

## TECHNICAL BOARD RULES

### PART TB-1. TECHNICAL BOARD OBJECTIVES

The objective of the Technical Board is to give force and effect to the purpose of the American Boat & Yacht Council by engaging in scientific and educational activities to improve the design, construction, equipping, maintenance and repair of boats, yachts, and small water craft by formulating standards and technical information reports with reference to recreational boating safety. It is further the objective of the Technical Board to develop information concerning such practices and technical documents for circulation to industry, governments, educational institutions, boating organizations, and the interested public.

### PART TB-2. ORGANIZATION AND AUTHORITY (ARTICLE VI - ABYC BY-LAWS)

TB-2.1 The Technical Board shall be appointed according to article VI of the ABYC By-Laws." *The Technical Chair of the Board shall be Chair of the Technical Board.*"

(Excerpted from the ABYC By-Laws)

#### ARTICLE VI: THE TECHNICAL BOARD

- 6.1 **THE TECHNICAL BOARD.** *The Technical Board shall be responsible for carrying out the purposes of the Council concerned with the review, development and promulgation of ABYC standards and technical information reports for small craft, and the review of ISO standards. The Technical Board shall consist of twenty-four (24) Members appointed by the Board of Directors, and so selected as to provide representation of the following interests, none of which shall be represented by more than one third (1/3) of the total members of the Technical Board: a. Manufacturers b. Government; c. Insurance/Surveyors; d. Consumers; and e. Specialists. The Technical Board shall report directly to the Board of Directors.*
- 6.2 **APPOINTMENT OF THE TECHNICAL BOARD.** *The term of office of each member of the Technical Board shall be four (4) years, and the terms shall be staggered so that one-fourth (1/4) of all terms expire each year. Before the first meeting of the Technical Board in each year, the Board shall appoint Members to fill the positions of those whose terms have expired as well as vacancies that have occurred. The term of office of each member of the Technical Board shall commence as of the close of the annual meeting of the Board and shall continue for four (4) years from that date, or until a successor shall have been appointed, except that the term of an appointee to a vacancy on the Technical Board shall not exceed the term of the vacancy thus filled. The Board may fill vacancies on the Technical Board at any regular or special meeting. The Chair of the Technical Board shall serve as chairperson of the Technical Board.*
- 6.3 **POWERS OF THE TECHNICAL BOARD.** *The Technical Board is authorized to: appoint technical committees; appoint standing or special committees to administer its responsibilities; appoint representatives for service on technical committees of other organizations; establish and revise rules governing its procedures and operations; and approve voluntary standards and technical information reports in accordance with prescribed review procedures.*

**PART TB-3. DEFINITIONS OF CATEGORIES**

Category	Definition
Manufacturer – Boats	Individuals whose primary business is building boats.
Manufacturer - Engines	Individuals whose primary business is building engines and propulsion systems.
Manufacturer - Accessory	Individuals whose primary business is building accessories for boats eg. Accessory and equipment manufacturers, and raw material suppliers
Insurance / Survey	Individuals trained as surveyors and/or individuals whose primary employer is an insurance company.
Specialist Service	Individuals who are boat repair technicians, boat dealers, or other positions at a boat yard or service industry.
Specialist Misc.	Individuals employed as Lawyers, specialists and consultants, writers, naval architects and individuals who are employed by testing labs.
Government	Individuals representing the US Coast Guard, state boating law officials, and other government representatives.
Consumer	Individuals who are boaters or members of boat owner associations.
Trade Associations	Individuals representing manufacturing associations eg NMMA staff, NMEA staff, etc.
General Interest	Individuals who are materially affected but are not related to any other categories.

**PART TB-4. GLOSSARY**

ABYC - American Boat and Yacht Council

ANS - American National Standard

ANSI - American National Standard Institute

BSR - Board of Standards Review

PINS - Project Initiation Notification System

USCG - United States Coast Guard

Stabilized - document that covers technology, products, or processes which are mature and not likely to change in the foreseeable future.

## **PART TB-5.1 GENERAL**

TB-5.1. The chair of the Technical Board shall serve as an ex-officio member of all technical committees.

TB-5.2. At each Technical Board meeting the Technical Board shall review the voting record and attendance of its members. The Technical Board Chair shall consider recommending to the Board of Directors the removal of any Technical Board member who has failed to return two or more consecutive ballots or has not attended two or more meetings.

TB-5.3. Members of the Technical Board and members of committees under it shall function independently as individuals and not as agents or representatives of organizations with which they are or may be associated, or employed by, unless a committee member designates himself as such agent or representative.

TB-5.4. The Technical Board shall appoint the Technical Division Directors.

TB-5.5. The Chair of the Technical Board in consultation with the President and the Technical Director of the Council may remove any member of the Technical Board whose conduct does not abide by the Technical Board Rules or whose behavior is deemed unethical or disruptive to the conduct of ABYC business.

TB-5.6. The Technical Board shall determine the projects to be undertaken and approve their general scope.

TB-5.7. The American National Standards Institute (ANSI) shall be notified whenever an American National Standard is to be initiated, changed, reaffirmed or withdrawn.

TB-5.8. The Technical Board shall approve and, in the name of the Council, shall authorize the publication of all technical documents, including such standards and technical information reports that result from the work of its committees or the committees of other organizations in which the Council is participating.

TB-5.9. The Technical Board shall consider requests to conduct a review sooner than five years of any standard or technical information report that is published and direct the appropriate Project Technical Committee to take action as required.

## **PART TB-6. TECHNICAL BOARD COMMITTEES**

TB-6.1. *Executive Committee* - The Chair, with the approval of the Technical Board, may appoint an executive committee from the membership of the Technical Board to serve for one year or until its successor shall have been appointed. The Chair of the Technical Board shall serve as Chair of the executive committee.

TB-6.1.1. The executive committee, if appointed, shall be the executive and administrative agent of the Technical Board. On matters requiring prompt dispositions that arise between meetings of the Technical Board, the committee shall exercise all powers of the Technical Board, except that of approving the publication of technical documents. The executive committee shall promptly notify the Technical Board of all its actions. Actions of the executive committee shall be subject to review and approval of the Technical Board.

TB-6.2. *Membership Committee* – The Chair, with the approval of the Technical Board, shall appoint from the membership of the Technical Board a membership committee to serve for one year or until its successor shall have been appointed. The Chair of the Technical Board shall appoint a Technical Board member to serve as the Chair of the membership committee.

TB-6.2.1. The membership committee shall be the executive and administrative agent of the Technical Board involving Project Technical Committee membership. This committee will serve to review, approve or deny applications to any Project Technical Committee based on qualifications and background of the applicant as well as the balance of the Project Technical Committee under consideration. The membership committee shall elect the positions of Chair and Vice Chair as nominated by the Project Technical Committee.

TB-6.2.2. The membership committee will also be responsible for reviewing issues relating to violations of the ABYC ethics statement regarding Project Technical Committee participation.

TB-6.2.3. The membership committee will meet quarterly or as needed, based on the applications in the process. The committee will preferably meet via conference call or e-mail. The chair of the committee will report to the Technical Board at the regularly scheduled meetings to update on the membership activities.

## **PART TB-7. SECRETARY OF THE TECHNICAL BOARD**

TB-7.1. The President of the Council or the Technical Director of the Council may be designated Secretary of the Technical Board and in default of designation the Technical Director shall be the secretary.

TB-7.2. The Secretary shall be responsible for the performance of such staff functions as the Technical Board or its executive committee may direct. The secretary shall provide for the recording and distribution of the minutes of meetings of the Technical Board, its committees and sub-committees, subject to the financial limitations imposed by the budget.

TB-7.3. Unless the Technical Board specifically directs otherwise, the Secretary shall have the authority to release information and publicity with respect to work of the Technical Board and its committees.

TB-7.4. The Secretary, within such limitations established by the Board of Directors, may approve reimbursement by the Council of reasonable travel expenses of anyone whose services are necessary to the activities of a committee or sub-committee who requests such reimbursement, subject to the financial limitations imposed by the budget.

## **PART TB-8. TECHNICAL DIVISIONS**

TB-8.1. The Technical Board shall establish technical divisions and shall appoint a Technical Division Director for each division who shall be a member of the Technical Board. Technical Division Directors shall be appointed for the duration of their current term on the Technical Board. All projects or investigations accepted by the Technical Board shall be referred to the appropriate Technical Division Director.

TB-8.2. *Hull Division* - It shall be the function of the Hull Division, by means of its Project Technical Committees, to propose standards, conformity and uniformity standards, and technical information reports including proposed amendments with respect to hull design and construction, including, but not limited to, subjects such as fuel systems, ventilation, bilge pumps, rigging, visibility, capacities, structures and arrangements.

TB-8.3. *Machinery Division* - It shall be the function of the Machinery Division, by means of its Project Technical Committees, to propose standards, conformity and uniformity standards, and technical information reports, including proposed amendments with respect to the design, construction and installation of engines for propulsion or auxiliary purposes, including, but not limited to, subjects such as equipment mounting provisions, shafts and propellers, reduction and reverse gears, exhaust systems, and other items pertinent to the installation or operation of engines and controls.

TB-8.4. *Electrical Division* - It shall be the function of the Electrical Division, by means of its Project Technical Committees, to propose standards, conformity and uniformity standards, and technical information reports, including proposed amendments with respect to the design, installation and connection of electrical systems used on boats, including, but not limited to, subjects such as AC and DC systems and connections, bonding, marking, cathodic protection, battery chargers and inverters, and lightning protection.

TB-8.5. *Equipment Division* - It shall be the function of the Equipment Division, by means of its Project Technical Committees, to propose standards, conformity and uniformity standards, and technical information reports, including proposed amendments with respect to the design, construction and installation of marine equipment, including, but not limited to, subjects such as deck hardware and fittings, navigation lights and sound signal appliances, refrigeration and air conditioning, thermal appliances, gas detectors, and fire fighting equipment.

TB-8.6. *Boat Service Division* - It shall be the function of the Boat Service Division, by means of its Project Technical Committees, to propose standards, conformity and uniformity standards, and technical information reports, including proposed amendments. The areas of interest for the boat service division include, but are not limited to, subjects

such as material handling, shop practices, repair procedures, hazardous and toxic materials, waste pumpout systems, pollution control systems, and boat lifting and storage practices.

TB-8.7. *Product Interface Division* – It shall be the function of the Product Interface Division, by means of a single Project Technical Committee to identify and address hazard mitigation strategies surrounding the human interface with boats and their associated equipment. This committee exists to propose changes to existing standards as reviewed by other Project Technical Committees as well as propose new standards within their area of expertise.

## **PART TB-9. TECHNICAL DIVISION DIRECTORS**

TB-9.1. It shall be the duty of each Technical Division Director to direct and coordinate all projects assigned to his/her division.

TB-9.2. The Project Technical Committee shall nominate to the Membership Committee the Project Technical Committee Chairs and Vice Chairs, who shall be members of the Council and the committee. Project Technical Committee Chairs and Vice Chairs shall serve a term of three years. Project Technical Committee chairs may be reappointed to serve additional terms.

TB-9.3. Vice Chair duties include those of the Chair in his or her absence. The vice chair shall assume the chair duties in the event of a conflict of interest or other event where the chair chooses to temporarily step down to discuss a topic specifically in his or her interest.

TB-9.4. The Technical Division Director shall ensure that all Project Technical Committee reports submitted for review and publication are prepared and documented in accordance with PART TB-13 of these rules.

TB-9.5. The Technical Division Director shall be an ex-officio member of all committees under his/her jurisdiction. Ex-officio members are afforded the same rights as other committee members with the exception of official ballots where they cannot cast a vote or be considered a member of the consensus body.

## **PART TB-10. PROJECT TECHNICAL COMMITTEES (PTC)**

TB-10.1. Membership on Project Technical Committees shall be open to all persons such as individuals and representatives of organizations, companies, and government agencies who are directly and materially affected by the activities of the committee. Members of the Project Technical Committees shall be appointed on the basis of their experience, technical ability, and willingness to contribute to the work of such committees. When a committee member's change of employment will affect the balance of interest of the committee, the committee chair shall request that the committee member reapply for membership to the PTC.

TB-10.2. The PTC chairs shall nominate the committee members from among the members of the Council to the extent possible. The chairs shall supervise the organization of their respective committees. The PTC chairs with the approval of the Membership Committee may elect members to the technical committee.

TB-10.3. Individuals who qualify under TB-10.1 but are not members of the Council may be appointed to PTCs, and, within the committees, they shall have the same privileges as Council members who are committee members, including the right to vote or cast ballots on committee matters.

TB-10.4. Members shall be so selected as to provide representation of the following interests, a. Boat Manufacturers; b. Engine Manufacturers; c. Accessory Manufacturers; d. Insurance/Surveyors; e. Specialists, f. Government, g. Consumers and h. Trade Associations, i. General Interest, as defined in TB-3,

TB-10.4.1. no single interest category constitutes more than one-third of the membership of a consensus body dealing with safety-related standards,

TB-10.4.2. no single interest category constitutes a majority of the membership of a consensus body dealing with other than safety-related standards.

TB-10.4.3. An organization may have only one voting member on the PTC.

TB-10.4.4. If the PTC lacks balance in accordance with TB 10.3, outreach to achieve balance shall be undertaken.

TB-10.5. PTC members in the specialist or consumer category shall disclose any interest they may be representing or any association they may have with anyone materially affected by the committee's decision under consideration.

TB-10.6. If a person or a representative of an organization, such as a company or government agency, requests participation in ABYC PTC work, that person may be appointed if qualified in accordance with PART TB-10. If not qualified, that person may be appointed as a liaison representative without vote, but otherwise with full participation.

TB-10.7. Invitations to serve on the PTC shall call attention of appointees to TB-5.3 of these Technical Board rules. The PTC chair, with the approval of the Membership Committee may remove any PTC member who has missed two consecutive meetings or two consecutive ballots.

TB-10.8. Disciplinary action: Any PTC member whose conduct does not abide by the Technical Board rules or whose behavior is deemed to be unethical or disruptive to the conduct of ABYC business may be removed from the committee. The PTC chair, in consultation with the Division Director, will state the case for dismissal to the chair of the Technical Board, the president and the Technical Director of the Council in writing. The chair of the Technical Board and the Technical Director of the Council shall provide the

member an opportunity to state his/her position in writing. Upon review of the case, the chair of the Technical Board and the Technical Director of the Council may permanently or temporarily suspend the member from the committee.

TB-10.9. It shall be the duty of each PTC to make a thorough study of its assigned project including national and international standards, to develop standards and technical information reports, to propose amendments, and to initiate any other technical document related to its assigned project.

TB-10.10. Project Technical Committees may appoint sub-committees to handle detail phases of their work. Non-members of the PTCs may be appointed to sub-committees. Sub-committees do not need to have balanced representation of interest categories but approval of sub-committee proposals is the responsibility of the committee as a whole.

TB-10.11. If a PTC has reason to believe that a proposed project may involve the Council in a jurisdictional conflict with another organization, the committee shall refer the matter to the Technical Board for review and instruction before undertaking such project.

TB-10.12. Project Technical Committees shall meet as necessary to conduct their work. Meeting notices shall be sent to committee members and other interested persons at least 30 days prior to the meeting date.

## **PART TB-11. PTC MEETING MINUTES**

TB-11.1. The only public record of the PTC meetings is contained in the minutes, prepared by ABYC staff, and distributed to the committee members and those on the mailing list. All discussion, materials, or data are considered proprietary to ABYC. Written consent must be obtained from ABYC staff before the minutes are used outside the scope of committee activity. The minutes reflect the committee's actions on any comments submitted for its consideration, and will reflect the general discussion of other PTC actions based on official motions made at the committee meeting.

## **PART TB-12. COMMITTEE DOCUMENTS**

TB-12.1. Project Technical Committee technical documents shall comply with the currently accepted format. A technical document shall represent the work of the originating technical committee with such corrections made to format, spelling, punctuation, etc.

TB-12.2. Every project, at the time of acceptance by the Technical Board, shall be given an identifying number, which shall be permanently associated with that project, even though the project may be canceled or completed. Projects reassigned from one division to another shall be given a new number with the original number retained for cross-reference purposes.



TB-12.2.1. The following letter prefixes shall be used to identify the originating division:

- A – Equipment
- C - Component
- E - Electrical
- H - Hull
- P - Machinery
- S - Industry conformity standards
- TY – Boat Service
- T – Technical information

**Note:** *Supplemental or technical information reports may be assigned to any division.*

TB-12.2.2. A number following the above prefix shall indicate the order of the project assignment or receipt by the Technical Board.

TB-12.2.3. Projects shall be assigned to divisions having expertise in the subject area indicated by the letter prefix.

TB-12.3. Every technical document approved for publication shall carry the following statement:

*"All technical reports, including standards and technical information reports, are advisory only. Their use is entirely voluntary. They represent, as of the date of publication, the consensus of knowledgeable persons, currently active in the field of small craft, on performance objectives that contribute to small boat safety.*

*The American Boat & Yacht Council assumes no responsibility whatsoever for the use of, or failure to use, standards or technical information reports promulgated by it, their adaptation to any processes of a user, or any consequences flowing therefrom.*

*The American Boat & Yacht Council standards and technical information reports are guides to achieving a specific level of design or performance, and are not intended to preclude attainment of desired results by other means."*

TB-12.4. Metric Policy - The PTC's will use the English standard measurements as hard numbers and offer a metric equivalent unless the committee can show a justification for doing it otherwise.

TB-12.5. In proposing or approving the adoption of standards and technical information reports, the PTCs and the Technical Board shall:

TB-12.5.1. consider the extent to which it will contribute to boating safety by reducing hazards which have been identified in actual accidents or which have a high probability of occurrence;

TB-12.5.2. consider relevant available safety standards, research data, accident statistics, the state of the art and technology;

TB-12.5.3. consider whether any proposed standard or requirement is reasonable and appropriate for the particular size, type, and intended use of a boat or associated equipment for which it is prescribed, and for production on commonly available manufacturing and processing equipment and systems;

TB-12.5.4. consider writing in a manner that allows more than one engineering solution. Whenever possible, a requirement should be stated as a clearly defined minimum performance objective.

## **PART TB-13. PROCESSING OF TECHNICAL COMMITTEE DOCUMENTS**

The PTC, as described in PART TB-11 shall be considered the consensus body.

TB-13.1. Each standard or technical information report shall be reviewed:

TB-13.1.1. three years after initial publication

TB-13.1.2. subsequently on a five year basis, or

TB-13.1.3. at the discretion of the PTC , not to exceed five years, or

TB-13.1.2. Non-ANS documents designated as stabilized, reviewed at the discretion of the PTC.

TB-13.1.3. The review must begin at least one year prior to the intended publication date.

TB-13.2. Each project will complete the stages outlined in PART TB-13, before it is considered suitable for publication as an ABYC standard or technical information report.

TB-13.3. Appropriate ANSI forms will be filed following the procedures outlined in the *ANSI Essential Requirements: Due process requirements for American National Standards*.

TB-13.4. Call for Comments:

TB-13.4.1. To start the review of a published standard or technical information report, the secretary shall issue a call for comments. The “call for comments” period shall be at least 45 days. Instructions requesting the input of the appropriate PTC and the Technical Board shall be sent to each member of the PTC, interested parties of the Technical Board and the mail list associated with the appropriate PTC. The call for comments and technical document availability shall be announced on the ABYC web site and other suitable media (e.g. ANSI Standards Action). Comments shall be encouraged from ABYC members and non-members alike.

TB-13.4.2. The ANSI PINS (Project Initiation Notification System) form will be filed at the time the Call for Comments is initiated.

TB-13.4.3. The committee will only consider comments received during the “call for comments” period and any previously submitted requests for interpretation. All comments received after the closing of the “call for comments” period shall be held and be considered during the next review cycle of the project.

TB-13.4.4. Comments received in response to the filings of the PINS will be addressed in accordance with ANSI Essential Requirements.

TB-13.4.5. Committee members may submit verbal comments on new technical points during the first PTC meeting of the review of a standard.

TB-13.4.6. Each comment submitted during the call for comments period shall be addressed by the PTC in the following manner:

TB-13.4.6.1. accepted (no comment necessary)

TB-13.4.6.2. accepted in principle (no comment necessary)

TB-13.4.6.3. rejected (the rejection must be substantiated)

TB-13.4.7. The technical document will proceed to “consensus ballot” (TB-13.5) and “public review” (TB-13.6) only when agreed upon by a simple majority after all comments have been considered.

TB-13.5. Consensus Ballot & Public Review:

TB-13.5.1. The consensus ballot period may run concurrently with the public review stage.

TB-13.5.2. The ANSI BSR-8 form will be submitted at the time the consensus ballot and public review are initiated.

TB-13.5.3. All members of the PTC shall be given the opportunity to vote on the project under consideration. A PTC member eligible to vote shall be anyone who is a member of record of the PTC as of the date of the mailing of the ballot. Votes may be received via mail, fax, or electronic means. Voting may also take place at the PTC meeting. Any PTC member not in attendance at such meeting will be given the opportunity to submit their vote via mail, fax, or electronic means either before or after the meeting. A PTC member may designate an alternate to take his place at the PTC meeting. The designated alternate may not be an existing member of the committee, but shall have the right to act on the member’s behalf. He shall have the right to vote on the member’s behalf at the meeting only. Comments received from the alternate during the PTC meeting will be considered as from the PTC member. The PTC meeting minutes shall indicate the alternate as attending and acting on behalf of the PTC member.

TB-13.5.4. The document under consideration shall be made available to the mail list of the PTC as a Public Review Draft for comments.

TB-13.5.5. The final review period for the consensus ballot/public review stage shall last a minimum of 45 days. Follow-up notices will be issued to PTC members who have not returned a ballot within 10 days of the close of the ballot period.

TB-13.5.6. Eligible consensus ballot votes must be cast in the following manner:

TB-13.5.6.1. Affirmative

TB-13.5.6.2. Affirmative, with comment

TB-13.5.6.3. Negative, with substantiation (the reasoning for a negative vote shall be given and should include wording or actions that would resolve the objection)

TB-13.5.6.4. Abstain

TB-13.5.7. Comments with the exception of editorial comments, must be related only to those technical items under consideration as a result of the call for comments process outlined in section TB-13.4. Other comments received will be held for the next review cycle, unless a simple majority of the committee deems otherwise. The submitter of such comment(s) will be advised in writing of the treatment of their comment(s).

TB-13.5.8. Negative votes without comments or with un-related comments will be considered as “negative without comments” and recorded as such and reported on the BR-9 form. The comments will be held for consideration at the next review cycle, unless a simple majority of the committee agrees to consider them for the current review cycle.

TB-13.5.9. Response from 3/5 majority of the committee members is required to have a valid ballot. To pass a ballot, 3/5 of the committee members who have voted must have voted Approve. Abstentions are not counted as a vote but do count towards the required 3/5 response.

TB-13.5.10. Each comment submitted during the consensus ballot and public review period shall be addressed by the PTC in the following manner:

TB-13.5.10.1. accepted (no comment necessary)

TB-13.5.10.2. accepted in principle (no comment necessary)

TB-13.5.10.3. rejected (the rejection must be substantiated)

Meeting minutes will serve as the notification of the disposition to the submitted comments. The reasons for the disposition will be included. Meeting minutes will be

distributed within 30 days of the close of the meeting to all members of the consensus body and PTC mail list participants and anyone else who has submitted comments.

TB-13.5.11. An effort to resolve all rejected comments shall be made. Any negative comment not resolved or withdrawn is considered an unresolved objection and will be recirculated along with any and all attempts at resolution for a period of 15 days for committee consideration. The opportunity given to the committee member to respond, reaffirm, or change their vote may take place during a meeting of the PTC. Any member not in attendance will be given the opportunity to respond, reaffirm, or change their vote. Any change of vote by a committee member must be substantiated in writing. If resolution is not achieved, the commenter will be informed, in writing, of the appeals process as outlined in Part TB-23, along with any and all attempts at resolution.

TB-13.5.12. Disposition of a technical document that has completed the consensus ballot period when:

TB-13.5.12.1. The committee has considered the project with reference to all comments received during the consensus ballot and the public review and did not significantly change the technical document. The technical document will proceed to Technical Board ballot for publication (PART TB-14); or

TB-13.5.12.2. The committee has considered the project with reference to all comments received during the consensus ballot and public review and there are substantive changes in the technical document. This will require the technical document to be re-considered by the PTC and will initiate an additional consensus ballot and public review.

***NOTE: "Consensus" means substantial agreement has been reached by directly and materially affected interest categories. Consensus requires that all views and objections be considered, and that an effort be made toward their resolution.***

## **PART TB-14. TECHNICAL BOARD BALLOT FOR PUBLICATION**

TB-14.1. Approved PTC technical documents shall be submitted to the secretary.

TB-14.2. The secretary shall

TB-14.2.1. make such corrections to format, spelling, punctuation, etc., as are obvious, and

TB-14.2.2. submit the technical document to the Technical Board for a publication ballot.

TB-14.3. The Technical Board shall vote one of the following 2 positions:

TB-14.3.1. Affirmative – No comments (editorial comments are accepted)

TB-14.3.2. Negative – Comments preventing the technical document's publication.

TB-14.4. Technical Board ballots shall be tallied as follows:

TB-14.4.1. A Technical Board member eligible to vote shall be anyone who is a member of record of the Technical Board as of the date of the distribution of the ballot. In calculating the votes cast, a vote is defined solely as affirmative or negative. Abstentions are not counted as a vote but do count towards the required 3/5 response. No technical document shall be published unless approved by 3/5 of the total Technical Board membership.

TB-14.4.2. The Technical Board may approve and authorize the publication of technical documents by voice vote at a meeting or by letter ballot or electronic ballot.

TB-14.4.3. Upon request of a Technical Board member, a dissenting vote shall be considered by the entire Technical Board before final action. The Technical Board shall not alter the technical content of a committee technical document. A technical document not approved by the Technical Board shall be referred back to the responsible committee.

## **PART TB-15. APPROVAL OF TECHNICAL DOCUMENTS**

TB-15.1. After successful completion of the procedures in PART TB-14 the technical document becomes approved and is authorized to be published.

TB-15.2. Every publication of a technical document shall carry the date of its approval for publication and its recommended effective date.

TB-15.3. In general, all technical documents will be reviewed by the PTC and Technical Board at no greater than a 5-year period from its approval date, for reaffirmation, revision, or withdrawal. The review process will begin prior to the 5-year date.

TB-15.4. ABYC reserves the right to withdraw a standard (existing, revised, reaffirmed) or discontinue a standard in development based on a recommendation by the governing Project Technical Committee. The ABYC Technical Board will consider the recommendation based on:

TB-15.4.1. Technical relevance, or

TB-15.4.2. supersession by or combination with another ABYC Standard or another industry accepted ANS, or

TB-15.4.3. demonstrated safety issue associated with compliance of the standard in question.

Upon withdrawal, ABYC will notify the ABYC membership and mail list groups as well as ANSI if an ANS.

## **PART TB-16. INTERPRETATIONS**

TB-16.1. Each committee is responsible for rendering interpretations of the text of a standard. The rendered interpretation is an integral part of the standard. It is therefore the duty of each committee to insure that only needed and relevant interpretations are rendered.

TB-16.2. Interpretations of the text of a standard and the intent of the developing committee may be obtained from information available in the project file such as committee correspondence and minutes of meetings. Any request for interpretation that cannot be resolved in this manner shall be referred to the responsible committee for disposition.

TB-16.3. Requests for and responses to interpretations shall be processed through the appropriate technical committee. Requests for an official ABYC position shall be in writing, and shall be specific regarding the section or item within an identified standard, and shall include the reasons and circumstances for making a request. The PTC shall answer in writing, including e-mail, the request for interpretation. The request shall be stated in such a manner that it can be answered by the committee either in the affirmative or the negative without further explanation.

TB-16.4. Each committee shall review each request for interpretation. The committee may decline to render an interpretation, but shall state a reason.

TB-16.5. A request for interpretation shall not be rendered if it involves determination of compliance, e.g. review of plans, design installation, or involves subjects that were not previously considered by the committee, or are not addressed in the technical document.

TB-16.6. Request for interpretation and the committee's answer shall be published on the ABYC web-site. Each committee shall review the relevant request (s) for interpretation during any subsequent standard review.

TB-16.7. Request for interpretation shall be approved by 3/5 of the committee membership. This approval may be obtained at the PTC meeting with the voting record published in the meeting minutes.

TB-16.8. Interpretations may not determine compliance of a design, installation, product, or the determination of equivalency of protection.

TB-16.9. The meeting minutes shall serve as the official record of the interpretation, in the absence of a meeting (e.g. electronic ballot) the requestor shall be notified of the committees position by electronic means.

#### **PART TB-17. PATENT POLICY:**

TB-17.1. ABYC agrees to comply with the current ANSI Patent Policy as outlined in the *ANSI Essential Requirements*.

#### **PART TB-18. COMMERCIAL TERMS AND CONDITIONS POLICY**

TB-18.1. ABYC agrees to comply with the current ANSI Commercial Terms and Conditions policy as outlined in the *ANSI Essential Requirements*.

#### **PART TB-19 ANTITRUST POLICY**

TB-19.1. ABYC agrees to comply with the current ANSI Antitrust policy as outlined in the *ANSI Essential Requirements*.

#### **PART TB-20. TECHNICAL BOARD MEETINGS**

TB-20.1. The Technical Board shall meet at least annually. Meeting notices shall be sent to the Technical Board members at least 30 days prior to the meeting date.

TB-20.2. Only members of the Technical Board have the right to attend and vote at Technical Board meetings and cast ballots. Others may attend at the discretion of the chair of the Technical Board.

TB-20.3. The chair of the Technical Board shall preside at meetings of the Technical Board. If he/she is not present, the vice chair shall preside and if the vice chair is not present, a member of the Technical Board executive committee, designated by the committee or by the chair, shall preside.

TB-20.4. One-half of the members of the Technical Board shall constitute a quorum. Action of the Technical Board shall be by majority vote of those present provided that any member present may call for a letter or electronic ballot on any action taken and, when a letter ballot is taken, action by the Technical Board shall be by majority vote of the entire Technical Board.

TB-20.5. Questions of parliamentary procedure shall be determined by *Robert's Rules of Order*, latest edition.

#### **PART TB-21. RECORDS**

TB-21.1. The records of the Technical Board, its PTCs, and sub-committees, shall be maintained in the office of the Council, where they shall be available for inspection by ABYC members, except as the Technical Board may direct otherwise. Records requested under a properly executed court subpoena will be made available in accordance with the policy on access to council's records as approved by the ABYC Board of Directors. All records pertaining to new, reaffirmed, or revised ANSs shall be retained for at least one



complete review cycle. Minutes of meetings and published technical documents shall be retained in perpetuity. Testing data developed by the committee, or submitted to the committee, becomes committee correspondence, and shall be retained until reviewed by the committee. This information, if expressly incorporated into the minutes of a meeting, shall be maintained as a part of the minutes. Records including but not limited to committee correspondence, and Technical Board and committee ballots and drafts and all ANSI documents such as PSA forms, membership applications, and PTC rosters, shall be retained for one complete technical document review cycle or until the technical document is revised or reaffirmed. Records concerning withdrawn ANS standards shall be retained for at least five years from the date of withdrawal or for a duration consistent with the audit schedule.

## **PART TB-22. AMENDMENTS**

TB-22.1. Amendments to these rules may be approved by not less than three-quarters of the members of the Technical Board. A notice of a meeting at which the approval of an amendment is to be considered, shall be sent to each member of the Technical Board at least 30 days prior to the meeting.

## **PART TB-23. APPEALS**

TB-23.1. Directly and materially affected interests who believe they have been or will be adversely affected by an ABYC standard, or by the lack thereof, shall have the right to appeal procedural actions or inactions of the Council, a PTC, or the secretary. A reference to the appeal's process shall be made on the ABYC electronic comment form and each ballot.

TB-23.2. *Complaint* - The appellant shall file a written complaint within 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 section(s) of these procedures or the standards 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.

TB-23.3. *Response* - Within 90 days from the day of receipt of the complaint, the respondent, i.e., chair or secretary, shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

TB-23.4. *Hearing* - If the appellant and the respondent are unable to resolve the written complaint informally in a manner consistent with these procedures, the Secretary shall schedule a hearing with an appeals panel, appointed by the chair of the Technical Board, on a date agreeable to all participants, giving at least 10 working days notice.

TB-23.5. *Appeals Panel* - The appeals panel shall consist of three individuals who have not been directly involved in the matter in dispute. If a materially affected party (such as a

standards developer or a possible appellant) believes that a member of the appeals panel has a conflict of interest, that materially affected party shall state the reason for its belief to the Technical Board Chair. If the appeals panel member in question disagrees with the assertion, the Technical Board Chair shall make the final determination as to whether a conflict of interest exists.

*TB-23.6. 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 Secretary 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. The latest edition of *Robert's Rules of Order* shall apply to questions of parliamentary procedure for the hearing not covered herein.

*TB-23.7. Decision* - The appeals panel shall render its decision in writing to the appellant within 30 days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision.

*TB-23.7.1.* Finding for the appellant, remanding the action to the committee or the secretary with a specific statement of the issues and facts in regard to which fair and equitable action was not taken.

*TB-23.7.2.* 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.

*TB-23.7.3.* Finding that new, substantive evidence has been introduced, and remanding the entire action to the committee or the secretary for appropriate consideration.

\* \* \* \* \*