



## NEBB Procedures for American National Standards

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# **NEBB Procedures for American National Standards**

## **1. GENERAL**

### **1.1 Scope**

1.1.1 These Procedures shall govern the activities of NEBB related to the development, reaffirmation, revision, and withdrawal of American National Standards for testing, adjustment, and commissioning of building systems.

1.1.2 When submitting standards for American National Standards Institute (ANSI) approval, NEBB Secretariat will submit all required ANSI forms [or their equivalent] and comply with all required ANSI administrative practices in accordance with the ANSI Essential Requirements: Due process requirements for American National Standards.

1.1.3 The scope is to develop and maintain consensus standards for, testing, adjustment, and commissioning of building systems.

### **1.2 Revisions To Procedures**

1.2.1 Proposed revisions to these Procedures shall be submitted to the NEBB Secretariat in writing with an explanation or the reason for the proposed revision. The NEBB Secretariat shall submit the proposed revision to the NEBB standards committees for comment and to the NEBB Standards Council for review.

1.2.2 The NEBB Standards Council shall consider and take action on proposed revisions to these Procedures and forward the recommended changes to the NEBB BOD for final approval. The NEBB Secretariat shall notify the NEBB standards committees and NEBB Standards Council of all NEBB BOD approved changes.

## **2. PROJECT INITIATION**

### **2.1 Proposals for New Standardization Activities**

2.1.1 Any person, organization, or existing committee shall be permitted to submit to the NEBB Standards Council a proposal to establish a standardization activity.

2.1.2 The proposal to establish a new standardization activity shall include the following:

- (1) A statement of the scope of the standard
- (2) The objective of the standard
- (3) The need for, and anticipated benefits of, the proposed standard
- (4) A rationale for NEBB undertaking the activity
- (5) Potential committee membership
- (6) Core user group of the proposed standard
- (7) Existing standards related to the topic area
- (8) A schedule for producing the standard

## 2.2 Authorization

- 2.2.1 The NEBB Standards Council shall have the authority to initiate a project to develop, reaffirm, revise, or withdraw a standard, with the approval of the NEBB Board of Directors.

## 2.3 Notification

- 2.3.1 New or Revised Standards – At the initiation of a project to develop or revise a standard, a statement shall be developed to explain the need, outline the scope, and identify the stakeholders likely to be directly impacted by the standard. Notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in Standards Action. If the need, scope or stakeholders change substantively as the standard is developed, a revised PINS form shall be submitted and published. The NEBB Standards Council shall determine whether announcement in other suitable media is appropriate.
- 2.3.2 Reaffirmed or Withdrawn Standards – A PINS form shall not be required at the initiation of a project to reaffirm or withdraw a standard. The NEBB Standards Council shall determine whether announcement in other suitable media is appropriate.

## 2.4 Comments Indicating Possible Duplication or Conflicts

- 2.4.1 If the NEBB Standards Council receives written comments within 30 days from the publication date of a PINS announcement 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 in Standards Action, a mandatory deliberation of representatives from the relevant stakeholder groups shall be held within 90 days from the comment deadline.
- 2.4.2 Such a deliberation shall be organized by the NEBB Secretariat and the commenter and shall be concluded before NEBB submits a draft standard for public review. If the deliberation does not take place within the 90-day period and NEBB can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then NEBB will be excused from compliance with this requirement.
- 2.4.3 The outcome of a PINS deliberation shall be conveyed in writing (the “Deliberation Report”) within 30 days after the conclusion of the deliberation by the NEBB Secretariat to the commenter and to ANSI. Upon submission of the Deliberation Report, NEBB may continue with the submission of the draft standard for public review. If additional deliberations take place, they should not delay the submission of the draft 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, NEBB 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 NEBB Board of

Directors 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 NEBB within 30 days after conclusion of any deliberation for consideration by the BSR, if the standard is submitted to ANSI for approval.

## 2.5 Discontinuance of a Project

- 2.5.1 Discontinuance of a project after the PINS announcement shall be handled in accordance with these Procedures.
- 2.5.2 The NEBB Standards Council shall be permitted to abandon the processing of a proposed new or revised standard or portion thereof if the NEBB Board of Directors approves such an action.
- 2.5.3 The NEBB Secretariat shall notify ANSI immediately of such actions, which will be announced in Standards Action, and shall determine whether announcement for such an action in other suitable media is appropriate.

## 3. ORGANIZATION

### 3.1 NEBB Standards Council

- 3.1.1 General – Appointed by the NEBB Board of Directors, the NEBB Standards Council shall provide for the administration of the NEBB standards development process. NEBB standards committees shall be established and appointed by the NEBB Board of Directors.
- 3.1.2 Authority – The NEBB Standards Council shall be the issuer of standards for NEBB. The NEBB Standards Council shall be responsible for applying these Procedures to the administration of standards committees of NEBB. The NEBB Standards Council shall perform those duties assigned by these Procedures and other duties as may be assigned to it by the NEBB Board of Directors.
- 3.1.3 Membership Requirements – The NEBB Standards Council shall consist of a Chairman, Vice Chairman and at least three other members. Members shall be familiar with the technical and standards development functions of NEBB and shall be selected from a broad range of appropriate interests.
- 3.1.4 Votes – The vote of the NEBB Standards Council regarding any action on the issuance or withdrawal of standards or discontinuance of projects shall be by two-thirds affirmative vote of all members. In calculating the required two-thirds affirmative vote within the NEBB Standards Council, those who abstain or do not vote shall not be included in the calculation of the vote. All Standards Council actions will be conducted by letter ballot.

- 3.1.5 Meetings – The NEBB Standards Council may establish a regular meeting schedule, and the Chairman may call meetings at such other times as may be necessary and convenient for the transaction of business. Meetings shall be conducted in accordance with Section 4.3, as applicable.
- 3.1.6 Term – Standards Council members, Chairman, and Vice Chairman shall be appointed to a two year Term.
- 3.1.7 Term Limit – No member, Chairman, or Vice Chairman shall serve for more than two (2) successive, full, two-year terms, but may be re-appointed following the intervention of two (2) years.

In the event that a member is selected as a Chairman or Vice Chairman, that individual will be allowed to serve the term and limits established above.

No individual will serve more than three (3) consecutive terms on the Standards Council. Partial term service as an Interim member, Interim Chairman, or Interim Vice Chairman shall not be counted against the term limits established.

## 3.2 NEBB Standards Committees

- 3.2.1 General – NEBB standards committees shall be established by the NEBB Board of Directors, and shall be the ANSI consensus body responsible for developing and maintaining standards which fall within the scope of these Procedures.
- 3.2.2 Membership Requirements – The membership of the NEBB standards committees shall be sufficiently diverse to ensure reasonable balance without dominance by any single interest group. Membership on NEBB standards committees shall be open to any person directly or indirectly affected by the standards, subject to the selection procedure hereinafter set forth, the balance requirements established in Section 3.2.2.4, the lack of dominance outlined in Section 3.2.2.5, and the size limitations as contemplated in Section 3.2.2.6. Participation on a NEBB standards committee shall not be conditional upon membership in any organization and shall not be unreasonably restricted on the basis of technical qualifications.
  - 3.2.2.1 Application – Individuals seeking membership on a NEBB standards committee shall submit a written application to the NEBB Secretariat, for consideration by the NEBB Board of Directors, indicating their interest in the work of the committee and their qualifications, willingness to participate, and affiliations which might affect their classification. Applicants shall identify their interest category (See Section 3.2.2.3).
  - 3.2.2.2 Process – Submitted applications shall be considered by the NEBB Board of Directors, which shall accept or reject all applications. Rejected applicants shall have the right to appeal in accordance with Section 6. In accepting or rejecting applicants, the NEBB Board of Directors shall consider the following:

- (1) Need for active participation by members of each interest group.
- (2) Balance and potential for dominance by members of a single interest group.
- (3) Extent of interest expressed by the applicant and willingness to participate.
- (4) Qualifications and ability to materially contribute to the work of the NEBB standards committee.

3.2.2.3 Interest Categories – All members of the NEBB standards committees shall be classified by the NEBB Board of Directors as Provider, Users or General Interest representatives in accordance with the following definitions:

- (1) *Provider* – An individual employed by or otherwise representing an organization that provides building systems testing and analysis services shall be classified as a Provider.
- (2) *User* – An individual employed by or otherwise representing an organization that purchases, uses, or specifies building systems testing and analysis services shall be classified as a User. This category includes, but is not limited to, design engineers, architects, owners, builders, and mechanical contractors.
- (3) *General Interest* – *General Interest members are neither Providers nor Users. This category includes, but is not limited to, educators, researchers, representatives of regulatory agencies, representatives of industry organizations, and manufacturers of related products.*

3.2.2.4 Balance – NEBB’s goal is to achieve balance among the Interest Categories, such that no single interest category shall constitute a majority of the membership of a NEBB standards committee. The NEBB Secretariat will document efforts taken by NEBB to achieve this goal when that goal has not been achieved due to a lack of interest from among one or more Interest Categories. There shall be a limit of one voting member from each company or industry organization.

3.2.2.5 Dominance – The standards development process shall not be dominated by any single interest category, individual or organization. If a party, which is directly and materially affected, believes that a single interest category, individual or organization has dominated the standards development process, the party is permitted to file a written complaint (see Section 6, “APPEALS.”)

3.2.2.6 Committee Size – The NEBB Board of Directors shall be permitted to establish a maximum NEBB standards committee size.

3.2.2.7 Changes in Employment or Funding – NEBB standards committee members shall notify the NEBB Board of Directors of any changes in employment or funding support, which affect representation. If continued membership on the NEBB standards committee is desired, the committee member shall submit a new application.

3.2.2.8 Termination of Membership – The NEBB Board of Directors shall be authorized

to terminate the membership of an individual on a NEBB standards committee for cause, including inactivity. A NEBB standards committee member shall be considered inactive for failure to return at least 75 percent of the letter ballots issued during a calendar year or failure to attend at least one committee meeting a calendar year.

### 3.2.3 Committee Officers

3.2.3.1 A Chairman and Vice Chairman for each NEBB standards committee shall be appointed by the NEBB Board of Directors, from the individual members of the committee. Each will serve until a successor is selected and ready to serve.

3.2.3.2 The Secretary of each NEBB standards committee shall be appointed by the NEBB Board of Directors. The Secretary need not be a member of the NEBB standards committee.

### 3.2.4 Standards Committee Meetings

3.2.4.1 NEBB standards committee meetings shall be conducted in accordance with Section 4.3, as applicable.

## 4. OPERATIONS

### 4.1 Committee Administration

4.1.1 NEBB shall be responsible for maintaining the NEBB Standards Council and all NEBB standards committees established in accordance with these Procedures. The NEBB Secretariat shall perform the following functions:

- (1) Oversee compliance with these Procedures, including legal review as necessary.
- (2) Process all NEBB standards committee membership applications in accordance with Section 4.1.2.
- (3) Maintain rosters of the NEBB Standards Council and all NEBB standards committees in accordance with Section 4.1.3.
- (4) Maintain all records pertaining to the NEBB Standards Council and NEBB standards committees in accordance with Section 4.1.4.
- (5) Provide administrative support, including secretarial services for the NEBB Standards Council and NEBB standards committees.
- (6) Publish approved standards and revisions thereto.
- (7) Perform other administrative functions as required.



4.1.2 Standards Committee Applications – The NEBB Secretariat shall process all membership applications for NEBB standards committees, under the direction of the NEBB Board of Directors. The NEBB Secretariat shall notify all applicants of the actions taken on applications and shall include notice of the right to appeal a decision to deny an application for NEBB standards committee membership or assignment of interest category. The NEBB Secretariat shall notify the applicants and NEBB standards committee of the actions taken on applications.

4.1.3 Standards Committees Membership Rosters – The NEBB Secretariat shall prepare and maintain a membership roster documenting the classification of each NEBB standards committee member and the achievement of balance. The NEBB Secretariat shall submit an annual membership roster report to the NEBB Standards Council and NEBB Board of Directors for their review. The roster report shall include a summary of the voting membership by interest category.

4.1.4 Records – Records shall be accessible to directly and materially interested parties, subject to reasonable conditions of time, location, cost and convenience. Records concerning new, reaffirmed, or revised standards shall be retained for at least one complete standards cycle (until the standard is reaffirmed, revised, or withdrawn). Records concerning withdrawn standards shall be retained for at least five years from the date of withdrawal.

#### 4.1.5 Correspondence

4.1.5.1 Correspondence between NEBB Standards Council and/or NEBB standards committee members relating to NEBB standards activities shall be clearly identified as “Committee Correspondence.”

4.1.5.2 All official NEBB Standards Council and NEBB standards committee correspondence, including meeting notices, agendas, reports, and letter ballots, shall be distributed by the NEBB Secretariat.

4.1.5.3 External inquiries related to the NEBB Standards Council, NEBB standards committees and NEBB standards shall be directed to the NEBB Secretariat. NEBB Standards Council and NEBB standards committee members should advise individuals who contact them that responses to all inquiries are handled by the NEBB Secretariat.

## 4.2 Standards Development

4.2.1 Duplication and Conflicts with Other Standards – NEBB shall make every effort to avoid conflicts with other NEBB standards or those of ANSI-accredited standards developing organizations. The NEBB Standards Council shall adjudicate all unresolved conflicts in accordance with Section 2.4.

4.2.2 Metric Policy – Where applicable, all standards not written using the International System of Units (SI) shall include appropriate conversions correlating non-SI units to the corresponding SI equivalent.

- 4.2.3 Commercial Terms and Conditions – NEBB standards shall comply with the *ANSI Essential Requirements: Due process requirements for American National Standards*, Section 3.2, Commercial Terms and Conditions.
- 4.2.4 Patent Policy – NEBB standards shall comply with the *ANSI Essential Requirements: Due process requirements for American National Standards*, Section 3.1, ANSI patent policy – Inclusion of Patents in American National Standards, and the corresponding sub-sections.
- 4.2.5 Anti-trust Policy – NEBB shall comply with ANSI’s Anti-trust policy, most recently approved by the ANSI Board of Directors on May 22, 2014.

#### 4.3 Committee Meetings

- 4.3.1 Frequency and Location – Each committee shall hold a minimum of one and a maximum of four in person or virtual meetings each calendar year. At the close of each meeting, the committee shall establish the date of the next meeting. The Chairman of the committee shall be permitted to call a special meeting of the committee, if necessary, at a location and on a date acceptable to the NEBB Board of Directors.
- 4.3.2 Notification – At least 30 days written notice shall be given for meetings of all committees. An agenda shall be prepared and distributed with the meeting notice.
- 4.3.3 Open Meetings – Except for authorized executive sessions (See 4.3.3.1), all meetings of committees shall be open and attendance by any interested party shall be welcome. Visitors shall not have the right to vote. Visitors shall be entitled to receive copies of meeting reports if requested in writing. Visitors shall be permitted to address the committee at a meeting, provided that a written request is sent to the Chairman at least 10 days prior to the meeting. The Chairman shall designate the time allotted for visitor presentations.
  - 4.3.3.1 Executive Sessions – Executive sessions shall be permitted for the purpose of considering administrative, financial and similarly sensitive issues not related to the technical content of any standards or the disposition of ballots or public comments. Attendance during executive sessions shall be limited to committee members, representatives of the NEBB Standards Council, and the NEBB Board of Directors.
- 4.3.4 Quorum – A majority of the members of a committee shall constitute a quorum for conducting business at a meeting. Actions on agenda items shall be taken by a letter ballot of the committee.
- 4.3.5 Parliamentary Procedures – On questions of parliamentary procedure, Robert’s Rules of Order (Newly Revised) shall apply.

## 5. RULES FOR PROCESSING NEBB STANDARDS

### 5.1 Changes and Interpretations

5.1.1 Editorial and substantive changes to, and formal interpretations of, all standards, shall be approved by letter ballot of the NEBB standards committee responsible for the standard in question. Administrative matters related to standards shall be approved by the NEBB standards committee by letter ballot.

### 5.2 Voting

5.2.1 On their respective votes, each NEBB Standards Council member (see 5.8) and NEBB Standards Committee member shall vote one of the following positions on letter ballots (including either before or after a meeting, if a member cannot attend):

- (1) Affirmative.
- (2) Affirmative with comment.
- (3) Negative, with reasons. The negative ballot shall include specific actions that will resolve the negative.
- (4) Abstain.

The NEBB Standards Council vote separately and after the NEBB Standards Committee has balloted.

### 5.3 Voting Period

5.3.1 The closure date for letter ballots shall be at least 15 days from the date of the mailing of the ballots. Committee chairs shall be authorized to grant an extension of the voting period.

### 5.4 Vote Changes

5.4.1 The NEBB Secretariat shall confirm with the voter in writing (including electronic communication) any vote changes.

### 5.5 Approved Actions

5.5.1 Substantive changes to and formal interpretations of all standards shall be considered approved when all of the following conditions have been met:

- (1) At least 75 percent of the members have voted, abstained or returned their letter ballot.
- (2) At least two thirds (2/3) of the votes cast, excluding abstentions and negatives without reasons, are affirmative.
- (3) All negative votes with reasons have been addressed in accordance with 5.7.

### 5.6 Reporting Votes

5.6.1 The results of each vote on all standards shall be reported as follows:

- (1) Number of members.
- (2) Number of members voting affirmatively.
- (3) Number of members voting negatively with reasons.
- (4) Number of members voting negatively without reasons.
- (5) Number of members abstaining.
- (6) Number of members not returning ballots.

## 5.7 Negative Votes

5.7.1 Negative votes on a letter ballot shall be addressed in accordance with this section, which will comply with ANSI Essential Requirements: Due process requirements for American National Standards, section 2.6, "Consideration of views and objections."

5.7.2 Negative Votes With Reasons – Negative votes with reasons shall be forwarded by the NEBB Secretariat to the NEBB standards committee responsible for the standard in question. The NEBB standards committee shall review the negative vote with the voter and efforts shall be made to resolve the negative. All negative votes shall be addressed by the NEBB standards committee , as follows:

- (1) *Substantive Persuasive Negative Votes* – If the NEBB standards committee determines that the negative vote is persuasive and substantive changes are required, the revised provision shall be re-balloted by the NEBB standards committee. Substantive changes shall be considered those that directly and materially affect the use of the standard.
- (2) *Editorial Persuasive Negative Votes* – If the NEBB standards committee determines that the negative vote is persuasive and editorial changes are required, the revised provision need not be re-balloted. Editorial changes shall be considered those that do not directly and materially affect the use of the standard.
- (3) *Previously Considered Negative Votes* – If the reasons for a negative vote have been previously considered and acted upon in a letter ballot by the NEBB standards committee, it shall not be necessary to reconsider the vote unless new information has been submitted. If no new information is submitted, the previous decision of the NEBB standards committee shall stand, and the negative voters shall be so advised.
- (4) *Not Related Negative Votes* – If the negative vote is not directly related to the item being balloted, the negative vote shall be placed on the agenda for consideration at the next regular meeting of the NEBB standards committee.
- (5) *Not Persuasive Negative Votes* – If the NEBB standards committee determines that the negative vote is not persuasive, this recommendation and the reasons for finding the negative vote not persuasive shall be considered by the NEBB standards committee by letter ballot, as follows:

- i. NEBB standards committee votes to find negative comments non-persuasive shall be straight “yes” or “no” votes, unless otherwise indicated in the ballot instructions.
- ii. If the recommendation is considered during a meeting of the NEBB standards committee, a letter ballot with a 15-day voting period shall be issued to NEBB standards committee members.
- iii. Recommendations shall be considered approved if at least 75 percent of the members of the NEBB standards committee have voted and two-thirds (2/3) of the votes cast by the members of the NEBB standards committee (excluding abstentions) are affirmative.
- iv. Each negative voter shall be informed in writing (including electronic communications) that decisions may be appealed in accordance with Section 6.
- v. The not persuasive negative votes shall be reported to the NEBB standards committee in order to afford all members an opportunity to respond, reaffirm, or change their vote within 15 days.

5.7.3 Negative Votes Without Reasons – Negative votes which are not accompanied by reasons shall be recorded by the NEBB Secretariat as “negative without reasons” and no further action shall be required.

## 5.8 NEBB Standards Council Approval of Final Committee Draft Standards

5.8.1 After a NEBB standards committee approves a proposed standard, the NEBB Secretariat shall send the proposed draft standard and final report regarding procedural matters to the NEBB Standards Council for review and approval. Approval requires all of the following conditions are met:

- (1) At least 75 percent of the members have voted, abstained or returned their letter ballot.
- (2) At least two thirds (2/3) of the votes cast, excluding abstentions and negatives without reasons, are affirmative.

5.8.2 After the NEBB Standards Council has approved a proposed standard, the NEBB Secretariat shall send the proposed standard and final report regarding procedural matters to the NEBB Board of Directors for review and approval. Approval requires all of the following conditions are met:

- (1) At least 75 percent of the members have voted, abstained or returned their letter ballot.
- (2) At least two thirds (2/3) of the votes cast, excluding abstentions and negatives without reasons, are affirmative.

## 5.9 Public Review and Comment

### 5.9.1 Notification

5.9.1.1 Upon NEBB Board of Directors approval, the NEBB Secretariat shall transmit proposals for new standards or reaffirmation, revision, or withdrawal of existing standards to ANSI for listing in Standards Action in order to provide an opportunity for public comment. The comment period shall be one of the following:

- (1) A minimum of thirty (30) days if the full text of the revision(s) can be published in Standards Action;
- (2) A minimum of forty-five (45) days if the document is available in an electronic format, deliverable within 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 Action; or
- (3) A minimum of sixty (60) days, if neither of the aforementioned options is applicable.

5.9.1.2 The NEBB Secretariat, with the concurrence of the NEBB Standards Council, shall determine whether listing of proposed standards actions shall be concurrent with the final NEBB standards committee letter ballot and whether announcement in other suitable media is appropriate. The NEBB Secretariat shall also consider whether it would be appropriate to transmit a copy of the proposed new, revised or reaffirmed standard to the administrator(s) of the US Technical Advisory Group(s) to the directly related ISO Technical Committee(s).

### 5.9.2 Handling of Comments

5.9.2.1 All comments that are received during the public review and comment period shall be considered by the NEBB standards committee and the commenter shall be notified, in writing (electronic communications is acceptable), of the NEBB standards committee's decision/response.

5.9.2.2 Comments received subsequent to the closing of the public review and comment period shall be handled or considered in the same manner as submittal of a new proposal.

5.9.2.3 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.

5.9.2.4 Response letters to individuals who comment during public review shall clearly indicate that unless a continuing objection is received, the comment will be considered resolved.

### 5.9.3 Unresolved Objections

5.9.3.1 If resolution is not achieved, each such objector shall be informed in writing that an appeals process exists within procedures used by the NEBB Standards Council.

5.9.3.2 Each objection resulting from public review or submitted by a member of the NEBB standards committee which is not resolved shall be reported to the ANSI Board of Standards Review.

5.9.3.3 Each unresolved objection and attempt at resolution shall be reported to the NEBB standards committee in order to afford each voting member the opportunity to respond, reaffirm, or change their vote.

#### 5.9.4 Substantive Comments

5.9.4.1 Any substantive change resulting from the resolution of the public comments to a proposed standard shall be subject to the approval by the NEBB standards committee in a letter ballot, in accordance with Section 5, and listed in Standards Action for public review and comment, in accordance with Section 5.9.

5.9.5 Editorial Comments – Any editorial change resulting from the resolution of the public comments to a proposed standard need not be re-balloted. Editorial changes shall be considered those that do not directly and materially affect the use of the standard.

#### 5.10 Approving Standards

5.10.1 The NEBB Standards Council shall issue a final report on the public comment period certifying compliance with these Procedures and shall approve the standard after confirmation that it was developed in compliance with these Procedures. The NEBB Board of Directors will maintain authority for final approval of all standards to be submitted to ANSI for accreditation.

#### 5.11 Revision or Reaffirmation

5.11.1 The NEBB Standards Council, with input from the responsible NEBB standards committee and concurrence of the NEBB Board of Directors, shall establish and publish a schedule providing for the review and needed revision or reaffirmation of NEBB standards at intervals not to exceed five (5) years. This review shall evaluate if the standard requires revision or if the standard should be reaffirmed without revision.

### 6. APPEALS

#### 6.1 Complaint

6.1.1 Persons who have been or may be affected by any NEBB Standards Council or NEBB standards committee action or inaction shall have the right to appeal such action or inaction.

- 6.1.2 The appellant shall file a written complaint with the NEBB Secretariat within 30 days after the date of notification of any action or, at any time, with respect to any action to which the appellant was not given notice or with respect to inaction. The NEBB Secretariat shall notify and circulate the written complaint to the NEBB Standards Council and the responsible NEBB standards committee chairman for their review and consideration.
- 6.1.3 The complaint shall state the nature of the objection, the procedures or the sections of the standards that are at issue, the actions or inaction at issue, and the specific remedial action(s) that would satisfy the appellant's concerns.
- 6.1.4 Regarding complaints alleging dominance, the complaint shall provide evidence 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 complaint shall also indicate specific remedial action(s) that may be taken to satisfy the stated concern(s). The NEBB Secretariat shall notify and circulate the written complaint to the NEBB Standards Council and the responsible NEBB standards committee chairman for their review and consideration.

## 6.2 Response

- 6.2.1 Within 30 days after the receipt of the complaint, the NEBB Secretariat, on behalf of the NEBB Standards Council and responsible NEBB standards committee, shall respond in writing to the appellant, specifically addressing each allegation in the complaint to the extent possible. The NEBB response shall attempt to resolve, informally, the complaint of the appellant.

## 6.3 Appeals Panel and Hearing

- 6.3.1 If NEBB is unable to informally resolve the complaint, the NEBB Standards Council shall appoint an appeals panel to hold a hearing on a date agreeable to all participants, with at least 15 days working notice.
- 6.3.2 The appeals panel shall consist of three individuals who have not been directly involved in the dispute and who will not be materially affected by any decision made in the dispute. At least two members of the panel shall be acceptable to the appellant and at least two shall be acceptable to the NEBB Standards Council. If NEBB and the appellant cannot agree on the composition of a panel within 15 days, the NEBB Standards Council may appoint the third member.

## 6.4 Conduct of the Hearing

- 6.4.1 The appellant has the responsibility of demonstrating improper actions or inaction, the adverse effects there from and the efficacy of the requested remedial action.
- 6.4.2 The NEBB Standards Council has the responsibility to demonstrate that the NEBB



Standards Council and/or responsible NEBB standards committee took all actions in question in compliance with these Procedures and that the requested remedial action would be ineffective or detrimental.

## 6.5 Decision

6.5.1 The appeals panel shall render its decision in writing within 30 days, stating its findings of fact and conclusions, with reasons therefore and citing the evidence. Consideration may be given to the following positions, among others, in formulating the decision:

- (a) Finding for the appellant, remanding the action to the NEBB Standards Council and/or responsible NEBB standards committee or the NEBB Board of Directors with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
- (b) Finding for the respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections;
- (c) Finding that new, substantive evidence has been introduced, and remanding the entire action to the NEBB Standards Council and/or responsible NEBB standards committee or the NEBB Board of Directors for appropriate reconsideration.

6.5.2 The NEBB Secretariat shall notify the appellant, the NEBB Standards Council and the responsible NEBB standards committee of the decision of the appeals panel, which shall be binding and final on all concerned.

## 7. INTERPRETATIONS

### 7.1 General

7.1.1 Formal interpretations are for the purpose of providing formal explanations of the meaning or intent of the NEBB standards committee on any specific provision or provisions of any document.

7.1.2 Limitations – A statement, written or oral, that is not processed in accordance with Section 5 of these Rules shall not be considered the official position of NEBB or any of its standards committees and shall not be considered to be, nor be relied upon as, a formal interpretation.

NOTE: This formal interpretation procedure does not prevent any Chair, Member, or the NEBB Standards Council from expressing a personal opinion on the meaning or intent of the NEBB standards committee on any provision of any such document, provided that: (a) the person rendering the opinion orally or in writing clearly states that the opinion is personal and does not necessarily represent the position of the NEBB standards committee or NEBB and may not be considered to be or relied upon as such; and (b) written

opinions are rendered only in response to written requests and a copy of the request and the response is sent to the NEBB standards committee.

7.1.3 Nature of Formal Interpretations – Requests for formal interpretations shall be clearly worded so as to solicit a Yes or No answer from the NEBB standards committee.

7.1.4 Editions to be Interpreted – Formal interpretations shall be rendered only on the text of the current or immediate prior edition of the document, or a prior edition that is referenced by code and enforced by a governing jurisdiction.

7.1.5 Reasons for Not Processing – A request for a formal interpretation shall not be processed if it:

- (a) Involves a determination of compliance of a design, installation, or product or equivalency of protection
- (b) Involves a review of plans or specifications, or requires judgment or knowledge that can only be acquired as a result of on-site inspection
- (c) Involves text that clearly and decisively provides the requested information
- (d) Involves subjects that were not previously considered and acted upon in a letter ballot by the NEBB standards committee or that are not addressed in the document.

## 7.2 Method of Requesting Formal Interpretations

7.2.1 A request for a formal interpretation shall be made in writing to the NEBB Secretariat. The request for interpretation must address a specific provision of the standard. The request shall include a statement referencing a single problem and identifying the portion (article, section, paragraph, etc.) and edition of the document on which a formal interpretation is requested. Such a request shall be in writing and shall indicate the business interest of the requester. A request involving an actual field situation shall so state, and all parties involved shall be named and notified.

## 7.3 Processing Formal Interpretations

7.3.1 Determination of Qualification – The NEBB Secretariat shall determine if the request for formal interpretation shall be processed in accordance with 7.1.

7.3.2 Editing of Formal Interpretation Request – A request for a formal interpretation may be rephrased. The rephrased version and any pertinent background information shall be sent to the requester and all parties named in the request for agreement. A deadline for receipt of agreement shall be established.

7.3.3 Balloting of Interpretations – If accepted for consideration by the NEBB Standards Council, each request shall then be submitted to letter ballot of the NEBB standards committee having primary jurisdiction of the document or portion thereof covering the subject under consideration.

### 7.3.4 Voting on Formal Interpretations

- (a) A formal interpretation requires a two-thirds (2/3) majority agreement as

tallied in accordance with Section 5.

- (b) Where ballots contain comments with regard to a position set forth in a formal interpretation request, such comments shall be transmitted to each member, who may change his or her ballot at that time.
- (c) Where the necessary agreement is not received, the item shall be placed on the docket for processing and resolution by the NEBB standards committee at its next meeting.

#### 7.4 Issuance of a Formal Interpretation

- 7.4.1 If the required agreement is secured and documentation is approved by the NEBB standards committee, the requester, the NEBB standards committee, the NEBB Standards Council, and all named parties shall be notified by the NEBB Secretariat. The formal interpretation shall be issued and shall become effective 30 days after the notification unless an Appeal is filed with the NEBB Standards Council.

#### 7.5 Notification of Interpretations

- 7.5.1 Notification of approved interpretations shall be sent in writing to the requester. Notification shall also be given to other users of the standards through technical journals and appropriate publications.

#### 7.6 Action Following Issuance of Formal Interpretation

- 7.6.1 Any NEBB standards committee whose document has been the subject of a formal interpretation shall review both the request and the interpretation, and evaluate whether clarification of the text of the document is required. If required, the NEBB standards committee shall process such a modification in conformance with these Procedures. After issuance of the next edition of the document, the formal interpretation shall be retired.

#### 7.7 Disclaimer

- 7.7.1 No interpretation is binding on NEBB unless it is established in accordance with these Procedures.