



American Association of Radon Scientists and Technologists
**Bylaws for the AARST Consortium on
National Radon Standards**
03/2019

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Article I. Mission

- 1.1 To establish and maintain a continuous consensus process for writing and amending voluntary radon standards where all resulting standards are technically proficient and functionally viable in a manner to achieve universal acceptance and utilization in the United States.
- 1.2 Incumbent upon this mission is a duty to seek a consensus process that is balanced, open and capable of addressing standards in a timely manner.

Article II. Applicability and Rules

- 2.1 These bylaws, procedures and policies apply to activities of the Executive Stakeholder Committee (ESC), all subcommittees and other consensus bodies regarding the development of consensus for approval, revision, reaffirmation, and withdrawal of AARST National Radon Standard documents.
- 2.2 These bylaws, related operating procedures and all related activities are subject to rules as determined by the Board of the American Association of Radon Scientists and Technologists (hereafter referred to as AARST). In accordance with AARST Bylaws, the Standards Management Council (SMC) comprised of elected officials and individuals appointed by the AARST Board shall direct certain operations and facilitate internal and external relations for the AARST Consortium on National Radon Standards.

The SMC shall be the central contact and authority for:

- 2.2.1 Budgets and funding;
- 2.2.2 Publication and distribution of documents;
- 2.2.3 *Audits as deemed necessary by the SMC to protect the integrity of due process and suitability of content;
- 2.2.4 *Resolving disputes that are outside the scope of responsibilities otherwise defined herein for consensus bodies including certain duties stipulated in Annex B, *Operating Procedures for Appeals*.
- 2.2.5 *Outreach and approval of participants for all committees in accordance with requirements stipulated in Annex D, *Nomination and Approval Procedures for Committee Members*.
- 2.2.6 Notification to ANSI in the event AARST ceased to maintain the status as an incorporated or otherwise recognized legal entity or discontinues activities conducted under these procedures.

* Note: Policy of Evidence Compliance in accordance with ANSI requirements. Written evidence is required for retention in the Consortium's records regarding these activities.

Article III. Consortium Committees

3.1 Committees (general)

3.1.1 Size

A limited committee size is required to facilitate timely decisions.

3.1.2 Balanced representation

The AARST standards development process shall not be dominated by any single interest category. The consortium committee structure herein shall seek to achieve balanced representation of primary stakeholders from the radon community on all committees (as described in Articles 3.2.2 and 3.2.3). No single interest category as individuals or organization(s) shall constitute more than one-third of a consensus body (e.g. subcommittee) responsible for the content of any specific standard.

3.1.3 Dominance

Definition: Dominance can be defined in this context as 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. Unless a directly and materially affected person claims that a single interest stakeholder group dominated the standards development process, no test for dominance is required.

3.1.4 Consortium Structure

3.1.4.1 The Executive Stakeholder Committee (ESC): This consortium consensus body is the overseeing committee whose vote demonstrates evidence of consensus for: Process refinement; prioritization of workload; establishment of appropriate subcommittees; and regarding other duties outlined in section 3.2.

3.1.4.2 Multiple Subcommittees (consortia): The individual consensus bodies whose vote demonstrates evidence of consensus for approval regarding the general content and technical content of each specific standard document. These committees are tasked to promulgate, complete and maintain each individual standard document.

3.2 Executive Stakeholder Committee (ESC)

3.2.1 Composition (consortium)

The ESC shall be comprised of representatives in a manner that achieves balanced representation of Primary Stakeholders from the radon community. The ESC shall be comprised of a voting delegate and, if available, an alternate voting delegate for each of approximately 9-11 stakeholder interest groups.

3.2.2 Duties in general

3.2.2.1 Shall establish and continually revise operating procedures for creating AARST National Radon Standards

3.2.2.2 Shall establish priorities for standards action.

3.2.2.3 Shall cause the establishment of multiple subcommittees tasked with each individual standard action.

3.2.2.4 Shall cause audits as deemed necessary by the ESC to protect the integrity of due process and suitability of content.

3.2.2.5 Shall be responsible to ensure coordination and harmonization

Good faith efforts shall be made to resolve potential conflicts between and among existing American National Standards and candidate American National Standards.

Definition of a “good faith” effort: A “good faith” effort shall require substantial, thorough and comprehensive efforts to harmonize a candidate American National Standard and existing American National Standards. Such efforts shall include, at minimum, compliance with all relevant sections within the most current version of the ANSI Essential Requirements: “*Due process requirements for American National Standards.*”

Definition of Conflict: Conflict within this process refers to a situation where, viewed from the perspective of a future implementer, the terms of one standard are inconsistent or incompatible with the terms of the other standard such that implementation of one standard under terms allowable under that standard would preclude proper implementation of the other standard in accordance with its terms.

3.3 Multiple Subcommittees

3.3.1 Composition (consortia)

Shall be comprised of both Primary and Secondary Stakeholder representatives in a manner that achieves balanced representation and assurance of a respectable and technically adequate consensus process. Each Subcommittee shall be comprised of a voting delegate and, if available, an alternate voting delegate for each of approximately 9-15 stakeholder interest groups.

3.3.2 Duties

Shall each promulgate, complete and maintain an individual standards document.

3.4 Primary and Secondary Stakeholders Defined

3.4.1 *Definition:* "Primary Stakeholders" is defined as those groups having a scope of relationship with the public that entails wide-scale interaction on multiple issues.

See Annex D-5, *Nomination and Approval Procedures for Committee Members*, for specific examples of Primary Stakeholders where each interest group is extended a standing invitation to participate on all committees.

3.4.2 *Definition:* "Secondary Stakeholders" is defined as those groups with specialty relationships to only one or a few radon issues. Participation of such stakeholders is encouraged for the composition of various sub-committees where specified expertise and representation is appropriate. This category is open to any interest group materially affected by the specific topic of a given document so long as the balanced representation requirements for the subcommittee are not compromised.

See Annex D-6 for specific examples of Secondary Stakeholders that include specialist trades and societies.

3.5 Committee Members

- 3.5.1 The process for nomination and approval of candidate committee members shall be conducted in accordance with Annex D, *"Nomination and Approval for Consortium Committee Members"*.
- 3.5.2 Committee members may participate on multiple committees.
- 3.5.3 Committee members are expected to serve on a committee approximately three years, or more.
- 3.5.4 Participants and Vantage Points Represented
- Each stakeholder or interest group is seated with one voting delegate and, if available, one alternate voting delegate. Participants are seated on each consensus body committee to provide representation for the experience and vantage point of the stakeholder interest group for which they are to represent. Participants shall not be imposed upon or presumed to represent formal positions of the designated interest group or any organization, employer or peers associated with a designated stakeholder or interest group represented.
- 3.5.5 Diplomacy and quality participation in a consistent manner is required of all participants.
- 3.5.5.1 Removal of a participant for cause: Quality participation in a consistent manner is required. Replacement of representatives may be required for reasons including but not limited to:
- a) A committee member failing to consistently participate such as consistent failure to attend committee meetings or failure to vote on two ballot proposals; or
 - b) Failure to provide participation in a professional manner and/or in a manner conducive to a team effort.

3.6 Committee Chairpersons:

- 3.6.1 The chairperson's role shall be that of a director and facilitator.
- 3.6.2 The chairperson shall not have a vote in committee proceedings.
- 3.6.3 The chairperson might have affiliation to one or more stakeholder groups, but, due to the nonvoting posture, the chairperson shall not be deemed a replacement representative for any Stakeholder representative that otherwise may be required for balanced representation procedures.
- 3.6.4 Chairpersons and staff serving in the capacity of document development shall observe operating procedures established in Annex A *Document Development Procedures for Committees*, and as otherwise required by these bylaws.
- 3.6.4 * The chairperson and as facilitated by supporting staff is designated as committee responder: a) for informal responses to public inquiries; b) for communications with supervising committees; and c) At the conclusion of ballot procedures regarding negative votes of consensus body members. To the best of the abilities of the chair or supporting

* Written evidence required

staff to summarize deliberations, each such objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefor.

3.7 Committee Meetings:

3.7.1 Committees should hold meetings at least once a year. When practical, meetings should be coordinated with commonly attended events such as the AARST Annual Symposium.

3.7.2 Conference Call meetings

Committees should meet as often as necessary in a manner where members can, within reason, communicate in real time including but not limited to conference calls and computer conference.

3.7.3 Committee consensus decisions shall be based upon due process described in Article IV herein. On questions of parliamentary procedure not covered herein, *Robert's Rules of Order* (latest edition) shall prevail.

Article IV. Due Process

4.1 Committee Consensus

The following requirements apply to both subcommittees responsible for the content of a document and the Executive Stakeholder Committee:

4.1.1 *Definition:* "Consensus" signifies that substantial agreement has been reached by the committee but not necessarily unanimity.

*Consensus for the will of a committee shall be confirmed by no less than 60% voting agreement of all stakeholder groups represented in the specific committee (counting abstentions and stakeholder groups who have not rendered a vote).

4.1.2 Voting Members

The consensus body of voting members that comprise each committee shall include approved representatives for the specific committee from stakeholder groups as described in Section 3.4 and elsewhere herein, or if absent, their approved alternate representative. Both designated voting and alternate voting representatives from each stakeholder group shall be encouraged to participate in building consensus by attending all meetings.

4.1.3 Ballots

When recorded votes are taken at meetings, all stakeholder groups shall be given the opportunity to vote before or after the meeting if no representative is able to attend. See *Annex C Ballots and Evidence of Compliance* for additional requirements.

4.1.4 Designated and Alternate Voters

When recorded votes are taken and both the designated voting and alternate voting representative for a stakeholder group render a vote, the vote of the designated voter shall be used for determining consensus. In the event the designated voter does not vote or renders a vote of abstention, the vote of the alternate shall be used for determining consensus.

* Written evidence required

During consensus building activities that include open and informal discussion, all participants shall be afforded consideration in accordance with *Robert's Rules of Order* (latest edition). The vote of alternate voters that choose to cast a vote during a ballot shall be recorded for the purpose of enhancing consensus building activities and for use in the event the designated voter does not vote or renders a vote of abstention.

4.1.5 ANSI Requirements

Voting procedures for consensus body shall adhere to ANSI requirements found in the most current version of the ANSI Essential Requirements: "*Due process requirements for American National Standards*."

4.2 Openness

4.2.1 All formal committee proceedings shall be open to any Consortium member or affected party for review regardless of membership category. Access to proceedings shall be provided as per approved procedures, which may specifically include Internet or other method of access.

4.2.2 Written procedures that govern or guide the methods used for AARST National Radon Standards development shall be available to any interested person.

4.2.3 Any Consortium Member, organization, company, government agency, individual, or affected party has a right to participate by: a) expressing a position and its basis, b) having that position considered, and c) having the right to appeal. Commenters shall be directed to express their position in writing as per approved procedures to the specific subcommittee or committee responsible for the applicable action or inaction.

4.2.4 Informal discussions between any and all parties shall be encouraged including informal workgroups for widespread discussion.

4.2.5 Formal comments

Informal private or public discussion may be considered by committee members in their deliberations yet do not constitute a formal comment that requires a committee response. Formal comments are written communications specifically forwarded with the intent of committee consideration and response. All views and objections that are submitted in direct response to a public comment listing in ANSI's *Standards Action*, related to an ANSI PINS announcement or provided with a committee member vote shall be considered formal comments regardless of writing style chosen by the authors of the comments.

To facilitate appropriate consideration of a comment and to delineate between informal discussion and a formal comment to be addressed by a committee, approved procedures for rendering formal comments may often be requested of commenters. Failure of a commenter to fully comply with approved procedures does not necessarily cause a comment to be voided yet committees shall not otherwise be responsible to interpret the difference between informal and formal comments. Procedures approved and amended from time to time by the ESC shall normally entail components to help clarify: 1) the specific text in question, 2) rationale for a suggested change, 3) suggested text amendment to accommodate the commenters concern, and 4) a request for permission to add the suggested text amendment into the document if it is found persuasive.

4.3 Records

4.3.1 Policy on Records Retention

All records to demonstrate compliance with all aspects of these procedures and as required by ANSI policies and procedures shall be maintained electronically for a minimum period of 15 years by AARST. To additionally confirm compliance with ANSI ER Section 3.3 *Evidence of Compliance*:

- 1) American National Standards maintained under the periodic maintenance shall be retained for not less than one complete standards cycle, or until the standard is revised;
- 2) American National Standards maintained under the continuous maintenance option shall be retained for not less than one complete standards cycle or until approval of the subsequent revision or reaffirmation of the complete standard;
- 3) Such records shall be available for audit as directed by the ANSI Executive Standards Council (ExSC); and
- 4) Records of withdrawals of 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.

4.3.2 Policy on Evidence of Compliance

Written records are required to demonstrate compliance with all aspects of these procedures that include but are not limited to those noted herein by asterisks and footnotes. Complete committee proceedings shall encompass retention of all records including, but not limited to, those related to:

- 1) Policies and Procedures;
- 2) Membership Records (See Annex D *Nomination and Approval Procedures for Committee Members*);
- 3) ANSI Forms and Information Provided to ANSI;
- 4) Evidence of Consensus and Consideration of Objections from the Consensus Body (See Annex C *Ballots and Evidence of Compliance*);
- 5) Evidence of Consensus and Consideration of Objections from Public Review Commenters. (See Article 4.4);
- 6) Evidence of Approval, Withdrawals, Appeals and declarations; and
- 7) Any evidence regarding good faith to resolve potential conflicts between and among existing American National Standards and candidate American National Standards, and other records as required by ANSI Policies and Procedures.

4.3.3 Electronic records should furthermore be maintained in a manner to allow access as a tool for review of situations that might otherwise have been forgotten about or overlooked and to provide evidence of compliance with procedures.

4.3.4 Such records shall not be a substitute for the judgment of a committee.

4.4 Consideration of Comments, Views and Objections

- 4.4.1 Committee members directly responsible for a document or standards action shall give prompt consideration to the written views and objections of all participants, including those commenting on the PINS announcement or public comment listing in ANSI's *Standards Action* publication. The committee members as a consensus body shall have authority to determine if an argument is frivolous or potentially persuasive. Should any committee member deem an informal comment made during workgroup discussions or other forum to be significant or an argument to be potentially persuasive, a rendering of the comments may be added into the committee proceedings and minutes.
- 4.4.2 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.

Definitions:

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.

Unresolved: 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.

- 4.4.2.1 *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 these procedures as stipulated in Annex B. In addition, 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.

*Records regarding any unresolved comment shall include written evidence of attempts at resolution and proceedings that resulted in a ballot to find the comment(s) non-persuasive or non-responsive.

- 4.4.2.2 When this process is completed, the consensus body 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.

- 4.4.2.3 *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.

* Written evidence required

4.4.2.4 Resolved public review comments: In connection with an objection articulated during a public comment period, action shall be taken to verify the disposition of each comment in a manner that shall result in one of the following documents to be retained in records of the proceedings:

- a) * a communication demonstrating that a commenter was provided a deadline to respond and a statement informing the commenter that the comment will be considered resolved if no response is received by the deadline stated in the communication; or
- b) * a communication demonstrating that a commenter was informed that unless new comments are received in response to a proposed standard that is being reissued for additional public review, the committee will assume the commenters previous objections are resolved; or
- c) * a response from the commenter in writing that indicates their comment is resolved including a statement with at least one of the following assertions:
 - i acceptance of the committee response as satisfactory resolve for the comment(s); or
 - ii withdrawal of the comment(s).

4.5 Interpretations

- 4.5.1 Subject to a written request and a chairperson's determination that an interpretation is warranted, chairpersons may render a request to a subcommittee for a general interpretation of language that exists within an approved AARST National Radon Standard.
- 4.5.2 Informal interpretations: To the extent timeliness is of the essence and convening the complete subcommittee to achieve a formal interpretation is prohibitive, the chair, supervising chair or a portion of the committee that is readily available is permitted to render an informal interpretation. A statement shall be included that describes inherent limits of consensus and names the person(s) providing the informal interpretation.
- 4.5.3 Formal interpretations: To the extent that the related subcommittee can be convened in a timely and complete manner, subcommittee members shall render a general interpretation of the language in question or decide if urgency warrants a formal revision of the document. Voting or ballot procedures for a formal interpretation shall comply with consensus requirements of Article 4.1.
- 4.5.4 For both formal and informal interpretations, the interpretation provided to the person or party requesting the interpretation shall be rendered in writing.
- 4.5.5 *Records regarding interpretation requests and formal or informal responses shall maintained in the subcommittee's records in a manner to retain written evidence of the interaction. Formal interpretation documents shall be kept with publicly available records for review and possible reconciliation during future formal revisions.

* Written evidence required

4.6 Appeals

- 4.6.1 Persons who have materially affected interests and who have been or will be adversely affected by any substantive or procedural action or inaction by committee(s) or committee participant(s) at the AARST Consortium on National Radon Standards or AARST have the right to appeal.
- 4.6.2 All appeals are subject to approved operating procedures stipulated in Annex B *Operating Procedures for Appeals*.
- 4.6.3 *Records of appeals shall be entered into committee minutes and be kept in the records in accordance with Article 4.3.

4.7 Policies regarding Patents

All aspects of current ANSI required patent policies shall be adhered to including as it relates to the inclusion of patented items within a standards document.

4.8 Policies regarding Commercial Terms/Conditions

All aspects of current ANSI required commercial terms and conditions policies shall be adhered to including restrictions on provisions that involve business relationships or use of product names within a standards document.

4.9 Antitrust Policy

All activities conducted in association with development of AARST National Standards shall comply with the current AARST antitrust policies as deemed acceptable to ANSI for antitrust policies.

4.10 Policy for Units of Measurement

AARST National Standard documents that are promulgated and published shall include both commonly used English-American measurement units as found practical and the International System of Units (SI). (*Guidance for conversions can be found at NIST.*)

4.11 Policy regarding Coordination/Harmonization

*Good faith efforts shall be made to resolve potential conflicts between and among existing American National Standards and candidate American National Standards. See 3.2.2.4 for “Definition of a “good faith” effort” and “Definition of Conflict”.

Article V. Initiation of a Standards Task

5.1 Consideration of standards proposals

The Executive Stakeholders Committee shall give prompt consideration regarding proposals made for developing new standards, or revising, reaffirming, interpreting or withdrawing existing AARST National Radon Standard documents.

* Written evidence required

5.2 Initiating an action.

5.2.1 *Notices

Once the Executive Stakeholders Committee has determined to initiate action regarding a specified standard or document, the committee shall create and publish notice with a clear and meaningful description of the activity and purpose of the proposed activity. The 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. The notice shall identify a readily available source for further information. In addition, the member's name (or if membership is by organization, the name of the organization with a point of contact), affiliation and interest category of each member of the consensus body shall be made available to interested parties upon request.

5.2.2 *PINS (Project Initiation Notification) Policy

At the initiation of a project to develop a newly proposed standard, intended for inclusion as an American National Standard by the American National Standards Institute or a revised American National Standard not currently maintained under continuous maintenance policies, notification shall be transmitted to ANSI in compliance with current ANSI requirements using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in Standards Action. If it is intended to submit the standard for consideration as an ISO or ISO/IEC JTC-1 standard, a statement to that effect shall be included as part of the description of the scope summary that is published in Standards Action and that the relevant ANSI-Accredited U.S. TAG(s) are advised.

The Executive Stakeholder Committee shall consider and respond to all comments that result from PINS publications in a manner that complies with current ANSI requirements. The Executive Stakeholder Committee shall furthermore take responsible actions to assure full compliance with the most current ANSI Essential Requirements: *“Due process requirements for American National Standards”* for inclusion in the permanent accreditation file.

5.2.2.1 PINS Exceptions

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 AARST website that the standard is under continuous maintenance and how to submit comments.

5.2.2.2 *PINS Deliberation Report

The outcome of a PINS deliberation shall be conveyed in writing within 30 days after the conclusion of the deliberation by the developer to the commenter and to ANSI. All actions regarding PINS deliberations shall be in compliance with current ANSI procedures.

* Written evidence required

5.3 Subcommittee actions and formation.

- 5.3.1 Requirements for creation and revisions of AARST National Radon Standards documents are subject to approved operating procedures.
- 5.3.2 Once notice for a specific activity has been created or published, the process for nomination and approval of subcommittee members shall be initiated in accordance with Annex D.
- 5.3.3 In the event an existing subcommittee has been recently inactive, the committee shall be reconstituted first from previously approved members available. Approved replacement members shall then be appointed, as needed, to satisfy committee composition requirements.

Article VI. Review, Comment and Audit Process for Standards Documents

6.1 Posting a document for public review, approval, revision, reaffirmation or withdrawal

- 6.1.1 *Once a document or action has achieved consensus within the respective consortium committee (consensus body), proposals for new AARST National Radon Standards and proposals to revise, reaffirm, or withdraw approval of existing AARST National Radon Standards shall be transmitted to ANSI using the BSR-8 form, or its equivalent, for listing in ANSI's *Standards Action* publication in order to provide an opportunity for public comment. Any substantive change subsequently made in a proposed American National Standard requires listing of the change in ANSI's *Standards Action* publication.

- 6.1.1.1 *Ballots for approval of publication shall be conducted and recorded in accordance with Annex C *Ballots and Evidence of Compliance*.

- 6.1.1.2 A copy of the BSR-8 form, or its equivalent shall be retained in the records of proceedings.

6.2 Public Review Comment period

The public comment periods shall be either:

- a) a minimum of forty five days once a proposed document or activity has been posted and public notices have been issued (e.g. ANSI's *Standards Action* publication) that include how the proposed standard or relative documents can be obtained by the public electronically (e.g. www.radonstandards.US); or
- b) a minimum of thirty days if the full text of the revision(s) can be published in ANSI's *Standards Action* publication.

* Written evidence required

6.3 Review and Audits regarding activities to approve, revise, reaffirm or withdraw a document

6.3.1 *The subcommittee responsible for the document shall review the formal comments received at the conclusion of the public comment period to determine the subcommittee's consensus for either:

- a) Arguments have been presented and have been deemed persuasive enough to warrant substantive amendments to the document and additional public review; or
- b) Arguments presented have not been found persuasive enough to warrant substantive amendments to the document at this time.

6.3.2 No later than 30 days after delivery of a subcommittee report indicating consensus that no argument has been deemed persuasive enough to warrant substantive amendments at this time, the Standards Management Council shall cause review of the proposed document in an attempt to assess approved format compliance, government and legal compliance, and for typographical errors.

6.3.3 No later than 30 days after delivery of a subcommittee report indicating consensus that no argument has been deemed persuasive enough to warrant substantive amendments at this time, the Executive Stakeholders Committee and Standards Management Council shall evaluate the document based upon the following criteria:

6.3.3.1 Due process

- a) That the document was developed in accordance with the procedures herein with particular attention given to whether due process was followed,
- b) That consensus was achieved,
- c.) That an effort was made to resolve any objections to the document, and
- d.) That ANSI policies for Patents and Commercial Terms are not violated.

6.3.3.2 If the document:

- a) is contrary to the public interest,
- b) contains unfair provisions, or
- c) is unsuitable for national use.

6.3.3.3 Coordination/Harmonization:

- a) That a good-faith effort has been made to resolve potential conflicts and to coordinate standardization activities intended to result in harmonized American National Standards. See 3.2.1.6 for applicable descriptions therein including for the terms "good faith effort" and "Conflict".

6.3.4 *Internal Audits and Reports: In the event the ESC or SMC determines to rescind publication of a proposed standard or other subcommittee action, the ESC or SMC shall render a report that states such a decision and the reasons therefor. The subcommittee responsible for the document shall be provided such report, if any, within 60 days after such decision has been made or subsequent to initiating audits. ESC or SMC decisions in

* Written evidence required

this regard shall be based on the weight of the evidence presented and resulting actions shall be in accordance with Article 7.3, *Rescinding a Document Proposal*.

- 6.3.5 *Approval by the ANSI Board of Standard Review: A completed BSR-9 form, or its equivalent, is submitted for ANSI's due process review within one (1) year from the close of the comment period listed in ANSI's *Standards Action* publication.

Article VII. Approval of Standards Documents:

7.1 **Approval, Reaffirmation, Revisions and Withdrawal** of documents shall be performed in accordance with requirements and procedures herein and shall additionally be performed in accordance to all current ANSI requirements for documents and procedures for American National Standards Documents. Notice shall be promptly posted by the responsible committee regarding the disposition of the document based upon criteria herein.

7.2 Approval of a Proposed Standard

If requirements herein for procedures and documents have been met and there are no persuasive arguments raised regarding any proposal to approve, revise or reaffirm a final document, the document shall be deemed approved as an AARST National Radon Standard upon completion of ANSI's process for verification of ANSI requirements.

7.2.1 *The ESC shall ensure ANSI's process for verification of ANSI requirements is complete prior to publication of any document denoted as an American National Standard. (See Article 6.3.5, BSR-9 form.)

7.2.2 Prior to publication of any document denoted as an American National Standard, the ESC shall designate the method of maintaining the standard (e.g., Periodic maintenance or Continuous maintenance) in accordance with Article 7.6.

7.3 **Rescinding a Document Proposal** for Approval, Reaffirmation, Revision or Withdrawal due to Substantive Considerations.

7.3.1 Proposals for approval, reaffirmation, revision or withdrawal shall be rescinded and afforded further due process in accordance with these procedures in the event:

7.3.1.1 Audit procedures reveal cause for substantive changes to the document or activity.

7.3.1.2 The committee deems that comments received reveal that persuasive argument(s) may exist to cause substantive changes to the document or activity.

7.3.2 In the event a potential cause for a substantive change to a document has been clearly identified during audit procedures or resulting from comments, the subcommittee responsible for the document content shall seek consensus regarding the validity of any potential substantive change and any amended text for a substantive change in the document. Friendly amendments: Though certain grammatical, typographical, or format augmentations are allowed, no substantive change that has not been afforded

* Written evidence required

due process in accordance with these procedures may be made prior to publishing an AARST National Radon Standard document.

7.3.3 Substantive change - *Definition*: A substantive change in a proposed AARST National Radon Standard document is one that directly and materially affects the use of the standard. Examples of substantive changes include:

- a) “shall” to “should” or “should” to “shall”;
- b) addition, deletion or revision of requirements, regardless of the number of changes;
- c) addition of mandatory compliance with referenced standards.

7.4 Reaffirmation of Approved Standards:

The due process and consensus requirements defined herein apply to reaffirmations as they do to all approval actions related to American National Standards. Reaffirmations shall provide an opportunity for public comment. Reaffirmations shall be accomplished without any substantive change to the main text of the standard. All nonsubstantive changes in the main text of the standard shall be explained, or noted, in a foreword. An American National Standard undergoing an update of references to standards necessary to implement the American National Standard shall be processed as a revision unless the updated reference is only a reaffirmation of the referenced standard. Any substantive changes in such references require processing as a revision.

The ANS shall clearly indicate on its cover or title page that it is a reaffirmation.

7.5 *Withdrawal of a Document:

7.5.1 Administrative withdrawal:

An American National Standard shall be withdrawn five years following approval, if the standard has not been revised or reaffirmed, unless an extension has been granted by the ExSC or its designee or a PINS Form or BSR-8 Form submitted. An American National Standard that has not been reaffirmed or revised within the five-year period, and that has been recommended for withdrawal by the ExSC or its designee, shall be withdrawn at the close of a 30-day public review notice in ANSI's *Standards Action* publication. American National Standards that have not been revised or reaffirmed within ten years from the date of their approval as American National Standards shall be withdrawn and such action shall be announced in ANSI's *Standards Action* publication.

7.5.2 Withdrawal by the Executive Stakeholder Committee (ESC):

Subject to consensus of the ESC, approval for one or more AARST National Radon Standards is permitted to be withdrawn without a vote of the subcommittee (relevant consensus body) or additional due process. In such event, the Executive Stakeholder Committee shall ensure that ANSI is immediately notified and the standard shall be withdrawn as an ANS and announced in ANSI's *Standards Action* publication.

7.5.3 **Discontinuance of a standards project:** Subject to consensus of the ESC, processing is permitted to be abandoned for a proposed new or revised AARST National Radon Standard or portion thereof without a vote of the relevant consensus body or additional due process.

* Written evidence required

In such event, the Executive Stakeholder Committee shall ensure that ANSI is immediately notified so that the action can be announced in ANSI's *Standards Action* publication.

- 7.5.4 **Withdrawal for cause:** If the ESC determines as a result of an audit or appeal that due process provisions herein were not satisfied, the AARST National Radon Standard or proposed standard shall be immediately withdrawn until due process provisions herein are satisfied. In addition, should the results of due process in accordance to the most current version of ANSI ER require a standard or proposed standard be withdrawn, the standard or proposed standard shall be immediately withdrawn.

7.6 Maintenance of Approved Standards

Approved Standards shall be maintained by one of the following methods as elected by the ESC and in accordance Annex E and all of the most current ANSI requirements.

7.6.1 Option 1: Periodic maintenance of 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 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 ESC 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. In no case shall a standard maintained under the periodic maintenance option 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.

7.6.2 Option 2: Continuous maintenance of American National Standards

Continuous maintenance is defined as the maintenance of a standard by consideration of recommended changes to any part of it according to a documented schedule for consideration and action by the consensus body. A documented program for periodic publication of revisions shall be established by the ESC. Processing of these revisions shall be in accordance with Annex E, "Continuous Maintenance Procedures".

The published standard shall include a clear statement of the intent to consider requests for change and information on the submittal of such requests. Procedures shall be established for timely, documented consensus action on each request for change and no portion of the standard shall be excluded from the revision process. In the event that no revisions are issued for a period of four years, action to revise, reaffirm, or withdraw the standard shall be initiated in accordance with the procedures contained herein.

In the event that a BSR-8/108 has not been submitted for an American National Standard under continuous maintenance within five years of its approval, the ESC may request an extension, but shall then maintain the ANS under periodic maintenance.

7.7 Provisional Standards or Provisional Amendments to an existing standard

7.7.1 Procedures for initiating provisional standards or provisional amendments to an existing standard shall comply with all ANSI requirements for such procedures including required notifications and other stipulations for the resulting published documents or amendments. ANSI requirements include publication of a PINS prior to or in coordination with initiating public review that identifies circumstances that warrant a provisional standard or amendment.

Provisional standards are generally documents published for a limited period of time to meet a demand for more rapid issuance of specific documents, such as an emergency situation, regulatory requirement, or other special circumstance. Among other requirements, provisional standards or provisional amendments to an existing standard must be established by a ballot period of not less than two weeks and requires at least two thirds majority approval of the committee responsible for the document. Comments shall be recirculated to the committee members with a period of not less than one week for committee consideration. In addition, the Executive Stakeholder Committee and the Standards Management Council must provide consensus approval.

7.7.2 Consistent with required procedures, a statement shall be included in the document regarding the limited degree of consensus achieved, a brief rationale, and a statement that the limited approval and publication of the provisional standard or amendment shall be extended for not more than two years.

7.8 Approved AARST National Radon Standard documents shall be designated, published, and maintained.

Article VIII. Formal publications that are not AARST National Radon Standards or American National Standards

8.1 Formal documents that are not AARST National Radon Standards or American National Standards shall achieve approval of the Executive Stakeholder Committee prior to publication.

Such documents published on behalf of the AARST Consortium on National Radon Standards (or in affiliation with the AARST Consortium on National Radon Standards) may include, but are not limited to: Technical publications; public information brochures; consensus position statements; interpretation examples; or other formal publications.

8.2 The Executive Stakeholder Committee shall determine, at its discretion, the extent of procedures warranted for approval of such publications.

8.2.1 The Executive Stakeholder Committee may initiate action for promulgation of such a document or proceed directly to formal publication.

8.2.2 The Executive Stakeholder Committee may establish routine procedures for approval of some work products such as technical publications or books.

8.3 For documents that represent a consensus statement on behalf of the AARST Consortium on National Radon Standards, promulgation of the document shall meet due process requirements of

Section IV. However, the Executive Stakeholder Committee shall determine, at its discretion, the extent of additional procedures, if any, from Sections V, VI and VII or other procedures required for approval of consensus publications that are not AARST National Radon Standards or American National Standards.

- 8.4 Portions of a published American National Standards document that were not approved through the American National Standards consensus process shall be (1) clearly identified at the beginning and end of each such portion of the document, or (2) such information shall be overprinted on the cover page. These portions of the document shall be marked with the following, or similar, explanatory language:

“The information contained in this (portion of a document) is not part of this American National Standard (ANS) and has not been processed in accordance with ANSI’s requirements for an ANS. As such, this (portion of a document) may contain material that has not been subjected to public review or a consensus process. In addition, it does not contain requirements necessary for conformance to the standard.”

Article IX. Authority

- 9.1 Authority to establish this consortium consensus mechanism for the AARST Consortium on National Radon Standards rests with the Board of the American Association of Radon Scientists and Technologists (AARST) as per AARST Bylaws.
- 9.2 Though approval of amendments to these bylaws and related operating procedures proposed by the Stakeholders Committee shall not be unreasonably withheld, any amendments to these bylaws and related operating procedures are subject to approval of the AARST Board.
- 9.3 Standards documents developed hereunder are voluntary standards and AARST can assume no responsibility regarding local or federal jurisdiction.
- 9.4 AARST retains sole ownership of the development process and the work product.
- 9.5 The process must be viable, orderly, and timely. The AARST Board retains the sole right to halt, intervene, and request modification should it be determined by the Board that the process is inconsistent with budget constraints or inconsistent with AARST’s intent and goals as solely determined and defined by the AARST Board.
- 9.6 A functional process is required. The AARST Board retains the sole right to make final determinations regarding disputes regardless of the nature of any dispute.



The AARST CONSORTIUM ON NATIONAL RADON STANDARDS

Annex A Document Development Procedures for Committees

A-1 Rules

- A-1.1 Rules and parliamentary procedures for subcommittee structure and activities are documented in these bylaws for the AARST Consortium on National Radon Standards.
- A-1.2 A proposed document for approval should comply with approved procedures and requirements including for form, style and clarity and precision of terminology for AARST National Radon Standards.

A-2 Scope

- A-2.1 The chairperson shall seek to assure the promulgation of a document or other action as per a notice published by the Executive Stakeholder Committee that should have included a clear description of the activity and purpose. Proposed standards shall seek to identify minimum standards of practice or minimum equipment specifications unless otherwise specified in the description (e.g. model codes, guidance documents, etc.)
- A-2.2 Chairpersons shall assure the latest version of the *Bylaws for the AARST Consortium on National Radon Standards* and related documents, as they may change from time to time, are reviewed and utilized.
- A-2.3 As per *the Bylaws for the AARST Consortium on National Radon Standards*, the committee in coordination with staff shall:
 - A-2.3.1 Post proposed or draft documents for review and comment. Postings shall be performed in an approved manner and typically on the AARST Website.
 - A-2.3.2 Consider comments, audit reports and appeals.
 - A-2.3.3 Document minutes of formal proceedings.
 - A-2.3.4 Maintain the document(s).
 - A-2.3.5 Render general interpretations of language in the approved document(s).

A-3 General Content of the Proposed Standard or Document

A-3.1 Resources and reconciliation

- A-3.1.1 Committees should attempt to take into consideration all relative sources including documents, existent national and international standards, studies and other information when developing or revising a document.
- A-3.1.2 Committees should attempt a degree of reconciliation between differing sources or documents.
- A-3.1.3 Committees should attempt to identify and resolve significant conflicts with other AARST National Radon Standards documents. Committees shall make a good-faith effort to resolve potential conflicts and to coordinate standardization

activities intended to result in harmonized American National Standards. Conflict refers to a situation where, viewed from the perspective of a future implementer, the terms of one standard are inconsistent or incompatible with the terms of the other standard such that implementation of one standard under terms allowable under that standard would preclude proper implementation of the other standard in accordance with its terms. A “good faith” effort shall require substantial, thorough and comprehensive efforts to harmonize a candidate ANS and existing ANS. Committees shall retain evidence of such efforts.

- A-3.1.4 Committee work should be coordinated with other AARST committees including for format requirements and other organizations having mutual interest.

A-4 Committee Self-Audit

During development or revision, efforts should be made to audit for:

- A-4.1 Appropriate procedures and content in an attempt to assess approved format compliance, government and legal compliance, and for typographical error.
- A-4.2 Appropriate procedures regarding due process, consensus and that an effort was made to resolve any objections to the document.
- A-4.3 Issues that may have negative impact such as if the document is contrary to the public interest; contains unfair provisions; is unsuitable for national use; has a conflict with an existing AARST National Radon Standard or the AARST Mission Statement.

A-5 Specific Terms and Definitions

- A-5.1 Terms and definitions specific to the technical terminology of individual subcommittees will originate in that subcommittee because of its expertise and knowledge as to the relevance, importance, and timeliness in its standards. Requirements concerning clarity and precision of terminology should be adhered to.

A-6 Patents, Commercial Terms/Conditions and Antitrust Policies

- A-6.1 *Patents:* All aspects of current ANSI required patent policies shall be adhered to including as it relates to the inclusion of patented items within a standards document.
- A-6.2 *Commercial terms and conditions:* All aspects of current ANSI required commercial terms and conditions policies shall be adhered to including restrictions on provisions that involve business relationships or use of product names within a standards document.
- A-6.3 *Antitrust Policy:* All activities conducted in association with development of AARST National Standards shall comply with the current AARST antitrust policies as deemed acceptable to ANSI for antitrust policies.

A-7 Policy for Units of Measurement

AARST National Standard documents that are promulgated and published shall include both commonly used English-American measurement units as found practical and the International System of Units (SI).

A-8 Voting

Committee decisions shall be based upon more than a simple majority consensus of the respective committee as per Article IV of these bylaws. The chairperson's role shall be that of a director and facilitator. The chairperson shall not have a vote in committee proceedings.



The AARST CONSORTIUM ON NATIONAL RADON STANDARDS

Annex B

Operating Procedures for Appeals

B-1 Authority

B-1.1 Authority to establish an appeals mechanism for the AARST Consortium on National Radon Standards documents and procedures rests with the Board of the American Association of Radon Scientists and Technologists (hereafter referred to as AARST). The appeals mechanism has been established in cooperation with the Executive Stakeholder Committee for the AARST Consortium on National Radon Standards.

B-2 Appeals

B-2.1 Persons or representatives who have materially affected interests and who have been or will be adversely affected by any substantive or procedural action or inaction by committee(s) or committee participant(s) at the AARST Consortium on National Radon Standards or AARST have the right to appeal.

B-2.2 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 inaction may be made at any time.

B-2.3 Pending resolution by the committee or superseding committee, the original document or action of the decision-making body shall stand unless the decision-making body determines otherwise. Any decision that is appealed shall not be reversed by a committee or superseding committee unless the committee or superseding committee finds that such decision was clearly erroneous.

B-2.4 The Standards Management Council shall assess a filing fee of \$2,500 upon any individual or organization that has chosen to exercise their rights to appeal in a formal hearing. Such fees may be waived or reduced upon presentation of evidence by the appellant showing a compelling degree of hardship.

B-3 Chain of Authority

B-3.1 Appeals shall first be directed to the committee responsible for the action or inaction. Written decisions based on the committee's resolve shall be provided to appellants.

B-3.2 Appellants shall have the right to appeal to a superseding committee. Appeals to superseding committees shall be limited to procedural actions or inactions. Except in a matter involving extraordinary circumstances, superseding committees will not normally hear an appeal regarding an action or inaction until appeal procedures have been completed within the committee responsible for the action or inaction.

B-3.2.2 *Definition:* A refusal by a committee to decide a matter within its jurisdiction, or undue delay by such body in reaching a decision, shall constitute "extraordinary circumstances."

B-3.2.3 If appropriate and persuasive evidence is presented that was not before the committee that made the decision from which the appeal is taken, the Committee may remand the case back to the subcommittee or committee for review and determination of action to be taken.

B-3.3 Until appeal procedures have been completed within each appropriate committee that supersedes a subcommittee responsible for the action or inaction, the Executive Stakeholder Committee and finally the AARST Standards Management Council will not normally hear an appeal regarding an action or inaction.

B-3.4 The Standards Management Council shall be the final level of appeal within AARST.

B-4 Initiating Appeals

B-4.1 Any appeal shall be initiated by written notice of appeal to the Chairperson of the Committee.

B-4.2 Appeal Notice: The notice of appeal shall specify the decision from which the appeal is taken, the committee that made the decision, a short statement of the matter in controversy, and the reason(s) why the appellant believes the decision is in error.

B-4.3 An Appeal Statement shall also accompany the notice of appeal that shall include:

B-4.3.1 A copy of the written decision, if any, from which the appeal is taken;

B-4.3.2 A list of all other parties that appeared before the committee with respect to the matter being appealed;

B-4.3.3 an explanation of the issue and the procedural history;

B-4.3.4 the specific reason(s) why appellant believes the decision was in error and a reference to the provision(s) of the AARST procedures upon which appellant relies;

B-4.3.5 evidence in support of appellant's position, except that such evidence must have been before the committee body that made the decision from which the appeal is taken;

B-4.3.6 the specific relief sought by appellant from the Committee; and

B-4.3.7 an explanation of the issue and the procedural history.

B-5 Committee Action

B-5.1 *Committees shall consider appeals by directly and materially affected persons (organizations, companies, government agencies, individuals, and the like) who believe they have been, or will be, adversely affected by a decision of the AARST Consortium on National Radon Standards, whether in the form of action or inaction, in the implementation of procedures at the AARST Consortium on National Radon Standards as they may be amended from time to time. Committees:

i.) Shall address appeals with reasonable promptness;

ii.) Shall not deny the rights of the involved parties to present their cases;

iii.) Shall provide reasonable participation without imposing undue burdens upon involved parties;

iv.) Shall be fair and unbiased and shall fully address the expressed concerns;

v.) Shall record appeal proceedings into formal committee minutes.

B-5.2 The Committee shall consider an appeal based on the evidence before the committee at the AARST Consortium on National Radon Standards that made the decision from which the appeal is taken (e.g., a Standards Subcommittee).

* Written evidence required

B-5.3 Committee procedure:

B-5.3.1 *The appeal notice and statement shall be distributed to committee members.

B-5.3.2 *The Committee shall determine whether the appellant has established a prima facie case that the decision appealed from was clearly erroneous. If the Committee determines that a prima facie case has not been established, it will so notify the appellant, in writing and the appeal will be dismissed.

B-5.3.3 *If the Committee determines that a prima facie case has been established, the Chairperson of the Committee will so notify all parties that appeared before the committee that rendered the decision being appealed. Thereafter, these parties shall have fifteen (15) working days to submit a response to the appeal statement. Extensions of time to submit responses shall be granted at the discretion of the chairperson of the Committee. The response shall include:

- a) the reasons why respondents believe the decision under appeal was correct and a reference to the provisions in the AARST procedures upon which they rely; and
- b) all evidence in support of respondent's position, except that such evidence must have been before the committee that made the decision from which the appeal is taken.

B-5.3.3.1 *Upon receipt of all responses, the Chairperson will transmit copies to all qualified members of the Committee and the appellant.

B-5.3.3.2 The committee may determine that:

- a) A prima facie case has not been substantiated and the appeal will be dismissed.
- b) An informal settlement is appropriate. AARST encourages settlement of disputes at any time if the settlement is consistent with the objectives of the AARST procedures. Any settlement (to which the parties agree in writing) that is consistent with AARST procedures, or an agreement to withdraw the appeal, will terminate the appeals process. If the settlement leads to a substantive change in a standard, the change shall be processed in accordance with approved procedures for the AARST Consortium on National Radon Standards.
- c) A formal hearing is required.

B-6 Formal Hearings

B-6.1 An attempt shall be made to resolve the appeal informally prior to a formal hearing.

B-6.2 *A committee may deem holding of formal hearings on appeals necessary. The Chairperson of the Committee shall set a date for such a hearing on an appeal. All parties shall be given at least fifteen (15) working days notice of the hearing date. Should any party at interest not be present at the hearing, the decision of the Committee shall be based on the written submissions and the presentations made by the parties that are present at the hearing.

* Written evidence required

- B-6.3 No reply to the responses (sec. 5.3.3.1) prior to a forthcoming hearing shall be permitted without a showing of good cause and a need therefore. No party to an appeal may communicate with any member of the Committee while the matter is pending. No panelist shall be directly and materially affected by any decision made by the committee.
- B-6.4 *Hearings regarding appeals shall be heard by a panel composed of not less than five members of the committee. In the event that five members cannot be found to hear a particular appeal due to disqualification(s) or other reasons, the chairperson of the committee shall appoint additional panel members who shall be persons experienced with and knowledgeable about the appeals process. Such appointments shall be with the concurrence of all parties to the appeal. AARST's counsel may be present at appeal hearings.
- B-6.5 A quorum at an appeals hearing shall consist of the presence of a majority of committee or panel members. All hearings shall be open to representatives of directly and materially affected persons, except that the number of representatives of any one interest group may be limited at the discretion of the chairperson. The committee may call an executive session before, during the course of, or following an appeal hearing to consider its action on a specific appeal.
- *Voting: At an appeals hearing, decisions of the Committee shall be based on a majority vote of all members in attendance. If a quorum does not exist at a meeting or hearing, the Committee decision shall be based on a majority vote, which includes all qualified members at the meeting, together with the vote of qualified members not present at the hearing, taken by ballot. To determine the existence of a prima facie case, the decision shall be based on a majority vote of the Committee members, not counting abstentions.
- B-6.6 On questions of parliamentary procedure not covered herein, *Robert's Rules of Order* (latest edition) shall prevail.

B-7 Announcement of Committee decision

Notice of a decision reached by the Committee concerning an appeal shall be distributed to the appellant in writing within fifteen (15) working days of the committee decision, hearing or completion of the ballot, as the case may be. The decision shall specify the outcome of the appeal, the reasons for such outcome, and the specific relief granted, if any. Any party to an appeal may request reconsideration by sending a request in writing to the secretary of the Committee within ten (10) working days after notification of the decision. Reconsideration shall be granted by qualified members of the Committee only upon a compelling demonstration that a clear error by the Committee has been made.



The AARST CONSORTIUM ON NATIONAL RADON STANDARDS

Annex C

Ballot Procedures and Evidence of Consensus

C-1 Ballots: To facilitate consideration of distant proximity between members while maintaining respect for Roberts Rules of Order and the orderly exchange of ideas and opinions among consensus body members, issues that require formal consensus of may be presented to the consensus body as motions during meetings and in the form of an electronic ballot.

C-2 *Presenting a ballot: The motion presented to the consensus body shall include:

C-2.1 **A PREAMBLE** (e.g., topic, descriptions and discussion or rationale for the motion);

C-2.2 **THE MOTION** (or specific language for ballot);

C-2.3 **VOTING OPTIONS** (to inform voters of their options)

C-2.3.1 The messages provided shall include notification of the following voting options:

- a) Affirmative;
- b) Affirmative, with comment;
- c) Negative, 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.

C-2.3.2 The messages provided shall include notification 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.

C-2.3.3 In accordance with Article 4.1.4: Messages provided shall include notification that when recorded votes are taken and both the designated voting and alternate voting representative for a stakeholder group render a vote, the vote of the designated voter shall be used for determining consensus. In the event the designated voter does not vote or renders a vote of abstention, the vote of the alternate shall be used for determining consensus.)

C-2.4 A VOTING DEADLINE

C-2.4.1 The chairperson shall reasonably assess if the nature of the motion requires a standard deadline, an urgent or time sensitive deadline or if a more lengthy deadline for consideration is warranted. These options are:

- a) Standard deadline: A standard deadline allows 14 calendar days of consideration.

* Written evidence required

- b) Minimum, time sensitive deadline: The minimum deadline allows 7 calendar days of consideration.
 - c) Extended deadline: The option allows for any duration deemed appropriate that is longer than 14 calendar days.
- C-2.4.2 *Extending a deadline: Should the chairperson determine that the published deadline creates barriers for achieving consensus, the chair is permitted to extend the announced deadline. All consensus body members shall be informed in writing of a deadline extension.
- C-2.4.3 Truncating a deadline: Should all voters provide consensus to approve a motion prior to the deadline and there are no objections to the motion, a tellers report for confirmation of consensus should be rendered and distributed as soon as possible.
- C-2.4.4 A notice should be sent to the committee or committee members whose votes have not been received five calendar days before the ballot closes.

C-2.5 NOTICE OF INITIAL, RESTART OR RECIRCULATION OF BALLOTS:

- C-2.5.1 ***Initial Ballots:** The ballot shall clearly advise the consensus body when the ballot introduces a motion not previously balloted during deliberations for: a newly proposed standard or committee action; or, any new consideration or change request to the latest version of a document or action previously approved by the consensus body.
- C-2.5.2 ***Restart Ballots:** The ballot shall clearly provide notice to the consensus body when the ballot introduces a motion intended to restart the consensus process such as for: a newly modified motion on a topic previously balloted; or, motions subsequent to extended deliberations such as those that seek consensus approval to publish, reaffirm, revise, withdraw or reissue a document for public review.
The notice that accompanies a "restart ballot" shall advise the consensus body that their previous votes and comments related to the motion being balloted will not count towards this new ballot and new votes are required along with any comments a consensus body member chooses to provide or reiterate.
- C-2.5.3 ***Recirculation Ballots:** Ballots that intend to recirculate objections or comments in order to afford all members of the consensus body an opportunity to respond, reaffirm, or change their vote in accordance with Article 4.4.2.3 do not require that committee members recast their votes.
- C-2.5.4 **Public Review Ballots:** Motions associated with ballots to initiate public review are allowed to simultaneously approve formal publication of documents or portions of documents if no substantive changes result from public review processes.

C-3 *Teller's Reports: A teller's report of ballot results shall be rendered, retained in records and distributed to the committee at the conclusion of the voting period.

C-3.1 Votes shall be tallied in accordance with Article IV, Section 4.1 "Committee Consensus requirements".

(In addition, note Article 3.6.4: "At the conclusion of ballot procedures regarding negative votes of consensus body members. To the best of the abilities of the chair or staff to

* Written evidence required

summarize deliberations, each such objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefor.")

C-3.2 *Actions shall be taken to ensure all votes other than those cast during meetings are in writing.

C-3.3 Actions shall be taken to ensure compliance with all provisions of C-4.

C-4 Evidence of consensus and consensus body vote

*Evidence of consensus in accordance with these procedures shall be documented. Consensus is demonstrated, in part, by a vote of the consensus body. 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 proposed 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.

- a. Staff or other party 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 by the voter. 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 unresolved negatives.
- b. Committee chairs or staff 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 proposed 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.
- c. Committees are not required to consider negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments. 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 consensus and reporting to ANSI. Committee chairs are not required to solicit any comments from the negative voter. Committee chairs are not required to conduct a recirculation ballot of the negative vote. Committee chairs or staff are required to report the “no” vote as a “negative without comment” when making their final submittal to the BSR.
- d. *Records shall be maintained to provide evidence regarding any change of an original vote.

* Written evidence required



The AARST CONSORTIUM ON NATIONAL RADON STANDARDS

Annex D

Nomination and Approval Procedures for Consortium Committee Members

D-1 The Standards Management Council (SMC) comprised of elected officials and individuals appointed by the AARST Board shall be the central contact and authority for making final determinations to approve, select, appoint, remove, deny or request replacement of committee members or candidates.

D-2 Nomination of Candidates for Consortium Committees

D-2.1 Organized Groups: Each stakeholder group that is formally organized to the extent it is capable of choosing representatives is encouraged to nominate a candidate representative and an alternate candidate representative.

D-2.2 Unorganized Groups: For stakeholder groups not organized with the capacity to choose representatives, individuals are encouraged to volunteer for representing the vantage point of these stakeholder groups.

D-2.3 Individuals are encouraged to volunteer as chairperson for each committee.

D-2.4 Nomination process:

D-2.4.1 Nominations for committee seats may be submitted by organizations or individual volunteers:

- a) In response to announcements;
- b) By way of internet registration currently found at www.radonstandards.us; or
- c) Other written communication to staff responsible for bringing the nomination to the attention of the AARST Standard Management Council (SMC).

D-2.4.2 Nominations shall include contact information, biographies or other information that may aid proper evaluation and seating of delegates.

D-2.4.3 *In the event an existing subcommittee has been recently inactive, the committee shall be reconstituted first from previously approved members if available. Approved replacement members shall then be appointed, as needed, to satisfy committee composition requirements.

* Written evidence required

D-3 General Criteria for Approving Consortium Committee Members

Criteria that holds high priority when approving and seating nominees shall include:

- D-3.1 Support from the Stakeholder group whose vantage point would be represented.
- D-3.2 Experience in the vantage point being represented either as known or as provided in biographies such as supplied with volunteer or nomination submissions or upon request.
- D-3.3 Experience and technically adequate representation in the subject matter tasked to the respective committee.
- D-3.4 Considerations regarding potential conflicts of interest.
- D-3.5 Considerations regarding committee balance requirements.
- D-3.6 Considerations regarding abilities to diplomatically engage and contribute to the consensus process and resulting work product.
- D-3.7 For Chairpersons: Considerations for a chairperson's diplomatic and organizational abilities.

D-4 Process for approval of Consortium Committee Members:

- D-4.1 Each nominee or volunteer expressing interest in serving is to be considered for seating on the basis that each stakeholder or interest group is afforded one voting delegate and, if available, one alternate voting delegate.
- D-4.2 Organized Groups: When a stakeholder group is formally organized to the extent it is capable of choosing representatives, approval of stakeholder nominated candidates shall not be unreasonably withheld.

Examples of organized stakeholder groups that sometimes or often choose individuals for representing the vantage point of stakeholder or interest groups include: Branches of government (e.g. USEPA, HUD, etc.); Private Proficiency Programs; State health departments; Mitigation Professionals; Measurement Professionals; Home Inspectors; Consumer Protection; Realtors; and Code officials.

- D-4.3 Measurement and Mitigation Professionals: For volunteers that seek to represent interest groups that are organized under the American Association of Radon Scientists and Technologists which includes Radon Measurement Professionals and Mitigation Professionals, the SMC shall fulfill it's duties as a standing committee of AARST to use it's best judgment in determining the individuals seated. Priorities stipulated in section D-2 shall be included in SMC considerations.
- D-4.4 Unorganized Groups: When candidates have volunteered or have been nominated to represent the vantage point of a stakeholder or interest group which is not at this time organized in a manner to choose and forward their nominations, the SMC shall use it's best judgment in consideration of priorities stipulated in section E-2 to determine the individuals seated that might best represent the vantage point for an interest group.

Examples of stakeholder or interest groups that are not often organized in a manner to choose and forward nominations for individuals to represent their vantage point include: Educators; Public Health NGO; Manufacturers; Vapor intrusion specialists; and other interest groups that are known or make themselves known.

D-5 Primary Stakeholders: *Definition:* "Those groups having a scope of relationship with the public that entails wide-scale interaction on multiple issues".

Table D-5 Primary Stakeholder Examples	
Regulated States	Regulated States are those states that have statutes for regulating radon or related services. This vantage point provides experience when using a standard for regulatory activity.
Non-regulated States	Non-regulated States are those states that have no statutes for regulating radon or related services. This vantage point provides experience where market forces are the only regulation.
Proficiency Programs	Nationally recognized private programs that certify individuals as qualified to provide services. This vantage point provides experience in voluntary certification.
Educators	Education professionals are those conducting courses that meet educational requirements of state and private proficiency programs. This vantage point includes a virtual conduit for concerns encountered and expressed in classrooms.
Public Health NGO	Non-government public health officials are those that engage in public health initiatives independent of industry and government. This vantage point provides focus on health and how consumers of guidance and services are affected.
Federal EPA	Federal offices or individuals that work in environmental protection. This vantage point provides experience in the perspective of federal programs and how such programs might be affected by standards.
Measurement Professionals	Measurement professionals are those conducting measurements in the field. This vantage point provides experience in the viability of standards from a field perspective.
Mitigation Professionals	Mitigation professionals are those conducting mitigation in the field. This vantage point also provides experience in the viability of standards from a field perspective.
Inspection Professionals	Inspection professionals are those from the private sector conducting building inspections in the field. This vantage point provides experience in performing services and inspecting the services provided by others.
Real Estate Professionals	Real Estate professionals are those offices or individuals in the private sector that experience the effect of standards on consumers and related parties during real estate.
Consumer Protection	Consumer protection professionals are those offices or individuals in the private sector that perform activities for aiding consumer protection.

D-6 Secondary Stakeholders *Definition:* "those groups with specialty relationships to only one or a few radon issues".

Table D-6 Secondary Stakeholder Examples	
Related Trades (Mitigation)	Examples include specialists or organizational societies for: heating, cooling and ventilation; electrical; energy consultants; home building or refurbishing; and radon in water specialists. These vantage points provide experience in the viability of the specific standard from a field perspective.
Related Trades (Measurement)	Examples include chambers that provide a vantage point from experience of reference facilities associated with ensuring the quality of measurement devices.
Manufacturers	Manufacturers of products specific to the topic of the specific standard.
Code Officials	This vantage point provides experience when using the specific standard in conjunction with nationally recognized codes and those that may be required by jurisdictions.
Scientists	These are individuals that provide the vantage point of applying science to the viability of the specific standard from either a field perspective or laboratory perspective.
Federal	Federal offices or individuals that provide the vantage point from the perspective of any federal program and how such programs might be affected by the specific standard.
Other	Any other stakeholder or interest group materially affected by the specific standard where an individual or organized society is capable of providing a unique vantage point for the standard that is based on experience.

D-7 Process for finalizing committee rosters:

D-7.1 *The SMC shall determine proposed rosters or proposed amendments to committee rosters. Action shall be taken to record a written account of SMC consensus on proposed rosters or proposed amendments to committee rosters. When votes are taken on membership and officer-related issues, an 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.

D-7.2 *In consideration of oversight duties of the Executive Stakeholder Committee (ESC), the SMC or staff shall notify the ESC of committee rosters no later than formal subcommittee ballots to publish a document for public review. Members of the ESC shall have fourteen days after receiving a roster or roster changes to provide any objections regarding appropriateness of nominees, resulting balance or stakeholder seats proposed. If no objections are forwarded to the ESC chairperson within 14 days, no additional actions are required. Should an objection

* Written evidence required

be raised by an ESC member, approval of subsequent ESC recommendations shall not be unreasonably withheld.

D-8 Documentation and notices regarding seated and unseated volunteers

D-8.1 *Records of all submissions shall be maintained.

D-8.2 *Seated Participants:

Action shall be taken that results in obtaining written documentation from individuals that they accept representing the vantage point of the stakeholder or interest group they've been seated to represent on the committee and their designation as voting or alternate voting delegate. Evidence of such written acceptance shall be retained in membership records. When volunteering or upon request, a statement that describes experience in the vantage point for the stakeholder or interest group represented shall be provided and retained for membership records.

D-8.3 *Unseated volunteers:

Those individuals that have been nominated or have volunteered for a committee and have not been seated shall be provided with written notice of this fact.

D-8.4 *Committee members and respective affiliations shall be available to the public and listed in documents

* Written evidence required



The AARST CONSORTIUM ON NATIONAL RADON STANDARDS

Annex E Continuous Maintenance Procedures

CONTINUOUS MAINTENANCE OF STANDARDS

E-1 Change proposals may be submitted at any time by the public using the procedures indicated in the published standard or as otherwise published by the ESC.

*Substantive changes to a document or portions thereof that are processed under the continuous maintenance option shall undergo the same due process procedures as revisions under periodic maintenance, in addition to the procedures in Article 7 and this Annex E.

E-2 Processing Change Proposals

*Staff shall forward proposed changes received to the Chair of the subcommittee responsible for the document's content, action and response. The Chair or supporting staff shall communicate with the proposer as needed to clarify the intent of the proposal.

E-2.1 Responding to the Proposer

*The Chair or staff committee responder shall draft a recommended response, including any potential changes to the standard and submit it to the subcommittee. Options for subcommittee responses are limited to:

- a) proposed change accepted for public review without modification;
- b) proposed change accepted for public review with modification;
- c) proposed change accepted for further study; and
- d) proposed change rejected.

E-2.1.1 The response shall provide reasons for any recommendation other than option a) "accepted for public review without modification."

E-2.1.2 Option c) "proposed change accepted for further study" shall not be used unless the further study can be completed within 7 months of approval of the option. Upon completion of the further study, the subcommittee shall approve response option a, b, or d above.

E-2.1.3 The Chair shall ensure that the approved committee response is conveyed to the proposer within thirteen months of receipt of the proposed change.

E-3 Time Limits for Revision of Standards under Continuous Maintenance

If no revisions or addenda are approved for publication within four years of the prior publication date of a standard under continuous maintenance, action to revise, reaffirm, or withdraw the standard shall be initiated. If no revisions or addenda are approved for publication within 5 years of the prior publication date, then the method of maintenance shall be changed from continuous to periodic.

E-4 Publication of New Edition

Publication approval of a new edition of a standard under continuous maintenance shall occur within five years of the prior publication date. The new edition may be a complete revision or shall

* Written evidence required

incorporate any addenda approved for publication since the publication of the previous edition. Timing of the publication of a new edition that only incorporates previously approved addenda is determined by the ESC in consultation with the SMC Chair and does not require any other approvals.

E-5 Sample text for inclusion in documents under the continuous maintenance option.

" This standard is under continuous maintenance by the AARST Consortium on National Radon Standards for which the Executive Stakeholder Committee has established a documented program for regular publication of addenda or revisions, including procedures for timely, documented, consensus action on requests for change to any part of the standard. The change submittal form, instructions, and deadlines may be obtained in electronic form from at www.radonstandards.us.

The latest edition of an AARST Standard may be purchased from the AARST Web site (www.aarst.org). For reprint permission, contact standards@aarst.org. "



The AARST CONSORTIUM ON NATIONAL RADON STANDARDS

Informative Annex F Guidance on Internal Auditing for Policy and Procedures

(Attached Exhibit: Guidance Checklist For Audit Reporting)

F-1 Introduction

Auditing processes are intended to confirm adherence to procedures and practices consistent with current requirements of the AARST Consortium on National Radon Standards. Auditing is also intended to increase the level of credibility and the effectiveness of due process for all persons who are directly and materially affected by the development of a proposed AARST National Radon Standard. In addition, auditing supports and strengthens the voluntary consensus standards system and enhances the reputation and integrity of the AARST Consortium on National Radon Standards.

F-2 Authority and responsibilities

- F-2.1 The authority by which audits are conducted for standards development is described in these bylaws of the AARST Consortium on National Radon Standards, which assign certain responsibilities for the integrity of due process and suitability of content to the Executive Stakeholder Committee and the AARST Standards Management Council (SMC).
- F-2.2 Responsibilities include auditing, as deemed necessary by the ESC or SMC for the purpose of confirming adherence to the procedures and practices consistent with current bylaws of the AARST Consortium on National Radon Standards.
- F-2.3 Responsibilities include timely distribution of audit findings and recommendations to: the standards development subcommittee being audited; the Executive Stakeholder Committee; and the SMC.
- F-2.4 The SMC is responsible for facilitating any necessary action based on audit findings.

F-3 Extent of audits

- F-3.1 Audits often involve an operations review of standards development subcommittees as they relate to standards development and associated activities, including continuity of administrative oversight and support of the standards activities.
- F-3.2 A sample reporting format is provided as informational guideline in Appendix F (attached).

F-4 Initiation of an Audit, Audit Reports, and committee actions

- F-4.1 Audits are initiated as deemed necessary by the ESC or SMC upon completion of the public review process associated with a proposed document. Communication and cooperation is encouraged prior to a standards development subcommittee posting a proposed document.
- F-4.2 **Audit Reports:** As deemed necessary by the ESC or SMC, audit-team leaders should attempt to complete and deliver the audit report to the SMC or ESC within thirty (30) calendar days after completion.
 - F-4.2.1 Completed audit reports shall be distributed by the SMC, ESC and to the standards development subcommittee being audited, as appropriate, within sixty (60) calendar

days after completion of the public review process associated with a proposed document.

F-4.2.2 Audit reports shall include the names of assigned audit team members.

F-4.2.3 The reports may include a finding that the procedures have been satisfactorily maintained. If the report includes a finding that the procedures have not been satisfactorily maintained, the auditee shall be requested to take defined corrective action.

F-4.3 Auditee Response:

a.) The auditee should respond to the SMC or ESC within ten (10) working days regarding any concerns or objections over the audit reports.

b.) The auditee should be advised of the SMC or ESC response within ten (10) working days of the receipt of such concerns.

F-4.4 Time extensions:

The audit teams or the auditee may request an extension from the SMC or ESC. Such a request shall be considered on a case-by-case basis.

F-4.5 Action on audit reports

F-4.5.1 Relating to any recommendations contained in the audit reports, if any, the auditee (standards development subcommittee) may establish plans and a timetable for corrective action. Such plans are subject to the approval of the SMC or ESC.

F-5 Audits for cause

F-5.1 Special audits may be scheduled at the request of the SMC or ESC.

F-5.2 In scheduling an audit for cause (whether at its own initiative or at the request of the Executive Stakeholder Committee), the SMC or ESC shall consider all the evidence presented and make a determination whether or not an audit for cause is appropriate and the time frame for conducting the audit for cause.

F-5.3 In conducting a special audit, the audit team would be provided with instructions specific to that audit (i.e. thorough review of a particular development committee, the development of a particular standard, a portion of the process, etc.).

F-5.4 Audits resulting from serious procedural violations

In those instances where nontrivial procedural violations are discovered during an audit, the SMC or ESC may allow the respective standards development subcommittee the opportunity to correct the deficiencies.

F-5.5 Audits resulting from formal complaints

If a formal complaint is lodged against a standards development subcommittee, the SMC or ESC shall review the complaint and the results of any special audits, and make a determination if a special audit is necessary and what the scope of that audit should be.

F-6 Selection of audit teams and audit-team leaders

F-6.1 The Executive Stakeholder Committee and the SMC respectively shall appoint an audit team and audit-team leader that may be different for each audit of a selected standards development subcommittee (the “auditee”). Audit teams shall typically consist of two or three individuals

selected from an organized pool of available and qualified people. An audit-team member may be replaced by the SMC with or without written cause.

F-6.2 Qualification of auditors

Individuals selected to serve as auditors shall have the following qualifications:

- a) experience in, and knowledge of, the voluntary consensus standards system including criteria for due process, and consensus described in these bylaws of the AARST Consortium on National Radon Standards;
- b) general knowledge of auditing principles and methods obtained through any combination of experience, education, or training;
- c) the ability to act objectively and independently;
- d) the ability to analyze information and to express findings clearly, concisely, and in a timely manner.

F-6.3 Conflict of interest

F-6.3.1 Audit Team: The Executive Stakeholder Committee and the SMC shall not appoint auditors to an audit team who have a known conflict of interest that may affect their ability to perform an unbiased audit. Appointed auditors shall notify the committee causing the appointment of any real or apparent conflict of interest as soon as practicable after notification of their appointment. Typically, a conflict of interest usually does not exist by virtue of the fact that a member of an audit team participated in the development of other standards.

F-6.3.2 If the auditee or other relevant party asserts that it believes that a member of an audit team has a conflict of interest, that auditee or party is required to state the reason(s) for its belief in writing to the SMC. The SMC may then forward that information to the member of the audit team identified as having a possible conflict. The SMC shall make a final determination as to whether a conflict of interest exists.

F-7 Confidentiality of Audit Reports

Other than that reported in the digest of audit information prepared by the standards development subcommittee (auditee), details of the audit reports shall remain confidential and shall not be disclosed to any person other than the auditee, the auditors, and, as appropriate, members of AARST authorized reviewing bodies.

F-8 Hearings and appeals

The auditee may submit a written request for a hearing before the SMC with respect to the action taken by the SMC, provided such request is received by the SMC within thirty (30) days after receipt of notification of the SMC action. The request shall include a statement of the reasons as to why the action of the SMC should be modified.

F-9 Self-audits

F-9.1 Audits should take into consideration the practices and actions, records, and reports of the committee in implementing its operating procedures to comply with approved criteria, rules, procedures and requirements.

F-9.2 Detailed results of any self-audit are not required to be submitted for review.

Informative Exhibit F

Sample Checklist For Audit Reporting

This audit applies only requirements relative to proposed and approved AARST National Radon Standards

Name of Committee: _____

Subject of Standard: _____

Date(s) of audit: _____

Name(s) of auditor(s) _____

Guidance for the development of evidence of consensus regarding approval, revision, reaffirmation, or withdrawal of proposed or existing standards as AARST National Radon Standards.

Responses to the questions below, and explanations where necessary, must be based on evidence found during the audit. Such evidence should substantiate the answer (and explanation) given.

Items 3-10 below are intended to aid detail for questions 1 and 2.

1. The SMC audit report will typically be based upon this generic question. (All parties should attempt general assessment of such items.)

Have efforts been made to review the proposed document in an attempt to assess:

1.1 Approved AARST Format compliance, . . . Yes ___ No ___

1.2 Government and legal compliance, Yes ___ No ___

1.3 Typographical error? Yes ___ No ___

2. The Executive Stakeholder Committee audit report will typically be based upon this generic question. (All parties should attempt general assessment of such items.)

Have efforts been made to review the document based upon the following criteria?:

2.1 Due process

2.1.1 That the document was developed in accordance with the procedures herein with particular attention given to whether due process was followed,

Yes ___ No ___

- 2.1.2 That consensus was achieved, Yes ___ No ___
- 2.1.3 That an effort was made to resolve any objections to the document.
Yes ___ No ___
- 2.1.4 That a substantial, thorough and comprehensive effort has been made to harmonize any known conflict with provisions in a candidate American National Standard or existing American National Standard.
Yes ___ No ___
- 2.2 If the document:
 - 2.2.1 is contrary to the public interest; Yes ___ No ___
 - 2.2.2 is unsuitable for national use; Yes ___ No ___
 - 2.2.3 contains unfair provisions; Yes ___ No ___
 - 2.2.4 has a conflict with an existing AARST National Radon Standard.
Yes ___ No ___

**ITEMS 3-10 BELOW ARE INTENDED TO AID VERIFICATION
AND ADD DETAIL OF THE ABOVE QUESTIONS.**

3. Administrative activities

- 3.1. Are the current procedures readily available to all committee members and were they reviewed?
Yes ___ No ___
If no, what is the explanation?
- 3.2. Were participation requirements considered and fully adhered to regarding openness, dominance, and balance?
Yes ___ No ___
If no, what is the explanation?
- 3.3. Were administrative and clerical functions (such as preparation and posting of minutes, responses to comments, record keeping, etc.) being handled effectively?
If no, what is the explanation? Yes ___ No ___
- 3.4. Is a membership record for the consensus body maintained? Yes ___ No ___
If no, what is the explanation?
- 3.5. Do the minutes of meetings give sufficient information so that rationale for the final version of the draft standard, including the responses to comments, can be determined?
Yes ___ No ___
- 3.6. Are records for each ballot taken by the consensus body maintained in the minutes?
Yes ___ No ___
If no, what is the explanation?

If yes, do these records contain the disposition of comments and negative ballots submitted?
Yes ___ No ___

4. Openness of participation

4.1 Has the level of participation of each member of the consensus body been monitored to ensure active participation? Yes ___ No ___

If no, what is the explanation?

4.2 If a member of the consensus body is found to be a poor participant or nonparticipant, are attempts made to rectify the delinquency?

Yes ___ No ___

If no, what is the explanation?

4.3 Were the draft documents posted and published for membership review in a manner timely enough to allow for comments and a clear consensus process?

Yes ___ No ___

If no, what is the explanation?

5. Balance and dominance

5.1. What are the interest categories of the consensus body and when was membership therein last reviewed?

5.1.1. What is the current balance of the above interest categories?

5.1.2. Does each of the identified interest categories have adequate representation?

Yes ___ No ___

If no, what efforts have been made to attract additional members?

5.2. Do the user participants have the requisite technical knowledge and experience?

Yes ___ No ___

5.3 Have any claims of dominance been made?

Yes ___ No ___

If yes, what is the explanation?

6. Balloting procedures and results

6.1. Are the ballot results, after attempts at resolution of objections, reported to the participants, providing an opportunity to change the initial vote?

If no, what is the explanation?

Yes ___ No ___

7. Consideration of views and objections

7.1. Is there a record of each comment and objection resulting from the balloting, public review responses, and other views and inputs received? Yes ___ No ___

If no, what is the explanation?

7.2. Was there an effort to resolve all objections?

Yes ___ No ___

If no, what is the explanation?

- 7.3. Was each objector advised of the disposition of the objection, with an opportunity to withdraw or maintain the objection? Yes ___ No ___
 If no, what is the explanation?
- 7.4. Are outstanding objectors notified of their right for further appeals?
 Yes ___ No ___
- 7.5. How are unresolved objections reported to the consensus-developing group in order to afford an opportunity to respond, reaffirm, or change their votes?
- 7.6. Were all members of the consensus body afforded an opportunity to change their ballot?
 Yes ___ No ___
 If no, what is the explanation?
- 7.7. If substantive changes were made to the proposed standard(s) after it was balloted, are they reported to the consensus group in order to afford an opportunity to respond, reaffirm, or change the initial vote?
 Yes ___ No ___
 If no, what is the explanation?

8. Publication and Maintenance

- 8.1. Are such standards marked on the cover or title page with the AARST approval logo or the words “an AARST National Radon Standard”?
 Yes ___ No ___
 If no, what is the explanation?
- 8.2. What additional methods are used to indicate that the standard has been approved as an AARST National Radon Standard?
- 8.3. Is there a unique alphanumeric designation identifying each standard?
 If no, what is the explanation? Yes ___ No ___
- 8.4. Has the *approved procedures for style and form regarding* AARST National Radon Standards been considered for use? Yes ___ No ___
- 8.5. Has the committee considered the procedures related to patent policy ?
 Yes ___ No ___
- 8.6. Has the committee considered policy concerning commercial terms and conditions?
 Yes ___ No ___
- 8.7. Are any AARST National Radon Standards beyond the five-year limit for review?
 Yes ___ No ___

9. Interpretations

9.1. Are interpretations of AARST National Radon Standards provided by the committee?
Yes ___ No ___

If yes, what is the number of interpretations of AARST National Radon Standards provided by the committee in the last year?

If yes, how are these interpretations made available to the users of the AARST National Radon Standards?

10. Appeals

10.1. What appeals have been received since the last audit and what was the final disposition?

10.2. Are appeals on the basis of substantive and procedural actions or inactions being addressed promptly?
. Yes ___ No ___

If no, what is the explanation?

10.3. Have the rights of the involved parties to present their cases been upheld?
If no, what is the explanation? Yes ___ No ___

10.4. Have any undue burdens been placed on the parties involved? Yes ___ No ___
If yes, what is the explanation?

10.5. Has consideration of appeals fully addressed the concerns expressed?
If no, what is the explanation? Yes ___ No ___

10.6. Have appeals been considered in a fair and unbiased manner? Yes ___ No ___
If no, what is the explanation?

10.7. Is there a record of each appeal and are such records available to the involved parties?
. Yes ___ No ___
If no, what is the explanation?

Any Additional Notes _____

Informative Annex G

Guidance on Administrative Practices

G-1 Introduction

The following guidance is provided to aid administrative actions associated with implementing procedures that meet the goals and requirements of both ANSI and the AARST Consortium on National Radon Standards.

G-2 Training on consensus processes

To assist in ensuring that requirements for obtaining consensus are met efficiently and effectively, training of staff and volunteers on key requirements of consensus processing is necessary component of administrative processes. While many volunteers and temporary staff members are capable of completing a variety of tasks needed, persons overseeing and directing those tasks must have a firm understanding of key requirements associated with consensus processing as defined by ANSI and bylaws for the AARST Consortium on National Radon Standards.

G-3 Participation in ANSI Activities

To the extent practical, interaction with relevant ANSI activities both nationally and internationally is recommended to aid to serve interests of both ANSI and AARST.

G-3.1 **OMF:** To provide input to proposed changes in ANSI policies and to have advanced information on such changes and implementation, participation in ANSI Organization Member Forum (“OMF”) should be considered a duty and is recommended.

G-4 Planning

G-4.1 **Project tracking:** A project tracking system to track the status of each project should be maintained to help ensure all steps of the standards development process are completed.

G-4.2 **Review/reconcile ANSI records:** At least twice a year, ANSI’s list of ANSs should be reviewed to ensure ANSI’s records are accurate (www.ansi.org/asd) and to double check project timelines that include efforts to ensure that AARST has no over-aged standards.

G-4.3 **Project outreach for committee members:** The goal shall be to seat no less than 10 voting members for each committee. This goal is to apply when initiating a new project, while maintaining a standing committee and such outreach should commence no later than 24 months prior to intended deadlines for printed publication of any revised standard.

G-4.3 **Initiation of update reviews:** Initiation of review for each cycle should commence no later than 18 months prior to the month and date that represents the 5-year anniversary of ANSI approval of the document as an American National Standard.

G-5 Submitting ANSI forms

G-5.1 **Designation of Proposed Standard:** When providing the designation of the standard for which the form will apply (e.g., CC-1000), the description provided must include the acronym “AARST”, such as “AARST CC-1000.”

G-5.2 **Not a Consumer Product:** When a form requests to identify if the subject of the standard is a Consumer Product, the answer is to be “no” unless the subject of the standard speaks specifically to a product sold to the general public, such as those where consumer advocacy representation within the consensus body is warranted as necessary.

G-6 Formal Letter Ballots

- G-6.1 **Ballot—Distribution:** Ballots should be sent to all committee members as soon as possible after motions have been made during a meeting.
- G-6.2 **Ballot—Motions:** Motions for formal letter ballots are typically made and discussed during meetings but can also occur as a result of electronic communication.
- G-6.3 **Collecting—Votes:** Votes from all designated voters and alternate voters are sought. Votes are typically collected from those present at a meeting prior to distributing to the full committee. A record of each vote or changed vote cast electronically must be tracked and rendered for inclusion in ballot records.
- G-6.4 **Ballot—Reminders:** A notice should be sent to the committee or committee members whose votes have not been received five calendar days before the ballot closes.

G-7 Continuous maintenance publications

- G-7.1 **Publication Dates:** Publication of printed and downloadable copies of standards that are updated under continuous maintenance should indicate a new year associated with the updated standard or compendium of updates embodied in the publication. The goal for such publication should be every three years with an intended deadline of no more the five years subsequent than the last month and day of previous approval as an ANS.
- G-7.2 **Addenda—Incremental updates:** Improvements made for individual portions of an ANS updated under continuous maintenance that have undergone public review and achieved consensus in accordance with procedures herein should be published on the AARST website or other fashion to provide users of the document with the latest updates. At such time when the subcommittee responsible for the content of the document(s) support printed publication bearing a new date, the compendium of updates shall be reconciled into the new printed publication.

G-8 Records

- G-8.1 A summary record of each standards development is recommended to indicate briefly how a project proceeded, when various procedural actions were taken and in which file relevant information can be found.
- G-8.2 Guidance for organizing records for easing access to important records during audits or internal review of due process compliance with AARST and ANSI Policies and Procedures can be found in “*Informative Exhibit F: Sample Checklist For Audit Reporting.*”

G-9 Informative descriptions—Sample Patents and Commercial terms/conditions policy

While ANSI requirements on these topics are expected to change with improvements over time, the following text circa 2018 provides a general scope of requirements associated with these policies.

G-9.1 Patents

There is no objection in principle to drafting an AARST National Radon Standard and resulting American National Standard (ANS) in terms that include the use of an essential patent claim (one whose use would be required for compliance with that standard) if it is considered that technical reasons justify this approach.

Participants in the ASD/ANSI standards development process are encouraged to bring patents with claims believed to be essential to the attention of the ANSI-Accredited Standards Developer (ASD).

If the AARST Consortium on National Radon Standards receives a notice that a proposed AARST National Radon Standard or an approved AARST National Radon Standard may require the use of such a patent claim, the procedures in this clause shall be followed.

Statement from patent holder:

*The AARST Consortium on National Radon Standards shall receive from the patent holder or a party authorized to make assurances on its behalf, in written or electronic form, either:

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

Such assurance shall indicate that the patent holder (or third party authorized to make assurances on its behalf) will include in any documents transferring ownership of patents subject to the assurance, provisions sufficient to ensure that the commitments in the assurance are binding on the transferee, and that the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding each successor-in-interest.

The assurance shall also indicate that it is intended to be binding on successors-in-interest regardless of whether such provisions are included in the relevant transfer documents.

G-9.2 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

* Written evidence required

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.

G-10 AARST Antitrust policy guidance

G-10.1 Standards Development Organization Advancement Act: AARST should file and maintain registration under Public Law 108-237, The Standards Development Organization Advancement Act of 2004 (HR 1086). The Federal Trade Commission and Department of Justice are resources if there are questions related to filing.

G-10.2 Informative description—Sample AARST Antitrust: While AARST Antitrust policy requirements are expected to change with improvements over time, the following example provides guidance and scope of antitrust policy requirements.

AARST Antitrust Policy - Guidelines as may be amended over time

Compliance Overview

AARST Mission Statement:

AARST is a nonprofit, professional organization of members who are dedicated to the highest standard of excellence and ethical performance of radon measurement, mitigation and transfer of information for the benefit of members, consumers and the public at large.

Historical Background:

In the late nineteenth century, wealthy individuals and corporations formed trusts to help amass and wield great economic power. In order to prevent monopolization, price fixing, boycotts, the unreasonable restraint of trade, and other anti-competitive conduct, Congress established so called “antitrust” laws including the Sherman Antitrust Act of 1890 and the Clayton Act of 1914.

The Sherman and Clayton Acts are just as relevant today as they were when written. Because AARST is a non-profit industry association, many of our members are engaged in commerce and we must take especial care not to engage in – or even appear to engage in – any anti-competitive behavior. To ensure that these and other antitrust laws and regulations are complied with, every participant in AARST activities must be aware of and adhere to these antitrust guidelines.

Guidelines for AARST Members and Meetings

Antitrust Policy Guideline Goal: To ensure that the antitrust laws are not violated and that there is no appearance that anticompetitive activity is taking place, every participant in AARST meetings and activities must adhere to the following guidelines.

We require that all AARST members and affiliate organizations make themselves familiar with this guideline and strictly adhere to it. Ignorance is not a defense. Members need to comply with these guidelines in the context of meetings whether such a meeting takes place in person (board meeting, state chapter meetings, symposia, committee meetings) or via new technologies such as conference calls, chat

rooms, standards forums or other technologies as yet undefined. In short, please follow these guidelines in every interaction that a member has with another member.

Standard-Setting Activities

AARST administers radon standards development program and a proficiency program. In the course of its activities, AARST will be considering technical and operational standards, and certification and proficiency criteria, for professionals. Such standard-setting activity is permitted by the antitrust laws, which recognize that developing standards is an important and legitimate function of trade associations. By eliminating unnecessary incompatibility of products and services, or improving the safety and efficiency of equipment, standards can benefit both the providers and the users of those products and services.

Standards must, however, be developed and implemented carefully to assure their compliance with the antitrust laws. In particular, standards should:

1. be advantageous to those who adopt them and their customers. Standards should not be adopted unless they will improve safety,
2. be voluntary. There should never be any agreement or pressure to influence individual companies to adhere to uniform standards; rather, each company should be free to decide on its own whether to adopt or reject the standard;
3. be set in a process which is fair, open, and representative;
4. not arbitrarily exclude competitors or reduce output in a market; and
5. focus on technical and operational factors, and avoid unnecessarily addressing commercial factors. If companies compete on the basis of a difference that will be eliminated by a standard, the standard should be reviewed closely by antitrust counsel before it is adopted.

Association Meetings, Seminars and Communications

1. **Keep in mind the professional trade association & scientific purposes of AARST, and participate only in discussions that further those purposes.** Free and open discussion on matters of concern to the radon industry is essential to the success of AARST's activities. Discussions among AARST members should, however, be limited to matters which appropriately advance AARST's purposes.
2. **All meetings must be operated on the basis of a pre-circulated agenda or defined work schedule.** An agenda sets the meeting tone and provides topical guidance that enables participants to know whether they are acting in accordance with the purposes of AARST. Any questions concerning the agenda should be raised with AARST's Executive Director or AARST counsel before the meeting if possible. At the meeting discussion of matters not on the agenda should generally be avoided.
3. **Avoid any discussion of matters pertaining to the way your company competes, including discussions of any member or nonmember company's prices, services, customers, costs, or non-public future plans.** Discussions with competitors concerning commercial or competitive matters always carry a significant antitrust risk. Even if those discussions are not unlawful in themselves, they may be

used later to suggest that AARST or its members had an implicit or implied agreement. There should be no discussions at AARST meetings of any matters involving:

- Prices, or other commercial terms and conditions, with respect to any product or service;
- service levels or quotas;
- specific customers, competitors or markets, including any customers or areas as to which sales should or should not be made;
- information concerning any individual company's costs, profits, inventory, pricing formulas, market share, or other commercial information of a nonpublic nature.

If you become aware of any such discussions, you should stop the discussion until the matter can be reviewed with counsel. If the conversation continues, excuse yourself. Report any such conversations to AARST staff members or your company's counsel.

Do not engage in any "off the record" discussions concerning matters pertaining to the way in which your company competes or otherwise does business.

- Substantive discussions should be limited to formal meetings at which counsel or a member or staff representative attuned to antitrust issues is present. Informal discussions of the type that could take place outside a formal meeting often raise the most serious antitrust problems. No substantive discussion should take place in small groups or "rump sessions" outside a formally constituted AARST meeting.
4. **Official minutes of AARST meetings must be accurate and complete.**
As the official record of AARST proceedings, minutes of AARST meetings are potentially of great legal significance. They should accurately and briefly summarize the discussion, describe any actions taken and give the reasons for those actions. The Chair of each committee should take responsibility for assuring that minutes of meetings are clear, concise, accurate and complete. Any questions about the minutes should be raised with AARST's Executive Director or AARST counsel before they are circulated to the members.
 6. **Do not disparage other companies or their products and services.**
Members should not take actions which could be construed as expressing an agreement to exclude or discriminate against any company, whether or not it is an AARST member.
 7. **If you are in doubt about any activity in connection with an AARST meeting, consult AARST's Executive Director or AARST's counsel.**
No guide can fully delimit the scope of permissible and impermissible activities under the antitrust laws. AARST's counsel should be consulted whenever a matter appears to raise antitrust concerns.

Exemptions from the Antitrust Laws

There are immunities from and exemptions to the antitrust laws which may apply in some circumstances to activities of AARST and its members. The antitrust laws do not, for example, prohibit:

- intrastate activities undertaken pursuant to a clearly articulated state policy to replace competition with regulation, and which are actively supervised by the state. **Note:** This means that a state program without regulatory laws and active supervision **does not qualify** as an exemption.

Antitrust exemptions can be narrowly construed, and their application to specific conduct generally raises significant questions of law and fact. Therefore, if activity is of the type to raise antitrust concerns, it

should never be simply assumed that an exemption applies. Rather, the issue should be raised with AARST's Executive Director or AARST's counsel.