



# OPERATING PROCEDURES FOR STANDARDS DEVELOPMENT OF THE AIR CONDITIONING CONTRACTORS OF AMERICA EDUCATIONAL INSTITUTE

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## 1. General

These procedures shall govern the activities of the Air Conditioning Contractors of America Educational Institute (ACCA-EI) related to the development, approval, revision, maintenance, reaffirmation and withdrawal of standards for the design, installation, energy efficient operation, evaluation, maintenance and repair of heating, ventilating, air conditioning and refrigeration systems, as well as building subsystems that interact with building comfort conditioning and energy systems. When submitting standards for American National Standards Institute (ANSI) approval, ACCA-EI will submit all required ANSI forms (or their equivalent) and comply with all required ANSI administrative practices in accordance with the ANSI Essential Requirements.

Standards developed by ACCA are intended to be submitted to the American National Standards Institute (ANSI).

- 1.1 Scope:** The scope of the Standards Task Team of the Air Conditioning Contractors of America - Educational Institute (ACCA-EI) shall be the development of standards that support the indoor environment, commercial refrigeration applications and energy efficiency. ACCA standards shall promote comfortable, safe, and energy efficient buildings and refrigeration applications by addressing the proper design, installation, operation, maintenance, repair and replacement of heating, ventilating, air conditioning and refrigeration (HVACR) equipment. Recognizing that building components and systems function interactively, such standards may include optimizing the whole building as a system.

ACCA Standards may (1) include requirements for safety, health and well-being, design, installation, maintenance, repair, and (2) may address optimum comfort, safe and efficient operation of buildings and HVACR systems; and (3) may address performance, or operation, or qualification of personnel.

- 1.2 Rationale:** Numerous studies conducted by/for government agencies, utilities and consumer groups document the negative effects of building systems that are improperly designed, installed, maintained or repaired in residential, commercial and industrial buildings. It behooves the professional indoor environment, energy community and building sectors to support standards that promote optimum comfort and energy efficient operation, and that provide safe and healthy environments.

## 2. Organization

- 2.1 ACCA Consensus Body:** The ACCA-EI standards program shall be directed by the Standards Task Team (STT) and subject to review by the ACCA-EI Board. The Standards Task Team (STT) shall be established by the ACCA-EI Chair and shall be responsible for approving all standard initiatives, Standards Task Group (STG) and Work Group (WG) developed standards, and for maintaining standards, which fall within the scope of these procedures. The STT shall be the consensus body and the membership of the ACCA-EI – STT shall be from diverse interest categories and shall be sought with the objective of achieving balance (See §2.5.2, §2.5.3 & §2.5.4). The STT membership shall be appointed/re-appointed annually by the ACCA-EI Chair.

- 2.2 Secretariat:** ACCA-EI shall be responsible for maintaining a Secretariat for all STT, STG and WG, operating under the direction of the STT as defined in §2.5.7 and §2.5.8 and established in accordance with these operating procedures. The Secretariat shall:
- A. Organize the STT.

- B. Maintain rosters of the STT and any STG/WG.
- C. Oversee compliance with these procedures, including legal review as necessary.
- D. Maintain all records pertaining to the STT and any STG/WG.
- E. Provide administrative, liaison, support, including secretarial services as needed.
- F. Publish approved standards and revisions thereto.
- G. Perform other administrative functions as required.

**2.3 Records:** STT records shall be accessible to directly and materially interested parties, subject to reasonable conditions of time, location, cost and convenience. Records concerning new, revised or reaffirmed standards shall be retained for one complete standard cycle (until the standard is revised, withdrawn or reaffirmed). Records concerning withdrawn standards shall be retained for at least five years from the date of withdrawal.

**2.4 STT Officers and STT Executive Subcommittee (EXSC):** The STT shall have an Executive Subcommittee (EXSC) consisting of the Chairperson, Vice Chairperson and up to three other members of the STT. The members of the EXSC shall be from at least two different categories. The Chairperson and Vice Chairperson of the STT (“officers”) shall be appointed by the ACCA-EI Chairperson. The at-large members of the EXSC shall be appointed by the STT Chairperson, with concurrence of the Secretariat. The EXSC may conduct STT business between meetings of the STT, with all EXSC actions being subject to review, affirmation, modification or reversal by the STT at the next meeting.

**2.5 Membership:** Membership on ACCA-EI consensus body STT shall be open to persons directly or indirectly affected by the Standards, subject to the selection procedure hereinafter set forth, size limitations as stipulated in §2.5.2, and balance requirements in §2.5.4.

**2.5.1 Application:** Individuals seeking membership on the STT shall submit a written application to the Secretariat indicating their interest in the work of the team and their qualifications, willingness to actively participate, affiliations which might affect their classification, and their designation relative to interest category (see §2.5.3). Applications submitted by an association or a government agency shall identify a representative (and an alternate if desired); see §2.5.3.

**2.5.2 Process:** The Secretariat shall promptly process all STT membership applications. Applications shall be presented to the ACCA-EI Chair for approval. Rejected applicants shall have the right to appeal in accordance with §8. In accepting or rejecting STT applicants, consideration shall be given to the following:

- A. Need for active participation by members of each interest category.
- B. Maintaining balance among members with respect to interest categories.
- C. Extent of interest expressed by the applicant and willingness to actively participate.

The Secretariat shall consider and may recommend reasonable limits on the size of the STT.

STT voting membership shall not be conditional upon membership in any organization.

The Secretariat shall promptly notify all applicants and the STT of the actions taken on applications and shall submit an annual membership roster to the members of the STT at each face to face meeting held.

- 2.5.3 Interest Categories:** All members of the ACCA-EI – STT, STG and WG shall be classified as Contractors, Manufacturers, Program Administrators or General Representatives in accordance with the following definitions.
- A. Contractor. A contractor owner or individual employed by or otherwise representing an HVACR or other building system contractor. The Contractor is in the business of engineering/design, installation, service/repair and, or maintenance of HVACR equipment and/or other building systems.
  - B. Manufacturer. An individual employed by or otherwise representing an organization that produces building or HVACR equipment, parts and or accessories.
  - C. Program Administrator. An individual who represents Government programs, Utility programs, or Code programs in HVACR design/installation review and/or energy efficiency sectors.
  - D. General. Any individual not from one of the above categories. This category includes but is not limited to educators, researchers, and owners and or operators of buildings.
- 2.5.4 Balance:** No single interest category shall constitute a majority of the membership of the STT. No single interest category constitutes more than one-third of the membership of the STT when dealing with safety-related standards. STT membership shall represent at a minimum one (1) of each of the four (4) above interest categories. There shall be a limit of one voting member from each company or organization.
- 2.5.5 Membership Roster:** The Secretariat shall prepare and maintain annually a membership roster documenting the classification of each team member and the achievement of balance. The EXSC shall review the committee roster annually and recommend changes, if necessary. STT rosters shall include a summary of the voting membership, by interest category.
- 2.5.6 Termination of Membership:** The EXSC shall be authorized to terminate a STT member for cause, including inactivity. A STT member shall be considered inactive for failure to return at least 75 percent of the letter ballots issued during a calendar year. . STT members shall notify the Secretariat of any changes in employment or job status affecting representation and shall submit a new application if continued membership on the STT is desired.
- 2.5.7 Standards Task Groups (STGs):** STG are subcommittees under the direction of the STT and may be established by the EXSC for the purpose(s) of assisting the STT in developing or maintaining standards, considering comments and/or negative votes on portions of the standards and other advisory functions. An STG exists at the discretion of the EXSC.

Members on an STG may include persons who are not members of STT, and balance will not be a requirement of the STG. An STG will function as a “technical advisory group” relative to forwarding recommendations to the STT. A roster of all STGs shall be maintained by the Secretariat. The term of membership on any STG shall be one year, serving consecutive or multiple terms on a STG is permitted.

STG Chairperson shall be appointed by the EXSC. STG members shall be appointed by the STG Chairperson, with the concurrence of the Secretariat. STG meetings may be called by the STG Chairperson with concurrence of the Secretariat.

**2.5.8 Work Groups (WGs):** In the development, revision, and maintenance of ACCA Standards, non-STT established working groups (e.g., advisory committees, development committees, review committees, etc.) may function and take the lead role for specific standards; in which case, the STT may move the work of such groups forward as national standards. The STT will remain as the consensus body.

Members on a WG may include persons who are not members of STT, and balance will not be a requirement of the WG. A WG shall forward recommendations to the STT. A roster of all WG shall be maintained by the Secretariat. The term of membership on any WG shall be for the duration of the project.

WG meetings may be called by the WG Chairperson with concurrence of the Secretariat.

### 3. STT Meetings

- 3.1 Frequency and Location:** A minimum of one physical meeting of the STT shall be held each calendar year and subsequently be reported with meeting minutes. An effort shall be made to hold meetings at locations convenient to the members. At the close of each meeting, the STT shall establish the date of the next meeting. The Chairperson of the STT may call a special meeting of the STT, if necessary, at a location and on a date acceptable to the Secretariat. Conference calls and other electronic communications shall also constitute a meeting.
- 3.2 Notification:** At least 30 calendar days written notice shall be given for physical meetings. An agenda shall be prepared and distributed with the meeting notice by the Secretariat. Correspondence may be in the form of electronic or hard copy. At least 10 calendar days written notice shall be given for conference calls and other electronic meetings. ; An agenda shall be distributed prior to meeting.
- 3.3 Open Meetings:** Except for authorized executive sessions (see §3.4), all meetings of the STT or the EXSC shall be open and attendance by any interested party shall be welcome. Visitors shall not have a right to vote. Visitors shall be entitled to receive copies of meeting reports if requested to the Secretariat in writing at least 10 calendar days prior to the meeting. Visitors shall be permitted to address the STT, or the EXSC at a meeting, provided that a written request is sent to the Chairperson at least 10 calendar days prior to the meeting. The Chairperson shall designate the time allocated for visitor presentations.
- 3.4 Executive Sessions:** Executive Sessions shall be permitted for the purpose of considering issues deemed sensitive by the Secretariat or the Chairperson of the STT. Attendance during executive sessions shall be limited to voting committee members, Secretariat and guests invited by the STT Chairperson.
- 3.5 Quorum:** A majority of the members of the STT or EXSC shall constitute a quorum for conducting business at a meeting. Business matters shall be deemed approved by the affirmative vote of a majority of the members present, except with respect to Standard matters covered in §4.1.

If a quorum is not present, actions on agenda items may be taken but shall be subject to ratification by a letter ballot of the STT. In their absence, a member may authorize another person to participate and vote in his/her stead by providing a written and signed statement of authorization if approved by the Chairperson and the Secretariat.

- 3.6 STG Meetings:** STG meetings may be called by the STG Chairperson . The time and location of STG meetings shall be set so as to not conflict with meetings of the STT and to minimize conflicts with other STG meetings. STG meetings shall be open in accordance with §3.3, except for authorized executive sessions in accordance with §3.4.

## 4. STT Voting Procedures

- 4.1 Ballots:** New standards, substantive changes to (revisions), reaffirmations, withdrawals, discontinuation, and interpretations of all standards shall be approved either a face-to-face meeting or by electronic ballot of the STT.

Administrative matters, editorial changes, and related issues shall be decided by a majority vote of the members. Approval of standard initiatives, new standards, substantive changes to (revisions), reaffirmations, withdrawals, discontinuation and formal interpretations of all standards shall be decided per §4.4. STT member(s) not present during a meeting of the STT shall be electronically balloted prior to or after the scheduled meeting.

- 4.2 Voting:** Each member shall vote one of the following positions on electronic ballots:
- A. Affirmative.
  - B. Affirmative with comments.
  - C. Negative, with substantiated reason(s). If possible, the negative ballot shall include specific actions that will resolve the negative vote.
  - D. Abstain with comments.
- 4.3 Voting Period:** The closure date for electronic ballots shall be at least 15 calendar days from the date of the transmitting of the ballots. If all of the voting members have submitted their ballots prior to the 15 day close date, the Secretariat may close the ballot. The Secretariat shall be authorized to grant an extension of the voting period, and members of the consensus body may change their ballot any time during the voting period.
- 4.4 Approved Actions:** Actions referenced in §4.1 shall be considered approved when:
- A. At least 75 percent of the members have cast their ballot, *and*
  - B. At least 75 percent of the votes cast, excluding abstentions and negatives without reasons, are affirmative, *and*
  - C. All negative votes with reasons have been addressed in accordance with §4.6.
- 4.5 Reporting Votes:** The results of each vote on all Standards shall be reported to the STT as follows:
- A. Number of members.
  - B. Interest category assignment of member.
  - C. Total number of members voting affirmatively.
  - D. Total number of members voting negatively with reasons.
  - E. Total number of members voting negatively without reasons.
  - F. Total number of members abstaining.
  - G. Total number of members not returning ballots.

- 4.6 Negative STT Votes and Action with Unresolved Public Comments:** 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 votes. All objectors will receive a written disposition of the disposition of their views and objections and reasons therefore and all unresolved objectors shall be notified in writing of their right to appeal to ACCA.

Negative votes on a letter ballot shall be addressed as follows:

- 4.6.1 Negative Votes Not Accompanied by Reasons:** Shall be recorded as “negative without reason” and no further action shall be required. Such votes shall be reported on the BSR-9 submittal to ANSI.
- 4.6.2 Negative Votes with Reasons:** Shall be forwarded by the Secretariat to the STT members. The STT shall review the negative vote with the voter and efforts shall be made to resolve the negative vote(s), and the disposition and action taken shall be reported. The following are the possible outcomes of the resolution efforts:
  - A. If in the process, the STT determines that substantive changes are required, the revised portions of the standard shall be re-balloted and re-listed for public review.
  - B. Previously Considered Negative Votes. If the reasons for a negative vote have been previously considered by the STT, it shall not be necessary to reconsider the vote unless new information has been submitted. In the absence of new information, the previous decision of the STT shall stand, and the negative voters shall be advised of previous disposition.
  - C. Not Related Negative Votes. If the negative vote is not directly related to the item being balloted, the submitter shall be advised that their negative vote will be recorded and reported as “Negative without comment,” and the issue related to the negative vote shall be placed on the agenda for consideration at the next pertinent meeting of the STT.
  - D. Not Persuasive Negative Votes. If the STT determines that the negative vote is not persuasive, the Voter shall receive a written disposition by email or letter with rationale. The voter with the negative vote(s) will be informed in writing that he/she has (have) the right to Appeal in accordance with §8 of the document.
  - E. Persuasive Negative Votes. If the STT determines that the negative vote is persuasive, the voter shall receive a written disposition by email or letter with rationale.
- 4.7 STT Votes on STG/WG Recommendations:** STG or WG recommendations related to the development and revision of standards shall be forwarded to the STT for consideration either by STT electronic ballot or during a quorum vote at an STT meeting. The STG/WG recommendation shall provide the votes undertaken by the STG or WG (e.g., “yes”, “no”, “no with comments”, and “abstain with comments”). The STT shall deliberate on STG/WG recommendations per the requirements in §4.1.

## 5. Interpretations and Policy

- 5.1 Processing Formal Interpretations:** Requests for formal interpretations of Standards shall be submitted in writing to the Secretariat and shall be forwarded by the Secretariat to the Chairperson. Proposed interpretations may be prepared by the Chairperson, or any other STT member or individual, appointed by the Chairperson, with particular expertise on the subject in question. All proposed formal interpretations shall be prepared in writing and shall be submitted

to the Secretariat for a letter ballot of the STT. Formal interpretations shall be approved in accordance with §4.0.

- 5.2 Notification of Interpretations:** Notification of approved interpretations shall be sent in writing (electronic or hard copy) to the requester. Notification shall also be given to other users of the Standards through postings available to the public.
- 5.3 Patent Policy:** ACCA shall conform to the ANSI patent policy as set forth in the ANSI Essential Requirements.
- 5.4 Metric Policy:** To date, the intended audience of ACCA has not required metric (SI, International System of Units) materials. ACCA will produce, where appropriate, parallel (SI and inch pound) versions as standards are submitted.
- 5.5 Anti-Trust Policy:** ACCA shall conform to the ANSI anti-trust policy as set forth in the ANSI Essential Requirements.
- 5.6 Records Retention:** Standard records shall be maintained for a minimum of one complete cycle, or until the standard is revised or reaffirmed. Records concerning withdrawal of standards shall be retained for at least five years from the date of withdrawal.
- 5.7 Commercial Terms and Conditions:** ACCA shall conform to the ANSI Commercial Terms and Conditions Policy as contained in the ANSI Essential Requirements.
- 5.8 Notification of Standard Development and Coordination:** Notification of standards activity shall be announced in suitable media, as appropriate, to demonstrate the opportunity for participation by directly and materially affected persons. Written comments received within 30 days from the publication of a PINS announcement in the ANSI Standards Action that assert duplication or conflicts will be handled in accordance with Section 2.5 of the ANSI Essential Requirements.
- 5.9 Standard Language:** Standards shall be written in mandatory language that includes “shall, will and must.” Guidelines may be written in permissive language that includes “may, should and could.”
- 5.10 Discontinuance of a Standard Project:** Should the ACCA-EI deem it necessary to abandon the processing of a proposed new or revised standard, it shall be done in accordance with Section 4.2.1.3.3 of the ANSI Essential Requirements.

## 6. Public Review and Consideration of Comments Received

- 6.1 Public Comment Period:** Proposals for new *ANSI National Standards* or reaffirmation, supplements, revision, or withdrawal of existing *ANSI National Standards* shall be transmitted to ANSI using the BSR-8, for announcement in *Standards Action*. The Secretariat shall determine whether listing of proposed standards actions shall be concurrent with the final STT letter ballot and whether announcement in other suitable media is appropriate.
- 6.2 Receipt of Public Comment:** All comments to ANSI Public Review drafts shall be submitted electronically on the “ACCA Public Response Form,” found on the ACCA Standards web site.



Exception to this procedure can be granted by the Secretariat if the commenter can demonstrate the lack of accessibility to the Internet.

**6.3 Consideration of Public Review Comments:** Consideration shall be given to all public review comments. An effort by ACCA, STG and/or WG shall be made to address all edits, suggestions and recommended changes. ACCA, STG, and/or WG shall seek resolution of all submitted public comments; each commenter shall be notified and advised in writing (including electronic communication) of the disposition, and as appropriate, reasons thereof for acceptance / non-acceptance of their comments. Unresolved commenters and, attempts at resolution, will be advised in writing that they may appeal this disposition per the procedures in §8. Unresolved objections and attempts at resolution, shall be reported to the consensus body as noted in §4.6. Any substantive changes to the document will require recirculation to the STT for vote, and, further public review of either the standard or specific section where the substantive change occurred.

**6.4 Substantive Changes to Standards:** Any substantive changes to the document will require further public review of either the standard, or specific portion(s) of the standard where the substantive change(s) occurred.

## 7. Correspondence

**7.1 STT Correspondence:** Correspondence between STT members relating to ACCA-EI Standards activities shall be identified as ACCA-EI “STT Correspondence.” Correspondence from an STT member to the entire membership of the STT shall be forwarded to the Secretariat for approval and distribution. All official STT correspondence, including meeting notices, agendas, reports and electronic ballots, shall be distributed by the Secretariat. Copies of all other correspondence between STT members relating to ACCA-EI standards activities shall be forwarded to the Secretariat.

**7.2 External Correspondence:** Inquiries relating to the STT and/or Standards shall be directed to the Secretariat. STT members should advise individuals who contact them that responses to all inquiries are handled by the Secretariat.

## 8. Appeals

Persons who have been materially affected by any STT, STG, WG or ACCA-EI action or inaction shall have the right to appeal such action or inaction.

**8.1 Time limit:** The appellant shall file a written appeal with the Secretariat within 15 calendar days after the date of notification of any action or, at any time, with respect to any action to which the appellant was not given notice or with respect to inaction.

**8.2 Scope of Appeal and Burden of Proof:** An appeal of an STT standards action or inaction shall be solely based upon procedural grounds. When appeals are filed, the appellant shall demonstrate that ACCA’s Standards development procedures were not followed. Appeals arguments that are based on actions that took place in previous revision cycles will not be considered.

**8.3 Appeal Filing Fee:** All appeals shall be accompanied with a filing fee of \$1,000.00. No action will take place without payment of the appeal filing fee. An appellant may submit a request to

the secretariat for a reduction or waiver of the appeal filing fee if they can demonstrate a hardship to pay the fee.

**8.4 Appeals Review:** Received written appeals shall be forwarded by the Secretariat to the ACCA-EI Board for a fair and impartial resolution by a subset of the full ACCA-EI Board (maximum) to a minimum of 3 board members who have not been directly involved in the matter of dispute, and who (knowingly in good faith) will not be materially or directly affected by any decision made by the ACCA-EI Board. If fewer than 3 members meet the qualifications of hearing the appeal, the ACCA-EI BOD Chair shall supplement to the appeals review members from the ACCA Board who do meet the qualifications. In no case shall membership on the ACCA-EI be considered a conflict of interest, and if an appellant claims a conflict of interest with a member(s), ACCA will review the concern and with concurrence that there is a conflict of interest, request said member to remove his/her self from the appeals hearing. The ACCA-EI Board actions shall be completed in 45 calendar days of the requested appeal. Involved parties shall have the right to present their case and the appeals shall be fair and unbiased as well as fully address the expressed concerns. ACCA shall reach out to the appellant in an effort to resolve the appeal informally before the review of the ACCA-EI Board is scheduled. Appeals can be heard by the ACCA-EI Board in person, teleconference, and in combination.

**8.5 Appeals Communication:** The Appellant shall receive a written copy of the decision.

**8.6 Content of Appeals**

Each appeal shall:

- A. Identify the appellant, and include the appellant's contact information;
- B. Substantiate that the appellant is directly and materially affected by action(s) being appealed;
- C. Identify with precision the standard affected and the specific procedure(s), alleged improper action or inaction appealed;
- D. State concisely the basis for the appeal, the remedial action requested, and the nature of any injury to appellant which might accrue from the matter appealed;
- E. Include any summary supporting data or documentation relied upon as the basis for the appeal;
- F. Consolidate information to be as concise as possible;
- G. Include the filing fee.
- H. Only include information that was previously submitted during the current public review process period of the standard or addendum.

## **9. Revisions to Essential Requirements**

**9.1 Proposed Revisions to Procedures:** Proposed revisions to these procedures shall be submitted to the Secretariat in writing with an explanation of the reason for the proposed revision.

**9.2 Approval and Implementation:** The ACCA-EI Board shall consider and take action on proposed revisions to these procedures and the Secretariat shall notify the STT of all decisions.