute (ANSI) approval, the Secretariat will submit all required ANSI forms [or their equivalent] and comply with all required ANSI administrative practices in accordance with the ANSI *Essential Requirements: Due process requirements for American National Standards*.

2.0 Notification of Standard Development and Coordination

New Project or Revision of Existing Project: After approval of creation of a new standard by majority vote of the PHTA Board of Directors (BOD) or a revision of an existing standard by the Technical Advisory Council (TAC), the TAC Chair will alert PHTA staff that action needs to be taken on a specific standard by sending a notification email. This email will serve as the trigger for the Secretariat to submit to ANSI a Project

Initiation Notification System (PINS) form which shall include all relevant material required by ANSI as outlined in the ANSI *Essential Requirements*. The Secretariat shall announce in suitable media as appropriate, including the PHTA website, to inform directly and materially interested parties. The Secretariat shall transmit to ANSI using the PINS form, or its equivalent, for announcement in ANSI's publication *Standards Action*. The comment period for the PINS form is thirty (30) calendar days.

Project Reaffirmation or Withdrawal: The TAC, and only the TAC, will approve the reaffirmation of a standard. The BOD, and only the BOD, will approve the withdrawal of a standard by a majority vote. A PINS form may be submitted, but is not required, at the initiation of a project to reaffirm or withdraw a standard.

2.1 PINS Form

A PINS form is not required for revisions of an ANS 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 to PHTA SCC, and (3) has information on the PHTA's website that the standard is under continuous maintenance and how to submit comments.

2.2 Comments Indicating Possible Duplication or Conflicts

2.2.1 If PHTA receives written comments within thirty (30) calendar days from the publication date of a PINS announcement in *Standards Action* and said comments asserts 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 *Standards Action*, PHTA will comply with clause 2.5 of the ANSI *Essential Requirements*.

2.2.2 The outcome of a PINS deliberation shall be conveyed in writing (the "Deliberation Report") within thirty (30) calendar days after the conclusion of the deliberation by the developer to the commenter and to ANSI. PHTA will comply with clause 2.5 of ANSI *Essential Requirements*.

3.0 Public Review and Comments

3.1 Proposals for a new ANS and proposals for revision, reaffirmation, or withdrawal of an ANS shall be transmitted to ANSI using a BSR-8/108 form for listing in the *Standards Action* in order to provide opportunity for public comment.

The comment period shall be one of the following:

- a) A minimum of thirty (30) calendar days if the full text of the revision(s) can be published in *Standards Action*; or,
- b) A minimum of forty-five (45) calendar days if the document is available in an electronic format, published on the PHTA website, or deliverable within one day of a request, and the source from which it can be obtained by the public is provided to ANSI for announcement in the *Standards Action*.

3.2 All written views and objections that are received from Public Review commenters shall be handled in accordance with Section 6.1.

4.0 Organization

The PHTA standards program shall consist of the PHTA, serving as the Secretariat, the PHTA Standard Writing Committees (SWCs), the TAC of the PHTA Board of Directors and the PHTA Standards Consensus Committee (SCC) serving as the ANSI voting consensus body. The SCC should be sufficiently diverse to ensure reasonable balance without dominance by one particular interest category, individual or organization in accordance with the ANSI *Essential Requirements*. The PHTA will strive for balance of all interested and affected parties giving them an opportunity to participate in the development of ANSI-approved PHTA standards. By adhering to ANSI's due process of openness, balance and consensus, PHTA standards will serve to protect the public.

4.1 Standard Writing Committees (SWCs)

The PHTA Standard Writing Committees (SWCs) are responsible for drafting the content of an ANS. SWCs complete reviews and submit proposed drafts or revisions to the SCC for review and approval. The SWCs may consist of PHTA member and non-member volunteers. The SWC is responsible for responding to all written views and objections on the draft content of an ANS.

4.1.1 Continuous Maintenance

If the TAC decides that a standard is appropriate for continuous maintenance, the published standard shall include a clear statement of the intent to consider requests for change and information on the submittal of such requests. The PHTA website shall also include this statement and information. No portion of the standard shall be excluded from the revision process.

- a)** Revisions to a standard, or reports that no revisions have been made to a standard, under continuous maintenance will be published at least every two years and made publicly available. In the event that no revisions are approved for a period of ten years, and the ANS has not been reaffirmed, the ANSI approval automatically expires on the tenth anniversary date of its approval as an ANS.
- b)** Each request for change will be considered by the SCC within one year of the date received through the voting procedures contained herein (Section 5.0) using consensus ballots. The Secretariat will confirm receipt of a proposal by a commenter in writing and notify the commenter of the schedule.
- c)** The SCC shall respond to each request for change in writing, with one of the following:
 - 1. Accept proposed change for public review as submitted;
 - 2. Accept proposed change for public review as modified;
 - 3. Designate proposed change for further study;
 - 4. Reject proposed change as non-persuasive; or

5. Reject proposed change as non-germane to standard.

- d) If the proposed change is designated for further study, the SCC shall reconsider it within one year.
- e) The submitter of the change request shall be notified in writing of the SCC action, and reasons thereof, within 90 days of the action.
- f) Requests for change accepted for public review will be subject to PHTA Public Review followed by (a) review and resolution of comments and objections, (b) recirculation ballot(s) for unresolved negatives and substantive changes, and finally (c) submittal to ANSI. The actions of the SCC and the public review determine the content of the standard; not ANSI nor the Secretariat, PHTA.

4.2 Technical Advisory Council of the Board (TAC) - The TAC will appoint members to a SWC and designate a SWC Chair and Vice Chair.

4.2.1 For standards under periodic maintenance, after completion of the draft of a new or revised standard by the SWC, the draft or revision is introduced into the PHTA consensus process for development as an American National Standard. The draft is subject to ballot and comment by the SCC and ANSI Public Review followed by (a) review and resolution of comments and objections, (b) recirculation ballot(s) for unresolved negatives and substantive changes, and finally (c) submittal to ANSI. The actions of the SCC and the public review determine the content of the standard; not ANSI nor the Secretariat, PHTA.

4.3 Standards Consensus Committee (SCC)

The Standards Consensus Committee (SCC) shall be responsible for the consensus review of all ANS work products including the approval, maintenance, revision, and reaffirmation, of an ANS. The activities of the SCC shall be performed in accordance with this Standards Development Policy and Procedures and the ANSI *Essential Requirements: Due Process requirements for American National Standards*.

4.3.1 Responsibilities of the SCC:

- a) Provide consensus review of the development, approval, maintenance, revision, and reaffirmation, of PHTA's ANS standards.
- b) Provide review and final approval of all interpretations of standards following SWC review.

4.3.2 Responsibilities of the Secretariat:

- a) Oversee the SCC's, TAC's and SWCs' compliance with ANSI procedure.
- b) Maintain a roster of the SCC and a list of standards for which the SCC is responsible.

- c) Provide staff to perform administrative work, including preparation of meeting notices and the handling of meeting arrangements; preparation and distribution of meeting agendas, minutes, ballots, and draft standards; and maintenance of adequate records.
- d) Submit candidate standards approved by the SCC, with supporting documentation, for ANSI review and approval as American National Standards.
- e) Perform other administrative functions as required by these procedures.
- f) Provide a written agreement to ANSI defining explicit division of these responsibilities if composed of more than one organization (i.e., co-secretariats).

4.3.3 Responsibilities of the Technical Advisory Council (TAC) of the Board (BOD):

- a) Create and appoint members to all SWCs.
- b) Approve the continuous maintenance process of standards.
- c) Approve discontinuance of a project.
- d) Approve substantive revisions of PHTA Procedures for American National Standards and/or SCC interest categories.
- e) Approve submission to ANSI of change of SCC's scope.

4.3.3.1 Discontinuance of a Project

- a) The Secretariat shall be permitted to abandon the processing of a proposed new or revised standard or portion thereof if the TAC approves such an action. PHTA will notify ANSI immediately of such actions which will be announced in *Standards Action*.
- b) Discontinuance of a project after the PINS announcement shall be handled in accordance with these Procedures.
- c) The Secretariat shall determine whether announcement for such an action in suitable media is appropriate.
- d) A written justification for such an action shall be made available upon receipt of any written request received by the Secretariat within sixty (60) calendar days of the date of the final action. Objectors shall be informed that appeals of such actions shall be made to the PHTA SCC based on procedural noncompliance.

4.4 Membership of SCC

Membership on the SCC shall consist of interested parties such as organizations, companies, government agencies, individuals, consumers, and academia having

a direct and material interest in the activities of the PHTA. The membership of the SCC shall be sufficiently diverse to ensure reasonable balance without dominance by any one single interest category, individual or organization. Voting membership on the SCC shall not be conditional upon PHTA membership, nor unreasonably restricted on the basis of technical qualifications.

4.5 Notification of SCC

Notification of SCC formation shall be announced in suitable media as appropriate, including *Standards Action*, and the PHTA trade publications and newsletters, and the PHTA website, to provide communications for directly and materially interested parties.

4.6 Application to SCC

Individuals seeking membership on the SCC shall submit a written request to the Secretariat indicating their interest in the work of the committee and their qualifications, willingness to participate actively and perform the duties of the SCC. Applicants shall identify their interest category (See Section 4.8) and affiliations which might affect their classification.

4.6.1 Process

Submitted applications shall be considered by the SCC which shall accept or reject applications. Rejected applicants shall have the right to appeal in accordance with Section 8. In reviewing applications, the SCC shall consider the following:

- a) Need for active participation by members of each interest group
- b) Balance and potential for dominance by members of a single interest group
- c) Extent of interest expressed by the applicant and willingness to participate
- d) Qualifications and ability to materially contribute to the SCC

4.7 Committee Member Appointments and Balance

Participation from diverse interest categories shall be sought with the objective of achieving balance. PHTA's criteria for balance is that 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 non-safety-related standards.

4.7.1 The SCC is responsible for appointing a Chair and Vice Chair.

4.7.2 Additional members shall be appointed by the SCC under Section 4.6. Approval of new members and designation of their interest categories by a majority of the consensus body members is required.

4.7.3 Term

An SCC voting member will serve a five-year term renewable for one additional term for a maximum of 10 consecutive years. An extension of an SCC member's term past 10 years may be granted at the discretion of the TAC and approval by the SCC.

4.8 Interest Categories:

Producer: Manufacturer, builder, or installer of swimming pools, spas, swim spas and hot tubs or components.

User-Government: Federal, state, or local regulatory agencies or departments for public safety or others who have responsibility of regulating or monitoring swimming pools, spas, swim spas, or hot tubs.

User-Consumer: Any individual/entity that uses swimming pools, spas, swim spas and hot tubs or components. This includes but is not limited to homeowners, owners or operators of, or service professionals engaged with swimming pools, spas, swim spas, or hot tubs, or members of consumer and public safety advocate organizations.

General Interest: An entity or individual with expertise in swimming pools, but neither produces nor uses them directly. This category includes but is not limited to consultants, academia, insurance companies, testing laboratories (that test or certify pool and spa components against standards), public interest organizations and "not-for-profits" having an interest in pools, spas/hot tubs.

Note: If a consultant is participating on behalf of an entity in another interest category (e.g., producer, government), then they would be classified as that interest category rather than as general interest.

4.9 Membership Roster

The Secretariat shall maintain the roster of the SCC and shall post it on the website. The roster shall include:

- a) Title of the SCC.
- b) Secretariat: Name of organization and address(es).
- c) Officers: Chair and Vice Chair.
- d) Members: name of person and organization or agency.
- e) Interest category of each member.
- f) Tally of interest categories: total of voting members and subtotals for each interest category.

4.10 Officers of Standards Consensus Committee

- a) The officers of the SCC shall be a Chair, and a Vice Chair.
- b) The SCC shall appoint a Chair and Vice-Chair from the members of the SCC. Each will serve three-year appointments renewable for one

additional term for a maximum of a six-year term. The Vice Chair shall carry out the Chair's duties if the Chair is temporarily unable to do so.

4.11 Duties of SCC Officers shall be to:

- a) Prepare an agenda for SCC meetings and preside over those meetings.
- b) Authorize subgroups and Chair, subject to approval of the SCC.
- c) Form subgroups and assign tasks as appropriate.

4.12 The duties of the Vice-Chair shall be to:

- a) Assist the Chair in the discharge of his or her duties.
- b) Assume the duties of the Chair when he/she is unavailable or unable to act.
- c) Carry out assignments made by the Chair.

4.13 The duties of the PHTA staff liaison shall be to:

- a) Act as Secretariat liaison to SCC.
- b) Publish approved, revised, and/or reaffirmed standards.
- c) Maintain, update, and distribute the SCC rosters.
- d) Record and distribute the minutes of all SCC meetings.
- e) Conduct ballots when required.
- f) Oversee compliance of the ANSI *Essential Requirements*.
- g) Maintain, distribute, and ensure compliance with Standards Development Policies and Procedures.
- h) Receive applications for SCC membership.
- i) Assume a role in the appointment of the members.
- j) Maintain all necessary records pertaining to the committee and subgroup activities.
- k) Provide administrative support related to the SCC as appropriate.
- l) Develop, adopt, implement, maintain, revise, and withdraw policies and procedures as required by ANSI.
- m) Perform other functions that may be materially necessary to the standards process.

4.14 Review of SCC Membership

The Secretariat shall review the consensus body membership list with respect to the criteria of balance and interest categories. Members are expected to fulfill their obligations of active participation. Where a member is found in habitual default of these obligations, the Secretariat shall direct the matter to the SCC Chair or Vice-Chair for appropriate action, which may include termination of membership to the consensus body.

4.14.1 Removal of SCC Membership

Committee members will be subject to removal upon any of the following:

- a) Failure to actively participate in the SCC proceedings or responsibilities (Unexcused).
- b) Failure to return 2 consecutive ballots (Unexcused).
- c) Failure to attend 2 consecutive meetings (including conference calls and internet-based meetings) (Unexcused).
- d) Failure to respond to all communication attempts by the SCC officers or staff.
- e) Recommendation of Removal from SCC – The Secretariat or the SCC may recommend removal of a committee member for not abiding by the committee guidelines on professional behavior and decorum.

4.14.2 Change or Termination of Membership Status on SCC

4.14.2.1 SCC members must notify the PHTA staff within thirty (30) calendar days of any changes in employment affecting representation or interest category to the committee or consensus body and must submit a new application if continued membership on the SCC is desired.

4.14.2.2 SCC members resigning membership from the committee must tender a written resignation to PHTA staff giving the effective date and reason for resignation.

4.15 Meetings of the SCC

Meetings of the SCC shall be open to the public. Invitees shall make their interest known to the Secretariat and officers of the SCC. The SCC shall meet when necessary to conduct the business of the committee. The Chair may find it necessary to call for additional meetings. Meetings may be conducted in person, by teleconference, virtually, or combinations thereof.

4.15.1 The SCC Secretariat shall issue a meeting notice to all members specifying the date, time, and place of meetings at least thirty (30) calendar days in advance for in-person meetings and no less than five (5) calendar days for teleconference and virtual meetings (if not regularly scheduled).

4.15.2 The SCC Secretariat shall develop an agenda for each meeting and forward it to the Chair and Vice Chair for their approval for SCC distribution prior to the meeting. The PHTA Secretariat will subsequently communicate the meeting agenda to all members at least five (5) calendar days in advance of the meeting. PHTA will strive to provide an agenda thirty (30) calendar days before a face-to-face meeting and fifteen (15) calendar days before a teleconference or virtual meeting.

4.15.3 Each member is expected to be in attendance. When a face-to-face meeting is held, teleconference capabilities should be included for anyone who cannot attend in person. PHTA staff shall maintain records of attendance.

4.15.4 The PHTA staff shall record the minutes of meetings and distribute the draft copy to all members within thirty (30) calendar days. The minutes of each meeting shall contain the date of the meeting; a list of members attending; the time the meeting opened and its location; approval of previous minutes, if appropriate; action items; and the time the meeting adjourned.

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

4.15.6 Minutes shall require approval by a majority vote of SCC members present at a meeting.

4.15.7 Attendance of an SCC meeting by interested parties as observers shall be permitted. Participation by any observers shall be at the discretion of the Chair. The Chair shall also have the authority to exclude an observer who has engaged in disruptive behavior.

4.16 Subgroups Created by the SCC

4.16.1 When one or more subgroups (subcommittees, working groups, etc.,) are formed to expedite the work of the SCC consensus body, their formation (and later disbandment) requires approval by a majority of the SCC and appropriate public notice. The scope and duties delegated to the subgroup shall be approved at the time it is formed, and subsequent changes in scope or duties shall also require approval by the SCC. The charge to the subgroup shall clearly state how it is responsible for assisting the consensus body (e.g. reviewing all or a portion of a standard, drafting responses to comments, drafting positions on international standards, or other purely advisory functions).

4.16.2 Chairperson and members of subgroups

Members of a subgroup shall be appointed by the SCC Chair including a Chair or Vice Chair of a subgroup.

- a) Assignment(s) to the subgroup shall be made by the SCC Chair. The subgroup's responsibilities may include, among other activities, the review of the content of a standard, assisting the SCC in responding to views and objections, assisting with interpretation of a standard, conducting research, or serving in an advisory function.
- b) The Chair of the subgroup shall notify the Chair of the SCC of all meetings, specifying the date, time, and place of meetings and of the activities of the meetings.

4.16.3 Approval of standards

Draft standards and any substantive change (as defined in the ANSI *Essential Requirements*) shall be referred to the SCC for approval and subject to ANSI Public Review.

4.17 Communications

Correspondence of SCC's officers and committee members representing the SCC should be on PHTA SCC letterhead or, if by electronic means not in the format of a letter or memorandum, it must be clear that they are communicating in their role as an officer of the SCC or as a committee member of the SCC.

4.17.1 Formal internal communication

If correspondence (by letterhead or electronic means) between subcommittees or between working groups of different subcommittees involves issues or decisions (i.e., non-routine matters) affecting other subcommittees, copies shall be sent to all affected subcommittee chairs, the Secretariat, and the consensus body officers.

- a) All official SCC correspondence, including meeting notices, agendas, reports, and ballots, shall be distributed by the PHTA staff.
- b) Copies of all other correspondence between SCC members, relating to PHTA standards activities, shall be forwarded to the PHTA staff.

4.17.2 External communication

Inquiries relating to the SCC should be directed to the Committee and Secretariat, as well as committee members. All replies to inquiries shall be made through the Secretariat within thirty (30) calendar days.

- a) General inquiries relating to the SCC and to ANS shall be directed to the Chair. Committee members should refer individuals who contact them regarding activities of the SCC to the Chair.
- b) The SCC may designate a member(s) to correspond to external parties on its behalf. All external official ANS correspondence must be approved by the SCC and distributed by the Chair.

4.17.3 Requests for interpretation of standards

Written inquiries requesting interpretation of PHTA's approved American National Standards shall be responded to in accordance with the SCC's Interpretation Policy (See Section 9). Revisions to the standard resulting from requests for interpretations shall be processed in accordance with these procedures.

4.18 Quorum

Participation at an in-person meeting, via teleconference, or virtually of a simple majority (51%) of the members of the SCC shall constitute a quorum for

conducting business at a meeting. If a quorum is not present, any final actions shall only be achieved subject to subsequent consensus ballot.

5.0 Voting

Consensus ballots will be used by the SCC for approval, revision, reaffirmation, or substantive changes to an ANS and/or a candidate ANS. All members of the SCC shall have the opportunity to vote within the deadline. When recorded votes are taken at meetings, members who are absent shall be given the opportunity to vote before or after the meeting. Consensus ballots may be initiated by the SCC Chair, or by a majority of members present at a meeting. Votes may be obtained by letter, recorded votes at a meeting or electronic means. All members will be given the right to vote on ANS-related actions regardless of attendance at meetings.

5.1 Vote

Except in regard to votes on membership and officer-related issues, each member shall vote one of the following positions:

- a) Affirmative.
- b) Affirmative, with comment(s); Comments(s) shall be considered editorial.
- c) Negative, with reasons. Reasons for a negative ballot shall be given and, if possible, should include specific wording on recommended action(s) to resolve objections. A negative ballot that is not accompanied by a written explanation shall be recorded as such and no further action shall be required; or
- d) Abstain, with reason(s). An abstention ballot that is not accompanied by a written explanation shall be recorded as such, and no further action shall be required.

For votes on membership and officer-related issues, the yes/no/abstain method of voting shall be followed.

5.1.1 Single vote

No representative or organization/company shall have more than one vote.

5.1.2 Voting period

The voting period is fifteen (15) calendar days for standard approval action ballots conducted electronically. An extension may be granted after the Secretariat consults with the SCC Chair and Vice Chair.

A follow-up communication (including letter and/or e-mail) requesting immediate return of the ballot shall be sent, as appropriate, to members and alternate members whose votes have not been received.

5.2 Actions requiring approval by a majority

The following actions require approval by a majority of the membership of the consensus body either at a meeting or by letter ballot:

- a) Confirmation of officers appointed by the Secretariat.

- b) Formation of a subgroup, including its procedures, scope, and duties.
- c) Disbandment of subgroups.
- d) Addition of new consensus body members and designation of their interest categories.

5.3 Actions requiring approval by two-thirds (2/3) vote

The following actions require a consensus ballot or an equivalent formal recorded vote with approval by at least a majority of the membership and at least two-thirds (2/3) of those voting, excluding abstentions:

- a) Approval of a new standard or reaffirmation of an existing one.
- b) Approval of revision or addendum to part or all of a standard.

5.4 Authorization of letter ballots

Letter balloting may take place electronically, by facsimile and/or by postal mail. A letter ballot shall be authorized by any of the following:

- a) Majority vote of those present at a SCC body meeting.
- b) The Chair.
- c) The Secretariat.
- d) Petition of the majority of the SCC.

5.5 Proxy Votes

Proxies are not permitted.

6.0 Disposition of Views and Objections

6.1 Processing of Public Review Comments

Prompt consideration will be given to all written views and objections resulting from the public review announcement in *Standards Action*. The objection shall be reviewed with the commenter and efforts shall be made to resolve the objection. All comments received during the public review period shall be considered by the SWC and/or the Secretariat. Each commenter shall be notified, in writing, of the decisions regarding the resolution and disposition of their comments, and the reasons thereof. All unresolved objectors will be informed in writing of their right to appeal (see Section 8.0).

6.1.1 Comments not technical in nature or not related to the matters being offered for public review shall be ruled non-germane.

6.1.2 Comments ruled non-persuasive or non-germane shall be considered resolved if, within 10 calendar days of receiving a notification, the commenter does not respond in writing indicating that he or she wishes to have the comment reported to ANSI as unresolved. PHTA will comply with Section 6.1 of its procedures in responding to public review commenters when it receives public review comments.

6.1.3 If an item has had prior discussion, i.e., substantially the same comment is repeated that was previously made on the same issue within the same revision cycle of a particular standard, it shall not be necessary to reconsider it unless new information has been introduced. If no new information is submitted, the previous decision of the consensus body standard committee shall stand, and the negative voters shall be so advised.

6.1.4 Comments received after the public review period has closed shall be considered in the same manner as new proposals for the next revision cycle.

6.2 Processing of Negative Votes

Upon close of balloting, prompt consideration will be given to all written views and objections from SCC members with negative votes. The objection shall be reviewed with the voter and efforts shall be made to resolve the objection. All comments received during the SCC ballot period shall be considered by the SWC and each negative voter shall be notified, in writing, of the SWC's decisions regarding the resolution and disposition of their comments, and the reasons thereof. The SWC may review the negative vote with the voter at a meeting of the SCC, consensus body or a subgroup, in efforts to resolve the negative vote. All unresolved objectors will be informed in writing of their right to appeal (see Section 8.0).

6.2.1 Comments not related to the matters being offered for public review shall be ruled non-germane.

6.2.2 Provided that the ballot so instructs, negative votes which are not accompanied by reasons/comments shall be counted and recorded as "negative without reasons" and no further resolution shall be required. The vote shall count for the purposes of establishing the minimum consensus ballot returns.

6.2.3 An attempt to resolve all negative votes with reasons shall be made and dispositioned by the SWC Chair and/or the Secretariat by taking one or more of the following actions:

a) Attempt to resolve the negative vote directly with the voter and have the negative vote changed to affirmative or abstain.
NOTE: Only the negative voter can withdraw his or her negative vote and revise it to affirmative or abstain.

b) Rule the negative vote non-persuasive if the reasons for the vote have previously been considered and not accepted by the SWC. Such decision shall be supported by committee records.
NOTE: A negative vote that has been ruled non-persuasive shall not be counted as affirmative unless the negative voter revises his or her vote to affirmative.

c) Rule the negative vote non-germane if:

- i. it is not accompanied by supporting reasons; or
- ii. the supporting reasons are not relevant to the items being balloted.

d) Refer the negative vote to the SWC if the particular reasons for the vote have not previously been considered by the committee, or if the vote has not been dispositioned in accordance with Items (a) to (c).

6.2.4 Comments ruled non-persuasive or non-germane shall be considered addressed if, within 10 calendar days of receiving a notification, the negative voter does not respond in writing indicating that he or she wishes to have the comment reported to ANSI as unresolved. PHTA will comply with Section 6.2 of its procedures in responding to SCC negative votes when it receives negative votes.

6.2.5 For negative votes referred by the SWC Chair and/or the Secretariat, the SWC may rule that:

- a) The negative vote is persuasive and should be accepted. In this event, the change(s) to the standard shall be approved through a new ballot or a recorded vote at a meeting; and with the concurrence of the voter in writing, the vote shall be reclassified as affirmative.
- b) The negative vote is persuasive but should be considered as future business. In this case, with the concurrence of the voter in writing, the vote shall be reclassified as affirmative.
- c) The negative vote is non-persuasive. The reasons for this decision shall be documented.

6.2.6 When a negative vote is ruled non-germane or non-persuasive, the negative voter shall be notified, in writing, of the action, supporting rationale, and the right to appeal (see Section 8.0).

6.2.7 If an item has had prior discussion, i.e., substantially the same comment is repeated that was previously made on the same issue within the same revision cycle of a particular standard, it shall not be necessary to reconsider it unless new information has been introduced. If no new information is submitted, the previous decision of the consensus body standard committee shall stand, and the negative voters shall be so advised.

6.2.8 Late Votes

Negative votes submitted after the closing date of a ballot (including authorized extensions) should be considered new business and not delay the publication of the standard, unless the SWC Chair and/or the Secretariat decide otherwise.

6.2.9 If comments not related to the proposal are submitted, the comments shall be documented and considered for the next revision cycle. However, such votes (i.e., negative vote without reasons/comments

or negative vote accompanied by reasons/comments not related to the proposal) shall not be factored into the numerical requirements for consensus. The SCC is not required to solicit any reasons/comments from a negative voter. The SCC is not required to conduct a recirculation ballot of a negative vote submitted without reasons/comments or with reasons/comments not related to the proposal.

- 6.3** Each objection and negative vote submitted by a public review objector and/or a voting member of the consensus body which is not resolved must be reported to the ANSI BSR. Unresolved objections, attempts at resolution and any substantive change made in a proposed standard shall be reported to the SCC within thirty (30) calendar days in order to afford all voting members of the consensus body an opportunity to respond, reaffirm, or change their vote.
- a) If in the process of a review, the SCC determines that substantive changes are required, the revised provision shall be re-circulated and listed for public review.
- 6.4** When the above process is completed, in accordance with the procedures of the SCC, the SCC may consider any comments received subsequent to the closing of the public review and comment period or consider them in the same manner as a new proposal for that revision.
- 6.5** In cases of objections to any issue not covered in 5.2 and 5.3, the Secretariat shall defer the matter to the SCC Chair for resolution.
- 6.6 Report of Final Results** – The final result of the SCC voting shall be reported, by interest category, to the SCC. It shall include:
- a) Number of voting members voting affirmatively.
- b) Number of voting members voting negatively with reasons.
- c) Number of voting members voting negatively without reasons.
- d) Number of voting members abstaining.
- e) Number of voting members not returning ballots.

7.0 Publication

Standards approved as an ANS, shall be published no later than six (6) months after approval. A request for an extension of this deadline may be filed with ANSI. PHTA shall publish the standard or grant the right of publication to ANSI.

8.0 Appeals Procedure

All unresolved objectors, including public review objectors, shall be notified of their right to appeal. The notification of the right to appeal shall inform any unresolved objector that they have the right to appeal on procedural issues and the procedures relating to an appeal.

8.1 Policy

Parties who are directly and materially interested in and who have been or will be adversely affected by any procedural action or inaction with regard to the development of a proposed American National Standard (ANS) or the revision, reaffirmation, or withdrawal of an existing ANS, shall have the right to appeal. There is no recourse for an appeal on a technical basis. Appeals shall only be considered when due process provided in these Procedures has been exhausted.

8.2 Complaint

The appellant shall file a written complaint with the SCC Chair within fifteen (15) calendar days after the date of notification of action or at any time with respect to inaction. The appeal shall state the nature of the objection(s), including any adverse effects; the section(s) of these Procedures or the standard that are at issue; actions or inactions that are at issue; and the specific remedial action(s) that would satisfy the appellant's concerns; as well as previous efforts to resolve the objection(s), and the outcome of each. The appellant has the responsibility of demonstrating adverse effects.

8.3 Response

After receipt of the complaint, the SCC Chair shall respond in writing to the appellant, in an effort to resolve the complaint through an informal process. A written response to the appellant will occur within thirty (30) calendar days. Otherwise, the appellant will be advised as to the reason for a delay and the SCC Chair will provide an estimated date of the completion of the response.

8.4 Hearing

If the appellant and the SCC Chair are unable to resolve the written complaint informally in a manner consistent with these Procedures, the appellant must request a hearing with an appeals panel within 15 calendar days. The SCC Chair shall then initiate formation of an appeals panel. A hearing will be scheduled with an appeals panel on a date agreeable to all participants, giving at least fifteen (15) calendar days' notice.

8.5 Appeals Panel

The appeals panel shall be appointed by the SCC Chair. 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. The appellant must be notified of the panel's composition and given the opportunity to object to the composition of the panel. The members of the appeals panel shall select a Chair from among their membership. The appeals panel shall be charged with determining whether the appellant received due process and proper procedures were followed in addressing the appellant's objections.

8.6 Conduct of the Hearing

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

PHTA Standards Department shall act as respondent to the complaint before the appeals panel. The respondent has the burden of demonstrating that the SCC and PHTA took all actions in compliance with these procedures. Each party may present 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.

8.7 Decision

The appeals panel shall render its decision in writing within thirty (30) calendar days of the hearing, to the SCC Chair presenting the findings of facts and conclusions, with reasons therefore, citing the evidence. The SCC Chair shall notify the appellant in writing within thirty (30) calendar days of receipt of the decision from the appeals panel. The findings may include the following:

- a) Finding for the appellant, giving specific issues and facts in regard to which actions or inactions were not taken, with subsequent remanding the action to the SCC or PHTA.
- b) Finding for the SCC or PHTA, that all actions or inactions were taken in compliance with these procedures; and
- c) Finding that new, substantive evidence has been introduced and remanding the entire action to the SCC for appropriate reconsideration.

9.0 Interpretation Procedure

9.1 General

Formal interpretations are for the purpose of providing a clarification of the meaning or intent of the language or the technical content of the published standard.

9.1.1 Limitations

A statement, written or oral, that is not processed in accordance with Section 9.2 of these procedures shall not be considered the official position of the PHTA or any of its standards committees and shall not be considered to be, nor be relied upon as, a formal interpretation.

NOTE: This formal interpretation procedure does not prevent any Chair, Member, or the Secretariat from expressing a personal opinion on the meaning or intent of the PHTA standards committee on any provision of any such document, provided that: **(a)** the person rendering the opinion orally or in writing clearly states that the opinion is personal and does not necessarily represent the position of the SCC, SWC or PHTA and may not be considered to be or relied upon as such; and **(b)** written opinions are rendered only in response to written requests and a copy of the request and the response is sent to the Secretariat.

9.1.2 Reasons for Not Processing

A request for a formal interpretation shall not be processed if it:

- a) Involves a determination of compliance or certification of a design, installation, or product or equivalent of determination.

- b) Involves a review of plans or specifications or requires judgment or knowledge that can only be acquired as a result of on-site inspection.
- c) Involves text that clearly and decisively provides the requested information.
- d) Involves subjects that were not previously considered by the SWC, SCC or that are not addressed in the standard.

9.2 Process

9.2.1 All requests for interpretation or clarification shall be submitted in writing to the Secretariat for review before action by any SWC. The Secretariat shall issue an interim acknowledgment of the inquiry.

9.2.2 Simple requests for information about a standard shall be answered by the Secretariat, in consultation with the relevant SWC or SWC Chair, as appropriate.

9.2.3 Other requests shall be forwarded by the Secretariat to the Chair of the SWC subgroup that developed the standard. The SWC Chair or Vice Chair shall appoint an ad hoc advisory group to draft a recommended response for review by the SWC. If that SWC subgroup or its successor is no longer active, the Secretariat shall request members or former members of the originating SWC subgroup or other available experts to serve as an ad hoc advisory group. The ad-hoc advisory committee may include former members of the SWC, members of the TAC, SCC or other technical experts as deemed necessary by the SWC Chair to answer the request.

9.2.4 A response shall be suitable for general understanding and use. It shall not be formulated for a particular proprietary design or circumstance.

9.2.5 Approval of the recommended response shall be approved by at least two-thirds (2/3) of the SWC.

9.2.6 The Secretariat shall review the response and submit it to the SCC for final approval.

9.2.7 Upon SCC approval, the Secretariat shall transmit a copy of the interpretation to the originator of the request and post it on the website.

10.0 Metric Policy

PHTA standards shall use the Imperial Units (IP) as the units of measurement. Where the International System of Units (SI) is provided, they shall be stated after the IP units and noted in parenthesis.

11.0 Patent Procedure

PHTA has adopted the Patent Policy as outlined in Section 3.1 of the ANSI *Essential Requirements for ANS Development*.

12.0 Record Retention Procedure

12.1 Policy

It is the policy of PHTA to establish and maintain records of standards development in compliance with *ANSI Essential Requirements*. Records concerning new, revised, or reaffirmed standards maintained under the periodic maintenance option shall be retained for at least one complete standards cycle (or until the standard is revised). Records concerning new, revised, or reaffirmed standards maintained under the continuous maintenance option shall be retained for a minimum of five (5) years or until approval of the subsequent revision or reaffirmation of the complete standard. Records of withdrawn standards shall be kept for five (5) years from date of withdrawal.

13.0 Revisions to SCC Standards Development Policies

13.1 Purpose

To provide procedures for the proposal of revisions in the PHTA ANS Standards Development Policies and Procedures.

13.2 Procedure

13.2.1 Proposed revisions to these Standards Development Policies and Procedures shall be approved by the TAC.

13.2.2 Any revisions to these policies and procedures must be submitted to ANSI for processing, review, and approval. Any approved revisions to these Standards Development Policies and Procedures shall be effective upon ANSI approval and publication.

13.2.3 Secretariat staff will distribute any updated versions of these policies and procedures to the SCC.

14.0 Commercial Terms and Conditions

PHTA has adopted the Commercial Terms and Conditions Policy as outlined in the *ANSI Essential Requirements* for ANS development.

15.0 Antitrust Policy

PHTA has adopted the ANSI Antitrust Policy as stated in Section 3.3 of the *ANSI Essential Requirements*.