

Standard Development Operating Procedures
For the
EIFS Industry Members Association
(February 14, 2020)

1 General

These procedures constitute the EIFS Industry Members Association's (EIMA) method of developing evidence of consensus for the approval, reaffirmation, revision, or withdrawal of American National Standards.

2 Notification of standards development, coordination, and public notice

Notification of standards activity shall be announced in suitable media as appropriate to demonstrate the opportunity for participation by all directly and material affected persons. At the initiation of a project to develop or revise an American National Standard, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in *Standards Action*. A statement shall be submitted and published as part of the PINS announcement that should include:

- (a) An explanation of the need for the project; and
- (b) Identification of the stakeholders (e.g. telecom, consumer, medical, environmental, etc. likely to be directly impacted by the standard).

The categories include groups with interest in standards related to Exterior Insulation and Finish Systems (EIFS) as follows:

Producer: Manufacturers of Exterior Insulation and Finish Systems and related components associated with the Standards.

User: Organizations or individuals that use the EIFS products associated with the standards. This could include architects, engineers, building contractors, construction managers, distributors, and applicators.

General Interest: Public or private organizations or individuals that have an interest in the design or use of EIFS associated with the Standards, but do not produce or use them directly. For example, these organizations could include trade associations, code body officials, testing laboratories, or members of academia.

A PINS form will be submitted at the initiation of a project to reaffirm or withdraw an American National Standard. If the response to sub-section (b) changes substantively as the standard is developed, a revised PIN shall be submitted and published. Comments received in connection with a PINS announcement shall be handled in accordance with these procedures.

If EIMA receives written comments within 30 days from the publication date of a PINS announcement in *Standards Action*, and said comments assert that a proposed standard duplicates or conflicts with an existing American National Standard (ANS) or a candidate ANS that has been announced previously (or concurrently) in *Standards Action*, a mandatory deliberation of representatives from the relevant stakeholder groups shall be held within 90 days from the comment deadline. Such a deliberation shall

be organized by the developer and the commenter and shall be concluded before the developer may submit a draft standard for public review. If the deliberation does not take place within the 90-day period and EIMA can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then the developer will be excused from compliance with this requirement. The purpose of the deliberation is to provide the relevant stakeholders with an opportunity to discuss whether there is a compelling need for the proposed standards project.

The outcome of a PINS deliberation shall be conveyed in writing (the "Deliberation Report") within 30 days after the conclusion of the deliberation by EIMA to the commenter and to ANSI. Upon submission of the Deliberation Report, EIMA may continue with the submission of the proposed standard for public review. If additional deliberations take place, they should not delay the submission of the proposed standard for public review, and an updated Deliberation Report shall be conveyed within 30 days after each deliberation. Any actions agreed upon from the deliberations shall be carried out in a reasonably timely manner, but normally should not exceed 90 days following the deliberation. Subsequently, EIMA shall include all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI Board of Standards Review (BSR) for consideration should the developer ultimately submit the subject standard to ANSI for approval. Stakeholders who were involved in the PINS deliberation process may also file separate Deliberation Report(s) with ANSI and the developer within 30 days after conclusion of any deliberation for consideration by the BSR, if the standard is submitted to ANSI for approval. While the outcome is not binding, unless binding provisions are agreed to by the developer, participants are encouraged to develop a consensus on whether and how the standards development project should proceed.

In addition, proposals for new American National Standards and proposal to revise, reaffirm, or withdraw approval of existing American National Standards shall be transmitted to ANSI using the BSR-8 form, or its equivalent, for listing in *Standards Action* in order to provide an opportunity for public comment. The comment period shall be one of the following:

- a) A minimum of thirty days if the full text of the revision(s) can be published in *Standards Action*;
- b) A minimum of forty-five days if the document is available in an electronic format, deliverable with one day of a request, and the source (e.g., URL or an E-mail address) from which it can be obtained by the public is provided to ANSI for announcement in *Standards Actions*; or
- c) A minimum of sixty days¹, if neither of the aforementioned options is applicable.

Such listing may be requested at any stage in the development of the proposal, at the option of the standards developer, and may be concurrent with final balloting. However, any substantive change subsequently made in a proposed American National Standard requires listing of the change in *Standards Action*.

¹ Although a 60-day public comment period is not required in all instances, a number of provisions in the *ANSI Essential Requirements*, when read in combination, satisfy the WTO's 60-day rule. Before adopting a standard, EIMA as an ANSI-Accredited Standards Developer shall allow a period of at least 60 days in total for submission of comments on the draft standard if requested by an interested party within the territory of a Member of the WTO. Exceptions outlined in the rule are permitted due to issues of safety, health or environment. (See WTO Agreement on Technical Barriers to Trade (TBT), Annex 3 Code of Good Practice for the Preparation, Adoption and Application of Standards (CGP) Substantive Provision L.)

3 The Standards Development Process

3.1 Development of Subcommittee Membership Lists

EIMA subcommittees will be the consensus bodies for proposed American National Standards within their scope. EIMA subcommittees will strive for balance. The criteria for balance are that no single interest category constitutes a majority of the membership of a consensus body. If balance is not achieved, EIMA will actively take measures to accommodate balance.

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. Interest categories shall be defined and such definitions shall be available upon request. In defining the interest categories appropriate to a standards activity, consideration is given to at least the following:

- (a) Producer,
- (b) User,
- (c) General Interest.

Where appropriate, additional categories are considered. Further interest categories that may be used to categorize directly and materially affected person can consist of, but are not limited to the following: a) Consumer; b) Directly affected public; c) Distributor and retailer; d) industrial/commercial; e) insurance; f) Labor; g) Manufacturer; h) Professional Society; i) Regulatory Society; j) Testing Laboratory; k) Trade Associations.

Representative user views will be actively sought and shall be fully considered in standard activities. User participants shall be those with the requisite technical knowledge. User participation shall come from both individuals and representatives of organized groups.

EIMA shall develop a list of potential subcommittee members consisting of those organizations, companies, government agencies, standard developers, individuals, etc., know to be, or who have indicated that they are, directly and materially affected by the standard. EIMA shall meet the requirements in 1.2 and 2.2 of the ANSI Essential Requirements regarding lack of dominance. No individual shall represent more than one subcommittee member.

In order to determine subcommittee participation, EIMA shall conduct a pre-membership interest survey, informing potential subcommittee members in writing about the use of EIMA's method of developing consensus, and requesting that potential subcommittee members indicate both their interest in participation and self-selected interest category. EIMA's pre-interest survey shall contain the title, designation, scope, description of the standard along with the history of its development, purpose and intended application of the standard, and an explanation of the ANSI function. The time for response shall be at least 30 days from the date of EIMA's letter and shall be so noted in the letter. All those who have agreed to participate shall be included on the subcommittee membership list, together with their self-selected interest categories in accordance with 1.3 and 2.3 of the current *ANSI Essential*

Requirements. In addition, the affiliation² and interest category of each member of the consensus body shall be made available to interested parties upon written request.

Once an interest survey has been completed for a standard, it need not be repeated for subsequent balloting of the document. In addition, EIMA may conduct a single interest survey for a group or category of standards. A member who has indicated a desire to be on EIMA's subcommittee membership list for a particular standard shall receive the draft document(s), letter ballot(s), and other information listed in 3.3 below.

3.2 Announcement of Standards Activity

EIMA may request that ANSI announce the initiation of the Standards development activity in Standards Action to elicit additional membership. This announcement shall include a statement that the subcommittee membership list is available upon request from EIMA, or alternately, a URL address where an electronic version of the subcommittee membership list is posted.

The review period shall be thirty days from the date of publication. Any resulting proposals for addition to the subcommittee membership list shall be referred directly to EIMA.

3.3 Ballot Submittal to Subcommittee Members and Other Interested Parties

EIMA may begin to conduct the balloting at any time after an initiation of the intent to develop a new, revise, or reaffirm an existing standard is announced. However, persons or organizations subsequently added to the membership list shall have the same amount of time to respond as do the other members.

EIMA shall transmit, at a minimum, the following information to all members of the Subcommittee and other interested parties so requesting unless the developer has previously supplied this information:

- a) A purpose and intended application of the standard;
- b) A brief history and explanation of how the standard was developed;
- c) An explanation of ANSI's function in the voluntary consensus standards system;
- d) A copy of the membership list, consisting of the name, affiliation, and category of interest of each member;
- e) A copy of the complete proposed American National Standard or the relevant portion under consideration when the member has previously received the complete standard;
- f) An official letter ballot(s) to all members of the subcommittee.

Upon request, EIMA shall provide to the membership a reasonable number of copies of the document being considered, to allow for a speedy determination of position by the member. Should the document contain material that is not to be considered for approval as an American National Standard, such as an

² Affiliation refers to the entity that the consensus body member represents (which may or may not be that person's employer). If the consensus body member is serving in an individual capacity, then the name of the individual, that person's employer and interest category should be available. Contact information is not required. In the event that the membership is an organization, the name of the organization's point of contact shall be made available by the standards developer on request.

introduction or annex, a clear statement shall be included indicating those portions of the standard that are to be considered for approval by ANSI.

The ballot form used by EIMA shall provide opportunity for the membership to indicate its position (i.e., approval, objection (with reasons), abstention (with comment), or nonparticipation, with the advice that, in order to receive consideration, objections must be accompanied by supporting written reasons and, where possible, proposals for a solution to the problem raised. At least one follow-up notice shall be sent to members of the Subcommittee not responding and shall be sent at least 10 days before the closing of the balloting period. The ballot may be closed at the end of 30 days or sooner if all members have responded. An extension of up to 30 days shall be granted upon request from any member giving legitimate reason.

Those not on the membership list who have a direct and material interest in the standard shall have an opportunity to participate in the review of the standard during the public review process, announced in *Standards Action*.

Approval of a new standard, revision or reaffirmation of an existing standard, or an addendum to part or all of an existing standard shall require approval by at least a majority of the membership list and at least two-thirds of those voting, excluding abstentions.

Views and objections resulting from the balloting shall be dealt with in accordance with clause 4.

3.4 Voting Privileges

Every member of the EIMA Subcommittee shall be entitled to vote on all ballots or actions issued by the subcommittee. Each member organization as defined by the interest categories in 3.1 and subcommittee balance shall be granted one official vote. Official votes are used for calculating the numerical voting percentage requirements as described in Section 3.3.

If a member of the subcommittee fails to return two ballots, they will be terminated from the consensus body and must reapply.

A voting member who wishes to vote via proxy shall personally contact the individual whom the member wishes to exercise the proxy and shall complete a duly executed proxy available from the EIMA Executive Director, or the chairman of the subcommittee. The signed and duly executed hand-written proxy shall be mailed, e-mailed as a scanned attachment, faxed, or hand-delivered to the chairman of the subcommittee prior to the scheduled meeting. A separate proxy form shall be completed for each individual meeting of the subcommittee. No individual shall hold or exercise proxies for more than one subcommittee member.

4 Consideration of views and objections

Prompt consideration shall be given to the written views and objections of all participants, including those commenting on the PINS announcement or public comment listing in *Standards Action*.

In connection with an objection articulated during a public comment period, or submitted with a vote, an effort to resolve all expressed objections accompanied by comments related to the proposal under

consideration shall be made, and each such objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons. If resolution is not achieved, each such objector shall be informed in writing that an appeals process exists within procedures used by EIMA. In addition, except in the case of audited designators, each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved must be reported to the ANSI BSR. Objections may be maintained or withdrawn by the objector either by contacting EIMA or through expressing the objector's opinion during a new ballot for the proposed standard.

When this process is completed in accordance with the written procedures of the standards developer, the standards developer may consider any comments received subsequent to the closing of the public review and comment period, or shall consider them in the same manner as a new proposal. Timely comments that are not related to the proposal under consideration shall be documented and considered in the same manner as submittal of a new proposal. The submitter of the comments shall be so notified.

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

5 Submittal of Standard to ANSI

Upon completion of the procedures for public review, for disposition of views and objections, and for appeals, the proposed standard and BSR-9 form shall be submitted to ANSI for approval.

The standards developer provided the following evidence thereof:

1. title and designation of the proposed American National Standard;
2. indication of the type of action requested (that is, approval of a new American National Standard or reaffirmation, revision, or withdrawal of an existing American National Standard);
3. a declaration that applicable procedures were followed;
4. a declaration that the proposed standard is within the scope of the previously registered standards activity;
5. a declaration that conflicts with another American National standard have been addressed in accordance with these operating procedures;
6. a roster of the consensus body that indicates: the vote of each member including abstentions and unreturned ballots, if applicable: the interest category of each member; and a summary thereof;
7. a declaration that all appeal actions related to the approval of the proposed standard have been completed;
8. a declaration that the criteria contained in the ANSI patent policy have been met, if applicable, and
9. identification of all unresolved negative views and objections, with names of the objector(s), and a report of attempts toward resolution.

6 Appeals

Persons who have directly and materially affected interests and who believe they have been or will be adversely affected by a standard within the committee's jurisdiction, or by the lack thereof, shall have the right to appeal substantive or procedural actions or inactions of the subcommittee.

Complaint. The appellant shall file a written complaint with the sponsor within fifteen days after the date of notification of action or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the 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.

Response. Within thirty (30) days after receipt of the complaint, the respondent (work group chairman or sponsor representative) shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

Hearing. If the appellant and the respondent are unable to resolve the written complaint informally in a manner consistent with these procedures, the secretariat shall schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least ten working days notice.

Appeals Panel. The appeals panel shall consist of three individuals knowledgeable as to the policy and other concerns related to the appeal who do not have demonstrably real or apparent conflicts of interest with the subject of the appeal or the person filing the appeal. EIMA and the appellant will select the members of the appeals panel. If the appellant and EIMA cannot agree on the composition of the panel within three weeks from the start of the selection process, EIMA may appoint the panel.

Conduct of the Hearing. The appellant has the burden of demonstrating adverse effects, improper actions or inaction, and the efficacy of the requested remedial action. The respondent has the burden of demonstrating that the committee or sponsor took all actions in compliance with the procedures and that the requested remedial action would be ineffective or detrimental. Each party may adduce other pertinent arguments, and members of the appeals panel may address questions to individuals.

Roberts Rules of Order (latest edition) shall apply to questions of parliamentary procedure for the hearing not covered herein.

The aforementioned hearing may be conducted via meeting or teleconference. The appellant will receive a written decision of the appeal.

Decision. The appeals panel shall render its decision in writing within thirty (30) days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. The panel may dispose of the case in any of the following manners:

- a) Finding for the appellant remanding the action to the committee or the sponsor with a specific statement of the issues and facts in regard to which fair and equitable action was not taken.

- b) Finding for the respondent, with a specific statement of the facts that demonstrates fair and equitable treatment of the appellant and the appellant's objections.
- c) Finding that new, substantive evidence has been introduced, and remanding the entire action to the subcommittee for appropriate reconsideration.

7 Records Retention

Records concerning new, revised or reaffirmed ANSI standards will be retained for one complete development cycle or until the standard is revised. Records concerning withdrawn standards will be retained until five years from date of withdrawal.

8 Interpretations and Inquiries

All inquiries requesting interpretation of the language of EIMA Subcommittee's approved American National Standards shall be directed to EIMA in writing and promptly acknowledged.

An interpretation shall be limited to providing clarification and explanation of the existing standard. Interpretation should not give rise to lengthy explanation that may inadvertently modify or amend the standard.

To the extent feasible, submitters shall pose their request for interpretation in the form of a specific question, which can be answered with a "yes" or "no" response. Submitters who request open-ended interpretations (e.g. "Explain the meaning of?") will be requested to resubmit their inquiry to comply with the above.

EIMA shall advise the submitter of the interpretation with a written response and maintain a record of all formal interpretations rendered. General inquiries about the standard will be provided a response with no record being maintained about the discussion.

9 Metrics

EIMA will include measurements based on the metric system, where appropriate, with the meter, liter, and gram (or kilogram) as basic units in American National Standards it develops or revises under the procedures of the American National Standards Institute (ANSI). Other units of measurement may be used alongside the metric measurements to ensure the technical and scientific information conveyed in such standards is understood and accessible to the users of such documents.

10 ANSI patent policy - Inclusion of Patents in American National Standards

EIMA will comply with the current ANSI Patents Policy in effect at the time of development of a proposed ANS.

11 Antitrust Policy

EIMA will comply with the current ANSI Antitrust Policy in effect at the time of development of a proposed ANS.

12 Commercial Terms and Conditions

EIMA will comply with the current ANSI Commercial Terms and Conditions Policy in effect at the time of development of a proposed ANS.

13 Maintenance and Withdrawal of EIMA's American National Standards and Discontinuance of A Standards Project

EIMA's American National Standards will be kept current and relevant by means of timely revision or reaffirmation. If the American National Standard is a reaffirmation, this fact shall be clearly stated on the ANS's cover or title page. Obsolete standards will be withdrawn. EIMA will comply with all current and applicable procedures pertaining to the withdrawal of an ANS for cause as put forth by the ANSI *Essential Requirements*.

All American National Standards will be revised reaffirmed, or withdrawn by the fifth year after approval of the last version of the document unless extension is requested from ANSI. No American National Standard will maintain its approval beyond 10 years from the date of last approval.

If EIMA wishes to withdraw its approval of one or more of its American National Standards, it may do so without a vote of the relevant consensus body. If EIMA does withdraw one or more of its American National Standards, then EIMA shall notify ANSI immediately and the standard shall be withdrawn as an ANS and announced in *Standards Action*.

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