

Date: September 10, 2001

**To: Larry Perry, Chair
ICC Industry Advisory Committee (IAC)**

**From: Vickie Lovell, IAC Vice Chair
Task Group Chairman**

Re: IAC Task Group Report on Code Development Hearings Time Limits

The members of the Task Group are as follows:

Vickie Lovell, InterCode, Inc. representing Air Movement and Control Assn.
John Stratton, SMACNA
Jake Pauls, American Public Health Association
Mike Fischer, National Sunroom Association
Dave Collins, American Institute of Architects
Gene Endthoff, National Fire Sprinkler Association
Donald Rowson, Industrial Hydro Carbons\Consumer Specialty Products Assn.
Michael Tierney, Building Hardware Manufacturers Association
Robert Eugene, Underwriters Laboratories

Contributing Guests:

Jim Smith, State of Wisconsin (current committee member)
John Wiggins, UL (former committee chairman)

Staff Liason:

Dick Kuchnicki, ICC

Introduction –

In response to concerns raised by IAC members, particularly Jake Pauls and Bill Koffel, Chairman Perry re-authorized the appointment of a task group to study the imposition of time limits on testimony within the ICC Code Development Process.

The purpose of this task group is to outline for the Industry Advisory Committee (IAC) recommendations for the IAC membership to consider and ultimately recommend to the ICC Board, in order to provide additional guidance to hearing moderators and code change proponents or opponents as to the conditions that may warrant additional testimony time, and how such time extensions may be handled. The foremost principle that guided this task group through its deliberations was not an intent to limit public testimony by arbitrarily imposed time limits; rather to improve the quality of the testimony, to make the technical reference material readily available

to the committees and the membership, and to facilitate the hearing process through an efficient, yet flexible, disposition of code change proposals.

After four lengthy teleconferences, the Task Group focused its attention two logical approaches to improving the quality of the time permitted to debate code change proposals as follows:

- 1) To shorten (or eliminate if possible) the time used to dispose of code changes deemed to be editorial, or are simple “fixes” such as an inadvertent conflict, or cross-referencing of sections,
- 2) To develop a fair and consistent process to allow additional time to hear more complicated or “thorny” issues, or where numerous speakers are present to raise their issues of concern.

This report identifies:

- I. The current ICC provisions that address the imposition of time limits,
- II. General Task Group recommendations and modifications to hearings without significantly changing the current procedures or rules for the:
 - A. Public Hearing
 - B. Final Action Hearing
- III. Possible further study issues if IAC directs the Task Group to expand its scope.

I. CURRENT PROCEDURES -

The ICC Code Development Process (as of 11/12/00) allows for the imposition of time limits at the Public Hearing as follows:

“5.4.4 Limitations on Debate: The Moderator shall have the authority to establish rules and time limitations on debate in the interest of time and fairness to all hearing participants.”

The current ICC Code Development Procedures do not include similar language under the Final Action Hearing rules. The current procedure is silent on how the Final Actions are to be conducted.

Although not published, time limits imposed at the Public Hearing and the Final Action are usually established by the moderator at the beginning of the hearing.

II. GENERAL TASK GROUP RECOMMENDATIONS-

TG Voting Procedure: Unless otherwise indicated, the following items were recommended for approval by at least 75% of the 9-member task group. The items that received less than 75%, but passed with a majority, are so noted and are accompanied by comments from the TG members. Additional comments, both pro and con, have been provided at the end of this report for the consideration of the IAC membership and future task groups..

1. The moderator should have guidelines in writing for limiting or expanding time for testimony as part of the code change procedures, and these should be published along with the agenda. (See additional comments.)

2. A timekeeper, such as a staff person, shall be appointed to begin and end each debate. Any time limits imposed by the moderators should be implemented by the timekeeper using an automatic green, amber, and red light system with a timing device, with an amber light indicating that the speaker has so many seconds remaining to complete their thought. Red light ends testimony. Verbal interruptions, except to end the discussion at the red light, are not appropriate. Such interruptions are distracting to the speaker and the audience and may carry inflections, informal or personal inferences that may be inappropriate. (See additional comments)
3. The moderator should have limited discretion throughout the hearing to modify established time limits in order to ensure “fairness” to all hearing participants. The Task Group determined that it is the membership who has ultimate control over the agenda, which includes how items are group together, the combining of changes, and other factors which impact the usage of time. In the interest of “fairness”, there may be conditions where time limits need to be expanded. Some situations where additional time for testimony might be warranted include:
 - a. Where a complex issue is spread across multiple proposals, it may be more expedient to allow longer testimony to address the grouped proposed code changes, rather than trying to have testimony presented in two-minute (for example) segments in a series of identical or related proposals.
 - b. Where the complexity of the proposal, either because of proposal length, technical complexity, or number of related proposals warrants additional hearing time.
 - c. Where the number of testifiers on one side of a proposal far outweighs the number of testifiers on the opposite side.
 - d. Where the proponents and/or opponents have requested a tabling of an issue(s) to a later time so that they may caucus during the hearings to achieve a more viable resolution or modification to an issue(s). The presentation of such modifications may require an expanded time limit to thoroughly explain the significance of the modification to the membership. (See additional comments on items a through d)
4. The purpose of the public hearing is to permit ANYONE who wishes to register his or her comments in support or opposition into the public record, often traveling at great expense or effort to attend. “Me, too” testimony, while time consuming and even annoying, should not be dismissed. Although not necessarily providing additional technical information, an attendee who wants to read their position of their jurisdiction or organization into the record should be permitted to do so, even though it may be repetitious. (Vote: 6-3. See additional comments)
5. Since the final chapters of each code are usually heard later on the agenda with time running short, they are often the most limited for discussions. The code can be divided into logical sections and those sections can be arranged differently on the agenda during both 18-month periods, so that over the course of a 3-year cycle, everyone’s issues are heard fairly. (See additional comments).

6. In spite of everyone's best efforts, some issues cannot be satisfactorily resolved during the hearing process, as discussed in Item 4 of this section. Some issues are of such complexity, depth, controversy, or innovation that the few minutes permitted for discussion during the hearings are not sufficient to address all pertinent materials in order to codify an issue. In those cases, this task group strongly recommended that the ICC implement a less formal, less structured meeting arrangement (similar to the Board for the Coordination/Development of Model Codes, a/k/a BCMC process) for the discussion of such issues. BCMC meetings were well publicized and regularly scheduled, open to anyone who wished to attend, and with a published agenda of the various issues to be discussed. Such "brainstorming" by many interested individuals, not just those who are intimately involved with their specific issue, provided an invaluable opportunity to review technical documents, to examine the related code issues, to develop ideas, and ultimately, a code change proposal that often represented a satisfactory, compromise. It is also recommended that if such a BCMC-style committee were formed, that the Committee members also participate in such meetings. The task group expressed concern that the current method of using ad hoc committees for this function are too narrow in scope, too limited in attendance, and not well-enough publicized for broader-based participation. (Vote 6-3. See additional comments)

II-A. TASK GROUP RECOMMENDATIONS FOR THE PUBLIC HEARING—

1. The new 18-month/3-year cycle provides proponents with enough time to write a thorough, well-prepared code change proposal with appropriate technical references. The monograph is the opportunity for the proponent to "make their statement". The proponent should, therefore, not be permitted to restate their entire supporting statement, using up valuable hearing time. It is already printed in the monograph. A proponent may waive his/her initial time (i.e. 2 mins.) to allow any opponents to speak first, but may be permitted to recapture that time, if needed, during the rebuttal. If there are no opponents, then the debate can be significantly shortened.
2. Committee members should be provided with a preprinted form that can be faxed or mailed to the proponent well in advance of the hearing to request additional information, pose a question, or seek clarification, which sometimes uses up valuable time during the hearings. Additionally, the proponents address, telephone and fax should be included in the monograph so that other interested parties can communicate to seek resolution to conflicts or consolidate proposals in advance of the hearing in order to shorten the time needed at the hearing.
3. Before the hearings begin, any meetings among the Moderators, the Committee Chairman, and the committee members should be open to the public. During such a meeting, a proponent should be able to petition the Moderator and the Chairman for a "time modification" and requested amount of time, either in person or in writing, to modify the agenda and extend the testimony time for any of the reasons listed on Section II, Item 3.
4. At the beginning of the hearing, the Moderator shall present any "time modification" related proposals that are in order for ballot by the membership (assuming that a majority of the committee has voted in favor of a time modification), and allow for opposition to the time modifications at that time. Those opposing such a time modification to the agenda can express their position at that time. However, even if items are grouped

together, the opponents should be able to speak against items individually, and their time to speak shall not be reduced by the agenda revision.

5. As the hearing progresses, an individual may request a time modification, again for the same valid reasons listed in Section II, Item 3. However, such extensions should be voted on by the membership present because it represents a change in the agenda. The reasons that a proponent may request such a time modification is a consolidation or, the concurrent discussion of several items has been arranged between proponents and/or opponents, or new significant, new technical information is to be presented that was not included in the monograph. Where possible, such extensions should be arranged in advance of the hearing. The membership may deny such a request for a time extension based on a 2/3 vote of those present and voting. In such cases, the testimony will continue using whatever time limit was established at the beginning of the hearing.
6. To allow a motion for further study to be sought by a proponent, opponent, or a committee member during either the Public Hearing or the Final Action, as discussed previously in Section I, Item 7. For issues that cannot be resolved during the regular hearings due to the limited time or the depth or complexity of the issue, a Committee may be formed for the purpose of studying the specific subject, subject to recommendation by 2/3 of the membership present during the hearing, and approval of the formation of such a Committee by the Board of Directors. (Vote: 6-3. See additional comments)
7. The staff and committee need greater latitude on determining what is truly editorial in order to spend time on changes that require less time. Much of this could be accomplished during the pre-hearing review by staff, proponents and committee members as they review the proposals in advance of the code change hearing. As one of the first items, the chairman could make a recommendation that such code changes be ruled as editorial and the hearing on those particular changes be waived, even if every word is not exactly correct. If there is any objection from the floor at the beginning of the hearing, then the change would be heard in its regular order. (See additional comments).

II B. TASK GROUP RECOMMENDATIONS FOR THE FINAL ACTION–

Since the ICC Board of Directors has revised the procedure policy for hearing modifications for the 2002 code change, the task group was unable to make specific recommendations to the hearing process at the Final Action. Until such changes have been observed in practice at the hearings, it may be presumed that the same recommendations for the Public Hearings should prevail for the Final Action.

III. ISSUES FOR POSSIBLE FUTURE STUDY

Scheduling and Coordination –

One of the difficulties in attempting to address time limits for testimony is determining how any limits (or lack of limits) will affect overall hearing schedules or other parts of the Code Development Process. For example, the recent changes by the ICC Board of Directors to permit modifications to a code change to be proposed during the Public Comment period could significantly change the intent of the original proposal and thereby open up a very lengthy discussion at the Final Action hearing. It is appropriate, therefore, to coordinate any IAC recommendations regarding time limits on testimony with any other developing changes to the ICC Code Development Process. (See additional comments)

Visual Aids –

The subject of visual aids is outside the scope of this task group's work, but is intimately involved with the presentation of issues during the code hearings. Admittedly, such visual aids, or exhibits, could be time-consuming, they can also be time-efficient giving credence to the old adage: a picture is worth a thousand words.

The task group briefly addressed this subject and have the following comments:

1. Exhibits, such as a single image on overhead, illustration, photograph, text, detail, a split-screen comparison, an audible sound, or a hand-held three-dimensional object, should be permitted to be referenced during the hearings.
2. Handouts of the exhibits should be available (usually on table in the back of the hearing room) to the membership and should be permitted, even encouraged.
3. The time to present such an exhibit would have to be contained within the established time limits, set at the beginning of the hearings.
4. The proponent (at the Public Hearing), or any challenger (at the Final Action) would have to put their intention of using such an exhibit along with a brief description of such exhibit in writing with their proposal/ challenge in advance of the hearings, so that no surprise exhibits would be permitted.
5. The chairman, at his/her sole discretion, may rule the exhibit in or out of order. Such exhibits are intended to be primarily technical, informative, or explanatory. Exhibits developed to play to the emotional or sensational sentiments of the audience would be ruled out of order.
6. Demonstrations or multi-image presentations, such as videos or PowerPoint, should not be permitted during the hearings, although the limited use of such presentations may be more appropriate during a committee meeting as discussed in this report.

(See additional comments)

Committee members who testify from the floor –

Since industry members will be serving on committees in future ICC hearings, the task group recommends further clarification of how committee members use the available time for discussion, both during the public debates, and also after the debate is closed during committee deliberations. It has been observed that, in the past, some committee members speak during the floor debate and then take additional time to reiterate their position from the dais.

The task group recommends that committee members who testify from the floor as a proponent or an opponent change should recuse themselves from voting on the issue, and from indulging in further testimony (as a committee member) after the public hearing has been closed.

(See additional comments).

ADDITIONAL COMMENTS
FROM THE IAC “TIME LIMITS” TASK GROUP MEMBERS

II. GENERAL TASK GROUP RECOMMENDATIONS.

Item 1.

Mr. Stratton: Too many inconsistencies occur among moderators. Moderators should openly consult the committee chairman about any need for extending public discussion. They often shut it off on their individual schedules. From committee discussions that follow, they often obviously need more input in order to make informed decisions.

Item 2.

Mr. Eugene: The timing device should incorporate a visual display. The display may be a countdown clock, red/amber/green lighting device or other appropriate display.

Mr. Collins: I don't disagree with an automatic timing device, I just do not think it should be operated by anyone; it should be automatic! I also do not like the discussions characterized as "debate." The most important feature of the discussion and the timing of it should be the automatic cut off of the moderators and committee members microphones during the presentation and the speakers microphone at the end of the allotted time. There should be "sergeant at arms" located throughout the hearing room who will be charged with maintaining decorum in the audience. The moderator should not have to shout from the podium to quiet the audience.

Mr. Fischer: The timer should be an automatic device that once started as the speaker identifies him/herself- so the light is not controlled by a human being.

Item 3.

Mr. Rowson: While I generally agree, there need to be some time limit regardless of the issue. Also, establishing importance of competing issues is a political statement in itself so there need to be some criteria, as outlined in Item 4, if this is done.

Mr. Fischer: I agree, but the limit must be set ahead of the start of that particular hearing session.

Mr. Collins: I disagree that time limits should vary at all! If there are time limits imposed for whatever reason everyone should be given the same time limit until the hearing has concluded.

Mr. Eugene: For fairness to all, time limits need to be set that are uniform for each speaker. Only when agreed to by the voting members should time limits be extended for specific proposals? The process that ICC uses is different from the NFPA process. In the NFPA process, the Code Panels have a great deal of latitude, and can generate their own proposals to incorporate a variety of different proposals. That process does not lend itself to public input at the Committee's first action on proposals.

- Bullet a. I agree that there is merit to understanding how multiple proposals are intertwined as a package, possibly heard by a variety of committees. The total time allotted for the proponent, for all of the intertwined proposals should not exceed the total time that would be necessary to hear each individually.

- Bullet b. I disagree that more time a complex issue to present is necessary. The substantiation for such a complex issue needs to be documented in the supporting statements. If the proposal is well thought out, and well documented, the proponent should be able to stand on his/her supporting statement, and reserve time not used for rebuttal arguments.

- Bullet c. Regarding the weight factor of those testifying on the opposite side of an issue, I again would disagree that additional time is warranted. "Me too" type testimony does not generate a need for additional response. The proponent should focus on the significant adverse testimony, and rebut that to make his/her case for support of the proposal. Often, a proponent is just flying a "trial balloon" for a proposal that is not fully developed.

- Bullet d. Where a caucus is used to blend multiple potentially conflicting proposals, I agree there is merit to presenting a substitute motion in greater detail, in the interest of saving time overall. The total time allotted should not exceed the time that would have been used for each of the combined proposals.

Mr. Stratton: Bullet c. This is not a reason for a time extension.

Mr. Fischer: Bullet d. Tabling must occur prior to any testimony on the item NOT after the proponent becomes aware of opposition.

Item 4.

Mr. Eugene: The purpose of the public hearing is to make an informed decision based on weighing testimony received. Only new issues not previously considered have a basis for swaying the decision of the committees or voting representatives. "Me too" testimony should be strongly discouraged in the interest of providing fairness to the other proposals that will be heard later in the agenda. Having great numbers testifying at whatever expense or distance traveled doesn't enhance the code or the hearing. I am strongly opposed to such a change that will unnecessarily prolong the hearings.

Mr. Stratton: Moderators should not be allowed to operate on "no me too" rules. In the first place, this is not due process -- when you can't show support or opposition and would-be speakers can't demonstrate the extent of these. Neither the committee nor the audience gets to know the extent of support and opposition. People (unable to testify) on the floor may represent large organizations with national impact. If you have to get creative with new evidence or new reasons in order to be allowed to speak why an action should be taken, you may be drawing attention to

less important issues. Perhaps up to one minute should be allowed each person (not from the same organization) in simple support of an important action or reason therefore (that has already been stated).

Mr. Fischer: Perhaps this could be accomplished through some form of a written petition so the signers could be read into the record.

Mr. Collins: I am deeply concerned with someone determining “fairness.” Part of the reason for this task group was to address the concern that moderators were inconsistent and did not treat everyone in the same dispassionate way. I am concerned that the number of proponents on one side or the other should not sway the amount of time allowed to testify. It is more important however to control the “me too” testimony in these circumstances and I have not seen any proposal that would do that! Tabling an issue is not justification to take longer in testimony. It requires the proponents to do a better job in preparing their materials and testimony. If the issue can’t be explained in the time allotted for all changes then it may take another cycle to resolve.

Item 5.

Mr. Eugene: Although I agree in principle, it is difficult, if not impossible to establish a system whereby everyone will agree that adequate time was allotted for hearing all the proposals in a systematic manner. Some will even contend that the second 18-month cycle is the premier cycle in that the new code is published based on that round of proposals, and therefore even more important that sufficient time is allotted to critically debate each proposal. I do not believe that the IRC should be divided up so that portions of the chapters are at the front end of the hearings and the balance is at the tail end of the hearings. The IRC is a stand-alone document that should be heard in total (even though different committees hear different portions). The interested public is normally interested in the total document, and to split different portions with a gap for other codes to be heard is unfair to the interested public.

Mr. Rowson: Some subjects are of less interest to the attendees as a whole and could normally be last. Staff should use their judgment.

Mr. Stratton: Follow numerical code sequence. What logical sections and arrangements???

Item 7.

Mr. Stratton: Who decides the cases in “in those cases “?

Mr. Rowson: I support the “further study” approach with a membership vote to accomplish this objective. ICC could conduct informal type efforts if there is interest without formal sanction.

Mr. Fischer: This decision should be made by the committee prior to the beginning of the agenda and subject to approval by the proponent.

Mr. Eugene: Multiple issues have interested parties that maintain strong positions on an issue. It is in the best interest of a proponent to try to work things out with opponents between hearing cycles. I do not agree that each contentious issue needs a formal ad hoc committee to resolve differences. The duty is on the proponent to take objections into consideration, work out details on common agreement, and then submit well thought out proposals to the committees for consideration.

II-A. TASK GROUP RECOMMENDATIONS FOR THE PUBLIC HEARING

Item 2.

Mr. Eugene: To request these “clarifications” outside of the public view and public hearing is a disservice to those in opposition. The decisions should be based on the written record which all have had a chance to review, and the public testimony, so that all will be treated fairly.

Item 3.

Mr. Stratton: Is time extension the only allowed public input? We are not clear.

Mr. Fischer: Time modification requests should be made at the time the session begins, prior to any testimony- as items are removed from the agenda, others may have time allotments made. That way the moderator may give consideration to the time gains realized in his decision.

Ms. Lovell: We should consider this request for a time modification to be included in the proposal and challenge rather than at the pre-hearing committee meeting. That way there are no surprises.

Mr. Collins: I am opposed to any meetings with the committee prior to the hearings. There is not only the appearance of “deal making” but also the likely use of that opportunity to influence the committee. I agree with the note suggesting that the time issue be included as part of the submitted change.

Mr. Eugene: The pre-hearing meeting is an opportunity for the committee members to meet each other, to identify those items which may be grouped to yield a more efficient hearing, and to identify any items that a member will be recusing himself/herself from at the public hearing to avoid the appearance of a conflict of interest.

Item 4.

Mr. Eugene: I agree that the membership should have control of time modification requests. I don't feel, however, that these would be previously “approved” by the committee through a balloting or straw-ballot process. The requests should come from the floor, and be dispensed with so that the hearings can proceed. If a time modification is requested so that testimony can be heard on a series of proposals, the total time modification should remain within the total time that would otherwise be allotted, allowing more for the first item, and less time for subsequent related items. Time constraints help focus testimony on the critical issues.

Item 5.

Mr. Eugene: It should require a majority (either simple or 2/3) to APPROVE a requested time modification, not to deny it. The requests should come from the floor, and be dispensed with so that the hearings can proceed. If a time modification is requested so that testimony can be heard on a series of proposals, the total time modification should remain within the total time that would otherwise be allotted, allowing more for the first item, and less time for subsequent related items. Time constraints help focus testimony on the critical issues.

Mr. Collins: This appears backwards to me. It takes 2/3rds of the members to deny a request? How about 2/3rds to approve it!

Mr. Fischer: I agree with limitations- this could open up a Pandora's box of time shuffling- but should require 2/3 majority

Mr. Stratton: A simple majority is ok.

Item 6.

Mr. Stratton: We should say whether this is a 4th disposition option to A, AM & D.

Mr. Fischer: This gives an opponent an easy kill- and the committee an easy out- no way should an opponent allow this.

Mr. Eugene: I do not believe it is the committee's responsibility to recommend an ad hoc committee be formed. If an issue is contentious, and resolution of that issue would provide a benefit to the membership, then it is incumbent upon the Board of Directors, on their own accord, to pass a resolution supporting the appointment of an ad-hoc committee. Multiple issues have interested parties that maintain strong positions on an issue. It is in the best interest of a proponent to try to work things out with opponents between hearing cycles. I do not agree that each contentious issue needs a formal ad hoc committee to resolve differences. The duty is on the proponent to take objections into consideration, work out details on common agreement, and then submit well thought out proposals to the committee for consideration.

Mr. Collins: I do not agree that the membership should be deciding on the floor of the hearings whether additional expenses should be incurred by ICC and other organizations and members to create a committee. There are adequate avenues currently through the BOD to accomplish this where necessary.

Item 7.

Mr. Stratton: This is redundant; it can be done now.

II B. TASK GROUP RECOMMENDATIONS FOR THE FINAL ACTION-

(No additional comments)

III. ISSUES FOR POSSIBLE FUTURE STUDY

Scheduling and Coordination –

Mr. Collins: The concept that changes proposed during the comment period can "significantly change the intent of the original proposal" is not valid. Any such proposal should be ruled out of order!

Visual Aids –

Mr. Collins: The limitation on visual aids should be retained. I defy anyone at the hearings in St. Louis to provide adequate visual aids for those attending to see and understand a visual aid. A visual aid that is not previously shown and a part of the proposal is impossible for the parties on the other side to address adequately.

Mr. Fischer: The decision to use a visual aid need not be decided at submission- often the actual testimony strategies are completed well after that date. That requires an undue time burden on the proponent. An opponent should also be allowed to use such an aid during the public hearing.

Committee members who testify from the floor –

Mr. Pauls: Not expressed in the report is my concern about Committee members asking questions of certain (confederate) testifiers so as to increase testimony time without limit, without the other side having an opportunity to rebut, if necessary, certain influential statements during the answer to the question. Item II, number 2, touches on this and might reduce the need for such questions but there should be more incentive against questions which distort the delicate balance of the testimony process. If committee members recognize that, by giving an opportunity for such rebuttal, they will not be able to help their confederates, there is more likelihood of the questions being sent out in advance. Also, what happens if the pre-submitted question comes too late for a reply to the committee member in advance of the hearing as well as the issue of having such a response not go to all committee members? Is this a case where additional testimony time may be warranted? Otherwise, a committee member could force a testifier to spend too much of the limited time on an answer and not leave time for the testifier to cover other matters s/he believes important.

Mr. Stratton: WE SHOULD NOT IMPLY THAT OUR ONLY CONCERN IS INDUSTRY MEMBER DELAY!!!!

Chairman's note: These two comments regarding "modifications" were submitted to the task group because modifications can use up considerable time. No vote was taken, but the comments are considered worth noting by the Chairman.

Mr. Stratton (on modifications with overheads): Regarding Code Development Process 5.5.2 (floor modifications), The process is abused, unfair and it causes delay. Proponents frequently turn in complex and lengthy modifications, often with much substantiation that only the committee and a few lucky people get a copy of. If it is shown on an overhead many in the room can't read it; they are too far away. Code staff, the committee and the audience can't instantly evaluate the impact or assess coordination with other codes. Some people seem to contrive to use this to sneak changes through. It is often new material that those not in attendance won't see until they get an appeal or challenge opportunity (statistically with little hope of success). Moderators should not have sole discretion on acceptance; perhaps the committee chairman should not either. Rules for acceptance should be published and followed; time would be saved.

Mr. Pauls: The ICC Board needs to be reminded of the promise (I recall) that ICC would process all changes to the procedure through the IAC. The recent change regarding modifications really should have been brought to the IAC, even in E-mail form, if it were really essential to make a change between scheduled IAC meetings.