

PROCEDURES FOR ITSDF
CONSENSUS COMMITTEES
B56 Committee on Powered and
Non-Powered Industrial Trucks

Industrial Truck Standards Development Foundation

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ITSDF B56 CONSENSUS COMMITTEES PROCEDURES

1. Scope

1.1 The scope of the Industrial Truck Standards Development Foundation (“ITSDF”) B56 Committee on Powered and Non-Powered Industrial Trucks (hereinafter referred to as the “Main Committee”) shall consist of the following activities pertaining to powered and non-powered industrial trucks (not including vehicles intended primarily for earth moving or over-the-road hauling) and wheels and casters: establishing safety standards relating to design, operation, and maintenance; standardizing principal dimensions to facilitate interchangeability; establishing test methods and test procedures; and maintaining liaison with ISO in all matters pertaining to powered and non-powered industrial trucks.

1.2 The standards developed by the Main Committee are intended to be submitted to the American National Standards Institute (“ANSI”) to become American National Standards.

1.3 ITSDF reserves the right to publish any proposed standard, code, or guide.

2. Organization

2.1 The Main Committee is responsible to the ITSDF Board of Trustees. The Board of Trustees shall assure that the Main Committee is operating within its approved scope and these procedures.

2.2 The Main Committee may establish Subcommittees (also referred to as “B56 Subcommittees”) to advise the Main Committee and assist in the discharge of its activities. Subcommittees shall be only advisory to the Main Committee.

2.3 The Main Committee may establish at its discretion an Executive Committee, whose function shall be advisory only.

2.4 When B56 Subcommittees are required, they shall be established by a majority vote of the entire Main Committee (see Section 5.3.2). When B56 Subcommittees are established in order to engage in drafting proposed standards or parts of standards, individuals having substantial knowledge of the subject matter shall be appointed. Individual B56 Subcommittee members need not be members of the Main Committee. The ITSDF B56.1 Subcommittee on Low Lift and High Lift Trucks (“B56.1 Subcommittee”) shall, to the extent possible, have a balance of interests, and should not be dominated by any single interest category, to the same extent required of the Main Committee (see Section 3.1.10). Although B56 Subcommittees need not constitute a consensus-making group reflecting the same balance of interests as the Main Committee, whenever possible they should have representatives from the various interests.

2.5 The ITSDF Board of Trustees shall have overall supervision of ITSDF standards activities. Amendments to these procedures require the approval of a majority the Board of Trustees and the Main Committee.

3. Membership of the Main Committee and B56 Subcommittees

3.1 The membership of the Main Committee shall consist of not more than 35 members, but membership on B56 Subcommittees and *ad hoc* subgroups may in the aggregate total a larger number. Membership on the Main Committee and B56 Subcommittees shall be on an individual basis. Although such membership may be supported by an organization (*e.g.*, an employer), a member's participation, including voting, shall be as an individual and not as a representative of an organization. Unless otherwise specified or required by the context, references in these procedures to the Main Committee or B56 Subcommittee "members" or "membership" shall mean the voting members, *i.e.*, all members excluding the Secretary (see Section 4.3).

3.1.1 Members of the Main Committee and B56 Subcommittees must be technically qualified individuals having an interest and willingness to participate in work within the scope of the Main Committee. Membership terms for the Main Committee and B56 Subcommittees shall be for five years. Members may be reappointed. Selection of a member shall include consideration of the interest of the organization (if any) supporting the member's participation, as well as the nature and extent of the experience or expertise the individual brings to the Main Committee or B56 Subcommittee.

3.1.2 Members of the Main Committee and B56 Subcommittees may serve as liaison to other organizations upon approval of the Main Committee.

3.1.3 Individuals requesting membership on the Main Committee or a B56 Subcommittee shall submit a detailed resume and completed Personnel Form to the Main Committee Secretary. Candidates for membership on the Main Committee shall have served a minimum of one year on any of the B56 Subcommittees and attended at least one B56 Main Committee meeting prior to the Secretary submitting their application to the Main Committee. Candidates for membership on a B56 Subcommittee shall have attended at least one B56 Subcommittee meeting prior to the Secretary submitting their application.

3.1.4 All information relevant to a request for membership on the Main Committee or a B56 Subcommittee shall be provided to the Main Committee members at least two weeks prior to a letter ballot or Main Committee meeting at which the request will be considered. In considering requests for membership on a B56 Subcommittee, the Main Committee shall give consideration to, but shall not be bound by, the views of B56 Subcommittee members.

3.1.5 Subject to the requirement of notice in Section 3.1.4, applications for Main Committee and B56 Subcommittee membership shall be discussed, and appropriate action shall be taken, at the first regularly scheduled Main Committee meeting or by letter ballot after the candidate has fulfilled the requirements of Section 3.1.3. Whether action on a membership application is taken by letter ballot or at a meeting, approval of the membership application shall require unanimous

approval by a majority of the membership on a first-consideration vote or two-thirds approval by a majority of the membership on a second-consideration vote.

3.1.6 Main Committee and B56 Subcommittee members may select alternates to represent them and act in their stead at meetings. Alternates shall be subject to acceptance by the Main Committee using the same approval process as members. An alternate shall have all of the privileges of the member during the period of the alternate's service. An alternate's service automatically terminates on request of the member, on the member's return from absence, or when the member is no longer on the Main Committee or B56 Subcommittee and no replacement has been approved. When a replacement for a departing member has been nominated, the alternate shall retain the privileges of a member until the departing member has been replaced.

3.1.7 Multiple Memberships from a Single Organization

(1) There shall be no more than one member sponsored by a single organization, as defined in Section 3.1.7 (5), unless the additional member represents a separate area of expertise considered necessary to the Main Committee or B56 Subcommittee or, in the case of the Main Committee, the additional member chairs a B56 Subcommittee.

(2) The justification for multiple memberships shall be submitted to the Board of Trustees at the time the potentially affected nominee is considered for appointment or reappointment.

(3) Under no circumstance shall more than three members from a single organization serve on the Main Committee or a B56 Subcommittee.

(4) If two memberships from the same organization result from merger or acquisition or change of employment, the limits on multiple memberships may be waived until one of the member's term expires. However, if merger or acquisition or change of employment results in three or more members from one organization, it shall be brought to the attention of the Board of Trustees for consideration at its next meeting. In such cases, in order to effectuate the policy concerning multiple memberships, the Board of Trustees may terminate one or more Main Committee or B56 Subcommittee memberships, subject to review of a member's participation in the Committee or Subcommittee affected.

(5) For the purposes of this policy, an organization is defined as a corporation, government agency, union, or other legally recognized group. Where two business units are part of the same corporation or where one corporation owns or is affiliated with another, a decision as to whether they constitute a single organization will be made by the Board of Trustees on a case-by-case basis. The degree of independence of the two organizations shall be the criteria for making this decision. In the case of government bodies, two agencies shall not be considered the same organization if they promulgate separate regulations.

3.1.8 The Main Committee may, within the limits of these procedures, remove a member of Main Committee and B56 Subcommittee for conduct detrimental to ITSDF.

3.1.9 Each member is given an opportunity to vote and is expected to give thorough consideration to each subject brought before the Main Committee or B56 Subcommittee, to contribute expertise in the preparation of standards, to advise on personnel for membership on the Main Committee and B56 Subcommittees, and to assist generally in carrying out the functions of the Main Committee or B56 Subcommittee. Adequate participation includes in-person attendance at meetings as well as correspondence and participation in conference calls.

3.1.10 Classification of Members. In order to establish balanced representation for developing evidence of national consensus on standards, the membership of the Main Committee and B56.1 Subcommittee shall be classified in accordance with the business or professional interests of the members or the business or professional interests of the organizations sponsoring the membership.

Unless it is claimed in writing (including electronic communications) by a directly and materially affected party that a single interest category, individual, or organization dominated the standards development process, no test for dominance is required.

The requirement for balance normally will be satisfied where no single interest category constitutes more than one-third of the votes possible.

No alternate shall be counted in determining balance. The classification system shall require the approval of the Board of Trustees.

Members shall be classified in accordance with the following interest categories, as appropriate:

General Interest - Specialists who have expert knowledge in the field of the Main Committee's or B56.1 Subcommittee's work, including consultants, who are not otherwise covered by another category of interest.

Insurance/Inspection/Testing - An organization which insures equipment and/or provides required independent inspection of the manufacture and installation of components, parts and items.

Manufacturer - An organization which produces industrial trucks.

Supplier - An organization which manufactures components or attachments for industrial trucks.

Regulatory - An agency or organization which regulates the design, manufacture, installation, or operation of the product(s) covered by the applicable standard(s).

User - An organization which uses a product(s) covered by the applicable standard(s).

Distributor - An organization concerned with the marketing of the product(s) covered by the applicable standard(s) between the manufacturer and the user.

Employee/Union Interest - An organization which represents the employees affected by the applicable standard(s).

Owner - An organization which owns/operates a facility where components, parts and items affected by the applicable standard are installed and/or used.

If a member's interest classification changes because of a change in employment or other reason, action shall be taken by the Main Committee or B56.1 Subcommittee to:

- a) reaffirm the member to complete the present term, or
- b) reappoint the member for a full term, or
- c) terminate the membership.

4. Main Committee Officers and their Duties

4.1 The officers of the Main Committee shall be:

Chair

One or more Vice-chairs

Secretary, who shall serve the Main Committee and may serve B56 Subcommittees

4.2 Main Committee Chair and Vice-chair

4.2.1 The term of office shall be three years. The number of terms is not limited. When a member is elected as an officer, the expiration date of the member's term shall be adjusted accordingly.

4.2.2 Nominees for each elected office shall be selected from the membership of the Main Committee by one of the following methods:

(1) Nominating Committee Method

The Chair shall appoint a Nominating Committee of not less than three members from among the membership of the Main Committee for the purpose of nominating two candidates, each of whom shall have agreed to serve if elected, for each office for the following term. The Secretary shall notify the Main Committee of the Nominating Committee's report and that nominations from the membership of the Main Committee may also be made by petition signed by at least five members of the Main Committee and submitted to the Secretary. The Secretary shall send to each member a letter ballot containing the names of all candidates, those submitted by the Nominating Committee being so indicated. Each member shall cast one vote for each office. The nominee receiving the highest number of votes shall be elected.

(2) Weighted Vote Method

The Secretary shall send to members of the Main Committee the names of all members of the Main Committee who have agreed to serve as Chair if elected. Within a 30-day voting period, each member shall rank three candidates for Chair on the ballot by assigning the number 3 to the member's first choice, 2 to the member's second choice, and 1 to the member's third choice. The two names receiving the highest number of votes, or an additional name or names if there is a tie

for second, shall be nominees for that office. The Secretary shall then initiate a second 30-day voting period by submitting the names of the nominees on a ballot to all members of the Main Committee, who shall vote for one nominee. The nominee with the highest number of votes shall be the Chair.

The Vice-chair shall be elected in the same manner following election of the Chair. The Main Committee may also offer the office of Vice-chair to the nominee for Chair who received the second highest number of votes.

4.2.3 Ballot results for the election of officers shall be accepted only if ballots are cast by a majority of the entire membership. The election of officers is subject to confirmation of the Board of Trustees.

4.3 The Secretary, who is a member of the Main Committee without vote, shall be designated by the Board of Trustees.

4.4 Duties of Officers

4.4.1 The Chair shall act as the executive officer of the Main Committee, preside at meetings, and perform all duties customarily associated with such office.

4.4.2 Review of Membership

4.4.2.1 The Chair shall review annually the activity of each member of the Main Committee with regard to the member's contribution to the Main Committee's work, attendance at meetings, and attention to correspondence and ballots. The performance of B56 Subcommittee Chairs shall also be reviewed by the Main Committee Chair. Based on such reviews, the Chair shall report to the Main Committee any recommended action, including removal action. Voting on any such recommendation shall be by secret letter ballot of all other Main Committee members. Unmarked ballots or late ballots shall be considered as votes to approve the recommendation. A two-thirds affirmative vote of Main Committee members is required to approve the recommended action. See Section 9 for appeal procedures.

4.4.2.2 B56 Subcommittee Chairs shall review annually the activity of each member of their B56 Subcommittee with regard to the member's contribution to the B56 Subcommittee's work, attendance at meetings, and attention to correspondence and ballots. B56 Subcommittee Chairs shall then make recommendations to the Main Committee Chair, who may then make recommendations to be voted upon by secret letter ballot of the Main Committee under the procedure of Section 4.4.2.1.

4.4.3 The Vice-chair shall fulfill the duties of the Chair's office in the absence of the Chair and shall perform such other duties as may be assigned by the Chair.

4.4.4 The Secretary shall prepare and distribute agendas and minutes of all meetings of the Main Committee and B56 Subcommittees to members of the Main Committee and B56 Subcommittees as appropriate, receive and maintain all documents pertaining to the Main

Committee and its B56 Subcommittees, distribute and receive letter ballots, correspond with interfacing organizations or individuals in the name of the Main Committee, and perform other duties as requested by the Chair.

4.4.5 In the absence of the Chair and Vice-chair at a meeting of the Main Committee, the Secretary shall take the Chair for the purpose of nomination and selection of a Chairman Pro Tem, who shall then preside at that meeting.

4.4.6 The Board of Trustees may remove an ineffective Chair and/or Vice-chair of the B56 Main Committee and appoint a successor.

5. Duties of the Main Committee

5.1 Standards

5.1.1 The Main Committee shall develop standards within its scope.

5.1.2 The Main Committee shall maintain standards within its scope. In addition to revising standards as necessary, the Main Committee shall review each standard within its scope at least every five years to determine the appropriate recommendation for:

- (1) reaffirmation,
- (2) revision, or
- (3) withdrawal.

5.1.3 The Main Committee shall seek a consensus for an action proposed on a standard. Consensus means substantial agreement by directly and materially affected interest categories after consideration of all views and objections and an effort to resolve differences. Consensus signifies more than a simple majority, but not necessarily unanimity.

5.1.4 The Main Committee shall ensure that duplication of standards is minimized.

5.1.5 The Main Committee shall refrain from developing conflicting standards.

5.1.6 The Main Committee shall consider recommended interpretations of standards within its scope.

5.1.7 The Main Committee shall report the status of standards within its scope to the Board of Trustees at least annually and as requested.

5.2 Meetings

5.2.1 The Main Committee shall hold meetings at least once each year at locations determined by the Main Committee or the Chair on behalf of the Main Committee.

5.2.2 Meetings shall be open to the public. Members of the public may express their views on items being discussed but shall not have voting privileges. Meetings or portions of meetings may be in executive session when considering such subjects as personnel, accreditation, litigation and other administrative matters.

5.2.3 A quorum shall consist of more than fifty percent of the eligible members. If a quorum is not present, the Chair may nevertheless call the meeting to order or continue the meeting. Actions taken at a meeting where a quorum is not present are not official until approved by more than fifty percent of the members by letter ballot or at a subsequent meeting where a quorum is present.

5.2.4 Minutes shall be kept of all meetings. Minutes shall indicate the presence or absence of each member. Members represented by alternates are not considered absent. Meeting minutes shall report actions that occurred at the meeting and are subject to approval, with corrections if necessary, by letter ballot or at the next meeting at which a quorum is present. Approval of minutes may be by voice vote.

5.3 Membership

5.3.1 The Main Committee shall recommend members for the Main Committee from appropriate areas of interest.

5.3.2 The Main Committee shall approve membership of the B56 Subcommittees reporting to it.

5.4 Interpretations

5.4.1 Requests for interpretations shall be written (including electronic communication) and shall be catalogued by the Secretary and submitted as appropriate to one of the following for a recommended response:

- (1) the Chair of the Main Committee
- (2) the Chair of the cognizant B56 Subcommittee

5.4.2 The recommended response shall be considered by the Main Committee, the appropriate B56 Subcommittee, or a Special Committee made up of a minimum of five members, who shall be the Chair of the B56 Main Committee, the chair of the B56.1 Subcommittee, the Secretary who is a member without vote, and two volunteers who are members of the Main Committee or a B56 Subcommittee. The response shall be in a standard “question” and “response” format.

When consideration of the proposed response is by a Special Committee, an initial letter ballot allowing 15 working days for response shall be used. All Special Committee members shall vote and may vote either “no objection” or “objection.” When a member votes “objection,” the member shall provide written comments recommending substantive changes that would render the proposed response no longer objectionable. If any objection is received, the Secretary shall revise the proposed response in an attempt to resolve the objection and shall transmit the revised

proposed response to the Special Committee for a second 15-day ballot. Approval of a proposed response by a Special Committee requires the unanimous vote of “no objection” by the members of the Special Committee. If there is any objection to the revised proposed response, the matter shall be referred to the Main Committee or cognizant B56 Subcommittee and the procedures in the remainder of this section shall be followed.

When consideration of the proposed response is by a B56 Subcommittee, a letter ballot allowing 15 working days for response shall be used. Absent unanimous acceptance of the proposed response by the B56 Subcommittee, the matter shall be referred to the Main Committee.

When consideration of the proposed response is by the Main Committee, the normal procedures for approving standards, revisions or reaffirmations shall be used, except that a two-thirds affirmative vote of Main Committee members is required for acceptance. A letter ballot is not required.

5.4.3 An approved response shall be:

- (1) transmitted in writing (including electronic communication) to the initiator of the request on behalf of the Main Committee under the Secretary’s signature;
- (2) listed on the ITSDf website; and
- (3) catalogued by the Secretary with appropriate cross-referencing.

6. Main Committee Actions

6.1 Main Committee actions are of two types.

6.1.1 Approval of standards actions includes actions related to new standards, revisions, withdrawals, reaffirmations.

6.1.2 Approval of personnel and administrative items includes matters related to membership and Main Committee and B56 Subcommittee procedures.

6.2 Approval of standards actions

6.2.1 Authorization of letter ballots. A letter ballot may be authorized by any of the following:

- (1) Main Committee Chair,
- (2) Majority vote of members present at a Main Committee meeting, or
- (3) Petition of five members of the Main Committee.

6.2.2 Voting Obligations. Each member or alternate shall exercise the voting privilege within prescribed time limits. An alternate’s vote shall be counted only if the member’s vote is not returned. When a member and the member’s alternate fail repeatedly to return ballots when due, or consistently abstain from voting, the member shall be subject to termination of membership by the Main Committee. The member may appeal such action under Section. 9.

6.2.3 The Chair of the Main Committee shall consider whether to conduct the Public Review (see Section 7.1) concurrently with the Main Committee ballot. Concurrent consideration shall be preferred.

6.3 Letter Ballot Procedure for a Standard Action.

6.3.1 The Secretary shall submit the letter ballot to the Main Committee members for execution and return within the established timeframe (see Section 6.3.3).

6.3.2 Letter ballots for any standards action shall set forth clearly the full proposal being balloted and the closing date for the voting period. Letter ballots shall permit only the following forms of response: “approved,” “disapproved with reason,” “not voting with reason,” or “abstain with reason.” Except for “approved,” responses that do not contain a reason for the position taken shall be disqualified. “Disapproved with reason” ballots shall be accompanied by written comments setting forth any proposed additions and deletions of affected sections and a reason for each proposed change. “Not voting with reason” ballots shall not be counted in determining the number of votes cast. All other ballots (including “abstain with reason”) shall be counted in determining the number of votes cast.

6.3.3 Letter ballots for standards action shall be closed upon receipt of all ballots but not later than four weeks after the date of issue, unless an extension of the balloting period has been established by the Chair. Follow-up notices shall be sent one week before the close of balloting to all members who have not returned a ballot. Members of the Main Committee are encouraged to return ballots as soon as possible.

6.3.4 At the close of the voting period, the Secretary shall submit a complete voting tally to the members of the Main Committee. Late ballots and disapproved votes not accompanied by written comments shall not be considered in the voting tally (but may be held for future reference and action). All “disapproved with reason” ballots accompanied by comments shall be considered by the Main Committee or cognizant B56 Subcommittee in an attempt to resolve objections. The Chair of the Main Committee shall determine whether such consideration shall be conducted by the Main Committee or cognizant B56 Subcommittee and whether consideration shall be by correspondence or at a meeting. The results of such consideration shall be made known in writing (including electronic communications) to those who submitted the ballots.

6.3.5 One “disapproved with reason” ballot received within the voting period on a first consideration ballot shall prevent the item from proceeding toward final approval. All “disapproved with reason” ballots that are resolved or withdrawn without substantive change to the item as a result of Main Committee or B56 Subcommittee consideration require no further action and the item shall proceed toward final approval. Items for which a substantive change has been recommended by the Main Committee or B56 Subcommittee shall be resubmitted to the Main Committee as if it were a first consideration ballot.

When “disapproved with reason” votes received during the first consideration voting period are not resolved or withdrawn, the item shall be submitted for second consideration ballot of the

Main Committee. The Main Committee shall be provided an explanation of why the “disapproved with reason” votes could not be resolved and documentation of the attempted resolution. If at least two-thirds of the membership of the Main Committee approves the item upon second consideration, the item shall proceed toward final approval.

6.3.6 The grounds for a “disapproved with reason” vote on a second consideration ballot shall be limited to procedural matters, continued support of any first consideration “disapproved with reason” vote which the member believes was not adequately resolved, and revisions made following the first consideration ballot. The Chair shall have the discretion to reject second consideration “disapproved with reason” votes that are based on other grounds. (Rejected votes may be kept for future reference and action.)

Unresolved objections to proposed American National Standards shall be handled in accordance with clause 2.6 of the current version of the *ANSI Essential Requirements*. Those whose objections are unresolved shall be notified in writing (including electronic communications) of the right to appeal.

6.3.7 After a standards action has been approved by the Main Committee and Public Review has been completed, the Secretary shall report these actions to the Board of Trustees. The report shall include a tally of the voting of the Main Committee and documented evidence of attempts to resolve “disapproved with reason” ballots of Main Committee members and the public.

6.4 All standards actions require two-thirds affirmative letter ballot vote of the Main Committee membership.

6.5 The processing of a proposed new or revised American National Standard or portion thereof may be abandoned if the procedures have been followed. A written justification for such an action shall be made available upon receipt of any written request (including electronic communication) received within 60 days of the date of the final action.

6.5 Personnel and administrative items shall be determined by letter ballot or at Committee meetings. Approval of such items shall be by a majority vote of the members voting; however, the Chair may rule that a motion has not passed even if a majority vote has been cast. The reason for such ruling shall be the closeness of the vote, abstention of some members, or a combination of these reasons.

6.6 A member in good standing can, with prior notice to the Chair and Secretary, submit a written absentee ballot on a pending vote for a meeting agenda item.

7. Public Review

7.1 All substantive changes including proposed, revised, reaffirmed, or withdrawn standards shall be announced in ANSI Standards Action for the purpose of soliciting public review. At the request of the Chair of the Main Committee, public review may be conducted concurrently with Main Committee balloting. At the initiation of a project to develop or revise an American

National Standard, the secretary shall transmit notification to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for listing in Standards Action. In addition, proposals for new American National Standards and proposals to revise, reaffirm, or withdraw existing American National Standards shall be transmitted to ANSI using the BSR-8 form, or its equivalent, for listing in Standards Action.

All comments received in response to the 30 day announcement of PINS in ANSI's *Standards Action* shall be handled in accordance with clause 2.5 of the current version of the *ANSI Essential Requirements*.

7.2 The Main Committee shall attempt to resolve all negative comments received through the announcement in ANSI Standards Action. Those who submitted comments shall be advised in writing (including electronic communications) of the consideration of the comments, the action taken, and, if comments are rejected, the reason for rejecting any comment. Those whose comments are rejected shall be notified in writing (including electronic communications) of the right to appeal.

Each unresolved objection and attempt at resolution, and any substantive change made in a proposed American National Standard shall be reported to the main Committee in order to afford all members an opportunity to respond, reaffirm, or change their vote.

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.

7.3 The Main Committee, with the concurrence of the Board of Trustees, may supplement the public review by having a proposed standards action sent for comment to persons and organizations known to have an interest in the subject matter of the proposed standard.

7.4 The Main Committee, with the concurrence of the Board of Trustees, may conduct public hearings to supplement the public review of proposed standards actions.

8. Submittal to ANSI for Approval

8.1 All standards actions shall be submitted to ANSI. A report describing the outcome of public review shall accompany the submittal.

8.2 When submitting standards actions for ANSI approval, all required ANSI forms will be submitted by the secretary and will comply with all required ANSI administrative practices in accordance with the ANSI Essential Requirements: Due Process Requirements for American National Standards.

8.3 Records concerning new, revised, or reaffirmed American National Standards shall be retained for one complete standards cycle, or until the standard is revised. Records concerning withdrawals of an American National Standard shall be retained for at least five years from the date of withdrawal.

9 Appeals

9.1 Any action or inaction of the Main Committee or a B56 Subcommittee may be appealed by any individual, company, or organization.

9.2 Appeals shall be considered according to the following:

9.2.1 An attempt shall be made to resolve an appeal informally before a hearing is scheduled.

9.2.2 Appeals shall be directed to an impartial panel of members who will hold a hearing on a date agreeable to all participants, with at least 15 working days notice. The appeals panel shall consist of three individuals who have not been directly involved in the dispute and who will not be materially affected by any decision made in the dispute. At least two members of the panel shall be acceptable to the appellant and at least two shall be acceptable to ITSDF. Members of the Main Committee and cognizant B56 Subcommittee cannot serve on the appeals panel.

9.3 Procedures for appeal shall be as follows:

9.3.1 Written notice (certified mail preferred) of intent to appeal shall be filed with the Secretary of the Main Committee. If the notice of intent to appeal is filed within 20 working days after the date of notification of the action, followed within 10 additional working days by the detailed objection or appeal statement, the item in question will not proceed pending a hearing on the appeal. Notice of intent to appeal an inaction may be submitted to the Secretary of the Main Committee at any time and shall be followed within 10 working days by the detailed objection or appeal statement.

9.3.2 The Secretary shall notify the Main Committee of the request for appeal. A response to the appeal statement shall be developed by a proponent of the action or inaction in question, who shall be known as the respondent. The response shall be made available to all concerned parties at least 15 working days prior to the date of any scheduled hearing.

9.3.3 The Appeal Panel, after determining that a hearing is in order, shall arrange to hear the appeal at its earliest practicable scheduled meeting after the date of request for appeal or, at the discretion of the Main Committee Chair, at a meeting of a hearing panel, consisting of members of the Main Committee appointed by the Chair, on a date mutually agreeable to all parties.

9.3.4 The appellant, the Appeal Panel members and others concerned shall be notified of the hearing at least fifteen working days in advance of the date set for hearing the appeal. At the time of notification, the Secretary shall provide the parties with a copy of the Main Committee roster or a list of the members of the proposed hearing panel, as applicable, in order to allow any concerned party the opportunity to object should they perceive the existence of a conflict of interest. Any such objections should be submitted to the Secretary at least 10 working days prior to the scheduled date of the hearing, and shall then be distributed by the Secretary to the individual(s) being challenged in advance of the hearing, who shall then have the opportunity to respond prior to the hearing.

9.3.5 Appeal hearings generally should be held in open session (other than the executive session portion). However, upon written request of either of the parties or the Main Committee officers, it shall be limited to the following participants:

- (a) members of the Main Committee hearing the appeal and eligible to vote;
- (b) appellant(s);
- (c) respondents(s);
- (d) pertinent administrative ITSDF staff; and
- (e) ITSDF legal counsel

Any such written request shall be submitted to the Secretary at least 10 working days prior to the scheduled hearing date.

9.3.6 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 Main Committee and ITSDF 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.

9.3.7 Deliberations shall take place during executive session only. Attendees for the executive session portion of the hearing shall be limited to the following:

- (a) members of the Main Committee hearing the appeal and eligible to vote;
- (b) pertinent administrative ITSDF staff; and
- (c) ITSDF legal counsel

9.3.8 For appeals relating to personnel or other administrative items, the appeal shall be upheld or denied on the basis of a majority recorded vote of those hearing the appeal; for appeals relating to technical issues, the appeal shall be upheld or denied by a two thirds affirmative vote of those hearing the appeal. The Secretary of the Main Committee shall notify the appellant, the Chair of the Main Committee and others concerned, of the Appeal Panel decision within seven days of the date of the hearing.

9.3.9 Decision

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

- a) Finding for the appellant, remanding the action to the Main Committee or the Secretary 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 Main Committee or the Secretary for appropriate reconsideration.

10 Metric policy

Units of the International System of Units (SI), the modernized metric system, are the preferred units of measurement in American National Standards unless determined otherwise as a result of consideration of industry, government, or public needs. Imperial units with SI units in parenthesis may be used in user's sections.

11 Patent policy - Inclusion of patents

There is no objection in principle to drafting a proposed standard in terms that include the use of a patented item, if it is considered that technical reasons justify this approach.

If the Main Committee receives a notice that a proposed standard may require the use of a patented invention, the procedures in clause 3.1 of the current version of the *ANSI Essential Requirements* shall be followed.

12 Commercial terms and conditions

The commercial terms and conditions policy in clause 3.2 of the current version of the *ANSI Essential Requirements* shall be followed.

13 Antitrust policy

American National Standards shall be developed in accordance with applicable antitrust and competition laws and meetings amongst competitors to develop American National Standards are to be conducted in accordance with these laws.

14 Parliamentary procedures

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