

June 2004

# **NSF International Standards development and maintenance policies**

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ANSI Approval: June 9, 2004

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NSF International —

# **Standards development and maintenance policies**

Standard Developer

**NSF International**

**Approved**

June 9, 2004

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# NSF International

## Standards development and Maintenance policies

### 1 General

These Policies are used in the development of NSF voluntary consensus American National Standards. These Policies meet the requirements of due process as defined in the American National Standards Institute (ANSI) *Essential Requirements: Due Process Requirements for American National Standards*.<sup>1</sup> In addition, these Policies are consistent with the OMB A-119 *Federal Participation in the Development and Use of Voluntary Standards*.<sup>2</sup> NSF Standards are intended to be consistent with government regulations and codes, when they exist. These Policies are written in a manner to incorporate all procedural requirements set forth in the ANSI process. It is understood that when a NSF Standard is developed with the intent for the Standard to not be an American National Standard, those procedures specifically related to the ANSI process, may not be applicable.

#### 1.1 Definitions

**Consensus:** Substantial agreement by directly and materially affected interests that signify the concurrence of more than a simple majority but not necessarily unanimity. It requires that all views and objections be considered and that an effort be made toward their resolutions.

**Joint Committee (JC):** The consensus body responsible for development and revision of any NSF/ANSI Standard.

**Standing Committee (SC):** A group appointed by the JC Chair to continuously address issues arising within a Standard

**Task Group (TG):** A group appointed by the JC Chair to address a specific issue within a Standard.

### 2 Openness

Participation in the NSF standards process shall be open to all persons who are directly and materially affected by the standard. These Policies are written in a manner to ensure there are no undue financial barriers to participation, and participation is not conditional upon membership in any organization, nor unreasonably restricted on the basis of technical qualifications or other such requirements. Participation is available through membership on JCs or TGs by meeting invitation, or by public review and comment.

Timely and adequate notice of any action to create, revise, reaffirm, or withdraw a standard, and the establishment of a new consensus body shall be provided to all known directly and materially affected interests. Notice should include a clear and meaningful description of the purpose of the proposed activity

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<sup>1</sup> American National Standards Institute, 25 West 43<sup>rd</sup> Street, New York, NY 10036

<sup>2</sup> Office of Management and Budget, U.S. Department of Commerce, Washington, DC, 20230. Federal Register, Vol. 46. No. 3, January 6, 1981

and shall identify a readily available source for further information. In addition, the name, affiliation,<sup>3</sup> and interest category of each member of the consensus body shall be made available to interested parties upon request.

### **3 Committee structure**

#### **3.1 Committees**

##### **3.1.1 Joint committees**

The JC is the consensus body and shall be responsible for:

- proposing NSF Standards consistent with NSF’s mission;
- voting on approval of proposed NSF Standards;
- ensuring public health, safety, and environmental issues are properly addressed in standards;
- maintaining standards in accordance with these Policies;
- responding to requests for interpretations of NSF Standards within its scope of activity;
- proposing additional policies and procedures to the Secretariat appropriate to its scope of activity as permitted within these Policies; and
- other matters requiring consensus body action as provided in these Policies.

##### **3.1.2 Standing committees**

If deemed appropriate by JC membership, SCs may be formed to have responsibility for a specific standard(s) under the scope of the JC. These SCs are responsible for providing recommendations to the JC concerning maintenance of the standard(s) under their responsibility. SCs are not governed by the rules of balance or consensus as defined in these Policies.

##### **3.1.3 Task groups**

If deemed appropriate by JC or SC membership, TGs may be formed to address a specific issue. TGs are responsible for providing recommendations to the JC or SC responsible for the standard(s) impacted by the recommendation. TGs are not governed by the rules of balance or consensus as defined in these Policies.

#### **3.2 Secretariat**

NSF shall be the Secretariat and shall be responsible for:

- overseeing compliance with these Policies;
- maintaining a roster of JC membership and maintaining a list of standards assigned to each JC;
- providing administrative services to the JC Chairs in assisting them in performing their duties;

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<sup>3</sup> “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, sponsor and interest category should be available. Contact information is not required

- nominating officers for the initial formation of JCs;
- submitting documentation to ANSI, when required;
- documenting actions and decisions made by the JC;
- distributing documents relevant to the business of the JC; and
- performing other functions as required by these Policies.

### **3.3 Officers**

#### **3.3.1 Joint committee**

##### **3.3.1.1 JC Chair**

The JC Chair shall be selected by the Secretariat of the Council of Public Health Consultants (CPHC). The JC Chair shall be responsible for:

- managing the JC and JC meetings in a manner that is efficient and in compliance with these Policies;
- completing JC responsibilities in a timely manner, including reviewing drafts for ballot;
- providing a liaison role between JC and CPHC;
- adjudicating all views and objections encountered in the balloting and public review processes;
- representing the JC in appeal actions; and
- performing other functions as required by these Policies or by request of the JC membership.

The JC Chair shall be a nonvoting member of the JC except where necessary to determine a decisive vote.

##### **3.3.1.2 JC Vice Chair**

The JC Vice Chair shall assume the responsibilities of the JC Chair in the Chair's absence.

#### **3.3.2 Standing committees and task groups**

SCs and TGs shall each have a Chair and may have a Vice Chair and/or Secretariat.

##### **3.3.2.1 SC or TG Chair**

The SC or TG Chair shall be selected by the JC Chair. The SC or TG Chair shall assume responsibilities for the following:

- managing SC or TG and their meetings in a manner that is efficient and in compliance with these Policies;
- completing SC or TG responsibilities in a timely manner, including reviewing draft(s);
- providing a liaison role between the JC and their entity; and

- performing other functions as required by these Policies or by request of the SC and TG membership.

### 3.3.2.2 SC or TG Vice Chair

The SC or TG Vice Chair shall assume the responsibilities of the SC or TG Chair in the Chair's absence.

### 3.3.2.3 Secretariat

The secretariat shall be responsible for:

- documenting all actions and decisions made by the SC or TG;
- distributing documents relevant to the business of the SC or TG; and
- submitting current membership roster to the Secretariat of the JC.

## 3.4 Members

Members shall be responsible for:

- participating actively at meetings and reviewing documents;
- returning ballots within prescribed deadlines;
- advising the appropriate Chair when a change in employment may impact the member's interest category;
- providing technical expertise;
- abiding by the *NSF Antitrust Guide for the Conduct of Meetings*; and
- conducting themselves in a manner that is courteous, respectful, and consistent with the principles of the consensus process.

## 4 Membership

### 4.1 Joint committees, task groups, and standing committees

#### 4.1.1 Application

Any directly and materially affected person may apply for membership by completing an application and submitting the application to the Secretariat. The Secretariat shall forward membership applications to the responsible Chair, who determines eligibility. Participation shall not be conditional upon membership in any organization or unreasonably restricted on the basis of technical qualifications or other such requirements.

Applicants shall define their direct and material interests in the JC's, TG's, or SC's activities, qualifications, willingness to participate actively, and indicate their interest category. An organization or agency shall only have one member on a JC, TG, or SC, unless one of the following apply.

- a) If a company produces an end-product and a component used in the end-product, the company is both a manufacturer and a user. They can thus have two qualified members on the JC.
- b) If a parent company has two or more smaller companies with manufacture brands that compete against each other in the marketplace, it may have two qualified members on the JC.

- c) Different products that compete with each other in the marketplace, but are produced by the same company, may have two qualified members on the JC.
- d) If a company has both a domestic and foreign affiliate, it may have two qualified members on the JC.

All memberships are based on the experience and expertise of the individuals and are not "company" memberships and therefore are not transferable.

Applicants not accepted may have their application maintained on file by the Secretariat for consideration by the responsible Chair when openings occur.

#### **4.1.2 Selection/recommendation**

In reviewing the application, the Chair of the applicable committee or group shall consider the following:

- need for active participation by each interest category;
- potential of dominance by a single interest category;
- extent of organization or company support on behalf of the applicant; and
- JC, TG, or SC size.

The JC shall have a balance of interests. Members from diverse interest categories shall be sought with the objective of balance (see 4.1.3). The process shall not be dominated by any single interest category, individual, or organization. Dominance shall mean a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.

The requirement for balance shall not apply to TG or SC membership; however, each group should have at least one member from each interest category.

When Chairs become aware of areas of needed technical expertise, they may recruit new members to serve on the JC, TG, or SC.

##### **4.1.2.1 Membership**

**4.1.2.1.1** Each JC member is requested to serve a minimum three-year term. Minimum terms of service shall not be required for TG or SC. When a JC, TG, or SC member completes a term, resigns, or is otherwise unable to serve, all applications on file for each interest category shall be considered for filling the vacant applicable position.

**4.1.2.1.2** The recommended maximum number of members on a JC is 34. JC size may be increased by the JC Chair if there is a clear need for additional representation. If the JC size is increased, balance shall be maintained.

**4.1.2.1.3** The recommended maximum number of members on a TG or SC is 15. The JC Chair may authorize membership beyond 15 if there is a clear need for specific expertise.

##### **4.1.2.2 Officers**

**4.1.2.2.1** Each JC, TG or SC shall have a Chair, Vice Chair, and Secretariat (see 3.3.1 and 3.3.2 for the responsibilities of each office).

**4.1.2.2.2** The JC Chair shall be selected by the Secretariat of the CPHC.

**4.1.2.2.3** JC Vice Chair candidate shall be a current JC member and shall be voted into office by a simple majority of the JC membership roster (with the JC Chair casting the deciding vote in the event of a tie).

**4.1.2.2.4** JC Chairs shall oversee the selection of TG and SC Chairs.

**4.1.2.2.5** TG and SC Chairs shall oversee the selection of Vice Chairs and Secretariat for their respective groups.

### **4.1.3 Membership interest categories**

JC, TG, and SC membership shall include persons directly and materially affected by the standard(s) being developed. Directly and materially affected may be defined by the membership interest categories below.

- User/Consumer: A member who purchases, uses, or specifies materials, products, systems, or services covered in the scope of the standard. User/consumer trade association representatives, third-party product certifiers/testing laboratories, and standards developers are included in this membership classification.
- Industry: A member who produces, assembles, distributes, or sells materials, products, systems, or services covered in the scope of the standard. Trade association representatives are included in this membership classification.
- Public Health and Safety/Regulatory: A member who is from a public agency (local, regional, state, federal, or international) or represents a professional public/environmental health/safety organization, academia, or a model code organization.
- Non-voting Liaison: A member who has expertise in areas of interest to NSF. The member would receive all JC materials and may perform duties expected of JC members with the exception of balloting and making motions.

An NSF staff member having expertise in the subject area(s) under the scope of a JC shall be designated as Technical Representative. The Technical Representative shall serve as a voting member of the JC under the “user” or “product certifiers/testing labs” classification.

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. Joint Committees may determine that additional or different interest categories are appropriate for the Committee’s scope of activity. Changes in interest category designations shall be approved by a majority of the JC and documented with the Secretary.

### **4.1.4 Review of membership**

Yearly attendance and voting records shall be reviewed by the JC, TG, or SC Chair at least on an annual basis.

A JC member may be terminated if he/she has completed a three-year term or is considered inactive, i.e., fails to return ballots on two consecutive issues and/or misses two consecutive meetings. A JC member whose change in employment affects his/her voting interest may also be terminated. TG and SC memberships may be terminated at the discretion of the group Chair and JC Chair.

### **4.1.5 Observers and experts**

Observers are permitted at JC, TG, and SC meetings at the discretion of the appropriate Chair and shall be given a non-transferable invitation by that Chair when their request to attend is approved. Individual

experts may be invited to address the JC, TG, or SC on technical matters related to Standards' development.

#### **4.1.6 Membership roster**

A current membership roster for each JC, TG, or SC containing all pertinent member contact information and affiliation shall be maintained by the Secretariat of that group and supplied to NSF staff. The membership roster shall be available to group members upon request. Member names and affiliation are available to the general public upon request.

#### **4.1.7 Proxies**

A JC, TG, or SC member may be represented by a proxy at a meeting if unable to attend or participate. A signed statement from the member not in attendance authorizing a designated proxy shall be provided to the Chair prior to the meeting.

### **4.2 Membership – Council of Public Health Consultants**

#### **4.2.1 General**

Representatives of professional organizations and regulatory officials, academic institutions, and other individuals who are recognized nationally or internationally and have demonstrated leadership in the public health and environmental fields, are selected to serve on the CPHC. The CPHC shall consist of not more than 45 members, not including liaison or emeritus members. If the need is demonstrated, the number may be increased.

#### **4.2.2 Selection**

##### **4.2.2.1 CPHC members**

The CPHC is responsible for choosing its membership. The CPHC Chair shall appoint a Nominating Committee and Nominating Committee Chair at the CPHC annual business meeting. The Committee shall nominate representatives to fill vacancies on the CPHC and become officers, as appropriate. The Secretariat shall be delegated responsibility for contacting the nominees to determine their willingness to serve as CPHC members.

##### **4.2.2.2 Officers**

The CPHC shall be served by a Chair, Chair-elect, and Secretariat. At the annual business meeting, the Chair-elect shall be elected each year for a one-year term by the CPHC from the membership. For continuous and sustained leadership, the Chair-elect shall ascend to the position of Chair after the Chair completes a one-year term. A member shall have served on the CPHC a minimum of two years before being eligible to serve as an officer. The Secretariat shall be appointed by the Chief Executive Officer of NSF.

##### **4.2.2.3 Member emeritus**

CPHC members who have diligently and honorably served for three or more terms and whose expertise and advice is considered valuable to the CPHC may be nominated for member emeritus. These members shall perform all duties expected of CPHC members with the exception of balloting.

##### **4.2.2.4 Liaison members**

A liaison member is a CPHC member who has expertise in one or more areas of interest to NSF. The member would receive all CPHC materials regarding product/procedure acceptances and could be contacted for consultation but would not be a voting member of the CPHC. Membership of this type can

be made only with the approval of the majority of the CPHC members attending the annual business meeting. The term shall be the same as voting members.

#### **4.2.3 Review of membership**

The members shall consist of three classes elected to serve successive three-year terms. A member may be elected for a second three-year term, if nominated and approved by the CPHC. Membership shall be limited to two terms unless the member's presence is considered essential as a result of his/her special experience, expertise, or continued JC functions, or he/she is serving as an officer of the CPHC. In the event it is decided the number of members should be increased, the new members may be elected for terms of up to three years to maintain a balance in each year's class.

#### **4.2.4 Observers and individual experts**

In general, observers are not permitted at the annual business meeting of the CPHC, unless invited by the CPHC Chair. Individual experts may be invited to address the CPHC on matters related to CPHC business.

#### **4.2.5 Membership roster**

A current membership roster shall be maintained by the CPHC Secretariat.

#### **4.2.6 Proxies**

A CPHC member shall not be represented by a proxy at the annual business meeting of the CPHC. A CPHC member may request input from knowledgeable colleagues regarding NSF Standard ballot proposals, but the completed ballot shall be submitted by the CPHC member.

## **5 Notification of standards development**

### **5.1 Project Initiation Notification System (PINS)**

**5.1.1** At the initiation of a project to develop or revise an American National Standard, notification shall be transmitted to ANSI using the PINS form except for those projects falling under 5.2 of these Policies.

**5.1.1.1** Written comments received within 30 days of the PINS announcements shall conform to these policies.

**5.1.1.2** Prompt consideration shall be given to all expressed views and objections received during public review processes. A concerted effort to resolve all expressed objections shall be made, and each objector shall be advised in writing of the disposition of the objection and the reasons therefore.

**5.1.2** Directly and materially affected interests may request a revision to a standard at any time. The party shall complete an Issue Paper, which shall be sent to the appropriate JC Chair. The JC Chair shall decide to forward to the JC for review or hold until such time as the Standard is open for review.

**5.1.3** A directly and materially affected interest may request the development of a new standard or draft standard for trial use to the Senior Vice President, Administration, if the scope of the new standard is not covered by an existing JC.

## 5.2 Continuous maintenance

### 5.2.1 Continuous maintenance schedule

Standards may be placed on a continuous maintenance schedule. This means that any part of the standard is open for comment or proposals at any time and by anyone, within the constraints of any established revision cycle. 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) a notice is in the standard that the standard is always open for comment and how to submit comments, and (3) information is on NSF's website that the standard is under continuous maintenance and how to submit comments. Any properly submitted proposals shall be considered and acted upon as described in accordance with the established revision cycle for the involved standard.

### 5.2.2 Revision of continuous maintenance

Standards on continuous maintenance will be published on an annual basis if a revision has passed the JC, TC and CPHC. If revisions occur more frequently than annually, an addendum will be published on an as-need basis. If a Standard on continuous maintenance has no revision activity for a period of five years, the Standard will be placed through a full review cycle, including public review, or an extension or reaffirmation may be requested. At no time will a Standard on continuous maintenance exceed 10 years without a revision.

## 5.3 Discontinuance of a proposal

If NSF determines that a proposal during the consensus process or public review shall present an overriding public health, safety or legal risk, NSF shall cease processing the proposal and promptly notify the consensus body. NSF shall post a notice in *Standards Action* that it is abandoning the proposal and readers should contact NSF for more information, if it has been available for public review. A request received within 60 days of the notice shall be provided reasons for the abandoning the proposal. The decision to abandon a proposal may be appealed to the ANSI Executive Standards Council, but is not appealable to NSF, based on procedural noncompliance.

## 5.4 Public review of draft standards

### 5.4.1 Board of Standards Review (BSR-108)

Proposals for new American National Standards (ANS) and proposals to revise, reaffirm or withdraw approval of an existing ANS shall be submitted to ANSI using the Board of Standards Review (BSR)-108 form for listing in ANSI *Standards Action* in order to provide an opportunity for public comment.

### 5.4.2 Board of Standards Review (BSR-109)

A BSR-109 (Formal Submittal for Approval/Withdrawal as ANS) notifies ANSI that a standard has been revised and is/will be ready for publication. This information is published in ANSI *Standards Action*.

## 6 Communications

Correspondence from NSF JCs, SCs, and TCs Chairs shall be on NSF International letterhead.

### 6.1 Formal internal communication

Correspondence between members of JCs, TGs or SCs involving issues or decisions affecting other committees shall be sent to all affected Chairs, the Secretariat, and the consensus body officers.

## 6.2 External communication

All inquiries relating to a standard/issue and all replies to inquiries shall be made through the affected Chair. Members of said committees shall be informed of the decision of that Chair. Any JC, TG or SC member may introduce an issue of concern by completing an Issue Paper (found on NSF's website), which shall be forwarded to the appropriate Chair for review/action plan.

## 6.3 Request of interpretation of standards

Written inquiries requesting interpretation of NSF/ANSI Standards shall be responded to in accordance with the policy of NSF. Revisions to the Standard resulting from requests for interpretations shall be processed in accordance with these procedures.

## 6.4 Issue Paper

Each proposal should be submitted to the Secretariat in electronic format using the Issue Paper Form as found on NSF's website and shall include the following:

- name of submitter and affiliation (i.e., organization or company);
- name of Standard and section to which the issue is directed;
- proposed text, including the wording to be added, revised, or deleted;
- reason for proposal revision; and
- signature of submitter.

# 7 Meetings

## 7.1 Joint committee meetings

JC meetings shall be held as decided by the consensus body, the responsible Chair, the Secretariat, or by petition of five or more members. The business of JC meetings shall be to consider draft standards or new proposals, make assignments to TGs, receive reports of work from TGs, resolve differences among or within TGs, or to consider views and objections from any source, including Issue Papers.

## 7.2 Task group and standing committee meetings

TG and SC meetings may be held as decided upon by the members or the responsible Chair.

NOTE – The term “meeting” covers all standards meetings and includes teleconferences, videoconferencing, and other forms of electronic group interaction.

## 7.3 Quorum

A majority of the members of the JC, TG, or SC shall constitute a quorum for conducting business at a meeting. If a quorum is not present, actions shall only be taken subject to subsequent confirmation by letter ballot or vote at a future meeting/date.

## 7.4 Meeting notice

JC, TG, or SC members shall receive announcements of meetings and meeting agendas. Meeting announcements shall be posted on the NSF subscription website. JC meeting notices shall be posted at least 30 calendar days prior to the meeting date and as soon as known for TG and SC meetings. The notice shall describe the purpose of the meeting and shall identify a readily available source for further information. An agenda shall be available and shall be distributed in advance of the meeting to members and any others expressing interest.

## 7.5 Meeting attendance

JC meeting attendance by members is not required but is strongly encouraged. Failure to attend meetings may result in termination of membership.

## 7.6 Open meetings

Non-member observers may request an invitation from the JC Chair to attend a meeting. The meeting request form shall be posted on the NSF Standards website. The request shall include the observer's interest category and the reason attendance is being requested. The JC Chair shall consider the following in determining attendance at a meeting:

- parties have a direct involvement in agenda items (documented concerns, presentations, etc.);
- representation from all directly and materially affected interest categories; and
- meeting room size and/or other logistical limitations.

A JC Chair may close a meeting to observers once a certain predetermined number of invitations have been granted.

## 7.7 Closed meetings

The JC Chair may choose enter closed sessions for members only when matters of a confidential nature are under discussion. Outcomes of any discussions held in a closed session, which may affect content of standard(s), shall be reviewed during a subsequent session, including review with observers at the same meeting.

On questions of parliamentary procedure not covered by these Policies, *Robert's Rules of Order* (latest edition) shall prevail.

## 7.8 Meeting summaries

The responsible Chair/Secretariat shall be responsible for creating and distributing meeting summaries. The summaries shall contain all motions and the voting results for the motion. Any other discussion may be added at the Chair's discretion. Summaries shall be distributed to all committee members and made available to other interested parties through the NSF Standards website.

## 7.9 Document distribution

Meeting agendas, meeting summaries, and draft standards shall be provided to all members. Non-members may purchase documents from the Administration Coordinator, or they may purchase annual subscriptions.

# 8 Balloting

## 8.1 Joint committee

### 8.1.1 General

All proposed new standards or revisions to existing standards shall be reviewed by the full JC via electronic ballot.

### 8.1.2 Ballot/correspondence preparation

The JC Chair will prepare all correspondence relating to ballots, drafts, and supporting documents to the JC. The Secretariat will send ballots and balloting documentation to members. The JC Chair shall be responsible for resolving all substantive changes and negative comments.

### 8.1.3 Ballot period

Generally, members shall return their ballots within 21 calendar days of the transmittal date although the JC Chair may request a ballot return in fewer than 21 calendar days. Members shall, in all cases, be given a minimum of 14 days to return ballots. Ballots received after the closure date may not be counted, unless the JC Chair has authorized an extension.

### 8.1.4 Ballot options

Each member of the JC shall have one vote. The use of proxies is not permitted for the balloting. A member shall vote based on one of the following positions:

- affirmative;
- affirmative, with comment(s). Comment(s) shall be considered editorial;
- negative, with reason(s). Reason(s) for a negative ballot shall be given and include specific wording on recommended action(s) to resolve objections. A negative ballot that is not accompanied by a written explanation shall be recorded as such and no further action shall be required; or
- abstain, with reason(s). An abstention ballot that is not accompanied by a written explanation shall be recorded as such and no further action shall be required.

### 8.1.5 Ballot results

Affirmative ballots shall be received from a majority (greater than 50 percent) of the JC members, and an affirmative ballot of at least two-thirds of those voting, excluding abstentions, shall be attained before a proposed standard or revisions recommended for adoption.

### 8.1.6 Negative ballots/public comments

Negative votes and comments cast with substantive issues shall be referred to the JC Chair for review.

**8.1.6.1** The JC Chair shall determine whether expressed views and objections shall be considered by correspondence, by telephone, or at a meeting.

**8.1.6.2** Prompt consideration shall be given to all negative ballots and comments. A concerted effort to resolve all negative ballots and comments shall be made, and each submitter shall be advised in writing of the disposition of the negative and the reasons thereof.

**8.1.6.3** The JC Chair and the submitter may determine the negative can be resolved without substantive change to the Standard. Only comments relating to the issue under ballot shall be considered. All other comments shall be discussed when the Standard is open for review.

**8.1.6.4** All unresolved negative ballots/comments and substantive changes to the draft standard to resolve negative ballots/comments shall be submitted to the JC for review to afford them the opportunity to reaffirm or change their votes. At the completion of the JC review, if the requirements of 8.1.5 are obtained, all negative ballots/comments shall be considered adjudicated.

**8.1.6.5** A negative ballot not accompanied by supporting reasons shall be recorded as a “negative without comment” and no further action is required.

**8.1.6.6** When submitting the decision of the JC to the objector, the JC Chair shall advise the objector of the right to appeal the decision in accordance with these Policies. The objector shall be provided a copy of 10 for review.

NOTE – Comments on certification issues related to the proposals under consideration are considered non-germane and outside the scope of the Standards process. Comments related to certification may be provided to the Secretariat of the NSF Certification CPHC for consideration.

### **8.1.7 Member resignation during balloting period**

If a member resigns from the JC during the balloting period, the member shall be removed from the JC and not be included in the ballot calculations. If a member votes and then resigns, the vote shall be recorded and counted.

## **8.2 Council of Public Health Consultants**

### **8.2.1 CPHC technical committee**

The TC is composed of no more than four members of the CPHC having technical expertise in the area being balloted. These members are appointed by the Senior Vice President, Administration.

#### **8.2.1.1 TC ballot/correspondence preparation**

TC balloting is concurrent with JC balloting. TC members comments shall be resolved by the TC Chair, and TC negatives shall be returned to the JC Chair for resolution by the JC.

#### **8.2.1.2 TC ballot period**

The balloting period for the TC shall be consistent with the balloting period set for the JC.

#### **8.2.1.3 TC ballot options**

Each member of the TC shall have one vote only and shall vote one of the following positions:

- send to CPHC (affirmative);
- send to CPHC, with comment(s) (affirmative with comment). Comment(s) shall be considered editorial; or
- return to JC, with reason(s). Reason(s) for a return to JC ballot shall be given and include specific wording on recommended action(s) to resolve objections. A return to JC ballot that is not accompanied by a written explanation shall be recorded as such and no further action shall be required.

#### **8.2.1.4 TC ballot results**

Affirmative ballots shall be received from all TC members before a proposed standard or revisions are submitted to the full CPHC for review. If negative votes are cast involving substantive issues, they shall be referred to the responsible JC for resolution.

## **8.2.2 CPHC balloting**

### **8.2.2.1 CPHC ballot/correspondence preparation**

The CPHC shall review and ballot all standards and revisions.

### **8.2.2.2 CPHC ballot period**

Generally, members shall return their ballots within 21 calendar days of the transmittal date although the CPHC Chair may request a ballot return in fewer than 21 calendar days. Members shall, in all cases, be given a minimum of 14 days to return ballots. Ballots received after the closure date may not be counted, unless the Chair has authorized an extension.

### **8.2.2.3 CPHC ballot options**

Each member of the CPHC shall have one vote only and shall vote one of the following positions:

- affirmative.
- affirmative, with comment(s). Comment(s) shall be considered editorial.
- negative, with reason(s). Reason(s) for a negative ballot shall be given and include specific wording on recommended action(s) to resolve objections. A negative ballot that is not accompanied by a written explanation shall be recorded as such and no further action shall be required.
- abstain, with reason(s). An abstention ballot that is not accompanied by a written explanation shall be recorded as such and no further action shall be required.

### **8.2.2.4 CPHC ballot results**

All actions on standards shall be by ballot. A return of not less than 80 percent of all ballots (affirmatives, negatives, and abstentions) shall be required. An affirmative ballot of at least 90 percent of combined affirmative and negative votes shall be attained before a proposed standard or revision is recommended for adoption.

### **8.2.2.5 CPHC negative ballots**

If negative votes are cast involving substantive issues, they shall be referred to the responsible JC for resolution. A standard with negative ballots from the CPHC may be moved forward for adoption if the JC previously considered the objection.

### **8.2.2.6 CPHC member resignation during balloting period**

If a member resigns during the balloting period, the member shall be removed from the CPHC and not included in the numerical calculation. If a member votes and then resigns, the vote shall be recorded and counted.

## **8.3 CPHC task group (TG)/standing committee (SC) ballot procedures**

No formal balloting is necessary for TG or SC. A simple majority shall be attained before the draft is sent to the Chair of the responsible JC.

## 9 Public review of proposed standards

The public review process may occur concurrently with the JC, TC and the CPHC ballot. The Secretariat shall send a BSR 108 to ANSI for notification of public review and comment. An announcement shall be published in ANSI's *Standard Action* that a standard is available for review and comment. When the Chair sends ballot information to the JC, a revision will also be placed on both the NSF Subscription Site and NSF Bookstore.

All comments from review of these three sources are sent to the JC Chair, who will resolve them according to 8. Prompt consideration will be given to the written views and objections of all participants.

## 10 Appeals process

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

**10.1** Persons who have directly and materially affected interests and who have been or will be adversely affected by a Standard, or by the lack thereof, shall have the right to appeal procedural actions or inactions of the JC. Appeals shall only be considered when due process provided in these Policies has been exhausted. NSF reserves the right to charge a reasonable fee for handling any appeal request. If the final decision is for the appellant, NSF shall reimburse this payment to the appellant.

**10.2** The appellant shall file a written appeal with the JC Chair within 15 business days after the date of notification of action or at any time with respect to inaction. The appeal shall state the nature of the objection(s), including any adverse effects, the section(s) of these procedures or the Standard that are at issue; actions or inactions that are at issue; and the specific remedial action(s) that would satisfy the appellant's concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

**10.3** Within 30 calendar days after receipt of the appeal, the JC Chair shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint.

**10.4** If the appellant and the JC Chair are unable to resolve the written appeal in a manner consistent with these procedures, the JC Chair shall initiate formation of an appeals panel.

**10.5** The appeals panel shall consist of three individuals from the CPHC or the NSF Certification CPHC chosen by the JC Chair. At least two of the members shall be acceptable to the appellant. The JC Chair may assign a member to serve as Secretariat to the appeals panel. The Secretariat shall have no vote. Members of the applicable JC shall not serve on the appeals panel. The appeals panel shall be charged with ensuring the appellant received due process and that proper procedures were followed in addressing the appellant's objections. Technical issues shall be addressed by the appropriate JC.

**10.6** The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The Chair of the panel shall act as respondent to the complaint. The respondent has the burden of demonstrating that the JC did not take all actions in compliance with these Policies. 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.

**10.7** The Secretariat, with final approval by the Chair of the panel, shall document the decision of the appeals panel within 30 calendar days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision:

- a) finding for the appellant and remanding the action to the JC;
- b) finding for the respondent; and
- c) finding that new, substantive evidence has been introduced and remanding the entire action to the JC for appropriate reconsideration.

**10.8** At the completion of the appeals process, the Chair of the panel shall advise the appellant of the right to appeal the decision rendered to ANSI if the appeals panel did not find for the appellant. If the appellant gives notice that further appeal to ANSI is intended, a full record of the complaint, response, hearing, and decision shall be submitted by the Secretariat to ANSI.

## 11 Draft standards for trial use

**11.1** A materially and directly interested party may approach NSF about the feasibility of publishing a draft standard for trial use. The requestor will complete an Issue Paper, which will be sent to the responsible JC. This requestor may supply a draft of the standard or a suggestion that a draft be written. The Chair of the JC will decide whether this issue should be written as a NSF/ANSI standard or a draft standard for trial use. If no JC exists covering the scope of the proposal, NSF may decide to proceed with the publication of the draft standard.

**11.2** If the NSF or the JC accepts the proposal to publish a draft standard for trial use, the following shall occur:

**11.2.1** ANSI shall be notified via a PINS of the intent to write a draft standard for trial use. All public comments shall be responded to by the JC Chair.

**11.2.2** ANSI shall be notified via a BSR 108 of document review. All public comments shall be responded to by the JC Chair.

**11.2.3** After all public review comments have been resolved, the JC Chair will have NSF staff edit document for publication. NSF staff will send Draft Standard for Trial Use form to ANSI and prepare document for publication.

**11.2.4** The following statement, or equivalent, shall be included on the front cover of the draft standard for trial use:

“Publication of this draft standard for trial use and comment has been approved by NSF International. Distribution of this draft standard for comment shall not continue beyond ( ) months from the date of publication. It is expected that following this ( ) month period, this draft standard, revised as necessary, will be submitted to the American National Standards Institute for approval as an American National Standard. A public review in accordance with ANSI Essential Requirements is required at the end of the trial use period and before a draft standard for trial use may be submitted to ANSI for approval as an American National Standard. This draft standard is not an American National Standard. Suggestions for revision should be directed to the Secretariat.

NSF will not use the ANSI logo or trademark on any document that has not been approved as an American National Standard, including a draft standard for trial use. If NSF complies with the ANSI Essential Requirements in connection with a draft standard for trial use, it may be refer to the draft standard as a *Draft American National Standard for Trial Use*.

## 12 National Adoption of ISO or IEC Standards as American National Standards

If NSF wishes to adopt an ISO or IEC standard as an American National Standard, it shall comply with the requirements set forth in the *Procedures for the National Adoption of ISO or IEC Standards as American National Standards* and these Policies.

NOTE – NSF will use the ANSI expedited procedures when adopting standards related to the above.

## 13 Patents in NSF Standards

A NSF Standard may include the use of a patented item, if it is considered that technical reasons justify this approach. If a standard requires the use of a patented invention, policies note here shall be followed.

### 13.1 Statement from patent holder

Prior to approval of a standard referencing a patented item, the JC Chair shall receive from the identified party or patent holder assurance in the form of a general disclaimer to the effect that such party does not hold and does not currently intend holding any invention the use of which would be required for compliance with the proposed standard or assurance that:

- a license will be made available without compensation to the applicants desiring to utilize the license for the purpose of implementing the Standard; or
- a license will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

### 13.2 Record of statement

A record of the patent holder's statement shall be retained by the Secretariat. If the Standard is intended to be submitted as an American National Standard, the statement shall be provided to the American National Standards Institute.

### 13.3 Notice

When the JC Chair receives from a patent holder assurance set forth in 13.1, the Standard shall include as follows:

NOTE – The user's attention is called to the possibility that compliance with this standard may require use of an invention covered by patent rights. By publication of this standard, no position is taken with respect to the validity of this claim or of any patent rights in connection therewith. The patent holder has, however, filed a statement of willingness to grant a license under these rights on reasonable and nondiscriminatory terms and conditions to applicants desiring to obtain such license. Details may be obtained from NSF.

### 13.4 Responsibility for identifying patents

NSF shall not be responsible for identifying patents for which a license may be required or for conducting inquiries into the legal validity or scope of those patents that are brought to its attention.

## 14 Commercial terms and conditions

Provisions involving business relations between buyer and seller such as guarantees, warranties, and other commercial terms and conditions shall not be included in a NSF Standard. It is not acceptable to include proper names or trademarks of specific companies or organizations, acceptable manufacturer lists, service provider lists, or similar material in the text of a standard or in an annex (or the equivalent).

Where a sole source exists for essential equipment, materials or services necessary to determine compliance with the standard, it is permissible to supply the name and address of the source in a footnote or informative annex as long as the words “or the equivalent” are added to the reference.

## 15 Interpretations

**15.1** The NSF JC is the sole authorized body to interpret NSF Standards. NSF reserves the right to charge a reasonable fee for the processing of interpretation requests.

**15.2** All requests for interpretations of Standards shall be submitted in writing and shall include the reasons for the request and a clearly stated suggested interpretation for consideration. Requests shall be made to the JC Secretariat.

**15.3** The Secretariat, in consultation with the JC Chair, shall determine if the interpretation may be issued by the Secretariat or if the JC should consider the request. If the requestor is not satisfied with the interpretation provided by the Secretariat, the requestor may request the interpretation be considered by the JC. If submitted to the JC, the interpretation shall be accepted by an affirmative ballot of at least two-thirds of those voting, excluding abstentions.

**15.4** No interpretation is binding on NSF unless it has been established in accordance with the above procedures.

## 16 Committee expenses and contracts

NSF may provide travel and subsistence expenses, according to its reimbursement policies, to user and regulatory agency members. Industry members shall cover their own expenses.

### 16.1 Committee expenses

#### 16.1.1 Joint committee expenses

Expenses for committee participation (meetings, teleconferences, etc.) will not be assumed by NSF unless expenditures are previously authorized by NSF on recommendation of the JC Chair and are within amounts determined to be reasonable by NSF.

Travel and subsistence expenses may be provided in accordance with NSF corporate fiscal policies to public health/regulatory and user members whose agencies permit them to accept such support. Committees shall not pay salaries or professional fees in any form to any JC, SC, or TG member to carry out the responsibilities of their NSF participation.

#### 16.1.2 CPHC expenses

Travel and subsistence expenses shall be provided in accordance with NSF corporate fiscal policies to those members whose agencies permit them to accept such support. Honoraria or consultant fees are not provided to CPHC members.

### 16.2 Contracts

No person has the authority to negotiate or execute any contract on behalf of NSF except for the Chief Executive Officer of NSF or a designee thereof.

## 17 Editorial revisions

**17.1** The Secretariat in consultation with the responsible Chair and Technical Representative may editorially revise (without JC review) standards to ensure requirements are clearly stated.

**17.2** Editorial revisions shall not affect the intent or requirements of the standard. Examples of substantive changes that would not be considered editorial are:

- “shall” to “should” or “should” to “shall”;
- addition, deletion or revision of requirements, regardless of the number of changes; and
- addition of mandatory compliance with referenced standards.

## 18 Issuance

NSF shall issue new and revised standards approved by consensus of the JC and CPHC. The Chief Executive Officer and/or Senior Vice President, Administration, reserve the right to not proceed with the issuance of a Standard. Effective dates are not part of the standard normative text and are established by NSF.

## 19 Periodic review

**19.1** NSF Standards shall be reaffirmed, revised, or withdrawn at least every five years.

**19.2** If a reaffirmation, revision, or withdrawal is in process when the five-year limit is reached the time limit may be extended. No more than two extensions may be granted. Each extension shall be based on a plan and schedule for reaffirmation, revision, or withdrawal. The standard shall be withdrawn if no action is taken at the end of the second extension.

**19.3** Standards shall not be designated as American National Standards if no action has been taken beyond 10 years from the date of approval.

**19.4** The JC shall be notified of all extensions.

## 20 Maintenance and record keeping

### 20.1 Periodic maintenance

General correspondence, including, but not limited to, draft standards, ballots, meeting summaries, appeals, or related information relative to review, revision, affirmation, or withdrawal of a standard shall be retained for at least five years, or until the next full revision of the Standard, whichever comes later. Records related to a Standard that has been withdrawn shall be retained for at least five years.

### 20.2 Continuous maintenance

Records shall be retained for a minimum of five years or until approval of the subsequent revision or reaffirmation of the complete Standard. A documented program for periodic publication of revisions shall be established by NSF. The published Standard shall include a clear statement of the intent to consider requests for change and information on the submittal of such requests. Procedures shall be established for timely, documented consensus action on each request for change and no portion of the standard shall be excluded from the revision process.

## 21 Disclaimers

Participation in NSF's standards development/maintenance activities by regulatory agency representatives does not constitute endorsement of NSF or its Standards by the member's governmental agency or any of its subdivisions.

## 22 Standards publication style

**22.1** NSF shall use the ANSI *Style Guide-sheet* – 2003 as a guideline for NSF standards format.

### 22.2 Metrication

**22.2.1** Metric units shall be included with inch-pound units in all standards. The primary units used shall be determined by the applicable JC.

**22.2.2** When inch-pound units are the primary units, “soft metrication” shall be used when providing metric units as equivalent. The intended tolerance, when not otherwise specified, shall be based on the inch-pound unit.

**22.2.3** When a tolerance is not specified, conformance to the requirement shall be determined using the rounding method per ASTM E29 – 93a (1999).<sup>4</sup>

## 23 Legal representation

A member of a JC, TG, SC, or an observer who intends to have legal representation at a meeting may do so only after requesting and receiving prior written authorization by NSF. A written request shall be provided to NSF at least 10 calendar days before the meeting. If such a request has not been made, legal representation will not be permitted at the meeting. NSF reserves the right to have legal counsel present at any time without notice.

## 24 Discontinuation of proposed standard

NSF reserves the right to not proceed with writing a proposal submitted for a Standard if, in the exercise of its judgment, the publication of the proposed requirements would not be in the best interests of NSF. The decision on whether to pursue the development of a Standard shall be made by the Chief Executive Officer; Senior Vice President, Administration; and informed senior management officers. If the decision is made to not proceed, NSF shall respond with a letter that explains NSF's reasons for not processing the proposal. Such a decision is not appealable.

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<sup>4</sup> ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428





***THE HOPE OF MANKIND rests in the ability of man to define and seek out the environment which will permit him to live with fellow creatures of the earth, in health, in peace, and in mutual respect.***