



ABMA Canvass Procedures in accordance with the American National Standards (ANSI) Essential Requirements



2018

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FOREWORD

ABOUT THE AMERICAN BRUSH MANUFACTURERS ASSOCIATION (ABMA)

The American Brush Manufacturers Association (ABMA), founded in 1917, is a voluntary trade association whose efforts are directed to benefit the North American Broom, Brush, Mop and Roller Industry.

The purposes of the Association, to the extent permitted by law, are:

- (a) To create widespread public awareness and understanding of the usefulness, desirability, and health giving benefits of high quality North American made brooms, brushes, mops and/or like products.
- (b) To provide to the Divisions and their affiliated members coordination of effort and other services to achieve objectives which an individual member could not independently achieve as efficiently, if at all.
- (c) To support its members, by maintaining contacts with appropriate branches of the United States Government, to keep abreast of legislation and current developments affecting tariffs, imports, specifications, taxes, etc. and to vigorously oppose any legislation or regulation which adversely affects membership companies, as may be directed by the Board.
- (d) To facilitate, on a friendly, personal basis, the exchange of management and technical experiences at Association meetings.
- (e) To encourage cooperation as well as mutual respect and understanding between Active, Affiliate and International members.
- (f) To represent its Members in the world community of the Industry.
- (g) To encourage the fair trade of North American Member-made brooms, brushes, mops and like products.
- (h) To oppose illegal imports of foreign-made brooms, brushes, mops and like products.

The mission of the ABMA Safety & Standards Committee is threefold:

- 1) Recommend changes to existing standards;
- 2) Review proposed new standards; and
- 3) Develop means to assist Members in coping with their product liability problems. It advises members of new developments affecting the industry. Maintains liaisons with other industry organizations and standards development committees. Interfaces with the Product Liability Prevention and Defense Group and other coalitions seeking tort reform.

It is preferred that Committee members have a familiarity with standards writing and an engineering background.

ABOUT ANSI B 165.1

The standard was originally developed in 1979 to establish the rules and specifications for safety that apply in the design, use and care of power-driven brushing tools. It embraces all brushing tools whose brushing elements are made up of ferrous wire, non-ferrous wire, plastic, abrasive filaments, vegetable fibers, animal hair, or other materials, and brushes fabricated with any combination of such elements and whose functional performance is accomplished by power driven operation. The standard does not cover brushes constructed of wood or synthetic hub or cores, and brushing tools whose primary function is vehicle or train washing, carpet sweeping, dental hygiene, floor maintenance, sewer cleaning, street sweeping and brushing tools manufactured in accordance with other American National Standards.

ABOUT ANSI

The voluntary standards system in the United States consists of a large number of standards developers that write and maintain one or more national standards. Among them are professional societies, trade associations, and other organizations. Thousands of individuals, companies, other organizations (e.g., labor, consumer, and industrial) and government agencies voluntarily contribute their knowledge, talent, and effort to standards development.

Many standards developers and participants support the American National Standards Institute (ANSI) as the central body responsible for the identification of a single, consistent set of voluntary standards called American National Standards. ANSI approval of these standards is intended to verify that the principles of openness and due process have been followed in the approval procedure and that a consensus of those directly and materially affected by the standards has been achieved. ANSI coordination is intended to assist the voluntary system to

ensure that national standards needs are identified and met with a set of standards that are without conflict or unnecessary duplication in their requirements.

The American National Standards Institute (ANSI) coordinates the development of U.S. voluntary national standards and provides an open, equitable and accessible consensus process that ensures due process and benefits the public interest.

American Brush Manufacturers Association (ABMA) Procedures in accordance with the American National Standards (ANSI) Essential Requirements

SECTION 1

Procedures for canvass by an accredited standards developer

1 General

These procedures describe the requirements for developing consensus for the approval, reaffirmation, revision, or withdrawal of American National Standards. ABMA shall maintain procedures that meet the requirements found in the *ANSI Essential Requirements* and shall comply with these procedures. ABMA complies with *ANSI Essential Requirements 4.7.1 Periodic Maintenance of American National Standards*. ABMA is a 501(c)6 Corporation, EIN: 23-6272145.

1.1 Notification of standards development, coordination and comments

1.1.1 PINS Announcements

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. ABMA looks to consult any relevant international or regional guides that may impact the proposed standard and shall advise the relevant ANSI-Accredited US TAG(s) if the standard is intended to be submitted for consideration as an ISO, IEC or ISO/IEC JTC-1 standard.

ABMA Safety and Standards Committee will authorize the initiation of work on a new ANS or a revision of an existing ANS by approved motion at a duly called committee meeting, and there shall be minutes confirming such action as approved.

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*. Comments received in connection with a PINS announcement shall be handled in accordance with these procedures.

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 or ISO/IEC JTC-1 standard

(b) identification of the stakeholders (e.g., telecom, consumer, medical, environmental, etc.) likely to be directly impacted by the standard.

If the response to sub-section (b) changes substantively as the standard is developed, a revised PINS shall be submitted and published.

1.1.1.1 PINS Exceptions

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. A PINS form may be submitted, but is not required, at the initiation of a project to reaffirm or withdraw an American National Standard.

1.1.1.2 PINS Assertions of Conflict or Duplication

If ABMA 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 ABMA and the commenter and shall be concluded before the ABMA may submit a proposed standard for public review. If the deliberation does not take place within the 90-day period and ABMA can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then ABMA 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.

1.1.1.3 PINS Deliberation Report

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, ABMA shall include all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI Board of Standards Review (BSR) for consideration should ABMA 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 ABMA 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, unless binding provisions are agreed to by ABMA, participants are encouraged a consensus on whether and how the standards development project should proceed, in accordance with ANSI’s planning, coordinating and public notice activities. (See also 2014 ANSI Essential Requirements 4.3)

1.1.1.4 Public Review¹

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. If it is the case, then a statement of intent to submit the standard for consideration as an ISO, IEC or ISO/IEC JTC-1 standard shall be included as a part of the description of the scope summary that is published in *Standards Action*. The comment period shall be one of the following:

- A minimum of thirty days if the full text of the revision(s) can be published in *Standards Action*;
- 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
- 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 ABMA, 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*.

1.1.2 Coordination and harmonization

¹ 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, ABMA shall allow for 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 to due 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.*)

Good faith efforts shall be made to resolve potential conflicts between and among existing American National Standards and candidate American National Standards.

1.1.2.1 Definition of Conflict

Conflict within the ANS process refers to a situation where, viewed from the perspective of a future implementer, the terms of one standard are inconsistent or incompatible with the terms of the other standard such that implementation of one standard under terms allowable under that standard would preclude proper implementation of the other standard in accordance with its terms.

1.1.2.2 Coordination/Harmonization

ABMA shall make a good-faith effort to resolve potential conflicts and to coordinate standardization activities intended to result in harmonized American National Standards². A “good faith” effort shall require substantial, thorough and comprehensive efforts to harmonize a candidate ANS and existing ANSs. Such efforts shall include, at minimum, compliance with all relevant sections of these procedures. ABMA shall retain evidence of such efforts in order to demonstrate compliance with this requirement to the satisfaction of the appropriate ANSI body.

1.2 Development of canvass list

1.2.1 ABMA 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. ABMA shall meet the requirements in *ANSI Essential Requirements 1.2* regarding lack of dominance. No individual shall represent more than one canvasee. ABMA’s standards development process should have a balance of interests. Participants from diverse interest categories shall be sought with the objective of achieving balance.

Historically the criteria for balance are 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 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. The interest categories are defined in 1.2.2.

1.2.2 In order to determine if potential canvasees are interested in participating, ABMA should conduct a pre-canvass interest survey, in which ABMA informs the potential canvasees in writing about its procedures for developing evidence of consensus, and, if the potential canvasees are interested in participating, obtains an appropriate interest category classification. The ABMA’s 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 ABMA’s letter and shall be so noted in the letter. All those who have agreed to participate shall be included on the canvass list, together with their agreed-upon interest categories in accordance with *ANSI Essential Requirements 1.2, 1.3 and 2.3*. In addition, the affiliation¹ and interest category of each member of the consensus body shall be made available to interested parties upon request. ABMA shall meet the requirements in *ANSI Essential Requirements 1.1 and 2.1 regarding openness, including providing point of contact information for organizational consensus body roster members*.

The interest categories are as follows:

² Note that clause 1.10.4 *Withdrawal for Cause* provides a mechanism by which an interested party may at any time request the withdrawal of an existing ANS.

¹ Affiliation refers to the entity that the consensus body member represents (which may or may not be that person’s employer). If the 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.

USER -- person whose affiliation is with actual consumer of the product. Apply products to solve surface cleaning or conditioning problems. Example: Labor Union, Manufacturing Company, End User

PRODUCER -- person whose affiliation is with actual design and fabrication of the product. Example: One of the many power brush manufacturing companies.

GENERAL INTEREST - person who has contact with the product during the normal course of business but is not directly involved with either producing or using the product. Example: Safety Consultant, Manufacturer of Portable Power Tools

Once an interest survey has been completed for a standard, it need not be repeated for subsequent balloting of the document. In addition, ABMA may conduct a single interest survey for a group or category of standards. A canvasee who has indicated a desire to be on the ABMA 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 1.4.2 and 1.5 herein.

1.3 Announcement of canvass initiation

ABMA may request the initiation of the canvass in *Standards Action* to elicit additional canvasees. This announcement shall include a statement that the canvass list 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 canvass list shall be referred directly to the standards developer.

1.4 Conduct of canvass

1.4.1 ABMA may begin to conduct the canvass at any time, but canvasees subsequently added to the canvass list shall have the same amount of time to respond as do the other canvasees.

1.4.2 ABMA shall transmit, at minimum, the following information to all canvasees and other interested parties so requesting 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 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, ABMA 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 ABMA shall provide opportunity for the canvasee to indicate its position (i.e., affirmative, affirmative with comment, negative with reasons, abstain, 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 the ballot closes to canvasees 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 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 *Standards Action*.

1.4.3 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 canvass list and at least two-thirds of those voting, excluding abstentions.

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

1.4.5 Views and objections resulting from the canvass (1.4.2 and 1.4.3) shall be dealt with in accordance with clause 1.5.

1.4.6 Good faith efforts shall be made to resolve potential conflicts between and among existing American National Standards and candidate American National Standards.

1.5 Consideration of views and objections including public review and consensus body comments

Prompt consideration shall be given to the written views and objections of all participants, including those commenting on either the PINS announcement or public comment listing in *Standards Action*. In connection with an objection articulated during a public comment period, or submitted with a vote, an effort to resolve all expressed objections accompanied by comments related to the proposal under consideration shall be made, and each such objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefore. If resolution is not achieved, each such objector shall be informed in writing that an appeals process exists within procedures used by ABMA. 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.

When this process is completed in accordance with the written procedures of ABMA, ABMA 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 or at the next review. 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 so notified.

Each unresolved objection and 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 within four weeks. Substantive changes made in a proposed American National Standard shall be listed in *Standards Action* in accordance with *ANSI Essential Requirements 2.6*.

1.6 Evidence of consensus and consensus body vote

Evidence of consensus in accordance with these procedures and the accredited procedures of ABMA shall be documented.

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, recorded votes at a meeting or electronic means. All members of the consensus body shall have the opportunity to vote, even if they are not able to attend a meeting.

1. ABMA 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 ABMA 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 ABMA that has not been granted the authority to designate its standards as American National Standards without approval by the BSR.

2. ABMA 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.
3. ABMA is not required to consider negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments. ABMA 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 ABMA’s procedures state otherwise. ABMA is not required to solicit any comments from the negative voter. ABMA is not required to conduct a recirculation ballot of the negative vote. ABMA is required to report the “no” vote as a “negative without comment” when making their final submittal to the BSR unless ABMA has been granted the authority to designate its standards as American National Standards without approval by the BSR.
4. ABMA shall maintain records of evidence regarding any change of an original vote.
5. Except in regard to votes on membership and officer-related issues, each member of a consensus body should vote one of the following positions (or the equivalent):
 - a) Affirmative;
 - b) Affirmative, with comment;
 - c) Negative, with reasons (the reasons for a negative vote shall be given and if possible should include specific wording or actions that would resolve the objection);
 - d) Abstain.
6. 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.
7. ABMA uses the following criteria to establish consensus;
 - a) A majority of the consensus body must vote, including abstentions
 - b) Approval of at least 2/3 of those returning a vote, not including abstentions

1.7 Submittal of standard

Upon completion of the procedures for canvass, for disposition of views and objections, and for appeals, the proposed standard may be submitted to ANSI using the BSR-9 Form for approval.

The information to be supplied to ANSI shall include:

- a) title and designation of the proposed American National Standard;
- b) indication of the type of action requested (that is, approval of a new American National Standard or reaffirmation, revision, or withdrawal of an existing American National Standard);
- c) a declaration that the canvass procedures were followed;
- d) a declaration that the proposed standard is within the scope of previously registered standards activity;

- e) a declaration that conflicts with another American National Standard have been addressed in accordance with these procedures;
 - f) a declaration that other known national standards have been examined with regard to harmonization and duplication of content;
 - g) a declaration that all appeal actions related to the approval of the proposed standard have been completed;
 - h) a summary of the solicitations and the final positions of the participants in each interest category;
 - i) identification of all unresolved views and objections, identification of the objectors, and a report of attempts toward resolution;
 - j) the canvass list;
 - k) documentation of the disposition of all suggested additions to the canvass list.
- m) The BSR-9 form used to communicate process completion must be submitted to ANSI within one year of date of completion.
- n) Publication of the standard shall happen no later than six months after the approval of the standard.

1.8 Appeals

Persons who have directly and materially affected interests, and who have been or will be adversely affected by a standard being canvassed or by the lack thereof, shall have the right to appeal any procedural actions or inactions of the standards developer, including whether a technical issue was afforded due process. See section 2.1 Appeals Policy.

1.9 Requests for interpretation of standards

Written inquiries requesting interpretation of the standards developer's approved American National Standards shall be responded to in accordance with ABMA policy. See section 2.2 Interpretation Policy.

1.10 Criteria for withdrawal

1.10.1 Administrative withdrawal

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

1.10.2 Withdrawal by ANSI-Accredited Standards Developer

An American National Standard must be supported by an ANSI-Accredited Standards Developer. If ABMA, an accredited standards developer wishes to withdraw its approval of one or more of its American National Standards, it may do so without a vote of the relevant consensus body. ABMA Board of Directors shall either act on its own accord or will ratify the action of the ABMA Safety and Standards Committee to initiate the withdrawal of a newly proposed ANS, current ANS or ANS under revision. If ABMA does withdraw one or more of its American National Standards, then ABMA shall notify ANSI immediately and the standard shall be withdrawn as an ANS and announced in *Standards Action*.

1.10.3 Discontinuance of a standards project

ABMA may decide to abandon the processing of a proposed new or revised American National Standard or portion thereof at its own discretion and without a vote of the relevant consensus body. ABMA must notify ANSI immediately of such actions which be announced in *Standards Action*.

1.11 Maintenance of the Standard

In order to maintain accreditation by ANSI, an ASD shall continue to maintain procedures meeting the requirements of due process and criteria for approval and withdrawal of American National Standards contained herein and continue to maintain its status as an incorporated, registered or otherwise recognize legal entity.

The sponsor of B165.1 adopts the guidelines under periodic maintenance of the standard. 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 approval⁸ as an American National Standard.

⁸ "Approval" as an ANS refers to an action to approve a new document or reaffirm or revise an existing ANS.

American Brush Manufacturers Association (ABMA) Procedures in accordance with the American National Standards (ANSI) Essential Requirements

SECTION 2

Policies

2.1 Appeals Policy

The sponsor of B165.1 adopts the following language as their appeals policy. It states:

2.1.1 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 ABMA 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. An appeal may include whether a technical issue was afforded due process.

2.1.2 Complaint

The appellant shall file a written complaint with the ABMA 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.

2.1.3 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.

2.1.4 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.

2.1.5 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. Should ABMA and the appellant be unable to agree on the composition of the appeals panel within 15 working days, the ABMA Executive Committee shall appoint the appeals panel.

2.1.6 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 not covered herein.

2.1.7 Decision

The appeals panel shall render its decision in writing within thirty days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence presented to the appeals panel. A summary of

the nature of the appeal, and the decision and rationale thereof, shall be reported in writing to the appellant, the canvass list and ANSI. 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.

2.2 Interpretation Policy

The sponsor of B165.1 adopts the following interpretation policy:

All requests for interpretation shall be submitted in writing to ABMA, and then forwarded to the Safety and Standards Committee Chair in writing, who shall determine whether sufficient detail is included. Should additional detail be required, a request for such detail will be made in writing and the additional detail as requested will be submitted in writing back to ABMA. Once it has been established that sufficient detail exists to make an interpretation, the Committee Chair shall convene a technical interpretation review meeting. The findings of the meeting shall be reduced to writing and will be reported to the requesting party by the ABMA Executive Director within a reasonable time following the technical review meeting at which the interpretation is addressed.

2.3 Metric Policy

The sponsor of B165.1 adopts the following metric policy:

Units of the International System of Units (SI), the modernized metric system are the preferred units of measurement; and may in some instances be given as parenthetical reference. Units of the U.S. Customary System (USCS) are also used and may in some instances be listed first. For example, units of length may be given as feet or inches followed by the metric equivalent in parenthesis; *16 inches (40.6 cm)*. In most instances however both the SI and USCS units will be clearly and separately stated.

2.4 Patent Policy

ABMA agrees to comply with the relevant policies in the "most current version of the *ANSI Essential Requirements*".

2.5 Records Retention Policy

ABMA adopts the following as their records retention policy. It states:

1. Records shall be retained for a minimum of five (5) years or until approval of the subsequent revision or reaffirmation of the complete standard, whichever is longer.
2. 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.

2.6 Commercial Terms and Conditions Policy

ABMA agrees to comply with the relevant policies in the "most current version of the *ANSI Essential Requirements*".

2.7 Antitrust Policy

ABMA 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.