

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

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NSF International —

# **Standards development and maintenance policies**

Standard Developer

**NSF International**

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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 current version of 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 an 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.

Where the NSF International *Standards Development Policies* are silent on an issue, the current version of ANSI *Essential Requirements: Due Process Requirements for American National Standards* document referenced above shall serve as the precedent document.

#### 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.

**Council of Public Health Consultants (CPHC):** A group that provides guidance to NSF in the planning, design and implementation of programs to protect public health and the environment and improve quality of life. The Council also reviews and ballots all standards actions developed by joint committees before final adoption as American National Standards.

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

**Task Group (TG):** A group appointed by the JC Chair to address a specific issue or standard. Task Groups may be formed on an *ad hoc* or standing basis.

### 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 to ensure that there are no undue financial barriers to

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<sup>1</sup> American National Standards Institute, 25 West 43<sup>rd</sup> Street, New York, NY 10036 (<http://www.ansi.org>)

<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, Updated February 10, 1998. (<http://www.whitehouse.gov/omb/circulars/a119/a119html>)

participation, and that voting participation on a consensus body 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 voting membership on JCs, membership on TGs, by meeting participation, or by public review and comment.

Timely and adequate notice of any action to create, revise, reaffirm, or withdraw a standard, and of 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 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 all proposed NSF Standards actions;
- ensuring that public health, safety, and environmental issues are properly addressed in standards;
- maintaining standards in accordance with these Policies;
- responding to request for interpretations of NSF Standards that have been referred by the JC Chair, in accordance with section 14.3;
- 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 Task groups**

If deemed appropriate by JC members, TGs may be formed to address a specific issue. TGs are responsible for providing recommendations to the JC responsible for the standard(s) affected 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;

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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 shall be made available. Contact information is not required.

- maintaining a roster of TG membership;
- providing administrative services to the JC Chairs to assist them in performing their duties;
- submitting documentation to ANSI, when required;
- documenting actions and decisions made by the JC;
- distributing documents relevant to the business of the JC;
- participating in appeal actions, as defined in section 10; 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, in collaboration with the Secretariat;
- participating in appeal actions, as defined in section 10; and
- performing other functions as required by these Policies or by request of the JC.

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

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

The JC Vice Chair candidate shall be a current JC member and shall be voted into office by a simple majority of the JC members (with the JC Chair casting the deciding vote in the event of a tie). The JC Vice Chair shall assume the responsibilities of the JC Chair in the Chair's absence.

#### **3.3.2 Task groups**

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

##### **3.3.2.1 TG Chair**

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

- managing the TG and its meetings in a manner that is efficient and in compliance with these Policies;
- completing TG responsibilities in a timely manner, including reviewing draft(s);

- providing a liaison role between the JC and their TG; and
- performing other functions as required by these Policies or by request of the TG members.

### **3.3.2.2 TG Vice Chair**

TG Chairs shall oversee the selection of Vice Chairs and Secretariat for their respective groups. The TG Vice Chair shall assume the responsibilities of the TG Chair in the Chair's absence.

### **3.3.2.3 TG Secretariat**

The Secretariat shall be responsible for:

- documenting all actions and decisions made by the TG;
- distributing documents relevant to the business of the TG; and
- submitting a 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 and Secretariat when a change in employment may affect the member's interest category;
- providing technical expertise;
- demonstrating active participation as an issue proponent, TG Chair, or TG member, e.g., attendance at a meeting and/or an issue sent to ballot;
- abiding by the *NSF Antitrust Guide*; and
- conducting themselves in a manner that is courteous, respectful, and consistent with the principles of the consensus process.

## **3.5 Non-voting liaison members**

A non-voting liaison member is an individual who has expertise in areas of interest to a specific JC or TG. The non-voting liaison member receives all JC materials and may perform duties expected of JC members (see section 3.4) with the exception of balloting. Non-voting liaison members do not count toward the determination of JC balance.

# **4 Membership**

## **4.1 Joint committees**

### **4.1.1 Application**

Any directly and materially affected person may apply for voting consensus body 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 and interest category.

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 activities, their qualifications, and their willingness to participate actively, and should indicate their interest category, if the responsible JC Chair finds the application inaccurately represents the individual's interest, the interest category may be revised at the time of invitation. An organization or agency shall only have one member on a JC unless one of the following applies.

- 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. It can therefore have two qualified members on the JC.
- b) If a parent company has two or more smaller companies that manufacture brands that compete against each other in the marketplace, it may have two qualified members on the JC.
- c) If a company has both a domestic and a foreign affiliate, it may have two qualified members on the JC.
- d) If a government agency has two or more branches representing different interests, it may have two qualified members on the JC.

All memberships are based on the experience and expertise of the individuals. They 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.

No application is required for Task Group membership.

#### **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, individual or organization;
- extent of organization or company support on behalf of the applicant; and
- JC size.

The JC shall have a balance of interests. Members from diverse interest categories shall be sought with the objective of balance (see section 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 membership; however, each TG 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 or TG.

##### **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 members. When a JC or TG member completes a term, resigns, or is otherwise unable to serve, all applications on file for the applicable 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 is 15. The JC Chair may authorize membership beyond 15 if there is a clear need for specific expertise.

### **4.1.3 Membership interest categories**

JC and TG 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. Industry 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.

The interest categories appropriate to the development of consensus in any given standards activity are a function of the nature of the standards being developed. The JC Chair in collaboration with the Secretariat may determine that additional or different interest categories are appropriate for the JC's scope of activity. Changes in interest category designations shall be documented with the Secretariat.

### **4.1.4 Review of JC membership**

Meeting attendance, voting records, and participation as an issue proponent, TG Chair, or TG member shall be reviewed by the Secretariat and JC Chair at least on an annual basis.

A JC member may be terminated for the following: if he/she has completed a three-year term or is considered inactive, i.e., returns less than 75% of ballots; and/or misses two consecutive meetings (proxies are excluded from this count); and/or shows a lack of participation as an issue proponent or TG Chair or TG member. A JC member whose change in employment affects his/her voting interest may also be terminated. Any changes in JC member interest category shall be confirmed in writing to the member by NSF.

TG memberships may be terminated at the discretion of the TG Chair and JC Chair.

### **4.1.5 Observers and experts**

Observers are permitted at JC and TG meetings at the discretion of the appropriate Chair. Individual experts may be invited to address the JC or TG on technical matters related to standards development.

### **4.1.6 Membership roster**

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

#### **4.1.7 Proxies**

A JC or TG member may be represented by a proxy at a meeting if unable to attend or participate. A written statement from the member not in attendance authorizing a designated proxy shall be provided to the Chair prior to the meeting. A proxy may perform duties expected of JC members with the exception of balloting.

## **5 Notification of standards development**

### **5.1 Project Initiation**

**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 section 5.2 of these Policies.

Written comments received within 30 days of the PINS announcements shall be addressed according to the current version of ANSI's *Essential Requirements*.

**5.1.2** Directly and materially affected persons may request a revision to a standard at any time. The party shall complete an Issue Paper (see section 6.4), which shall be sent to the appropriate JC Chair. The JC Chair shall decide to forward the issue to the JC for immediate review or hold it until the next JC meeting.

**5.1.3** A directly and materially affected interest may request the development of a new standard to NSF, 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 if (1) it 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 indicating 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 no more than annually, 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-needed basis. In the event that no revisions are issued for a period of four years for a Standard on continuous maintenance, action to revise, reaffirm, or withdraw the Standard shall be initiated during the fourth year.

In the event that a BSR-8/108 has not been submitted for an American National Standard under continuous maintenance within five years of its approval, NSF may request an extension, but shall then maintain the ANS under periodic maintenance.

### **5.3 Discontinuance of a proposal**

NSF reserves the right not to proceed with the development of 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.

If NSF determines during the consensus process or public review that a proposal presents an overriding public health, safety, or legal risk, NSF shall cease processing the proposal and promptly notify the applicable consensus body. The Chief Executive Officer and informed senior management officers shall make the decision to discontinue the development of a Standard. If the decision is made to not proceed, NSF shall provide any interested party with NSF's reasons for not processing the proposal in writing.

If the proposal has been available for public review, NSF shall post a notice in ANSI *Standards Action*<sup>4</sup> that it is discontinuing the proposal and readers should contact NSF for more information. A request received within 60 days of the notice shall be answered with reasons for the discontinuing the proposal.

NSF shall withdraw a standard for which no action was taken for five years, and an extension has been received from ANSI; and reaffirmation, revision or withdrawal has not been completed by the end of the extension.

The decision to discontinue a proposal may be appealed to the ANSI Executive Standards Council, but is not appealable to NSF, based on procedural noncompliance.

### **5.4 ANSI Board of Standards Review (BSR) Notifications**

#### **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 new standard has been approved, an existing standard has been revised or reaffirmed and is/will be ready for publication, or has been withdrawn. This information is published in ANSI *Standards Action*.

## **6 Communications**

Correspondence from NSF JC and TC Chairs shall be on NSF International letterhead.

### **6.1 Formal internal communication**

Correspondence between members of JCs or TGs 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 affected committees shall be informed of the decision of that Chair. Any JC or TG member may introduce an issue of concern by completing an Issue Paper (see section ~~also~~ 6.4), found on NSF's website at <http://www.nsf.org>. The issue paper shall be forwarded to the appropriate Chair for review/action plan.

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<sup>4</sup> <http://www.ansi.org>

### **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 (see section 14). Revisions to the standard resulting from requests for interpretations shall be processed in accordance with these Policies.

### **6.4 Issue Paper**

Each proposal shall be submitted to the Secretariat in electronic format using the Issue Paper Form found on NSF's website at <http://standards.nsf.org>, 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**

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

### **7.1 Joint committee meetings**

JC meetings shall be held as decided by the consensus body, the responsible Chair, the Secretariat, or petition of five or more members. The business of JC meetings shall be to consider draft standards or new proposals including Issue Papers, 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.

### **7.2 Task group meetings**

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

### **7.3 Quorum**

A majority of the members of the JC or TG 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 and TG members shall receive announcements of meetings and meeting agendas. The announcement 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**

Meeting attendance by members is required. Attendance may include participation via conference call for face-to-face meetings. Failure to attend meetings may result in termination of membership.

### **7.6 Open meetings**

Non-member observers may attend a meeting provided, for logistical reasons, that they notify the Secretariat in advance of their intention to do so.

A JC Chair may close a meeting to observers once a certain number of attendees has been achieved (predetermined by space and/or logistical considerations.)

## **7.7 Closed meetings**

The JC Chair may choose to 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 assigned Chair/Secretariat shall be responsible for creating and distributing meeting summaries. The summaries shall contain all motions and their voting results. 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 on request.

## **7.9 Document distribution**

Meeting agendas, meeting summaries, and draft standards shall be provided to all members. Such documents shall be provided to other interested parties on request.

# **8 Balloting**

## **8.1 Joint committee**

### **8.1.1 General**

All proposed standards actions shall be reviewed by the applicable JC via electronic ballot.

### **8.1.2 Ballot/correspondence preparation**

The JC Chair shall review all JC correspondence relating to ballots, drafts, and supporting documents. The Secretariat shall send ballots and balloting documentation to members. The JC Chair and Secretariat shall attempt to resolve all objections from consensus body and public review.

### **8.1.3 Ballot period**

Members should be given at least 21 calendar days from the transmittal date to return ballots, 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. Fourteen-day ballot periods may routinely be employed for adjudication and recirculation 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 shall 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 total of at least two-thirds of those voting, excluding abstentions, shall be attained before a proposed standard, revision, reaffirmation or withdrawal is recommended for adoption.

### **8.1.6 Negative ballots / public comments**

The Secretariat shall refer all objections from the consensus body or public review to the JC Chair for review and attempt to resolve.

**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 public comments. An attempt to resolve all negative ballots and public comments shall be made, and each submitter shall be advised in writing of the disposition of the negative ballot or comment and the reasons therefore. After receiving the written disposition, the submitter of a negative ballot shall be provided 14 calendar days to respond, reaffirm or revise the original ballot. The public commenter shall be provided 14 calendar days to respond, if no continuing objection is received from the public commenter in this time, NSF may consider the objection resolved.

**8.1.6.3** The JC Chair or issue proponent and the submitter may determine that the negative can be resolved without substantive change to the standard. Only comments relating to the issue under ballot shall be considered. The JC Secretariat shall notify the submitter that unrelated comments shall be treated as new proposals.

**8.1.6.4** Any continuing objection should be handled in accordance with the current version of ANSI *Essential Requirements*. Each unresolved negative ballot/comment and attempt at resolution, and all substantive changes to the draft standard, shall be submitted to the JC to afford members the opportunity to respond, reaffirm or change their votes; and public commenters shall receive a written response with an opportunity to respond in accordance with section 8.1.6.2. At the completion of the JC review (adjudication), if the requirements of section 8.1.5 are achieved, all negative ballots/comments shall be considered adjudicated.

**8.1.6.5** When submitting the decision of the JC to the objector, the JC Secretariat shall advise the objector in writing of the right to appeal the decision in accordance with these Policies. The objector shall be provided a copy of section 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 Council for consideration.

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

If a member resigns from the JC during the balloting period and has not voted, the member shall be removed from the JC and not be included in the ballot calculations. If a member submits an affirmative

vote and then resigns, the vote shall be recorded and counted. If the member submits a negative vote and then resigns, the vote shall be recorded and counted; a reasonable effort shall be taken to resolve the negative ballot, e.g., the negative ballot shall be circulated to the full committee for consideration. A reasonable effort shall be taken to offer the right of appeal, and in the records for the ballot, the Secretariat shall document the actions taken to resolve the negative vote.

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

The NSF Council of Public Health Consultants has a voting role in the development of NSF Standards. The CPHC vote consists of two actions. A CPHC Technical Committee (see section 8.2.1) reviews ballot proposals concurrently with the Joint Committee ballot. When the Joint Committee and Technical Committee balloting requirements have been satisfied (see section 8.1.5, 8.1.6, and 8.2.1.3), the proposal is forwarded to the relevant CPHC balloting group (see section 8.2.2).

When NSF processes a non-NSF standard as an American National Standard, the CPHC balloting process is optional.

### **8.2.1 CPHC technical committee (TC)**

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 CPHC Secretariat.

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

TC balloting is concurrent with JC balloting (see section 8.1.3). 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 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.

#### **8.2.1.3 TC ballot results**

A 2/3 majority of TC members shall have voted to send a proposed standard or revision to the CPHC before the ballot shall be submitted to the applicable CPHC standards balloting group for review. If negative votes are cast involving substantive issues, they shall be referred to the responsible JC for resolution according to section 8.1.6.

### **8.2.2 CPHC balloting**

Members should be given 21 calendar days from 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. A Council member may elect to vote on all standards proposals, or may elect to be assigned to one of three standards balloting groups, as follows:

- Health and Sustainability,
- Food and Sanitation standards,
- Water and Environmental standards.

Each Council member shall vote one of the following positions per ballot:

- affirmative, with or without comments. Comment(s) shall be considered editorial;
- negative, with reasons. Reasons for a negative ballot shall be given and shall include specific wording on recommended actions 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 reasons. An abstention ballot that is not accompanied by a written explanation shall be recorded as such and no further action shall be required.

#### **8.2.2.1 Ballot results**

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

#### **8.2.2.2 Negative votes**

If negative votes are cast by CPHC members involving substantive issues, the Secretariat shall refer them to the responsible JC for resolution. If the Council member casting the negative vote adjudicates the negative and changes to an affirmative vote, the original negative vote is not circulated to the full Council balloting group. If the Council member maintains a negative vote, the negative vote and supporting reasons shall be circulated to the Council balloting group to afford an opportunity to respond, reaffirm or change original votes. A standard with negative votes from the CPHC can be moved forward for adoption if the JC has previously adjudicated the objection, and the minimum CPHC ballot percentage affirmative requirement is satisfied (see section 8.2.2.1).

#### **8.2.2.3 Member resignation during balloting period**

If a member resigns from the CPHC during the balloting period and has not voted, the member shall be removed from the CPHC and not be included in the ballot calculations. If a member submits an affirmative vote and then resigns, the vote shall be recorded and counted. If the member submits a negative vote and then resigns, a reasonable effort shall be taken to adjudicate the negative ballot, e.g., the negative ballot shall be circulated to the relevant CPHC standards balloting group for consideration. A reasonable effort shall be taken to offer the right of appeal, and in the records for the ballot, the Secretariat shall document the actions taken to resolve the negative vote.

## **9 Public review of proposed standards**

The public review process may occur concurrently with the JC, TC, and CPHC balloting. The Secretariat shall send a BSR-108 to ANSI for notification of public review and comment. An announcement shall be published in ANSI's *Standards Action* that a standard is available for review and comment, specifying a source for further information.

All negative comments from public review are sent to the JC Chair, who will attempt to resolve them according to section 8.1.6. Prompt consideration shall be given to the written views and objections of all participants. If substantive changes are made to the proposed standard, the changes shall be submitted to public review. If the prior public review period has closed, the Secretariat shall submit another BSR-108 to ANSI for the conduct of an additional public review and comment period.

After the CPHC balloting process and any appeals processes have concluded, the Secretariat shall file a BSR-109 (Formal Submittal for Approval/Withdrawal as ANS) to notify ANSI that a new standard has been approved, an existing standard has been revised or reaffirmed and is/will be ready for publication, or has been withdrawn. This information is published in ANSI *Standards Action*.

## **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.

**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 Policies 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. If the response cannot be adequately completed within 30 calendar days, the JC Chair shall provide a written update to the appellant, with the estimated date of the completion of the response.

**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 Council, nominated by the JC Chair. At least two of the members of the panel shall be acceptable to the appellant. If NSF and the appellant cannot agree on the composition of the panel within 30 days, a member of NSF Quality management shall appoint the panel. The JC Chair assigns a fourth individual to serve as Secretariat to the appeals panel. The appeals panel Secretariat shall have no vote. Members of the applicable JC shall not serve on the appeals panel. The members of the appeals panel shall select a Chair from among their membership. The appeals panel shall be charged with determining whether the appellant received due process and that proper procedures were followed in addressing the appellant's objections.

**10.6** The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The NSF JC Secretariat shall act as respondent to the complaint before the appeals panel. The respondent has the burden of demonstrating that the JC took 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 appeals panel Secretariat, with final approval by the Chair of the appeals panel, shall document the majority 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 appeals panel shall send the written appeals decision to the appellant; and advise the appellant in writing 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 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*, the current version of ANSI's *Essential Requirements*, and these Policies.

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

## **12 Patents in NSF Standards**

An 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 an essential patent claim (one whose use would be required for compliance with that standard), NSF shall comply with the current version of ANSI *Essential Requirements*, Inclusion of Patents in American National Standards.

## **13 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 an NSF Standard. The appearance that a standard endorses any particular products, services or companies shall be avoided. It is generally 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. In connection with standards that relate to the determination of whether products or services conform to one or more standards, the process or criteria for determining conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns and does not include what would otherwise be a commercial term.

## **14 Interpretations**

**14.1** NSF reserves the right to charge a reasonable fee for the processing of interpretation requests.

**14.2** 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.

**14.3** The Secretariat, in consultation with the JC Chair, shall determine if the interpretation may be issued by the JC Chair or if the JC should consider the request, in accordance with section 3.1.1. The Secretariat shall provide the interpretation in writing to the requestor, the interpretation shall be made publicly available.

**14.4** If the requestor is not satisfied with the interpretation provided by the Secretariat, the requestor may submit an Issue Paper for consideration by the JC.

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

## **15 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.

### **15.1 Joint committee expenses**

Expenses for committee participation (meetings, teleconferences, etc.) will not be assumed by NSF unless expenditures are previously authorized by NSF 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 or TG member to carry out the responsibilities of their NSF participation.

### **15.2 Contracts**

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

## **16 Editorial revisions**

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

**16.2** 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.

## **17 Issuance**

NSF shall issue new and revised standards approved by consensus of the JC and CPHC. Effective dates are not part of the standard normative text and are established by NSF.

## **18 Periodic review**

**18.1** NSF Standards not maintained under “continuous maintenance” for which no revisions have been issued for a period of four years, shall have action begun to reaffirm, revise, or withdraw the standard during the fourth year.

**18.2** If a reaffirmation, revision, or withdrawal is in process when the five-year limit is reached, NSF may request an extension from ANSI. The standard being maintained under “periodic maintenance” shall be withdrawn if no action is taken by the end of the extension.

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

**18.4** The applicable JC shall be notified of all extensions.

## **19 Recordkeeping**

### **19.1 Periodic maintenance**

General records, including, but not limited to, draft standards, ballots, meeting summaries, appeals, or related information relative to review, revision, reaffirmation, 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 from date of withdrawal.

### **19.2 Continuous maintenance**

Records of standards on continuous maintenance shall be retained for a minimum of five years or until approval of the subsequent revision, or reaffirmation, or withdrawal 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. Records concerning withdrawals of all American National Standards shall be retained for at least five years from the date of withdrawal or for a duration consistent with the audit schedule.

## **20 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.

## 21 Standards publication style

**21.1** NSF shall use the current version of ANSI *Style Guide-sheet* as a guideline for NSF Standards' format.

### 21.2 Metrication

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

**21.2.2** 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.

**21.2.3** When a tolerance is not specified, conformance to the requirement shall be determined using the rounding method per ASTM E29 –06b.<sup>5</sup>

## 22 Legal representation

A member of a JC or TG 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.

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<sup>5</sup> ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428 (<http://www.astm.org>)



***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.***