



**American Renewable Energy Standards  
and Certification Association**

# Standards Development Procedures

ARESca Standards Committee of the Board

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ARESca

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## **1. General Purpose**

These procedures contain requirements and guidance for use by the Standards Committee of the Board (SCB) of ARESCA (American Renewable Energy Standards and Certification Association) and its consensus bodies (previously known as subordinate groups) to organize staff and administer their activities associated with the development and maintenance of ARESCA Standards. These procedures are intended to comply with the requirements listed in the document: "ANSI Essential Requirements: Due process requirements for American National Standards". ARESCA is an ANSI-Accredited Standards Developer (ASD) for consensus renewable energy standards in the United States.

## **2. Organization and General Responsibilities**

### **2.1. Standards Committee of the ARESCA Board (SCB)**

The SCB is a standing committee of the ARESCA Board of Directors, consisting of the SCB members and the Secretariat. The membership shall be sufficiently diverse to ensure a balance of renewable energy stakeholders.

#### **2.1.1. SCB Responsibilities** - The SCB shall:

2.1.1.1. Take the appropriate action to attest that these procedures have been followed and that the requirements set forth in these procedures have been met, including but not limited to:

2.1.1.1.1. Overseeing the development of proposed standards documents. Standards documents include American National Standards (ANS), Technical Specifications (TS), Recommended Practices (RP) and Technical Reports (TR).

2.1.1.1.2. Overseeing the approval process for proposed standards documents.

2.1.1.1.3. Maintaining the standards documents.

2.1.1.1.4. Reviewing each standards document within its scope at least every five years and determine the appropriate recommendation for (a) reaffirmation, (b) revision, or (c) withdrawal.

2.1.1.1.5. Coordinating and responding to requests for interpretations of the standards documents.

2.1.1.2. Adopt procedures and revisions thereof as necessary for the proper administration of the SCB.

2.1.1.3. Oversee the assignment of consensus bodies for the development of proposed standards documents.

2.1.1.4. Oversee other matters requiring SCB action as provided in these procedures.

#### **2.1.2. SCB Membership and Requirements**

2.1.2.1. Detailed considerations on application, balanced representation, responsibilities, and further requirements for members are included in Clause 3.

2.1.2.2. The Board recommends, with a majority vote approval, members to the SCB for appointment for a term not exceeding five (5) years.

2.1.2.3. Members are eligible for reappointment, not to exceed three (3) consecutive terms.

2.1.2.4. Selection shall include consideration of the business interest of the employer, if any, as well as the type of experience or expertise the individual, brings to the SCB.

2.1.2.5. The SCB shall be comprised of no fewer than three (3) and no more than ten (10) individuals. This size limitation will be revisited no less than every two years and could be adjusted based on level of interest, expertise and need to maintain balance.

### **2.2. Secretariat**

ARESCA shall hire or contract staff to serve as the Secretariat for the SCB. The Secretariat is subordinate to the SCB Chair, acting as liaison to ARESCA, with the following additional responsibilities:

2.2.1. Apply for accreditation as an American National Standards Developer to ANSI and maintain

accreditation in accordance with ANSI requirements.

2.2.2. Maintain current and accurate rosters of SCB and consensus bodies and distribute it to the members at least annually and otherwise on request. The roster shall include the following:

- 2.2.2.1. Title of the Committee and its designation;
  - 2.2.2.2. Scope of the Committee;
  - 2.2.2.3. Secretariat - name of organization, name of secretary and address(es);
  - 2.2.2.4. Officers - Chair and Vice-chair;
  - 2.2.2.5. Members - name of organization or agency, its representative and alternate(s) (as applicable), with contact information, addresses and business affiliations; or name, contact information, address and business affiliation of individual member(s);
    - 2.2.2.5.1 The affiliation of a consensus body member 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, their sponsors (if any) and interest category shall be made available upon request. A sponsor is defined as an organization that provides funds specifically to support the individual's participation in the standards activities of the consensus body.
  - 2.2.2.6. Classification of each member;
    - 2.2.2.6.1 Consensus body members, including consultants, typically are classified in accordance with the business or other interests of their employers or the sponsors they represent in connection with the standards development activity. For purposes of this section, a "consultant" is someone who agrees to provide professional service in exchange for compensation, financial or otherwise. In cases where a consensus body member receives funding from other entities, that information shall be disclosed to determine if it will impact the member's interest classification.
  - 2.2.2.7. Tally of classifications - total of voting members and subtotals for each interest category;
  - 2.2.2.8. For each consensus body - title, chair, and names and addresses of all members.
- 2.2.3. Maintain a list of standards documents for which the SCB is responsible, as well as current and prior project leaders for each.
- 2.2.4. Provide a SCB secretary to perform administrative work, including secretarial services; meeting notices and arrangements; preparation and distribution of meeting agendas, minutes, ballots and draft standards documents; and maintenance of adequate records (See section 4.3 – Recordkeeping).
- 2.2.5. Submit candidate standards approved by the SCB, with supporting documentation, for ANSI review and approval as standards documents.
- 2.2.6. Publish or arrange with ANSI for publication of its standards documents, revisions and addenda.
- 2.2.7. Perform other administrative functions as required by these procedures.

### 2.3. **ARESCA Board of Directors Responsibilities**

2.3.1. The ARESCA Board of Directors shall act in an advisory and oversight nature to the SCB, to wit:

- 2.3.1.1. Ensure the SCB's compliance with these standard development procedures.
- 2.3.1.2. Confirm the appointment of the SCB Chair.
- 2.3.1.3. Confirm the standard development procedures adopted by the SCB.
- 2.3.1.4. Provide guidance and serve as advisors as needed.

### 2.4. **SCB Consensus Bodies**

#### 2.4.1. **Creation of Consensus Bodies**

When the Secretariat or SCB determines a need to create one or more standing consensus bodies (e.g., committees, technical subcommittees, working groups, project teams, task forces) to expedite standards development work, their formation, including scope and duties, requires

approval by a majority vote of the SCB. Subsequent changes in scope or duties (and later disbandment) shall also require approval

#### **2.4.2. Consensus Body Responsibilities**

2.4.2.1. The consensus body is responsible for the definitive content of one or more related overarching topics, standards documents relevant to the topic(s), and for responding to views and objections thereon. Such consensus bodies shall meet the requirements for diversity and balance established within these procedures for the SCB.

2.4.2.2. The SCB may approve membership of the consensus bodies reporting to it (i.e., appointments, reappointments, and terminations), or the SCB Chair may appoint the membership. Resignations from consensus bodies are reported to the SCB.

#### **2.4.3. Consensus Body Officers**

2.4.3.1. Consensus bodies shall have a Chair. Consensus bodies may also have Vice Chairs. The Chair and Vice Chair shall serve no more than three consecutive five-year terms in each office. This limit can be exceeded for special circumstances if approved by at least 2/3 of the SCB as appropriate. An example of a special circumstance is that there is no other qualified candidate who is willing to serve.

2.4.3.2. The consensus body Chair shall:

2.4.3.2.1. Maintain all documentation during the development of a standard document, including but not limited to:

- Roster of the consensus body
- Record of votes, comments, and resolutions; and
- Meeting agendas and minutes.

2.4.3.2.2. Ensure the SCB receives copies of all documentation.

2.4.3.2.3. Notify the SCB of meetings of the consensus body and facilitate all consensus body meetings.

#### **2.4.4. Consensus Body Members**

Members of consensus bodies shall be approved by the SCB. The membership of all consensus bodies shall be generally the same as the requirements for the SCB (see Clause 3), and additional requirements approved on establishment of the consensus body and reviewed by the SCB annually.

### **3. Membership and Participation**

#### **3.1. SCB Membership**

3.1.1 Membership of the SCB shall consist of organizations (preferably national in scope), companies, government agencies, individuals, users, etc., having an interest in renewable energy standards development. There shall be no more than one member from the same organization or entity.

3.1.2. The addition of members and their alternates shall be subject to approval by majority vote of the SCB after the membership application has been processed in accordance with these procedures. Termination of members will be handled similarly.

3.1.3. Individuals are not permitted to represent more than one organization or entity on the SCB.

3.1.4. Representation of an absent member of the SCB may be by an alternate.

3.1.4.1. An alternate is a person who attends meetings or intends to vote in place of the member on standards actions.

3.1.4.2. SCB members shall identify their alternate in the event they are unable to participate on standard action or meetings.

3.1.4.3. An alternate shall be from the same interest classification as the member represented or shall have an interest classification that maintains the required balance. An alternate has all the privileges of a member during the period of his/her service in this capacity. Such service by an

alternate automatically terminates upon written request of the SCB member to the Secretariat or when the member is no longer on the SCB.

### 3.2. Interest Categories

3.2.1. In order to establish balanced representation for developing consensus standards, SCB members shall be classified in accordance with the business interests of their primary source of support for SCB participation. Alternates shall not be counted in determining the balance of the SCB. The classification system and the interest categories assigned to members shall be subject to approval by the SCB and shall be included as an Annex to these procedures. Categories shall be updated from time to time to ensure proper representation of the broader renewable energy market in the standards development process as the breadth of standards development work changes. The current set of categories is included in Annex A.

3.2.2. No single category shall have a majority on the SCB. In the case that a safety-related standard (life or harm to personnel) is considered, it will be ensured that no single interest category is greater than 1/3 of the SCB.

3.2.3. If a member's classification changes because of a change in employment or another reason, action shall be taken by the SCB to:

3.2.3.1. Reaffirm the member to complete the present term, or

3.2.3.2. Reappoint the member for a full term, or

3.2.3.3. Terminate the membership.

3.2.4. The effects of the member's changed classification on the balance of interest for the SCB shall be considered.

### 3.3. Balance

The membership shall be sufficiently diverse to ensure reasonable balance, without dominance by a single interest category as required by the ANSI document, "ANSI Essential Requirements: Due Process for American National Standards."

If there is an interest category constituting more than one-third on the consensus body, the SCB, through the Secretariat, will conduct outreach to underrepresented categories.

### 3.4. Application

3.4.1. A request for membership shall be addressed to the Secretariat. The request shall indicate the applicant's interest in the SCB's work, description of qualifications and a written statement of willingness to participate actively. If the applicant is an organization, company or government agency, it shall identify (a) a representative, (b) an alternate(s), if desired, and (c) contact information.

3.4.2. In recommending appropriate action to the SCB on applications for membership, the Secretariat shall consider the:

3.4.2.1. Need for active participation by each interest category,

3.4.2.2. Balance of membership categories,

3.4.2.3. Extent of interest expressed by the applicant and the applicant's willingness to participate actively, and

3.4.3. Individuals are not permitted to represent more than one organization on the consensus body

3.4.4. Upon successful completion of the application, the Secretariat shall develop a ballot for each applicant for consideration by the SCB. The SCB must approve each applicant with a majority vote.

### 3.5. Participation Requirements for Members

3.5.1. Continuing membership on a SCB shall be based on active participation in SCB activities. All SCB members shall be required to complete the following participation requirements for continued SCB membership:

- 3.5.1.1. Respond to at least 75% of ballots; and
- 3.5.1.2. Attend meetings; missing three (3) consecutive meetings may result in termination of membership.
- 3.5.2. The Secretariat shall review the membership list annually with respect to these requirements.
- 3.5.3. Members are expected to fulfill all obligations as detailed in these procedures. Where a member is found in default of these obligations, the Secretariat shall direct the matter to the SCB for appropriate action, which may include termination of membership.
- 3.5.4. Any termination of membership recommendation shall be presented and require a 2/3 vote by the SCB.

### **3.6. SCB Member Responsibilities**

- 3.6.1. The duty of each member is to give thorough consideration to each subject brought before their SCB for action, to vote on approval or disapproval of each proposal, to contribute his/her expertise in the preparation of standards, to advise on personnel for membership on the SCB and consensus bodies, and to assist generally in carrying out the functions of the SCB.
- 3.6.2. Such duties may be carried out by attendance at meetings when possible (attendance at meetings is encouraged but not required), by correspondence, and by telephone, teleconference, or other electronic means.
- 3.6.3. Members failing to carry out their duties shall be subject to having their membership terminated.
- 3.6.4. Members whose appointments have been terminated may appeal this action.

### **3.7. Observers, and General Public**

Members of the public may express their views on items being discussed but shall not have voting privileges. See additional requirements in the Meetings section of these procedures.

## **4. General Operating Procedures**

### **4.1. Meetings**

- 4.1.1. SCB meetings shall be held, as decided upon by the SCB Chair and Secretariat, or by petition of three or more members, to conduct business such as making assignments, receiving reports of work, considering draft standards, resolving differences among consensus bodies and considering views and objections from any source. Meetings of SCB or consensus bodies may be held as decided upon by the members and chair of the SCB, consensus body or Secretariat.
- 4.1.2. Meetings shall be open to the public. Members of the public may express their views on items being discussed but shall not have voting privileges. However, a portion of a meeting may be in executive session, when considering subjects such as personnel, accreditation, certification, registration, litigation and other administrative matters. These portions of the meetings are considered private and are not open to the public.
- 4.1.3. At meetings, a quorum shall consist of at least 50% of the SCB membership eligible to vote. In the absence of a quorum, the minutes of the meeting and any voted action shall be subject to approval by a recorded vote of the membership. An alternate representing an absent member shall be deemed a member. If a quorum is not present, actions taken at a meeting are not official until approved by ballot or at a subsequent meeting, where quorum requirements have been met.
- 4.1.4. Recording of meetings and teleconferences is prohibited by any member, guests, or attendees. Only the Secretariat, who is a member of ARESCA's staff, may be permitted to record a meeting under certain guidelines as approved by the ARESCA Board of Directors.
- 4.1.5. The Secretariat shall provide a minimum of 45-day notice for SCB meetings requiring travel.
- 4.1.6. The Secretariat shall provide 30-day notice of teleconference/electronic meetings, which shall be provided to the SCB in media designed to reach materially interested parties of the standards development process.
- 4.1.7. The notice shall describe the purpose of the meeting and shall identify a readily available

source for further information. An agenda shall be available and shall be distributed a minimum of one week in advance of the meeting to members and to others expressing interest.

#### **4.2. Parliamentary Procedures**

On questions of parliamentary procedure not covered in these procedures, Robert's Rules of Order (latest edition) may be used to expedite due process.

#### **4.3. Recordkeeping**

4.3.1. The Secretariat shall maintain all recordkeeping of the SCB, which includes, but not limited to:

- 4.3.1.1. Agendas and minutes of meetings;
- 4.3.1.2. Official correspondences of the SCB;
- 4.3.1.3. Membership rosters;
- 4.3.1.4. SCB's and consensus bodies will ensure Secretariat is provided copies of all standards document actions, including but not limited to:
  - 4.3.1.4.1. Draft revisions of standards documents sent for comment;
  - 4.3.1.4.2. Documentation of comments received on standards documents and resolution of all issues raised during the standard development process.
  - 4.3.1.4.3. Voting results;

4.3.2. Records shall be maintained by the Secretariat in accordance with ARESCA policy and methodology for a minimum of ten (10) years.

4.3.3. Records concerning withdrawals of standard documents shall be retained for at least ten (10) years from the date of withdrawal or for duration consistent with the audit schedule.

#### **4.4. Voting**

4.4.1. Votes for standards actions shall be recorded by the Secretariat.

4.4.2. All SCB members eligible to vote shall have an opportunity to vote. When votes are taken at meetings, the SCB participants who are absent shall be given the opportunity to vote.

4.4.3. Each member of the SCB shall vote one of the following positions:

- Affirmative;
- Negative;
- Abstain. (Abstentions are not counted in the final tally; but they reduce the number of votes required for approval.)

4.4.4. SCB members casting negative responses shall provide written explanation. Negative votes should include an alternative action that will resolve their disapproved vote. Affirmative votes may include comments at the discretion of the member.

4.4.5. No representative shall have more than one vote. Proxy voting is not permitted.

4.4.6. A ballot may be authorized by any of the following:

- 4.4.6.1. Consensus body responsible for the standards action,
- 4.4.6.2. A majority vote of those SCB participants present in a SCB meeting and eligible to vote
- 4.4.6.3. Petition of three SCB participants.

#### **4.5. Voting Obligations**

##### **4.5.1. General**

4.5.1.1. SCB participants eligible to vote or their designated alternate shall be obligated to vote on each committee action and are encouraged to vote as early as possible. Consistent failure to vote, shall be just cause for termination.

4.5.1.2. An alternate's vote shall be counted in the tally only if the corresponding SCB participant's vote is not submitted. In the event both the member and alternate vote, the member's vote takes precedence and the alternate's comment shall be considered in the same manner as a public comment.

4.5.1.3. Members may change their vote at any time up until the closure of the vote.

4.5.1.4. Votes received by the Secretariat after the recorded vote has been closed shall not be counted.

4.5.1.5. At the close of the vote, the Secretariat shall submit a complete voting tally including the text of all negative votes and comments to the SCB and the consensus body.

#### **4.5.2. Voting period**

4.5.2.1. The voting period for ballots shall end 30 days from the date of issue or as soon as all ballots are returned, whichever comes earlier. An extension may be granted at the Chair's option, when warranted. Follow-up correspondence requesting immediate return of the ballot shall be sent, as appropriate, to members and alternate members whose votes have not been received within ten (10) working days before the ballot closes.

4.5.2.2. For standard document related actions taken at meetings, all members of the SCB shall be given the opportunity to vote, even if they cannot attend the meeting.

#### **4.5.3. Actions requiring approval by majority**

4.5.3.1. The following actions require approval by a majority of the membership of the SCB whether at a meeting or by ballot:

4.5.3.1.1. Confirmation of SCB members or consensus body officers;

4.5.3.1.2. Formation of an SCB consensus body, including its scope;

4.5.3.1.3. Disbandment of consensus bodies;

4.5.3.1.4. Addition of new SCB members and designation of their interest categories;

4.5.3.2. Other actions requiring the SCB approval may be approved by a majority of the members present at a meeting, including:

4.5.3.2.1. Approval of minutes;

4.5.3.2.2. Authorization of a ballot.

#### **4.5.4. Actions requiring approval by 2/3 vote**

4.5.4.1. The following actions require a ballot or an equivalent formal recorded vote with approval by at least a majority of the SCB membership and at least two-thirds of those voting, excluding abstentions and unreturned ballots:

4.5.4.1.1. Adoption of Committee procedures, categories of interests or revisions thereof;

4.5.4.1.2. Approval of a standards document;

4.5.4.1.3. Reaffirmation of an existing standards document;

4.5.4.1.4. Approval of revision or addendum to part or all of a standards document;

4.5.4.1.5. Approval of change of SCB scope;

4.5.4.1.6. Approval of withdrawal of an existing standards document;

4.5.4.1.7. Termination of a SCB or consensus body member

4.5.4.1.8. Approval of termination of the SCB and abdication of ARESCA's standards writing body responsibilities.

4.5.4.1.9. Approval of interpretations.

#### **4.6. Communication**

4.6.1. Correspondence of SCB officers should preferably be on ARESCA letterhead.

4.6.2. If correspondence between consensus bodies or between working groups of different consensus bodies involves issues or decisions (i.e., non-routine matters) affecting other consensus bodies, copies shall be sent to all affected consensus body Chairs and to the SCB.

4.6.3. Inquiries relating to the SCB should be directed to the ARESCA Board Chair, with copy to the Secretariat.

4.6.4. Written inquiries requesting interpretation of the SCB's approved ANS shall be responded to in accordance with these procedures. Revisions to the standard(s) resulting from requests for interpretation shall also be responded to in accordance with these procedures.

### **5. STANDARDS ACTION PROCESS**



### **5.1. New proposed standards document**

- 5.1.1. Standard development proposals shall be recommended to the SCB from SCB members or public interest. All proposals shall include:
  - 5.1.1.1. A statement of purpose and scope,
  - 5.1.1.2. A recommendation as to whether the proposed document should be an American National Standard (ANS), technical specification (TS), recommended practice (RP) or technical report (TR).
- 5.1.2. The SCB shall approve of such proposals with a 2/3 vote (see 4.5.4).
  - 5.1.2.1. The Secretariat shall notify the standard development proposal author of the SCB's vote.
  - 5.1.2.2. In the event the proposal was rejected, the notification will include justification of decision.
- 5.1.3. The SCB should consult any relevant international or regional guides that may impact the proposed standard document.
- 5.1.4. The SCB, through the Secretariat, shall notify relevant ANSI-Accredited U.S. TAG if a standard is intended to be submitted for consideration as an ISO, IEC or ISO/IEC JTC-1 standard.
- 5.1.5. At the acceptance of a proposal to develop a new standards document, the SCB, through the Secretariat, shall notify ANSI using the Project Initiation Notification System (PINS) form, or its equivalent.
- 5.1.6. If comments are received within 30 days from ANSI's announcement of the PINS and the comments assert that the proposed standard duplicates or conflicts with an existing American National Standard or a candidate American National Standard announced previously by ANSI, the Secretariat will notify the SCB as applicable. The SCB will initiate actions to resolve the issue in accordance with the active version of the ANSI Essential Requirements.

### **5.2. Duplication or Assertion of Conflict**

- 5.2.1. Any materially interested party may assert in writing to the Secretariat, within the 30-day publication date of a PINS announcement that a proposed standards document duplicates or conflicts with the development of an ANS or a candidate ANS that has been announced previously in ANSI's Standards Action.
  - 5.2.1.1. If ARESCA receives a written request for additional information or for the opportunity to discuss the proposal from a directly and materially interested outside party or current consensus body member, during the 30-day PINS comment period, the Secretariat shall respond in writing within 30 days of the comment deadline.
- 5.2.2. Resolution of the duplication or conflict shall follow the procedures contained in the most recent version of ANSI Essential Requirements.

### **5.3. Standards document development**

- 5.3.1. Standards documents include American National Standards (ANS), Technical Specifications (TS), Recommended Practices (RP) and Technical Reports (TR).
- 5.3.2. The SCB shall:
  - 5.3.2.1. Approve a consensus body to manage the development of the approved standards document;
    - 5.3.2.1.1. The responsibility shall normally be assigned to the consensus body responsible for the topic of the standards document.
    - 5.3.2.1.2. The SCB shall take responsibility or authorize a consensus body per these procedures.
    - 5.3.2.1.3. In the case where there is no consensus body established, the SCB shall authorize and establish a consensus body per these procedures.
  - 5.3.2.2. Affirm or modify the statement of purpose and scope;
  - 5.3.2.3. Notify the consensus body Chair of the statement of purpose and scope and direct the Chair to develop the standards document.
  - 5.3.2.4. The SCB, through the Secretariat, shall notify directly any materially interested parties;
- 5.3.3. The SCB or consensus body shall develop the standard document.

#### **5.4. Review and Comment**

5.4.1. At appropriate stages of the development process, the SCB or consensus body should provide access to draft proposals for review and written comment to materially interested parties, such as the SCB, other consensus bodies, ARESCA board members and members of the public who have expressed interest.

5.4.2. The SCB or consensus body shall determine whether written comments received are substantive. Written comments received that are not related to the proposal under consideration shall be considered non-substantive. Resolution of all written comments shall be documented and shared as required by these procedures.

5.4.3. Substantive written comments will be considered and incorporated as appropriate by SCB or consensus body responsible for the standards action.

5.4.4. The applicable SCB or consensus body shall develop written responses to all comments, prepare a summary of comments and responses, and make the summary available. If substantive technical changes are made to the draft standard document, the document shall be resubmitted for review and written comment either concurrent with, or followed by, a recorded vote. If the review and written comment is conducted prior to a recorded vote and the document has no changes or only non-substantive changes as a result of the written comments, the document shall be submitted to the SCB for vote.

5.4.5. All standards actions shall be forwarded to the SCB for review and written comment 45 days prior to SCB vote.

#### **5.5. Public Notice**

5.5.1. All proposed, revised, reaffirmed, or withdrawn standards shall be announced on the ARESCA website for public review. Timely and adequate notice of standards development activity, including formation of a consensus body or consensus body meeting, shall be announced in media suitable to demonstrate that a meaningful opportunity for participation, debate and deliberation by all directly and materially interested parties in a fair and equitable manner was provided. A notification shall be included in ARESCA publications that, at a minimum, directs materially interested parties to the ARESCA website for the public review announcements, and provides instructions on obtaining copies of public review proposals. If the proposal is intended to be submitted to ANSI for approval, it shall also be announced in ANSI's Standards Action.

5.5.2. Proposals for new ANS or reaffirmation, revision, or withdrawal of existing ANS shall be transmitted to ANSI for listing in Standards Action for comment. Technical reports and Recommended Practices will be processed in accordance with these procedures.

5.5.3. The SCB may supplement the public review by having a proposed standards action sent to group(s) or individual(s) known to have an interest in the scope and purpose of the proposed standards action.

5.5.4. The SCB may supplement the public review with public hearings addressing the scope and provisions of standards documents.

5.5.5. The comment review process should be followed as described in 5.4.

### **6. Appeals Process**

#### **6.1. Appeal Notice**

6.1.1. Directly and materially interested parties who believe they have been or will be adversely affected by a standard within the SCB's jurisdiction, or by the lack thereof, shall have the right to appeal on procedural actions or inactions of the SCB.

6.1.2. The appellant shall file a written complaint with the Secretariat within 60 days after the date of notification of action or at any time with respect to inactions. 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.

6.1.2.1 Claims of procedural non-compliance raised during the course of an active standards development process are to be addressed in accordance with this appeals process. The appeals process shall conclude before final submittal of evidence of consensus is made to ANSI in support of the approval of a standard as an American National Standard. An appeal of the approval of a standard as an American National Standard is to be filed in accordance with the Operating Procedures of the ANSI Board of Standards Review (BSR).

6.1.3. Those individuals/organizations requesting an appeal will be required to include a fee in the amount of \$500 payable to ARESCA at the time of filing the actual appeals document/complaint.

6.1.3.1. This fee may be waived or reduced upon sufficient evidence of hardship. Processing of such a request should take place within thirty (30) calendar days of receipt. A request could delay the official response to the formal complaint by a period of time, not to exceed thirty days after the date the SCB completes the review of the waiver/reduction.

6.1.3.2. The process for reviewing a waiver or reduction for the appeals fee is as follows:

6.1.3.2.1. The request for a waiver or reduction is submitted in writing to the attention of the Secretariat.

6.1.3.2.2. The request provides the reasons, in detail, why a waiver or reduction is appropriate.

6.1.3.2.3. Supporting materials should be submitted with the request. Additional material may be requested by the SCB.

6.1.3.2.4. The request for a waiver or reduction is reviewed by the SCB.

6.1.3.2.5. The SCB will reach consensus and the Secretariat will notify the submitter of the decision

## **6.2. Response to Appeal**

6.2.1. Within 45 days after receipt of the complaint, the Secretariat shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the Secretariat's knowledge.

6.2.2. If the appellant and the Secretariat 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.

## **6.3. Appeal to SCB**

6.3.1. The Secretariat shall arrange the panel, which will consist of five (5) individuals who have not been directly involved in the matter in dispute, and who will not be materially or directly affected by any decision made or to be made in the dispute.

6.3.1.1. The Secretariat shall notify the appellant of the panelists, in order to allow the appellant an opportunity to object should they perceive the existence of a conflict of interest.

6.3.1.2. Any objection shall be submitted in writing to the Secretariat within ten (10) working days of notice with specific objection. Any objection to panelist shall be addressed prior to the hearing by replacement by the Secretariat with an alternate panelist acceptable to the appellant.

6.3.2. The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. If that burden is met, then the Secretariat has the burden of demonstrating that the committee and the Secretariat took all actions in compliance with these procedures and that the requested remedial action would be ineffective or detrimental. Each party may adduce other pertinent arguments, and members of the appeals panel may address questions to individuals.

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

6.3.4. The logistical procedures for a hearing/panel are as follows:

6.3.4.1. Notes of the proceedings can be taken, but the hearing may not be recorded or transcribed. The official record consists of the formal complaint, official response, and copies of the testimony.

- 6.3.4.2. Observers may attend the hearing so long as the Secretariat receives prior knowledge of their attendance, and there is adequate space for their attendance.
- 6.3.4.3. The appellant and the Secretariat will provide twenty (20) copies of their testimony to the hearing. These copies will be distributed to the Panel and included in the formal record of the hearing.
- 6.3.4.4. The formal complaint and official response will be given to the panelists prior to the hearing for their review. The appellant or Secretariat do not have to share their oral presentations prior to the hearing. However, presentations are to be based on the existing records. If new information is raised, the other party may object, and the Panel will decide whether or not to consider it.
- 6.3.4.5. The appellant will speak first in regard to his/her appeal, and the Secretariat will speak after.
- 6.3.4.6. Twenty (20) minutes is allocated to each side for their respective presentations. Any portion of presentation time may be saved for rebuttals.
- 6.3.4.7. Following the presentation(s) there is a question-and-answer session directed by the Panel. There is not an established time period for this session and can be terminated upon consensus of the Panel.
- 6.3.5. Both the appellant and the Secretariat shall be responsible for their own costs, outside of the original appeals filing fee, and shall be responsible for providing sufficient copies of all documents to distribute to the appeals panel and other party.
- 6.3.6. The appeals panel shall render its decision in writing within forty-five (45) days, stating findings of fact and conclusions, with reasons thereof, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision:
  - 6.3.6.1. Finding for the appellant, remanding the action to the Committee or the Secretariat with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
  - 6.3.6.2. Finding for the Secretariat, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections;
  - 6.3.6.3. Finding that new, substantive evidence has been introduced, and remanding the entire action to the Committee or the Secretariat for appropriate reconsideration.

## **7. Interpretations**

- 7.1. Interpretations are formal written responses to written (e.g., letter, fax or e-mail) inquiries which are transmitted to the inquirer on ARESCA letterhead.
- 7.2. Informal responses to inquiries may be offered by ARESCA staff and volunteers. Such individual responses should be accompanied by a statement making it clear that they are the opinion of the individual, not interpretations. These responses may be either verbal or written. If written, the responses shall not be on ARESCA letterhead.
- 7.3. Requirements for Interpretations
  - 7.3.1. Interpretations shall be written in an "inquiry" and "reply" format.
  - 7.3.2. The inquiry or the reply shall include the name and specific edition(s) of the standard(s) being interpreted.
  - 7.3.3. Existing interpretations shall be revised when there is an identified need for a correction or clarification. There shall be a statement advising that SCB may reconsider its interpretation when additional information is made available.
  - 7.3.4. Interpretations shall not revise existing requirements or establish new requirements.
  - 7.3.5. Interpretations shall not include explanations describing why the standard is written the way it is, except they may include any rationale that was approved through the consensus process as a part of the standards action.
  - 7.3.6. Interpretations shall not approve, certify, rate or endorse any item, construction, proprietary device or activity.
  - 7.3.7. Approval of all interpretations shall be by the SCB.

7.3.8. Approved Interpretations shall be transmitted to the inquirer on ARESCA letterhead signed by the Secretariat.

## **8. Publication of Standard Documents**

8.1. Standard documents shall be published and made available as soon as possible, but no later than six (6) months after approval by the SCB. The SCB, through the Secretariat, shall publish the standard or shall grant the right of publication to ANSI.

## **9. Maintenance of standards documents**

9.1. Standards documents shall be maintained and revised, as necessary.

9.2. Each standards document shall be reaffirmed, revised, or withdrawn within five years of its approval. Unless notification of a project initiation or request for public review announcement has already been submitted to ANSI for a standard that is maintained under periodic maintenance, the Secretariat shall submit to ANSI a request for an extension of time to reaffirm or revise a standard within thirty days following five years after the approval date of the standard.

9.3. ANSI approval of an American National Standard automatically expires on the tenth anniversary date of its approval.

## **10. Adoption of ISO and IEC standards**

10.1. The SCB may consider national adoptions of ISO or IEC standards in the absence of a corresponding ARESCA ANS or where the ISO or IEC standard is the relevant sector's preferred standard to meet safety and marketplace needs.

10.2. If an ARESCA ANS, with the same scope does exist, it shall be withdrawn after the national adoption of the ISO or IEC standard, or revised to supplement the nationally adopted ISO or IEC standard.

10.3. Recommendations to proceed with approval of national adoptions of ISO or IEC standards shall be in accordance with the established voting requirements.

10.4. Refer to the ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards for requirements for proposed national adoptions of ISO and IEC standards. Only identical or modified versions of ISO or IEC standards may be considered for national adoption.

10.5. The expedited procedures contained in the ANSI requirements may be used only for the identical adoption of ISO or IEC standards for which the US TAG voted or will vote in the affirmative and for which no claims of conflict or duplication with an existing American National Standard have been made. For all other circumstances, the developer's accredited procedures shall apply.

## **11. Units of Measure**

The units of measure shall be the International System of Units (SI).

## **12. Termination of the SCB and abdication of ARESCA's standards development responsibilities**

12.1. A proposal to terminate the SCB may be made by an SCB member, or directly and materially interested parties. The proposal shall be submitted in writing to the ARESCA Board of Directors and to the Secretariat who will notify ANSI. The proposal shall include at least the following:

12.1.1. Reasons why the Committee should be terminated;

12.1.2. The name of the organization(s) that will assume responsibility for maintenance of any existing American National Standard(s) that are the responsibility of the Committee.

12.2. If it appears, after review by ANSI and discussion among the proponents of the action and the ARESCA Board of Directors, and the Secretariat, that the desired objectives can best be reached by termination, the proposal and supporting documentation shall be submitted to the SCB with a ballot to terminate the SCB and transfer responsibility, as appropriate, for the affected standards documents.

12.3. Concurrently, the proposal shall be announced for comment in ANSI Standards Action.

## **13. Commercial Terms and Conditions**

### **13.1. General**

Except as otherwise permitted by the ANSI Essential Requirements, ANS shall not include terms or conditions that are primarily contractual or commercial in nature, as opposed to technical, engineering, or scientific in nature. Thus, for example, an ANS shall not include contractual requirements (13.1.1); endorse or require the use of proprietary products or services (13.1.2); or endorse or require the use of particular conformity-assessment bodies, testing facilities or training organizations (13.1.3).

#### **13.1.1 Contractual Requirements**

Except as provided below, ANS shall not include contractual requirements such as those relating to particular products or services, guarantees, warranties, reworks, indemnities, buybacks, price-related terms and other conditions of sale or use.

#### **13.1.2 Endorsements of Proprietary Products or Services**

ANS shall not endorse or require the purchase or use of proprietary products or service providers as a condition of implementing the standard. Proprietary in this context means products or services that are the property of an owner and cannot be obtained or recreated without the consent of the owner. For example, an ANS may not endorse or require the purchase or use of brand-name tools or components, licenses, manufacturer lists, service provider lists or copyrighted materials.<sup>7</sup> However, for informational purposes, where known sources exist for products or services necessary to comply with the ANS, it is permissible, but not obligatory, to identify the sources (which may include a source's name and address) in a footnote, an appendix, or reference to a website. The referenced products or services shall be reasonably available from the referenced sources, the words "or the equivalent" shall be added to the reference, and the reference shall also expressly state that identification of products or services is not an endorsement of those products or services or their suppliers.

#### **13.1.3 Conformity Assessment, Testing and Training**

In connection with ANS that relate to the determination of whether products or services conform to one or more standards, the process or criteria for determining conformity may be standardized as long as the description of the process or criteria is limited to technical, engineering or scientific concerns and does not include what would otherwise be contractual or commercial terms.

It is permissible for health, safety or environmental protection reasons to include a generic requirement for third-party, i.e., independent, conformity assessment, testing or training. ANS shall not dictate the use or non-use of a particular conformity-assessment body, testing facility or training organization.

However, for informational purposes, where known sources exist for products or services necessary to determine compliance with the ANS, it is permissible, but not obligatory, to identify the sources (which may include a source's name and address) in a footnote, an appendix, or reference to a website. The referenced products or services shall be reasonably available from the referenced sources, the words "or the equivalent" shall be added to the reference, and the reference shall also expressly state that identification of sources is not an endorsement of those sources.

**Annex A - Interest Categories**

- A.1. End Users – members representing an organization(s) or company or companies that will be responsible for the development, management of operations and/or ownership interest in a renewable energy project or plant.
- A.2. OEMs – members representing original equipment manufacturers, manufacturers of components, or supply chain manufacturers ..
- A.3. Industry – members with specific technical knowledge or members representing organizations or companies that provide consultants, engineers, architects, inspection and testing firms, each providing advice, information and services for the renewable energy industry and organizations represent any of the above.
- A.4. General Interest – all other organizations if these are not otherwise classified within another specific category. Individuals with a demonstrated interest or expertise in renewable energy industry standards, and not classified in any of the other categories. These organizations will be requested to describe their type of organization, with other examples including: trucking or transportation companies.

**Annex B - ARESCA Patent Policy**

- B.1. For any proposed, revised, or approved American National Standards, ARESCA will comply with the requirements set forth in the most current version of the ANSI Patent Policy.

**Annex C - ARESCA Antitrust Policy**

- C.1. ARESCA will ensure that American National Standards are developed in accordance with applicable antitrust and competition laws and meetings amongst competitors to develop American National Standards are conducted in accordance with these laws.