

# **Plastics Industry Association**

## **ANSI-APPROVED ACCREDITED STANDARDS DEVELOPER PROCEDURES FOR DEVELOPING AND MAINTAINING AMERICAN NATIONAL STANDARDS AND TECHNICAL REPORTS**

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## **1 General**

### **1.1 Procedures**

This document constitutes the Plastics Industry Association's (PLASTICS) accredited procedures for the development, approval, reaffirmation, revision, or withdrawal of American National Standards and Technical Reports covering manufacture, integration, care and use of plastics machinery or materials throughout the supply chain. These procedures are designed to meet the requirements found in the *ANSI Essential Requirements: Due process requirements for American National Standards* and *ANSI Procedures for the Registration of Technical Reports (latest version)*.

### **1.2 Communications**

Where used in these operating procedures, the terms "in writing" and "by correspondence" shall include the use of electronic means, such as e-mail, fax or other electronic means. In addition, electronic means may be used to authorize letter ballots, issue letter ballots, issue voting results and issue the disposition of views and objections.

## **2 PLASTICS Technical Committees**

### **2.1 Responsibilities**

PLASTICS technical committees shall be responsible for developing and maintaining the standards and/or technical reports that fall within the scope of these procedures. The committees shall be established by the PLASTICS Equipment Council, in consultation with the PLASTICS Processors Council, the PLASTICS Material Suppliers Council, the PLASTICS Brand Owners Council and with the consent of the Plastics Industry Association as the Secretariat. The activities of the committees will be overseen by the PLASTICS Equipment Council and the Secretariat.

### **2.2 Membership**

Membership on PLASTICS technical committees shall be open to any organization (company, association, government entity, etc.) directly and materially affected by the standards, subject to the selection procedure, the balance and lack of dominance requirements, and the size limitations set forth below and in the *ANSI Essential Requirements*. Participation on a PLASTICS technical committee shall not be conditional upon membership in any organization and shall not be unreasonably restricted on the basis of technical qualifications.

### **2.3 Application for Membership**

Organizations seeking membership on a PLASTICS technical committee shall submit a written request to the Secretariat indicating their interest in the work of the committee, designating their primary and alternate representatives and detailing their qualifications, willingness to participate, and affiliations which might affect their classification. Applicants shall identify their interest category (see Section 2.1.2 below), which will be subject to confirmation by the Secretariat.

In accepting or rejecting applicants, the PLASTICS technical committee shall consider the following:

- (1) Need for active participation by members of each interest group.
- (2) Balance and potential for dominance by members of a single interest group.
- (3) Extent of interest expressed by the applicant and willingness to participate.
- (4) Qualifications and ability to materially contribute to the work of the PLASTICS technical committee.

### **2.4 Resignation of Membership**

Members who wish to resign their membership shall notify the Secretariat in writing.

### **2.5 Committee Size**

The PLASTICS Equipment Council shall be permitted to establish a maximum PLASTICS technical committee size.

### **2.6 Review of Member Participation**

Members are expected to participate actively in the technical committee by attending meetings regularly, responding to correspondence and returning letter ballots. PLASTICS staff shall record members' performance relative to meeting attendance, correspondence response and letter ballot returns. This information should be reviewed at least annually by the consensus body which may direct PLASTICS staff to take corrective action such as notifying

a member in writing of his inactivity and encouraging active participation, or for a previously notified member whose participation has not improved, reclassifying them as an observer.

### **3 Meetings**

#### **3.1 Open Meetings**

Technical committee meetings shall be open to all active and inactive members, observers and others having a direct and material interest. Advanced notice of meetings shall be given by PLASTICS staff in ANSI's *Standards Action* or in other media designed to reach directly and materially affected interests, or both. The notice shall describe the purpose of the meeting and shall identify a readily available source for further information. An agenda shall be made available and shall be distributed in advance of the meeting to members and others expressing interest. PLASTICS staff may optionally maintain a permanent mailing list of other interested parties.

#### **3.2 Quorum**

A majority of the members of the technical committee shall constitute a quorum for conducting business at a meeting. If a quorum is not present, actions taken at the meeting shall be approved by letter ballot or at a scheduled meeting at which a quorum is present.

### **4 Openness and Balance**

Participation in PLASTICS's standards activities is open to all parties (persons and organizations) that have a direct and material interest in the subject of a standard. Consideration shall be given to the written views and objections of all participants and the right to appeal shall be made available to all adversely affected parties (see Section 6 below).

The Plastics Industry Association seeks broad input into its standardization activities, including the participation of individuals representing interest categories appropriate to the nature of the standard, and attendance of all interested parties at meetings. PLASTICS strives for balanced representation (a/k/a "a balance of interests") by targeting the defined interest categories in Section 2.1.2 (below) and will strive to meet the criteria in the *ANSI Essential Requirements* regarding balance which state: 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.

#### **4.1 Interest Categories**

The interest categories for PLASTICS's standards include the following:

Manufacturer:	A company or organization that produces the product (e.g., molding machines) covered by this standard.
Other Producer:	A company or organization predominantly involved with manufacturing, marketing or supplying products (e.g., molds, electronic components or electronic systems) or materials (e.g., plastic resin) related to (e.g., used with or incorporated into) the product (e.g., molding machines) covered by the standard (but not the product covered by the standard).
User:	A company or organization that uses the product covered by the standard in an industrial environment (e.g., a factory or manufacturing facility.)
Trade Association:	An organization founded and funded by businesses that operate in a specific industry. An industry trade association participates in public relations activities such as advertising, education, political donations, lobbying and publishing, but its main focus is collaboration between companies, or standardization. Associations may offer other services, such as producing conferences, networking or charitable events or offering classes or educational materials. Many associations are non-profit organizations governed by bylaws and directed by officers who are also members.
Distributor:	A company or organization that distributes a related commodity at either wholesale and/or retail prices.
Government Agency:	A permanent or semi-permanent organization in the machinery of government that is

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	responsible for the oversight and administration of specific functions.
Professional Society:	A non-profit organization (typically) seeking to further the interests of a particular profession, the interests of individuals engaged in that profession, and the public interest.
Insurance:	A company, organization or industry that provides coverage by contract whereby one party undertakes to indemnify or guarantee another against loss by a specified contingency or peril.
Labor:	An organization of workers who have banded together to achieve common goals such as better working conditions. Labor, through its leadership, bargains with the employer on behalf of union members and negotiates labor contracts (collective bargaining) with employers. This may include the negotiation of wages, work rules, complaint procedures, rules governing hiring, firing and promotion of workers, benefits, workplace safety and policies. The agreements negotiated by the union leaders are binding on the rank and file members and the employer, and in some cases, on other non-member workers.
Other:	An entity not adequately covered by any of the above interest categories (e.g., consultants, testing laboratories etc.).

This list of categories may be expanded or revised if necessary.

## **5 Project Initiation**

### **5.1 Notification of Standards 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.

### **5.2 Initiation of a Project to Develop or Revise an American National Standard**

The PLASTICS Equipment Council, in consultation with the PLASTICS Processors Council, the PLASTICS Material Suppliers Council, the PLASTICS Brand Owners Council or a PLASTICS technical committee shall approve new projects (new standards, technical reports, reaffirmations, revisions and withdrawals) prior to PINS submittal.

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 listing 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; other producers; industrial users; insurance carriers; regulatory bodies; individuals who design, install, use or maintain the covered machinery) likely to be directly impacted by the standard.

In filing the PINS form, PLASTICS should request an announcement in *ANSI Standards Action* and in other suitable media to solicit new consensus body members.

PLASTICS should consult any relevant international or regional guides that may impact the proposed standard. If, as the standard is developed, there is a substantial change in the types of parties, described in Section 2.1.2, as having a direct and material interest in the substance of the standard, a revised PINS shall be submitted and published.

Note: A PINS form may be submitted, but is not required, at the initiation of a project to reaffirm or withdraw an American National Standard.

### **5.3 Comments Received in Connection with a PINS Announcement**

Comments received by PLASTICS in connection with a PINS announcement shall be handled in accordance with these procedures. If PLASTICS receives written comments within thirty (30) calendar days from the publication date of a PINS announcement in *ANSI 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

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announced previously in *ANSI Standards Action*, a mandatory PINS deliberation of representatives from the relevant stakeholder groups shall be held within ninety (90) calendar days from the comment deadline. The PINS deliberation shall be organized by PLASTICS and the commenter and shall be concluded before PLASTICS may submit a draft standard for public review. If the PINS deliberation does not take place within the ninety (90) calendar-day period, and the PLASTICS can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then PLASTICS 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 a PINS deliberation shall be conveyed in writing (the "Deliberation Report") within thirty (30) calendar days after the conclusion of the deliberation by PLASTICS to the commenter and to ANSI. Upon submission of the Deliberation Report, PLASTICS 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 thirty (30) calendar 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 ninety (90) calendar days following the deliberation. Subsequently, PLASTICS shall include all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI Board of Standards Review (BSR) for consideration should PLASTICS 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 PLASTICS within thirty (30) calendar days after conclusion of any deliberation for consideration by the BSR, if the standard is submitted to ANSI for approval. While the outcome is not binding, unless binding provisions are agreed to by PLASTICS, participants are encouraged to develop a consensus on whether and how the standards development project should proceed.

### **5.4 Initiation of a Project to Develop or Revise a Technical Report**

Either PLASTICS itself or the PLASTICS Equipment Council, in consultation with the PLASTICS Processors Council, the PLASTICS Material Suppliers Council, and the PLASTICS Brand Owners Council shall determine the need for a Technical Report on a particular topic or in a particular area, based on market relevance.

The appropriate PLASTICS technical committee shall approve a draft Technical Report. Technical report ballots shall last at least thirty (30) calendar days and require that a majority of the committee submit a vote and that a majority of the votes cast, excluding abstentions, be affirmative. The resolution of any comments received may be less formal than that required to resolve comments on a draft standard. Any substantive changes to the document after ballot shall be distributed to the technical committee for concurrence before submittal to ANSI, using the PSA-01 form.

In the development of PLASTICS Technical Reports, PLASTICS intends and agrees to comply with the *Procedures for the Registration of Technical Reports with ANSI (current edition)*.

### **5.5 Initiation of Comment Period on Proposals to Adopt, Revise, or Reaffirm American National Standards**

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 *ANSI Standards Action*, and published in other suitable media, in order to provide an opportunity for public comment. Such listing may be requested at any stage in the development of the proposal, at the option of PLASTICS, and may be concurrent with the consensus body balloting. However, any substantive change subsequently made in a proposed American National Standard requires listing of the change in *ANSI 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 *ANSI 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 *ANSI Standards Action*; or
- A minimum of sixty days<sup>1</sup>, if neither of the aforementioned options is applicable.

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<sup>1</sup> Although a 60-day public comment period is not required in all instances, a number of provisions in the *ANSI Essential Requirements*, when read in combination, satisfy the WTO's 60-day rule. Before adopting a standard, ANSI-Accredited

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To be timely, the comments must be received by PLASTICS electronically by the close of the comment period.

Following the resolution of comments and objections, a BSR-9 form shall be submitted to ANSI requesting ANSI BSR approval of the proposed new, revised or reaffirmed standard or the withdrawal of an existing standard.

### **5.6 Discontinuance of a Project**

Discontinuance of a project after the PINS announcement shall be handled in accordance with these Procedures.

The Secretariat shall be permitted to abandon the processing of a proposed new or revised standard, or reaffirmation or withdrawal of an existing standard if the PLASTICS Equipment Council approves such an action.

The Secretariat shall determine whether announcement for such an action in suitable media is appropriate.

A written justification for such an action shall be made available upon receipt of any written request received by the Secretariat within sixty (60) calendar days of the date of the final action.

The Secretariat should notify ANSI in writing of the discontinuance of a project after a PINS announcement has been made.

## **6 Conduct of Consensus Body Vote**

The ballot used by the PLASTICS shall provide opportunity for the consensus body member to indicate its position as one of the following:

- Affirmative;
- Affirmative with comment;
- Negative (with comment), which means an objection with reasons, 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; or
- Abstention (with or without comment).

At least one follow-up communication shall be sent to consensus body members not responding. The ballot may be closed at the end of thirty (30) calendar days, or sooner if all consensus body members have responded. Taking into account the potential delay in the project that would result, an extension of up to sixty (60) calendar days may be granted upon request from any consensus body member giving a legitimate reason.

If the same organization is represented on the consensus body by more than one person and the votes are consistent, only one vote from that organization will be counted. In the case where voting is inconsistent (e.g., one affirmative and one negative), PLASTICS will contact the organization representatives and request a single or consistent vote.

Those not on the consensus body 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 *ANSI Standards Action*, which may be conducted concurrently with the consensus body balloting. Views and objections resulting from the ballot and public review shall be dealt with in accordance with Section 7.

## **7 Disposition of Views and Objections**

Prompt consideration shall be given to the written views and objections of all participants, including those

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Standards Developers shall allow a period of at least 60 days in total for submission of comments on the draft standard if requested by an interested third party within the territory of a Member of the WTO. Exceptions outlined in the rule are permitted due to issues of safety, health or environment. (See *WTO Agreement on Technical Barriers to Trade (TBT)*, Annex 3 Code of Good Practice for the Preparation, Adoption and Application of Standards (CGP) Substantive Provision L.)

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commenting on either the PINS announcement or public comment listing in *Standards Action*.

**7.1 Public Review and Consensus Body Objections**

An effort shall be made to resolve all objections that meet the following two criteria:

(1) The objections were articulated in writing and submitted to PLASTICS during a public comment period, or submitted to PLASTICS in connection with a consensus body vote; and

(2) the objections were accompanied by supporting rationale and comments related to the proposal under consideration and, where possible, offered proposals for a solution to the problem raised.

Each objector shall be advised in writing (including electronic communications) of the disposition of their objection and the reasons therefore. PLASTICS may inform public review commenters that, if they are not heard from, their objection shall be considered resolved and reported to the ANSI BSR as such. If resolution is not achieved, the objector shall be informed in writing that an appeals process exists within procedures used by PLASTICS. In addition, each objection resulting from public review or submitted by a member of the consensus body which is not resolved (see definition of “resolved” in Annex A of *ANSI Essential Requirements*) must be reported to the ANSI Board of Standards Review (BSR).

When this process is completed in accordance with these procedures, PLASTICS may consider any comments received subsequent to the closing of the public review comment period and consensus body ballot or shall consider them in the same manner as a new proposal at the next review.

Each “unresolved objection” (as defined in Annex A of the *ANSI Essential Requirements*) and attempt at resolution, and any “substantive change” (as defined in Annex A of the *ANSI Essential Requirements*) made in a proposed American National Standard shall be reported to the consensus body in order to afford all members an opportunity to respond, reaffirm, or change their vote within fourteen (14) calendar days. Substantive changes made in a proposed American National Standard shall be listed in *ANSI Standards Action*. PLASTICS shall respond as follows to objections received through public review or consensus body ballot:

<b>Objection</b>	<b>Definition</b>	<b>Action</b>
Persuasive	Objection is substantive, and PLASTICS agrees with the objection.	<ul style="list-style-type: none"> <li>Standard is modified to address the objection.</li> <li>The revised section is recirculated to the consensus body with related correspondence.</li> <li>A new BSR-8 is submitted to ANSI.</li> </ul>
Objection Withdrawn	Commenter withdraws objection	<ul style="list-style-type: none"> <li>No action necessary.</li> </ul>
Editorial	Objection is not substantive, but PLASTICS agrees with the objection	<ul style="list-style-type: none"> <li>Standard is modified to address the objection. Commenter is advised of the change.</li> </ul>
Non-Persuasive	Objection can be substantive or not substantive, but PLASTICS does not agree with it.	<ul style="list-style-type: none"> <li>Commenter is advised of the decision and reasoning.</li> <li>The consensus body shall be provided the related correspondence and provided an opportunity to respond, reaffirm or revise their votes.</li> <li>ANSI provided correspondence with BSR-9 form.</li> </ul>
Previously Addressed	Objection has been previously submitted and addressed.	<ul style="list-style-type: none"> <li>Commenter is provided with the same response given to others that raised this objection.</li> <li>Commenter can change vote.</li> <li>If commenter does not change vote, the objection stands and is treated as an <u>unresolved objection</u>.</li> </ul>

Not Related	PLASTICS determines that the objection is not related to the subject of the ballot	<ul style="list-style-type: none"> <li>• PLASTICS notifies the objector.</li> <li>• Commenter can change vote.</li> <li>• If commenter does not change vote, the objection stands and is treated as an unresolved objection that is deemed not related.</li> </ul>
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**7.2 Right of Appeal**

PLASTICS shall provide written notice to all commenters with unresolved objections of their right to appeal to PLASTICS.

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

The consensus body vote shall be conducted and reported in accordance with the rules set forth herein.

**8.1 Method of Voting**

Votes for the approval of a document or portion thereof as a new, revised or reaffirmed candidate ANS may be obtained by votes at a meeting or ballot. 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 up to fifteen (15) days after the meeting.

**8.2 Consensus**

The actions listed below may be taken at a meeting or done by letter ballot. If taken at a meeting, a quorum shall be present and at least two-thirds of members voting, excluding abstentions shall approve the action. If taken by letter ballot, a majority of members shall respond to the ballot (counting abstentions) and at least two-thirds of members voting shall approve the action (not counting abstentions).

- approval of a new standard;
- revision or reaffirmation of an existing standard;
- withdrawal of an existing standard;
- a corrigendum to part or all of an existing standard.

PLASTICS in consultation with its Equipment Council may withdraw its approval of one or more of its American National Standards, without a vote of the relevant consensus body, based on such considerations including but not limited to market relevance and/or use, adoption of corollary ISO standards, etc.

Evidence of consensus in accordance with these procedures shall be documented.

**8.3 Management of the Voting Process**

The official written record of the vote cast by each individual voter, and any change in that original vote, during a particular standards action project (e.g., approval of a new standard or reaffirmation, revision or withdrawal of an existing standard) shall be maintained by PLASTICS for at least one complete standards cycle, or until the standard is revised per the requirements in Section 3.3.1 of the *ANSI Essential Requirements* applicable to a developer operating under the periodic maintenance option.

PLASTICS 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 PLASTICS staff. All negative votes that are not changed at the request of the voter shall be recorded and reported to the BSR as unresolved objections.

**8.3.1 Negative votes accompanied by any comments that are related to the proposal under consideration**

PLASTICS 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.

**8.3.2 Negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments**

PLASTICS is not required to and will not consider negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments. Negative votes must be accompanied by comments related to the proposal. Votes not accompanied 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 a negative vote unaccompanied by comments related to the proposal is received, 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. PLASTICS is not required to and will not solicit any comments from the negative voter or conduct a recirculation ballot of the negative vote. PLASTICS is required to and will report the “no” vote as a “negative without comment” when making its final submittal to the BSR.

**9 Plastic Industry Association Appeals Mechanism**

**9.1 Appeals**

Persons who have directly and materially affected interests and who have been or may be adversely affected by a procedural action or inaction of a PLASTICS technical committee, the consensus body or the Secretariat shall have the right to appeal.

**9.2 Appeals on Procedural Basis**

The only basis upon which such an appeal shall be filed is failure of PLASTICS to follow either its own procedures or any other provisions contained in the *ANSI Essential Requirements* or the *Procedures for the Registration of Technical Reports with ANSI*. The burden of proof shall be on the appellant.

**9.3 Complaint**

The appellant shall file a written complaint with the Secretariat within thirty (30) calendar days after the date of notification of the challenged action or at any time with respect to inaction. For the complaint to be considered, the appellant shall include a non-refundable \$250 filing fee, or alternatively may file a fee waiver or fee reduction request based on cause. If a decision on the fee waiver is rendered within seven (7) calendar days of the request, the thirty-calendar day period for filing the complaint above will remain in effect unless an extension for cause is requested. If a decision on the fee waiver/reduction is not rendered within the specified time, the thirty-calendar day time period will begin upon transmission of the decision. The complaint shall state the nature of the objection(s) including any adverse effects, the Section(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.

**9.4 Response**

Within thirty (30) calendar days after receipt of a timely filed written complaint, PLASTICS shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of PLASTICS’s knowledge.

**9.5 Hearing**

If the appellant and PLASTICS 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 fourteen (14) calendar days’ notice.

**9.6 Appeals panel**

The appeals panel shall consist of three individuals who have not been directly involved in the matter in dispute, and who will not be materially or directly affected by any decision made or to be made in the dispute. At least two members shall be acceptable to the appellant and at least two shall be acceptable to PLASTICS.

**9.7 Conduct of the hearing**

The appellant has the burden of demonstrating adverse effects on the appellant, improper actions or inactions by the Secretariat, and the efficacy of the requested remedial action. If the appellant presents a prima facie case on all three points, PLASTICS 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.

**9.8 Decision**

The appeals panel shall render its decision in writing within thirty (30) calendar 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:

- a) 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;
- b) Finding for PLASTICS, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections;
- c) Finding that new, substantive evidence has been introduced, and remanding the entire action to the consensus body for appropriate reconsideration.

**10 Submittal of standard**

Upon completion of the procedures for consensus body and public review, disposition of views and objections, and appeals, the proposed standard shall be submitted to ANSI for approval using the BSR-9 form. Please see ANSI Essential Requirements Section 4.2.1.1, Criteria for approval of an American National Standard.

**11 Normative Policies of the Plastics Industry Association Standards Development Program**

**11.1 Record Retention Policy**

PLASTICS operates under the "periodic maintenance option" described in Section 4.7.1 of the *ANSI Essential Requirements* and its record retention policy is that "records shall be retained for one complete standards cycle, or until the standard is revised," as stated in Section 3.3.1, subparagraph (1) of the *ANSI Essential Requirements*. This includes but is not limited to all records related to new, revised or reaffirmed standards.

Records concerning withdrawals of all American National Standards shall be retained for at least five years from the date of withdrawal.

**11.2 Interpretation Policy**

PLASTICS staff does not provide a substantive response to oral questions on the technical content of ANSI standards or technical reports for which it is the Secretariat but asks that the question be submitted in writing. PLASTICS staff does respond to written questions on the technical content of all PLASTICS publications. When a written question covers an issue on which PLASTICS staff is knowledgeable, PLASTICS staff shall, after consulting the Chair of the applicable technical committee, provide a written response. If the written question involves an issue for which PLASTICS staff does not have the necessary knowledge to respond, the question shall be referred to the appropriate technical committee member to provide the response in writing.

**11.3 Patent Policy**

PLASTICS standards and technical reports shall comply with the Section 3.1 ANSI patent policy – Inclusion of Patents in American National Standards of *ANSI Essential Requirements: Due process requirements for American National Standards (current edition)*.

**11.4 Metric Policy**

PLASTICS's current policy is to use both the International System of Units (the modern metric system) and the U.S. Customary System of Units in all standards and technical reports. For all PLASTICS standards, the metric units shall appear first with the U.S. Customary Units immediately following in parentheses.

**11.5 Commercial Terms and Conditions Policy**

PLASTICS standards shall comply with Section 3.2, Commercial Terms and Conditions of *ANSI Essential Requirements: Due process requirements for American National Standards*.

PLASTICS reserves the right to stay the issuance of any of its American National Standards or Technical Reports (“Projects”) where the Secretariat/PLASTICS determines that said language, either by itself or in combination with other activities, may violate any Applicable Law (such Applicable Law includes, but is not limited to: antitrust, competition and fair trade laws; employment laws; antidiscrimination laws; and intellectual property laws), or expose PLASTICS to a material risk of litigation based on a claim that a Project violates any applicable law. Any such determination, i.e., to stay the issuance, made by the Secretariat/PLASTICS under this right shall be subject to the appeals process outlined in Section 6 and the Secretariat’s right to discontinue a project pursuant to Section 2.3.

**11.6 Antitrust Policy**

The Plastics Industry Association, as a registered trade association within the United States, conducts its meetings, including standards development meetings, under the precepts, constructs and legal framework of antitrust legislation contained in the Sherman Antitrust Act. These relevant antitrust principles shall be reviewed with participants prior to every PLASTICS standards development meeting.