



Standards Development Policies and Procedures for the AARST Consortium on National Standards

12/2024

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Standards Development Policies and Procedures for the AARST Consortium on National Standards

8/2024

Article I. Mission

- 1.1 To establish and maintain a continuous consensus process for writing and amending voluntary radon, soil gas and related 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 Consortium Consensus Bodies
These policies and procedures apply to activities of the Executive Stakeholder Committee (ESC) and all Standards Development Committees regarding the development of consensus for approval, revision, reaffirmation, and withdrawal of AARST National Standard documents.
- 2.2 AARST's Standards Management Council (SMC)
These policies and 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 Standards.

The SMC shall be the central contact and authority for:

- a) Application of budgeted funding;
- b) Publication and distribution of documents;
- c) Resolving disputes that are outside the scope of responsibilities otherwise defined herein for consensus bodies including certain duties stipulated in Annex E (*Operating Procedures for Appeals*);
- d) Outreach and approval of participants for all committees in accordance with requirements stipulated in Annex A (*Approval of Consensus Body Members*). This includes that the SMC has the authority to sanction or remove participants for violation of the Consortium participant code of conduct; and
- e) 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.

Article III. Consortium Committees

3.1 Consortium Committees (general)

3.1.1 Size

For Consortium committees, which are Standards Development Committees and the Executive Stakeholder Committee (ESC), a limited committee size is required for to facilitate timely decisions.

3.1.2 Balanced Representation

The AARST standards development process shall not be dominated by any single interest category, individual, or organization. The consortium committee structure herein shall seek to achieve balanced representation of interest categories, as defined in Article 3.3.2, that are materially interested. No single interest category as individuals or organization(s) should constitute more than one-third of a Standards Development Committee responsible for the content of any specific standard.

3.1.3 Open Participation

Participation as a voting member on all Standards Development Committees and the Executive Stakeholder Committee (ESC) consensus bodies is open to any individual serving in an individual capacity who are experienced in the vantage point of a related materially interested interest group. The name of each individual seated, including consultants, their affiliation, which may or may not be that person's employer, their sponsors (if any) and interest group and category shall be made available upon request. Consensus body members are typically classified in accordance with the business or other interests of their employers or the sponsors they represent.

A "sponsor" is defined as an organization that provides funds specifically to support an individual's participation in standards activities. A "consultant" is someone who agrees to provide professional service in exchange for compensation, financial or otherwise. Where a consultant is sponsored specifically for participation in standards activities, the individual shall be seated in the interest category associated with the sponsor and the sponsor shall be disclosed to the consensus body and other interested parties. In cases where a consensus body member receives funding from AARST, that information shall also be disclosed to determine if it will impact the member's interest classification.

3.1.4 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 it is claimed in writing (including electronic communications) by a directly and materially interested party that a single interest group, individual, or organization dominated the standards development process, no test for dominance is required.

Note—Exhibit D-4 (Reporting Procedural Concerns) provides the means and content needed to process a formal claim. It is publicly available at <https://standards.aarst.org/public-review/>

3.1.5 Consortium Committee Structure

- 3.1.5.1 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 Standards Development Committees; and other duties outlined in Section 3.2.

3.1.5.2 Standards Development Committees: 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 consensus bodies are tasked to promulgate, complete and maintain each individual standard document.

3.2 Executive Stakeholder Committee (ESC)

3.2.1 Composition

The ESC shall be comprised of representatives in a manner that achieves balanced representation of Publicly Engaged Stakeholders as defined in Annex A-6.1. The ESC shall be comprised of a voting delegate and, if available, an alternate voting delegate for each of approximately 9-11 interest groups.

3.2.2 ESC Duties include:

- a) Shall establish and continually revise operating procedures for creating AARST Consortium on National Standards;
- b) Shall establish priorities for standards action;
- c) Shall cause the establishment of multiple Standards Development Committees tasked with each individual standard action relative to development and maintenance of each standard; and
- d) 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 Standards Development Committees

3.3.1 Composition

Standards Development Committees tasked to promulgate, complete and maintain one or more individual standards documents shall be comprised of both Publicly Engaged Stakeholder representatives as defined in Annex A-6.1 and Topic Specific Stakeholder representatives as defined in Annex A-6.2. Seating should prioritize assurance of a respectable and technically adequate consensus process. Each of these consensus bodies shall be comprised of a voting delegate and, if available, an alternate voting delegate for each of approximately 9-15 interest groups.

3.3.2 Interest Group Categories

For establishing and maintaining balance of members who comprise consensus bodies tasked with promulgating or maintaining one or more AARST Consortium standards, the interest group categories shall be:

- a) User-Consumer Interests,

- b) Government and Regulatory Interests,
- c) User- Measurement Practitioner Interests,
- d) User-Mitigation Practitioner Interests,
- e) General Interest, and
- f) Manufacturers and Product Sales.

Examples of interest groups associated with these interest group categories are provided in Table A-5.

3.4 Consortium Committee Members

- 3.4.1 The process for nomination and approval of candidate committee members for all Standards Development Committees and the Executive Stakeholder Committee (ESC) consensus bodies shall be conducted in accordance with Annex A (*Approval of Consensus Body Members*).
- 3.4.2 Committee members may participate on multiple committees.
- 3.4.3 Committee members are expected to serve on a committee approximately three years, or more.
- 3.4.4 Participants and Vantage Points Represented
Each 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 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 interest group represented.
- 3.4.5 Diplomacy and quality participation in a consistent manner is required of all participants.
 - 3.4.5.1 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 in a manner conducive to a good faith team effort, in accordance with Annex D (*Participant Conduct*).

3.5 Consortium Chairpersons

- 3.5.1 The chairperson's role shall be that of a director and facilitator. In the event of the absence of the appointed chairperson or other need, the chairperson may appoint a Vice-Chair to act in their stead.
- 3.5.2 Persons acting as a chairperson shall not have a vote in committee proceedings before them.
- 3.5.3 The chairperson might have affiliation to one or more interest groups, but, due to the nonvoting posture, the chairperson shall not be deemed a replacement representative for any interest group representative that otherwise may be required for balanced representation procedures.
- 3.5.4 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 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.

3.6 Committee Meetings

- 3.6.1 The ESC and other consortia consensus bodies should meet as often as necessary by way of virtual meetings or other means where members can, within reason, communicate in real time. Meetings should be held at least once each year.
- 3.6.2 Meeting dates and times shall be published in a manner that is publicly accessible. For meetings scheduled that are open to the public, the meeting shall be announced in media suitable to demonstrate that a meaningful opportunity for participation by all directly and materially interested parties in a fair and equitable manner. For other meetings, guests are allowed when desired or approved by the chair.
- 3.6.3 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 as guidance for managing discussions.

Article IV. Due Process

4.1 Committee Consensus

The following requirements apply to both Standards Development Committees 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 interest groups represented in the specific committee (counting abstentions and interest 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 interest groups as described in Section 3.4.4 and elsewhere herein, or if absent, their approved alternate representative. Both designated voting and alternate voting representatives from each interest 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 interest groups shall be given the opportunity to vote before or after the meeting if no representative is able to attend. See Annex B (*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 an interest 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.

During consensus building activities that include open and informal discussion, all participants shall be afforded consideration in accordance with procedures herein. 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 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 Standards Development Committee 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:

- a) the specific text in question,
- b) rationale for a suggested change,
- c) suggested text amendment to accommodate the commenters concern, and
- d) 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*:

- a) 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;

- b) 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;
- c) Such records shall be available for audit as directed by the ANSI Executive Standards Council (ExSC); and
- d) 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:

- a) Policies and Procedures;
- b) Membership Records (See Annex A (*Approval of Consensus Body Members*));
- c) ANSI Forms and Information Provided to ANSI;
- d) Evidence of Consensus and Consideration of Objections from the Consensus Body (See Annex B (*Ballots and Evidence of Compliance*));
- e) Evidence of Consensus and Consideration of Objections from Public Review Commenters. (See Article 4.4);
- f) Evidence of Approval, Withdrawals, Appeals and declarations; and
- g) 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 (*Ballots and Evidence of Compliance*). 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.

4.4.2.4 Resolve of 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 the public review process is being restarted and a new draft is being published for public review. The communication shall inform the commenter that while the comments they submitted on the original draft shall be taken into consideration, the individual's comments shall not be responded to individually and the commenter must submit comments on the new draft; 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:
 1. acceptance of the committee response as satisfactory resolve for the comment(s); or
 2. withdrawal of the comment(s).

4.4.3 Where objections raised by public commenters and committee members are found non-persuasive by the consensus body, they shall be recorded as unresolved unless they do respond to committee's attempt to resolve or if a committee member votes to approve content for publication where they previously found reason to wage an objection. Such unresolved objections shall be noted in BSR-9 submissions along with notation that letters were that included informing the objector of their right to appeal.

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 Standards Development Committee for a general interpretation of language that exists within an approved AARST National Standard.

Note—Exhibit 4.5 (Request for interpretation) provides the means and content needed to process a request for interpretation. It is publicly available at <https://standards.aarst.org/public-review/>

- 4.5.2 Informal Interpretations

To the extent timeliness is of the essence and convening the complete Standards Development Committee 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 Standards Development Committee can be convened in a timely and complete manner, Standards Development Committee 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 Standards Development Committee'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.

Exhibit 4.5 Interpretation Request (online form)



Request for Interpretation

Per AARST Consortium Standard Development Procedures, 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 Standard. The interpretation rendered may either be: formal or informal.

Request from: *Name: _____
*Affiliation: _____
*Address: _____
*City: _____ *State: _____ *Zip: 66061
*Telephone: _____
*E-mail: _____

Reference: *This request for interpretation refers to: (Standard Name/Year)

Page Number(s): _____
Section(s): _____
Table(s): _____
Relating to: _____

Background: Note: Please provide background and supporting information here. State exactly what the requirements are and any conflicting information.

Interpretation: Note: Please provide your interpretation of the requirement(s). Present your interpretation in such a way as to allow for a yes or no answer by the applicable committee. The question below will be presented to the applicable committee for response.

Question: Is this Interpretation correct?
Note: This question will be presented to the applicable committee for response.

Answer: Note: The applicable committee will provide a yes or no answer.
Comments: Note: The applicable committee may provide additional comments.

Submit Your Request

To submit supplementary information and for questions: StandardsAssist@gmail.com (202) 830-1110

4.6 Appeals

- 4.6.1 All directly and materially interested parties who have been, or will be, adversely affected by a decision made by a Standards Development Committee (SDC) or the Consortiums Executive Stakeholder Committee (ESC) in the implementation of AARST Consortium on National Standards procedures have the right to appeal.
- 4.6.2 All appeals are subject to approved operating procedures stipulated in Annex E (*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 (*Records*).

4.7 Policies regarding Patents

All aspects of current ANSI required patent policies (contained in the *ANSI Essential Requirements*) shall be adhered to including as it relates to the inclusion of essential patent claims within a standards document.

4.8 Policies regarding Commercial Terms/Conditions

All aspects of current ANSI required commercial terms and conditions policies (contained in the *ANSI Essential Requirements*) 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 Standard documents.

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. Timely and adequate notice of standards development activity shall be announced in media suitable to demonstrate that a meaningful opportunity for participation, debate, and deliberation by all directly and materially interested parties in a fair and equitable manner was provided. 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. If receiving a written request for additional information or for the opportunity to discuss the proposal from a directly and materially interested outside party or current consensus body member, during the 30-day PINS comment period, the Executive Stakeholder Committee shall respond in writing within 30 days of the comment deadline. 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.

5.2.3 Provisional Standards or Provisional Amendments to an Existing Standard

Procedures for initiating provisional standards or provisional amendments to an existing standard shall comply with all ANSI requirements for such procedures (contained in the *ANSI Essential Requirements*).

5.3 Formation of Standards Development Committees

Once notice for a specific activity has been created or published, the process for nomination and approval of Standards Development Committee members shall be initiated in accordance with Annex A (*Approval of Consensus Body Members*).

Article VI. Review, Comment and Oversight 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 Standards and proposals to revise, reaffirm, or withdraw approval of existing AARST National 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 B (*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.standards.aarst@gmail.org/public-review); or
- b) a minimum of thirty days if the full text of the revision(s) can be published in ANSI's *Standards Action* publication.

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

6.3.1 The Standards Development Committee responsible for the document shall review the formal comments received at the conclusion of the public comment period to determine the Standards Development Committee'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 Standards Development Committee 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 Standards Development Committee 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 Review and Reports

In the event the ESC or SMC determines to rescind publication of a proposed standard or other Standards Development Committee action, the ESC or SMC shall render a report that states such a decision and the reasons therefor. The Standards Development Committee responsible for the document shall be provided such report, if any, within 60 days after such decision has been made or subsequent to initiating reviews. ESC or SMC decisions in 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

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 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 (*Maintenance of Approved Standards*).

7.3 Rescinding a Document Proposal

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:

- a) Audit procedures reveal cause for substantive changes to the document or activity, or
- b) 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 Standards Development Committee 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 due process in accordance with these procedures may be made prior to publishing an AARST National Standard document.

- 7.3.3 Substantive change - *Definition*: A substantive change in a proposed AARST National 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-BSR 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 Standards is permitted to be withdrawn without a vote of the Standards Development Committee 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 Standard or portion thereof without a vote of the relevant consensus body or additional due process. 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 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 C (*Continuous Maintenance Procedures*) and all of the most current ANSI requirements.

7.6.1 Option 1: Periodic Maintenance

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

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 C (*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 no revisions are issued for a period of four years, action to revise, reaffirm, or withdraw the standard shall be initiated.

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 Approved AARST National Standards

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

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

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

8.1.1 Such documents published on behalf of the AARST Consortium on National Standards (or in affiliation with the AARST Consortium on National Standards) may include but are not limited to:

Technical publications; public information brochures; consensus position statements; interpretation examples; or other formal publications.

- 8.1.2 Should it be desired that technical reports published are registered with ANSI, registration with ANSI is required as specified in the *ANSI Procedures for the Registration of Technical Reports with ANSI*.
- 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 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 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 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 Executive 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.



Annex A

Approval of Consensus Body Members

A-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.

A-2 Nomination of Candidates for Consortium Committees

A-2.1 Nominations for Standards Development Committee and the Executive Stakeholder Committee seats may be submitted by organizations or individuals:

- a) In response to announcements;
- b) By way of internet registration currently found at www.standards.aarst@gmail.org/public-review (see Exhibit A-2.1 below); or
- c) Other written communication to staff responsible for bringing the nomination to the attention of the AARST Standard Management Council (SMC).

A-2.2 Nominations shall include contact information, biographies or other information that may aid proper evaluation and seating of delegates.

A-2.3 In the event an existing Standards Development Committee 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.

For scheduled repopulation of “standing” committees tasked with continuous maintenance of published standards, the most recent approved consensus body members will be considered for seating no different than for new applicants.

A-3 General Criteria for Approving Consortium Committee Members

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

- a) 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.
- b) Experience and technically adequate representation in the subject matter tasked to the respective committee.
- c) Considerations regarding abilities to diplomatically engage and contribute to the consensus process and resulting work product.
- d) Considerations regarding committee balance requirements.
- e) Considerations regarding potential conflicts of interest.
- f) Support from the interest group whose vantage point would be represented.
- g) For Chairpersons: Considerations for a chairperson's diplomatic and organizational abilities.

A-4 Process for Approval of Consortium Committee Members

A-4.1 Each nominee or volunteer expressing interest in serving is to be considered for seating on the basis that each interest group is afforded one voting delegate and, if available, one alternate voting delegate.

A-4.2 Organized groups

Each interest 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. When an interest group is formally organized to the extent it is capable of choosing representatives, approval of stakeholder interest group nominated candidates shall not be unreasonably withheld.

A-4.3 Unorganized groups

For interest groups not organized with the capacity to choose representatives, individuals are encouraged to volunteer for representing the vantage point of these interest groups. When candidates have volunteered or have been nominated to represent the vantage point of an interest group which is not at this time organized in a manner to choose and forward their nominations, the SMC shall use its best judgment in consideration of priorities stipulated in section A-3 to determine the individuals seated that might best represent the vantage point for an interest group.

A-5 Interest Groups Associated with Interest Group Categories

For establishing and maintaining balance of members who comprise consensus bodies tasked with promulgating or maintaining one or more AARST Consortium standards, interest groups associated with interest group categories are defined in Table A-5.

Table A-5 Interest Groups Associated With Interest Group Categories	
<p>User-Consumer Interests <i>Relative to activities that support consumer health and safety interests</i></p> <ul style="list-style-type: none"> • Educators • Non-regulated States • Public Health NGO • Inspection Professionals • Code Officials • Operation, Maintenance and Monitoring Professionals • Other 	<p>Government and Regulatory Interests <i>Relative to activities likely to result in a standard that may become the basis for government regulations or agency procurement</i></p> <ul style="list-style-type: none"> • U.S. EPA • Regulated States • Private Proficiency Programs • HUD • FHFA • Other
<p>User- Measurement Practitioner Interests <i>Relative to activities likely to result in a standard that dictates measurement practices.</i></p> <ul style="list-style-type: none"> • Home Measurement Professionals • Large Building Measurement Professionals • Soil Gas Measurement Professionals • Laboratories • Other 	<p>User-Mitigation Practitioner Interests <i>Relative to activities likely to result in a standard that dictates mitigation practices.</i></p> <ul style="list-style-type: none"> • Home Mitigation Professionals • Large Building Mitigation Professionals • Soil Gas Mitigation Professionals • Other

General Interest	Manufacturers and Product Sales
<ul style="list-style-type: none"> • Related Trades that may include: <ul style="list-style-type: none"> ○ Scientists ○ Environmental Consultants ○ Construction Trades ○ Home Builders and Commercial Builders • Other 	<ul style="list-style-type: none"> • Mitigation Products • Measurement Devices • Accessories • Other

A-5.1 Discretely Defined Interest Groups

Wherever a materially interested interest group that is listed or added under general interest group categories in Table C-5 for a specific standard is not discretely defined in Tables 6.1 and 6.2, a definition of such interest group that differentiates it from the other interest groups shall be available upon request.

A-6 Consensus Body Priorities

A-6.1 Publicly Engaged Stakeholders

For maintaining the interests of public health, priorities for seating outreach on all Consortium projects are to include interest groups who can provide the vantage point of directly engaging with the public for health guidance and services. Examples provided in Table A-6.1.

A-6.2 Topic Specific Stakeholders

For Standards Development Committee consensus bodies, individuals who can provide the vantage point of related services, products, technical expertise and other materially interested groups specific to each standards project are to be welcomed. Examples are provided in Table A-6.2.

Table A-6.1 Examples of Publicly Engaged Stakeholders	
<p><i>Definition:</i> "Those groups having a scope of relationship with the public that entails wide-scale interaction on multiple issues".</p>	
Regulated States	Regulated States are those states that have statutes for regulating radon, soil gas 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 no regulatory statutes in a specific field of radon, soil gas 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	Federal offices or individuals associated with environmental protection and related policies. 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.
Other	Other materially affected interest group experienced in wide-scale interaction with the public on multiple issues.
Consumer Protection	Consumer protection professionals are those offices or individuals in the private sector that perform activities for aiding consumer protection.

Table A-6.2 Examples of Topic Specific Stakeholders	
<i>Definition: "those groups with specialty relationships to only one or a few radon or soil gas issues".</i>	
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 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.

A-7 Process for Finalizing Committee Rosters:

A-7.1 Coordinated Interaction

SMC and ESC chairpersons in coordination with staff are collectively granted authority for initial seating of sub-committee participants who comprise consensus bodies tasked with promulgating and maintaining one or more standards. Members of both the SMC and ESC have the right to object to individuals or the balance of individuals on consensus bodies tasked with promulgating or maintaining one or more standards.

Staff, working on behalf of the SMC and ESC committees, are tasked with facilitating ongoing events where an individual withdraws from a consensus body and where a new volunteer is seated on an existing consensus body. New additions to an existing consensus body shall not be seated if the SMC and ESC chairpersons concur in objecting to seating the individual on the respective consensus body.

A-7.2 Members of SMC and ESC shall be notified of initial Standards Development Committee rosters upon securing volunteer participant commitments sufficient to begin deliberations or no later than 6 months after initial deliberations begin. Members of SMC and ESC shall subsequently be notified of incremental changes to Standards Development Committee rosters no later than during public review periods for any portion of a document. Members of the SMC shall be notified of changes to the ESC roster. Members of the ESC and SMC shall have fourteen days after receiving such notifications to provide any objections regarding appropriateness of nominees, resulting balance or interest group seats proposed. If no objections are forwarded to the ESC or SMC chairperson within 14 days, no additional actions are required.

A-8 Documentation and Notices Regarding Seated and Unseated Volunteers

A-8.1 Records of all submissions shall be maintained.

A-8.2 Seated Participants

Action shall be taken that results in obtaining written documentation from individuals being seated on Standards Development Committees or the Executive Stakeholder Committee that they accept:

- a) representing the vantage point of the interest group they've been seated to represent on the committee;
- b) and their designation as voting or alternate voting delegate; and
- c) terms and conditions for participation including the participant code of conduct.

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 group represented shall be provided and retained for membership records.

A-8.3 Unseated Volunteers

Those individuals that have been nominated or have volunteered for Standards Development Committees or the Executive Stakeholder Committee and have not been seated shall be provided with written notice of this fact. Because many individuals volunteer for multiple standards projects, publication of seated sub-committee rosters shall be an acceptable means for providing such written notice.

A-8.4 Publicly Accessible Listings

Committee members and respective affiliations shall be available to the public and listed in documents.

Exhibit A-2.1

**Request Participation in
AARST Consortium on National Standards**



√ = required

√ Name	
Street Address	
√ City	
√ State / Province	
ZIP Code	
√ Country	
√ Phone	
√ Email	

Relationship (check all that apply)

- Home Inspector
- Measurement Professional
- Mitigation Professional
- Local Government
- Federal Government
- State Government
- Scientist
- Educator
- Proficiency Board
- Consumer Representative
- Other

Interest in document participation (check all that apply)

- Radon
- Vapor Intrusion
- Measurement
- Mitigation
- Homes
- Large Buildings
- Multifamily Buildings
- Radon in Water
- Device Protocols
- Measurement QA
- Other Interest

√ **Topic/ document(s) of greatest interest**

√ **Examples of Relevant Experience**

√ **Education and Certifications**

√ **References (as appropriate)**

Annex B

Ballot Procedures and Evidence of Consensus

- B-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.
- B-2 Presenting a Ballot:** The motion presented to the consensus body shall include:
- a) **A PREAMBLE** (e.g., topic, descriptions and discussion or rationale for the motion);
 - b) **THE MOTION** (or specific language for ballot); and
 - c) **VOTING OPTIONS** (to inform voters of their options)
- B-2.2.1** 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); or
 - d) Abstain.
- B-2.2.2** 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.
- B-2.2.3** 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 an interest 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.)
- B-2.3 Voting Deadline**
- B-2.3.1** The chairperson shall reasonably assess if the nature of the motion requires a standard deadline, or if a lengthier deadline for consideration is warranted. These options are:
- a) **Standard deadline:** A minimum deadline allows 14 calendar days of consideration.
 - b) **Extended deadline:** The option allows for any duration deemed appropriate that is longer than 14 calendar days.
- B-2.3.2** A notice should be sent to the committee or committee members whose votes have not been received five calendar days before the ballot closes.
- B-2.4 Notice of Initial, Restart or Recirculation Ballots**
- B-2.4.1 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.
- B-2.4.2 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.

B-2.4.3 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.

B-2.4.4 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.

B-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.

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

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

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

B-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. When votes are cast at meetings, the names of voters and how they voted shall be provided in email messages or cover letter messages that announce the open ballot to voters. How voters cast their vote is not to be announced publicly, such as in publicly accessible meeting minutes.
- b. 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.
- c. 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.

- d. 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.
- e. Records shall be maintained to provide evidence regarding any change of an original vote.

B-5 Summary of Reasons Why

To comply with ANSI Essential Requirements clause 2.6, the non-voting chair or staff shall provide a written summary statement for reasons why other committee members found objections to a motion as non-persuasive. The motion shall be recorded with the tellers report or rendered in minutes. The statement shall include a notice that the statement is limited to general observations of the author(s) who cannot presume to know all reasons why any committee member chose to vote as they did.

Continuous Maintenance Procedures

C-1 Change Proposals

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 C.

Note—Exhibit C-1 (Change proposals) provides the means and content needed to process a change proposal. It is publicly available at <https://standards.aarst.org/public-review/>

C-2 Processing Change Proposals

Staff shall forward proposed changes received to the Chair of the Standards Development Committee 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.

C-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 Standards Development Committee. Options for Standards Development Committee 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.

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

C-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 Standards Development Committee shall approve response option a, b, or d above.

C-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.

C-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 public review publication within 5 years of the prior publication date, then the method of maintenance shall be changed from continuous to periodic.

C-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 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.

C-5 Sample Notification (for inclusion in documents under the continuous maintenance option)
“This standard is under continuous maintenance by the AARST Consortium on National 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.standards.aarst@gmail.org/public-review.”

Exhibit C-1 Change Proposals (online form)



Change Request Proposal

Change proposals may be submitted at any time by the public. Substantive changes to a document or portions thereof are processed under the continuous maintenance option in accordance with AARST Consortium Standard Development Policies and Procedures, to include committee review and the same due process procedures as other proposed revisions.

Request from: *Name: _____
*Affiliation: _____
*Address: _____
*City: _____ *State: _____ *Zip: _____
*Telephone: _____
*E-mail: _____

* **Reference:** Standard Name/Year

* **Clause or Subclause:**

* **Comment/Recommendation:**

Substantiating Statements:

Submit Your Request

To submit supplementary information and for questions: StandardsAssist@gmail.com (202) 830-1110



Annex D

Participant Conduct

D-1 Participant Code of Conduct

General Principles

- 1 To promote and support the overall mission of the AARST Consortium on National Standards (Consortium) as well as the purposes and objectives of the voluntary consensus standards system.
- 2 To maintain a process that is open, honest, and fair to all participants.
- 3 To promote the development of consensus through the broad participation of a variety of interests and through a full airing and discussion of all points of view.
- 4 To adhere, both in letter and in spirit, to all duly established rules, regulations, and policies governing the Consortium's voluntary consensus standards system.

Code of Conduct Applicable to Participants

- 1 All persons serving on Consortium standards committees, including executive and management committees and staff (hereafter "Participants") shall act honestly, in good faith and with the highest professional standards.
- 2 Although it is recognized that legitimate differences of opinion can exist on individual issues, Participants are to act in a dignified and courteous manner, so as to avoid injuring others, their property, reputation, or employment by false, malicious or improper action and to avoid acting in a disrespectful or unprofessional manner towards other Participants.
- 3 Participants are seated on each consensus body committee to provide representation for the experience and vantage point of the 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 interest group represented.
- 4 In order that the points of view and information Participants contribute to the Consortium's voluntary consensus standards system can be accurately evaluated by others, Participants are to always endeavor to make known their business, commercial, organizational, or other affiliations that might affect their interests or points of view, avoiding real or perceived conflicts of interest whenever possible.
- 5 In all discussion, debate, and deliberation, Participants are to confine their comments to the merits of the issues under review. Although Participants may forcefully advocate their views or positions, they are to be candid and forthcoming about any weaknesses in their position, and they are to refrain from debate and discussion that is disrespectful or unprofessional in tone or that is unduly personalized or damaging to the overall process of achieving consensus.
- 6 While exchanging viewpoints with other Participants can be useful in ultimately achieving consensus, Participants are to avoid informal conversations that harass, threaten, coerce or solicit coordination in an effort to sway the opinion of voting Participants.

- 7 No Participant is to ever attempt to withhold or prohibit information or points of view from being disseminated, particularly on the grounds that the Participant disagrees with the information or points of view. Disagreements are to be addressed and resolved through full presentation and discussion of all information and points of view not through withholding information or preventing points of view from being expressed.
- 8 Participants, including consultants, shall identify their sponsors, if any. A “consultant” is someone who agrees to provide professional service in exchange for compensation, financial or otherwise. A “sponsor” is defined as an organization that provides funds specifically to support the individual’s participation in the standards. Where being sponsored specifically for participation in standards work, the participant shall provide written notice to Consortium chairs or staff that is required to be kept in records and disclosed to the consensus body.
- 9 Participants are to treat all persons with respect and fairness and should not offer or appear to offer preferential treatment to any person or group.
- 10 Participants are to refrain from disseminating false or misleading information or from withholding information necessary to a full, fair, and complete consideration of the issues duly discussed.
- 11 Participants are to obey all applicable laws and Consortium policies, including Antitrust and other policies published in the Consortium bylaws or otherwise promulgated by the Executive Stakeholder Committee with mutual approval of the AARST Standards Management Council; and
- 12 Participants are to safeguard the Consortium’s reputation and integrity by ensuring that any public statements relating to AARST or the Consortium, which are not official statements of AARST, are properly portrayed as the opinion of the individual making them.

Violation of Code of Conduct

Violations of this Code will result in disciplinary action against Participants, which may include termination of a Participant's continued participation in Consortium projects.

Intellectual rights

Participation includes required acceptance that work product resulting from participation shall be wholly owned by the publisher (AARST), to include all national and international publishing and intellectual rights associated with the work product creation and publication.

Attested: I have read, understand, and agree to abide by this Code of Conduct, the AARST Antitrust Policy and other terms included herein. I will conduct my work on behalf of the AARST Consortium on National Standards with the highest integrity and commitment to the principles stated above.

Signature

Date

Name Printed

D-2 AARST Antitrust Policy

While AARST Antitrust policy requirements are expected to change with improvements over time, the following example provides guidance and scope of antitrust policy requirements relative to all participants in activities associated with AARST Consortium on National Standards.



The American Association of Radon Scientists and Technologists, Inc.

ANTITRUST POLICY STATEMENT FOR ASSOCIATION MEMBERS

April 2021

527 N. Justice Street
Hendersonville, NC 28739

ANTITRUST POLICY STATEMENT for ASSOCIATION MEMBERS

ANTITRUST COMPLIANCE PROGRAM

Trade associations, such as The American Association of Radon Scientists and Technologists (AARST), are subject to strict scrutiny under both federal and state antitrust laws. Since competitors in a particular industry join a trade association to pursue a common business purpose, trade associations are especially vulnerable to antitrust attack under federal and state laws. Trade associations and trade association members should exercise a great deal of care when carrying on certain activities so as to avoid any violation of the federal and state antitrust laws.

The consequences for violating the antitrust laws can be severe. A conviction can carry stiff fines for the association and its members, jail sentences for individuals who participated in the violation, and a court order dissolving the association or seriously curtailing its activities.

I. THE SHERMAN ACT AND THE FEDERAL TRADE COMMISSION ACT

Regarding trade association activities, the most important antitrust statutes are Section 1 of the Sherman Act and Section 5 of the Federal Trade Commission Act. Section 1 of the Sherman Act prohibits "contracts, combinations, or conspiracies ... in restraint of trade." By their very nature, trade associations involve a "combination" of competitors, so they are especially prone to antitrust attack.

Under the Sherman Act, any understanding or agreement affecting the price of a product or service, or a bid on a mitigation job is prohibited, regardless of the purpose of the understanding. Even if the agreement will benefit consumers, it is prohibited.

Of foremost importance to AARST members is the fact that the Sherman Act is a criminal conspiracy statute. Consequently, an executive who attends a meeting at which competitors engage in illegal discussions which relate to prices or bids may be held criminally responsible, even if he or she says nothing at the meeting. The executive's attendance at the meeting may be sufficient to imply acquiescence in the discussion, making him or her liable to as great a penalty as those who actively participated in the price-fixing or bid-rigging agreement.

Section 5 of the Federal Trade Commission Act forbids "unfair methods of competition in or affecting commerce and unfair or deceptive acts or practices in or affecting commerce." It is distinct from Section 1 of the Sherman Act in that it does not require a "combination" to reach anticompetitive acts committed by individual companies. On the other hand, it will, like the Sherman Act, cover joint actions.

The Federal Trade Commission's authority in determining what constitutes an unfair method of competition or unfair or deceptive act or practice under any given circumstances is extremely broad. As a result, antitrust actions can be brought to cover a wide range of charges.

AARST has established an antitrust compliance program to protect the association and its members from possible antitrust liability. Under this program, every effort will be made to stop any potential antitrust violation before it begins.

II. PENALTIES FOR VIOLATION OF THE ANTITRUST LAWS

The federal antitrust laws may be enforced against associations, association members and the association staff, both by government officials and by private parties through treble damage actions. In each case, the potential penalties are quite severe.

The maximum penalty for an individual convicted of a violation of the Sherman Act is a fine of \$1,000,000, twice the pecuniary loss of the victims, or twice the pecuniary gain of the wrongdoer, whichever is greater. In addition, an individual may be imprisoned for up to ten years. However, in no case can an individual convicted of a criminal Sherman Act Violation expect to be sentenced to less than 90 days of jail time. A corporation convicted of such a criminal offense may be fined as much as \$100 million, twice the pecuniary loss of the victims, or twice the pecuniary gain of the wrongdoer.¹

A violation of the Federal Trade Commission Act can result in the issuance of a cease and desist order, thereby placing extensive governmental restraints on the activities of an individual company, its officers and directors, an association and its members. Failure to obey such an order can result in penalties of as much as \$10,000 per day.

In addition to governmental prosecution for a criminal or civil antitrust violation, a company or an association can face a private treble damages action brought by competitors or consumers. A finding of a violation of an antitrust law in a private action will result in payment by the defendant of three times the damages suffered by the plaintiff plus attorney's fees.

In recent years, liability for corporate defendants have exceeded hundreds of millions of dollars.

III. ANTITRUST PROBLEM AREAS OF ASSOCIATION ACTIVITY

A. Areas of General Concern

As a practical matter, all professional associations such as AARST should focus their attention on five principal antitrust problem areas:

1. Price-Fixing

Experience shows that trade association members are most likely to violate, and the government is most likely to strictly enforce, the Sherman Act's ban on price-fixing or bid-rigging. Antitrust violations in the price-fixing or bid-rigging areas can be inferred simply from comparable price or bid behavior by association members. An oral or a written agreement is not needed to ground a charge of price-fixing or bid-rigging. Neither the reasonableness of the prices set or the amounts bid nor the potentially beneficial purposes underlying the agreement will constitute a defense in the event that price-fixing or bid-rigging is established.²

2. Agreement to Allocate Customers or Divide Territories

An agreement among members of an association to allocate customers or divide geographical territories is, in and of itself, a per se violation. The antitrust laws expressly prohibit any understanding or agreement between competitors

¹ As an example, in 1999, Hoffman-LaRouche paid \$500,000,000 in fines, and BASF paid \$225,000,000 in fines in an Antitrust Division vitamin price fixing case.

² Courts consider bid rigging as very serious antitrust offenses. In 2011, a United States District Court in Iowa sentenced the President of an Iowa ready mix-concrete firm to 48 months in prison for price fixing.

or members of an association involving division of territories or allocation of customers. Even an informal agreement whereby one member agrees to stay out of another's territory will constitute a criminal violation of the antitrust laws.

3. Membership Restrictions

If the members of an association derive an economic benefit from membership, the denial of membership to an applicant may constitute a restraint of trade because such a denial may limit the ability of the applicant to compete. Therefore, membership criteria must be carefully established with a view toward avoiding antitrust problems.

4. Standardization and Certification

An association that develops voluntary industry standards may face antitrust problems if such a standard unreasonably favors some competitors and unfairly discriminates against others. Similarly, association certification activities which further the interests of certain groups of members, to the exclusion of others, may result in antitrust problems.

5. Industry Self-Regulation

Associations commonly establish codes of ethics for their members, including procedures for enforcement of such codes. The association must guard against any efforts to enforce such codes of ethics if such enforcement would result in economic injury to certain members.

B. Bid-Rigging -- An Area of Special Concern for the Mitigation Industry

An antitrust problem area which is of concern for AARST is that of bid-rigging. A bid-rigging scheme bears some of the traits of both a price-fixing agreement and an agreement to divide customers, and, in fact, could be considered a synthesis of those two violations.

In U.S. v.W.F. Brinkley & Son Construction Co. [1986-1 Trade Cas. (CCH) & 66,963] (a highway construction case), the Fourth Circuit Court of Appeals upheld the lower court's jury instruction that "a conspiracy to allocate projects or rig bids is automatically or per se unreasonable and illegal." As a result, an agreement between two or more persons that one will submit a higher or lower bid than the other, or will submit no bid at all, will constitute a criminal restraint of trade violating the Sherman Act. In making their case, those alleging an unlawful bid-rigging conspiracy need not competitors. The antitrust injury caused by a bid-rigging scheme is the denial of the purchaser's property right to choose the lowest responsible bidder and to allocate its funds to that bidder.³ Those individuals found guilty of bid-rigging face a mandatory jail sentence of at least 90days.

Recently, both the federal and state governments have prosecuted a number of antitrust cases involving bid-rigging on construction projects. U.S. v. Vandebroke [No. CR10-4025 MWBC N.D. Iowa 2011].

IV. HOW TO AVOID ANTITRUST PROBLEMS

AARST has adopted the following rules to insure against unintentional violations of the antitrust laws:

A. General Operating Procedures

1. A full description of the association's intention to comply fully with the antitrust laws is included in the written policies of the association.
2. All members of the board of directors of the association receive a copy of the association's antitrust policy statement, detailing what can and cannot be done at association meetings.
3. The association's Executive Director, based on advice from legal counsel, updates members concerning antitrust problems periodically and has formalized the association's antitrust compliance program.
4. The association's legal counsel approves, in advance, all new association programs or changes in existing programs that may have potential antitrust implications.
5. All association meetings are regularly scheduled, and members are not permitted to hold "rump" meetings.
6. An agenda is prepared for each meeting of the association and reviewed in advance by the

³ See County of Orange v. Sullivan Highway Products, Inc. and North Dakota Cement Co.,

Executive Director or Chapter President.

7. Legal counsel is present at all meetings at which antitrust sensitive issues will be discussed.
8. The minutes of all meetings are approved by the Executive Director. The minutes reflect the association's policy of complying with the antitrust laws.
9. The minutes of all association meetings are accurate, and the AARST staff never submits minutes which have been doctored, which are incomplete, or which have not been approved by legal counsel.
10. No action by the association or its board of directors which has the effect of rejecting a membership application becomes final without approval by legal counsel.
11. The association has a formal record retention program.
12. No association staff member has authority to communicate with officials of the Federal Trade Commission or the Antitrust Division of the Department of Justice without prior approval of the association's legal counsel.

B. Membership Policy

AARST **does not**:

1. Exclude certain competitors from membership in the association, if the applicant meets bylaw requirements.
2. Restrict members from dealing with nonmembers.
3. Limit access to information developed by the association, unless such limitation is firmly grounded upon the need to protect trade secrets.

C. Self-Regulation and Codes of Ethics

The association **does not**:

1. Adopt regulations or policies which have price-fixing implications, such as restrictions on advertising of prices or bidding, or which unreasonably inhibit the ability of any member or group of members to compete.
2. Require members to refrain from dealing with any vendor, supplier, customer or other member.
3. Allow a single company to dominate board of director decision-making, operating practices and procedures or symposium and tradeshow activities.

D. Topics of Discussion Which Must Be Avoided at Association Meetings

1. Current or future prices or bids. (Great care must be taken in discussing past prices or bids.)
2. What constitutes a "fair" profit level.
3. Possible increases or decreases in prices.
4. Standardization or stabilization of prices.
5. Pricing procedures.
6. Bid-rigging.
7. Credit terms.
8. Control of sales.
9. Allocation of markets.
10. Refusal to deal with a corporation because of its pricing or bidding practices.
11. Whether or not the pricing or bidding practices of any industry member are unethical or constitute an unfair trade practice.

D-3 Code of Conduct Violations

D-3.1 Reports of Violations

Reports of behavior or activities that are considered by a chair, staff member or consensus body member to violate the Consortium Participant Code of Conduct or Anti-trust Policies shall be directed to the SMC chair who will determine the next step in each case. Depending on the severity of the violation(s), the concern may be reported to the SMC which shall determine the appropriate response.

D-3.2 Chairperson and Staff – Responsive Actions During Meetings

D-3.2.1 Reporting violations

After violations of the Consortium Participant Code of Conduct or Anti-trust Policies have occurred during a meeting or have occurred at multiple meetings, chairpersons or staff members are granted the authority, at their discretion, to send via email a written warning notice, copied to the SMC chair, to the offending consensus body member(s) that describes the inappropriate behavior(s) and relevant section(s) of the code of conduct or antitrust policy.

D-3.2.1 Removing participants from a meeting

Chairpersons and staff members are granted the authority, at their discretion, to remove an offending consensus body member from a meeting:

- a) when serious inappropriate behavior occurs; or
- b) after a warning has been verbally communicated at a meeting, and
 1. the inappropriate behavior continues, or
 2. inappropriate behavior is repeated across multiple meetings.

The incident shall be reported in writing to the SMC chair with a copy to the offending party that describes the inappropriate behavior and relevant section(s) of the code of conduct or antitrust policy.

D-3.3 Responses in General

After violations of the code of conduct or anti-trust policies have been observed at any time, chairpersons, staff members and other consensus body members are permitted to file complaints by submitting a “Reporting Procedural Concerns” form.

D-4 Reporting Procedural Concerns

An online form for reporting procedural concerns has been created and is available at the Consortium website for download and submission by any person:

https://standards.aarst.org/wp-content/uploads/2020/07/Form_Reporting-Procedural-Concerns.pdf

Because this form allows for complaints about any person or committee related to work at the AARST Consortium on National Standards, options are provided on the form for sending a complaint to the SMC chair, the ESC chair, or the Consortium Secretariat.

D-4.1 Related Duties

The body ultimately responsible to seek resolve for reported procedural concerns depends upon the nature of the reported concern:

- a) The SMC is granted the authority over final decisions relative to disputes that include participant seating. As such, expressed concerns regarding seated participants may require deliberations and balloted resolve within the SMC.

- b) The ESC functions as the oversight committee for project initiation, content published, committee balance and interactions with ANSI relative to these tasks. As such, expressed concerns regarding document content or inappropriate committee procedures may require deliberations and balloted resolve within the ESC.
- c) Staff, such as the Secretariat, interact to facilitate needs of both the SMC and ESC. As such, staff might normally help to facilitate resolve unless the procedural complaint involves staff members.

Exhibit D-4 Reporting Procedural Concerns (online form)

Reporting Procedural Concerns



The Consortium engages an ongoing effort to identify inappropriate actions that may include concerns over procedural actions, committee balance or threats to impartiality during standards development. Each reported concern is evaluated to determine appropriate action.

Date: _____

Person registering a concern: First Name _____ Last Name _____

Phone: _____ E-mail Address: _____

City: _____ Affiliation: _____

X _____ Would you like to remain confidential? YES [] NO []

Signature of person registering the concern

Type of concern reported

- General
 - Procedural
 - Code of Conduct
 - Threat to impartiality
- Nature of threat to impartiality (conflict of interest) observed:*
- [] **self-interest threat:** *threats that arise from a person or body acting in its own interest to benefit itself.*
 - [] **subjectivity threat:** *threats that arise when personal bias overrules objective evidence.*
 - [] **familiarity threat:** *threats that arise from a person being familiar with or trusting of another person.*
 - [] **intimidation threat:** *threats that prevent a voting participant from acting objectively due to fear of another participant or other interested party.*
 - [] **financial threat:** *the source of revenue for a certification body can be a threat to impartiality.*

Note—Consortium policies recognize that threats to impartiality can arise from its activities, from its related bodies, from its relationships, or from the relationships of committee members. These policies also recognize that such relationships do not necessarily present a threat to impartiality and each reported concern is evaluated to determine appropriate action.

Offending situation or party: _____ Date witnessed: _____

Description of your concern (and you may attach additional details)

Please forward your concerns to the Consortium Secretariat: Secretariat@standards.aarst.org.

Alternatively, you may forward to the chairperson of the Executive Stakeholder Committee: ESC@standards.aarst.org,
or to the chairperson of the AARST Standards Management Council: SMC@standards.aarst.org



Annex E

Operating Procedures for Appeals

E-1 Authority and Responsibilities

E-1.1 AARST

Authority to establish an appeals mechanism for actions taken under the AARST Consortium on National Standards rests with the elected Board of the American Association of Radon Scientists and Technologists (d/b/a The Indoor Environments Association) hereafter referred to as AARST. These Operating Procedures set forth the rules of procedure governing appeals at the AARST Consortium on National Standards and may be amended from time to time by the Executive Committee of the AARST Board of Directors.

E-1.2 AARST Standards Management Council (SMC)

The SMC, which reports to the AARST Board Executive Committee, is to establish an appeals panel to consider and decide all final appeals at AARST relative to AARST Consortium on National Standards activities.

E-1.3 The Consortiums Executive Stakeholder Committee (ESC)

The ESC is to establish an appeals panel that shall have the exclusive authority to render decisions regarding issues it is charged to oversee, subject only to possible further appeal to the SMC.

E-1.4 Secretarial Staff

Staff members are to facilitate SMC and ESC function and communications in coordination with SMC and ESC Chairpersons (hereafter referred to as secretary).

E-1.5 Appeal Scope

No appeal may be heard by ESC or SMC appeal panels unless brought by: (i) directly and materially interested parties, and; (ii) who have been or will be adversely affected by the actions or inactions of a Standards Development Committee (SDC) or the ESC as established under Operating Procedures for the AARST Consortium on National Standards.

E-1.6 Appeal Panel Members

E-1.6.1 Participants

Participation in the appeal process is limited to individuals who have not been directly involved in the matter in dispute and who will not be materially or directly affected by any decision made or to be made in the dispute. All participants in the appeal process shall abide by the AARST "Conflict of Interest and Confidentiality Policy, the Consortium "Participant Code of Conduct" and these Operating Procedures. Membership in the appeals panel shall be by the individual, not the entity with which such person is affiliated. Counsel representing AARST may participate and shall be a non-voting, ex-officio member of any appeals panel.

E-1.6.2 Conflict of interest

The AARST Conflict of Interest and Confidentiality policy is provided below along with an Appeal Panel member statement of agreement to its terms.

E-1.6.3 Appeal panel composition

All appeals shall be heard by a panel composed of not less than five qualifying panel members. In the event five qualifying panel members cannot be found within the ESC or SMC membership to hear a particular appeal due to disqualifications or other reasons, the respective Chair shall

appoint additional panel members. Principal qualifications for appeals panel membership shall be competence and the ability to render impartial judgment based on consideration of evidence meeting criteria set forth in these Operating Procedures.

E-1.6.4 Appeal panel participants shall be accepted by all parties to the appeal.

E-2 Order of Events (See informative Flowchart Exhibit E-2 on page 44)

E-2.1 First Level of Appeal

E.2.1.1 The first level of appeal shall be administered by the ESC. The Secretary in coordination with the ESC chair or Vice Chair shall form an ESC Appeals Panel in accordance with Section 1.6. For ESC Appeals Panels, the ESC Chair shall endeavor to ensure representation of all membership categories concerned with the activities of the ESC.

E-2.1.2 Decisions of ESC appeal panels

Decisions of ESC appeal panels shall require sixty percent (60%) or greater approval of all qualified appeal panel members at appeal panel meetings, together with the vote of qualified members not present at the meeting or hearing, taken by letter ballot.

E-2.1.3 Requesting a stay

In the event a party to a duly filed appeal wishes to request a stay of the decision at issue pending the conclusion of the review process, procedures shall comply with Section 2.2.2 c).

E-2.2 Appeals to the SMC

E-2.2.1 SMC appeal panels

When appeals are made to the SMC, the secretary in coordination with the SMC chair shall form an SMC Appeals Panel in accordance with Section E-1.6. Participants in SMC Appeals Panels shall act in good faith and as fiduciaries to AARST and shall act in the best interest of AARST when making decisions on behalf of AARST. If any participant believes their duties to their employer or relationships with another third-party conflict in any way with those of AARST, they may simply recuse themselves from decision making on behalf of AARST.

E-2.2.2 Scope of SMC appeals

Except in a matter involving extraordinary circumstances, the SMC shall only consider an appeal as allowed in a), b), or c) of this Section 2.2.2. A refusal by an SDC or the ESC to decide a matter within its jurisdiction, or undue delay by such body in reaching a decision, shall constitute “extraordinary circumstances.”

a) An appeal of decisions rendered by the ESC may be filed with the AARST Standards Management Council (SMC) by the appellant or respondent to the ESC appeal at issue;

b) Appeals may be remanded or referred to the SMC by the ESC. Pending a decision by the SMC appeals panel, the original decision of the SDC or ESC shall remain in effect unless an SMC appeals panel determines otherwise.

c) Requests to stay a decision pending the conclusion of an appeal

In the event that a party to a duly filed appeal wishes to request a stay of the decision at issue pending the conclusion of the review process, these procedures apply. The party requesting the stay will be allowed to submit a one-page statement to succinctly explain the extraordinary basis for the request and the other party, if it opposes, will also be allowed to submit a one-page statement to succinctly explain why the SMC should not grant the request.

1. The requestor shall contact the SMC Chair or secretary to request implementation of this process.
2. The requestor will be allowed one week to submit a one-page statement in support of its request.
3. The one-page request will be provided to the other party(ies), which will in turn be allowed one week to submit a one-page response. (The one-page request/response shall be single spaced and 12 point font or larger.)
4. Both documents will be provided to the SMC via an expedited ballot.
5. The SMC Chair or secretary will issue a written decision to both parties on behalf of the SMC.

E-2.2.3 SMC appeal panel decisions

Decisions of SMC appeal panels require a majority vote of all qualified appeal panel members at SMC appeals panel meetings, together with the vote of qualified members not present at the hearing, taken by letter ballot.

E-3 Appeals

E-3.1 Rights to Appeal

All directly and materially interested parties who have been, or will be, adversely affected by a decision made by a Standards Development Committee (SDC) or the Consortium Executive Stakeholder Committee (ESC) in the implementation of AARST Consortium on National Standards procedures have the right to appeal.

E-3.2 Appeals Panel Scope

Appeals panels will not render decisions on the relative merits of technical matters but shall consider whether due process was afforded technical concerns. Appeals shall be based on procedural criteria in the Standards Development Policies and Procedures for the AARST Consortium on National Standards.

The burden of persuasion shall rest with the appellant. Pending resolution by the Appeal panel(s), the original decisions of the Standards Development Committee (SDC) or ESC shall stand unless an Appeals panel finds that such decision was clearly erroneous.

E-3.3 Filing an Appeal

All appeals shall be made in writing and compliant with Section 3.5. Unless otherwise instructed by the secretary of the ESC, appeals shall be sent via electronic means (with one complete hard copy mailed to AARST offices⁴) within fifteen (15) working days following the date of the decision or notification of the action that is the subject of the appeal; appeals of inaction may be made at any time. If the appellant is unable to provide the required appeals materials within the fifteen (15) working day deadline, an extension may be requested, with the grounds for such request noted. Such request must be directed to the secretary of the ESC, within the fifteen (15) working day deadline or the appellant shall forfeit the right to appeal. No supplemental filing prior to the forthcoming hearing shall be permitted without a showing of good cause.

⁴ AARST office current mailing address: 527 N Justice Street, Hendersonville, NC 28739-4217

E-3.3.1 AARST shall assess a filing fee of \$2500 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 only upon presentation of evidence by the appellant showing a compelling degree of hardship. Appeals and the required filing fee shall be directed to the secretary of the ESC on or before midnight Eastern time of the due date.

E-3.4 Prohibited Communications

After an appeal has been filed, no party to an appeal may communicate with any unrecused member of the ESC, SMC, or other Appeal Panel members on the subject of the appeal while the matter is pending.

E-3.5 Appeal Content

The appeal shall be comprised of a brief statement of the matter and the reason(s) why the appellant believes the decision is in error. Specifically, the appeal should include as appropriate:

- a) a copy of the decision from which the appeal is taken;
- b) an explanation of the issue and the procedural history;
- c) arguments that explain why appellant believes the decision was in error;
- d) references to the provision(s) of the Standards Development Policies and Procedures for the AARST Consortium on National Standards upon which appellant relies;
- e) relevant evidence that directly supports appellant's position and upon which appellant relies;
- f) letters of support for the appeal, if any, per section 3.7.3; and
- g) the specific relief sought by appellant.

Appeal content and form shall comply with Section 3.7. No supplemental filing prior to the forthcoming hearing shall be permitted without a showing of good cause.

E-3.6 Appeal Distribution and Responses

Upon receiving an appeal that meets requirements herein, the appeal shall be distributed by the secretary to:

- a) ESC and SMC members with additional information on requirements for serving on Appeal Panels, and
- b) The Standards Development Committee (SDC) or other potential respondent(s) identified by the secretary as directly related to the appeal to allow them the opportunity to respond if they so desire. Thereafter, this party shall have fifteen (15) working days to submit their response to the appeal on or before midnight Eastern time of the due date.

The Respondent(s) response shall include:

1. the reasons why respondent believes the decision under appeal was correct and a reference to the provisions in the Standards Development Policies and Procedures for the AARST Consortium on National Standards upon which the respondent relies;
2. relevant evidence that directly supports respondent's position and upon which respondent relies; and
3. letters of support for the response, if any, per section 3.7.3.

If the respondent is unable to provide the required response within fifteen (15) working days, an extension may be requested, with the grounds for such noted. Such request must be

directed to the chair or secretary within the fifteen (15) working day deadline or the respondent shall forfeit the right to respond. Extensions of time to submit a response may be granted at the discretion of the Chair or, if the Chair is unavailable, the Vice Chair in coordination with the secretary.

Response content and form shall comply with Section 3.7. No supplemental filing prior to the forthcoming hearing shall be permitted without a showing of good cause.

E-3.7 Appeal and Response Content and Form

E-3.7.1 All parties filing or responding to appeals or authoring letters of support must be clearly identified, and contact information provided, at the time of filing. Anonymous filings will not be accepted.

E-3.7.2 Brief appeal statements by appellants and respondents (exclusive of exhibits and table of contents) shall not be more than 30 pages, double-spaced, 12-point font or larger. The Chair or secretary shall have discretion to extend this limit for good cause shown.

E-3.7.3 Letters of support by non-parties to the appeal

A person or organization that is not a party to the appeal may submit a letter of support for a position taken by the appellant or respondent to the appeal by contacting that party and requesting that such a letter be included in that party's formal appeals brief or response. Such party-supporting letters shall be clearly marked as such, may not include new evidence, may not exceed three single-space pages in length, 12-point font or larger, and may address procedural issues only. Letters not meeting the requirements of this section will not be accepted without the approval of the Chair or Vice Chair. Authors of such letters do not have any special standing with respect to the AARST Consortium appeals processes, are not considered parties to the appeal and do not have the right to address appeals panels at the hearing on the matter.

E-4 Appeals Panel Initial Review

E-4.1 Appeal panels shall first determine by letter ballot whether the appellant has established a prima facie case that the decision appealed from was clearly erroneous.

a) If the appeals panel determines that a prima facie case has not been established, the Chair or secretary will so notify the appellant and the parties to the decision under appeal, in writing and the appeal will be dismissed. Such decision should ordinarily state only that a prima facie case has not been made by the appellant and that the appeal is dismissed. If this decision is rendered by the ESC Appeal panel, the appellant and other parties to the decision under appeal shall be advised of rights to appeal the ESC decision to the SMC.

b) If the SMC appeals panel determines that a prima facie case has not been established, the appellant will have exhausted all appeals available through AARST.

E-4.2 If the Appeals panel determines that a prima facie case has been established, it may either:

a) remand the matter for further consideration and/or action by the Standards Development Committee (SDC) or other respondent, as applicable, or

b) set a date for a formal hearing at which further arguments will be received.

E-4.3 Informal Settlement

AARST encourages settlement of disputes at any time if the settlement is consistent with the objectives of the AARST. Any settlement (to which the parties agree in writing) that is consistent with these procedures, or an agreement to withdraw the appeal, will terminate the appeal

process. If the settlement leads to proposals for a substantive change or other remedy in a standard, the change must be processed in accordance with the Standards Development Policies and Procedures for the AARST Consortium on National Standards.

E-5 Formal Hearings

E-5.1 Setting Dates and Notification

A formal hearing date for an appeal hearing shall be set by the Chair or secretary. However, a later date may be scheduled if mutually agreeable to the participants in the hearing. All parties shall be given at least fifteen (15) working day notice of the hearing date. Appeals panel members shall receive copies of the appeals record at least fifteen (15) working days prior to the date of the appeals hearing. The name and affiliation of all speakers and any observers must be provided to the secretary in advance of the hearing. Formal hearings shall be open to representatives of directly and materially interested parties, except that the number of representatives of any one interest group may be limited at the discretion of the Chair.

E-5.2 Formal Hearing Proceedings

At the hearing, the appellant's position shall be presented first, followed by the respondent. Each side is then allowed to respond until their total allotted time is exhausted. A half hour total, for the initial presentation and subsequent responses, is allotted for each side, with a limit of three speakers per side. Additional time is allotted for a question-and-answer session directed by the panel. At the hearing, speakers are not permitted to make assertions about facts or issues not in the record. The hearing may not be recorded in any way. At the close of the question-and-answer period, the appeals panel shall go into executive (closed) session for the purpose of arriving at a decision.

Should any party at interest not be present at the hearing, the decision of the Appeal panel shall be based on the presentations made by the parties that are present at the hearing in addition to the written submissions on record.

The chair of the appeals panel may call an executive session before, during, or following an appeal hearing to consider its action on a specific appeal.

E-6 Appeal Decisions

E-6.1 Notice of a decision reached by appeals panel letter ballot shall be sent by the secretary to the parties within fifteen (15) working days unless an extension is authorized by the Chair. The decision shall specify the outcome of the appeal and shall be accompanied by an explanation of the reasons for such outcome, and the specific relief granted, if any.

E-6.2 SMC Appeals Panel Decisions in General

E-6.2.1 Except as noted in Section 6.2.2, in deciding an appeal, the SMC Appeals Panel has a broad range of remedial options, including dismissing, affirming, reversing and/or remanding (in whole or in part) and will fashion an appropriate remedy depending upon its findings and the stage of the appeal.

E-6.2.2 Reconsideration

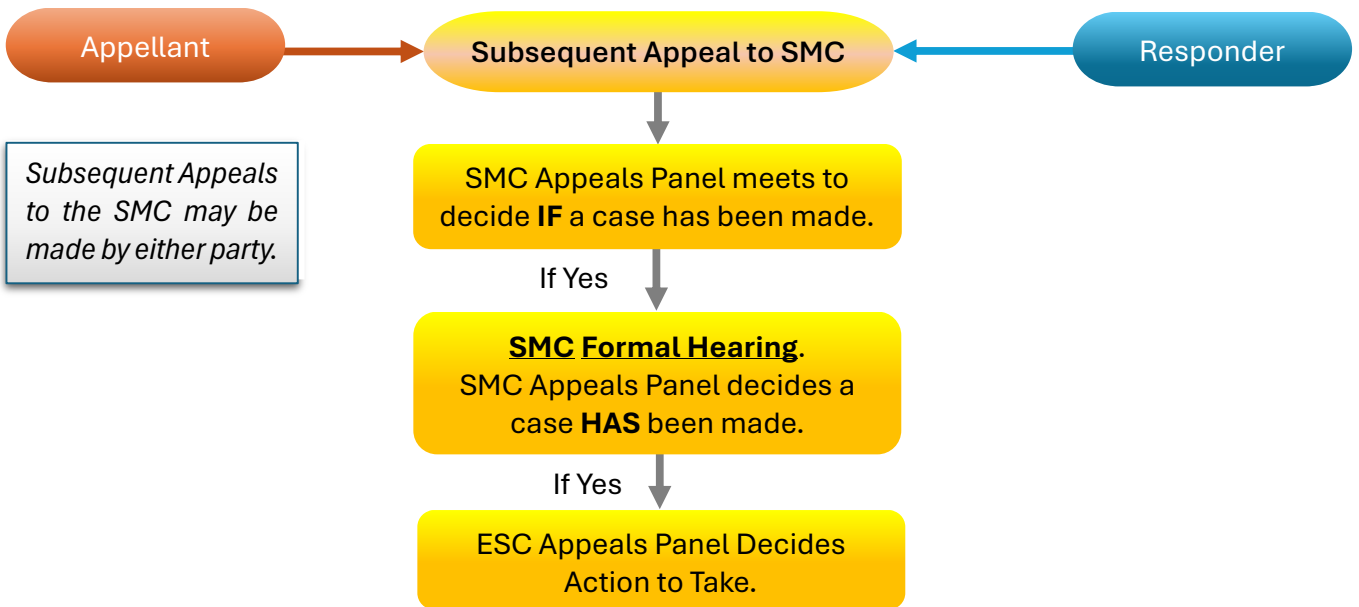
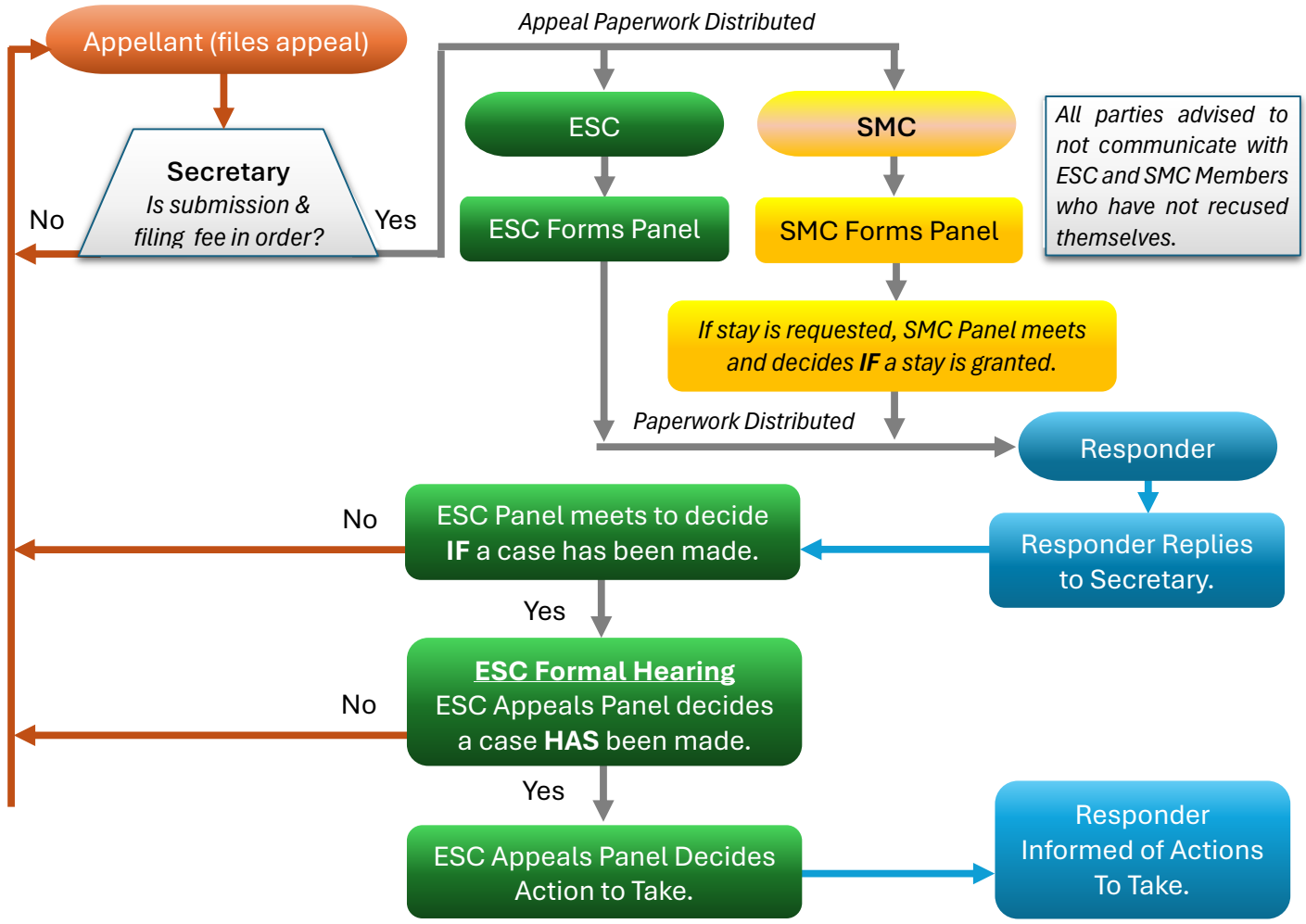
Any party to an appeal for which a hearing was held may request reconsideration of an SMC Appeals Panel decision by sending a written request, not to exceed 10 pages in length, double-spaced, 12-point font or larger, to the secretary within ten (10) working days after notification of the SMC Appeals Panel decision. The opposing party will have ten (10) working days to file a reply, subject to the same page and format restrictions. The secretary of the Appeals Board shall have discretion to extend this limit for good cause shown.

The SMC Appeals Panel may entertain a request for reconsideration based upon claims of a mistake, oversight or error in the decision or any other like reason justifying relief from the implementation of the decision. Once a decision on reconsideration is issued, no further requests for reconsideration will be accepted.

E-6.3 Accessibility of Appeals Decisions

A copy of the appeal decision shall be made available upon request.

Appeals Flowchart for Order of Events





CONFLICT OF INTEREST POLICY FOR AARST PERSONNEL

I. PURPOSE:

The purpose of this *conflict of interest* policy is to ensure responsibility for the impartiality of AARST activities and to prevent the personal or financial interests of individuals, internal or external to the AARST organization, that carry out activities for the organization (hereafter “Personnel”), from interfering with the performance of their fiduciary duties to AARST or result in the personal financial gain on the part of such Personnel at the expense of AARST, its members or stakeholders.

It is intended to help Personnel identify and disclose relationships with AARST or with other individuals of which he or she is aware that might potentially give rise to a conflict of interest if and when a resolution or other action relating in some way to such relationships is acted upon by other personnel or a committee (hereafter “Designated Body”).

The policy is intended to prompt Personnel to identify situations where they might have an interest that could give rise to a conflict so that a Designated Body is able to determine prior to a vote authorizing a particular transaction whether such Personnel need absent himself or herself from discussion and/or voting.-

The policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to not-for-profit organizations.

II. POLICY AND PRACTICES:

1. **Duty to Disclose:** In the event that personnel finds himself or herself in a potential *conflict of interest*, he or she shall immediately provide written notification describing the conflict to supervising staff or leadership of the designated body
2. **Determining Whether a Conflict of Interest Exists:** Following full disclosure of a possible *conflict of interest* by personnel, the Designated Body shall determine (outside the presence of the potentially conflicted Personnel) whether a *conflict of interest* exists.
3. **Procedure for Addressing Conflict of Interest:** If a *conflict of interest* is found to exist, the Designated Body shall vote to authorize or reject the transaction at issue or take any other action deemed necessary to address the conflict and protect AARST’s best interests by a vote sufficient for such purpose without counting the vote of such interested Personnel. If appropriate, the interested Personnel shall be excluded from being present at or participating in the deliberations in the matter. Under no circumstances shall the interested Personnel attempt to influence deliberations on voting on a matter as to which a conflict of interest is found.
4. **Record of Potential Conflict of Interest:** The minutes of any meeting of a Designated Body addressing a *conflict of interest* shall contain the names of the persons who disclosed or otherwise were found to have a potential conflict of interest, the nature of the conflict of interest, any action taken to determine whether a conflict of interest existed, and the Designated Body’s decision as to whether a conflict of interest existed. In addition, the minutes shall contain the names of the persons present for discussions and votes, the content of the discussion, including

any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceeding.

5. Impartiality: Personnel shall not allow commercial, financial or other pressures to compromise impartiality.
6. Confidentiality: Personnel shall not disclose or cause to be disclosed to anyone outside of AARST any information, decisions and actions related to any proprietary and confidential information related to AARST activities. Personnel shall keep all information related to AARST activities in a secure and safe location, and to take all reasonable steps to protect against inadvertent disclosure or theft of this information during such activities; To destroy or return all documents regarding such activities to the Designated Body staff liaison upon conclusion or resolution.
7. Statements of Agreement: Personnel shall sign and date an agreement upon acceptance of their terms or responsibilities, before participating in any event , meeting or discussion, or prior to receiving confidential or proprietary information.
8. Violations of Policy: If the Designated body has reasonable cause to believe Personnel has failed to disclose actual or possible conflicts of interest, it shall inform the Personnel of the basis for such belief and afford the Personnel an opportunity to explain the alleged failure to disclose. If, after hearing the Personnel's response and after making further investigation as warranted by the circumstances, the Designated Body determines that the Personnel has failed to disclose an actual or potential conflict of interest, it shall take appropriate disciplinary and corrective action.

III. POTENTIAL CONFLICTS OF INTEREST:

Potential conflicts could arise from relationships of which personnel is aware between Personnel and AARST and/or between Personnel and other Personnel.

Potential *conflicts of interest* between Personnel and AARST could include the following:

- Personnel, an organization with which he or she is affiliated, or a family member of such personnel, enters into a commercial contract or other transaction with AARST;
- Personnel who is in a position to make decisions about spending AARST's resources, an organization with which he or she is affiliated or a family member of such personnel stands to benefit from such decisions;
- Personnel, an organization with which he or she is affiliated, or a family member, has a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which AARST is negotiating a transaction or arrangement;
- Personnel is formally considering employment with AARST; or
- Personnel is a family member of a member of AARST staff.

For the purpose of this policy, "family member" means ancestors, sister, brother, child, grandchildren, great-grandchild, spouse or domestic partner, or spouse of a child, grandchild or great-grandchild; "family member" can also mean a person for whom a Personnel is legally or financially responsible.

An example of potential *conflicts of interest* could include the following relationships between two individuals involved in activities of a Designated Body.

A Designated Body Personnel #1:

- controls 5% or more of the operating budget of his/her organization,
- is a key decision maker for such organization taken as a whole, or
- controls the working relationship between such organization.

Designated Body Personnel #1 in such capacity has entered into a relationship with another organization with which Designated Body Personnel #2:

- was employed,
- is affiliated with by way of a commercial contract, or
- is affiliated with by way of a family relationship.



Appeals Panel Conflict of Interest and Confidentiality Agreement

Scope (Designated Body)

The following agreement applies to members of the Appeals Panels (hereafter “Designated Body”) as governed by the current AARST Consortium on National Standards Appeal Operating Procedures.

Responsibility

Appeals Panel members are responsible for deliberations, decisions, and actions relating to appeals of procedural concern occurring over the course of AARST Consortium standards development activities.

Agreement

Whereas, I, the undersigned, as a member of the Designated Body and/or one of its related committees and or staff/consultant accept and agree to abide by the terms of the Conflict of Interest and Confidentiality Policy for AARST Personnel and the following terms:

1. To read and abide by the AARST- Standard Operating Procedure and Policies regarding the Designated Body;
2. To not engage in actions that constitute an actual conflict of interest with the mission and activities of the Designated Body, to include excusing myself from voting and, as applicable, excusing myself from participation and deliberation when a known conflict of interest could unduly influence activities of the Designated Body;
3. To avoid any attempt at undue influence of the administration or implementation of the Designated Body process and procedure or staff. For example, but not limited to, subjecting AARST staff, associates, agents, directors, committee members and contractors to any form of direct or indirect bribery, abuse, harassment, threats, blackmail, intimidation, or bullying.
4. To excuse myself from any participation and deliberation for which there may be an actual or apparent conflict of interest and agree that the Designated Body has the ultimate authority to make decisions regarding conflicts of interest and recusal from deliberation.
5. To promptly disclose to the Designated Body any conflict of interests and any business, financial, personal, and organizational interests or affiliations that are or could be construed to be a conflict of interest with the mission and activities of the Designated Body.

Designated Body Declarations

Please check below whether or not you fall into any of the following Potential Conflict of Interest categories:

Yes	No	
		Do you have a relationship with any party to an appeal, complaint, or other Designated Body activity under deliberation?
		Have you, an organization with which you are affiliated, or a family member, entered into a commercial contract or other transaction with or regarding AARST; including but not limited to: <ul style="list-style-type: none"> • Supplying goods to AARST? • Providing same or similar services as AARST?

		<ul style="list-style-type: none"> Engaging in activities that could influence or affect the operations of AARST?
		Are you in a position to make decisions about spending AARST's resources, and have a relationship with an organization with which you or a family member stands to benefit from such decisions;
		Do you, an organization with which you are affiliated, or a family member, have a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which AARST is negotiating a transaction or arrangement;
		Are you formally considering employment with AARST; or
		Are you a family member of a member of AARST staff.

*Notes:

- a.) Membership dues do not have to be reported.
- b.) In no case shall personnel (i.e. participating individuals) be required to disclose the particular terms of any contracts between Designated Body members.

I understand that it is my responsibility to update this information if I find myself in a potential *conflict of interest*.

The undersigned, by affixing his or her signature, affirms that he or she:

1. has received a copy of AARST's Conflict of Interest and Confidentiality Policy,
2. has read and understands the policy, and
3. has agreed to comply with the policy.

Please sign either A or B as applicable

A. With my signature below, I hereby agree to all items listed above and to the best of my knowledge and belief and I have no actual or potential organizational conflicts of interest exist.

Name: _____

Title: _____

Organization: _____

Signature: _____

Date: _____

B. With my signature below, I hereby agree to all items listed above and to the best of my knowledge and belief and have attached a letter detailing any personnel conflicts of interest.

Name: _____

Title: _____

Organization: _____

Signature: _____

Date: _____