

**Regulations Governing Consensus
Development of the Uniform Solar Energy
and Swimming Pool, Spa & Hot Tub
Codes**

TABLE OF CONTENTS

SECTION 1.0	SCOPE	1
SECTION 2.0	GENERAL	1
SECTION 3.0	ORGANIZATION	1-4
SECTION 4.0	MEETINGS	5
SECTION 5.0	VOTING PROCEDURES	5-7
SECTION 6.0	INTERPRETATIONS	8
SECTION 7.0	PUBLIC REVIEW AND COMMENT	8-9
SECTION 8.0	APPEALS	9-10
SECTION 9.0	METRIC POLICY	10
SECTION 10.0	PATENTED ITEMS	10
SECTION 11.0	REVISIONS TO PROCEDURES	10
SECTION 12.0	COMMERCIAL TERMS AND CONDITIONS	10

1.0 Scope

The provisions of this code shall apply to the erection, installation, alteration, addition, repair, relocation, replacement, addition to, use, maintenance, and use of any solar energy systems or swimming pool, spa or hot tub systems.

2.0 General

2.1 *Administration* – These Regulations shall govern the activities of International Association of Plumbing and Mechanical Officials (IAPMO) related to the development, approval, revision, reaffirmation, and withdrawal of the Uniform Solar Energy and Swimming Pool, Spa & Hot Tub Codes (USEC/USPSHTC).

2.2 *Actions* – Actions needed to reaffirm, revise, or withdraw the USEC/USPSHTC using these Regulations shall be completed within 5 years from the original USEC/USPSHTC approval date.

2.3 *American National Standards* – When submitting standards for approval as American National Standards, IAPMO will submit all required ANSI forms [or their equivalent] and comply with all required administrative practices in accordance with the current *ANSI Essential Requirements*.

3.0 Organization

3.1 *USEC/USPSHTC Technical Committee* – The USEC/USPSHTC Technical Committee shall be established by IAPMO and shall be responsible for developing and maintaining the USEC/USPSHTC in accordance with these Regulations. The membership of the USEC/USPSHTC Technical Committee shall be sufficiently diverse to ensure reasonable balance and shall not have dominance by any single interest group (See Section 3.5).

3.2 *Secretariat* – IAPMO shall be responsible for maintaining the Secretariat for the USEC/USPSHTC Technical Committee established in accordance with these procedures. The secretariat shall:

- 3.2.1 Organize the USEC/USPSHTC Technical Committee and issue official appointments.
- 3.2.2 Oversee compliance with these Regulations, including legal review as necessary.
- 3.2.3 Maintain rosters of the USEC/USPSHTC Technical Committee, Subcommittees, and Task Groups.
- 3.2.4 Maintain all records pertaining to the USEC/USPSHTC Technical Committee.
- 3.2.5 Provide administrative support, including secretarial services for the USEC/USPSHTC Technical Committee.
- 3.2.6 Publish approved USEC/USPSHTC and revisions thereto.
- 3.2.7 Perform other administrative functions as required.

3.2.8 Appoint committee officers in accordance with Section 3.5.13
USEC/USPSHTC Technical Committee Officers.

3.3 *Records* – Committee 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 at least one complete standards 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.

3.4 *Executive Committee* – The USEC/USPSHTC Committee shall be governed by the IAPMO Executive Committee consisting of the Director of Code Development, the Senior Director of IAPMO Business and Product Development, and the Executive Director.

3.5 *Membership* – Membership on the USEC/USPSHTC Technical Committee shall be open to any person directly or indirectly affected by the Standard, subject to the selection procedure hereinafter set forth in Section 3.5.2 process, size limitations as contemplated in Section 3.5.3, and balance requirements as noted in Section 3.5.8.

3.5.1 *Application* – Individuals seeking membership on the USEC/USPSHTC Technical Committee shall submit a written request to the Secretariat indicating their interest in the work of the USEC/USPSHTC Technical Committee and their qualifications, willingness to participate, and affiliations that might affect their classification. Applicants shall identify their interest category (See Section 3.5.6 Interest Categories).

3.5.2 *Process* – The Secretariat shall promptly process all membership applications. Applications shall be considered by the Executive Committee, which shall accept or reject all applications. Rejected applicants shall have the right to appeal in accordance with Section 8.0 Appeals. In accepting or rejecting applicants, consideration shall be given to the following:

3.5.2.1 Need for active participation by members of each interest group.

3.5.2.2 Balance of interest categories as defined in Section 3.5.6.

3.5.2.3 Potential for dominance by any single interest category, individual or organization.

3.5.2.4 Extent of interest expressed by the applicant and willingness to participate.

3.5.2.5 Qualifications and ability to materially contribute to the work of the USEC/USPSHTC Technical Committee.

3.5.3 *USEC/USPSHTC Technical Committee Size* – The Secretariat shall consider and may recommend reasonable limits on the size of the USEC/USPSHTC Technical Committee.

3.5.4 *Participation* – Participation on the USEC/USPSHTC Technical Committee shall not be conditional upon membership in any organization

and shall not be unreasonably restricted on the basis of technical qualifications or other such requirements.

- 3.5.5 *Notification* – The Secretariat shall promptly notify all applicants and the USEC/USPSHTC Technical Committee of the actions taken on applications and shall submit an annual membership report to the USEC/USPSHTC Technical Committee.
- 3.5.6 *Interest Categories* – Members appointed to serve on the USEC/USPSHTC Technical Committee shall be classified as a representative in one of the following definitions:
- 3.5.6.1 ***Manufacturer*** – A representative of a maker or marketer of a product, assembly or system, or portion thereof that is affected by the standard.
- 3.5.6.2 ***User*** – A representative of an entity that is subject to the provisions of the standard or that voluntarily uses the standard.
- 3.5.6.3 ***Installer/Maintainer*** – A representative of an entity that is in the business of installing or maintaining a product, assembly, or system affected by the standard.
- 3.5.6.4 ***Labor*** – A labor representative or employee concerned with safety in the workplace within the scope of the standard.
- 3.5.6.5 ***Research/Standards/Testing Laboratory*** – A representative of an independent research organization; an organization that develops codes, standards and other similar documents; or an independent testing laboratory.
- 3.5.6.6 ***Enforcing Authority*** – A representative of an agency or an organization that promulgates or enforces the standard.
- 3.5.6.7 ***Consumer*** – A person who is or represents the ultimate purchaser of a product, system or service affected by the standard but who is not a User as defined in Section 3.5.6.2.
- 3.5.6.8 ***Special Expert*** – A person not representing as defined in Section 3.5.6.1 through Section 3.5.6.7 and who has special expertise in the scope of the standard or portion thereof.
- Note:*** A representative includes an employee. Representatives of subsidiaries of any group are generally considered to have the same classification as the parent organization.
- 3.5.7 *Number of Votes* – There shall be a limit of one voting member from each company or organization.
- 3.5.8 *Balance* – No more than one-third of the voting members shall represent any one-interest category as defined in Section 3.5.6.
- 3.5.9 *Membership Roster* – The Secretariat shall prepare and maintain a membership roster documenting the classification of each

USEC/USPSHTC Technical Committee member and the achievement of balance. The Executive Committee shall review the USEC/USPSHTC Technical Committee roster annually and recommend changes, if necessary. Rosters shall include a summary of the voting membership, by interest category.

3.5.10 *Termination of Membership* – The Executive Committee shall be authorized to terminate the membership of an individual on the USEC/USPSHTC Technical Committee for cause, including inactivity. A USEC/USPSHTC Technical Committee member shall be considered inactive:

3.5.10.1 For failure to return two successive ballots, or

3.5.10.2 For failure to attend at least one USEC/USPSHTC Technical Committee, Subcommittee, or Task Group meeting in a three year period.

3.5.11 *Changes in Employment* – USEC/USPSHTC Technical Committee members shall notify the Secretariat of any changes in employment affecting representation and shall submit a new application if continued membership on the USEC/USPSHTC Technical Committee is desired.

3.5.12 *Subcommittees* – Subcommittees shall be established by the Executive Committee for the purpose of assisting the USEC/USPSHTC Technical Committee in drafting standards, considering comments or negative votes on portions of the standards and other advisory functions.

3.5.12.1 Membership on Subcommittees may include persons who are not members of the USEC/USPSHTC Technical Committee.

3.5.12.2 Balance is not required for Subcommittees. A roster of all Subcommittees shall be maintained by the Secretariat.

3.5.12.3 Subcommittee Chairpersons shall be members of the USEC/USPSHTC Technical Committee and shall be appointed by the Executive Committee.

3.5.12.4 Subcommittee members shall be appointed by the Subcommittee Chairperson, with the concurrence of the Secretariat.

3.5.13 *USEC/USPSHTC Technical Committee Officers* – The USEC/USPSHTC Technical Committee shall have a Chairperson, Vice Chairperson, and Secretary.

3.5.13.1 The Chairperson and Vice Chairperson shall be appointed by the Executive Committee from the individual members of the USEC/USPSHTC Technical Committee. Each will serve until a successor is selected and ready to serve. The Secretary shall be appointed by the Executive Committee and need not be a member of the USEC/USPSHTC Technical Committee.

4.0 Meetings

4.1. *Frequency and Location* – USEC/USPSHTC Technical Committee meetings shall be held as decided upon by the Executive Committee. An effort shall be made to hold meetings at locations convenient to the members.

4.2. *Notification* – At least 30 days written notice shall be given for all meetings of the USEC/USPSHTC Technical Committee. An agenda shall be prepared and distributed with the meeting notice.

4.3. *Open Meetings* – Except for authorized executive sessions (see Section 4.3.1), all meetings of the USEC/USPSHTC Technical Committee shall be open and attendance by any interested party shall be welcome. Visitors shall not have the right to vote. Visitors shall be entitled to receive copies of meeting reports if requested in writing. Visitors shall be permitted to address the USEC/USPSHTC Technical Committee at a meeting, provided that a written request is sent to the Chairperson at least 10 days prior to the meeting. The Chairperson shall designate the time allotted for visitor presentations.

4.3.1. *Executive Sessions* – Executive sessions shall be permitted for the purpose of considering administrative, financial and similarly sensitive issues not related to the technical content of any standards or the disposition of ballots or public comments. Attendance during executive sessions shall be limited to members and representatives of the Secretariat.

4.4. *Quorum* – A majority of the members of the USEC/USPSHTC Technical Committee shall constitute a quorum for conducting business at a meeting. No special quorum requirements exist for Subcommittees. Matters shall be deemed approved by the affirmative vote of a majority of the members present, except with respect to matters covered in Section 5 Voting Procedures. 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 USEC/USPSHTC Technical Committee or Subcommittee.

4.5. *Parliamentary Procedures* – On questions of parliamentary procedure, Robert's Rules of Order (Revised) shall apply.

4.6. *Subcommittee Meetings* – Subcommittee meetings may be called by the Chairperson of the Subcommittee, after receiving approval of the USEC/USPSHTC Technical Committee Chairperson and the Secretariat. The time and location of Subcommittee meetings shall be set so as not to conflict with meetings of the USEC/USPSHTC Technical Committee and to minimize conflicts with other Subcommittee meetings. Subcommittee meetings shall be open in accordance with Section 4.3 Open Meetings, except for authorized executive sessions in accordance with Section 4.3.1 Executive Sessions.

5.0 Voting Procedures

5.1. *Letter Ballots* – Approval, revision, reaffirmation, withdrawal substantial changes to and interpretations, and withdrawal of the standard shall be approved by letter ballot of the USEC/USPSHTC Technical Committee. The Secretariat shall issue and canvass ballots.

5.2. *Voting* – Each voting member shall return one of the following positions on letter ballots:

5.2.1. Affirmative.

5.2.2. Negative, with reasons. If possible, the negative ballot shall include specific actions that will resolve the negative.

5.2.3. Abstain, with reasons.

5.3. *Voting Period* – The closure date for letter ballots shall be not less than seven (7) days from the date of the mailing of the ballots. The USEC/USPSHTC Technical Committee Chair shall be authorized to grant an extension of the voting period.

5.4. *Approved Actions* – Approvals, revisions, reaffirmations, withdrawals, substantive changes to and interpretations of standards shall be considered approved when all of the following conditions have been met:

5.4.1. At least 67 percent of the voting members have returned their letter ballot.

5.4.2. At least 67 percent of the votes cast by voting members, excluding abstentions and negatives without reasons, are affirmative.

5.4.3. All negative votes with reasons have been addressed in accordance with Section 5.6 Negative Votes.

5.5. *Reporting Votes* – The results of each vote on the standard shall be reported as follows:

5.5.1. Number of voting members.

5.5.2. Number of voting members voting affirmatively.

5.5.3. Number of voting members voting negatively with reasons.

5.5.4. Number of voting members voting negatively without reasons.

5.5.5. Number of voting members abstaining with reasons.

5.5.6. Number of voting members not returning ballots.

5.6. *Negative Votes* – Negative votes on a letter ballot shall be addressed as follows:

5.6.1. Negative votes with reasons shall be referred by the Secretariat to the USEC/USPSHTC Technical Committee or the Subcommittee responsible for that part of the Standard in question. The USEC/USPSHTC Technical Committee or Subcommittee shall review the negative vote and efforts shall be made to resolve the negative. The voter shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefore. If resolution is not achieved, each voter shall be informed in writing that an appeals process exists within procedures used by the USEC/USPSHTC Technical Committee. If in the process, the USEC/USPSHTC Technical Committee or Subcommittee determines that substantive changes are required, the revised provision shall be re-balloted.

5.6.2. Negative votes, which are not accompanied by reasons, shall be recorded, as “negative without reasons” and no further action shall be required.

5.6.3. All negative votes that are *not resolved* shall be addressed as follows:

- a. *Previously Considered Negative Votes* – The USEC/USPSHTC Technical Committee may uphold previous action on negative votes previously considered not persuasive.
 - b. *Not Related Negative Votes* – If the negative vote is not directly related to the item being balloted, the negative vote shall be recorded as negative without comments and shall be placed on the agenda for consideration at the next regular meeting of the USEC/USPSHTC Technical Committee.
 - c. *Not Persuasive Negative Votes* – Not persuasive recommendations must be affirmed by at least 75% of the voting members present at a meeting (excluding abstentions) or 75% of the voting members returning ballots (excluding abstentions), if the recommendation is considered by letter ballot. A negative voter found not persuasive at a meeting has the right to request a confirmatory ballot of the USEC/USPSHTC Technical Committee action to find not persuasive taken at a meeting.
 - d. *Appeals* – When a negative vote is determined to be “previously considered,” “not related,” or “not persuasive;” the negative voter shall be notified, in writing (including electronic communications), of the action by the USEC/USPSHTC Technical Committee and the reason therefore. If a resolution is not achieved, the negative voter shall be informed in writing of the right to appeal to the standards developer in accordance with Section 8.0 Appeals.
 - e. *Unresolved Appeals or Negative Votes* – In addition, each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved shall be reported to the ANSI BSR. 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.
- 5.6.4. When this process is completed in accordance with these procedures, the USEC/USPSHTC Technical Committee may consider any public review objections accompanied by comments related to the proposal received subsequent to the closing of the public review and comment period, and shall consider them in the same manner as a new proposal. Timely negative votes that are not related to the proposal under consideration shall be recorded as a negative without comment and shall be considered in the same manner as submittal of a new proposal. The submitter of the negative vote shall be so notified in writing.

6.0 Interpretations

6.1. *Processing Interpretations* – Requests for interpretations of the standard shall be submitted in writing to the Secretariat and shall be forwarded by the Secretariat to the Chairperson and Secretary. Proposed interpretations may be prepared by the Chairperson, Secretary or any other USEC/USPSHTC Technical Committee member with particular expertise on the subject in question. All proposed interpretations shall be prepared in writing and shall be submitted to the Secretariat for a letter ballot of the USEC/USPSHTC Technical Committee. Interpretations shall be approved in accordance with Section 5.4 Approved Actions.

6.2. *Notification of Interpretations* – Notification of approved interpretations shall be sent in writing to the requester. Notification shall also be given to other users of the standard through technical journals and appropriate publications.

7.0 Public Review and Comment

7.1. *American National Standards* - At the initiation of a project to develop or revise an American National Standard, notification shall be transmitted to ANSI using the PINS form. A PINS form shall not be required for revisions of an American National Standard under continuous maintenance. Prompt consideration shall be given to all written comments made within thirty days from the publication date of a PINS announcement in ANSI's Standards Action and if said comments assert that a proposed standard duplicates or conflicts with an existing American National Standard (ANS) or a candidate ANS that has been announced previously in Standards Action, a mandatory deliberation of representatives from the stakeholder groups shall be held and all other applicable provisions contained in Section 2.5 of the ANSI Essential Requirements shall be followed. Proposals for new American National Standards or reaffirmation, revision, or withdrawal of existing American National Standards shall be transmitted to ANSI using the BSR-8 for listing in *Standards Action* for comment. If substantive changes are made subsequent to public review, then those substantive changes shall be subject to an additional public review. The Secretariat shall determine whether listing of proposed standards actions shall be concurrent with the final USEC/USPSHTC Technical Committee letter ballot and whether announcement in other suitable media is appropriate.

A BSR-9 form (for approval/withdrawal of American National Standards) shall be sent to ANSI after a standard has undergone complete due process and is ready for publication. This data will be published in ANSI Standards Action.

7.1.1. *Discontinuance of a Project* – The USEC/USPSHTC Technical Committee may abandon the processing of a proposed new or revised American National Standard or portion thereof in accordance with Section 4.2.1.3.3 of “ANSI Essential Requirements”.

7.2. *Processing Comments* – All comments received from the public review shall be considered by the USEC/USPSHTC Technical Committee, and the commenter shall be notified, in writing (including electronic communications), of the USEC/USPSHTC Technical Committee's decision/ response to the comment and the reasons therefore. If a resolution is not achieved, each such commenter shall be informed in writing that an appeals process exists with the procedures used by the USEC/USPSHTC Technical Committee. Negative comments from the public review shall be addressed according to Section 5.6 Negative Votes.

- 7.2.1 *Unresolved Comments* – In addition, each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved shall be reported to the ANSI BSR.
- 7.2.2 When this process is completed in accordance with these procedures, the USEC/USPSHTC Technical Committee 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 in writing.
- 7.2.3 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.

8.0 Appeals

8.1 *Process/Complaint* – The right to appeal is important for protection of affected interests, of standards developers and is required as a part of due process. Persons who have been or may be affected by any USEC/USPSHTC Technical Committee action or inaction shall have the right to appeal such action or inaction. The appellant shall file a written complaint with the Secretariat within 30 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. The complaint shall state the nature of the objection, the procedures or the sections of the standard that is at issue, the actions or inaction at issue, and the specific remedial action(s) that would satisfy the appellant's concerns. When the appellant requests a hearing and the hearing is granted, the appellant shall be assessed a filing fee of \$500.00 to be posted following the granting of the request. This fee may be reduced or waived by the Executive Committee upon application of the appellant if good cause for reducing or waiving the fee is presented.

8.2 *Response* – Within 30 days after the receipt of the complaint, the Secretariat shall respond in writing to the appellant, specifically addressing each allegation in the complaint to the extent possible. The Secretariat shall attempt to resolve, informally, the complaint of the appellant.

8.3 *Appeals Panel and Hearing* – If the Secretariat is unable to informally resolve the complaint, it shall appoint an appeals panel to hold a hearing on a date agreeable to all participants, with at least 15 days working notice. The appeals panel shall consist of three members on the IAPMO Board of Directors who have not been directly involved in the dispute and who will not be materially affected by any decision made in the dispute.

8.4 *Conduct of the Hearing* – The appellant has the responsibility of demonstrating improper actions or inaction, the adverse effects therefrom and the efficacy of the requested remedial action. The Secretariat has the responsibility to demonstrate that the USEC/USPSHTC Technical Committee took all actions in question in compliance with these procedures and that the requested remedial action would be ineffective or detrimental.

8.5 *Decision* – The appeals panel shall render its decision in writing within 20 days, stating its findings of fact and conclusions, with reasons therefore and citing the evidence. The Secretariat shall notify the appellant and the USEC/USPSHTC Technical Committee of the decision of the appeals panel, which shall be binding and final on all concerned.

9.0 Metric Policy

9.1 *Reference* – The USEC/USPSHTC Technical Committee will be developing the standard using inch-pound units followed by metric units in parentheses.

10.0 Patented Items

10.1 *Reference* – IAPMO shall comply with the current ANSI Patent Policy as defined in the ANSI Essential Requirements.

11.0 Revisions to Procedures

11.1. *Proposed Revisions to Procedures* – Proposed revisions to these Regulations shall be submitted to the Secretariat in writing with an explanation or the reason for the proposed revision. The Secretariat shall submit the proposed revision to the USEC/USPSHTC Technical Committee for comment and to the Executive Committee for action.

12.0 Commercial Terms and Conditions

12.1 *Reference* – IAPMO shall comply with the current ANSI Commercial Terms and Conditions Policy as defined in the ANSI Essential Requirements.