



Standard Development Operating Procedures for National Ground Water Association

Originated: December 18, 2006

Latest revision approved by ANSI: June 28, 2017



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1. Introduction

NGWA is a community of groundwater professionals working together to advance groundwater knowledge and the success of our members through education and outreach; advocacy; cooperation and information exchange; and enhancement of professional practices.

These procedures are for use in the development of recognized American National Standards Institute (ANSI) standards. These procedures shall ensure established ANSI standard developer requirements are followed. All standard development activities must comply with the most current version of the *ANSI Essential Requirements*.

2. Organization

2.1 NGWA Board of Directors

The NGWA Board of Directors shall be responsible for the following:

- Authorize NGWA to set standards and to apply to ANSI for accreditation of NGWA's standard development procedures, and
- Authorize development of, revisions to, reaffirmation of, and the withdrawal of standards.

2.2 Standard Development Oversight Task Group

The Standard Development Oversight Task Group (SDO) shall be responsible for the following:

- Develop proposed standards within the scope of the SDO, with the agency of specialized task groups as needed;
- Act as the consensus body for NGWA standards;
- Act on other matters requiring SDO effort as provided in these procedures, such as appeals; and
- Cooperate with other appropriate standards development organizations. This includes resolving potential conflicts with existing and candidate American National Standards, as described by ANSI.

The SDO Chair shall be responsible for the following:

- Preside at meetings of the SDO;
- Provide guidance to the SDO and task groups as needed;
- Assist in providing responses to interpretation requests and comments, as needed; and,
- Perform such duties and exercise such other powers as prescribed from time-to-time by the SDO.

2.2.1 Composition:

- Participation shall not be conditional upon membership in NGWA or any other organization.

-New members may be appointed by the NGWA Industry Practices Committee, the President, or the President-Elect of the NGWA Board of Directors as necessary. Appointment should be based upon the requirements for balance. Consideration may be made for reasonable limits to task group size.

Rosters of the SDO shall be maintained by NGWA and will be made available upon request.

2.2.2 Interest categories:

-The membership of the SDO will be composed of individuals who have indicated they are directly and materially affected by the proposed standard. Care shall be taken to assure all interests are represented to the extent possible. No single interest category may constitute a majority of the membership of the SDO. If any standards developed by NGWA are determined by the SDO to be safety-related standards, no single interest category may constitute more than one-third (1/3) of the membership of the SDO. NGWA shall meet the requirements of the ANSI *Essential Requirements* regarding lack of dominance. All appropriate interests that might be directly and materially affected by the standard-related activity of the SDO shall have the opportunity for fair and equitable participation without dominance by a single interest category, individual, or organization.

-The definition of interest categories for a particular standard will be made available upon request to NGWA and shall be included in each standard publication.

-Participants from diverse interest categories shall be sought with the objective of achieving balance. If a consensus body lacks balance in accordance with ANSI's historical criteria for balance, outreach to achieve balance shall be undertaken.

2.2.3 Termination of membership:

-The Administrator shall be authorized to terminate membership for any member of the SDO for nonparticipation or per request of the member. Causes for termination include inactivity or request for removal. A SDO member shall be considered inactive and dropped from the roster for one of the following:

- Failure to return or to respond to three (3) consecutive ballots

- Failure to attend or otherwise participate in at least three (3) SDO meetings

- After three (3) attempts to contact the member without a response.

-The Administrator shall also be authorized to terminate membership upon request in writing from the member to be voluntarily removed.

-SDO members shall submit a new application following their removal from the SDO roster if continued membership is desired.

2.3 Specialized task groups

Specialized task groups may be formed on an ad hoc basis as required to assist in the drafting of standard content or providing responses to comments.

3. Meetings

Electronic correspondence and conferencing shall be used to the maximum extent as practicable for the conduct of business.

Meetings shall be conducted in accordance with Modern Rules of Order, with adherence to appropriate NGWA documents as may take precedence.

3.1 Announcements

Meetings of the SDO shall be announced in writing utilizing email, NGWA's website, or various meeting request applications.

Face-to-face meetings shall be announced via email at least thirty (30) calendar days prior to the meeting date. Announcements should also be made available on NGWA's website.

All other meetings, including virtual meetings and conference calls, will be announced via email and may be posted on NGWA's website as well.

Special exceptions for extraordinary circumstances may be made on an as-needed basis. When an exception for extraordinary circumstances is necessary, the meeting will be announced as soon as practicable.

3.2 Open Meetings

Meetings of the SDO shall be open and attendance by any interested party is welcome, subject to any relevant administrative requirement such as registration, meeting fee if required, etc. Attendance may be limited based on practical considerations such as meeting room size.

3.3 Quorum

A simple majority of the members of the SDO shall constitute a quorum for conducting business at a meeting. If a quorum is not present, actions taken at a meeting are not official until approved by a physical record ballot or at a subsequent meeting.

4. Notification of Standards Development and Coordination

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.

4.1 Project Initiation

At the initiation of a project to develop or revise an American National Standard, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in *Standards Action*. Comments received in connection with a PINS announcement shall be handled in accordance with these procedures.

A statement shall be submitted and published as part of the PINS announcement that shall include:

- (a) an explanation of the need for the project; and
- (b) identification of the stakeholders likely to be directly impacted by the standard.

If the response to sub-section (b) changes substantively as the standard is developed, a revised PINS shall be submitted and published.

Comments received in connection with a PINS announcement shall be handled in accordance with the requirements set forth in the ANSI *Essential Requirements*.

4.2 Public Review

Proposals for new American National Standards and proposals to revise, reaffirm, or withdraw approval of existing American National Standards shall be transmitted to ANSI using the BSR-8 form, or its equivalent, for listing in *Standards Action* in order to provide an opportunity for public comment.

The comment period shall be one of the following:

- (a) A minimum of thirty (30) days if the full text of the revision(s) can be published in *Standards Action*;
- (b) A minimum of forty-five (45) days if the document is available in an electronic format, deliverable within one (1) day of a request, and the source (e.g., URL or an email address) from which it can be obtained by the public is provided to ANSI for announcement in *Standards Action*; or,
- (c) A minimum of sixty (60) days, if neither of the aforementioned options is applicable.

Such listing may be requested at any stage in the development of the proposal, at the option of the standards developer, and may be concurrent with final balloting. However, any substantive change subsequently made in a proposed American National Standard requires listing of the change in *Standards Action*.

See section 6 for the consideration of views and objections that may be received during a public comment period.

5. Balloting and Evidence of Consensus

Ballots may be obtained by letter, fax, recorded votes at a meeting, or by electronic means. All consensus body members shall have the opportunity to vote. When recorded votes are taken at a meeting, consensus body members who are absent shall be given the opportunity to vote before or after the meeting.

5.1 Voting period

The voting period for physical record ballots shall end fifteen (15) calendar days from the date of issue or as soon as all ballots are returned, whichever comes earlier.

An extension may be granted, when warranted.

5.2 Reminders

After a period of ten (10) days from the date of issue, NGWA will send electronic reminder notices to all consensus body members who have not yet returned ballots, alerting them of the deadline for response.

5.3 Positions

Except in regard to votes on membership and officer-related issues, each member of the consensus body should vote one of the following positions (or the equivalent):

- a) Affirmative;
- b) Affirmative, with comment;
- c) Negative, with reasons (the reasons for a negative vote shall be given and if possible should include specific wording or actions that would resolve the objection);
- d) Abstain.

For votes on membership and officer-related issues, the affirmative/negative/abstain method of voting shall be followed. Votes with regard to these issues need not be accompanied by reasons and need not be resolved or circulated to the consensus body.

5.4 Evidence of Consensus

Consensus will be determined by participation of a majority of the consensus body (counting abstentions) and at least two-thirds (2/3) of those voting approve (not counting abstentions).

Consensus with regard to votes on membership and officer-related issues will be determined by a simple majority, excluding abstentions.

5.5 Vote Changes

NGWA 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 requested vote change shall be provided to the voter by NGWA. All negative votes that are not changed at the request of the voter shall be recorded and reported to the Board of Standards Review (BSR) as outstanding negatives.

6. Consideration of Views & Objections

Prompt consideration shall be given to the written views and objections of all participants, including those participating in the public review process. A concerted effort to resolve all comments shall take place.

Each unresolved objection and attempt at resolution, and any substantive changes made in a proposed American National Standard, shall be reported to the SDO in order to afford all members the opportunity to respond, reaffirm, or change their vote. All substantive changes shall be submitted for public review.

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, and 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 procedures used by NGWA and notified of their right to appeal.

When the above process is completed, comments received subsequent to the closing of the public review may be considered, or they shall be considered at the next review. 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.

7. Submittal of Standard

Upon completion of the process for voting and appeals of objections and views, the proposed standard shall be submitted to ANSI for approval as an American National Standard. All submittal procedures will comply with the most current version of the ANSI *Essential Requirements*.

8. Publication information

Standards shall be made available as soon as possible but not to exceed six (6) months after the date of approval as an American National Standard. If necessary, an extension may be requested in writing to ANSI.

8.1 Designation

Each standard shall be identified by a unique alphanumeric designation. Multiple designations shall be avoided. The NGWA model for standard designations is NGWA XX-YY where XX identifies the standard number and YY identifies the year.

Upon completion and approval, the year approval is attained is that used in the designation. For revisions that have not yet attained approval, the designation shall include the letter R as shown: NGWA XX-YYR.

Approved standards shall be identified on the cover or title page with an approval logo furnished by ANSI or the words “an American National Standard.”

9. Interpretations

Any requests for interpretation should be submitted in writing (including electronic form) and directed to the Administrator. Within ten (10) business days, the Administrator shall notify the SDO Chair of the need for interpretation.

An interpretation shall be limited to providing clarification and explanation of the existing standard. Interpretations should not give lengthy explanations that may inadvertently modify or amend the standard.

The response to an interpretation request will be provided to the requestor of the interpretation in writing, and a record of all formal interpretations shall be maintained.

10. Appeals

Persons who have directly and materially affected interests and who have been or may be adversely affected by a procedural action or inaction of the SDO shall have the right to appeal.

10.1 Complaint

The appellant shall file a written complaint with the Administrator within thirty (30) calendar days after the date of notification of action or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the clause(s) of these procedures or the standard that is at issue, actions or inactions that are at issue, and the specific remedial

action(s) that would satisfy the appellant's concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

10.2 Response

Within thirty (30) calendar days after receipt of the complaint, the Administrator shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent of the respondent's knowledge.

10.3 Hearing

If the appellant and the SDO are unable to resolve the written complaint informally within thirty (30) calendar days in a manner consistent with these procedures, the Administrator shall schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least ten (10) working days' notice. This hearing may be held in person or via conference call.

10.4 Appeals Panel

The appeals panel shall consist of three (3) 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. At least two (2) members shall be acceptable to the appellant and at least two (2) shall be acceptable to the respondent. If the parties to the appeal cannot agree on an appeals panel within six (6) calendar weeks of the hearing request, the matter shall be referred to the NGWA Board of Directors or its designee, which shall appoint the members of the appeals panel.

10.5 Conduct of the Hearing

The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The SDO has the burden of demonstrating that the consensus body and the Administrator took all actions in compliance with these procedures and that the requested remedial action would be ineffective or detrimental. Each party may adduce other pertinent arguments, and members of the appeals panel may address questions to individuals. Modern Rules of Order (latest edition) shall apply to questions of parliamentary procedure for the hearing not covered herein.

10.6 Decision

The appeals panel shall render its decision in writing within thirty (30) calendar days, stating findings of fact and conclusions, with reasons therefor, based on a preponderance of the evidence presented to the appeals panel. Consideration shall be given to the following positions, among others, in formulating the decision:

- a) Finding for the appellant, remanding the action to the SDO with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
- b) Finding for the SDO, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections;
- c) Finding that new, substantive evidence has been introduced, and remanding the entire action to the SDO for appropriate reconsideration.

11. Maintenance of Standards

11.1 Periodic Maintenance Schedule

NGWA standards will be reviewed and either revised or reaffirmed on a schedule not to exceed five (5) years from the date of approval as an American National Standard.

Beginning in the fourth year from the most recent approval as an American National Standard, the Administrator will reach out to the SDO for input on the action desired.

In the event that a PINS or BSR-8/108 has not been submitted for a standard within five (5) years after its approval, NGWA may request an extension of time as described in the *ANSI Essential Requirements*.

11.2 Reaffirmation of Standards

All actions to reaffirm a standard shall comply with the most current version of the *ANSI Essential Requirements*.

Standards may be reaffirmed if there are no substantive changes to the main text of the standard. Any non-substantive changes shall be explained or noted within a foreword.

All subsequent copies of the standard will carry the original effective date of the applicable addition and the reaffirmation date. The foreword may include such text as: "This standard shall become effective on the date printed on the cover but may be used voluntarily from the date of publication."

12. Withdrawal of Standards

12.1 Withdrawal for Cause

The NGWA Board may withdraw NGWA standards for any reason, with proper notice to ANSI. Any action to withdraw a NGWA standard must comply with the *ANSI Essential Requirements*.

12.2 Administrative Withdrawal

NGWA standards shall be withdrawn five (5) years following approval from ANSI if the standard has not been revised or reaffirmed, unless an extension has been granted by ANSI.

12.3 Discontinuance

NGWA may abandon the processing of a proposed new or revised standard or portion thereof if it has followed these procedures. A written justification for such an action shall be made available upon receipt of any written request received by the NGWA within sixty (60) days of the date of final action.

13. Metric policy

The standards developed by NGWA will be written using U.S. customary units of measurements. If a conversion to SI (metric) units is needed, or requested by the developing body, every effort will be made to make those accommodations.

If SI (metric) units are to be included, U.S. customary units will be listed first, with SI (metric) in parentheses to follow.

14. Record retention policy

NGWA shall retain records to demonstrate compliance with all aspects of the *ANSI Essential Requirements* and these procedures. Such records shall be available for audit as directed by the ANSI Executive Standards Council (ExSC).

Records concerning new, revised, or reaffirmed American National Standards shall be retained by NGWA in electronic format for one (1) complete standards cycle, or until the approval of the next revision. Records concerning withdrawals of American National Standards shall be retained by NGWA for at least five (5) years from the date of withdrawal or for a duration consistent with the audit schedule.

15. Patent policy

The use of patents in NGWA-developed standards is not foreseen. Should the need for a patent be included in a proposed standard, NGWA will adhere to the requirements set forth in the *ANSI Essential Requirements*.

16. Commercial terms and conditions policy

All NGWA standards shall be developed in compliance with ANSI's current Commercial Terms and Conditions policy as outlined in the *ANSI Essential Requirements*.

17. Antitrust policy

All NGWA standards shall be developed in accordance with applicable antitrust and competition laws, and meetings amongst competitors to develop American National Standards are to be conducted in accordance with these laws. NGWA will adhere to the current version of ANSI's Antitrust policy as outlined in the *ANSI Essential Requirements*.