

Procedures for the Operation of the ANSI Accredited H35 Committee and the Development of H35 American National Standards

A.1 General

These procedures meet the requirements for due process and development of consensus for approval of American National Standards as given in the American National Standards Institute (ANSI) Essential Requirements.

A.2 Organization of the H35 Committee

The ANSI Accredited Standards Committee (ASC) H35 shall consist of its consensus body and secretariat. The H35 Committee shall have a title, scope, and an interest classification system for its members. The membership shall be sufficiently diverse to ensure reasonable balance without dominance by a single interest category, individual or organization.

A.3 Responsibilities

A.3.1 H35 Committee (Consensus Body)

The H35 Committee shall be responsible for:

- a) Proposing American National Standards within the scope of the ASC H35;
- b) Voting on approval of proposed American National Standards within the scope of the ASC H35;
- c) Maintaining the H35 standards;
- d) Adopting ASC H35 policies and procedures for interpretations of the standard(s) developed by ASC H35;
- e) Oversight of Aluminum Association Technical Committee on Product Standards responses to requests for interpretations of the H35 standards;
- f) Adopting ASC H35 procedures and revisions thereof;
- g) Other matters requiring H35 Committee action as provided in these procedures.

A.3.2 The Aluminum Association (“the Association”) (Secretariat)

The Secretariat shall be responsible for:

- a) Applying for ASC accreditation by ANSI and maintaining accreditation in accordance with ANSI requirements, including submission of the H35 Committee roster;
- b) Overseeing the H35 Committee's compliance with these procedures;
- c) Maintaining a roster of the H35 Committee and a list of standards for which the consensus body is responsible;
- d) Providing a secretary to perform administrative work, including secretarial services; preparation of meeting notices and as needed: handling of meeting arrangements; preparation and distribution of meeting agendas, minutes, ballots, and draft standards; and maintenance of adequate records;
- e) Submitting candidate H35 Standards approved by the H35 Committee, with supporting documentation, for ANSI review and approval as American National Standards;
- f) Performing other administrative functions as required by these procedures.

A.4 Officers

To provide leadership, the Association's representative on the H35 Committee serves as the Chairman of the H35 Committee. (Traditionally, the Chairman of the Aluminum Association's Technical Committee on Product Standards has been the Association's representative on H35.)

A.5 Membership

Members of the H35 Committee shall consist of organizations, companies, government agencies, etc., having a direct and material interest in the activities of ASC H35. The selection and addition of members, along with their interest category, shall be handled administratively by the Secretariat.

The membership balance shall be maintained so that no single interest category constitutes a majority of the consensus body.

A.5.1 Application

A request for membership on the H35 Committee shall be addressed to the secretariat and shall indicate the applicant's direct and material interest in the H35 Committee's work, qualifications and willingness to participate. In addition, if the applicant is an organization, company, or government agency, it shall identify a representative (and an alternate, if desired).

A.5.1.1 Application Determination

Requests for membership on the H35 Committee are reviewed by the Secretariat in consultation with the H35 Committee Chairman considering the items listed below and are then balloted to the ASC H35 for approval.

- a) Need for participation by each interest;
- b) Potential for imbalance or dominance by a single interest category;
- c) Extent of interest expressed by the applicant and the applicant's willingness to participate;
- d) Qualifications of the representative identified by the applicant organization, company, or government agency.

A.5.1.2 Diverse interests

If distinct divisions of an organization demonstrate independent interests and authority to make independent decisions in the area of the activity of the ASC, each is permitted to apply for membership.

A.5.1.3 Combined interest

When appropriate, the Secretariat may recommend that the applicant seek representation through an organization that is already a member and represents the same or similar interest.

A.5.2 Review of membership

The Secretariat shall review the H35 Committee membership list annually with respect to the criteria of section A.5. Members are expected to fulfill obligations of attending committee meetings (section A.7) and voting (section A.8.1).

A.5.3 Observers and individual experts

Individuals and organizations having an interest in the H35 Committee's work may request listing as observers. The H35 Committee and/or Secretariat may also select individual experts to assist it. Individual experts can serve for a renewable term of one year. Observers and individual experts shall be advised of the ASC's activities, may attend meetings, and may submit comments for consideration, but shall have no vote.

A.5.4 Interest categories

All appropriate interests that are directly and materially affected by the standards activity of ASC H35 shall have the opportunity for fair and equitable participation without dominance by any single interest, individual or organization. Each member shall be assigned an interest category as appropriate and in accordance with the H35 Committee's established categories.

The assigned interest categories shall be made known to the H35 Committee members and may be changed if determined to be inappropriate. The assigned categories shall be submitted to ANSI as part of the accreditation requirements.

ASC H35 Interest Categories are as follows:

PRODUCERS

Interests that represent commercial enterprises that make aluminum, aluminum alloys, and semi-fabricated aluminum wrought and cast products, such as: sheet, plate, extrusions, wire, rod, bar, foil, forgings, impacts, wire, and castings.

USERS

Interests that represent enterprises that use relatively large volumes of aluminum products.

GENERAL INTEREST

Interests that represent specifiers and general users of aluminum products.

DISTRIBUTORS

Interests that represent commercial enterprises that provide aluminum warehouse and distribution services.

A.5.5 Membership roster

The Secretariat shall maintain a current and accurate H35 Committee roster and shall distribute it to the members and their consensus body representatives annually and otherwise on request. The roster shall include the following:

- a) Title of the ASC and its designation;
- b) Scope of the ASC;
- c) Secretariat: name of organization, name of secretary, and address;
- d) Chairman: company affiliation, address;
- e) Members: name of organization or agency, its representative and alternate (as applicable), addresses, and business affiliations;
- f) Interest category of each member;
- g) Tally of interest categories: total of voting members and subtotals for each interest category;
- h) For each subgroup: title, chair, and names and addresses of all members.

A.6 Subgroups of the H35 Committee

A.6.1 The Association's Technical Committee on Product Standards (TCPS) shall serve as an Interpretation Subcommittee of the H35 Committee charged with issuing interpretation(s) of H35 Standards.

A.6.2 Other Subgroups of the H35 Committee may be formed, as needed.

A.7 Meetings

H35 Committee meetings can be held, as decided upon by the Committee, the chair, the Secretariat, or by petition of five or more members, to conduct business, such as making assignments, receiving reports of work, reviewing draft standards, resolving differences among subgroups, and considering views and objections from any source. However, as a matter of practicality, the H35 Committee normally conducts its business via e-mail without holding meetings, and all consensus votes on standards occur by letter ballot.

A.8 Voting

A.8.1 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;
- 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.

A.8.1.2 Single vote

No representative shall have more than one vote.

A.8.1.3 Voting Period

The voting period for letter ballots shall end 30 days from the date of issue or as soon as all ballots are returned, whichever comes earlier. An extension may be granted at the chair's option, when warranted.

A follow-up letter requesting immediate return of the ballot shall be sent, as appropriate, to members and alternate members whose votes have not been received within approximately 14 calendar days before the ballot closes.

A.8.2 Actions requiring approval by majority

The following actions require approval by letter ballot by a majority of the membership of ASC H35:

- a) Formation of a subgroup, including its procedures, scope, and duties;
- b) Disbandment of subgroups;

- c) Addition of new consensus body members and designation of their interest categories;
- d) Approval for withdrawal of an existing standard;
- e) Adoption of ASC procedures, or revisions thereof;
- f) Discontinuance of a project to develop, revise, or reaffirm a standard.

Note: ANSI shall be notified immediately if a standard project is discontinued.

A.8.3 Actions requiring approval by two-thirds of those voting

The following actions require a letter ballot with approval by at least a majority of the membership and at least two-thirds 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.

A.8.4 Authorization of letter ballots

A letter ballot shall be authorized by any of the following:

- a) The Chair;
- b) The Secretariat;
- c) A majority of the H35 Committee membership.

A.8.5 Other review

As soon as the status of the first TCPS project to develop or revise an H35 Standard is ready to be changed from "Open" to "Concluded/Awaiting Publication", notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form for announcement in *Standards Action* for comment. A statement shall be submitted and published as part of the PINS announcement that shall include 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, IEC or ISO/IEC JTC-1 standard, and the identification of the stakeholders likely to be directly impacted by the standard. A revised PINS shall be submitted and published if the identified stakeholders change substantively as the standard is developed. A PINS form may be submitted, but is not required, at the initiation of a project to reaffirm or withdraw an H35 Standard.

If the H35 Secretariat 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 (or concurrently) in *Standards Action*, a mandatory deliberation of representatives from the ASC H35 and the commenting group(s) shall be held within 90 days from the comment deadline. Such a deliberation shall be jointly organized by the H35 Secretariat and the commenter and shall be concluded before submittal of the proposed standard for public review. If the deliberation does not take place within the 90-day period and ASC H35 can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then the ASC H35 shall be excused from compliance with this requirement. 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 H35 Secretariat to the commenter and to the ANSI Board of Standards Review (BSR) for consideration if the relevant standard is to be submitted to ANSI for approval.

Upon submission of the Deliberation Report, the H35 Secretariat may continue with the submission of the proposed standard for public review. If additional deliberations take place, the submission of the proposed standard for public review should not be delayed, and an updated Deliberation Report shall be conveyed within 30 days after each deliberation. Any actions agreed upon from the deliberations shall be carried out in a reasonably timely manner, but normally should not exceed 90 days following the deliberation. Subsequently, the H35 Secretariat shall include all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI Board of Standards Review (BSR) for consideration should the H35 Secretariat ultimately submit the subject standard to ANSI for approval. The ASC H35 and commenting group(s) who were involved in the PINS deliberation process may also file separate Deliberation Report(s) with ANSI and the H35 Secretariat within 30 days after conclusion of any deliberation for consideration by the BSR, if the standard is submitted to ANSI for approval.

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 for listing in *Standards Action* in order to provide an opportunity for public comment. The comment period shall be a minimum of forty-five days. The

document shall be made available in an electronic format, deliverable within one business day of a request, and the source (e.g., URL or an E-mail address) from which it can be obtained by the public shall be provided to ANSI for announcement in *Standards Action*.

Such listing may be requested at any stage in the development of the proposal, and the H35 Secretariat shall determine whether listing of the proposed standards actions shall be concurrent with the final consensus body letter ballot and whether announcement in other suitable media is appropriate. (The Secretariat shall transmit a copy of the proposed new, revised, or reaffirmed standard to the administrator(s) of the appropriate USA Technical Advisory Group(s) at the same time.) However, any substantive change subsequently made in a proposed American National Standard requires listing of the change in *Standards Action*.

Before adopting a standard, the H35 committee shall allow 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.

A.8.6 Disposition of views and objections

When the balloting has been closed, the Secretary shall forward the ballot tally to the H35 Committee Chair. All comments shall be considered and responded to. If there are negative ballots, the reason(s) for the negative ballots shall be considered and responded to in a timely manner. Prompt consideration shall be given to the written views and objections of all participants, including those commenting on the ANSI Project Initiation Notification System (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, the objector shall be informed in writing that an appeals process, A.12 below, exists. Each objection resulting from public review or submitted by a member of the H35 Committee that is not resolved will be reported in the Secretariat's submittal to the ANSI Board of Standards Review (BSR).

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.

When this process is completed in accordance with these procedures, the H35 Committee may consider any comments received subsequent to the closing of the public review and comment period or shall consider them at the next review.

Unresolved objections, attempts at resolution, and any substantive change made in a proposed American National Standard shall be reported to the consensus body in order to afford all members an opportunity to respond, reaffirm, or change their vote within four weeks.

A.8.7 Report of final result

The final result of the voting shall be reported to the H35 Committee in a ballot completion notice.

A.9 Submittal of standard

Upon completion of the procedures for voting, disposition of views and objections, and appeals, the proposed standard shall be submitted to ANSI by the Secretariat.

The information supplied to ANSI by the Secretariat shall include all relevant material.

A.10 Termination of ASC H35

A proposal to terminate Accredited Standards Committee H35 may be made by a directly and materially affected interest. The proposal shall be submitted in writing to ASC H35 and shall include at least the following:

- a) Reasons why the ASC H35 should be terminated.
- b) The name(s) of the organization(s) that will assume responsibility for maintenance of any existing H35 American National Standards that are the responsibility of the H35 Committee.

If it appears, after review by the Secretariat that the desired objectives can best be reached by termination, the proposal and supporting documentation shall be submitted to the H35 Committee with a letter ballot to terminate the H35 Committee and transfer responsibility, as appropriate, for the affected standards. The proposal for termination of ASC H35 shall be announced for comment in *Standards Action*. ANSI shall be notified if ASC H35 is terminated.

A.11 Communications

Correspondence of ASC H35 Secretariat should be on an ASC H35 letterhead.

A.11.1 Formal internal communication

If correspondence 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 H35 Committee Chair.

A.11.2 External communication

Inquiries relating to ASC H35 should be directed to the Secretariat, and members should so inform individuals who raise such questions. All replies to inquiries shall be made through the Secretariat.

A.11.3 Requests for interpretation of standards

Written requests for interpretation of ASC H35 Standards shall be responded to in writing in accordance with the following policy of the H35 Committee, and revisions to the standard resulting from requests for interpretations shall be processed in accordance with these procedures:

The Association's Technical Committee on Product Standards shall serve as an Interpretation Subcommittee to the H35 Committee charged with issuing interpretation(s) of H35 Standards. The requester and the full H35 Committee shall be sent TCPS interpretation(s). ASC H35 comments on the draft interpretation(s) shall be sent to the requestor in writing.

Upon receipt of a request for interpretation of an existing Association standard, the H35 Secretariat shall review the request and determine if the interpretation pertains to an H35 standard for which the TCPS has responsibility. If TCPS interpretation is required, a new project shall be opened and the request shall be submitted to the members of the TCPS for development of the interpretation.

The Secretariat, with input from TCPS, shall compose the response. The interpretation response letter shall be electronically sent to the requestor and to the ASC H35 members so that they can provide any additional comment. The requestor shall be electronically informed that the response letter has been also sent to ASC H35 members, that he/she may be provided with any additional comment from ASC H35 members, and that the response may be treated as final after 60 days from the date of issue to allow time for further comments from ASC H35 members, if any.

A.12 Appeals

Persons who have directly and materially affected interests and who have been or will be adversely affected by a procedural action or inaction of the H35 Committee or the Secretariat with regard to the development of a proposed H35 Standard or the revision, reaffirmation, or withdrawal of an existing H35 Standard shall have the right to appeal.

A.12.1 Complaint

The appellant shall file a written complaint with the 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.

A.12.2 Response

Within sixty days after receipt of the complaint, the respondent (H35 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.

A.12.3 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 inform the appellant that they may request, within 14 calendar days, to schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least 14 calendar days' notice to all parties. If no response is received within the deadline from the appellant requesting for a hearing with an appeals panel, the appeal shall be considered closed. No fee shall be charged to the appellant for the proceedings of the appeal.

A.12.4 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.

A.12.5 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 H35 Committee 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.

A.12.6 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. The appellant shall receive a copy of written appeals decision. Consideration shall be given to the following positions, among others, in formulating the decision:

- a) Finding for the appellant, remanding the action to the H35 Committee 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 H35 Committee or the Secretariat for appropriate reconsideration.

A.13 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.

APPENDIX A – Antitrust Policy

It is the policy of the ASC H35 Committee to comply strictly with all laws applicable to the Association's activities. ASC H35 Committee activities involve cooperative undertakings and meetings of competitors. It is important to emphasize the ongoing commitment to be fully compliance with federal and state antitrust laws. This statement is being distributed at ASC H35 meetings as a reminder of that commitment and as a general guide for their activities and meetings.

ASC H35's structure has been fashioned and its programs carried out in conformance with antitrust standards. The responsibility for antitrust compliance – which includes avoidance of even an appearance of improper activity – lies with each member of this committee. Members are expected to use judgment to avoid all discussions and activities which may involve improper subject matter or improper procedures. The Secretariat works conscientiously to avoid subject matter or discussion which may have unintended implications, and counsel for the Association provides guidance with regard to these matters.

APPENDIX B - Commercial Terms and Conditions Policy

If an issue concerning commercial terms and conditions arises regarding any H35 Standard, ASC H35 agrees to comply with the current version of the ANSI Commercial Terms and Conditions Policy to the extent permissible under applicable law.

APPENDIX C – Metric Policy

When the content of H35 Standards depends on units of measurement, either two standards are developed, one using US Customary Units and one using rationalized SI Metric Units, or a single standard is developed which includes both US Customary and SI Metric Units.

APPENDIX D – Document Retention Policy

Records for American National Standards shall be retained for one complete development cycle, or until the standard is revised. Records concerning withdrawn standards shall be retained for at least five years from the date of withdrawal.

APPENDIX E – Patent Policy

If patent issues arise related to any H35 Standard, ASC H35 agrees to comply with the ANSI patent policy to the extent permissible under applicable law.

APPENDIX F – Copyright Policy

Copyrighted material obtained from other organizations may be duplicated and distributed for the purpose of reviewing and commenting on draft documents, provided such material is marked "Draft – For Review Only."