

# ASCE Rules for Standards Development

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## 0 DEFINITIONS AND ACRONYMS

- i. **ANS** – American National Standard
- ii. **Ballot vote** – An individual standards committee member's vote on an official ballot
- iii. **CSC** – Codes and Standards Committee
- iv. **CSC Staff** – Now called Standards Office staff
- v. **LOA repository (ANSI)** – Letter of Assurance repository
- vi. **Majority vote** – A majority vote of a quorum of Voting Members
- vii. **MOU** – Memorandum of Understanding
- viii. **Official ballot** – A ballot issued by CSC staff at the direction of the Chair or the Chair's designee where the outcome of the ballot item(s) affects the standards committee operation or the standard being developed, revised, or reaffirmed
- ix. **SDO** – Standards Development Organization
- x. **Standards committee** – The group of Voting Members and Associate Members developing a standard
- xi. **Standards council** – The entity within an Institute, Technical Division, or Committee that oversees standards committees under the purview of that Institute, Technical Division, or Committee

## **1 SCOPE**

### **1.1 General**

These *ASCE Rules for Standards Committees* (“Rules”) govern the organization and operation of the American Society of Civil Engineers (ASCE) standards committees. These Rules based upon the American National Standards Institute (ANSI) Essential Requirements for due process requirements for American National Standards.

Organization and operation of the standards councils are governed by the corresponding institute’s bylaws, policies and procedures and these Rules. Organization and operation of the Codes and Standards Committee (CSC) shall be in accordance with ASCE Rules of Policy and Procedure, and Policies and Procedures of the Committee on Technical Advancement (CTA).

Standards committee procedures not addressed in these Rules shall be left to the discretion of the Chair of the standards committee (“Chair”). Standards councils and standards committees may establish their own supplemental governing documents provided they require compliance with these Rules and do not conflict with or override these Rules. ASCE’s CSC shall interpret matters not covered in these Rules, if requested, and shall be permitted to publish supplemental policies and procedures.

### **1.2 Revisions and Updates**

Anyone at any time shall be permitted to propose revisions to these Rules in writing for consideration by CSC. Revisions to these Rules must be approved by the Committee on Technical Advancement prior to their submission to ANSI. These Rules shall be updated or reaffirmed by CSC at a minimum of every 5 years. Revisions to the ANSI Essential Requirements shall be considered by CSC when issued by ANSI.

### **1.3 Applicability**

These Rules shall be in force as of the effective date specified above. If a standards committee has begun conducting official ballots at the effective date, the Rules in effect at the time the standards committee began conducting official ballots shall be followed until the new, revised, or reaffirmed standard is submitted for publication. The standards committee shall be permitted to request changing to the new edition of the Rules. Such request must be approved by both the standards council and CSC.

## **2 STANDARDIZATION ACTIVITIES**

### **2.1 General**

Standardization activities include, but are not limited, to the following:

- a. Creating a new consensus standard
- b. Reaffirming an existing consensus standard
- c. Revising an existing consensus standard
- d. Withdrawing an existing consensus standard
- e. Providing formal interpretations of an existing standard

### **2.2 Creating a New Consensus Standard**

#### **2.2.1 Requests**

Any person, organization, existing standards council, or existing standards committee shall be permitted to submit a proposal to establish a new consensus standard to CSC. ASCE will undertake activities that are a public benefit, consistent with ASCE's strategic goals, and feasible within the resources available to ASCE. Before CSC approves the proposal, it must be submitted to and approved by the appropriate standards council per Section 2.2.3.

#### **2.2.2 Proposal Contents**

A proposal to create a new standard shall include the following:

- a. A concise statement of the scope of the standard.
- b. The objective of the standard.
- c. Whether it is intended for mandatory or non-mandatory use.
- d. Whether it is intended to become an American National Standard (ANS).
- e. The need for and anticipated benefits to the public of the proposed standard.
- f. A rationale for ASCE developing the standard.
- g. Rationale for joint standard with another SDO or other organization if applicable.
- h. Recommended sponsor standards council and whether the standards council has approved the standard.
- i. A list of ASCE Institutes, Divisions, technical or task committees, or other ASCE entities that may have an interest in the subject being standardized.
- j. A list of non-ASCE organizations that may have an interest in the subject being standardized.
- k. Recommended standards committee leadership and/or Voting Members.
- l. The principal users of the proposed standard.
- m. Relevant regional, national, or international standards related to the topic area. If existing standards are found, the proposal shall provide a plan to avoid conflicts with the existing standards or an evaluation of a possible joint activity with the other SDO or organization.

- n. A schedule for producing the standard.
- o. An estimate of the standards committee costs and funding sources.
- p. Intention for the adoption of the proposed standard by local, state, or federal laws or regulations or other code or standards development bodies.

### 2.2.3 Proposal Review and Acceptance

A proposal to create a new standard shall be submitted to CSC staff. CSC staff shall forward the proposal to the chair of the most relevant standards council for consideration to be the sponsor standards council. Proposals relevant to two or more standards councils shall be forwarded to the chair of each standards council for consideration to be the sponsor standards councils.

Upon approval of the proposal by the sponsor standards council(s), CSC staff shall distribute the proposal to the chairs of: all standards councils, the Committee on Technical Advancement (CTA) and its constituent committees and divisions, and any other ASCE committees and non-ASCE organizations explicitly identified by the proposer for a minimum review period of 30 calendar days.

Upon the close of the review period, CSC staff shall compile all comments received and forward them to the proposer and the Chair of the sponsor standards council(s) for consideration. The sponsor standards council(s) is (are) responsible for working with the proposer to ensure all comments are considered.

Upon concluding consideration, the sponsor standards council(s) shall forward the approved proposal, all review comments, and the result of the consideration thereof to CSC. CSC shall review all materials and vote to approve the proposal as submitted, reject, or recommend changes. If approved by majority vote of the CSC, the sponsor standards council(s) shall be charged to develop the standard. If CSC rejects or recommends modifications to the proposal, CSC shall communicate its rationale to the proposer and the sponsor standards council(s). A revised proposal, approved by the relevant standards council(s) may be submitted to CSC for consideration.

### 2.2.4 Assignment to a Standards Council

CSC shall charge the sponsor standards council(s) to develop the standard. The sponsor standards council(s) shall take one of the following actions:

- q. Assign to an existing standards committee, with their concurrence, if the proposal aligns with their scope.
- r. Change the scope of an existing standards committee, with their concurrence, to include creation of the new consensus standard.
- s. Establish a new standards committee.
- t. Recommend other oversight actions as appropriate.

### 2.2.5 Duplications and Conflicts

Standards councils and proposers shall endeavor to avoid conflicts with other ASCE standards or those of ANSI-accredited SDOs when proposing and reviewing proposals for creation of a

new consensus standard. Any individual, group, or organization concerned that a proposed standard duplicates or conflicts with an existing standard or a candidate standard being developed by an ANSI-accredited SDO shall submit a written comment asserting their concerns to CSC during the proposal review period.

Within 90 calendar days upon receiving notification of a potential conflict or duplication, CSC shall initiate and participate in deliberation of potential duplications and conflicts to resolve assertions of duplication or conflict, before rendering a decision on whether to approve the proposal. If the party or parties raising the issue of duplication or conflict do not enter into deliberations with CSC within 90 calendar days after receipt of notification of the proposed new standard and it can be demonstrated to CSC that attempts have been made to schedule or otherwise organize the deliberations, then CSC may proceed with consideration of the proposal. The outcome of the deliberations of a potential conflict or duplication shall be recorded and retained as part of the records of the standardization activity.

#### 2.2.6 Joint Sponsorship

Standards committees shall be permitted to be jointly sponsored by standards councils within ASCE's Institutes, ASCE Committees, CTA's constituent committees and divisions, and by other organizations. Joint sponsorship shall have a Memorandum of Understanding (MOU) that is approved by CSC and other appropriate ASCE entities. Where the co-sponsor has its own rules and a conflict exists between their rules and these Rules, CSC shall approve any necessary deviation from these Rules.

#### 2.2.7 Developing Memorandums of Understanding Between ASCE and Other SDOs

When circumstances dictate that ASCE enter into an MOU with another SDO for the purpose of developing or coordinating a standardization activity, the MOU shall establish rules and procedures to be followed. For joint standards, the lead organization shall be identified. ASCE desires, when reasonable, to be the lead organization and that its rules and procedures govern the joint standard. MOUs shall contain, but are not limited to, the following items:

- a. Purpose of the cooperative activity.
- b. Rational and benefits of joint standardization.
- c. Roles and responsibilities of each party.
- d. Schedule to review activity, performance, or satisfaction with the arrangement.
- e. The parts of the arrangement that are open to change or negotiation and the process by which that can be done.
- f. The aspects of the arrangement that should require formal notification and the process by which that is accomplished.
- g. Resolution process for any disputes.
- h. Any restrictions to either party.
- i. Treatment of any intellectual property.
- j. Effective date and duration of the agreement.
- k. Agreement for termination of the MOU.

- l. Names and contact information for the signing parties.
- m. Publishing arrangements.
- n. Appeals process to be followed.
- o. Inquiries from users of the standard.
- p. Agreement for revenue sharing from sales of joint standards.
- q. Bulk sales to other parties or resellers.
- r. Place for the parties to sign.

#### 2.2.8 Notification of Creation of a New Consensus Standard

After CSC approves creation of a new consensus standard, CSC Staff shall, as applicable, send a notification of the project's approval to:

- a. All parties that submitted comments on the proposal via email.
- b. Parties identified in Section 2.2.2 via email.
- c. ANSI using the Project Identification Notice of Standard (PINS) form, if intended to seek designation as an ANS.
- d. ASCE members via electronic means such as the website.
- e. The public (e.g., consumer groups, public interest organizations, engineering societies, and technical organizations) via press release/email.

### 2.3 Reaffirmation of an Existing Standard

#### 2.3.1 General

The responsible standards committee shall reaffirm an existing consensus standard via official ballot. If the standards committee was disbanded, the standards council shall establish a new standards committee in accordance with Section 3. A reaffirmed standard shall have no substantive changes.

#### 2.3.2. Timing

Reaffirmation of a standard shall occur at intervals not to exceed five years. Extensions beyond this five-year period require the approval of both the appropriate standards council and CSC. The standards committee chair shall report progress to the standards council annually.

#### 2.3.3 Reaffirmation Requirements

Reaffirmation of an existing standard shall consist of the following:

- a. An official ballot of the standards committee to reaffirm the standard. The ballot shall be processed in accordance with Section 5 and shall result in no substantive changes to the standard.
- b. Standards council approval of the committee balloting process.
- c. A public comment period and processing of public comments, in accordance with



Section 5.10, resulting in no substantive changes.

- d. CSC approval for publication of the reaffirmed standard.

#### 2.3.4 Notification of Reaffirmation of an Existing Standard

After a standard has met the requirements in Section 2.3.3, CSC staff shall notify ASCE Publications that the current standard has been reaffirmed and provide the new date/year of the standard.

### 2.4 Revising an Existing Standard

#### 2.4.1 General

The responsible standards committee may only revise an existing consensus standard through the conduct of an official ballot(s). If the standards committee was disbanded, the standards council shall establish a new standards committee in accordance with Section 3. A revision consists of a substantive change(s) that directly and materially affects the use of the existing standard. A change in the edition of any document(s) adopted by reference within the provisions of the standard constitutes a substantive change.

#### 2.4.2 Timing

The standards committee shall establish a schedule to ensure revision of an existing standard occurs at intervals not to exceed five years. Extensions beyond this five-year period shall be approved by both the appropriate standards council and CSC. The Chair shall maintain the schedule and report progress to the standards council annually.

#### 2.4.3 Revision Requirements

Revision of an existing standard shall include the following:

- a. An official ballot(s) to revise the standard processed in accordance with Section 5.
- b. Approval by the standards council of the committee balloting process.
- c. A public comment period and processing of public comments, in accordance with Section 5.10.
- d. Standards council and CSC approval for publication of the revised standard.

#### 2.4.4. Notification of Revising an Existing Standard

Before beginning revisions, the standards committee shall notify the responsible standards council that the current standard will be revised, including whether it will be designated as an ANS and when the standard is anticipated to request approval for public comment.

After a standard has met the minimum requirements in Section 2.4.3, CSC staff shall notify ASCE Publications that the current standard has been revised.

### 2.5 Withdrawing an Existing Consensus Standard

#### 2.5.1 General

When it is determined that an existing consensus standard has become obsolete, is no longer in demand, or is no longer appropriate for ASCE to promulgate, the responsible standards committee or standards council is permitted to recommend withdrawal to CSC.

### 2.5.2 Withdrawal Process

The responsible standards committee shall issue an official ballot for recommendation of withdrawal in accordance with Section 5. Alternatively, the standards council may recommend withdrawal by a two-thirds approval vote. A recommendation for withdrawal shall describe the reason for withdrawal.

Once a recommendation for withdrawal is approved by the standards committee the following steps shall be taken:

- a. The standards council reviews the results of the committee ballot and may make a recommendation for withdrawal, by a two-thirds approval vote, to CSC.
- b. Upon concurrence of the standards council recommendation, CSC authorizes a public comment period in accordance with Section 5.10.
- c. The standards committee processes public comments in accordance with Section 5.10.
- d. The final decision to withdraw a standard requires a two-thirds approval by CSC.
- e. CSC Staff will notify Publications so that the standard may be properly identified as having been withdrawn and the reason therefore (no longer being maintained, obsolete, etc.).
- f. For ANS designated standards, CSC staff will notify ANSI and the standard will be withdrawn as an ANS and announced in *Standards Action*.

If the responsible standards committee has been disbanded or is unable to be constituted in accordance with these Rules then the responsible standards council may recommend withdrawal to CSC. A two-thirds approval vote of the standards council is required after which the following steps shall be taken:

- a. Upon concurrence of the standards council recommendation, CSC authorizes a public comment period in accordance with Section 5.10.
- b. The standards council shall address the public comments and report the results of their review to CSC.
- c. The final decision to withdraw a standard requires a two-thirds approval by CSC.
- d. CSC Staff will notify Publications that the standard has been withdrawn and shall notify the public commentors of the results of the review by the standards council and the action of CSC.
- e. For ANS designated standards, CSC staff will notify ANSI and the standard will be withdrawn as an ANS and announced in *Standards Action*.

### **3 STANDARDS COMMITTEE MEMBERSHIP**

#### **3.1 Membership Categories**

##### **3.1.1 Voting Members**

Voting Members of a standards committee shall be the consensus body for the standard. The Voting membership of a standards committee must be balanced (see Section 3.3).

Voting Members shall be included in the balloting process for all proposals being considered by the standards committee.

##### **3.1.2 Associate Members**

Associate Members of a standards committee are committee members without voting privileges and are not part of the consensus body. The Associate membership of a standards committee shall not be used in determining the balance of the standards committee or the dominance of single interest unit.

Associate Members shall be included in the balloting for all proposals being considered by the standards committee. However, Associate Members' votes are not counted in determining the consensus action on the balloted proposal. Associate Members' comments shall be resolved in the same manner as comments received by Voting Members, in accordance with Section 5.6 and 5.7.

#### **3.2 Approval of Standards Committee Members**

##### **3.2.1 General**

Membership shall be open to any person who might reasonably be expected to be, or who indicates they are, directly or indirectly interested in the activity.

ASCE membership is not required for membership on a standards committee. ASCE, or appropriate Institute-Only, membership is required for standards committee Chairs and Vice-Chairs.

##### **3.2.2 Application for Standards Committee Membership**

An individual seeking membership shall submit to CSC staff an application on a prescribed form upon which the applicant shall:

- a. Identify their desired membership category: Voting or Associate Member per Section 3.1.
- b. Identify their membership classification per Section 3.3.1.
- c. Include a brief resume and a statement that shall describe the applicant's interest in and commitment to participation in the work of the standards committee.

##### **3.2.3 Membership Applications and Roster Review**

In establishing a new standards committee, the Chair shall act to accept or reject the applications and submit the final committee roster to the standards council for review along with all applications for membership and the rationale for the rejection of any application(s). The standards council shall review the roster for conformance to these Rules.

At least annually, the standards council shall review the applications to and the roster of all assigned standards committees for conformance to these Rules. Rejected applications must be accompanied by the rationale of the Chair for the rejection.

#### 3.2.4 Appeal of Application Rejection

If denied membership, the applicant shall be permitted to request an official yes/no ballot of the Voting Members of a standards committee, in accordance with Section 5.4, to overrule the Chair's rejection of an application. The applicant shall be permitted to appeal the standards committee's decision to the standards council per Section 7.4.2.

If the rejected application is associated with the establishment of a new standards committee, the applicant shall be permitted to appeal to the standards council to overrule the Chair's rejection of an application. The applicant shall be permitted to appeal the standards council's decision to CSC.

#### 3.2.5 Standards Committee Size

The Chair shall be permitted to establish a maximum limit on either the number of Voting or the number of Associate Members, subject to approval by the standards council. The minimum number of Voting Members on a standards committee shall be not less than twelve.

#### 3.2.6 Standards Committee Roster

Once accepted or rejected, the Chair shall forward notice of the action taken on each membership application in writing to CSC staff. CSC staff shall maintain current standards committee rosters. CSC staff shall confirm that the standards committee is in proper balance as defined in Section 3.3 prior to each official ballot.

#### 3.2.7 Membership Changes During Ballot Process

Voting and Associate Members may be added to the standards committee during the balloting process at the Chair's discretion. A member is permitted to be redesignated from Associate to Voting Member, or vice versa, by the Chair. Any Voting Member additions, reclassifications, or removals must be approved by the standards council before the next official ballot is issued. Standards committee Voting membership shall not be changed when an official ballot is open.

### **3.3 Membership Classifications and Standards Committee Balance**

#### 3.3.1 Membership Classifications

All Voting and Associate Members shall be assigned one of the following classifications:

- a. Consumer: Includes representatives of owners, owners' organizations, developers, designers, and consultants retained by owners, testing laboratories retained by owners, facility operators, and insurance companies serving owners.
- b. Producer: Includes representatives of manufacturers, distributors, contractors and subcontractors, construction labor organizations, and associations of these groups and professional consultants to these groups.
- c. General: Includes representatives of the general public having an interest in the process or product being standardized, such as from private, state, and federal

research organizations; public interest groups; and standards and model code organizations.

- d. Regulatory: Includes representatives of local, state, or federal agencies that regulate actions affected by the standard or organizations thereof.

All Voting and Associate Members shall inform the Chair and CSC staff of any change in their employment or association that could affect their membership classification prior to the next official ballot. Upon receiving such notification, the Chair shall review the roster for balance of Voting Members and take the necessary actions to achieve a balanced committee prior to the next official ballot.

### 3.3.2 Determination of Classification

The Chair shall make the final determination of a Voting or Associate Member's classification or, if the Chair so requests, the standards committee shall make the final determination by simple majority vote. The standards council shall review and approve the Voting Member classifications. Members in disagreement with their assigned category shall be permitted to appeal to the standards council, whose decision is final.

### 3.3.3 Balance Criteria

Voting Members shall be balanced based on the following criteria:

- a. Consumers: 20 to 40 percent
- b. Producers: 20 to 40 percent
- c. General: 20 to 40 percent
- d. Regulatory: 0 to 40 percent

### 3.3.4 Represented Interests

Membership within each category shall be well distributed. No organization shall have more than one person as a Voting member on a Committee. If a Chair presents compelling evidence that multiple persons from a single organization are necessary for the progress of the standard, the standards council shall be permitted to grant an exception to this requirement within the guidelines of dominance and balance. Appeal from an affected party regarding this issue shall be permitted to be made to the standards council. If it is not resolved, the appeal shall proceed in accordance with Section 7 of these Rules.

## 3.4 Standards Committee Officers

### 3.4.1 Appointment of Officers

The standards council shall appoint the Chair. The Chair may appoint a Vice Chair and a Secretary and indicate such on the recommended roster that is submitted for standards council approval.

### 3.4.2 Removal of Officers

The standards council shall be permitted to remove standards committee Officers from their service by majority vote. An officer removed from their position is permitted to serve as a Voting or Associate Member.

### **3.5 Subordinate Groups**

The Chair shall be permitted to establish or disband subordinate groups (e.g., subcommittees, work groups, task groups) to assist in meeting the Committee's objectives. Subordinate group Chairs shall be appointed by the standards committee Chair and serve at the discretion of the standards committee Chair. The subordinate group Chair shall establish the rules to be followed by the subordinate group.

### **3.6 Termination or Reclassification of Membership**

#### **3.6.1 Automatic Termination**

Membership shall be automatically terminated if a Voting or Associate Member fails to return (or abstains on all items) two consecutive official ballots. The Chair shall be permitted to reinstate a Voting or Associate Member terminated for this reason at their discretion. The Chair shall be permitted to recategorize a Voting Member to Associate Member status for this reason. A Voting or Associate Member may also submit a written request for reinstatement or recategorization to the Chair, including a satisfactory explanation for the inactivity, within 30 calendar days after a notification of termination is issued.

#### **3.6.2 Termination for Cause**

Voting or Associate Membership shall be terminated for cause in accordance with the following process:

- a. Chair shall present, in writing, a "cause" for termination to standards council staff and CSC staff.
- b. Standards council staff or CSC staff will transmit the statement of cause to the Voting or Associate Member in question.
- c. The Voting or Associate Member in question shall have 30 calendar days to submit a written response to the statement of cause to standards council staff and CSC staff. If no response is received within 30 calendar days, the member is terminated automatically.
- d. If a written response is received, standards council staff or CSC staff will transmit the Voting or Associate Member's response to the Chair.
- e. The Chair shall have 14 calendar days to submit a written rebuttal of the Voting or Associate Member's response to standards council staff or CSC staff. The Chair's rebuttal should not introduce new "for cause" reasons for termination beyond the original statement of cause, but can address points introduced by the Voting or Associate Member's response.
- f. Standards council staff or CSC staff will forward the Chair's rebuttal to the Voting or Associate Member. The Voting or Associate Member shall have 14 calendar days to submit a written response to the rebuttal to standards council or CSC staff, which will then be transmitted to the Chair. In this second response, the Voting or Associate Member cannot introduce new issues not presented in either the original statement of cause for termination, or the Chair's rebuttal to the Voting or Associate Member's initial response.

- g. An official ballot will be issued to the standards committee to vote to recommend termination of the Voting or Associate Member. The official ballot shall include the statement of cause, the Voting or Associate Member's response, the Chair's rebuttal and the Voting or Associate Member's response to the rebuttal, as applicable.
- h. The official ballot shall be processed in accordance with Section 5.4. Comments will be included with the ballot report, but need not be addressed by the standards committee.
- i. If the ballot item fails, the Voting or Associate Member remains a member of the standards committee.
- j. If the ballot item passes, the recommendation for termination shall be submitted to the standards council. Approval of termination requires a two-thirds vote by the standards council. The Chair, Voting or Associate Member in question, and standards committee will be notified of the standards council's decision.

#### 3.6.3 Sunsetting an Existing Standards Committee:

The standards council shall have authority to discharge by two-thirds approval vote the complete membership of the standards committee. CSC staff will notify the Members of the standards committee and CSC of this action.

## **4 OPERATIONS**

### **4.1 Standards Committee Administration**

#### **4.1.4 Records Retention and Disposal**

Records shall be retained for a period of 10 years or until approval of the subsequent revision or reaffirmation of the complete standard, whichever is longer. Records concerning withdrawn standards shall be retained for at least five years from the date of withdrawal.

#### **4.1.5 Records and Auditing**

The standards committee's secretary (or other officer) shall be responsible for developing, recording, and maintaining records, in cooperation with standards council staff and CSC staff. The Chair shall be responsible for ensuring that the standards committee's secretary is complying with the above requirements. All records not maintained by ASCE staff shall be readily accessible to ASCE staff or the standards committee secretary. Records shall include, but are not limited to, the following items:

- a. Rosters, including Voting and Associate Members' information, applications, biographical summaries, and balance of interest categories.
- b. Meeting notices, including agendas and attachments.
- c. Meeting minutes.
- d. Correspondence, including notices of standardization activities, and deliberations regarding duplications or conflicts.
- e. Appeals resolutions.
- f. Formal interpretations.
- g. Ballot material, tallies of the results from standards committee official ballots, and comments submitted.
- h. All Yes/No ballot materials, tallies and all comments received.
- i. Items deferred to next revision cycle.
- j. Documents required by ANSI for ANS designated standards, such as PSA forms, copies of appeals and responses, interpretations, and evidence of processing those requests.

### **4.2 Standards Development**

#### **4.2.1 Standards and Publications Adopted by Reference**

##### **4.2.1.1 Adoption of Mandatory Standards**

4.2.1.1.1 Mandatory standards adopted by reference in ASCE standards shall be written using mandatory language, shall be identifiable by title, date or edition, and name of the developing organization.

Adopting a standard by reference means that the standards committee intends that the provisions of the adopted standard (or a specified subset thereof) are to be followed as if the provisions were written in the ASCE standard.



Changes to a standard that has been adopted by reference are a substantive change, requiring standards committee approval via official ballot. This includes adopting a new edition of the standard.

4.2.1.1.2 The standards committee shall adopt the latest edition of the mandatory standard available at the time of balloting. Only one edition of a mandatory standard shall be adopted. If the current edition is not suitable or multiple editions of a mandatory standard need to be referenced, then an exception is permitted to be granted by the standards council and an explanation shall be provided in the commentary of the standard.

4.2.1.1.3 Standards committees are permitted to consider adoption of a standard by reference if the standard is in public comment draft form. However, the standard being adopted by reference must have completed its consensus process prior to issuance of the public comment draft of the adopting standard or the referenced standard and its associated changes must be withdrawn.

#### 4.2.1.2 Adoption of Nonmandatory Standards

Standards that do not comply with Section 4.2.1.1 shall not be adopted by reference and may only be included as advisory material in an ASCE standard or commentary.

#### 4.2.1.3 Adoption of References in ASCE Standard Guidelines

Publications referenced in ASCE Standard Guidelines establishing recommended practices shall be subject to Section 4.2.1.4.

#### 4.2.1.4 Reference of Documents

When a reference is made to another document, including other publications prepared by any organization, such a reference shall contain the title, date or edition, name of the developing organization and preferably the specific parts of the document to which reference is made. Standards committees shall include such references only after review of such documents or publications, satisfying themselves that the references are adequate and appropriate.

#### 4.2.1.5 Conflicts with Other Standards

Standards committees shall make every effort to avoid conflicts with other ASCE standards or those of ANSI-accredited SDOs. When exceptions are taken to requirements in other ASCE mandatory standards, the standards committee shall notify the affected ASCE standards council and/or standards committee. CSC shall adjudicate all unresolved conflicts in accordance with Section 2.2.5.

#### 4.2.2 Supplemental Operating Procedures

A standards committee shall be permitted to adopt Supplemental Operating Procedures, provided that such procedures are consistent with, and no less stringent than the Bylaws of ASCE, Institute Operating Procedures, Standards Council Operation Procedures, and these Rules. Such procedures and amendments thereto shall be approved by the standards committee and transmitted to CSC staff, who shall submit them to its standards council and CSC for approval.

#### 4.2.3 Standards Format and Style

Standards committees shall follow the latest editions of the *ASCE Standards Writing Manual*

and *Publishing Books with ASCE: A Guide for Authors, Editors, and Committees*.

#### 4.2.4 Commentaries

For all mandatory standards, standards committees shall provide a commentary that provides the rationale for some or all of the provisions of the standard. The standards committee shall approve commentaries by official ballot in accordance with Section 5.4.

#### 4.2.5 Commercial Terms and Conditions

Except as authorized by these Rules, ASCE standards will not include terms and conditions that are primarily contractual or commercial in nature. This means:

- a. *Contractual*: ASCE standards shall not include contractual requirements such as guarantees, warranties, assignment of responsibility for work, indemnities, price-related terms, or other conditions of sale or use.
- b. *Endorsements of Proprietary Products or Services*: ASCE standards shall not endorse or require the purchase or use of any proprietary products, services, or companies. “Proprietary” as used here means products or services that are the property of an owner that cannot be used without the owner’s consent, and include but are not limited to, brand-name tools or components, licenses, manufacturer or service provider lists, or copyrighted materials.

For information purposes, where a known source exists for equipment, materials or services necessary to comply with the standard, it is permitted (but not required) to supply the name and address or website of the source in a footnote, appendix, or commentary as long as: (i) the referenced equipment, materials, or services are made reasonably available from the referenced source; (ii) the words “or the equivalent” are added to the reference; and (iii) the reference expressly states that identification of equipment, products, or services is not an endorsement of those equipment, products, or services or of their supplier.

- c. *Conformity Assessment, Testing, and Training*: In connection with standards that relate to the determination of whether products or services conform to one or more standards, the process or criteria to determine conformity may 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 or proper name.

For informational purposes, where a known source exists for equipment, materials or services necessary to determine compliance with the standard, it is permitted (but not required) to supply the name and address or website of the source in a footnote, appendix, or commentary, as long as: i) the referenced equipment, materials, or services are made reasonably available from the referenced source; ii) the words “or the equivalent” are added to the reference; and iii) the reference expressly states that identification of equipment, products, or services is not an endorsement of those equipment, products, or services or of their supplier.

#### 4.2.6 Units

Dimensions and quantities shall be expressed in International System of Units (SI units)

followed by conversion to U.S. Customary units in parentheses; or in U.S. Customary units followed by conversion to SI units in parentheses, whichever appears to the standards committee to be in the best interests of the users of the standard. The conversion of all formulas, equations, and tables in the other units shall be permitted to be placed in an appendix to the standard instead of being included in parentheses in the body of the standard. No conversion shall be required if a standard is published in two separate versions - the SI or the metric version and the U.S. Customary units version. Conversion shall be in accordance with IEEE/ASTM-SI-10-16 American National Standard for Use of the International System of Units (SI): The Modern Metric System.

### **4.3 Patented and Proprietary Items**

#### **4.3.1 General**

There is no objection in principle to writing an ASCE standard in terms that include the use of essential patent claim(s) (one whose use would be required for compliance with that standard) if it is considered that technical reasons justify this approach. Participants in the ASCE's standards development process are encouraged to bring patents with claims believed to be essential to the attention of ASCE. If ASCE receives a notice that a proposed, revised, or approved standard requires the use of an essential patent claim, the procedures specified in Sections 4.3.2 to 4.3.7 shall be followed.

#### **4.3.2 Statement from Patent Holder**

Before balloting any text whose acceptance would include the use of an essential patent claim(s) in an ASCE Standard, ASCE shall receive from any identified patent holder or a party authorized to make assurances on its behalf in written or electronic form either:

- a. Assurance in the form of a general disclaimer to the effect that such party does not hold and does not currently intend on holding any essential patent claim(s) or assurance that the following occur:
- b. Assurance that a license to such essential patent claim(s) will be made available to applicants desiring to utilize the license for the purpose of implementing the standard either:
  - i. Under reasonable terms and conditions that are demonstrably free of any unfair discrimination; or
  - ii. Without compensation and under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

Such assurance shall indicate that the patent holder (or third party to make assurances on its behalf) will include any documents transferring ownership of patents subject to the assurance provisions sufficient to ensure that the commitments in the assurance are binding on the transferee and the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding each successor-in-interest. The assurance shall also indicate that it is intended to be binding on successor-in-interest regardless of whether such provisions are included in the relevant transfer documents.

#### **4.3.3 Record of Statement**

A record of the patent holder's statement shall be placed and retained in ASCE's files and, for

standards designated as an ANS, also in ANSI's LOA repository.

#### 4.3.4 Notification During Standards Committee Balloting and Public Comment Period

Where a standards committee is considering the inclusion of a patented item, the standards committee shall include a statement in the balloting process and during the public comment period, indicating a willingness to consider alternatives. The statement with the ballot shall include a request for an alternative(s) as follows:

*The (name of material, product, process, procedure, apparatus) is covered by a patent. If you are aware of an alternative(s) to the patented item, please attach a description of the alternatives to the ballot return. All suggestions will be considered by the standards committee.*

#### 4.3.5 Responsibility for Identifying Patents

Neither a standards committee nor ASCE nor ANSI shall be responsible for identifying all patents for which a license shall be permitted to be required in using an ASCE standard or for conducting inquiries into the legal validity or scope of those patents that are brought to ASCE's attention.

#### 4.3.6 Notice

When ASCE receives from a patent holder the assurance set forth in 4.3.2, 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 item covered by patent rights.*

*By publication of this standard, the American Society of Civil Engineers takes no position with respect to the validity of this claim or of any patent rights in connection therewith. Users of this standard are expressly advised that determination of the validity of any such patent rights, and the risk of infringement of such rights, are entirely their own responsibility. 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 shall be permitted to be obtained from ASCE.*

#### 4.3.7 Footnote

In addition, a statement shall be placed in a footnote of the standard in each specific section of the standard in which the patented item is mentioned. The footnote shall be as follows:

*The (name of material, product, process, procedure, apparatus) is covered by a patent. Interested parties are invited to submit information regarding the identification of an alternative(s) to this patented item to ASCE Headquarters. Your comments will receive consideration at a meeting of the responsible standards committee, which you shall be permitted to attend.*

#### 4.3.8 Antitrust

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

## **4.4 Standards Committee Meetings**

### **4.4.1 General**

Standards committee meetings shall be conducted in a format that permits Members to interact directly, including face-to-face meetings, tele- or web conferences, video conferencing, and any combination of these methods.

### **4.4.2 Frequency and Location**

The standards committee shall base the frequency of its meetings on its current activities, operating needs, and budget. The Chair shall be permitted to call a meeting at a time and place deemed suitable. The Chair shall call a meeting of the standards committee on written request of five Voting members, and not less than 10 percent of the standards committee membership, whichever number is larger.

### **4.4.3 Notification**

A minimum of 30 calendar days' notice shall be given to Voting Members for an in-person meeting requiring travel and 15 calendar days' notice for a tele- or web conference. The Chair shall notify standards council staff and CSC staff of all scheduled standards committee meetings. CSC staff shall publish public notice of all standards committee meetings on ASCE's website. Exceptions to these requirements shall be approved by the standards council.

### **4.4.4. Quorum**

For all meetings, a quorum shall be greater than 50 percent of the Voting Members in person or via tele-or web conferencing. If a quorum is not present at a duly called meeting, those assembled shall be permitted to proceed with the specific agenda; however, all actions taken, except those actions listed below shall be submitted to official ballot for confirmation by the entire standards committee:

- a. Approve agenda, including additions/deletions of agenda items.
- b. Approve minutes if they were distributed in advance to the standards committee.
- c. Approve submitting a proposal to CSC for a new standard activity.
- d. Approve submitting a proposal to CSC to revise an existing standard by official ballot to the standards committee in accordance with Section 5.4.

### **4.4.5 Parliamentary Procedures**

The rules contained in the latest edition of *Roberts Rules of Order*, shall govern in all cases to which they are applicable and in which they are not inconsistent with the *ASCE Rules for Standards Committees*.

### **4.4.6 Open Meetings**

All standards committee meetings shall be open and attendance by interested parties welcomed in accordance with the following:

- a. Visitors shall have neither the right to vote nor the right to receive copies of the minutes, except by specific decision of the Chair.
- b. Visitors shall be permitted to address the standards committee on a subject relevant

to items under consideration, provided due notice of this intent is received by the Chair at least 10 calendar days prior to the meeting. The Chair shall be permitted to waive the 10 calendar day notice and shall be permitted to designate the time allotted for such presentation.

#### 4.4.7 Recording of Meetings

Meetings may be recorded if unanimous consent of those present is provided. Any recording of meetings shall be approved by the Chair and shall remain the property of ASCE.

### 4.5 Communications Regarding Standards

Official communications about standards schedules, procedures or comments that materially affect the future content of the standard shall be approved by the Chair or Chair's designee.

## **5 RULES FOR PROCESSING ALL ASCE STANDARDS**

### **5.1 Applicability of Rules**

Proposed provisions for a new standard or changes to an existing standard and associated commentary, shall be processed in accordance with this section. This section does not need to be applied to material not directly related to the provisions of the standard, including items such as the Title, Foreword, Abstract, Table of Contents, Acknowledgements, Roster, Copyright Page, and Index.

### **5.2 New Standards and Substantive Changes to Standards Provisions**

All proposed provisions for a new standard or substantive changes to an existing standard shall be approved through an official ballot of the standards committee. A substantive change shall be any change to the standards provisions that materially affects the use of the standard or the results obtained from the use of the standard. Any person shall be permitted to submit proposed standard provisions to the Chair with a request that the proposed provision be considered by an official ballot of the standards committee. The Chair shall determine the timeline during which the standards committee will accept proposals for changes to the standard's provisions. The Chair shall take one of the following actions in response to the request and notify the submitter of the determination:

- a. Make a determination to approve or deny the request and notify the standards committee of the proposed provisions and the determination.
- b. Defer the request for consideration at the next standards committee meeting.

The Chair shall be permitted to classify the change as editorial per Section 5.3.

### **5.3 Editorial Changes to Standards Provisions**

A proposed change to a standards provisions shall be considered an editorial change if it does not directly and materially affect the use of the standard or the results obtained from the use of the standard. Anyone shall be permitted to submit in writing to the Chair a request to make an editorial change to the standard. If the Chair determines the change is editorial, all Voting and Associate Members will be notified of this ruling and Voting Members will be provided with a minimum of 15 calendar days to challenge the ruling. If challenged, the proposed change shall either be modified, withdrawn, or processed as a substantive change.

### **5.4 Standards Committee Balloting**

#### **5.4.1 General**

The Chair or Chair's designee shall prepare the official ballot materials in a manner that is compatible with the ASCE balloting system. An official ballot or any official ballot items shall not be constructed in such a manner so as to assume the vote of an individual if they fail to return a ballot or cast a vote on the ballot item.

#### **5.4.2 Voting on Proposed Standards Provisions**

Voting and Associate Members shall respond to ballot items, unless explicitly noted as yes/no ballot items, by casting votes as follows:

- a. Affirm: To indicate concurrence with the ballot item.

- b. Affirm with comment: To indicate concurrence with a ballot item with a comment.
- c. Negative: To indicate opposition to the ballot item.
- d. Negative with comment: To indicate opposition to the ballot item with a comment.
- e. Abstain: To indicate that the Member is not in a position to cast an alternative vote because of a lack of familiarity with the issues addressed by the ballot item.

All comments shall include a recommendation for resolving the comment or a suggested change. Voting and Associate Members' affirm with comment votes and negative votes (with or without comment) shall be resolved in accordance with Sections 5.6 and 5.7, respectively.

Only Voting Members votes count towards determining consensus action of the standards committee as defined in Section 5.5. Voting membership of a standards committee must be in balance in accordance with Section 3.3 prior to issuing an official ballot.

#### 5.4.3 Yes/No Voting

Voting and Associate Members shall respond to yes/no ballot items by casting votes as follows:

- a. Yes: To indicate concurrence with the ballot item.
- b. No: To indicate opposition to the ballot item.

Comments submitted on yes/no ballot items, including those relating to comment resolution, shall be distributed to the standards committee but need not be resolved.

Only Voting Members' votes count towards determining the consensus of the standards committee.

#### 5.4.4. Voting Period

The voting period for official ballots shall be established by each standards committee for each official ballot, but in no case shall it be less than 30 calendar days. All official ballots shall be counted by ASCE staff and reported to the standards committee within 30 calendar days following the voting period. The Chair has the discretion to extend the voting period of an official ballot period prior to the close of the ballot.

#### 5.4.5 Confidentiality

Voting and Associate Members' votes on all official ballots shall remain confidential until the voting period is closed.

#### 5.4.6 Unpublished Draft Standards

Unfinished works of standards committees such as the content of unpublished documents including drafts of standards, drafts of commentaries on standards, proposed changes to standards, official ballots and other unpublished but related material shall not be cited or referenced. CSC staff may provide drafts of standards to other SDOs, model code publishers, or other regulators or entities with a watermark indicating appropriate usage.

#### 5.4.7 Reporting of Votes of Official Ballots

The results of each vote on an official ballot of a standard shall be reported by CSC staff as follows:



- a. Number of Voting Members.
- b. Number of Voting Members voting affirmatively, with and without comment.
- c. Number of Voting Members voting negatively, with and without comment.
- d. Number of Voting Members voting abstention.
- e. Identification of Voting Members not returning the ballot.

#### 5.4.8 Proxy Voting

Proxy voting shall not be permitted.

#### 5.4.9 Notification

CSC Staff shall notify the Voting and Associate Members that an official ballot has been opened and when the ballot will close. The Chair or designated CSC staff is permitted to remind Voting and Associate Members of the ballot at their discretion. A reminder of the ballot closing is not required.

### 5.5 Standards Committee Approval of Official Ballot items

An item on an official ballot is approved by the standards committee when the following conditions have been met:

- a. The official ballots returned, including abstentions, shall represent not less than 65 percent of the Voting Members on the official standards committee roster.
- b. Votes cast affirm or yes, with and without comment, for each ballot item shall be not less than 75 percent of the total affirm or yes and negative or no votes cast by Voting Members and shall be more than 50 percent of the total Voting Members on the official standards committee roster.
- c. Affirmative votes with comment have been addressed in accordance with Section 5.6.
- d. Negative votes with and without comment votes have been addressed in accordance with Section 5.7.

### 5.6 Resolving Affirmative Votes with Comment

#### 5.6.1 General

Comments provided with Affirmative votes shall be classified as persuasive editorial, persuasive-substantive, non-persuasive, or unrelated and resolved as defined in Sections 5.6.2 to 5.6.5. Resolutions of affirmative votes with comments shall be circulated to the standards committee for at least a 15 day review period.

#### 5.6.2 Persuasive Editorial

If the Chair or Chair's designee determines the comment to be editorial as defined in Section 5.3 and persuasive, the Chair shall prepare and process the editorial changes in accordance with Section 5.3.

#### 5.6.3 Persuasive Substantive

If the Chair or Chair's designee determines the comment to be persuasive and a substantive change is required, the Chair shall submit a proposed revision to the standards committee for

approval by official ballot in accordance with Section 5.5.

#### 5.6.4 Non-Persuasive

If the Chair or Chair's designee determines the comment to be non-persuasive, all Voting and Associate Members will be notified of this determination and the vote shall be recorded as an "affirm with comment vote with a non-persuasive comment". No further action is necessary to address non-persuasive comments associated with affirmative votes.

#### 5.6.5 Unrelated

If the Chair or Chair's designee determines the comment is unrelated to the proposal under consideration, all Voting and Associate Members will be notified of this determination and the vote shall be recorded as an "affirm with comment vote with an unrelated comment". No further action is necessary to address affirm with comment votes with unrelated comments.

#### 5.6.6 Defer to Next Cycle

If the Chair or Chair's designee determines the comment and suggested change includes recommendations related to new technical data, evidence or issues, the Chair or Chair's designee shall be permitted to defer the comment to the next standard revision cycle. The decision to defer to next cycle shall be circulated to the standards committee for 15-day review.

### **5.7 Addressing Negative Votes with or without Comment**

#### 5.7.1 General

Negative votes shall be classified as negative vote with related comment, negative vote with unrelated comment, or negative vote with no comment and shall be addressed as defined in 5.7.2 through 5.7.4.

#### 5.7.2 Negative Votes with a Related Comment

Negative votes with a comment pertinent to the issue being balloted shall be classified as "persuasive editorial," "persuasive substantive," "non-persuasive," or "defer to next cycle" and addressed as defined in Sections 5.7.2.1 to 5.7.2.4.

##### 5.7.2.1 Persuasive Editorial

If the Chair or Chair's designee determines the comment associated with a negative vote and suggested change is persuasive and editorial, the comment shall be incorporated and:

- a. The Chair's determination, including the editorial revision to the proposal, shall be circulated to all Voting and Associate Members.
- b. Voting and Associate Members shall have 15 days to object to the determination of the comment as persuasive editorial rather than persuasive substantive. If any Voting or Associate Member objects, the comment shall be processed as persuasive substantive in accordance with 5.7.2.2. recharacterized as non-persuasive per 5.7.2.3 or defer to next cycle per 5.7.2.

##### 5.7.2.2 Persuasive Substantive

If the Chair or Chair's designee determines the comment associated with a negative vote and suggested change is persuasive and substantive, the Chair shall submit the persuasive

negative vote, including the voter's comment and suggested resolution (or, with the agreement of the negative voter, a modification thereof), to the standards committee for approval by official ballot in accordance with Section 5.5.

#### 5.7.2.3 Non-Persuasive

If the Chair or Chair's designee determines the comment associated with a negative vote and suggested change is non-persuasive, the Chair shall submit the non-persuasive negative vote, including the voter's comment and a specific reason for proposing to find the comment non-persuasive to the standards committee for approval by an official yes/no ballot. Standards committee votes to find comments associated with a negative vote non-persuasive shall be "yes" or "no" with comments being permitted, but not required, with "no" votes unless otherwise indicated in the ballot instructions.

If the standards committee fails to find a comment associated with a negative vote to be non-persuasive, the Chair shall classify the comment associated with the negative vote to be persuasive and further processed as a new proposed standards provision in accordance with Section 5.2 or the Chair may elect to rescind the proposed change.

#### 5.7.2.4 Defer to Next Cycle

If the Chair or Chair's designee determines the comment associated with a negative vote and suggested change includes recommendations related to new technical data, evidence or issues, the Chair or Chair's designee shall be permitted to defer the comment to the next standard revision cycle. The decision to defer to next cycle must be approved by an official yes/no ballot of the standards committee.

#### 5.7.2.5 Previously Considered

If the standards committee previously found the comment accompanying a negative vote to be non-persuasive in a letter ballot, the Chair is not required to reconsider the comment unless new technical information not previously known to the standards committee was introduced with the vote. The negative voter shall receive the written disposition and reasons therefore that were provided previously in response to the comment.

#### 5.7.3 Negative Votes with an Unrelated Comment

If the Chair or Chair's designee determines the comment associated with a negative vote is not related to the proposal under consideration, the Chair shall circulate the negative vote with an unrelated comment to the standards committee. Any Voting Member shall have 15 days to object to the Chair's determination. If any Voting Member objects, the negative vote with comment shall be processed in accordance with 5.7.2.

#### 5.7.4 Negative Votes with No Comment

Negative votes submitted without an accompanying comment shall be recorded as a "negative vote without comment." No action is necessary to address negative votes with no comment.

#### 5.7.5 Notification of Action on Negative Votes

All standards committee members shall be provided with a written Action on Comments report, which shall include the classification of the vote with comment and rationale for the standards committee's actions to address the comments. Voters with negative comments shall be notified

of their right to appeal in writing in accordance with Section 7.

#### **5.7.6 Withdrawal of Negative Votes with Comment**

At any point, a voter shall be permitted to withdraw their negative vote with comment or change their negative vote with comment to either affirmative or abstain. The Chair or CSC Staff shall not change a vote unless instructed to do so by the voter. It shall not be permitted to inform voters that if they are not heard from, their negative vote will be considered withdrawn and their vote will be recorded as an abstention or an affirmative.

### **5.8 Errata**

Errata shall be limited to discrepancies between the balloted, public comment, and published version of the standard and typographical errors in the published version of the standard. Errata shall be approved by the Chair and need not be processed as a proposed standards provision.

### **5.9 CSC Approval of Final Standards Committee Draft Standards and Commentaries**

After a standards committee approves a proposed standard and commentary, the Chair shall send the draft standard, commentary, and final report regarding procedural matters (such as standards committee official ballots and Resolution of Comments report) to the standards council for review and approval. Upon approval by the standards council that all procedures have been followed, the standards council shall forward to CSC a request for CSC to conduct the public comment period. The scope of the standards council and CSC review shall be limited to issues related to assuring compliance with the Rules.

### **5.10 ASCE Public Comment Period**

#### **5.10.1 Notification of ASCE Public Comment Period**

After its review and approval, CSC staff shall publish on the ASCE website a notice of the availability for review of the complete proposed standard and the dates for opening and closing an ASCE Public Comment Period. The proposed commentary shall be provided with the public comment draft for information only.

#### **5.10.2 Participation in ASCE Public Comment Period**

Any individual shall be permitted to participate in the ASCE Public Comment Period on the standard. Public comments shall be submitted via the ASCE website and require the creation of an ASCE web user account.

The minimum public review period shall be 45 calendar days. Submissions received during the ASCE Public Comment Period (period) shall be compiled by CSC staff within 30 calendar days of the close of the period. The Chair shall prepare a Resolution of Comments report within 6 months for the standards committee to consider. Comments submitted after the close of the period shall be permitted to be, at the discretion of the Chair, addressed during the current period or shall be considered during the next revision cycle of the standard.

#### **5.10.3 Addressing Public Comments**

##### **5.10.3.1 General**

Chairs shall review all public comments and classify each comment as “persuasive editorial,” “persuasive substantive,” “non-persuasive,” or “defer to next cycle.” Comments shall be

addressed as defined in Sections 5.10.3.2 to 5.10.3.5. Comment classification and resolution shall be documented in a Resolution of Comments report.

#### 5.10.3.2 Persuasive Editorial

If the Chair or Chair's designee determines the public comment to be persuasive and editorial, the Chair shall prepare and process the editorial changes in accordance with Section 5.7.2.1.

#### 5.10.3.3 Persuasive Substantive

If the Chair or Chair's designee determines the public comment to be persuasive and a substantive change is required, the Chair shall submit the proposed revision to the standards committee for approval by official ballot in accordance with Section 5.5.

#### 5.10.3.4 Non-Persuasive

If the Chair or Chair's designee determines the public comment is non-persuasive, the Chair shall provide a specific reason for finding the comment non-persuasive and submit to the standards committee for approval by official ballot. Standards committee votes to find public comments non-persuasive shall be straight "yes" or "no" votes, with comments permitted with "no" votes but not required, unless otherwise indicated in Section 5.5.

If the standards committee fails to find a comment non-persuasive, the Chair shall reclassify the comment as persuasive editorial or persuasive substantive and process in accordance with 5.10.3.2 or 5.10.3.3.

#### 5.10.3.5 Defer to Next Cycle

If the Chair or Chair's designee determines a comment includes recommendations related to new technical data, evidence or issues, the Chair shall be permitted to propose that the standards committee defer the comment to the next standard revision cycle. The decision to defer to next cycle must be approved by the standards committee via an official ballot.

#### 5.10.3.6 Previously Considered

If the standards committee previously found the comment to be non-persuasive in a letter ballot, the Chair is not required to reconsider the comment unless new technical information not previously known to the standards committee was introduced with the comment. The public commenter shall receive the written disposition and reasons therefore that were provided previously in response to the comment.

### 5.10.4 Public Comments Resulting in Substantive Changes

If the standards committee approves a substantive change following the public comment period, the revised standard shall be posted for an additional Public Comment Period, with comments open only on the revised portion(s), in accordance with Section 5.10. Previous public commenters shall be notified of the additional Public Comment Period.

### 5.10.5 Notification of Resolution of Public Comments

All public commenters shall be provided with a written Resolution of Comments report, which shall include the classification of the comment and rationale for the standards committee's agreed to resolution. Public commenters voters shall be notified of their right to appeal in writing in accordance with Section 7.

### **5.11 Approving Standards and Commentaries for Publication**

After a standards committee addresses all public comments, the Chair shall send the final draft standard, commentary, and final report regarding procedural matters (such as standards committee official ballots and resolution of comments report) to CSC for review and approval. The scope of the CSC review shall be limited to issues related to assuring compliance with the Rules.

CSC shall review all documentation and authorize the final draft standard, plus any commentaries, for publication only after determining that they were developed in compliance with the Rules.

## **6 SUPPLEMENTAL RULES FOR PROCESSING ASCE STANDARDS SEEKING DESIGNATION AS AN AMERICAN NATIONAL STANDARD (ANS)**

### **6.1 General**

A standard intended for designation as an American National Standard (ANS) shall be processed in accordance with ANSI's procedures, including the current edition of ANSI *Essential Requirements*. A standard that is approved as an ANS shall have its cover or title page marked with an approved ANSI logo furnished by ANSI or the words "an American National Standard."

### **6.2 ANSI Standards Action Forms**

CSC staff will work with the Chair to submit the following forms to ANSI, as required:

- c. Notify ANSI of the initiation of an ANS project by transmitting a Project Initiation Notification System (PINS) form.
- d. Provide an opportunity for public comment on proposals for new American National Standards and proposals to revise or reaffirm existing American National Standards by transmitting the BSR-8 form to ANSI for listing in ANSI Standards Action.
- e. Demonstrate procedural compliance with the *ANSI Essential Requirements* by transmitting the BSR-9 form to ANSI within one year of the close of public comment period. All negative votes that are not changed at the request of the voter and all unresolved public comments shall be recorded and reported as unresolved, with evidence of attempts at resolution, on the BSR-9.
- f. Request an extension in relation to an overage standard, a BSR-9 submittal after public comment period, or the publication of an ANS by transmitting the BSR-11 form to ANSI.

### **6.3 ANSI Consensus Ballot**

After conclusion of standards committee balloting of proposals and approval by the appropriate standards council and CSC to move to a public comment period, a single standards committee consensus ballot, clearly indicated as such, shall be held for the entire proposed standard. This ballot shall be permitted to occur concurrently with the public comment period. This consensus ballot shall be the official ballot reported to ANSI via their official ANS reporting process.

### **6.4 Recirculation of Actions on Comments<sup>1</sup>**

#### **6.4.1 Comments Associated with Consensus Ballot Negative Votes**

Action taken to resolve, or attempt to resolve, negative votes, along with the original comment, shall be recirculated to the standards committee with an opportunity for Voting members to respond, reaffirm, or change their vote. Voting members shall have 15 days to notify CSC staff of a change in their previous vote.

If a comment is still found unresolved following recirculation, the comment shall be considered addressed by the standards committee. A report of the results of the recirculated actions shall be provided to the standards committee and shall be reported as unresolved to ANSI.

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<sup>1</sup> Note that this step only applies to standards targeted to become American National Standards.

#### 6.4.2 Public Comments

The Chair or Chair's designee shall notify all public commenters of the action taken by the standards committee to resolve, or attempt to resolve, public comments. Public commenters shall be notified of their right to appeal in writing in accordance with Section 7.

Additionally, any unresolved public comments, along with attempts at resolution, shall be recirculated to the standards committee with an opportunity for Voting Members to respond, reaffirm, or change their Consensus Ballot vote. Voting members shall have 15 days to notify CSC staff of a change in their previous vote.

If a comment is still found non-persuasive following recirculation, the comment shall be considered addressed by the standards committee. A report of the results of the recirculation shall be provided to the standards committee.



## **7 APPEALS**

### **7.1 Scope**

Appeals shall be permitted to be made regarding perceived procedural issues at any time during the standards development process. Appeals pertaining to restraint of trade are automatically considered procedural in nature and shall be processed in accordance with this section.

### **7.2 Eligible Parties**

Parties who are directly and materially interested in and who have been or may be adversely affected by a procedural action or inaction shall have the right to appeal.

### **7.3 Filing**

The appellant shall file a written complaint with CSC staff within 30 calendar days after the postmark date of the letter or date that the email was sent notifying the objector of action taken or at any time with respect to inaction. The complaint shall: (i) state the nature of the objection(s) including any adverse effects; (ii) refer to the specific clause(s) of these Rules or the standard that is at issue, actions or inactions that are at issue; and (iii) provide 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 also be noted in the written complaint.

### **7.4 Resolution**

#### **7.4.1 Resolution of Actions Taken by the Chair**

For appeals on actions taken by the Chair, within 30 calendar days after the receipt of the complaint, the standards council or its designee shall respond in writing to the appellant specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

#### **7.4.2 Resolution of Actions Taken by the Standards Committee**

For appeals on actions taken by the standards committee, within 30 calendar days after the receipt of the complaint, the Chair or designee of the Chair shall respond in writing to the appellant specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

#### **7.4.3 Resolution of Actions Taken by the Standards Council**

For appeals on actions taken by the standards council, within 30 calendar days after the receipt of the complaint, CSC shall process the appeal in accordance with Section 7.4.4.

#### **7.4.4 Resolution by CSC**

Appellant concerns that are not resolved by the action required by Section 7.4.1, 7.4.2, or 7.4.3 shall be permitted to appeal to the CSC within 15 calendar days of being notified in accordance with Section 7.4.1 or 7.4.2.

- a. CSC shall be permitted to handle appeals by ballot, conference call, or an in-person meeting. The appellant shall be entitled to attend all in-person meetings or conference calls related to their appeal.

- b. The appellant, CSC, and others concerned shall be notified of the meeting at least 21 calendar days in advance of the date set. Voting rules of CSC as specified by the ASCE By-laws shall apply.
- c. CSC members who hear the appeal shall be impartial and not directly and materially interested in any decision resulting from the appeal.
- d. CSC shall render its decision to all concerned in writing within 30 calendar days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence presented to the hearing group. CSC shall consider the following:
  - i. Finding for the appellant — remanding the action to the standards committee with a specific statement of the issues and facts in regard to which fair and equitable action was not taken.
  - ii. Finding for the respondent — providing a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections.
  - iii. Finding that new substantive evidence has been introduced — remanding the entire action to the standards committee for appropriate reconsideration.

#### 7.4.5 Limitations During Resolution of Appeals

The standards committee shall not conduct any official ballots while an appeal related to membership issues is being resolved. The standards committee shall not conduct any official ballots that may be materially affected by the appeal. CSC shall not approve any standard for public comment or publication while an appeal is being resolved.

## **8 HEALTH, SAFETY, AND WELFARE CLAIM ISSUE WITH A PUBLISHED ASCE STANDARD**

### **8.1 General**

Interested parties who perceive a health, safety, and/or welfare issue with a published ASCE standard may submit a claim to CSC staff. CSC, the standards council, and/or the Chair shall analyze and process the claim in accordance with Section 8.

### **8.2 Claim Evidence and/or Rationale**

Submitted claims must be accompanied with objective evidence or rationale. The objective evidence or rationale shall describe in detail the specific issue and shall describe the potential risk to the public if the provision to the standard remains unchanged. Proposed changes to the standard rectifying the issue are encouraged. Challenges without objective evidence or rationale may be disregarded.

### **8.3 Analysis of Claim**

ASCE staff shall forward the claim, evidence or rationale, and any other supporting documentation to the appropriate standards council chair and to the CSC Chair. The standards council chair shall notify the chair responsible for the affected standard of the claim for review by the standards committee. If there is not a current standards committee, the standards council responsible for the standard shall appoint a panel to review the claim. The panel shall be constituted in a similar manner to a standards committee, in accordance with Section 3. Members of the panel must have served on the standards committee.

The Chair shall provide an initial opinion within 48 hours, in collaboration with the Chair of the standards council and appropriate ASCE staff as to whether an announcement to notify the public of the *potential* issue should be posted to the ASCE website; emailed to members, and, to the extent possible, nonmembers who purchased the standard; and, to the best of ASCE's ability, any jurisdictions that have adopted the standard.

### **8.4 Action of Standards Committee or Appointed Panel**

The standards committee or appointed panel shall consider the claim through an official yes/no ballot in accordance with Section 5.4. Results of the official ballot shall be forwarded to the standards council for further processing.

#### **8.4.1 Persuasive Claim**

If the standards committee or appointed panel finds the claim to be persuasive, ASCE shall post a notice on its website and, to the extent possible, notify all members, nonmembers who purchased the standard, and to the best of ASCE's ability, any jurisdictions that have adopted the standard. The standards council shall determine if the standard is to be suspended and inform the CSC and ASCE staff of such determination.

#### **8.4.2 Non-Persuasive Claim**

If the standards committee or appointed panel finds the claim to be non-persuasive, the claimant shall be informed of the decision and provided the rationale for finding the claim non-

persuasive. The claimant shall be notified of their right to appeal in writing in accordance with Section 7."

## **9 FORMAL INTERPRETATIONS**

### **9.1 General**

Requests for formal interpretations of the content of any standard shall be submitted in writing to CSC staff. CSC staff shall forward the request to the appropriate standards committee Chair for processing in accordance with Section 9.

#### **9.1.1 Limitations of Formal Interpretations**

Any written or oral statement that is not processed in accordance with this section shall not be considered the official position of ASCE or any of its standards committees and shall not be considered to be, nor be relied upon as, a formal interpretation.

Requests for formal interpretations shall be clearly worded so that they can be answered by “yes” or “no.” The standards committee is not restricted to providing an answer of either “yes” or “no.”

#### **9.1.2 Editions to be Interpreted**

Formal interpretations shall be rendered only on the text of the current or immediate prior edition of the document.

#### **9.1.3 Reasons for not Processing Formal Interpretations**

A request for a formal interpretation shall not be processed if the Chair determines it involves any of the following:

- a. A determination of the compliance of a design, installation, or product or equivalency of protection.
- b. A review of plans or specifications, or requires judgment or knowledge that can only be acquired as a result of on-site inspection.
- c. Existing text in the standard or commentary clearly and decisively provides the requested information.
- d. Subjects that were not previously considered by the standards committee or that are not addressed in the document.
- e. Providing advice, guidance, or an explanation of a provision or the intent of the standards committee.
- f. Substantive changes that can be addressed only through a proposed change to the standard in accordance with Section 5.2.

### **9.2 Requests**

A request for a formal interpretation shall:

- a. Be made in writing;
- b. Identify the portion (e.g., article, section, and paragraph) and edition of the standard or Rules which is the topic of the formal interpretation;
- c. State the question related to implementation or compliance with the portion of the standard or Rules referenced above; and

- d. Indicate the business interest of the requester. A request involving an actual field situation shall so state.

### **9.3 Editing**

A request for a formal interpretation shall be permitted to be rephrased by the Chair for brevity and clarity. The rephrased version shall be sent to the requester and all parties named in the request for agreement.

### **9.4 Preparation of Response**

If accepted for consideration, a tentative interpretation shall be drafted by the Chair and submitted to the standards committee for approval in accordance with Section 9.5.

### **9.5 Voting**

#### **9.5.1 Interpretation Approval**

Standards committee approval of a tentative interpretation shall be by official ballot in accordance with Section 5.4. Comments shall be processed in accordance with Section 5.5 and 5.6.

#### **9.5.2 Ballot Comments**

Ballot comments shall be transmitted to each member, who shall be permitted to change their vote within 15 calendar days following the distribution of ballot results.

#### **9.5.3 Failure to Obtain Standards Committee Approval**

If the standards committee does not approve the tentative interpretation, the Chair shall decide if further action is warranted. If no further action is taken, the requester shall be notified and shall be informed that they are permitted to submit a proposed change to the standard, in accordance with Section 5.2, or to the Rules, for CSC consideration.

#### **9.5.4 Ballot Results**

The requestor for an interpretation shall receive written notification of the results of the balloting.

### **9.6 Issuance**

A formal interpretation shall become effective after approval by the standards committee in accordance with Section 9.5 and CSC staff shall notify the requester of the interpretation. The formal interpretation is permitted to be appealed on procedural issues in accordance with Section 7. No interpretation shall be considered binding on ASCE unless it is established in accordance with these procedures.

## 10 REFERENCES

*ANSI Essential Requirements*; January 2021.

*ASCE Standards Writing Manual*; February 2019.

*IEEE/ASTM-SI-10-2016 IEEE/ASTM American National Standard for Use of the International System of Units*; 2016.

*Publishing Books with ASCE: A Guide for Authors, Editors, and Committees*; July 2019.<sup>2</sup>

*Roberts Rules of Order, Newly Revised 12<sup>th</sup> Edition*; 2020.

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<sup>2</sup> This publication has been replaced by an interactive ASCE Author Center at <https://ascelibrary.org/author-center>.

## Appendix A – Correction History

6/28/24

- Section 3.3.4: “ExCom” corrected to “standards council”  
“Section 6” corrected to “Section 7”
- Section 3.6.2, item h: “Section 5.3” corrected to “Section 5.4”
- Section 3.6.3: “Committee” corrected to “standards committee” in three places
- Section 4.2.4: “Section 5.3” corrected to “Section 5.4”
- Section 4.4.4, item d: “Section 5.3” corrected to “Section 5.4”
- Section 5.4: “Section 5.3” corrected to “Section 5.4”
- Section 5.7.5: “Committee” corrected to “standards committee”  
“writing accordance” corrected to “writing in accordance”
- Section 5.9: “Committee” corrected to “standards committee”
- Section 6.4.2: “writing accordance” corrected to “writing in accordance”
- Section 8.4.2 “writing accordance” corrected to “writing in accordance”
- Some capitalization corrections
- Table of contents page numbers corrected; live links added for navigation
- Footers added