

Procedures for ASPE Design Standards Development



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INTRODUCTION

The American Society of Plumbing Engineers (ASPE) is committed to helping its members and the plumbing industry as a whole in designing plumbing systems that are of high quality and protect public safety and health. One way ASPE fulfills this commitment is through the development of consensus standards focusing on plumbing system design.

This document contains requirements and guidance for use by the ASPE Main Design Standards Committee and Working Groups. Directions include organizing staff and administering their activities associated with the development and maintenance of ASPE design standards. It is the intent of ASPE that the procedures set forth in this document are consistent with the American National Standards Institute (ANSI) *Essential Requirements: Due process requirements for American National Standards*.

Overall supervision of the committee's activity shall be assigned to the Main Design Standards Committee. The Main Design Standards Committee is the consensus body having responsibility for the review and approval of all ASPE design standards. The Main Design Standards Committee may assign specific activities to Working Groups; however, final approval of actions related to standards must go through the consensus process of the Main Design Standards Committee.

PROCEDURES FOR ASPE DESIGN STANDARDS DEVELOPMENT

1 SCOPE

Standards developed under these procedures are intended to cover plumbing system design related to safety, health, design, construction, maintenance, performance, or operation. There is no intended limitation of scope based on any one specific form of application or use (e.g., commercial, residential, healthcare, etc.). These procedures are developed and maintained in a manner to be consistent with the American National Standards Institute (ANSI) *Essential Requirements: Due process requirements for American National Standards*.

2 CHARTER OF MAIN DESIGN STANDARDS COMMITTEE

2.1 The establishment of a Main Design Standards Committee shall be the responsibility of the ASPE Board of Directors (Board).

2.2 Except when otherwise recommended by the Main Design Standards Committee and approved by the Board, the standards developed by the Main Design Standards Committee are intended to be submitted to ANSI to become American National Standards.

3 ORGANIZATION

3.1 ASPE Board of Directors

3.1.1 The Board is the governing body responsible for the oversight of the ASPE standards development process.

3.1.2 The Board, at a minimum, has the following oversight responsibilities:

- (a) Chartering the Main Design Standards Committee
- (b) Providing direction to the Main Design Standards Committee concerning potential new standards projects

3.2 Main Design Standards Committee

3.2.1 The Main Design Standards Committee is the consensus body responsible for the review and approval of all ASPE plumbing system design standards.

3.2.2 The Main Design Standards Committee shall be permitted to establish at its discretion subordinate Working Groups to assist it in the discharge of its duties.

3.2.3 When Working Groups are required, they shall be established by a majority vote of the Main Design Standards Committee. When such groups engage in drafting proposed standards or parts of standards, individuals having substantial knowledge of the subject of the proposed standard shall be included. Working Group members need not be members of the Main Design Standards Committee. Although Working Groups do not ordinarily constitute a consensus-making group, they should have representatives from the various interests whenever possible. Subordinate groups are advisory to the Main Design Standards Committee.

3.2.4 When deemed necessary to preserve the integrity of the standards process and/or to protect the interests of ASPE, the Main Design Standards Committee may take any administrative action necessary to fulfill its oversight obligations. Actions may include actions resulting from an appeal

decision and delay or suspension of a Working Group action, including revisions to standards. Such actions are subject to the due process provisions established by the Main Design Standards Committee.

3.2.5 The Main Design Standards Committee, under the direction of the Board, shall have supervision of the standards activities of ASPE. Such supervision includes:

- (a) Approval of, revision to, reaffirmations of, and withdrawal of standards
- (b) Approval of, and revision to, the charter of Working Groups
- (c) Removal of Main Design Standards Committee members who do not fulfill their duties
- (d) Disbandment of a Working Group

3.2.6 The ASPE Vice President, Legislative shall serve as a member of the Main Design Standards Committee. The ASPE Vice President, Legislative shall be the liaison between the ASPE Board of Directors and the Main Design Standards Committee.

4 PARTICIPATION AND COMMITTEE MEMBERSHIP

4.1 Participation in the standards process is open to all persons who are directly and materially affected by the activity in question. Participation may be through membership on the Main Design Standards Committee, Working Groups, or through public comment. Voting membership on the Main Design Standards Committee is not conditional upon membership in ASPE, nor unreasonably restricted on the basis of technical qualifications or other such requirements. At the discretion of the Board, a fee may be charged to voting members to help support the development process; however, if such a fee is requested, it shall be in an amount that does not create an undue barrier to participation.

4.2 The membership of the Main Design Standards Committee shall consist of specified numbers of individual members as deemed necessary and adequate by the Main Design Standards Committee Chair.

4.3 Members are individuals with a concern and willingness to participate in work within the charter of the Main Design Standards Committee and/or Working Group and are expected to serve for a term of not less than one year and not to exceed three consecutive terms unless prior authorization from the Chair is granted. Selection shall include consideration of the business interest of the employer who supports the member's committee participation, as well as the type of experience or expertise the individual brings to the committee. The Chair of the Main Design Standards Committee is responsible for reviewing applications from interested parties and approving or disapproving their membership on the Main Design Standards Committee. Chairs of Working Groups are responsible for reviewing the applications of interested parties and approving or disapproving their membership on the respective Working Group. In their committee activities, these members participate, including voting, as individuals rather than as representatives of their employer or of any other organization. Members are eligible for reappointment. Membership in ASPE is not required to be considered for membership on the Main Design Standards Committee or a Working Group.

4.4 Classification of Members

Members of the Main Design Standards Committee and Working Groups shall be classified in accordance with the business interests of their primary source of support for committee participation. The classification assigned to members shall require the approval of the Chair of the Main Design Standards Committee. The members on the Main Design Standards Committee and Working Groups dealing with design standards shall be classified in accordance with their major interests from among the following categories, as appropriate:

- (a) Engineer/Designer: those who are responsible for designing and specifying plumbing systems for commercial, industrial, and residential facilities
- (b) Producer: those directly concerned with the production or distribution of the product or service involved, including industry associations representing producers or distributors, or those receiving substantial support from a producer directly concerned
- (c) User: those who use the product or service involved, or those who receive substantial support from a user directly concerned, but are not involved with its production or distribution, e.g.:
 - User-Consumer: a person using goods and services rather than producing or selling them, when the committee's activity deals with a consumer product such as a water heater
 - User-Industrial: the industrial user of a product, where the committee's activity deals with an industrial product such as refrigerant chemicals
 - User-Government: the representative of a government agency, where the committee's activity is likely to be used as the basis for government agency procurement such as for the design or performance testing of building systems or equipment
 - User-Labor: a representative of labor, where the committee's activity deals with worker products used in the workplace or with the workplace environment
- (d) General Interest: those who have interests other than those described above and may include consulting engineers or employees of appropriate government agencies, nationally recognized testing laboratories or educational institutions, and codes-oriented individuals

4.5 Balance

4.5.1 A goal of the membership selection process for the Main Design Standards Committee is to have a balance of interests, with interests being defined by the classification system provided in these Procedures. To help in ensuring balance, not more than one-third of the membership shall come from any single category.

4.5.2 At least annually, the Main Design Standards Committee Chair shall review the membership categories represented, and if new membership is required to maintain balance, a public notice is sent out electronically via the ASPE newsletter and on the ASPE website requesting membership applications.

4.5.3 Balance is not a requirement for Working Groups.

4.6 Alternates

Representation of an absent member may be by an alternate from the same interest classification as the member represented. An alternate is a person selected by a member of the committee to attend the meetings and act for him/her during an absence. Such selections, if intended to serve for one or more consecutive meetings or if intended to vote in place of the member on standards actions, shall be subject to acceptance by the Main Design Standards Committee. An alternate has all of the privileges of a member during the period of his/her service in this capacity. Such service by an alternate automatically terminates on request of the member, on the member's return from absence, or when the member is no longer on the committee.

4.7 Working Groups may, with the approval of the Main Design Standards Committee Chair, add to or subtract from the list of members.

4.8 The duty of each member is to give thorough consideration to each subject brought before them for action, to vote on approval or disapproval of each proposal, to contribute his/her expertise in the preparation of standards, to advise on membership on the committee and subordinate groups, and to assist generally in carrying out the functions of the committee. Such duties shall be carried out by attendance at meetings, by correspondence, and by telephone, teleconference, or other electronic means.

4.9 Main Design Standards Committee and Working Group member rosters shall be available to interested parties upon request. The rosters shall include the member's name, affiliation, and assigned classification.

5 MAIN DESIGN STANDARDS COMMITTEES OFFICERS AND THEIR DUTIES

5.1 Term of office shall be three years with a six-year maximum unless prior authorization is provided by the Board.

5.2 The officers of the Main Design Standards Committee shall be as follows:

- (a) Chair
- (b) One or more Vice Chair
- (c) Secretary

5.3 Chair and Vice Chair

5.3.1 Each term of office of the Chair shall not exceed three years unless prior authorization is provided by the Board.

5.3.2 The Chair and Vice Chair shall preferably be registered Professional Engineers and/or Certified in Plumbing Design (CPD) and ASPE members in good standing.

5.3.3 The Chair shall be appointed by the Board President and subject to confirmation of the Board and the Main Design Standards Committee.

5.3.4 The Vice Chair shall be appointed by the Chair and subject to confirmation of the Main Design Standards Committee.

5.4 The Secretary shall be appointed by the Chair, subject to confirmation of the Main Design Standards Committee.

5.5 Duties of the Officers

5.5.1 The Chair shall:

- (a) Be the executive officer of the committee, preside at meetings, and perform duties customarily associated with such office;
- (b) Review the performance of committee members periodically to determine whether each member is faithfully carrying out their duties (any member not faithfully performing their duties shall be reported to the Main Design Standards Committee); and
- (a) Ensure that the standards process is not dominated by any single interest category, individual, or organization. Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the

exclusion of fair and equitable consideration of other viewpoints. Only written or electronic communications from directly interested parties alleging that dominance has occurred will be considered by the Chair.

5.5.2 The Vice Chair, in the absence of the Chair, shall fulfill the duties of the Chair's office and shall perform other duties as may be assigned by the Chair.

5.5.3 The Secretary shall:

- (a) Record and distribute agendas and minutes of all meetings of the committee to members;
- (b) Receive and maintain all documents relative to the Main Design Standards Committee and its subordinate groups;
- (c) Distribute and receive proposals for standards actions;
- (d) Record votes;
- (e) Correspond with interfacing organizations or individuals in the name of the committee;
- (f) In the absence of the Chair and Vice Chair at a meeting of the committee, take the chair for the purpose of nomination and selection of a Chair pro tem, who shall then preside at that meeting; and
- (g) Perform other duties as requested by the Chair.

5.5.4 The Main Design Standards Committee may remove an ineffective Chair or Vice Chair and appoint a successor. The individual removed from office shall be permitted to appeal the action of the Main Design Standards Committee to the Board.

6 DUTIES OF THE MAIN STANDARDS COMMITTEE

6.1 The Main Design Standards Committee shall:

- (a) Develop standards within its charter;
- (b) Maintain standards within its charter (at a minimum, each standard shall be reaffirmed, revised, or withdrawn within five years after its approval);
- (c) Achieve a consensus in accordance with these Procedures for the action proposed on a standard;
- (d) Ensure that duplication of standards or conflict with other standards is minimized through the utilization of national and international standard development networks; and
- (e) Approve interpretations of standards.

6.2 Meetings

6.2.1 Meetings or electronic conferences shall be held as determined by the Main Design Standards Committee or the Chair on behalf of the committee. Teleconference meetings are encouraged to minimize travel and reduce the time it takes to complete actions.

6.2.2 When meetings involve standards actions, public participation shall be provided through open meetings. Members of the public shall be permitted to 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 litigation and other administrative matters. At least 30 days prior to the scheduled date of a meeting, notice shall be provided on the ASPE website and through the ASPE electronic newsletter to provide opportunity for interested parties to consider attendance.

6.2.3 At meetings, a quorum shall consist of at least 50% of the Main Design Standards Committee 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 ballot of the membership. Main Design Standards Committee members not in attendance and not represented by an alternate shall be provided the opportunity to vote on all standards actions either prior to the meeting or following the meeting.

7 WORKING GROUP OFFICERS AND THEIR DUTIES

7.1 Terms of the office shall be three years with a six-year maximum unless prior authorization is received from the Main Design Standards Committee Chair.

7.2 The officers of the Working Group shall be as follows:

- (a) Chair
- (b) One or more Vice Chair
- (c) Secretary

7.3 Chair and Vice Chair

7.3.1 Each term of office of the Chair and Vice Chair shall not exceed three years unless prior authorization is received from the Main Design Standards Committee Chair.

7.3.2 The Chair and Vice Chair shall preferably be registered Professional Engineers and/or CPDs and ASPE members in good standing.

7.3.3 The Chair and Vice Chair shall be appointed by the Main Design Standards Committee Chair.

7.4 The Secretary shall be appointed by the Working Group Chair.

7.5 Duties of the Officers

7.5.1 The Chair shall:

- (a) Be the executive officer of the Working Group, preside at meetings, and perform duties customarily associated with such office; and
- (b) Review the performance of Working Group members periodically to determine whether each member is faithfully carrying out their duties. Any member not faithfully performing their duties shall be reported to the Main Design Standards Committee.

7.5.2 The Vice Chair, in the absence of the Chair, shall fulfill the duties of the Chair's office and shall perform other duties as may be assigned by the Chair.

7.5.3 The Secretary shall:

- (a) Record and distribute agendas and minutes of all meetings to members of the Working Group;
- (b) Receive and maintain all documents relative to the Working Group and its subordinate groups;
- (c) Record votes;
- (d) Correspond with interfacing organizations or individuals in the name of the Working Group;

- (e) In the absence of the Chair and Vice Chair at a meeting of the Working Group, the Secretary shall take the chair for the purpose of nomination and selection of a Chair pro tem, who shall then preside at that meeting; and
- (f) Perform other duties as requested by the Chair.

7.5.4 The Main Design Standards Committee may remove an ineffective Chair or Vice Chair and appoint a successor. The individual removed from office shall be permitted to appeal the action of the Main Design Standards Committee to the Board.

8 DUTIES OF THE WORKING GROUP

8.1 The Working Group shall:

- (a) Develop draft standard proposals within its charter as directed by the Main Design Standards Committee;
- (b) Achieve a majority acceptance of proposed standards prior to submittal to the Main Design Standards Committee; and
- (c) Provide guidance to the Main Design Standards Committee on interpretations of the standards.

8.2 Meetings

8.2.1 Meetings or electronic conferences shall be held as determined by the Working Group or the Chair on behalf of the Working Group. Teleconference meetings are encouraged to minimize travel and reduce the time it takes to complete actions.

8.2.2 Meetings shall be open to interested members of the public, and the public shall be permitted to 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 litigation and other administrative matters.

8.2.3 At meetings, a quorum shall consist of at least 50% of the Working Group 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 ballot of the membership.

8.2.4 When submitting recommendations to the Main Design Standards Committee, the Secretary of the Working Group shall provide, in addition to the document under consideration, a tally of the Working Group vote along with a summary of any unresolved comments received from Working Group members or through public comment.

9 MAIN DESIGN STANDARDS COMMITTEE ACTIONS

9.1 Committee actions are of two types:

- (a) Providing positions on proposed standards actions
- (b) Approval of personnel and administrative items or actions relating to policy or ASPE position

9.2 Voting Obligations

Each member or alternate shall exercise his/her voting privilege within the prescribed time limits. An alternate's vote shall be counted only if the member's vote is not recorded. When a member and the

alternate fail repeatedly to vote when due, or consistently abstain from voting, the member's appointment shall be subject to termination by the Main Design Standards Committee. The individual may appeal such action.

9.3 Providing Positions on Documents Submitted for Review

9.3.1 Voting Options

A member will be provided the following options for submitting their position on a given standards action:

- (a) Affirmative
- (b) Affirmative with comment (comments of a substantive nature provided with this position will not be considered)
- (c) Negative with comment
- (d) Abstention

The ballot accompanying the proposed standard action shall clearly state the following:

- (a) General description of proposed action
- (b) Closing date
- (c) Voting options
- (d) The following statement: Negative votes must be accompanied by comments related to the proposed action, and votes unaccompanied by such comments will be recorded as "negative without comment."

9.3.2 Consensus

Consensus of the Main Design Standards Committee is achieved when a majority of the committee has cast a vote (counting abstentions) and at least two-thirds of those voting approve the proposed standards action. Abstentions, negative ballots received without comment, and negative votes not related to the proposed action shall not be considered in determining the two-thirds requirement.

The two-thirds consensus requirement covers all standards actions, including revisions, reaffirmations, approvals, and withdrawals.

9.3.3 Voting Procedure

- (a) All members of the Committee shall have an opportunity to vote. When recorded votes are taken at meetings, members who are absent shall be given the opportunity to vote before or after the meeting.
- (b) Votes may be obtained by letter, fax, recorded votes at meetings, or electronic means.
- (c) Voting periods shall be closed upon receipt of all responses but not later than four weeks after the date of issue unless the committee or the Chair extends the voting period. Closing dates earlier than four weeks may be established by the Chair based on deadline dates.
- (d) Votes received by the Secretary after the voting period will not be considered unless an extension of the period has been established by the Chair. At the close of the voting period, the Secretary shall submit a complete voting tally to the Main Design Standards Committee.

- (e) Any substantive change made in a proposed standard shall be recirculated to the Main Design Standards Committee with a two-week period given in which the members shall have the opportunity to respond, reaffirm, or change their vote.
- (f) Comments received that are not related to the proposal under consideration are documented and considered in the same manner as the submittal of a new proposal. The submitter of the comments shall be notified in writing (including electronic communication) of the decision as well as a description of how the comment will be handled.
- (g) A vote of a member may not be changed without written documentation from the submitter of the vote. Records shall be maintained of evidence regarding any change of an original vote.
- (h) Negatives accompanied by comment shall not be dismissed based on the following: not providing alternative language or a remedy to the negative vote; comments related to potential conflict or duplication; or comments of a procedural or philosophical nature.

9.3.4 Unresolved Negative Votes and Public Comments

- (a) The Main Design Standards Committee shall attempt to resolve all negative votes and comments received through public review.
- (b) Within 60 days following consideration of each comment, the commenter shall be advised in writing (including electronic communication) of the consideration of the comment(s), the action(s) taken or reason(s) why the comment(s) could not be resolved, and notification of their right to appeal to the Main Design Standards Committee. The commenter shall be informed that if they do not respond with a continuing objection by a specified date (two weeks from the date of the letter), the comment(s) will be considered resolved.
- (c) Within 60 days following consideration of each negative vote, the objector shall be advised in writing (including electronic communication) of the consideration of the vote, the action(s) taken or reason(s) why the vote could not be resolved, and notification of their right to appeal to the Main Design Standards Committee. The objector shall be given the option to change their negative vote to affirmative or affirmative with comment, or to retain the negative vote. The objector shall be given two weeks from the date of the letter to respond. If the objector does not respond, their negative vote will be recorded as their final vote.
- (d) After the specified date has passed, all unresolved negative votes and comments, along with attempts at resolution, shall be recirculated to members of the Main Design Standards Committee who will have the opportunity to respond, reaffirm, or change their vote within two weeks.

9.4 Approval of Personnel and Administrative Items

Approval of personnel and administrative items or actions relating to policy or ASPE position may be approved by majority recorded vote of the committee or at committee meetings provided a quorum is present. A quorum shall consist of at least 50% of the Main Design Standards Committee membership eligible to vote. Approval of motions during a meeting shall be by at least a majority vote of the members voting; however, the Chair may rule that a motion has not passed even if a majority vote has been cast. The reason for such ruling shall be that a consensus of opinion was not achieved.

10 PUBLIC REVIEW

10.1 Project Initiation

10.1.1 At least 60 days prior to initiating action to create, revise, reaffirm, or withdraw a standard, a public notice shall be sent to known directly and materially affected interests by posting on the ASPE website and through the ASPE electronic newsletter; additional means of notice may be considered depending on the nature of the proposed action. The notice shall include a clear and meaningful description of the purpose of the proposed activity and shall identify a readily available source for further information.

10.1.2 When the decision to initiate a new project to develop or revise a standard intended for adoption as an American National Standard has been made, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in *Standards Action*.

10.1.3 If written comments are received within 30 days from the public notice date and/or PINS announcement in *Standards Action* that assert a proposed standard duplicates or conflicts with an existing standard or a candidate standard, ASPE will work with the applicable standards developer to attempt to work out a solution to the suggested duplication or conflict in a manner complying with Clause 2.5 of the *ANSI Essential Requirements*.

10.2 Standards Actions

10.2.1 All proposed draft standards shall be announced in the ASPE newsletter, issuance of an ASPE press release, and posted on the ASPE website for public review. If the proposal is intended to be submitted to ANSI for approval, it shall also be announced in ANSI *Standards Action* via a BSR-8 online form. This may be conducted concurrently with Main Design Standards Committee voting or following Main Design Standards Committee voting.

10.2.2 The Main Design Standards Committee may supplement the public review by having a proposed standard sent to group(s) or individual(s) known to have an interest in the scope and purpose of the proposed standard.

10.2.3 The Main Design Standards Committee may supplement the public review with public hearings addressing the scope and provisions of standards.

10.2.4 Substantive changes approved by the Main Design Standards Committee shall be subject to public review in accordance with these Procedures.

10.2.5 Comments received that are not related to the proposal under consideration are documented and considered in the same manner as the submittal of a new proposal. The submitter of the comments shall be notified in writing (including electronic communication) of the decision as well as a description of how the comment will be handled.

11 APPROVAL

11.1 The Main Design Standards Committee Chair shall take the appropriate action to attest that these Procedures have been followed and that the requirements set forth in these Procedures have been met prior to approving the publication of a standard. Evidence of consensus shall be documented by the Secretary and placed on file in the standards development records.

11.2 American National Standard Approval

When the Main Design Standards Committee has completed all requirements for approval of a standards action, the proposal shall be submitted to ANSI for approval in accordance with the *ANSI Essential Requirements*.

12 APPEALS

12.1 Any procedural action or inaction of a Main Design Standards Committee relating to a standard promulgated by the Main Design Standards Committee may be appealed by any individual, company, or organization. The appeals procedures of the Main Design Standards Committee and the procedures of the Board are available from ASPE upon request.

12.2 Procedures for appeal to the Main Design Standards Committee shall be as follows:

12.2.1 Written notice of intent to appeal may be filed with the Secretary of the Main Design Standards Committee after the final voting results have been reported to the Main Design Standards Committee. If the notice of intent to appeal is filed within 20 working days after reporting of the final action, followed within 10 additional working days by the detailed objection or appeal statement, the item in question will not proceed pending a hearing on the appeal. Appeals received 30 days following the action will not be considered. Appeals of inactions may be filed at any time.

12.2.2 If an appeal is filed within the specified time frame, the Main Design Standards Committee Chair and ASPE staff shall attempt to resolve the appeal informally via conference call with the appellant.

12.2.3 If the appeal cannot be resolved informally, the Main Design Standards Committee Chair shall arrange a hearing panel consisting of three members of the Main Design Standards Committee appointed by the Chair on a date mutually agreeable to all parties. Such hearing shall be held within 90 days of the filing of the objection. The appellant shall have the right to review the hearing panel members and request a replacement for just cause such as bias, conflict of interest, etc.

12.2.4 The appellant, the Main Design Standards Committee, and others concerned shall be notified of the hearing at least 15 working days in advance of the date set for hearing the appeal.

12.2.5 The Main Design Standards Committee or hearing panel shall take action with respect to the appeal in accordance with the voting requirements stated in 9.3.2. The Secretary of the Main Design Standards Committee shall notify the appellant, the Chair of the Main Design Standards Committee, and others concerned of the committee or hearing panel decision in writing within seven days of the date of the hearing.

12.3 Appeal to the Board

12.3.1 If the Main Design Standards Committee's decision remains objectionable to any party concerned with the action based on procedural issues only, a request for an appeal based on matters relating to procedural due process may be submitted to the Board. The Board does not process appeal requests based on a technical concern.

12.3.2 For any subsequent appeal to the Board, written notice of intent to appeal must be filed with the Secretary of the Board within 10 working days after the date of distribution of the originating Main Design Standards Committee's response to the appeal. Thereafter, the procedures of the Board shall apply. The ASPE Board of Directors is the final level of appeal relating to standards matters within ASPE.

13 STANDARDS INTERPRETATIONS

The Main Design Standards Committee is the sole body having the authority to issue interpretations of ASPE standards. Requests for interpretations shall be in writing and submitted to the Chair of the Main Design Standards Committee. Formal interpretations of the Standard shall be issued in writing based on the consensus requirements for the Main Design Standards Committee. At the discretion of the Chair, the Working Group responsible for the standard may be requested to provide a recommendation to the Main Design Standards Committee for consideration. Interpretations shall be limited to explanation or clarification of the standard.

14 PATENT POLICY

There is no objection in principle to incorporating terms into standards that include the use of an essential patent claim (one whose use would be required for compliance with that standard) if it is considered that technical reasons justify this approach.

Participants in the ASPE/ANSI standards development process are encouraged to bring patents with claims believed to be essential to the attention of ASPE.

If ASPE receives a notice that a proposed American National Standard (ANS) or an approved ANS may require the use of such a patent claim, the following shall occur:

14.1 Statement from Patent Holder

The Main Design Standards Committee Secretary shall receive from the patent holder or a party authorized to make assurances on its behalf, in written or electronic form, either:

- (a) assurance in the form of a general disclaimer to the effect that such party does not hold and does not currently intend holding any essential patent claim(s); or
- (b) assurance that a license to such essential patent claim(s) will be made available to applicants desiring to utilize the license for the purpose of implementing the standard either:
 - i. under reasonable terms and conditions that are demonstrably free of any unfair discrimination; or
 - ii. without compensation and under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

Such assurance shall indicate that the patent holder (or third party authorized to make assurances on its behalf) will include in any documents transferring ownership of patents subject to the assurance, provisions sufficient to ensure that the commitments in the assurance are binding on the transferee, and that the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding each successor-in-interest.

The assurance shall also indicate that it is intended to be binding on successors-in-interest regardless of whether such provisions are included in the relevant transfer documents.

14.2 Record of Statement

A record of the patent holder's statement shall be retained in the ASPE files, and if the standard is an American National Standard, ANSI shall be provided a copy of the statement.

14.3 Notice

When the Main Design Standards Committee Secretary receives from a patent holder the assurance set forth in 14.1.b above, the standard shall include a note substantially as follows:

NOTE – The user’s attention is called to the possibility that compliance with this standard may require use of an invention covered by patent rights. By publication of this standard, no position is taken with respect to the validity of any such claim(s) or of any patent rights in connection therewith. If a patent holder has filed a statement of willingness to grant a license under these rights on reasonable and nondiscriminatory terms and conditions to applicants desiring to obtain such a license, then details may be obtained from the standards developer.

15 COMMERCIAL TERMS AND CONDITIONS

ASPE will comply with Clause 3.2 of the *ANSI Essential Requirements*.

16 METRIC POLICY

The standards will use the SI or metric system as the primary means for showing metrics, with the English system being provided parenthetically. The Main Design Standards Committee, at its discretion, may utilize the English system as the primary metric system in cases where the English system is the commonly used system for the plumbing systems covered under the scope of the standard.

17 NORMATIVE AND INFORMATIVE SECTIONS

Sections of the standard that are considered requirements for compliance to the standard shall be labeled as “normative” sections. Sections of the standard that are solely intended for general information shall be labeled as “informative.”

18 ROBERT’S RULES

On questions of parliamentary procedure not covered in these operating rules, Robert’s Rules of Order shall be used.

19 RECORDS

Records shall be retained for a minimum of five years or until approval of the subsequent revision or reaffirmation of the complete standard, whichever is longer. Records will be retained for five years from the date of withdrawal of a document. At a minimum, the records shall contain the following:

- (a) Main Design Standards Committee meeting summaries
- (b) Main Design Standards Committee and Working Group rosters
- (c) Returned ballots and comments
- (d) Public review comments
- (e) Documentation associated with changed ballots
- (f) Draft proposals considered by the Main Design Standards Committee and submitted for public review
- (g) Documentation associated with appeal actions, including the original appeal and appeal results
- (h) Other documentation considered critical for the verification of compliance with these procedures
- (i) Interpretations of standards
- (j) Patent holder statements (note: patent holder statements are to remain on file until the time the reference in the standard is removed)

20 ANTITRUST POLICY

American National Standards shall be developed in accordance with applicable antitrust and competition laws, and meetings amongst competitors to develop American National Standards are to be conducted in accordance with these laws.

21 AMENDMENTS

Amendments to these procedures require the approval of the Main Design Standards Committee. Any amendments to these procedures will be submitted to ANSI for acceptance in accordance with their criteria for acceptance of revisions to the accredited procedures.

22 DISCONTINUANCE OF A STANDARDS PROJECT

The ASPE Board of Directors and/or staff may decide to abandon the processing of a proposed new or revised American National Standard or portion thereof at its own discretion and without a vote of the Main Design Standards Committee.

ASPE will notify ANSI immediately of such actions for announcement in *Standards Action*.