



DRAFT Minutes
MEETING OF THE
ICC INDUSTRY ADVISORY COMMITTEE
Friday, March 22, 2002 — 10:00 a.m. to 3:00 p.m.
Crystal VI
Sheraton Crystal City Hotel
Arlington, VA

1. **Call to Order:**
Chairman Larry Perry called the meeting to order at 10:00 a.m. and it was determined that a quorum was present.
2. **Approve Agenda:**
Spitz requested that the report of the IAC ICC Use of Consensus Procedures Task Group be moved until after lunch. Chairman Perry agreed to accommodate the request. A **motion** was made and seconded to approved the agenda as modified. The motion carried.
3. **Self Introductions:**
The Chairman asked for self introductions of those present at the meeting. A list of those in attendance is included as Attachment A to the minutes.
4. **Report of the Nominations Committee:**
 - 4.1 **Election of Chairman/Vice Chairman:** Nominations Committee Chair, Ron Nickson reported that the Nominations Committee is nominating the following individuals to serve through September 2002: IAC Chairman: Larry Perry and IAC Vice Chairman: Jim Messersmith.
A **motion** was made and seconded to elect Larry Perry Chairman of the IAC through September 2002. The motion carried.
A **motion** was made and seconded to elect Jim Messersmith Vice Chairman of the IAC through September 2002. The motion carried.
5. **Chairman's Appointments:**
 - 5.1 **Nominations Committee:** Chairman Perry recommended the following appointments to serve through September 2002: Ron Nickson, Chair; Bob Elliott; Marshall Klein; Dave Collins; Bob Eugene.
A **motion** was made and seconded to confirm Chairman Perry's appointments to the Nominations Committee. The motion carried.
 - 5.2 **Executive Committee:** Chairman Perry recommended the following appointments to serve through September 2002: Larry Perry, Chair; Jim Messersmith, Vice-Chair; Charles Spitz; David Harris; Ron Nickson; Dave Frable; Ken Bland; David Viola.
A **motion** was made and seconded to confirm Chairman Perry's appointments to the Executive Committee. The motion carried.
6. **Approval of September 17, 2001, IAC Meeting Minutes:**
A **motion** was made and seconded to approve the minutes of the September 17, 2001 IAC meeting held in Cincinnati, OH. The motion carried.
7. **Report of the ICC Executive Vice President:**
ICC Executive Vice President Richard Kuchnicki and ICC staff member Larry Brown reported on:
 - Changes to Code Development Process
 - Call for 2003 Code Committee Members
 - I-Codes Adoptions
 - Standards Development Activities
 - ANSI actions on ICC proposed changes to Canvas Method and General Procedures
 - Ad-hoc Committee on Referenced Standards in the I-Codes
 - Performance Code Availability

- Federal Regulatory Activities
- Merger Activities

It was agreed that a copy of the letter from NIST to ICC stating that OMB Circular A119 does not establish a preference among standards developed in the private sector and further states that neither OMB nor NIST can endorse or recognize one standards developing organization as preferable to another will be included as Attachment B to the minutes.

Kuchnicki informed the IAC that ICC has signed on as a member of the Infrastructure Security Partnership (TISP) which is a partnership of organizations, associations and government agencies that will act as a national asset facilitating dialogue on domestic infrastructure security; offering technical support and sources for expert comment on public policy related to the nation's built environment. A copy of the TISP Partnering Agreement is included as Attachment C to the minutes.

8. Chairman's Report:

Chairman Perry stated that industry members of the IAC may want to be involved in the merger issues such as commenting on the draft ICC Bylaws that are being reviewed. He urged IAC members to attend the forum on the Bylaws that will be held in Pittsburgh on April 14.

9. Report of ANSI Standards Development Method Task Group:

Task Group Chair, Spitz presented the Final Draft of the ICC modification to the ANSI General Procedures and to ANSI Annex B that was prepared by the Task Group at a conference call meeting on March 18, 2002. A copy of the report is included as Attachment D to the minutes.

A **motion** was made and seconded to approve the modification to Section 1.2.1 of the General Procedures. The motion carried.

A **motion** was made and seconded to approve the modification to Section 1.2.7 of the General Procedures. The motion carried 11 yes and 5 no.

A **motion** was made and seconded to approve the remainder of the modifications in the Task Group report. The motion carried.

10. Report of IAC Time Limits Task Group:

Task Group Chair, Dave Collins presented the report on Proposed Changes to the ICC Code Development Procedures that was previously distributed to the IAC members.

Each proposed change to the Procedures was discussed and acted on individually.

A copy of the Time Limits Task Group report and IAC actions on the report is included as Attachment E to the minutes.

A copy of the Final Proposed Changes to the ICC Code Development Procedures as approved for recommendations to the ICC Board is included as Attachment F to the minutes.

11. Report of IAC ICC Use of Consensus Procedures Task Group:

Task group Chair, Perry summarized the issues being considered and stated that a report was not yet available.

It was pointed out that Section 4.5 of ICC CP#7 which states "A committee member shall withdraw from and take no part in those matters with which the committee member has an undisclosed financial, business, property or personal interest." Conflicts with Section 5.2.2 of the Code Development Procedures which does not use the word "undisclosed."

It was agreed a clarification on the applicable conflict of interest rules should be provided by the Board prior to the upcoming code hearings.

12. Old Business:

12.1 Mr. Pauls pointed out a tabled item from the IAC meeting of September, 2001 that was not included on the agenda, regarding one of a series of proposed changes to the ICC Code Development Procedures recommended by NAHB. Although the IAC tabled its action, the ICC Board subsequently approved the change to the Procedures. Because the IAC did not have all the relevant proposals and documentation in front of them to efficiently address the matter, a **motion**



was made, seconded and approved to TABLE action on this item to the next IAC meeting in September, 2002.

13. New Business:

13.1 Environmental Mold Issues: Staff reported that the ICC Standards Council will be looking at issues and concerns in the industry regarding environmental problems resulting from mold in buildings and whether or not there is a need for a standard on Mold. Since there was no further time to discuss this issue it was agreed that written comments should be sent to ICC staff.

14. Adjourn:

A **motion** was made, seconded and carried to adjourn the meeting at approximately 3:00 p.m.

Richard P. Kuchnicki
Richard Kuchnicki, IAC Secretary

March 28, 2002
Dated

Attendance of the
ICC Industry Advisory Committee Meeting
March 22, 2002

<u>Attendee</u>	<u>Representing</u>
Bill Dupler	IC IBCC
Bill Levan	Cast Iron Soil Pipe
Bob Elliott	AHLA
Bob Treiber	Nat. Fire Sprinkler Assoc.
Bruce Swiecicki	Nat. Propane Gas Assoc.
Charles A. Spitz	Nat. Council Arch. Reg. Board
Christine Andrews	Nat. Rest. Assoc.
Claire Ramspeck	ASHRAE
Daniel Lea	CINA
Dave Frable	US GSA
David Collins	AIA
David Roodvoets	SPRI
Don Rowson	CSPA
Doug Bowmah	GUEST
Ed Sutton	NAHB
Eli Howard	SMACNA
Howard Hopper	UL
Jake Pauls	Amer. Public Health Assoc.
Jim Delahay	NCSEA
Jim Messersmith	PCA
Jim Olshefsky	ASTM
Jim Ranfone	American Gas Association
John Colliar	NEMA
Jonathan Sargeant	Cast Iron Soil Pipe
Larry Perry	BOMA
Mark Sheehan	ASME
Marshall Klein	AOCA
Michael Gardner	Gypsum Assoc.
Michael Tierney	BHMA
Mike Laderoute	Fire Equipment Manuf. Assoc.
Phil Syvain	Nat. Propane Gas Assoc.
Rawn Nelson	NCSEA
Ron Nickson	Nat. Multi Housing Assoc.
Steve Grover	Nat. Rest. Assoc.
Thomas Wolf	EIMA
Waseem Khan	Brick Industry Assoc.
Dick Kuchnicki	ICC Staff
Larry Brown	ICC Staff



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-

February 11, 2002

Ms. Sara C. Yerkes
Government Relations Director
International Code Council, Inc.
5203 Leesburg Pike, Suite 600
Falls Church, VA 22041-3401

Dear Sara:

It was a pleasure to meet with you last week and discuss the issues about the implementation of the National Technology Transfer and Advancement Act of 1995, and the Office of Management and Budget (OMB) Circular A-119. OMB and the National Institute of Standards and Technology (NIST) agreed that I, as chair of the Interagency Committee of Standards Policy, should follow up the conversation with this letter.

As we discussed, OMB Circular A-119, Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities, issued on February 19, 1998, provides important guidance and definitions. For example, in section 4.a.1, the circular states that: "*a voluntary consensus standards body is defined by the following attributes: (1) Openness; (2) Balance of interest; (3) Due process; (4) An appeals process; and (5) Consensus, which is defined as general agreement, but not necessarily unanimity.*" In addition, in section 6.h, the Circular states: "*This policy does not establish a preference among standards developed in the private sector.*" Consequently, neither OMB nor NIST can endorse or recognize one standards developing organization as preferable to another.

Your letter also raised questions about changes to the OMB Circular A-119. OMB has recently conducted a review of the circular and has determined that no revision is needed at this time.

I appreciate your coming to NIST to discuss these issues, and hope that I have been able to answer your questions.

Sincerely,

A handwritten signature in cursive script that reads 'Belinda L. Collins'.

Belinda L. Collins, Ph.D.
Deputy Director, Technology Services

Cc: M.Rubin
M.Saunders
R.Kayser
J.Zeiher



**Partnering Agreement for
The Infrastructure Security Partnership (TISP)
Protecting the Built Environment**

Preamble - Following the tragic events of September 11, 2001, a dedicated group of public and private sector organizations proposed the establishment of an "association of associations and agencies," a partnership, to collaborate on issues related to the security of the nation's built environment. The name of this organization is THE INFRASTRUCTURE SECURITY PARTNERSHIP (TISP) for the Built Environment, hereafter referred to as the "Partnership".

Article I. Purpose - The Partnership will act as a national asset facilitating dialogue on domestic infrastructure security; offering technical support and sources for expert comment on public policy related to the security of the nation's built environment. The Partnership will collaborate on issues related to the security of the nation's built environment and leverage members' collective technical expertise and research and development capabilities. It is a fundamental goal of the Partnership to reach out to all stakeholders potentially affected by any disaster and to provide technical assistance and information to the Office of Homeland Security.

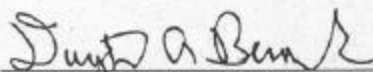
Article II. Membership - Membership is open to U.S. based local, state, and federal agencies, professional associations and societies, and industry trade groups, code and standards associations, and associations of infrastructure developers, owners and operators whose main purpose is related to the nation's built environment. There are no fees or dues associated with membership. Partnership members are expected to actively participate within their organization's mission and areas of expertise. Individual interests will have open access and input to the communications networks and events that will be used to share information.

Article III. Partnership Objectives

1. Promote joint efforts to improve anti-terrorism and asset protection methods and techniques for the built environment.
2. Promote the participation of all interested organizations and ensure effective communication between all participating entities from the national to the state and local level.
3. Cooperate in the identification and dissemination of data and information related to the security of the built environment.
4. Promote effective and efficient transfer of infrastructure security knowledge from research to codes, standards, public policy and general practice
5. Encourage synergy between organizations to react quickly and positively to issues of significance.
6. Promote effective professional relationships to further the advancement of the infrastructure industry.
7. Encourage and support the development of a methodology for assessing vulnerabilities.
8. Encourage the establishment of protocols related to the sensitivity of information generated and distributed by the Partnership.
9. Consider consequences of anti-terrorism/asset protection measures to occupants of facilities and emergency responders.

Article IV. Member's Commitment - In signing this partnering agreement we pledge our support to improve the security of America's infrastructure through the shared objectives of this Partnership.

Agreed to this day
March 11, 2002



Dwight A. Beranek, P.E.
Chairman
The Infrastructure Security Partnership



Richard Kuchnicki
Executive Vice President
International Code Council



Air Conditioning Contractors of America	General Services Administration
Air Force Civil Engineer Support Agency	International Broadcasting Bureau
Air-Conditioning and Refrigeration Institute, Inc	International Code Council
Airport Consultants Council	Logistics Management Institute
American Association of State Highway and Transportation Officials	Management Assoc. for Private Photogrammetric Surveyors
American Council of Engineering Companies	Management Development Alliance of the FRP Composites Industry
American Institute of Architects	Multidisciplinary Center for Earthquake Engineering Research
American Institute of Chemical Engineers	National Aeronautics and Space Administration
American Institute of Constructors	National Conf. of States on Building Codes and Standards
American Portland Cement Alliance	National Council of Structural Engineers Associations
American Society of Civil Engineers	National Energy Management Institute
American Society of Heating, Refrigeration & Air-conditioning	National Heavy and Highway Alliance
American Society of Interior Designers	National Infrastructure Institute Foundation
American Society of Landscape Architects	National Institute for Standards and Technology
American Subcontractors Association	National Institute of Building Sciences
Army Engineer Association	National Society of Professional Engineers
Associated Builders and Contractors	Naval Facilities Engineering Command
Associated General Contractors of America, Inc	Pentagon Renovation Program
Association of State Dam Safety Officials	Pima County Wastewater Management
Center for Chemical Process Safety	Portland Cement Association
Civil Engineering Research Foundation	Protective Glazing Council
Construction Industry Institute	Save International
Construction Industry Roundtable	Smithsonian Institution
Construction Management Association of America	Society of American Military Engineers
Construction Users Roundtable	Society of Fire Protection Engineers
Department of Energy	Southern Building Code Congress, Int
Department of Veterans Affairs	Sustainable Buildings Industry Council
Design-Build Institute of America	The Road Information Program
Federal Facilities Council	Transportation Research Board/Marine Board
Federal Emergency Management Agency	U.S. Army Corps of Engineers
Federal Highway Administration	U.S. Coast Guard

TISP SIGNERS

1. Tanya Matthews	Senior Vice Pres. The Design-Built Institute of America
2. Helen English	Sustainable Buildings Industry Council – Executive Director
3. Mary Lou Ralls	American Association of State Highway and Transportation Officials
4. Jon Schmidt	National Council of Structural Engineers Association
5. John J. Sullivan, P.E.	Portland Cement Association & American Portland Cement Alliance- Dir. Fed Affairs
6. David A. Price	Program Mgr. Federal Highway Administration
7. Paula Hochstetler	Airport Consultants Council – Exe. Director
8. Charles (Chuck) Misro	ASHRAE - Director of Government Affairs
9. Craig Wingo	FEMA - Director, Engineering Science and Technology Division- FIMA, FEMA
10. Blake Peck	President- Construction Management Association of America
11. John (Jack) O'Neill	COL, USA(Retired) Executive Director- U.S. Army Corps of Engineers
12. Mark Norman	Transportation Research Board - Director of Technical Activities
13. Gerry Schwartz	President – ASCE
14. Lori Sprangnes	Executive Director – Association of State Dam Safety Officials
15. John Moyle	President - Association of State Dam Safety Officials
16. Bob Wible	National Conference of States on Building Codes and Standards - Executive Director
17. Joe Matthews, AIC, CPC	Representing AIC, President of Centennial Contractor
18. Richard Kunchnicki	International Code Council -Executive Vice President
19. Rear Admiral Silva	Chief Engineer for U.S. Coast Guard – U.S. Coast Guard
20. Rear Admiral Robert C. Williams	Chief Engineer for Public Health Service
21. Howard Blitzman, P.E.	President Elect - NSPE
22. Williams Wilkins	Executive Director – The Road Information Program
23. Lt. General Henry J. Hatch, U.S. Army (ret.)	Federal Facilities Council (FCC) and the National Academies – Chair, FCC
24. Scott Haddock	Protective Glazing Council – President
25. Dr. James Wright (Jim)	NAVFACHQ – Chief Engineer

26. Lloyd Siegel	Veteran Affairs –Associate Chief Facilities Officer
27. Harvey Bernstein	CERF – President
28. Cary Jones, P.E.	National Infrastructure Institute Foundation – Secretary
29. Nancy Somerville	American Society of Landscape Archetects – Executive Vice President
30. William Brubaker	Smithsonian Institution – Director of Facilities Engineering and Operations
31. Roger Wozny, P.E.	SAME – President
32. Dr. Jack Snell	NIST - Director, Building and Fire Research Laboratory
33. Robert Desjardins	Associated General Contractors of America - President
34. E. Colette Nelson	American Subcontractors Association – Executive Vice President
35. Nicole Testa	Buildings Future Council – Executive Director
36. Charles Steger	VA Polytech Institute & State University – President
38. Eugene F. Hubbard, P.E.	NASA - Director, Facilities Engineering Division
39. Bob Krzywicki	Dupont Senior Consultant – Representing the Construction Uses Roundtable
40. David Harris	The National Institute of Building Sciences – President
41. Colonel Ingenloff	Chief, Engineering and Construction - U.S. Air Force Office of The Civil Engineer
43. David Raymond	ACEC – President
44. Lt General Robert B. Flowers	U.S. Army Corps of Engineers
45. G. Michael Ritchie, P.E.	President – Management Association for Private Photogrammetric Surveyors
46. Michael Sullivan	PEN REN - Deputy Program Mgr
47. Admiral P.L. Pilling	Logistics Management Institute
48. James C Dinegar	Chief Operating Officer – American Institute of Architects (AIA)
49. Ken Eickmann	Director, Construction Industry Institute (CII)

The following are the proposed ICC modifications as approved by the IAC at their meeting on Friday, March 22, 2002.

ICC Modifications to the ANSI General Procedures and to ANSI Annex B - Procedures for Canvass by an Accredited Standards Developer

The following modifications and revisions are to the identified clauses as presented in the January 2002 (including editorial changes incorporated March 2002) ANSI Procedures for the Development and Coordination of American National Standards as developed by the IAC Standards Methods Evaluation Task Force.

1. Due process and criteria for approval and withdrawal of American National Standards

1.2.1 Openness

Participation shall be open to all persons who are directly and materially affected by the activity in question. There shall be no undue financial barriers to participation. Voting membership on the consensus body shall not be conditional upon membership in any organization, nor unreasonably restricted on the basis of technical qualifications or other such requirements.

Timely and adequate notice of any action to create, revise, reaffirm, or withdraw a standard, and the establishment of a new consensus body shall be provided to all known directly and materially affected interests. Notice should include a clear and meaningful description of the purpose of the proposed activity and shall identify a readily available source for further information. In addition, the name, affiliation and interest category of each member of the consensus body shall be made available to interested parties upon request.

1.2.7 Notification of standards development

Notification of standards activity shall be announced in suitable media as appropriate to demonstrate provision of opportunity for participation by all directly and materially affected persons. At the initiation of a project to develop or revise an American National Standard, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for listing in *Standards Action*. A PINS form may be submitted, but is not required, at the initiation of a project to reaffirm or withdraw an American National Standard. Comments received in connection with a PINS announcement shall be handled in accordance with the appropriate sections of clause 1.2.8 herein.

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

- A minimum of thirty days if the full text of the revision(s) can be published in *Standards Action*;
- A minimum of forty-five 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
- A minimum of sixty days, if neither of the aforementioned options is applicable.

Such listing may be requested at any stage in the development of the proposal, at the option of the standards developer; however, the balloting on the proposal by the consensus body shall not be conducted until the close of the comment period and may be concurrent with final balloting. However, any substantive change (see 1.2.10) subsequently made in a proposed American National Standard requires listing of the change in *Standards Action*.

2. Accreditation of American National Standards Developers

2.1 General

A standards developer whose procedures meet the requirements of due process and criteria for approval and withdrawal of American National Standards in clause 1 may apply to ANSI for accreditation. To be accredited, the standards developer's procedures and practices for standards development shall meet the criteria for accreditation in 2.2. A standards developer of American National Standards ~~may~~ shall be accredited to use one or more recognized methods of developing evidence of consensus - Accredited Organization Method, Accredited Standards Committee Method, and Accredited Standards Developer using the Canvass Method.

2.1.1 Standards developers using the Accredited Organization Method shall prepare and submit procedures that meet the requirements found in the *ANSI Procedures for the Development and Coordination of American National Standards (ANSI Procedures)*. These procedures may be based upon Annex A.

2.1.2 Standards developers using the Accredited Standards Committee Method shall either prepare and submit procedures that meet the requirements found in the *ANSI Procedures*, or shall adopt the Model Procedures (see Annex A), and may submit any other documentation in response to Annex F. The secretariat and the consensus bodies of such ANSI-Accredited Standards Committees (ASC) shall jointly hold the ANSI accreditation. Details of how this joint accreditation will be implemented are at the discretion of the secretariat and the consensus body.

2.1.3 Standards developers using the Accredited Canvass Method shall use the canvass procedures provided in Annex B, and comply with the requirements contained in the *ANSI Procedures for the Development and Coordination of American National Standards*.

5.2.1 Appeals at the standards developer level

Persons who have directly and materially affected interests and who have been or will be adversely affected by any substantive or procedural action or inaction by a standards developer with regard to the development of a proposed American National Standard or the revision, reaffirmation, or withdrawal of an existing American National Standard, have the right to appeal. The burden of proof to show adverse effect shall be on the appellant. Appeals of actions shall be made within reasonable time limits; appeals of inactions may be made at any time. ANSI will not normally hear an appeal of an action or inaction by a standards developer relative to the development of an American National Standard until the appeals procedures provided by the standards developer have been completed. Appeals shall be directed to the standards developer responsible for the action or inaction in accordance with the appeals procedure of the standards developer.

Annex B - Procedures for canvass by an accredited standards developer

Normative, for developers accredited using the Canvass Method

B.1 General

These procedures constitute the canvass method of developing evidence of consensus for the approval, reaffirmation, revision, or withdrawal of American National Standards. A standards developer who adopts these procedures, ~~may~~ shall apply for accreditation as a standards developer under the canvass method. In addition to complying with the requirements for accreditation, the standards developer shall prepare and submit procedures that meet the requirements found in the *ANSI Procedures* and shall comply with these procedures.

B.2 Development of canvass list

B.2.1 The standards developer shall develop a list of potential canvasees consisting of those organizations (preferably national or international in scope), companies, government agencies, standards developers, individuals, etc., known to be, or who have indicated that they are, directly and materially affected by the standard, qualified and willing to participate actively. The standards developer shall meet the requirements in 1.2.2 regarding lack of dominance. No individual shall represent more than one canvasee.

B.2.2 In order to determine if potential canvasees are interested in participating, the standards developer shall conduct a pre-canvass interest survey, in which the standards developer informs the potential canvasees in writing about the use of the canvass method for developing evidence of consensus, and, if the potential canvasees are interested in participating, obtains an appropriate interest category classification. The standards developer's letter shall contain the title, designation, scope, description of the standard along with the history of its development, purpose and intended application of the standard, and an explanation of the ANSI function. The time for response shall be at least 30 days from the date of the standards developer's letter and shall be so noted in the letter. After having inquired whether the potential canvasees are interested, the standards developer shall send ANSI a copy of the letter, the list of potential canvasees contacted, and the proposed canvass list. All those who are deemed to be qualified and have agreed to actively participate shall be included on the canvass list, together with their agreed-upon interest categories in accordance with 1.2.2 and 1.2.3. In addition, the affiliation¹ and interest category of each member of the consensus body shall be made available to interested parties upon request.

Once an interest survey has been completed for a standard, it need not be repeated for subsequent balloting of the document. In addition, the standards developer may conduct a single interest survey for a group or category of standards. A canvasee who has indicated a desire to be on the standards developer's canvass list for a particular category or categories of standards shall receive the draft document(s), letter ballot(s), and all appropriate information pertaining to B.4.2 and B.5.

¹ Affiliation refers to the entity that the consensus body member represents (which may or may not be that person's employer). If the consensus body member is serving in an individual capacity, then the name of the individual, that person's employer and interest category should be available. Contact information is not required

B.3 Announcement of canvass initiation

Upon receipt of the standards developer's list of potential canvasees, ANSI shall announce the initiation of the canvass in Standards Action to elicit additional canvasees. This announcement shall include a statement that the

canvass list is available upon request from the standards developer, or alternately, a URL address where an electronic version of the canvass list is posted.

The review ~~and comment~~ period shall be in accordance with Section 1.2.7. ~~thirty days from the date of publication.~~
Any resulting proposals for addition to the canvass list shall be referred directly to the standards developer.

B.4 Conduct of canvass

B.4.1 The standards developer may begin to conduct the canvass at any time after the close of the comment period in accordance with 1.2.7. ~~submittal of the list of potential canvassees to ANSI, but c~~ Canvassees subsequently added to the canvass list shall have the same amount of time to respond as do the ~~other~~ initial canvassees.

B.4.2 The standards developer shall transmit, at a minimum, the following information to all canvassees and other interested parties so requesting unless the standards developer has previously supplied this information:

- a) the purpose and intended application of the standard;
- b) a brief history and explanation of how the standard was developed;
- c) an explanation of ANSI's function and the use of the canvass method in the voluntary consensus standards system;
- d) a copy of the canvass list, consisting of the name, affiliation, and category of interest of each canvasee;
- e) comments received from interested parties during the announcement comment period (B.3);
- e)f) a copy of the complete proposed American National Standard or the relevant portion under consideration when the canvasee has previously received the complete standard; and
- f)g) official letter ballot(s) to all canvassees and specimen ballot(s) to other interested parties.

Upon request, the standards developer shall provide to the canvasee a reasonable number of copies of the document being considered, to allow for a speedy determination of position by the canvasee. Should the document contain material that is not to be considered for approval as an American National Standard, such as an introduction or annex, a clear statement shall be included indicating those portions of the standard that are to be considered for approval by ANSI.

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

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

B.4.3 Approval of a new standard, revision or reaffirmation of an existing standard, or an addendum to part or all of an existing standard shall require approval by at least a majority of the canvass list and at least two-thirds of those voting, excluding abstentions.

B.4.4 Proposals for new American National Standards and proposals to revise, reaffirm, or withdraw existing American National Standards shall also be transmitted to ANSI for listing in *Standards Action* for comment. The standards developer shall not conduct the canvass prior to the close of the comment period in accordance with 1.2.7. The standards developer shall determine ~~whether such listing shall be concurrent with the canvass and~~ whether announcement of the proposed action in other suitable media is appropriate. The standards developer

shall transmit a copy of the proposed new, revised, or reaffirmed standard to the administrator(s) of the appropriate USA Technical Advisory Group(s) at the same time.

B.4.5 Views and objections resulting from the canvass, and public review and comment process (B.4.2 and B.4.3), shall be dealt with in accordance with clause B.5.

B.5 Disposition of views and objections

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

B.5.1 PINS announcement comments

If a standards developer receives written comments (including electronic communications) within 45 days from the publication date of a PINS announcement in *Standards Action*, and said comments assert that a proposed standard duplicates or conflicts with an existing American National Standard (ANS) or a candidate ANS that has been announced previously in *Standards Action*, a mandatory deliberation of representatives from the relevant stakeholder groups shall be held within 90 days from the comment deadline. Such a deliberation shall be organized by the standards developer and the commenter and shall be concluded before the standards developer may submit a draft standard for public review. If the deliberation does not take place within the 90-day period and the standards developer can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then the developer will be excused from compliance with this requirement. The purpose of the deliberation is to provide the relevant stakeholders with an opportunity to discuss whether there is a compelling need for the proposed standards project. The outcome of such a deliberation shall be conveyed in writing by the standards developer and commenter (ideally as a joint submission) to the Board of Standards Review (BSR) for consideration should the standards developer ultimately submit the related candidate standard to ANSI for approval. In the case of Audited Designators, the Audited Designator shall review the results of the deliberation prior to designating a standard as an ANS. While the outcome is not binding, participants are encouraged to develop a consensus on whether and how the standards development project should proceed.

B.5.2. Public review and consensus body comments

In connection with an objection articulated during a public comment period, or submitted in connection with a vote, an effort to resolve all expressed objections shall be made, and each objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefore. An objection shall not be deemed to be resolved unless agreed to by the objector. If resolution is not achieved, the objector shall be informed that an appeals process exists within procedures used by the standards developer. In addition, except in the case of Audited Designators, each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved (see definition⁹) must be reported to the BSR.

Resolved: A negative vote cast by a member of the consensus body or a comment submitted as a result of public review where the negative voter agrees to change his/her vote or the negative commenter accepts the proposed resolution of his/her comment.

When the above process is completed, in accordance with written procedures of the standards developer, the standards developer may consider any comments received subsequent to the closing of the public review and comment period, or shall consider them at the next review.

~~Unresolved~~ All views and objections, including all responses to those views and objection, and any substantive change proposed or (see 1.2.10) made in a proposed American National Standard shall be reported to the consensus body ~~in order to afford all~~ All members shall have an opportunity to respond, reaffirm, or change their positions within ~~four weeks~~ thirty days of the distribution of the views, objections and responses. Substantive changes made in a proposed American National Standard shall be listed in *Standards Action* in accordance with 1.2.7.

B.6 Submittal of standard

Upon completion of the procedures for canvass, for disposition of views and objections, and for appeals, the proposed standard may be submitted to ANSI for approval.

The information to be supplied to ANSI shall include:

- 1) title and designation of the proposed American National Standard;
- 2) indication of the type of action requested (that is, approval of a new American National Standard or reaffirmation, revision, or withdrawal of an existing American National Standard);
- 3) a declaration that the canvass procedures were followed;
- 4) a declaration that the proposed standard is within the scope of previously registered standards activity;
- 5) a declaration that there are no identified significant conflicts with another known American National Standard;
- 6) a declaration that other known national standards have been examined with regard to harmonization and duplication of content;
- 7) a statement that the proposed American National Standard has been provided to the administrator(s) of the appropriate USA Technical Advisory Group(s);
- 8) a declaration that all appeal actions related to the approval of the proposed standard have been completed;
- 9) a summary of the solicitations and the final positions of the participants in each interest category;
- 10) identification of all resolved and unresolved views and objections, identification of the objectors, and a report of attempts toward resolution;
- 11) the canvass list;
- 12) documentation of the disposition of all suggested additions to the canvass list.

B.7 Appeals

Persons who have directly and materially affected interests, and who have been or will be adversely affected by a standard being canvassed or by the lack thereof, shall have the right to appeal any substantive or procedural actions or inactions of the standards developer.

The standards developer shall submit its written appeals mechanism to ANSI in applying for and continuance of its accreditation. The standards developer may choose to adopt clause A.12 of these procedures in its entirety in order to provide for the equitable process of appeals, and shall so inform the Executive Standards Council.

The standards developer shall provide or arrange for an impartial appeals body composed of at least three individuals knowledgeable as to the policy or other concerns related to the appeal. Such individuals must not have demonstrably real or apparent conflicts of interest with the subject of the appeal or the person filing the appeal. The appeal must be filed in writing with the standards developer and a copy sent to ANSI. A summary of the nature of the appeal, and the decision and rationale thereof, shall be reported to the canvass list and ANSI.

B.8 Requests for interpretation of standards

Written inquiries requesting interpretation of the standards developer's approved American National Standards shall be responded to in accordance with the policy of the standards developer. Revisions to the standard resulting from requests for interpretations shall be processed in accordance with these procedures.

Industry Advisory Committee - Time Limits Task Group **PROPOSALS**

To: Larry Perry, AIA
Chairman, ICC Industry Advisory Committee

Rules changes that received a 75% vote by the Task Group:

Proposed rule changes:

5.4.4 Limitations on Debate: Time limits shall be established as part of the agenda for testimony on all proposed changes at the beginning of each hearing session. Each person wishing to testify on a change shall be given equal time. The Moderator shall have limited the authority to modify establish rules and time limitations on debate in the interest of time and fairness to all hearing participants.

5.4.4.1 Extended time: The moderator shall allow additional time for testimony on multiple changes that are tied together, changes that affect than one segment of the code, or are included in more than one code. Time by any testifier shall not exceed the time that would be allowed for all changes if such changes were heard separately.

5.4.4.2 Time keeping: Keeping of time for testimony by an individual shall be automatic. Remaining time shall be evident to the person testifying. Interruptions during testimony shall not be tolerated. Sargents-at-arms shall maintain appropriate decorum during all testimony.

Committee Action: APPROVE AS MODIFIED (11 For, 9 Against)
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Statement by Task Group:

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.

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.

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)

Rules Change:

5.4.2 Agenda Order: The Secretariat shall publish an agenda for each public hearing, placing individual code change proposals in a logical order to facilitate the hearing. The sequence of hearings shall provide equitable exposure for all portions of the codes. The order on the agenda shall be arranged such that portions of the code heard early during committee deliberations are heard late in the order of consideration at the final hearing. The proponents or opponents of any proposal may move to revise the agenda order as the first order of business at the public hearing, or at any time during the hearing except while another proposal is being discussed. Preference shall be given to grouping like subjects together, and for moving items back to a later position on the agenda as opposed to moving items forward to an earlier position. A motion to revise the agenda order is subject to a 2/3 vote of those present and voting.

Committee Action: DISAPPROVE

Statement:

Since the final chapters of each code are usually heard later on the agenda with time running short, they are often allowed the most limited time 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.

The task group made several other recommendations regarding the public hearing:

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

Rules change:

5.4.4.1 Extended time: The moderator shall allow additional time for testimony on multiple changes that are tied together, changes that affect than one segment of the code, or are included in more than one code. Time by any testifier shall not exceed the time that would be allowed for all changes if such changes were heard separately.

5.4.4.2 Proponent testimony: Proponents may waive making an initial statement, however such proponent shall be permitted to have equivalent time to rebut any opposition. When the proponent waives an initial statement, final testimony shall still be allowed the opponent without rebuttal.

Committee Action: APPROVED AS MODIFIED

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.

3.3.1 Proponent: Each code change proposal shall include the name, title, mailing address and telephone and fax number of the proponent.

Committee Action: DISAPPROVAL

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.

5.4.1 Open Meetings: Meetings involving moderators or any committee members and the Public hearings of the Code Development Committees are open meetings. Any interested person may attend any meeting and may participate in the Floor Discussion and Assembly Consideration portions of the hearing. Only eligible voters (see Section 5.7.4) are permitted to vote. Only Code Development Committee members may participate in the Committee Action portion of the hearings (see Section 5.6).

Committee Action: DISAPPROVAL

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)

4.4 Editorial: The Executive Vice President shall have the authority at all times to make editorial and format changes to the Code text, or any approved changes, consistent with the intent, provisions and style of the Code. An editorial or format change is a text change that does not affect the scope or application of the code requirements. ~~Editorial and format changes with reasons shall be submitted to the Secretariat and considered by the pertinent code committee for advice and comment to the Executive Vice President.~~

Committee Action: APPROVAL

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.

IAC FINAL PROPOSED CHANGES TO THE ICC CODE DEVELOPMENT PROCEDURES

As approved by the IAC at their March 22, 2002 meeting, Crystal City, VA.

4.4 Editorial: The Executive Vice President shall have the authority at all times to make editorial and format changes to the Code text, or any approved changes, consistent with the intent, provisions and style of the Code. An editorial or format change is a text change that does not affect the scope or application of the code requirements. ~~Editorial and format changes with reasons shall be submitted to the Secretariat and considered by the pertinent code committee for advice and comment to the Executive Vice President.~~

5.4.4 Limitations on Debate: Time limits shall be established as part of the agenda for testimony on all proposed changes at the beginning of each hearing session. Each person requesting to testify on a change shall be given equal time. In the interest of time and fairness to all hearing participants, the Moderator shall have limited the authority to modify establish rules and time limitations on debate in the interest of time and fairness to all hearing participants.

5.4.4.1 Extended time: The moderator shall have the authority to allow additional time for testimony on multiple changes that are being heard concurrently, changes that affect more than one segment of the code, are included in more than one code, or where the number of testifiers on one side of a proposal far outweighs the number of testifiers on the opposite side. The amount of time allocated to any testifier shall not exceed the time that would be allowed for all changes if such changes were heard separately.

5.4.4.2 Time keeping: Keeping of time for testimony by an individual shall be by an automatic timing device. Remaining time shall be evident to the person testifying. Interruptions during testimony shall not be tolerated. Sergeants-at-arms shall maintain appropriate decorum during all testimony.

5.4.4.3 Proponent testimony: The Proponent is permitted to waive an initial statement. The Proponent shall be permitted to have the amount of time that would have been allocated during the initial testimony period plus the amount of time that would be allocated for rebuttal.