

AMERICAN HORTICULTURE INDUSTRY ASSOCIATION (AHIA)
d/b/a AmericanHort

Sponsor of

AMERICAN STANDARD FOR NURSERY STOCK (Z60.1)

OPERATING PROCEDURES

(FINAL 2016)

October 20, 2016

1 General

These procedures contain AHIA's requirements for developing evidence of consensus for the approval, reaffirmation, revision, maintenance, or withdrawal of American National Standards, in accordance with the most current version of the *ANSI Essential Requirements*. For purposes of all submissions to ANSI regarding the American National Standard covered by these procedures, the designation shall be "American Standard for Nursery Stock (Z60.1)," without reference in the designation to "ANSI."

1.1 Discontinuance

AHIA may decide to abandon the processing of a proposed new or revised American National Standard or portion thereof, or withdraw one or more of its standards, at its own discretion and without a vote of the consensus body (canvasees), but must notify ANSI immediately of such actions, which will be announced in *Standards Action*.

1.2 Notification of Stabilized Maintenance

AHIA will maintain the *American Standard for Nursery Stock (Z60.1)* under the "stabilized maintenance" option, in accordance with Clause 4.7.3 of the most recent edition of the *ANSI Essential Requirements*. In the event that AHIA decides to initiate a revision to the standard, based on recommendations made at any time by a materially affected and interested party, AHIA shall follow all applicable procedures for revising an American National Standard.

2 Project Initiation Notification System (PINS)

Submission of the ANSI Project Initiation Notification System (PINS) form is required at the initiation of any action to develop or revise an American National Standard for announcement in *Standards Action*. Initiation shall be determined by the AHIA Board of Directors in accordance with its voting procedures. All comments resulting from the announcement of the PINS in *Standards Action* will be addressed in accordance with Clause 2.5 of the current version of the *ANSI Essential Requirements*.

3 Development of Canvass List

3.1 The American Horticulture Industry Association (AHIA) shall develop a list of potential canvasees consisting of persons (organizations, companies, government agencies, and individuals, etc.) who produce, specify, and use nursery plants, and are known to be, or who have indicated that they are, directly and materially affected by the standard, without dominance by any single interest category, individual, or organization. No individual shall represent more than one canvasee, and only one individual per canvasee organization shall be allowed as a voting member of the consensus body. A request to change to an alternate representative during the ballot process must be in writing and provide the reason therefor. Participants from diverse interest categories shall be sought with the objective of achieving balance.

3.2 The canvass list will be developed in accordance with the following interest categories:

- Producer – growers of nursery stock
- User-reseller – buyers of nursery stock who re-sell within the trade or to consumers, such as distributors, brokers, and retailers
- User-Installer – installers of nursery stock, such as landscape contractors, general contractors, and commercial or municipal landscape project managers
- Professional society or trade association – organizations with memberships allied to the nursery trade may participate as a single canvasee in this interest category, with a single vote from an individual designated to vote on behalf of the entire membership. Participation by a member, individually or as the designee of an interest group or subset of the membership, shall participate in the appropriate interest category on their own behalf and not as a representative of the society or association
- General interest – individuals engaged in the specification of nursery stock, such as landscape designers, landscape architects, and horticulturists employed by public agencies, and others in related fields such as forestry and timber, arborists, urban planners, government departments of agriculture, public works, or transportation, grounds managers, arboreta, and allied suppliers to the horticultural trade

3.3 In order to determine if potential new canvasees are interested in participating, AHIA should conduct a pre-canvass interest survey in which AHIA informs the potential canvasees in writing about AHIA’s method for developing evidence of consensus, and, if the potential canvasees are interested in participating, obtains an appropriate interest category classification.

This pre-canvass interest survey letter should 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 one month from the date of the letter and shall be so noted in the letter. All those who have agreed

to participate shall be included on the canvass list, together with their agreed-upon interest categories.

3.4 Balance Among Canvass List

Participants from diverse interest categories shall be sought with the objective of achieving balance. Historically, the criterion for balance is that no single interest category, individual, or organization constitutes a majority of the membership of the consensus body. If the canvass list lacks balance in accordance with the historical criteria for balance, outreach to achieve balance shall be undertaken.

Once an interest survey has been completed, and the canvass list has met the historical criteria for balance, it need not be repeated for subsequent balloting.

4 Announcement of initiation of canvass.

4.1 AHIA may request that ANSI announce the initiation of the canvass in *Standards Action* with a call for comment to elicit additional canvasees not previously contacted. The period for additional canvasees to contact AHIA shall be thirty days from the date of publication in *Standards Action*.

5 Conduct of canvass and Public Review

5.1 AHIA shall follow Clause 2.7 of the most recent version of the *ANSI Essential Requirements* regarding evidence of consensus and consensus body vote. AHIA may begin to conduct the canvass at any time after the publication date in *Standards Action* of the call for comment to elicit additional canvasees, but canvasees subsequently added to the canvass list shall have the same amount of time to respond as do the other canvasees.

5.2 AHIA shall transmit electronically (unless previously supplied in a pre-canvass interest survey) at least 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 voluntary consensus standards system for the purpose of seeking ANSI approval;
- d) The canvass list, consisting of the name of each canvasee, name and affiliation of contact, address, and category of interest;
- e) Electronic access to the complete proposed American National Standard or the relevant portion under consideration when the canvasee has previously received electronic access to the complete standard;
- f) A letter ballot or access to an electronic ballot.

Should the information provided to the canvasees 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 shall provide opportunity for the canvasee to vote one of the following positions: Affirmative; Affirmative with Comment; Negative with reasons (objections) and, if possible, specific working or action that would resolve the objection; Abstain. No later than ten days before the close of any ballot, AHIA shall send a request for response to canvasees who have not returned a completed ballot.

The original canvass ballot may be closed at the end of 60 days, or sooner if all canvasees have responded. Recirculation ballot periods shall not begin until the close of the prior original or recirculation ballot period, and shall be closed in 30, 45, or 60 days, in accordance with policies regarding Public Review periods (Clause 5.4).

5.3 Definition of consensus: Approval of a new standard, revision or reaffirmation of an existing standard, or an addendum to part of all 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.

5.4 In accordance with Clause 2.5 of the current version of the ANSI *Essential Requirements*, AHIA shall submit an ANSI BSR-8 form for announcement in *Standards Action* to allow those not on the canvass list who have a direct and material interest in the standard to participate in a Public Review comment period.

The Public Review period shall be a minimum of 30 days from the date of publication in *Standards Action* if the full text of the revision(s) can be published in *Standards Action*; or a minimum of 45 days if the revision(s) is/are available in an electronic format, deliverable within one day of a request, and the electronic source from which the revision(s) can be obtained is provided to ANSI and included in the announcement in *Standards Action*; or a minimum of 60 day if neither of the aforementioned options are applicable.

AHIA shall determine whether the Public Review comment period(s) shall be concurrent with the canvass ballot period(s) and whether announcement of the proposed action in other suitable media is appropriate.

6 Disposition of views and objections

In accordance with Clause 2.6 of the current version of the ANSI *Essential Requirements*, prompt consideration shall be given to the expressed views and objections of all participants, including canvasees as well as those submitting comments as a result of the Public Review announcement 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. In addition, if resolution is not achieved, each objector shall be informed that an appeals process exists within procedures used by AHIA.

Unresolved objections, attempts at resolution, and any substantive change made in a proposed American National Standard shall be reported to the canvass list via recirculation ballot in order to afford all canvasees an opportunity to respond,

reaffirm, or change their positions. Substantive changes made in a proposed American National Standard shall be listed in *Standards Action* in accordance with Clause 2.5 of the current version of the ANSI *Essential Requirements*.

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

7 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 BSR for approval.

AHIA shall provide to ANSI the following or evidence thereof:

- a) title and designation of the proposed American National Standard;
- b) 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);
- c) a declaration that applicable procedures were followed;
- d) a declaration that the proposed standard is within the scope of the previously registered standards activity;
- e) a declaration that conflicts with another American National Standard have been addressed in accordance with these procedures;
- f) a roster of the consensus body that indicates: the vote of each member including abstentions and unreturned ballots, if applicable; individual “point of contact” information for all voting non-individual members (e.g., organizations); the interest category of each member; and a summary thereof;

- g) a declaration that all appeal actions related to the approval of the proposed standard have been completed;
- h) a declaration that the criteria contained in the ANSI patent policy have been met, if applicable; and
- i) identification of all unresolved negative views and objections, with names of the objector(s), and a report of attempts toward resolution.

8 Appeals

Persons who have directly and materially affected interests, and who have been or will be adversely affected by a standard under AHIA’s jurisdiction, or by the lack thereof, shall have the right to appeal any procedural actions or inactions of AHIA.

8.1 Complaint

The appellant shall file a written complaint with AHIA 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 clause(s) of these procedures or the standard that are 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.

8.2 Response

Within thirty days after receipt of the complaint, the respondent (AHIA 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.

8.3 Hearing

Every effort shall be made to resolve the written complaint informally (i.e., by mail, telephone conference). If the appellant and the respondent are unable to resolve the written complaint

informally in a manner consistent with these procedures, AHIA shall schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least ten working days notice. At AHIA's discretion, hearings may be conducted via web or phone conference or in person, or any combination thereof.

8.4 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.

8.5 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 AHIA 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.

8.6 Decision

The appeals panel shall render its decision in writing within 30 days, stating findings of fact and conclusions, with reasons therefor, based on a preponderance of the evidence, and the AHIR representative shall transmit to the appellant the written decision within five (5) business days thereafter. Consideration may be given to the following positions, among others, in formulating the decision:

- a) Finding for the appellant, remanding the action to AHIA 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 AHIA for appropriate reconsideration.

8.7 Parliamentary procedures

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

9 Requests for interpretation of standards

No interpretation shall be provided in response to oral requests. Written inquiries requesting interpretation of the American Standard for Nursery Stock shall be addressed to the designated standards representative at AHIA and acknowledged promptly. If the designated standards representative cannot render an interpretation on the basis of his or her own knowledge the AHIA designated standards representative will consult with AHIA-members who are not directly and materially affected by the interpretation, and who are expert in the subject matter area of the interpretation. A written reply to written inquiries will be transmitted by the AHIA designated standards representative. Revisions to the standard resulting from requests for interpretations shall be processed in accordance with these procedures.

10 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 an essential patent claim (one whose use would be required for compliance), if it is considered that technical reasons justify this approach.

If AHIA receives a notice that a proposed or approved American National Standard may require

the use of a patented invention, the ANSI Patent Policy (clause 3.1 of the most recent version of the *ANSI Essential Requirements*) shall be followed.

11 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. AHIA shall follow the current ANSI policy on commercial terms and conditions (clause 3.2 of the most recent edition of the *ANSI Essential Requirements*).

12 Evidence of compliance – stabilized maintenance option

Records shall be prepared and maintained to provide evidence of compliance with these procedures and the most recent version of the *ANSI Essential Requirements*. In accordance with Clause 3.4.3 of the *ANSI Essential Requirements*, such records shall be retained until the standard is reaffirmed, revised, or subsequently reviewed in connection with the stabilized maintenance of the standard. Such records shall be available for audit as directed by the ANSI Executive Standards Council (ExSC). Records concerning the withdrawal of an American National Standard shall be retained for at least five years from the date of withdrawal or for a duration consistent with the audit schedule.

13 Metric policy

The American Standard for Nursery Stock shall provide United States Customary Units (US), and shall provide a table in an Annex showing (rounded) equivalent International System of Units (SI), the modern metric system. Additionally, (rounded) SI equivalents to US measurements may be included throughout the publication for the convenience of the user. This policy shall be on file at ANSI, as required.

14 Antitrust Policy

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

15 Audit Compliance Review

All non-compliances listed in an ANSI audit report shall be reviewed prior to the subsequent audit to verify that corrective action was taken.