



ICC CONSENSUS PROCEDURES

ANSI Approved February 2010

1. Due Process

The International Code Council (ICC) adheres to the consensus procedures of the American National Standards Institute (ANSI) as set forth in ANSI Essential Requirements: Due process requirements for American National Standards, latest edition, hereafter referred to as “ANSI Essential Requirements.”

2. Appeals

ICC adheres to the ANSI appeals criteria set forth in ANSI Essential Requirements, latest edition. All procedural matters in these Procedures and ICC Council Policy 7 – Committees and Members are appealable to the ICC Board of Directors.

3. ICC Consensus Committees

ICC Consensus Committees shall be informed of these ICC Consensus Procedures and shall comply with ICC Council Policy 7 – Committees and Members. Where there are conflicting or overlapping requirements between ICC Council Policy 7 and the ICC Consensus Procedures, the requirements within the ICC Consensus Procedures shall apply to ICC standards development committees. Each such committee shall develop additional procedures, with approval of the ICC Board of Directors, as needed to perform its assigned mission.

Procedures for ICC Consensus Committees

1 General

These procedures are designed to meet the requirements for due process and development of consensus for approval of standards developed under the ICC Consensus Procedures and for approval as an American National Standard in accordance with the ANSI Essential Requirements.

2 Organization of the Committee

The Committee shall consist of its members and secretariat. It shall have a title, scope, and an interest classification system for its members. The membership shall be sufficiently diverse to ensure reasonable balance without dominance by a single interest category. No single interest category should constitute more than 1/3 of the membership of any committee dealing with safety-related standards.

3 Responsibilities

3.1 ICC Board Responsibility. The ICC Board shall:

- a) Approve initiation of a standard project;
- b) Adopt committee procedures and revisions thereof;
- c) Approve termination of the committee.
- d) Approve withdrawal of an existing standard.
- e) Approve discontinuance of standard projects

3.2 ICC Standards Council Responsibility. The ICC Standards Council shall:

- a) Appoint new committee members and assign their interest categories;
- b) Consider and act on conflicts with other American National Standards to comply with the ANSI Essential Requirements, including deliberations required based on comments received related to a PINS announcement in accordance with Section 2.5 of the ANSI Essential Requirements.

3.3 Committee Membership. The committee members shall be responsible for:

- a) Developing proposed American National Standards within the scope of the committee;
- b) Voting on approval of proposed American National Standards within its scope;
- c) Considering and acting on identified views and objections;
- d) Maintaining the standards developed by the committee;
- e) Complying with committee policy and procedures for interpretations of the standard(s) developed by the committee;
- f) Responding to requests for interpretations of the standard(s) developed by the committee;
- g) Complying with committee procedures and revisions thereof;
- h) Other matters requiring committee action as provided in these procedures.

3.4 ICC Secretariat. The secretariat shall:

- a) Organize the committee;
- b) Apply for committee accreditation by ANSI and maintain accreditation in accordance with the ANSI Essential Requirements, including submission of the committee roster;

- c) Oversee the committee's compliance with these procedures;
- d) Maintain a roster of the committee and a list of standards for which the committee is responsible;
- e) Provide a committee secretary to perform administrative work, including secretarial services; meeting notices and arrangements; preparation and distribution of meeting agendas, minutes, ballots, and draft standards, and maintenance of adequate records;
- f) Submit candidate standards approved by the committee, with supporting documentation, for ANSI review and approval as American National Standards;
- g) Perform other administrative functions as required by these procedures;
- h) Publish its standards, revisions and supplements.

4 Officers

There shall be a chair and a vice-chair appointed from the individual members of the committee, subject to approval by a majority vote of the committee. Each will serve until a successor is selected and ready to serve. The vice-chair shall carry out the chair's duties if the chair is temporarily unable to do so. The Secretary shall be appointed by ICC.

5 Membership

The committee shall consist of members having a direct and material interest in the activities of the committee. The addition or termination of members shall be subject to approval of the ICC Standards Council.

5.1 Nominations. Nominations for membership shall be addressed to the ICC secretariat, shall indicate the applicant's direct and material interest in the committee's work and shall show the applicant's qualifications and willingness to participate actively.

5.2 Recommendation. In recommending appropriate action to the ICC Standards Council on nominations for membership, the ICC secretariat shall consider the:

- a) Need for active participation by each interest;
- b) Potential for dominance by a single interest category;
- c) Extent of interest expressed by the applicant and the applicant's willingness to participate actively;
- d) Qualifications of the applicant.

The ICC secretariat may consider reasonable limits on committee size.

5.3 Review of Membership. The ICC secretariat shall review the membership list annually with respect to the criteria of this Section 5. Members are expected to fulfill obligations of active participation. Where a member is found in habitual default of these obligations, the ICC secretariat shall direct the matter to the ICC Standards Council for appropriate action, which may include termination of membership.

5.4 Interest Categories. All appropriate interests that might be directly and materially affected by the standards activity of the committee shall have the opportunity for fair and equitable participation without dominance by any single interest.

The interest categories shall be established or revised by the ICC Board of Directors upon recommendation by the ICC secretariat.

Interest categories are listed in ICC Council Policy 7 – Committees and Members.

5.5 Membership Roster. The ICC secretariat shall maintain a current and accurate committee roster and shall distribute it to the members at least annually and otherwise on request. The roster shall include the following:

- a) Title of the committee and its designation;
- b) Scope of the committee;
- c) Secretariat: name of organization, name of secretary, and address(es);

- d) Officers: chair and vice-chair;
- e) Members name, address, and business affiliation of member(s);
- f) Classification of each member;
- g) Tally of classifications; total of voting members and subtotals for each interest category;
- h) For each subgroup: title, chair, and names and addresses of all members.

6 Subgroups Created by the Committee

When one or more subgroups (subcommittees, working groups, technical subcommittees, writing groups, etc.) are formed to expedite the work of the committee, their formation (and later disbandment) requires approval by a majority vote of the committee and appropriate public notice. The scope and duties delegated to the subgroup shall be approved at the time it is formed, and subsequent changes in scope or duties shall also require approval. The charge to the subgroup shall clearly state whether:

- a) The subgroup is responsible for the definitive content of one or more standards and for responding to views and objections thereon. Such subgroups shall comply with these procedures.
- b) The subgroup is responsible for assisting the committee (e.g. draft all or a portion of a standard, drafting responses to comments, draft positions on international standards, or other purely advisory functions).

6.1 Approval of Standards. Draft standards and any substantive change in the content of a standard proposed by a subgroup shall be referred to the committee for approval.

7 Meetings

Committee meetings shall be held to conduct business, such as making assignments, receiving reports of work, considering draft standards, resolving differences among subgroups, and considering views and objections from any source.

7.1 Open Meetings. Meetings of the committee shall be open to all members and others having a direct and material interest. At least four weeks notice of regularly scheduled meetings shall be given by the secretariat in ANSI's *Standards Action*; or in other media designed to reach directly and materially affected interests; or in both. The notice shall describe the purpose of the meeting and shall identify a readily available source for further information. An agenda shall be available and shall be distributed in advance of the meeting to members and to others expressing interest. The secretariat may optionally maintain a permanent mailing list of other interests.

7.2 Quorum. A majority of the members of the committee shall constitute a quorum for conducting business at a meeting. If a quorum is not present, actions may be taken subject to confirmation by letter ballot.

8 Voting

8.1 Vote. Each member shall vote one of the following positions:

- a) Affirmative;
- b) Affirmative, with comment;
- c) Negative, with reasons (the reasons for a negative vote shall be given and if possible should include specific wording or actions that would resolve the objection);
- d) Abstain, with reasons.

8.2 Voting Period. The voting period for letter ballots shall end four weeks from the date of issue or as soon as all ballots are returned, whichever comes earlier. An extension may be granted at the chair's option, when warranted.

A follow-up letter requesting immediate return of the ballot shall be sent, as appropriate, to members and alternate members whose votes have not been received within ten working days before the ballot closes.

8.3 Actions Requiring Approval by a Majority. The following actions require approval by a majority of the membership of the committee either at a meeting or by letter ballot:

- a) Confirmation of officers;
- b) Formation of a subgroup, including its procedures, scope, and duties;
- c) Disbandment of subgroups;
- d) Addition of new committee members and designation of their interest categories;

The following actions, by committee vote at a meeting, require approval by a majority of the members present:

- a) Approval of minutes;
- b) Authorization of a letter ballot.

8.4 Actions Requiring Approval by Two-Thirds of Those Voting. The following actions require a letter ballot or an equivalent formal recorded vote with approval by at least a majority of the membership and at least two-thirds of those voting, excluding abstentions. All members of the committee shall be given the opportunity to vote on the standards related actions described in items a and b below. When votes for items a and b are recorded at a committee meeting, those members who are absent shall be given the opportunity to vote before or after the meeting:

- a) Approval of a new standard or reaffirmation of an existing one;
- b) Approval of revision or addendum to part or all of a standard;
- c) Approval of change of committee scope;

8.5 Authorization of Letter Ballots. A letter ballot may be authorized by any of the following:

- a) Majority vote of those present at a committee meeting;
- b) The chair;
- c) The executive committee (if one exists);
- d) The secretariat;
- e) Petition of five or more members of the committee.

8.6 Other Review. Proposals for new American National Standards or reaffirmation, revision, or withdrawal of existing American National Standards shall be transmitted to ANSI for listing in *Standards Action* for comment.

Views and objections resulting from the above shall be dealt with in accordance with 8.7. Any substantive change made in the proposed American National Standard shall be relisted in accordance with this section and ANSI Procedures.

8.7 Disposition of Views and Objections. When the balloting has been closed, the ICC Secretariat shall forward the ballot tally to the chair of the committee or, if appropriate, of the subgroup; the chair shall determine whether the expressed views and objections shall be considered by correspondence or at a meeting.

Prompt consideration shall be given to the expressed views and objections of all participants, including those commenting on the listing in *Standards Action*. An effort to resolve all expressed objections shall be made, and each objector shall be advised in writing of the disposition of the objection and the reasons therefor. If resolution is not achieved, each objector shall be informed in writing that an appeals process is available in accordance with these procedures.

Substantive changes required to resolve objections, and unresolved objections, shall be reported to the committee members, in writing, in order to afford all members an opportunity to respond to them or to reaffirm or change their votes within four weeks. Membership intending to change their vote shall notify the ICC Secretariat in writing of their intention.

Comments received within the specified comment period that are not related to the proposal being considered shall be retained and considered as new proposals during the next development cycle. The submitter of the comment shall be so notified.

When the above process is completed, comments received subsequent to the closing of the public review and comment period may be considered, or they shall be considered at the next review.

8.8 Report of Final Result. The final result of the voting shall be reported to the committee.

9 Submittal of Standard

Upon completion of the procedures for voting, disposition of views and objections, and appeals, the proposed standard shall be submitted to ANSI by the ICC secretariat. The timeliness of this submittal shall be in accordance with the ANSI Essential Requirements. If the ICC secretariat does not submit the proposal to ANSI within a reasonable period of time, any members(s) of the committee may make the submittal.

9.1 Information Submitted. The ICC Secretariat shall submit to ANSI all the necessary evidence of compliance with ANSI's criteria of approval of an American National Standard in accordance with Section 4.2.1.1 the ANSI Essential Requirements.

10 Termination of Committee

A proposal to terminate a committee may be made by a directly and materially affected interest. The proposal shall be submitted in writing to the ICC Board of Directors, and the ICC secretariat and shall include at least the following:

- a) Reasons why the committee should be terminated;
- b) The name(s) of the organization(s) that will assume responsibility for maintenance of any existing American National Standard(s) that are the responsibility of the Committee.

11 Withdrawal of Standard

When approved by the ICC Board of Directors, the secretariat shall notify ANSI with the request to withdraw the standard. Procedures for the withdrawal shall comply with Section 4.2.1.3.2 of the ANSI Essential Requirements.

12 Discontinuance of Standard Projects

When approved by the ICC Board of Directors, the secretariat shall notify ANSI that the standard project is being abandoned. Procedures for discontinuance of standards projects shall be in accordance with Section 4.2.1.3.3 of the ANSI Essential Requirements.

13 Interpretation of Standards

Written inquiries requesting an official interpretation of the committee's approved American National Standards shall be processed in accordance with the policy and procedures of the committee contained in the appendix. Revisions to the standard resulting from requests for interpretations shall be processed in accordance with these procedures.

14 Appeals

Persons who have directly and materially affected interests and who have been or will be adversely affected by a standard within the committee's jurisdiction, or by the lack thereof, shall have the right to appeal substantive or procedural actions or inactions of the committee or the ICC secretariat. Procedural actions include affording due process to technical issues. ICC shall notify outstanding objectors in writing that an appeals process exists within these procedures.

14.1 Complaint. The appellant shall file a written complaint with the ICC secretariat within thirty 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 section(s) of these procedures or the standard that are at issue, actions or inactions that are at issue, and the specific action(s) that would satisfy the appellant's concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

14.2 Response. Within thirty days after receipt of the complaint, the respondent (chair or ICC secretariat representative) shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

14.3 Hearing. If the appellant and the respondent are unable to resolve the written complaint informally in a manner consistent with these procedures, the ICC secretariat shall schedule a hearing with an appeals panel

on a date agreeable to all participants, giving at least ten working days notice.

14.4 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. Where the parties to the appeal cannot agree on an appeals panel within a reasonable amount of time, the matter may be referred to the ICC Standards Council or its designee, which shall appoint members of the appeals panel.

14.5 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 committee and the ICC 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.

14.6 Decision. The appeals panel shall render its decision in writing within thirty days, stating findings of fact and conclusions, with reasons therefor, based on a preponderance of the evidence.

Consideration may be given to the following positions, among others, in formulating the decision:

- a) Finding for the appellant, remanding the action to the committee or the ICC secretariat with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
- b) 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;
- c) Finding that new, substantive evidence has been introduced, and remanding the entire action to the committee or the ICC secretariat for appropriate reconsideration.

14.7 Further Appeal. The appellant shall have the right to further appeal to the ICC Board of Directors. If the appellant gives notice that further appeal is intended, a full record of the complaint, response, hearing, and decision shall be submitted by the ICC secretariat to the body that will hear the appeal.

14.7.1 Appeals at ANSI. The appellant shall have the right to further appeal to ANSI in accordance with the ANSI Essential Requirements.

15 Parliamentary Procedures

On questions of parliamentary procedure not covered in these procedures, *Robert's Rules of Order* (latest edition) may be used to expedite due process.

16 Periodic Review of Standards

Each American National Standard shall be periodically reviewed and reaffirmed, revised, or withdrawn in accordance with the procedures set forth in the *ANSI Essential Requirements*.

Interpretation Policy And Procedures

1. Purpose. The purpose of the committee's activity is to provide official comments on the meaning and intent of the provisions of the American National Standard for which the committee is responsible. It shall be the responsibility of the committee to review and ballot on preliminary committee interpretations in accordance with the procedures indicated herein. A preliminary committee interpretation approved by the committee will be issued by the secretariat as a committee interpretation.

2. Committee Interpretations.

2.1 Purpose. A committee interpretation is intended to interpret the literal text of the standard and/or to interpret the intent of the text based upon the development of the standard. Committee Interpretations are intended to represent the official position of the committee. Any other statement either written or oral shall not be considered, referred to, or relied upon as a committee Interpretation.

2.2 Intent. The intent of the committee interpretation process is to clarify issues which do not appear to be addressed directly by the standard and are hence interpretive in nature. A request for committee interpretation will not be processed if such a request involves:

1. A determination of compliance of a specific product, design or installation,
2. A determination of compliance of an equivalency of protection,
3. A review of a project's plans or specifications,
4. A judgment or knowledge that is not readily available in the inquiry or which can only be acquired as a result of an on-site inspection,
5. Text that clearly provides the requested information, or
6. An issue which cannot be clearly and concisely phrased in the question asked.

3. Processing.

3.1 Requests. A request for a committee interpretation may be submitted by any person and shall be submitted in writing to the Secretariat.

3.2 Evaluation. Each request received will be reviewed by a three-person panel, appointed by the chairman for conformance to 2.2. Any request not conforming with Section 2.2 will be returned to the inquirer with an explanation.

3.3 Preliminary Interpretation. The Secretariat processes each request, providing answers and reasons for the answers to the interpretation questions, and distributes the request to each ICC committee member for deliberation and ballot.

3.3 Ballot Return: Committee members must vote approval or disapproval and return the ballot within 20 calendar days from time of receipt. A disapproval vote of the interpretation must be accompanied by the reason for disapproval.

4.0 Committee Voting

4.1 First Ballot: A unanimous approval vote by the committee is required for the interpretation to be approved on the first ballot. If one or more committee member votes for disapproval on the first ballot, the interpretation request is returned to the committee for re-ballot with the reasons as given by the members voting for disapproval.

4.2 Second Ballot: Sixty Seven percent (67%) approval votes are required on the second ballot for acceptance. If there are less than sixty seven percent (67%) approval votes, the interpretation request shall be considered unresolved pending action in 4.3.

4.3 Unresolved Interpretations: Unresolved requests for interpretations shall be rewritten by the Secretariat, after due consideration of negative comments, and resubmitted for voting in accordance with 4.1 and 4.2. Should this revoting fail to gain the necessary sixty seven percent (67%) positive votes, the Secretariat shall notify the requesting party in writing, citing the negative comments as reason for failure to

reach a committee consensus, and a committee interpretation shall not be issued.

5.0 Distribution

5.1 Interpretation Distribution: Committee interpretations shall be distributed in writing to the requestor and ANSI and shall be made publicly available by ICC.

6.0 Records. Complete records of matters pertaining to committee interpretations shall be maintained by the Secretariat for a period of one complete cycle or until the standard is revised.

Record Retention Policy

Records shall be prepared and maintained to provide evidence of compliance with this policy. Records concerning new, revised, or reaffirmed American National Standards shall be retained for one complete standards cycle, or until the standard is revised. Records concerning withdrawn standards shall be retained for five years from the date of withdrawal of the standard.

Metric Policy

The primary units of measurements for dimensions and units of force in ICC standards shall be Inch-Pound (I-P) units. Requirements shall be stated in I-P units, followed in parentheses by equivalent units of the International System of Units (SI).

ICC Patent Policy

ICC's Patent Policy shall be in accordance with the ANSI Patent Policy, as contained in the ANSI Essential Requirements.

ICC Commercial Terms and Conditions Policy

ICC's Commercial Terms and Conditions Policy shall be in accordance with the requirements contained in Section 3.2 of the ANSI Essential Requirements.