

**Operating Procedures
for the
North American Laminate Flooring Association**

1. General

These procedures constitute the North American Laminate Flooring Association's ("NALFA") method of developing evidence of consensus for the approval, reaffirmation, revision, or withdrawal of American National Standards.

2. Notification of standards development and coordination

Notification of standards activity shall be announced as appropriate to demonstrate the opportunity for participation by all directly and materially affected persons. At the initiation of a project to develop or revise an American National Standard, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in *Standards Action*. A statement shall be submitted and published as part of the PINS announcement that should include:

- (a) An explanation of the need for the project; and
- (b) Identification of the stakeholders (e.g., manufacturers, suppliers, consumers, etc.) likely to be directly impacted by the standard.

The categories include groups with interest in standards related to laminate flooring products as follows:

General Interest: Public or private organizations or individuals that have an interest in the design or use of laminate flooring associated with the Standards, but neither produce or use them directly. This could include specifying or trade associations, code officials, members of academia.

User: Organizations or individuals that use the laminate flooring products associated with the standards. This could include building contractors, construction managers, or installers.

Producer: Manufacturers of the laminate flooring products associated with the Standards.

Distributor: Parties involved in the sale/dissemination of laminate flooring products in a commercial or retail setting.

Testing Laboratories: Parties involved in the testing of laminate flooring products to the Standard.

If the response to sub-section (b) changes substantively as the standard is developed, a revised PINS shall be submitted and published. A PINS form will be submitted at the initiation of a project to reaffirm or withdraw an American National Standard. Comments received in connection with a PINS announcement shall be handled in accordance with these procedures.

If NALFA receives written comments within 30 days from the publication date of a PINS announcement in *Standards Action*, and said comments assert that a proposed standard duplicates or conflicts with an existing American National Standard (ANS) or a candidate ANS that has been announced previously in *Standards Action*, a mandatory deliberation of representatives

from the relevant stakeholder groups shall be held within 90 days from the comment deadline. Such a deliberation shall be organized by the developer and the commenter and shall be concluded before the developer may submit a draft standard for public review. If the deliberation does not take place within the 90-day period and NALFA can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then the developer will be excused from compliance with this requirement. The purpose of the deliberation is to provide the relevant stakeholders with an opportunity to discuss whether there is a compelling need for the proposed standards project. The outcome of such a deliberation shall be conveyed in writing by the developer and commenter (ideally as a joint submission) to the ANSI Board of Standards Review (BSR) for consideration should NALFA ultimately submit the related candidate standard to ANSI for approval.

In addition, proposals for new American National Standards and proposals to revise, reaffirm, or withdraw approval of existing American National Standards shall be transmitted to ANSI using the BSR-8 form, or its equivalent, for listing in *Standards Action* in order to provide an opportunity for public comment. The comment period shall be one of the following:

- A minimum of thirty days if the full text of the revision(s) can be published in *Standards Action*;
- A minimum of forty-five days if the document is available in an electronic format, deliverable within one day of a request, and the source (e.g., URL or an E-mail address) from which it can be obtained by the public is provided to ANSI for announcement in *Standards Action*; or
- A minimum of sixty days, if neither of the aforementioned options is applicable.

Such listing may be requested at any stage in the development of the proposal, at the option of the standards developer, and may be concurrent with final balloting. However, any substantive change subsequently made in a proposed American National Standard requires listing of the change in *Standards Action*.

3. The Canvass Process

3.1. Development of canvass list

NALFA shall develop a list of potential canvasees consisting of those organizations, companies, government agencies, standards developers, individuals, etc., known to be, or who have indicated that they are, directly and materially affected by the standard. NALFA shall meet the requirements in 1.2 and 2.2 of the *ANSI Essential Requirements* regarding lack of dominance. No individual shall represent more than one canvasee.

In order to determine canvass participation, NALFA should conduct a pre-canvass interest survey, informing potential canvasees in writing about the use of the canvass method for developing evidence of consensus, and, requesting that potential canvasees indicate both their interest in participation and self-selected interest category. NALFA's pre-interest survey shall contain the title, designation, scope, description of the standard along with the history of its development, purpose and intended application of the standard, and an explanation of the ANSI function. The time for response shall be at least 30 days from the date of NALFA's 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 self-selected interest categories in accordance with 1.3 and 2.3 of the most current *ANSI*

Essential Requirements. In addition, the affiliation¹ and interest category of each member of the consensus body shall be made available to interested parties upon written request.

Once an interest survey has been completed for a standard, it need not be repeated for subsequent balloting of the document. In addition, NALFA may conduct a single interest survey for a group or category of standards. A canvasee who has indicated a desire to be on NALFA's canvass list for a particular standard shall receive the draft document(s), letter ballot(s), and other information listed in 3.3 below.

3.2. Announcement of canvass initiation

NALFA may request that ANSI announce the initiation of the canvass in *Standards Action* to elicit additional canvasees. This announcement shall include a statement that the canvass list is available upon request from the developer, or alternately, a URL address where an electronic version of the canvass list is posted.

The review period shall be thirty days from the date of publication. Any resulting proposals for addition to the canvass list shall be referred directly to NALFA.

3.3. Conduct of canvass

NALFA may begin to conduct the canvass at any time after an initiation of canvass is announced, but canvasees subsequently added to the canvass list shall have the same amount of time to respond as do the other canvasees.

NALFA shall transmit, at a minimum, the following information to all canvasees and other interested parties so requesting unless the developer has previously supplied this information:

- 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 canvass method in the voluntary consensus standards system;
- d) A copy of the canvass list, consisting of the name, affiliation, and category of interest of each canvasee;
- e) A copy of the complete proposed American National Standard or the relevant portion under consideration when the canvasee has previously received the complete standard;
- f) The official letter ballot(s) to all canvasees.

Upon request, NALFA shall provide to the canvasee a reasonable number of copies of the document being considered, to allow for a speedy determination of position by the canvasee. Should the document contain material that is not to be considered for approval as an American National Standard, such as an introduction or annex, a clear statement shall be included indicating those portions of the standard that are to be considered for approval by ANSI.

The ballot form used by NALFA shall provide opportunity for the canvasee to indicate its position

¹ Affiliation refers to the entity that the consensus body member represents (which may or may not be that person's employer). If the consensus body member is serving in an individual capacity, then the name of the individual, that person's employer and interest category should be available. Contact information is not required.

(i.e., approval, objection (with reasons), abstention (with comment), with the advice that, in order to receive consideration, objections must be accompanied by supporting written reasons and, where possible, proposals for a solution to the problem raised. At least one follow-up notice shall be sent to canvasees not responding. The canvass ballot may be closed at the end of thirty (30) days or sooner if all canvasees have responded. An extension of up to thirty (30) days shall be granted upon request from any canvasee giving a legitimate reason.

Those not on the canvass list who have a direct and material interest in the standard have an opportunity to participate in the review of the standard during the public review process, announced in *Standards Action*.

Approval of a new standard, revision or reaffirmation of an existing standard, or an addendum to part or all of an existing standard shall require approval by at least a majority of the canvass list and at least two-thirds of those voting, excluding abstentions.

Views and objections resulting from the canvass shall be dealt with in accordance with clause 4.

4. Consideration of views and objections

Prompt consideration shall be given to the written views and objections of all participants, including those commenting on the PINS announcement or public comment listing in *Standards Action*.

In connection with an objection articulated during a public comment period, or submitted with a vote, an effort to resolve all expressed objections accompanied by comments related to the proposal under consideration shall be made, and each such objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons. If resolution is not achieved, each such objector shall be informed in writing that an appeals process exists within procedures used by NALFA. In addition, except in the case of audited designators, each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved must be reported to the ANSI BSR.

When this process is completed in accordance with the written procedures of the standards developer, the standards developer may consider any comments received subsequent to the closing of the public review and comment period, or shall consider them in the same manner as a new proposal. Timely comments that are not related to the proposal under consideration shall be documented and considered in the same manner as submittal of a new proposal. The submitter of the comments shall be so notified.

Unresolved objections with attempts at resolution and any substantive change made in a proposed American National Standard shall be reported to the consensus body in order to afford all members of the consensus body an opportunity to respond, reaffirm, or change their vote.

5. Submittal of standard

Upon completion of the procedures for canvass, for disposition of views and objections, and for appeals, the proposed standard and BSR-9 form shall be submitted to ANSI for approval in accordance with Section ___ of the most current *ANSI Essential Requirements*.

6. Appeals

Persons who have directly and materially affected interests and who believe they have been or will be adversely affected by a standard within the committee's jurisdiction, or by the lack thereof, shall have the right to appeal substantive or procedural actions or inactions of the committee or sponsor.

Complaint. The appellant shall file a written complaint with the sponsor within fifteen days after the date of notification of action or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the section(s) of these procedures or the standard that are at issue, actions or inactions that are at issue, and the specific 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.

Response. Within thirty (30) days after receipt of the complaint, the respondent (work group chairman or sponsor 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.

Hearing. If the appellant and the respondent are unable to resolve the written complaint informally in a manner consistent with these procedures, the secretariat shall schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least ten working days notice. The aforementioned hearing may be conducted via meeting or teleconference.

Appeals Panel. The appeals panel shall consist of three individuals knowledgeable as to the policy and other concerns related to the appeal *who do* not have demonstrably real or apparent conflicts of interest with *the* subject of the appeal or the person filing the appeal. The NALFA and the appellant will select the members of the appeals panel. If the appellant and NALFA cannot agree on the composition of the panel within fifteen-days from the start of the selection process, the NALFA may appoint the panel.

Conduct of the Hearing. The appellant has the burden of demonstrating adverse effects, improper actions or inaction, and the efficacy of the requested remedial action. The respondent has the burden of demonstrating that the committee or sponsor 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.

Decision. The appeals panel shall render its decision in writing within thirty (30) days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. The panel may dispose of the case in any of the following manners:

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

- Finding that new, substantive evidence has been introduced, and remanding the entire action to the committee or the sponsor for appropriate reconsideration.

7. Records Retention

Records concerning new, revised or reaffirmed ANSI standards will be retained for one complete development cycle or until the standard is revised. Records concerning withdrawn standards will be retained until five years from date of withdrawal.

8. Interpretations

All inquiries requesting interpretation of the language of the work group's approved American National Standards shall be directed to NALFA in writing and promptly acknowledged.

NALFA shall make interpretations based on the technical expertise of the NALFA membership and, when necessary, soliciting information from outside experts/consultants. Interpretations are approved by the NALFA Technical Committee.

An interpretation shall be limited to providing clarification and explanation of the existing standard. Interpretations should not give rise to lengthy explanations that may inadvertently modify or amend the standard.

To the extent feasible, submitters shall pose their request for interpretation in the form of a specific question(s) that can be answered with a "yes" or "no" response. Submitters who request open-ended interpretations (e.g. "Explain the meaning of ... ?") will be requested to resubmit their inquiry to comply with the above.

NALFA shall respond/advise the submitter of the interpretation in writing and maintain a record of all formal interpretations rendered.

9. Metrics

NALFA will include measurements based on the metric system, where appropriate, with the meter, liter, and gram (or kilogram) as basic units in American National Standards it develops or revises under the procedures of the American National Standards Institute (ANSI). Other units of measurement may be used alongside the metric measurements to ensure the technical and scientific information conveyed in such standards is understood and accessible to the users of such documents.

10. Intellectual Property, Patents and Copyright

If NALFA determines that one of the standards for which it is the developer should include the use of a patented item, it will follow the following procedures:

Statement from patent holder

Prior to approval of such a proposed American National Standard, the Institute and NALFA shall receive from the identified party or patent holder:

- a) An assurance in the form of a general disclaimer that such party does not currently hold and does not intend to hold any patent or invention, the use of which would be required for compliance with the proposed American National Standard; or
- b) A license of use without compensation to the applicants for purposes of implementing the standard; or
- c) A license of use under reasonable and nondiscriminatory terms and conditions.

Record of patent statement

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

Patent notice

When the Institute and NALFA receive from a patent holder the assurance set forth above, the standard shall include the following or a similarly worded note:

NOTE – The user's attention is called to the possibility that compliance with this standard may require use of an invention covered by patent rights.

By publication of this standard, no position is taken with respect to the validity of this claim or of any patent rights in connection therewith. However, the patent holder has filed a general disclaimer, an assurance to provide a license of use or a license of use to the Institute and NALFA, as appropriate, on reasonable and nondiscriminatory terms and conditions. Details may be obtained from the standards developer.

Responsibility for identifying patents

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

Commercial terms and conditions

Provisions involving business relations between buyer and seller such as guarantees, warranties, and other commercial terms and conditions shall not be included in an American National Standard. The appearance that a standard endorses any particular products, services or companies must be avoided. Therefore, it generally is not acceptable to include manufacturer lists, service provider lists, or similar material in the text of a standard or in an annex (or the equivalent). Where a sole source exists for essential equipment, materials or services necessary to comply with or to determine compliance with the standard, it is permissible to supply the name and address of the source in a footnote or informative annex as long as the words "or the equivalent" are added to the reference. In connection with standards that relate to the determination of whether products or services conform to one or more standards, the process or criteria for determining conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns and does not include what would otherwise be a commercial term.

11. Discontinuance of a Standard Project

With regard to the discontinuance of a standards project, if NALFA were to discontinue any standards project, it shall do so in accordance with the principles set forth in Section 4.2.1.3 of the most current *ANSI Essential Requirements*.