

**CPLSO**

**Procedures for the Development and Coordination  
of American National Standards**



**Approved by ANSI: July 23<sup>rd</sup> 2021**

## FOREWORD

CPLSO has accreditation as a developer of American National Standards within its ANSI approved scope.

The approved scope shall be *“To provide benefit to all users of all products and services in many ways, including through the mitigation of safety hazards, protection of life and health, protection of property, and protection of the environment. These standards may include requirements for safety, health, design, production, construction, maintenance, performance or operation of equipment or qualification of personnel.*

*One area of expertise is crane, or high-voltage, products and work practices when working near high-voltage power lines”.*

This procedures' document relies heavily on the companion ANSI document *ANSI Essential Requirements: Due Process Requirements for American National Standards* (available through the ANSI website at [www.ansi.org/essentialrequirements](http://www.ansi.org/essentialrequirements) and referred to in this document either as Essential Requirements or as ER). It is strongly recommended that the reader obtain the ANSI document to support the full understanding of the CPLSO procedures. Although the words "Canvass Procedure" are not contained in the ANSI Essential Requirements document, all CPLSO standards follow the CPLSO's canvass procedure for developing a consensus body.

CPLSO is the developer of the various standards and specifications under the accreditation of CPLSO. Each standard identifies the sponsoring organization of each standard on the cover page and/or the title page. Regardless of the standard or specification, any questions or comments should be addressed directly to the Standards Coordinator at CPLSO through email at [standards@CPLSO.org](mailto:standards@CPLSO.org).

The voluntary standards system in the United States consists of a large number of standards developers that write and maintain one or more national standards. Among them are professional societies, trade associations, and other organizations. Thousands of individuals, companies, other organizations (e.g., labor, consumer, and industrial) and government agencies voluntarily contribute their knowledge, talent, and effort to standards development.

Many standards developers and participants support the American National Standards Institute (ANSI) as the central body responsible for the identification of a single, consistent set of voluntary standards called American National Standards. ANSI approval of these standards is intended to verify that the principles of openness and due process have been followed in the approval procedure and that a consensus of those directly and materially affected by the standards has been achieved. ANSI coordination is intended to assist the voluntary system to ensure that national standards needs are identified and met with a set of standards that are without conflict or unnecessary duplication in their requirements.

ANSI is the U.S. member of non-treaty international standards organizations such as the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC) through the United States National Committee, the Pacific Area Standards Congress (PASC), and the Pan American Standards Commission (COPANT). As such, ANSI coordinates the activities involved in U.S. participation in these groups.

# Procedures for the Development and Coordination of American National Standards

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# Procedures for the Development and Coordination of American National Standards

## 1 General

These procedures constitute the CPLSO procedure of developing evidence of consensus for the approval, reaffirmation, revision, or withdrawal of American National Standards by utilizing the CPLSO's canvass procedure of developing a consensus body. In addition to complying with the requirements for accreditation, CPLSO fully adopts ANSI's document *ANSI Essential Requirements: Due process requirements for American National Standards* (Essential Requirements at [www.ansi.org/essentialrequirements](http://www.ansi.org/essentialrequirements)).

In order to protect CPLSO, affiliated trade associations and councils from liability that might arise from any of their participation in the development of standards that are either unduly restrictive or permissive and to provide for the use of uniform procedures in standards setting activities, it is hereby declared to be the policy of CPLSO that:

1. No council of CPLSO shall make as a condition of membership eligibility or continuing membership that an applicant or member comply with any standard. In addition, no product section or council shall require its members to submit to a certification program to confirm compliance with a standard as a condition of membership. It is recommended to all independent incorporated trade associations of CPLSO that these policies be followed by them in connection with their membership requirements and conditions.
2. Affiliated trade associations and councils shall submit to Industry's General Counsel all proposed standards prior to their completion and publication to determine whether the proposed publication must be treated as a standard for purposes of this Statement of Policy.
3. Affiliated trade associations and councils of CPLSO that develop a proposed standard shall decide whether it is to be copyrighted. If the decision is to copyright the finished publication, CPLSO General Counsel should be contacted to handle the necessary documentation and filing.
4. The metric policy to be followed in standards setting is as set forth in Annex B of these procedures.
5. Requests for interpretation of standards shall be handled as set forth in Annex C of these procedures.
6. All appeals from procedural action or inaction in the standards setting process shall be handled and conducted in accordance with Annex D of these procedures and ANSI's Essential Requirements.
7. The CPLSO policy on records retention is as set forth in Annex E of these procedures.
8. The patent policy to be followed in standards setting is as set forth in Annex F of these procedures.
9. The CPLSO policy on Antitrust and commercial terms and conditions is as set forth in Annex G of these procedures.
10. CPLSO shall continue to maintain its status as an incorporated, registered or otherwise recognize legal entity.

## 2 Project Initiation

The decision to initiate development of a standards project starts with CPLSO's affiliated trade associations and councils. When it is first recognized that the work of any of these groups is intended to result in the development of a new standard or revision of an existing standard written notification shall be given to the CPLSO Standards Coordinator who will determine whether the standard may be in conflict with any existing ANS and shall make good faith efforts to resolve any potential conflicts through coordination/ harmonization as prescribed in the Essential Requirements. If no such conflict exists, the Standards Coordinator shall then submit any appropriate project initiation to ANSI.

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 announcement 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.

A statement shall be submitted and published as part of the PINS announcement that shall include:

- (a) an explanation of the need for the project, including, if it is the case, a statement of intent to submit the standard for consideration as an ISO or ISO/IEC JTC-1 standard; and
- (b) identification of the stakeholders (e.g., telecom, consumer, medical, environmental, etc.) likely to be directly impacted by the standard.

If the response to sub-section (b) changes substantively as the standard is developed, a revised PINS shall be submitted and published.

If comments are received within thirty (30) 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, or concurrently, in Standards Action, a mandatory deliberation of representatives from the relevant stakeholder groups shall be held within ninety (90) days from the comment deadline. Such a deliberation shall be organized by CPLSO and the commenter and shall be concluded before CPLSO may submit a proposed draft standard for public review. If the deliberation does not take place within the 90-day period and CPLSO can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then CPLSO 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 a PINS deliberation shall be conveyed in writing (the "Deliberation Report") within 30 days after the conclusion of the deliberation by CPLSO to the commenter and to ANSI. Upon submission of the Deliberation Report, CPLSO may continue with the submission of the proposed standard for public review. If additional deliberations take place, they should not delay the submission of the proposed standard for public review, and an updated Deliberation Report shall be conveyed within 30 days after each deliberation. Any actions agreed upon from the deliberations shall be carried out in a reasonably timely manner, but normally should not exceed 90 days following the deliberation. Subsequently, CPLSO shall include all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI Board of Standards Review (BSR) for consideration should CPLSO ultimately submit the subject standard to ANSI for approval. Stakeholders who were involved in the PINS deliberation process may also file separate Deliberation Report(s) with ANSI and CPLSO within 30 days after conclusion of any deliberation for consideration by the BSR, if the standard is submitted to ANSI for approval. While the outcome is not binding, unless binding provisions are agreed to by CPLSO, CPLSO is encouraged to develop a consensus with commenter on whether and how the standards development project should proceed.

## 3 Development of Consensus Body by Canvass List

**3.1 Potential canvassees** CPLSO shall maintain a list of potential canvassees consisting of those organizations, companies, government agencies, standards developers, individuals, etc., known to be, or who have indicated that they are, directly

and materially interested by various material handling standards. This list will be used to conduct pre-canvass surveys to determine interest in specific standards under CPLSO's accredited scope.

**3.2 Precanvass survey and balance of interests.** As standards are newly developed, revised or reaffirmed, CPLSO shall conduct a pre-canvass interest survey, in which the standards developer informs the potential canvasees in writing about the use of the CPLSO's canvass procedure for developing evidence of consensus, and, if the potential canvasees are interested in participating, obtains an appropriate interest category classification for purposes of ensuring balance of interests.

CPLSO's package of precanvass information shall contain the title, designation, scope, and description of the standard along with the history of its development, purpose and intended application of the standard, CPLSO's interest categories as set out in Annex A, a form providing the option to join/not to join the list of canvasees, and an explanation of the ANSI function. The time for response shall be at least thirty (30) days from the date of transmittal and shall be so noted on the form proposing canvass body membership.

All those who have agreed to participate shall be included on the canvass list, together with their agreed-upon interest categories in accordance with Essential Requirements 1.2 and 1.3. In addition, the affiliation and interest category of each member of the consensus body shall be made available to interested parties upon request.

CPLSO shall strive to maintain a balance of interests on the canvass list. Historically the criteria for balance are that a) no single interest category constitutes more than one-third of the membership of a consensus body dealing with safety-related standards or b) no single interest category constitutes a majority of the membership of a consensus body dealing with other than safety-related standards and c) not less than one-quarter can provide Qualifications, such as a Degree Certificate, on material within the scope of the standard being balloted.

If any canvasee does not select an interest category, selects multiple interest categories, or it is determined that an incorrect interest category may have been selected, the CPLSO Standards Administrator shall consult with the canvasee, ask them to choose a single appropriate category, and obtain written confirmation from the canvasee. The list of canvasees shall meet the requirements in section 1.2 of the Essential Requirements regarding lack of dominance. No individual shall appear more than once on this list. If any balance is not achieved CPLSO will remedy the situation by either waiting for new canvasees to apply or removing a canvasee on the basis of last in first out. The potential canvasee will be notified on application that an application is not guaranteed or could be terminated at any point to achieve balance.

Once an interest survey has been completed for a standard, it need not be repeated for subsequent balloting of the document. In addition, a single interest survey may be conducted for a group or category of standards. In addition to the precanvass survey, notification of all standards activity shall be announced in suitable media as appropriate to demonstrate the opportunity for participation by all directly and materially interested persons.

## **4 Conduct of Canvass<sup>1</sup>**

### **4.1 Initiation of canvass notice**

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 an opportunity for public comment. This will alert all to the canvass and may elicit additional interested parties as canvasees. This announcement shall include a statement that the canvass list is available upon request from CPLSO, or alternately, a URL address where an electronic version of the canvass list is posted. Canvasees subsequently added to the canvass list shall have the same amount of time to respond as do the other canvasees.

1) Although a 60-day public comment period is not required in all instances, a number of provisions in the ANSI Essential Requirements, when read in combination, satisfy the WTO's 60-day rule. Before adopting a standard, ANSI-Accredited Standards Developers shall allow a period of at least 60 days in total for submission of comments on the draft standard if requested by an interested party within the territory of a Member of the WTO. Exceptions outlined in the rule are permitted due to issues of safety, health or environment. (See WTO Agreement on Technical Barriers to Trade (TBT), Annex 3 Code of Good Practice for the Preparation, Adoption and Application of Standards (CGP) Substantive Provision L.)

CPLSO shall coordinate with any appropriate USA Technical Advisory Group(s) regarding any proposed new, revised, or reaffirmed standards. A public canvass initiation announcement may be requested at any stage in the development of the standard, at the option of the standards developer, and may be concurrent with balloting.

#### **4.2 Information provided to canvasees**

The standards developer shall transmit, at minimum, the following information to all canvasees:

- 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 canvassing 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) a copy of the complete proposed American National Standard or the relevant portion under consideration when the canvasee has previously received the complete standard;
- f) official letter ballot(s) to all canvasees with the specific positions identified in 4.3.

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.

#### **4.3 Ballot position options and comments**

The ballot form used by the standards developer shall provide opportunity for the canvasee to indicate its position (i.e., approval, approval with comments, objection (comments required), or abstention (comment required)). To receive consideration, objections must be accompanied by supporting written comments and, where possible, proposals for a solution to the problem raised. Comments should be submitted on the CPLSO comments form distributed with the ballot.

#### **4.4 Balloting period**

The balloting period shall be thirty (30) days as all materials are provided electronically. At least one reminder to vote shall be sent to canvasees at least ten (10) days prior to ballot closure. The canvass ballot may be closed sooner if all canvasees have responded. An extension of up to thirty (30) days shall be granted upon request from any canvasee giving a legitimate reason.

Those not on the canvass list who have an interest in the standard have an opportunity to participate in the review of the standard during the public review process, as announced in *Standards Action*. Their deadline to respond shall be the same as the comment deadline announced in *Standards Action* unless an extension of up to thirty (30) days has been requested by the commenter and granted by the Standards Administrator.

#### **4.5. Disposition of public review and consensus body comments**

Prompt consideration shall be given to the written views and objections of all participants. 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.

Following all attempts at resolution of comments, those submitting comments shall receive a report of the disposition of all comments that contains the name of the commenter, the clause, the comment and the resulting committee response. If any of these changes are deemed as substantive, they shall be clearly identified as such. An attempt will be made at resolution of all comments.

If resolution is not achieved, the objector shall be informed in writing (may use electronic communication) that an appeals process exists using the CPLSO appeals procedures in Annex D. In addition, each objection resulting from public review or

submitted by a member of the consensus body, and which is not resolved must be reported to the BSR. An objection is considered resolved when 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 their comment.

Any comments received subsequent to the closing of the public review and comment period may be considered as part of the current disposition process or shall be considered in the same manner as a new proposal. Timely comments that are not related to the proposal under consideration shall be documented and considered in the same manner as submittal of a new proposal and will generally be considered during the next review cycle. The submitter of the comments shall be so notified.

Unresolved objections, attempts at resolution, and any substantive change (see Essential Requirements Annex A for definition of substantive change) shall be reported to the consensus body in order to afford all members an opportunity to respond, reaffirm, or change their vote within thirty (30) days. Substantive changes made in a proposed American National Standard shall be listed in *Standards Action* in accordance with Essential Requirements, Section 2.5.

#### **4.6 Recirculation and new ballot options**

If a previous round of balloting results in any substantive changes, a recirculation ballot shall be sent to the canvasees. In addition, all canvasees will receive a summary regarding the extent of changes that were made, including identification of any substantive changes. If any canvasees do not respond to the recirculation ballot, then their ballots from the previous round of balloting shall carryover to the current round of ballots.

If balloting results in substantial changes (e.g. many sections moved/rearranged, many additions/deletions, etc. that interfere with understanding the changes), then the CPLSO Standards Coordinator (in consultation with the developing committee chair) may determine that the resulting new version of the standard should be treated as a new proposal. In this case, the previous balloting results may be discarded in favor of a new set of ballots with no carryover of votes from the most recent ballot to the current ballot. If this action is taken, the cover letter, the ballot and any reminders shall clearly state that previously cast votes will be discarded in favor of the response on the current ballot.

#### **4.7 Canvass list membership maintenance**

If a canvasee is unresponsive to two consecutive ballots and the corresponding reminders, their status shall be changed to inactive on the canvass list. The canvasee may return to active status only by written request pledging their active participation and submittal of any future ballots related to the standard.

#### **4.8 Criteria for approval**

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, including abstentions.

#### **4.9 Withdrawal**

An American National Standard must be supported by an ANSI-Accredited Standards Developer. If an accredited standards developer wishes to withdraw its approval of one or more of its American National Standards, it may do so without a vote of the relevant consensus body. If an accredited standards developer does withdraw one or more of its American National Standards, then the standards developer shall notify ANSI immediately and the standard shall be withdrawn as an ANS and announced in *Standards Action*.

#### **4.10 Expedited procedures**

CPLSO may intend to use the Expedited Procedures as found in ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards



## **5 Submittal of Proposed Standard for Approval**

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 using ANSI's BSR-9 or equivalent form.

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 applicable procedures were followed;
4. a declaration that the proposed standard is within the scope of the previously registered standards activity;
5. a declaration that conflicts with another American National Standard have been addressed in accordance with these procedures;
6. a roster of the consensus body that indicates: the vote of each member including abstentions and unreturned ballots, if applicable; the interest category of each member; and a summary thereof;
7. a declaration that all appeal actions related to the approval of the proposed standard have been completed;
8. a declaration that the criteria contained in the ANSI patent policy have been met, if applicable; and
9. identification of all unresolved negative views and objections, with names of the objector(s), and a report of attempts toward resolution.

## **6 Appeals**

The right to appeal actions or inactions at any point in the standards development process shall be incorporated into written communications at all stages of the development process.

Persons who have directly and materially affected interests and who have been or will be adversely affected by any 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 within thirty (30) days after the date of notification of action or at any time with respect to inaction. Procedural complaints include whether a technical issue was afforded due process. 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. Appeals shall be directed to CPLSO for the action or inaction in accordance with the appeals procedures in Annex D.

## **7 Requests for Interpretation of Standards**

CPLSO does not render interpretations of any standards or specifications, but will consider any comments or suggested changes for future revisions of its standards. ANSI also does not provide interpretations and shall refer any inquiries to appropriate standards developers. Comments and requests for changes shall follow the procedures in Annex C.

## **8 National Adoption of ISO or IEC Standards as American National Standards**

If CPLSO's affiliated trade associations or councils wish to adopt an ISO or IEC standard as an American National Standard, they shall comply with the requirements set forth in *ANSI Procedures for the National Adoption of ISO or IEC Standards as American National Standards* (available on the ANSI website).

## Annex A - Interest Categories

The interest categories and descriptions below are utilized for CPLSO standards.

User	U	Corporate or individual end user of the specific product or family of products named in this proposed standard.
Manufacturer	M	Manufacturer of the specific product or family of products named in this proposed standard.
Distributor	D	Companies or consortia that distribute, but do not manufacture the specific product or family of products named in this proposed standard.
General Interest	G	If you do not fit into one of the above categories, you should consider yourself "General Interest".

## Annex B – Metric policy

Units of the International System of Units (SI), the modernized metric system, are the preferred units of measurement in American National Standards. All standards will contain appropriate International System of Units (SI) units for each measure accompanied by units.

U.S. Customary (inch-pound) units may be the primary unit following a value, but an SI equivalent value and unit must follow the customary value and unit. For example, a measurement of twelve inches may be shown as 12" (304.8 mm).

Customary measurements may be converted by hard or soft conversion. A soft conversion recalculates the measure in metric terms (e.g. an item with a 12 inch measurement does not change size, but is measured as 304.8 millimeters). A hard conversion actually requires physical change to match a rounded metric value (e.g. a two quart measurement may be hard converted into 2 liters). Soft conversions may also be made as rational equivalents. A rational equivalent conversion rounds a measurement to the nearest appropriate metric rounded value without significantly changing the value. For instance, the rational equivalent for a twelve inch measurement may be shown as 300 mm rather than 304.8 mm. Soft conversions do not need to be identified, but hard conversions must be identified with the words "hard conversion" following the conversion value. For example, a measurement of two quarts, hard converted to two liters may be shown as 2 qt. (2 L, hard conversion). Whenever any hard conversion is contained in a standard, the standard must contain an explanation of the term "hard conversion". The following is suggested language to be contained in a standard regarding hard conversions:

**Hard conversion:** The process of converting U.S. customary units into non equivalent metric units, possibly significantly changing the measure. Hard conversion is used to simplify the measurement and use standardized metric measures that are functionally equivalent. Hard conversion may also be referred to as size substitution.

## Annex C – Procedure for requests for Interpretation of CPLSO’s American National Standards

As specified in Section 7, CPLSO does not provide interpretations of its standards. However, suggested changes are accepted for possible adoption in future versions of its standards. This annex provides the specific procedures for consideration of suggested changes.

Comments and requests for changes will only be considered in response to a written request sent to the CPLSO Standards Coordinator as shown below (electronic submissions may also be made to the Standards Coordinator at [standards@CPLSO.org](mailto:standards@CPLSO.org)):

CPLSO.X-20XX (substituting the appropriate standard designation and year for the X values)  
CPLSO  
The Marchioness Building,  
Commercial Rd.,  
Bristol BS1 6TG UK  
Attention: Secretariat

Comments and change requests must be submitted utilizing the following format:

- Designation: Cite the standard designation, for example, CPLSO.X and the date of ANSI approval.
- Subject: Cite the application paragraph number(s) and a concise description.
- Issue: Clearly and concisely state the issue that needs to be addressed (e.g. do values need to be changed, are editorial changes needed, is additional explanation needed, or do requirements need to be added/dropped?).
- Suggested Change: Optionally state suggested changes to the standard.

Requests which are not submitted in this format may not be considered.

The CPLSO Standards Coordinator shall maintain a log of all change requests received for an ANS so they may be considered during the next revision cycle.

## Annex D – Appeals Procedures

Persons who have directly and materially affected interests and who have been or may be adversely affected by a procedural action or inaction of the consensus body or CPLSO shall have the right to appeal to CPLSO using the steps below. [Substantive Appeals are only an optional choice by CPLSO]. A fixed fee of \$1000 shall be charged for all appeals. Requests for fee waivers or reductions shall be directed in writing to the committee Secretariat. Such requests shall be accompanied by supporting reasons for the request (hardship, anticipated workload, etc.).

### **Complaint submitted to CPLSO**

The appellant shall file a written complaint with CPLSO within thirty (30) days after the date of notification of action or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the clause(s) of these procedures or the standard that is at issue, actions or inactions that are at issue, and the specific remedial action(s) that would satisfy the appellant's concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

### **CPLSO response**

Within thirty (30) days after receipt of the complaint, CPLSO shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

### **Deadline**

If the appellant doesn't respond within thirty (30) days to the attempted informal resolution, then CPLSO can consider the matter resolved and not continue the appeals process. Otherwise, if CPLSO hears from the appellant within thirty (30) days, an appeals hearing will be scheduled.

### **Hearing**

If the appellant and the respondent are unable to resolve the written complaint informally in a manner consistent with these procedures, CPLSO shall schedule a hearing (in person or by teleconference) with an appeals panel on a date agreeable to all participants, giving at least ten (10) working days notice.

### **Appeals panel**

The appeals panel shall consist of three individuals who have not been directly involved in the matter in dispute, and who will not be materially or directly affected by any decision made or to be made in the dispute. At least two members shall be acceptable to the appellant and at least two shall be acceptable to the respondent. If the appellant and CPLSO cannot agree upon the final composition of the appeals panel within 15 working days, CPLSO may appoint the panel.

### **Conduct of the hearing**

The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The respondent has the burden of demonstrating that the consensus body and the secretariat took all actions in compliance with these procedures and that the requested remedial action would be ineffective or detrimental. Each party may adduce other pertinent arguments, and members of the appeals panel may address questions to individuals. Robert's Rules of Order (latest edition) shall apply to questions of parliamentary procedure for the hearing not covered herein.

### **Decision**

The appeals panel shall render its decision in writing within thirty (30) days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence presented to the appeals panel. The Appellant will receive a copy of the Appeal decision. Consideration shall be given to the following positions, among others, in formulating the decision:

Finding for the appellant, remanding the action to the consensus body or the secretariat with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;

Finding for the respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections;

Finding that new, substantive evidence has been introduced, and remanding the entire action to the consensus body for appropriate reconsideration.

## Annex E – Records Retention Policy

Records shall be prepared and maintained to provide evidence of compliance with CPLSO procedures and ANSI's Essential Requirements.

Records concerning new, revised or reaffirmed American National Standards shall be retained for one complete standards cycle, or until the standard is revised.

For any new, revised or reaffirmed American National Standards maintained under the continuous maintenance option, CPLSO shall retain records for a minimum of five (5) years or until approval of the subsequent revision or reaffirmation of the complete standard.

Records concerning withdrawals of all American National Standards shall be retained for at least five years from the date of withdrawal or for a duration consistent with the ANSI audit schedule.

CPLSO will comply with the current edition of ANSI Essential Requirements Policy, Section 4.2.1.3.3 for discontinuance of a standards project.

## Annex F – Patent Policy

CPLSO shall comply with the ANSI Patent Policy contained in the most current edition of the ANSI ER.

## Annex G – Antitrust, Commercial Terms and Conditions

CPLSO shall comply with the ANSI Antitrust Policy contained in the most current edition of the ANSI ER.

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.

Provisions involving business relations between buyer and seller such as guarantees, warranties, and other commercial terms and conditions shall not be included in an American National Standard. The appearance that a standard endorses any particular products, services or companies must be avoided. Therefore, it generally is not acceptable to include manufacturer lists, service provider lists, or similar material in the text of a standard or in an annex (or the equivalent).

Where a sole source exists for essential equipment, materials or services necessary to comply with or to determine compliance with the standard, it is permissible to supply the name and address of the source in a footnote or informative annex as long as the words “or the equivalent” are added to the reference. In connection with standards that relate to the determination of whether products or services conform to one or more standards, the process or criteria for determining conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns and does not include what would otherwise be a commercial term.