



**ANSI-Accredited Standards Developer**  
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**Procedures for ANSI Canvass**  
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**Clause 1 General**

This document constitutes CEMA's accredited procedures for developing evidence of consensus for the approval, reaffirmation, revision, or withdrawal of American National Standards. These procedures are believed to meet the requirements found in the ANSI Essential Requirements (ER).

**Clause 2 CEMA Internal Procedures - Summary**

CEMA develops standards for the Conveying Industry of the United States. It submits some of these standards as American National Standards (ANS).

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

Before publishing any standard, CEMA follows its internal procedures for developing consensus among its members and those interested members of the industry who participate in the development/revision of those standards. The CEMA Engineering Conference is the body that develops and maintains CEMA Standards. The CEMA Engineering Conference Manual contains the internal CEMA procedures by which the standards work will proceed. The governing principle is as follows: No CEMA document will be approved as a CEMA document unless all Official Representatives who have expressed an interest in the proposed document have approved. (Vote = All Interested Parties less Abstentions ... One vote per company).

CEMA will not propose an American National Standard before it conducts a good faith effort to resolve potential conflicts between and among existing American National Standards and candidate American National Standards. A "good faith" effort shall require substantial, thorough, and comprehensive efforts to harmonize a candidate ANS with existing ANSs. Such efforts shall include, at minimum, compliance with all relevant sections of ANSI's Essential Requirements as elaborated in the most current version's **Coordination and Harmonization Clauses** – 1.4 and 2.4.

Furthermore, it is CEMA Policy not to include non-ANS Approved text or other inserts in the normative portions of its standards.

**Clause 3 Development of an American National Standard canvass list**

The CEMA Standards Coordinator will 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. The

standards developer shall meet the requirements in ER1.2 and 2.2 regarding lack of dominance. No individual shall represent more than one canvasee.

For CEMA Standards, consensus body membership is by company or organization, not by individual. However, a point of contact should be identified for each canvasee. The list of organizations and contacts involved in the consensus group shall be made available upon request *In Accordance With* (IAW) ER2.1.

CEMA's standards development process should have a balance of interests. Participants from diverse interest categories shall be sought with the objective of achieving balance. Historically the criteria for balance are that a) no single interest category constitutes more than one third of the membership of a consensus body dealing with safety-related standards or b) no single interest category constitutes a majority of the membership of a consensus body dealing with other than safety-related standards. If a consensus body lacks balance in accordance with the historical criteria for balance, and no specific alternative formulation of balance was approved by the ANSI Executive Standards Council, outreach to achieve balance shall be undertaken.

\* The standards development process shall not be dominated by any single interest category, individual or organization. Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.

The interest categories for CEMA's American National Standards include:

- **Producers:** Conveyor and Component Manufacturers who use this standard to design and produce their product.
- **Users:** Distributors, Engineering Firms, Designers and Specifiers, and Customers who use this standard as a reference in developing requirements.
- **General Interest:** Others interested in this basic standard of the material handling industry.

In order to determine if potential canvasees are interested in participating, the standards developer shall conduct a pre-canvass interest survey, in which the standards developer informs the potential canvasees in writing about the use of these procedures for developing evidence of consensus, and, if the potential canvasees are interested in participating, obtains an appropriate interest category classification. The standards developer's letter 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 function of the American National Standards Institute (ANSI) in the process. The time for response shall be at least 30 days from the date of the standards developer's letter and shall be so noted in the letter.

Once an interest survey has been completed for a standard, it need not be repeated for subsequent balloting of the document. In addition, the standards developer may conduct a single interest survey for a group or category of standards. A canvasee who has indicated a desire to be on the standards developer's canvass list for a particular standard, a category, or categories of standards, shall receive the draft document(s), letter ballot(s), and all appropriate information pertaining to the ANS Canvass (See Clause 6)

#### **Clause 4. Notification of an American National Standard development and coordination**

Notification of standards activity shall be announced in suitable media 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*. Note: A PINS is not required for Reaffirmations or Withdrawals of Standards. 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, including, if it is the case, a statement of intent to submit the standard for consideration as an ISO or ISO/IEC JTC-1 standard; and
- (b) identification of the stakeholders (e.g., telecom, consumer, medical, environmental, etc.) likely to be directly impacted by the standard.

Developers are encouraged to consult any relevant international or regional guides that may impact the proposed standard and shall advise the relevant ANSI-Accredited U.S. TAG(s) if the standard is intended to be submitted for consideration as an ISO or ISO/IEC JTC-1 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 may be submitted, but is not required, 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. Reaffirmations and withdrawals will be initiated with the BSR-8. Refer to the current ER 4.2.1.3.2.

A PINS is not required for revisions of an American National Standard that is maintained under continuous maintenance and (1) is registered as such on the ANSI website, (2) has a notice in the standard that the standard is always open for comment and how to submit comments, and (3) has information on the developer's website that the standard is under continuous maintenance and how to submit comments.

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

IAW ANSI Essential Requirements 2.5.1.2 "Assertions of conflict or duplication", If a developer 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 (or concurrently) 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 proposed standard for public review. If the deliberation does not take place within the 90-day period and the developer 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.

IAW ANSI Essential Requirements 2.5.1.3 "PINS Deliberation Report", the outcome of a PINS deliberation, the "Deliberation Report" shall be conveyed in writing within 30 days after the conclusion of the deliberation to the commenter and to ANSI. Upon submission of the

Deliberation Report, CEMA may continue with the submission of the proposed standard for public review. If additional deliberations take place, they should not delay the submission of the proposed standard for public review, and an updated Deliberation Report shall be conveyed within 30 days after each deliberation. Any actions agreed upon from the deliberations shall be carried out in a reasonably timely manner, but normally should not exceed 90 days following the deliberation. Subsequently, CEMA shall include all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI Board of Standards Review (BSR) for consideration should CEMA ultimately submit the subject standard to ANSI for approval. Stakeholders who were involved in the PINS deliberation process may also file separate Deliberation Report(s) with ANSI and CEMA within 30 days after conclusion of any deliberation for consideration by the BSR, if the standard is submitted to ANSI for approval.

IAW ANSI Essential Requirements 2.5.2, 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. If it is the case, then a statement of intent to submit the standard for consideration as an ISO or ISO/IEC JTC-1 standard shall be included as part of the description of the scope summary that is published in *Standards Action*. 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*. *CEMA intends to make all documents available in electronic format so it will use the forty-five day standard as normal practice.*
- **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*.

#### **Clause 5. Announcement of an American National Standard canvass initiation**

Upon receipt of a BSR-8, ANSI shall announce the initiation of the canvass in *Standards Action*. This will alert all to the canvass and may elicit additional interested parties as canvassees. 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 comment shall be a minimum of forty-five days from the date of publication if the document is available in an electronic format, deliverable within one day of a request, and if 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*. Any resulting proposals for addition to the canvass list shall be referred directly to the standards developer.

**Withdrawal of a Standard** - Should a CEMA Section that sponsors one of CEMA's ANSI Standards determine that the standard should be withdrawn, they shall inform CEMA Staff. The CEMA ANSI Standards Administrator will then submit a BSR-8 to ANSI PSA requesting that the

withdrawal announcement be published in Standards Action. Upon publication of the withdrawal announcement in Standards Action, the standard will be considered officially withdrawn. The announcement should also be posted on the CEMA Web Site, in the CEMA Bulletin, and in a Press Release to the agencies to whom CEMA routinely sends its press releases.

#### **Clause 6. Conduct of an American National Standard canvass**

The standards developer may begin to conduct the canvass at any time, but canvasees subsequently added to the canvass list shall have the same amount of time to respond as do the other canvasees.

The standards developer shall transmit, at minimum, the following information to all canvasee and 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 process 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. Official letter ballot(s) to all canvasees. Put the Start and Stop Dates of the Canvass on the Ballot Form.
- g. Insure that all forms, cover letters and ballots are dated.

Upon request, the standards developer 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 the standards developer shall provide opportunity for the canvasee to indicate its position *i.e., approve, approve with comment, object (with reasons), or abstain (with or without reason)* 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 shall be sent to canvasees not responding no later than 10 days before the end of the initial canvass period. The canvass ballot may be closed at the end of the comment period, or sooner, if all canvasees have responded. An extension 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.

Though not required by ANSI canvass procedures, the canvasser should consider circulating

comments received during the canvass ballot to all members of the canvass list.

Proposals for new American National Standards, and proposals to revise, reaffirm, or withdraw existing American National Standards, shall also be transmitted to ANSI for listing in Standards Action for comment. The standards developer shall determine whether such listing shall be concurrent with the canvass and whether announcement of the proposed action in other suitable media is appropriate.

Views and objections resulting from the canvass shall be dealt with in accordance with clause 7

### **Clause 7. -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 therefor. If resolution is not achieved, each such objector shall be informed in writing that an appeals process exists within procedures used by the standards developer. In addition, each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved (see definition)\* must be reported to the ANSI BSR.

*\* Resolved: A negative vote cast by a member of the consensus body or a comment submitted as a result of public review where the negative voter agrees to change his/her vote or the negative commenter accepts the proposed resolution of his/her comment.*

When this process is completed in accordance with CEMA's written procedures, we 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.

Each unresolved\* objection and attempt 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.

*\* Unresolved: (Ref ER Annex A) Either (a) a negative vote submitted by a consensus body member or (b) written comments, submitted by a person during public review expressing disagreement with some or all of the proposed standard, that have not been satisfied and/or withdrawn after having been addressed according to the developer's approved procedures.*

*\* Substantive Change: (Ref ER Annex A) A substantive change in a proposed American National Standard is one that directly and materially affects the use of the standard. Examples of substantive changes are below:*

*“shall” to “should” or “should” to “shall”;*

*addition, deletion or revision of requirements, regardless of the number of changes;*

*addition of mandatory compliance with referenced standards.*

CEMA shall notify, in writing, all outstanding objectors of their right to appeal to CEMA.

## **8. Evidence of Consensus and Consensus Body Vote**

Evidence of consensus in accordance with these procedures and the accredited procedures of the standards developer shall be documented. Consensus is demonstrated, in part, by a vote of the consensus body.

The CEMA criteria for consensus, as a minimum, are that a majority of the consensus body cast a vote (counting abstentions) and at least two-thirds of those voting approve (not counting abstentions). CEMA's preference is 100% percent resolution of all voter issues where possible.

The consensus body vote shall be conducted and reported in accordance with the rules set forth herein. Votes for the approval of a document or portion thereof as a candidate ANS may be obtained by letter, fax, recorded votes at a meeting or electronic means. All members of the consensus body shall have the opportunity to vote. When recorded votes are taken at meetings, members who are absent shall be given the opportunity to vote before or after the meeting.

1. CEMA shall not change a vote unless instructed to do so by the voter. If the change of vote was not submitted in writing by the voter, then written confirmation of such a vote change shall be provided to the voter by the developer. It is never appropriate 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. All negative votes that are not changed at the request of the voter shall be recorded and reported to the BSR as outstanding negatives.
2. CEMA shall record and consider all negative votes accompanied by any comments that are related to the proposal under consideration. This includes negative votes accompanied by comments concerning potential conflict or duplication of the draft standard with an existing American National Standard and negative votes accompanied by comments of a procedural or philosophical nature. These types of comments shall not be dismissed due to the fact that they do not necessarily provide alternative language or a specific remedy to the negative vote.
3. CEMA is not required to consider negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments. CEMA shall indicate conspicuously on the letter ballot that negative votes must be accompanied by comments related to the proposal and that votes unaccompanied by such comments will be recorded as "negative without comments" without further notice to the voter. If comments not related to the proposal are submitted with a negative vote, the comments shall be documented and considered in the same manner as submittal of a new proposal. If clear instruction is provided on the ballot, and a negative vote unaccompanied by comments related to the proposal is received notwithstanding, the vote may be counted as a "negative without comment" for the purposes of establishing a quorum and reporting to ANSI. However, such votes (i.e., negative vote without comment or negative vote accompanied by comments not related to the proposal) shall not be factored into the numerical requirements for consensus, unless our procedures state otherwise, which they do not. We are not required to solicit any comments from the

negative voter. We ARE NOT required to conduct a recirculation ballot of the negative vote. We ARE required to report the “no” vote as a “negative without comment” when making their final submittal to the BSR.

4. CEMA shall maintain records of evidence regarding any change of an original vote.
5. Except in regard to votes on membership and officer-related issues, each member of a consensus body should vote one of the following positions (or the equivalent):
  - a) Affirmative; CEMA = Approve
  - b) Affirmative, with comment; CEMA = Approve, with comment
  - c) Negative, with reasons. CEMA = Object, with reasons.  
(the reasons for a negative vote shall be given and if possible should include specific wording or actions that would resolve the objection);
  - d) Abstain. CEMA = Abstain, with or without reason.
6. For votes on membership and officer-related issues, the affirmative/negative/abstain method of voting shall be followed. Votes with regard to these issues need not be accompanied by reasons and need not be resolved or circulated to the consensus body.

#### **Clause 9. Submittal of an American National Standard**

Upon completion of the procedures for canvass, for disposition of views and objections, and for appeals, the proposed standard may be submitted to ANSI for approval. Information accompanying the submission will be in accordance with the most current edition of ANSI's Essential Requirements.

#### **Clause 10. CEMA Actions on receipt of ANSI Approval**

ANSI approval of a revision or reaffirmation of a standard is announced via E-Mail to CEMA's ANSI Standards Coordinator as ANSI Notification of Final Action for ANSI/CEMA XXX along with an Approval Date and the Date the Final Action will be published in ANSI Standards Action. The ANSI Standards Coordinator will retain copies of the E-Mail and Standards Action notification and include it in the Record of the Canvass.

The ANSI Logo and Approval shall be placed on the top right of the front cover or on the title page of the revised or reaffirmed standard. The format is as follows  
ANSI/CEMA XXX-YYYY. If it is a reaffirmation, an R will follow in parenthesis.  
If it is a reaffirmation, the second line will indicate (A Reaffirmation of ANSI/CEMA XXX-YYYY)  
If it is a revision, the second line will indicate (A Revision of ANSI/CEMA XXX-YYY)  
The third line will indicate the ANSI Final Action Approval Date.

#### **Clause 11 – Periodic Maintenance of CEMA's American National Standards**

Periodic maintenance is defined as the maintenance of a standard by review of the entire document and action to revise or reaffirm it on a schedule not to exceed five years from the date of its approval<sup>8</sup> as an American National Standard.

In the event that a PINS or BSR-8/108 has not been submitted for an American National Standard within five years after its approval, the standards developer may request an extension of time to reaffirm or revise the standard, or shall withdraw the standard. The request for an



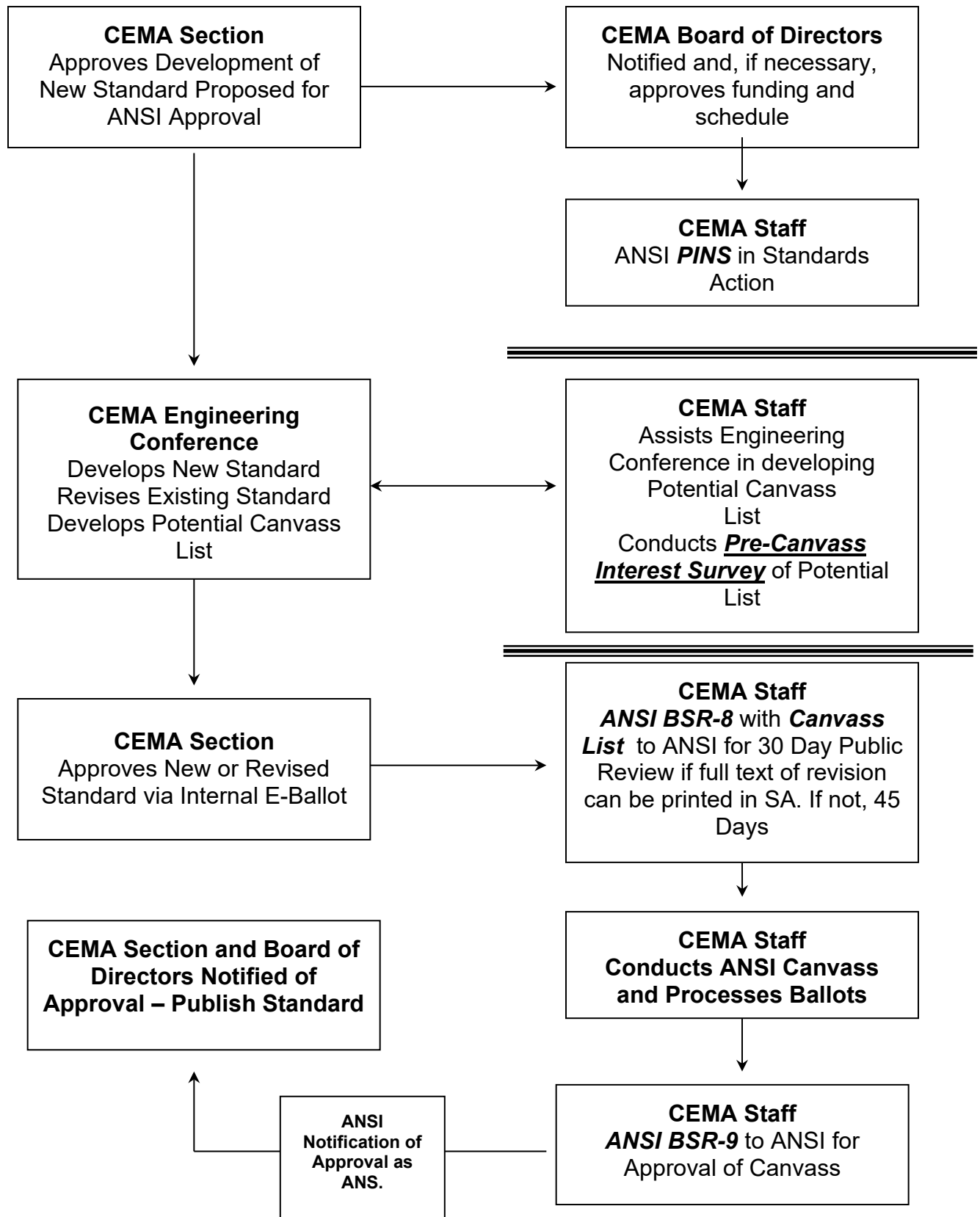
extension of time shall be submitted to ANSI within thirty days following five years after the approval date of the American National Standard.

Requests for extensions shall provide the program and schedule of work that will lead to revision, reaffirmation, or withdrawal. The extension may be granted by the ExSC or its designee.

No extension of time beyond ten years from the date of approval shall be granted for action on a standard. Except in the case of a national adoption, an ANS maintained under the periodic maintenance option shall not retain its status as a current American National Standard beyond ten years from the date of approval. Such approval automatically expires on the tenth anniversary date of approval as an American National Standard.

In the event that an American National Standard approved by a standards developer who has been granted authority to designate its standards as American National Standards is not reaffirmed, revised, or withdrawn within five years after its approval, the standards developer shall follow its own procedures to ensure that work is proceeding and shall retain confirming documentation. An ANS maintained under the periodic maintenance option shall not retain its status as a current American National Standard beyond ten years from the date of approval. Such approval automatically expires on the tenth anniversary date of approval as an American National Standard.

## CEMA Standards Development Process Overview



## **Policies of the Conveyor Equipment Manufacturers Association (CEMA)**

### **1. Record Retention Policy (Ref ER 3.3)**

The record retention policy complies with the ANSI minimum records retention requirements. Once an ANSI/CEMA standard is issued (either new or revised), all records are kept until it is issued again (i.e. one complete development cycle).

Records concerning withdrawals of all American National Standards shall be retained for at least five years from the date of withdrawal, or for a duration consistent with the audit schedule.

### **2. Interpretation Policy (Ref ER 3.5)**

CEMA policy is not to interpret its standards. Written requests for clarification, or other modifications, shall be considered during the normal review and ballot cycle of those standards.

The CEMA staff does respond to questions on the text content of all CEMA publications. When a question covers an issue that staff has prior knowledge of, staff will provide the response. If the question involves an issue that staff does not have the necessary knowledge to respond, the question will be referred to the chairman of the appropriate technical committee to provide the response.

### **3. Patent Policy (REF ER 3.1)**

CEMA's ANSI Standards are intended to be Industry Consensus Standards. As such they will normally avoid the use, inclusion, or reference to patented items or inventions.

Should any requirement arise from a standards development committee for the inclusion of patented material, formal approval of the inclusion shall be required from the relevant CEMA Section and from the CEMA Board of Directors.

Thereafter, CEMA shall comply with the current version of the ANSI Patent Policy (clause 3.1 of the ANSI Essential Requirements - ANSI patent policy - Inclusion of Patents in American National Standards)

### **4. Commercial terms and conditions (REF ER-3.2)**

CEMA agrees to comply with the Commercial Terms and Conditions guidance in the most current ANSI Essential Requirements. A summary of items to be concerned about follow:

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, or in a CEMA Standard.

Generally, it is not acceptable to include proper names or trademarks of specific companies or organizations in the text of a standard or in an annex (or the equivalent). It 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 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 or proper name.

## **5. Metric Policy (Ref ER 3.4)**

Each ANSI-accredited standards developer shall have on file at ANSI a metric policy. International System of Units (SI) are the preferred units of measurement in American National Standards. (Ref ER-3.4)

CEMA’s current policy has been to use inch/foot/pound measurements in its standards. To assist those users who wish to translate inch/foot/pound measurement to metric equivalents, CEMA shall add relevant SI equivalent tables in its standards where appropriate.

Recently, the CEMA Board adopted a policy that we will provide metric data, when deemed suitable by the sponsoring section, on CEMA standards when they come up for revision.

## **6. Appeals Policy (Ref ER 1.7 & 2.7)**

ANSI requires that the written procedures of an ANSI-Accredited Standards Developer (ASD) such as CEMA shall contain an identifiable, realistic, and readily available appeals mechanism for the impartial handling of procedural appeals regarding any action or inaction. Procedural appeals include whether a technical issue was afforded due process. (Ref 1.7)

Appeals shall be addressed promptly and a decision made expeditiously. A standards developer may choose to offer an appeals process to address appeals on other than procedural issues. Procedural appeals include whether a technical issue was afforded due process. Appeals procedures shall provide for participation by all parties concerned without imposing an undue burden on them. Consideration of appeals shall be fair and unbiased and shall fully address the concerns expressed. (Ref: ER-2.7)

## **CEMA Appeals Process (CAP)**

Right to Appeal at the standards developer level: Persons who have directly and materially affected interests and who have been or will be adversely affected by any procedural action or inaction by a standards developer with regard to the development of a proposed American National Standard or the revision, reaffirmation, or withdrawal of an existing American National Standard, have the right to appeal. The burden of proof to show adverse effect shall be on the appellant. Appeals of actions shall be made within reasonable time limits; appeals of inactions may be made at any time. Appeals shall be directed to the standards developer responsible for the action or inaction in accordance with the appeals procedures of the standards developer. If a fee for a procedural appeal is charged, then it shall be predetermined, fixed and reasonable. A procedure for requesting a fee waiver or fee reduction shall be available. (Ref: ER-2.7.1) - Note: CEMA does not intend to charge any fees for appeals.

### **CAP-1 Complaint**

The appellant shall file a written complaint with the CEMA secretariat within thirty days after the date of notification of action or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the clause(s) of these procedures or the standard that is 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.

### **CAP-2 Response**

Within thirty days after receipt of the complaint, the respondent, CEMA, shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

### **CAP-3 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 (in-person or teleconference) with an appeals panel on a date agreeable to all participants, giving at least ten working days notice.

### **CAP-4 Appeals panel**

The appeals panel shall consist of at least three individuals who have not been directly involved in the matter in dispute, and who will not be materially or directly affected by any decision made or to be made in the dispute. At least two members shall be acceptable to the appellant and at least two shall be acceptable to the respondent. Negotiations will continue until a mutually acceptable panel can be agreed upon.

### **CAP-5 Conduct of the hearing**

The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The respondent has the burden of demonstrating that the consensus body and the secretariat took all actions in compliance with these procedures and that the requested remedial action would be ineffective or detrimental. Each party may adduce other pertinent arguments, and members of the appeals panel may address questions to individuals. Robert's Rules of Order (latest edition) shall apply to questions of parliamentary procedure for the hearing not covered herein.

## **CAP-6 Decision**

The appeals panel shall render its decision in writing within thirty days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence presented to the appeals panel. Consideration shall be given to the following positions, among others, in formulating the decision:

Finding for the appellant, remanding the action to the consensus body or the secretariat 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 consensus body for appropriate reconsideration.

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