



BPI-1-2015

STANDARDS PROCEDURES MANUAL



THE SYMBOL OF EXCELLENCE FOR HOME PERFORMANCE CONTRACTORS

REVISION APPROVED BY ANSI
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Disclaimer

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1. General

This manual outlines the standards development procedures used by the Building Performance Institute (BPI) to develop voluntary standard documents intended for American National Standards Institute (ANSI) approval. Within BPI, the Standards Department holds the responsibility for the BPI standards activities. These procedures shall govern the activities of the Building Performance Institute (BPI) related to the development, approval, revision, maintenance, reaffirmation and withdrawal of standards intended to be published as ANSI/BPI standards. When submitting standards for ANSI approval, BPI will comply with all required ANSI administrative practices in accordance with the current version of *ANSI Essential Requirements*.

2. Scope

The Building Performance Institute, Inc. (BPI) strives to develop and maintain a series of voluntary installation and application standards, guidelines, methods for testing and other pertinent requirements related to the energy efficiency and performance of residential buildings. These standards are intended for publication as ANSI-accredited BPI standards for use in residential construction and other applications.

Standards activities include, but are not limited to:

- assessment of residential buildings to improve the energy efficiency, comfort and occupant health and safety
- test methods
- material specifications
- installation of various energy conservation and energy efficiency measures to the building envelope and associated building systems
- application standards for various energy conservation and energy efficiency measures
- verification and commissioning of building envelope and building systems
- other ancillary standards that might be needed to support these activities, including, but not limited to:
 - data collection/analysis/reporting
 - on-site energy (solar, wind, fuel cells, combined heat and power)

3. Justification

The need for such whole-building standards exists on a broad national scale and the BPI standards are intended to be used nationally. Producers, users, regulators and general interests throughout the United States are encouraged to contribute to the standards development in their areas of expertise. BPI continuously maintains cooperative working relationships with major national authorities and organizations that share similar interests and concerns, including various levels of federal, state and municipal governments as well as other standards development groups, business and insurance interests.

4. Structure

4.1. BPI National Technical Director

The BPI National Technical Director (NTD) holds the responsibility for overseeing standards development activities and ensuring compliance with these procedures and the current version

of *ANSI Essential Requirements* through BPI's Internal Compliance Group. With the Manager of Standards, the NTD shall be responsible for the selection of Standards Technical Committee members and officers.

4.2. BPI Manager of Standards

The BPI Manager of Standards (MOS) shall serve as Secretariat for the Standards Technical Committee (STC) and its Working Groups (WG). The MOS and designated staff shall:

- Assist the NTD with overseeing compliance with these procedures;
- Provide administrative support to the STC and WG;
- Maintain rosters of the STC and WG;
- Maintain all records of activities of the STC and WG;
- With the NTD, review applications and select members of the STC;
- With the NTD, appoint officers of the STC;
- Perform other administrative duties as needed to carry out these procedures.

4.3. BPI Board Executive Committee

The BPI Board Executive Committee (BEC) is comprised of BPI's Board of Directors Chair, Vice Chair, Treasurer and Secretary, and shall be responsible for assembling Appeals Panels as needed.

4.4. Standards Technical Committee (Consensus Body)

Once the title and scope have completed the ANSI PINS process, the STC shall be the BPI consensus body responsible for the development, approval, revision, reaffirmation, maintenance, withdrawal, and official interpretations of standards that fall within the scope of these procedures. Additionally, the STC is responsible for addressing public comments. Participants from diverse interest categories shall be sought with the objective of achieving balance and furthering BPI's mission.

4.4.1. Membership

Membership on the BPI STC shall be open to individuals directly or indirectly affected by published ANSI/BPI standards, subject to the application and selection procedures in §4.4.1.1 and §4.4.1.2. STC members shall serve a three-year term subject to the requirements of §4.4.1.6. Active STC members wishing to extend their term beyond three years may do so at the discretion of the NTD and MOS in accordance with the criteria in §4.4.1.2

4.4.1.1. Application

BPI shall send out a request for STC applications on an annual basis or as needed to fill vacancies and maintain balance within the committee. STC applications shall be available on the BPI website. Any individual seeking STC membership shall submit a completed application form providing contact information, subject matter area, qualifications, affiliations that may affect their interest category, and willingness to actively participate.

4.4.1.2. Selection Process

The NTD and MOS shall review applications within a reasonable time frame and promptly notify applicants of the actions taken on their applications. The NTD and MOS shall determine the acceptance or rejection of applicants based on the following criteria:

- An interest in supporting BPI's scope and mission in standards development
- Need for balance of interest groups set forth in these procedures
- Avoidance of dominance by members of a single interest group

- Qualifications and ability to materially and actively contribute to the development of standards that fall within the scope of these procedures
- Familiarity with standards development process
- Affiliations with organizations or governmental agencies

The NTD and MOS shall consider and may recommend reasonable limits on the size of the STC once balance is achieved. Rejected applicants shall have the right to appeal in accordance with §9.

The composition of the STC consensus body (names and contact information, interest category) shall be made available by posting on the BPI website.

4.4.1.3. Interest Categories

Each member of the STC shall be identified by the interest category they represent: Industry, User, or General Interest. The following defines each category for the standards that fall within these procedures:

- a) Industry: A member who is involved with researching, designing, producing, distributing, or selling materials or products related to the body of standards.
- b) User: A member who purchases, uses, installs or specifies materials, products, systems, or services related to the body of standards.
- c) General Interest: General Interest members are neither Industry nor User members. This category may include programs, utilities, government, health/safety professionals, other organizations or associations.

4.4.1.4. Lack of Dominance

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

4.4.1.5. Balance

No single interest category shall constitute a majority of the membership of the STC consensus body.

4.4.1.6. Termination of STC Membership

The NTD shall have the authority to terminate a member of the STC for cause, including inactivity. An STC member shall be considered inactive if they have missed two consecutive votes or fail to participate in the review of public comments as directed by the STC Chair.

STC members shall notify the MOS of any changes in employment, affiliation, or status affecting representation and shall submit a new application to be considered by the MOS and NTD. Based on the review of the new application, the MOS and NTD shall determine to retain or replace the STC member.

4.4.2. STC Meetings

4.4.2.1. Frequency

The STC shall meet on a regular basis as determined by the MOS and STC Chair with a minimum of four (4) meetings in a calendar year. Conference calls and other electronic communications shall constitute a meeting and are encouraged (i.e., audio or video conference, virtual). Where face-to-face meetings are desired, the STC Chair shall seek approval from the MOS or designated staff.

4.4.2.2. Location

When face-to-face meetings are scheduled, the STC Chair should consider location convenience, travel and other meeting costs, as well as appropriateness of facilities, when recommending meeting locations.¹

4.4.2.3. Agenda

The STC Chair is responsible for generating the agenda in consultation with the MOS and providing it to BPI Standards staff in sufficient time for advance distribution. The agenda shall include, at a minimum, the following elements:

- Date, time and time zone, and location of the meeting or teleconference
- Call-in information for teleconference
- Disclosure that all teleconferences will be recorded
- Determination of whether or not a quorum is present
- Review of any action items from the previous meeting
- Any proposed voting items identified at the time the agenda is issued
- Tentative date and time for the next two meetings

Note: When appropriate and with approval of the MOS, the STC may ask an individual who is not a member to join a meeting to provide clarification or additional information to the committee on a particular agenda item. This will be indicated on the meeting agenda.

4.4.2.4. Quorum

For the purpose of conducting business at an STC meeting, a quorum consisting of a majority of members shall be required. While discussion may take place in an STC meeting without a quorum, and those present may make recommendations and develop material, such recommendations are subject to subsequent affirmation by a quorum of the STC.

4.4.2.5. Meeting Cancellation

The MOS or designated staff, in consultation with the Chair, may cancel a scheduled meeting if:

- It is anticipated, with cause, that a quorum for conducting business will not be present
- No Chair or Vice Chair will be available to conduct the meeting
- An emergency or act of nature precludes attendance
- Any other reason deemed necessary

4.5. Working Groups

Working Groups (WG) are established and overseen by the STC for a specific purpose and duration. The STC Chair shall determine the term of the WG. Balance is not a requirement for WGs and membership may include STC members and non-members. The STC Chair shall appoint a WG Chair and approve the WG scope of work such as (but not limited to) developing

¹ When face-to-face meetings are scheduled by the STC Chair, attendance by STC members is optional and at their own expense.

a draft of a specific standard or specification, or providing support in addressing public comments and negative votes with comments. The WG Chair shall have the authority to determine when the work product is complete for submittal to the STC.

4.5.1. WG Meetings

WG meetings may be called by the WG Chair in coordination with the MOS. The time and location of WG meetings shall be set so as to not conflict with meetings of the STC and to minimize conflicts with other WG meetings. The requirement for agendas (§4.4.2.3) and meeting cancellations (§4.4.2.5) apply to the WG. Quorum is not required for WG meetings.

5. Consensus Development

Standards intended for ANSI approval that fall within the scope of these procedures shall be produced by consensus of the STC and in conformance with the current version of *ANSI Essential Requirements*. Although unanimity is desirable, it is not required to produce a standard. The criteria for consensus on substantive standards actions indicate that two-thirds of eligible voting STC members have responded and two-thirds or more of those voting approve the action. Votes of "abstain" shall not be counted when calculating the two-thirds majority.

6. Voting Procedures

The STC vote shall be conducted and reported in accordance with the rules set forth within these procedures. All members of the STC, with the exception of ex-officio members, shall have the opportunity to vote.

6.1. Letter Ballots

Votes to approve candidate American National Standards (ANS) or portions thereof, substantive revisions, reaffirmations, withdrawals or official interpretations of existing standards shall be conducted by letter ballot (electronic) of the STC in accordance with the voting procedures herein. Voting records for each letter ballot conducted shall include the individual representative voting, their interest category, and the vote cast (including records of unreturned votes, abstained, and negative votes without comment).

6.1.1. Voting Period

Letter ballots shall be returned to the MOS or their designee within fourteen (14) days of transmittal of the ballot, not including the day on which the ballot was transmitted. Members of the STC may change their ballot at any time during the voting period.

BPI staff shall send a follow-up e-mail ten (10) days prior to the close of the ballot to all voting members who have not yet returned their vote, requesting immediate return of the ballot.

6.1.2. Voting Options for Letter Ballots

STC members shall have the following voting options for candidate ANS documents:

- Yes: Indicating approval of the substance of the document
- Yes with Comment: Indicating approval of the substance of the document with the option of providing a comment
- No with Comment: Indicating disapproval of the substance of the document and providing the reasons for a negative vote including specific wording or actions that would resolve the objection

- Abstain: Indicating acknowledgement of the vote and expressing no opinion regarding the outcome

6.1.3. Negative Votes with Comments

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

Negative votes accompanied by comments shall be referred to the STC and the negative voter shall be responded to in writing. A negative vote not accompanied by a comment shall be recorded as “negative without comment” and no further action shall be required.

- A. **Previously Considered Negative Votes.** If the reasons for a negative vote have been previously considered by the STC, it shall not be necessary to reconsider the vote unless new information has been submitted. If no new information is submitted, the previous decision of the STC shall stand, and the negative voters shall be so advised in writing.
- B. **Unrelated Negative Votes.** If the negative vote is not directly related to the item being balloted, it shall be treated as a new proposal and the voter shall be so informed in writing.
- C. **Unpersuasive Negative Votes.** If the STC determines that a negative vote is not persuasive, the voter shall be informed in writing of the disposition of the comment and provided with the reasons therefor.

Each unresolved objection from consensus body voters, and attempts at resolution, and any substantive change made to a proposed ANS, 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.

In addition, each negative voter who remains unresolved shall be informed in writing of their right to appeal in accordance with §9.

6.1.4. Approval of Standards Actions

Standards actions listed in §6.1 shall be considered approved when:

- At least two-thirds of the voting members have returned their letter ballot, **and**
- At least two-thirds of the votes cast, excluding abstentions and negatives without comments, are affirmative, **and**
- All negative votes with comments have been addressed in accordance with the procedures set forth herein.

6.2. Roll-Call Votes

Administrative matters, approval to release draft standards, or portions thereof, for public comment, editorial revisions and any other matter not included in §6.1 may be decided by a majority roll-call vote of a quorum of STC members at a regularly scheduled meeting. Roll-call votes will not be conducted for consensus votes on substantive standards actions.

Whether or not voting items are listed on the proposed agenda, the STC may vote, provided:

- A quorum is present
- The action that is the subject of the vote falls within the STC’s scope and authority

- It is not a vote on any of the matters included in §6.1

Note: The MOS may substitute a letter ballot in lieu of a roll-call vote for any matter not listed in §6.1. The voting period for a letter ballot in lieu of a roll-call vote shall be determined by the NTD, MOS or designee. Approval is determined by a majority vote of a quorum of STC members.

6.3. Proxies

Any member of the STC may appoint any other member of the STC to be a proxy and authorize that person to vote on any question raised during a committee meeting. The STC Chair and the MOS shall be notified, in writing², of the proxy no later than two weeks before the meeting. Proxies are not considered in determining whether or not a quorum is present. No member shall hold or exercise proxies for more than one STC member during a single meeting.

7. Notification of Standards Development, Harmonization and Coordination

Proposals for candidate ANS or reaffirmation, revision, or withdrawal of existing ANSI/BPI Standards, or discontinuance of a standards project, shall be transmitted to ANSI for listing in Standards Action. Notification of standards activity shall be announced in suitable media as appropriate to demonstrate the opportunity for participation by all directly and materially affected persons. At the initiation of a project to develop or revise an ANS, a statement shall be submitted and published as part of the ANSI PINS or BSR announcement that shall include:

- An explanation of the need for the project, including, if it is the case, a statement of intent to submit the standard for consideration as an ISO, IEC or ISO/IEC JTC-1 Standard
- Identification of the stakeholders (e.g., manufacturers, consumer, contractors, environmental) likely to be directly impacted by the standard

Written comments received within thirty (30) days from the publication of a PINS announcement in *ANSI Standards Action* that assert duplication or conflicts with existing ANS will be handled in accordance with clause 2.5 of the current version of *ANSI Essential Requirements*.

8. Public Review and Comment

Proposals for candidate ANS or revisions to portions thereof, reaffirmation, or withdrawal of existing ANSI/BPI standards shall be submitted to ANSI for listing in *Standards Action* for public review and comment. Prompt consideration shall be given to the written views and objections of all participants commenting during a public review period listed in *Standards Action*. An effort to resolve all expressed objections accompanied by comments related to the proposal under consideration shall be made and each such commenter shall be advised in writing of the disposition of the objections and the reasons therefor. Each such commenter shall be informed in writing that if no response is received from them within 14 calendar days from the date of notification, the commenter's objection shall be recorded as resolved and no further action shall be required to resolve the comment. If a commenter is unresolved on the disposition of their comment/s, any attempts at resolution shall be documented in writing. If resolution is not achieved, each unresolved commenter shall be informed in writing of the appeals process (§9).

² "In writing" refers to electronic correspondence.

It shall not be a requirement to resolve all comments prior to the STC approving a standard. The STC shall conduct the consensus vote to approve a draft standard after commenters have received written disposition of their objection/s. All correspondence showing attempts at resolution, noting a lack of response when appropriate, shall be recorded and included in any package of materials provided to ANSI.

Timely comments unrelated to the proposal under consideration shall be retained and treated as a proposal for new work, and the commenter shall be so informed in writing.

Each unresolved objection and attempts at resolution, and any substantive change made to a candidate ANS shall be reported to the STC in order to afford all members an opportunity to respond, reaffirm, or change their vote.

If a substantive change is made to the document as a result of public comment, or from reconsideration of an unresolved comment, the revised portions shall be relisted for public review.

9. Appeals

An appeals mechanism safeguards both those who are directly and/or materially affected by the process of the standards developing organization. Persons who have directly and/or materially affected interests and who have been or may be adversely affected by any procedural action or inaction by BPI with regard to the development of a candidate ANS, or the revision, reaffirmation or withdrawal of an existing ANSI/BPI standard, have the right to appeal. Technical issues are not appealable.

9.1. Appeal Process

The appellant shall file a written appeal to the MOS within thirty (30) 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. A fixed and reasonable filing fee, as pre-determined by the BPI Board of Directors and posted on the BPI website (www.BPI.org), shall accompany the appeal. No action on the appeal will take place without payment of the appeal fee. An appellant may request a reduction or waiver in the appeal fee if they can demonstrate the inability to pay the fee. The request must be submitted to the MOS at the time of the appeal filing, and must include an explanation of why the fee is a burden. The request will be forwarded to the BEC who will make the final decision on the request, and may choose to reject the request or to offer a full or partial discount.

The appeal shall include the following information:

- Appellant's name, phone number, and email contact information;
- The nature of the appeal;
- The section(s) of these procedures and the standard(s) that are at issue;
- Supporting documentation for the basis of the appeal;
- Specific remedial action/s that would satisfy the appellant's concerns.

9.2. Response

The MOD or NTD shall respond in writing within thirty (30) calendar days after receipt of written appeals fully meeting the requirements stated above, specifically addressing each allegation of fact in the appeal to the extent of their knowledge. BPI shall attempt to resolve the appeal informally before submitting it to the Appeals Panel.

9.3. Appeals Panel

If the appellant and the respondent are unable to resolve the complaint informally within fifteen (15) days, the written appeal and response to the appellant shall be forwarded by the MOS to the BEC who will then assemble an Appeals Panel comprised of a minimum of three current BPI Board of Directors (BoD) members for a fair and impartial resolution. The Appeals Panel shall consist of BoD members who have not been directly involved in the matter in dispute, and who (knowingly in good faith) will not be materially or directly affected by any decision made, or to be made, in the dispute. In the event that the appellant claims an Appeals Panel member has a conflict of interest in the dispute, the BEC will review the appellant's concern to determine if a valid case exists for removing the member from the panel.

9.4. Appeal Decision

The Appeals Panel shall complete all actions within thirty (30) days of receiving the appeal from the BEC and their decision shall be binding and final to all concerned. Decisions shall be determined by a majority of the Appeals Panel members. BPI shall communicate the decision of the Appeals Panel to the appellant in writing within fifteen (15) calendar days following the action.

10. Interpretations

10.1. Processing Interpretations

Requests for interpretations involving technical matters pertaining to current ANSI/BPI standards shall be submitted in writing to the MOS and shall be forwarded to the STC Chair. Proposed interpretations may be prepared by the STC Chair or any other STC member or individual with particular expertise on the subject in question appointed by the STC Chair. All proposed interpretations shall be submitted in writing to the MOS for a letter ballot of the STC. Interpretations shall be approved in accordance with §6.1. Interpretations on file should be considered during the next revision of the standard.

10.2 Notification of Interpretations

Notification of approved interpretations shall be provided to the requestor in writing and posted on BPI's website. BPI staff may arrange legal review prior to issuing an interpretation.

11. Adopting International Standards

BPI shall take ISO and IEC standards into consideration during the development of a proposed ANS standard and, if appropriate, base the proposed standard on, or consider the adoption of, an ISO or IEC standard as an American National Standard in accordance with ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards. BPI shall utilize ANSI's expedited procedures for the identical adoption of an international standard when circumstances warrant.

12. Patent Policy

BPI shall conform to the ANSI patent policy as set forth in the current version of *ANSI Essential Requirements*.

13. Commercial Terms and Conditions

BPI shall conform to the ANSI Commercial Terms and Conditions Policy as contained in clause 3.2 of the current version of *ANSI Essential Requirements*.

14. Metric Policy

Imperial Units (IP) are the preferred units of measurement in ANSI/BPI standards. If the standard is intended to be submitted for consideration as an ISO or ISO/IEC JTC-1 standard, where IP are used, they shall be in parentheses after the unit of the International System of Units (SI).

15. Record Retention

All records associated with standards development shall be maintained for a minimum of five (5) years or one complete standards cycle, or until the standard is revised or reaffirmed whichever is longer. Records related to a withdrawn ANS shall be retained for five (5) years from the date of withdrawal.

16. Maintenance of ANSI/BPI Standards

ANSI/BPI Standards shall be reaffirmed, revised, or withdrawn by the STC not more than five (5) years from their date of publication.

17. Discontinuance of a Standards Project

BPI may decide to abandon the processing of a proposed new or revised American National Standard or portion thereof at its own discretion and without a vote of the relevant consensus body. BPI staff shall notify ANSI immediately of such actions which will be announced in *Standards Action*.

18. Interim Amendments to ANSI/BPI Standards

Interim amendments to ANSI/BPI standards shall be issued in compliance with the procedures outlined in Annex B of the current version of *ANSI Essential Requirements*.

19. Revisions to BPI-1 Standards Development Procedures

19.1. Proposed Revisions to Procedures

Proposed revisions to these procedures shall be submitted to the MOS in writing with an explanation of the reason for the proposed revision.

19.2. Approval of Revisions

The BPI Internal Compliance Group shall consider and take action on proposed revisions to these procedures and the MOS shall notify the BoD and STC of all decisions.

Annex A - Patent Holder Statement (Normative)

Date: _____

Reference Document: _____

(Refer to ANSI/BPI or BPI standard or bulletin number or title) (One form per document)

Patent or Patent Application Number(s): _____

Company Name: _____

Address: _____

Contact: _____

Phone: _____

Email Address: _____

With respect to any relevant patents held or controlled by the company, pending or anticipated to be filed necessary to implement the above document (mark with an "X" those applicable):

The company states:

___ It does not hold and does not anticipate holding any patented invention the use of which would be required for compliance with the proposed BPI Standard or Bulletin

or

The company states one of either:

___ (i) A license will be made available, without compensation, to applicants wanting to use the license for the purpose of implementing the proposed BPI Standard or Bulletin;

or

___ (ii) A license will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

If either item i or ii have been checked above, the company also states the following:

___ (iii) The patent holder (or third party authorized to make assurances on its behalf) will

include in any documents transferring ownership of patents subject to the assurance above, provisions sufficient to ensure that the commitments in the assurance are binding on the transferee, and that the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding each successor-in-interest.

and

____ (iv) This assurance is intended to be binding on successors-in-interest regardless of whether such provisions are included in the relevant transfer documents.

Agreed, on behalf of the above company:

_____ (Signature)

_____ (Name, printed)

_____ (Date)

Annex B - Statement from Copyright Holder (Normative)

Contact Person regarding patents and intellectual property matters:

(Name, printed)

Title: _____

Telephone: _____ Fax: _____

E-mail: _____

On behalf of the company named below, and being authorized by the company to make such representations, we indicate the following:

_____ (Company Name, hereinafter "company") hereby grants a free, irrevocable license to the Building Performance Institute, Inc. (BPI) to incorporate text or copyrightable material contained in any company contributions and any modifications thereof in the creation of a BPI standards publication; to copyright and sell in BPI's name any BPI standards publication, even though it may include portions of the contribution; and at BPI's sole discretion to permit others to reproduce, in whole or in part, such contributions or the resulting BPI standards publication. The company will also be willing to grant licenses under such copyrights to third parties on reasonable, non-discriminatory terms and conditions, if appropriate.