



BHMA ANSI/BHMA A156 Series Standards are developed following the accredited procedures below. Stakeholders and other interested parties are welcome to provide their comments for consideration. BHMA Standards are updated at least every five years, and the project initiation and public review period are announced in ANSI Standards Action as required by the ANSI Essential Requirements. Please contact BHMA@kellencompany.com if you have comments or would like to participate in canvass ballots of proposed revisions. Thank you.

May 2009

1. INTRODUCTION

This document constitutes BHMA's accredited procedures for developing evidence of consensus for the approval, reaffirmation, revision, or withdrawal of American National Standards. These procedures meet the requirements found in the *ANSI* Essential Requirements.

2 DEVELOPMENT OF CANVASS LIST

2.1 BHMA shall develop a list of potential canvasees consisting of those organizations, companies, government agencies, standards developers, individuals, etc., known to be, or who have indicated that they are, directly and materially affected by the standard. BHMA shall meet the Essential Requirements paragraph 1.2 regarding lack of dominance. No individual shall represent more than one canvasee.

The interest categories include groups with interest in standards related to architectural hardware broken down as follows:

User: Organization (company, association, government agency, individual) that uses the products associated with the standard.

Government: Government agency or department that has an interest in the use of the products associated with the standard. Please note that a government agency or department that *uses* the products associated with the standard should select the:

User category.

General Interest: Organization that has an interest in the use of the products associated with the standards, but neither produces nor uses them directly.

Testing Laboratory: Organization that tests the products associated with the standard to established specifications.

Producer: Manufacturer of the products associated with the standard or a trade association or society that represents the interests of such manufacturers.

2.2 In order to determine if potential canvasees are interested in participating, BHMA shall conduct a pre-canvass interest survey, in which they inform the potential canvasees in writing about the use of the canvass procedure for developing evidence of consensus, and, if the potential canvasees are interested in participating, obtains an appropriate interest category classification. BHMA'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 BHMA's letter and shall be so noted in the letter.

Once an interest survey has been completed for a standard, it need not be repeated for subsequent balloting of the document. In addition, BHMA may conduct a single interest survey for a group or category of standards. A canvasee who has indicated a desire to be on BHMA'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 4.2 and 5.

2.3 Notification of standards development and coordination

Notification of standards activity shall be announced in suitable media as appropriate to demonstrate the 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 statement shall be submitted and published as part of the PINS announcement that should include:

- (a) an explanation of the need for the project; and
- (b) identification of the stakeholders (e.g., telecom, consumer, medical, environmental, etc.) likely to be directly impacted by the standard.

Developers are encouraged to consult any relevant international or regional guides that may impact the proposed standard. If the response to sub-section (b) changes substantively as the standard is developed, a revised PINS shall be submitted and published. 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 these procedures.

If a developer receives written comments within 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 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 developer and the commenter and shall be concluded before the developer may submit a draft standard for public review. If the deliberation does not take place within the 90-day period and the 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 developer and commenter (ideally as a joint submission) to the ANSI Board of Standards Review (BSR) for consideration should the developer ultimately submit the related candidate standard to ANSI for approval. 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 an 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 BHMA, and may be concurrent with final balloting. However, any substantive change subsequently made in a proposed American National Standard requires listing of the change in Standards Action.

3 ANNOUNCEMENT OF CANVASS INITIATION

BHMA may request ANSI to announce an Initiation to Canvass on the PINS or BSR-8 form. This announcement shall include a statement that the canvass list is available upon request from the developer, or alternately, a URL address where an electronic version of the canvass list is posted.

4 CONDUCT OF CANVASS

4.1 BHMA may begin to conduct the canvass at any time but canvassees subsequently added to the canvass list shall have the same amount of time to respond as do the other canvassees.

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

- the purpose and intended application of the standard;
- a brief history and explanation of how the standard was developed;

- an explanation of ANSI's function and the use of the canvass procedure in the voluntary consensus standards system;
- a copy of the canvass list, consisting of the name, affiliation, and category of interest of each canvasee;
- a copy of the complete proposed American National Standard or the relevant portion under consideration when the canvasee has previously received the complete standard;
- official letter ballot(s) to all canvasees.

Upon request, BHMA 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 BHMA 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 canvasees not responding. The canvass ballot may be closed at the end of forty-five days, or sooner if all canvasees 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*.

4.3 Approval of a new standard, revision, withdrawal, 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.

4.4 Views and objections resulting from the canvass (4.2 and 4.3) shall be dealt with in accordance with clause 5.

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*.

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 therefor. If resolution is not achieved, the objector shall be informed in writing that an appeals process exists within procedures used by BHMA. In addition, each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved (see definition⁸) must be reported to the Board of Standards Review.

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

Consideration of negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments, is not required. The letter ballot shall state that negative votes must be accompanied by comments related to the proposal and that votes unaccompanied by such comments will be recorded as "negative without comments" without further notice to the voter. If comments not related to the proposal are submitted with a negative vote, the comments shall be documented and considered in the same manner as submittal of a new proposal. If clear instruction is provided on the ballot, and a negative vote unaccompanied by comments related to the proposal is received notwithstanding, the vote may be counted as a "negative without comment" for the purposes of establishing a quorum and reporting to ANSI. However, such votes (i.e., negative vote without comment or negative vote accompanied by comments not related to the proposal) shall not be factored into the numerical requirements for consensus.

Unresolved objections, attempts at resolution, and any substantive change (see Annex A of the Essential Procedures) made in a proposed American National Standard shall be reported to the consensus body in order to afford all

members an opportunity to respond, reaffirm, or change their vote within four weeks. Substantive changes made in a proposed American National Standard shall be listed in *Standards Action*.

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. Please see the ANSI Essential Requirements Section I, Criteria for approval of an American National Standard.

7 WITHDRAWAL

Withdrawal of an ANSI/BHMA Standard, may proceed without a vote of the relevant consensus body, by notifying ANSI who will announce the withdrawal in *Standards Action*.

8 DISCONTINUANCE OF A STANDARDS PROJECT

BHMA may abandon the processing of a proposed new or revised American National Standard or portion thereof if it has followed its accredited procedures. A written justification for such an action shall be made available upon receipt of any written request received by the accredited standards developer within 60 days of the date of the final action. Appeals of such actions shall be made to the Executive Standards Council based on procedural noncompliance.

RELATED POLICIES OF BHMA

A. Interpretation Policy

No company member of BHMA, or any individual representative of such member, shall have the authority to issue an interpretation of a BHMA standard in the name of BHMA, and no company member or any individual representative of such member, shall represent to any person that he has the approval of BHMA to issue such an interpretation.

BHMA will, in appropriate cases, render interpretations. These may be formal or informal. Formal interpretations shall be given in writing and the request for them shall also be in writing. Informal interpretations shall be given orally, and may be requested orally or in writing.

Requests for interpretations shall be made to the BHMA Product Standards Coordinator. If, in his judgment, a formal interpretation is required, he shall promptly draft a response and circulate it among all BHMA members who manufacture the product or participated in writing the Standard to which the interpretation relates. If a 75% approval in accordance with 2) of these procedures is not obtained, the BHMA Coordinator shall decline to issue the interpretation. If such approval is obtained, he shall issue the interpretations and send copies to all affected BHMA members and all known government bodies and organizations that have adopted the interpreted Standard.

Complete records of matters pertaining to formal interpretations shall be maintained by BHMA in accordance with the records policy.

Rendering of formal interpretations shall in no way be used to supplant the normal BHMA standard development activities.

B. Appeals Policy and Mechanism

- a) Upon receipt of a request for a formal appeal, the Executive Committee of BHMA shall establish an appeal board whose purpose shall be to adjudicate the dispute. The appeal board shall be composed of at least five individuals, each of whom shall recognize the importance of according a fair and complete hearing and shall, in the opinion of the Executive Committee, possess the expertise required to participate meaningfully. To the extent practicable, the individuals selected to serve on the appeal board shall not have commercial interests implicated in the issues being appealed and each panel member shall certify that he or she is able to adjudicate impartially.
- b) The appeal board shall accept and consider all written materials submitted by any interested party, and an opportunity for oral argument shall be provided upon request. The appealing party shall submit written materials in support of its position, including a proposal for resolving the dispute, within twenty (20) days after serving the request for appeal. Responsive materials from any interested party shall be submitted within twenty (20) days thereafter. Any additional materials relevant to the appeal will be accepted only in

the discretion of the appeal board. Oral argument, if requested, shall occur within thirty (30) days of receipt of all written materials relating to the appeal.

- c) The burden of persuasion in the appeal shall rest with the party initiating the appeal. The decision of the appeal board shall be in writing, with a copy sent to all interested parties, and must be subscribed to by at least a majority of its members. If the appeal board rules in favor of the appealing party, the BHMA proposed American National standard at issue shall be returned to the appropriate BHMA section for revisions consistent with the appeal board's decision. Thereafter, the standard, as revised, shall within sixty (60) days be voted upon as provided in Section 2 of these procedures. In the event that the consensus required by Section 2 is not achieved, the standard will be withdrawn from consideration.
- d) It is the express policy of BHMA to encourage the satisfactory resolution of disputes pursuant to these procedures.

C. Metric Policy

BHMA shall use the U.S. system of weights and measures with a soft conversion to approximate SI units shown in parenthesis.

D. ANSI Patent Policy - Inclusion of Patents in American National Standards

There is no objection in principle to drafting a proposed American National Standard in terms that include the use of a patented item, if it is considered that technical reasons justify this approach.

If the Institute receives a notice that a proposed American National Standard may require the use of a patented invention, the procedures in this clause shall be followed.

Prior to approval of such a proposed American National Standard, the Institute shall receive from the patent holder or a party authorized to make assurances on its behalf, in written or electronic form, either: assurance in the form of a general disclaimer to the effect that such party does not hold and does not currently intend holding any invention the use of which would be required for compliance with the proposed American National Standard or assurance that: a license will be made available without compensation to the applicants desiring to utilize the license for the purpose of implementing the standard; or

a license will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

A record of the patent holder's statement shall be placed and retained in the files of the Institute.

When the Institute receives from a patent holder the assurance set forth in a) or b) above, the standard shall include a note 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 this claim or of any patent rights in connection therewith. The patent holder has, however, 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. Details may be obtained from BHMA.

The Institute shall not be responsible for identifying all patents for which a license may be required by an American National Standard or for conducting inquiries into the legal validity or scope of those patents that are brought to its attention.

E. Commercial terms and conditions

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.

F. Records

Records concerning new, revised or reaffirmed American National Standards shall be retained for five years or one complete standards cycle, whichever is longer. Records concerning withdrawn American National Standards shall be maintained for five years from the date of withdrawal.