



STEEL JOIST INSTITUTE

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SJI Procedures for the Development, Approval, and Maintenance of SJI American National Standards

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Foreword

The Steel Joist Institute's scope as a standards developer is to develop voluntary consensus standards relative to the manufacture of open web steel joists used by the construction industry. SJI's procedures are based on the rules prescribed in ANSI's Essential Requirements: Due process requirements for American National Standards. These procedures constitute the canvass process for developing evidence of consensus for the approval, reaffirmation, revision, or withdrawal of American National Standards.

The objective of these Procedures is to achieve a consensus of the SJI voting members of the consensus body consisting of sufficiently diverse members ensuring a balance without dominance by any single interest group, individual or organization. Membership is open of all interested parties and currently includes producers, users, and general interest groups. SJI's goal is to produce technically sound standards that clearly define the use of open web steel joist.



STEEL JOIST INSTITUTE MISSION STATEMENT

To be recognized as the standards writing body for the steel joist industry, and to develop and promote safe, economical, quality products and procedures through sound engineering design and research.

Procedures

Article 1: Standards Development Process

1.1 Upon notification that a current standard may need revisions or a possible new standard needs to be developed, such action shall be presented to the Engineering Practice Committee (EPC) of the Steel Joist Institute. Upon determination by the EPC to proceed with such action, the Managing Director of the SJI shall initiate the proper notification to ANSI utilizing the ANSI Project Initiation Notification System (PINS) form.

1.2 If there are written comments within 30 days from the publication date of the PINS announcement in *Standards Action*, and 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 or concurrently in *Standards Action*, a mandatory deliberation of representatives from the relevant stakeholder groups shall be held within ninety (90) days from the comment deadline. Such deliberation shall be organized by SJI and the commenter and shall be concluded before submittal of the draft standard for public review. If the deliberation does not take place within this period and SJI can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then SJI shall be excused from compliance with this requirement. A report of the results of such a deliberation, if necessary, will be documented and submitted to ANSI as part of the BSR-9 submission. The purpose of the deliberation is to provide the relevant stakeholders with an opportunity to discuss whether there is a compelling need for the proposed standards project.

The outcome of a PINS deliberation shall be conveyed in writing (the “Deliberation Report”) within 30 days after the conclusion of the deliberation by the developer to the commenter and to ANSI. Upon submission of the Deliberation Report, the developer may continue with the submission of the proposed standard for public review. If additional deliberations take place, they should not delay the submission of the proposed standard for public review, and an updated Deliberation Report shall be conveyed within 30 days after each deliberation. Any actions agreed upon from the deliberations shall be carried out in a reasonably timely manner, but normally should not exceed 90 days following the deliberation. Subsequently, the developer shall include all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI Board of Standards Review (BSR) for consideration should the developer ultimately submit the subject standard to ANSI for approval. Stakeholders who were involved in the PINS deliberation process may also file separate Deliberation Report(s) with ANSI and the developer within 30 days after conclusion of any deliberation for consideration by the BSR, if the standard is submitted to ANSI for approval. In the case of ANSI Audited Designators, the Audited Designator shall provide a Deliberation Report to the commenter and to ANSI within 30 days after each deliberation. The Audited Designator shall review the results of the deliberation prior to designating a standard as an ANS. While the outcome is not binding, unless binding provisions are agreed to by the developer, participants are encouraged to develop a consensus on whether and how the standards development project should proceed.

1.3 Upon submission of the PINS form, the Managing Director should initiate action to establish a consensus body to review such change or adoption utilizing SJI's canvass review process. The Managing Director will distribute a letter to those interested in participating describing the title, designation, scope, description of the standard along with the history of its development, purpose and intended application of the standard, and an explanation of the ANSI function. The time for response shall be at least 30 days from the date of such letter and shall be so listed in the letter. All members of the consensus body shall have access to the affiliation and interest category of all members, upon request.

1.3.1 Such body should be comprised of a balance of interests and shall not have dominance by any single interest category, individual or organization. Historically, the criteria for balance are that a) no single interest category constitutes more than one-third of the membership of a consensus body dealing with safety-related standards, or b) no single interest category constitutes a majority of the membership of a consensus body dealing with other than safety-related standards. Interest categories shall be discretely defined to each potential canvasee to allow correct identification with their appropriate interest category.

Producer: Generally considered as those who would manufacture a product that would fall within the intent of the proposed or revised standard.

User: Generally considered as those who would be directly involved in the installation and use of the product that would fall within the intent of the proposed or revised standard.

General Interest: Generally considered as those who would have an interest, such as an academia or another trade organization, in the product that would fall within the intent of the proposed or revised standard.

1.4 SJI may request that ANSI announce the initiation of the canvass in *Standards Action* to elicit additional canvasees. Any resulting proposals for addition to the canvass list shall be referred directly to SJI.

1.5 Upon completion of work by the EPC, such proposed standard shall be presented to the Board of Directors of the SJI for approval. The concurrence of three fourths (3/4) of the Directors present at any meeting wherein a quorum exists shall be required to adopt, or to decide any question concerning any engineering standard of the Institute.

1.6 Upon such approval, the Managing Director should make notification to ANSI utilizing current BSR-8 forms. Any such standard, new or revised, should be posted to the SJI web site for review by the general public and other stakeholders. Concurrent with such notification to ANSI, the members of the consensus body should receive such standard for approval by letter ballot. Such transmittal to the consensus body may include statements to the purpose and intended application of the standard; a brief history and explanation of how the standard was developed; an explanation of ANSI's function; a copy of the canvass list to include the name, affiliation, and category of interest for each canvasee; a copy of the complete proposed standard; and the official letter ballot. The

ballot period shall last thirty (30) days or until all canvasees have responded, whichever comes first.

1.7 The ballot form used shall provide opportunity for the canvasee to indicate their position as noted below. At least one follow-up shall be made ten (10) days prior to the closing date. An extension of up to thirty (30) days shall be granted upon request from any canvasee giving a legitimate reason. Any extension of ballot periods beyond the above minimum is at the discretion of the SJI Managing Director.

1.8 Each member of the consensus body shall be instructed to vote their ballot in one of the following:

1. Affirmative
2. Affirmative, with comments
3. Negative, with reasons (the reasons for a negative vote shall be given and, if possible, include specific wording or actions that would resolve the objection)
4. Abstain

1.9 Any objection presented during the public comment period, or submitted with a ballot, shall be subject to attempts at resolution and such objector shall be notified in writing of the disposition of the objection and the reasons therefore. All objections shall be reviewed by the Engineering Practice Committee of SJI and, if necessary, forwarded to the SJI Board of Directors for approval. If resolution cannot be achieved, each unresolved objector shall be notified, in writing, of available appeals procedures noted herein. Unresolved objections and attempts at resolution and any substantive change shall be reported to the consensus body in order to afford all members an opportunity to respond, reaffirm, or change their ballots within a thirty (30) day period. If changes are deemed substantive, then additional public review is required. Any unresolved objections shall also be reported to ANSI BSR. If comments not related to the proposal are submitted with a negative vote or public comment, the comments shall be considered in the same manner as a submittal of a proposal for new work, and the submitter shall be so advised in writing.

1.10 Tabulation of ballots from the consensus body must be consistent with those ballots received. All negative votes that are not changed at the request of the voter shall be recorded and reported as unresolved objections on any proposed new American National Standard, or a revision or reaffirmation thereof. The SJI is not required to consider negative votes accompanied by comments unless such comments are relative to the proposed standard. Additionally, negative votes without comments shall be recorded.

1.10.1 If the change of vote was not submitted in writing by the voter, then written confirmation of such a vote change shall be provided to the voter by SJI.

1.11 Approval of a new, revised or reaffirmed American National Standard shall require approval by a majority of the canvass list and at least two-thirds of those voting, excluding abstentions.

1.12 Upon completion of the aforementioned and attempted resolution of any possible objections, the Managing Director shall then submit BSR-9, with proper documentation, for ANSI approval. Upon receipt of such approval, the standard shall be published and made available as soon as possible, but no later than six (6) months after such approval. If publication within the above time period is not possible, then a request for an extension shall be made stating the reason for the delay and indicate a firm final date for publication.

Article 2: Withdrawal or Discontinuance of an SJI/ANSI Standard

2.1 Following approval by the SJI Board of Directors to withdraw an American National Standard, the SJI will notify ANSI in writing requesting withdrawal of the particular standard. The written notice shall request that ANSI announce the withdrawal in *Standards Action* and that the standard be withdrawn following a sixty (60) day review period.

2.2 Following approval by the SJI Board of Directors to discontinue processing a new, reaffirmed or revised American National Standard, the SJI will notify ANSI in writing requesting discontinuance of the particular standard development project.

Policies

Article 3: SJI Patent Policy

3.1 In the event SJI submits a standard for adoption as an American National Standard requiring the use of an essential patent claim, SJI agrees to adhere to patent policy requirements contained in the ANSI Essential Requirements: Due process requirements for American National Standards.

Article 4: SJI Commercial Terms and Conditions

4.1 SJI agrees to adhere to commercial terms and conditions policy requirements contained in paragraph 3.2 of the ANSI Essential Requirements: Due process requirements for American National Standards.

Article 5: SJI Record Retention Policy

5.1 All records pertaining to SJI business shall be maintained at the offices of SJI or in a storage facility designated by the Managing Director of the SJI.

5.2 All minutes of committee and Board meetings shall be retained a minimum of ten (10) years.

5.3 Documentation pertaining to the withdrawal of American National Standards shall be retained for five years from the date of withdrawal.

5.4 Records concerning new, revised, or reaffirmed American National Standards shall be retained for one complete standards cycle, or until the standard is revised.

Article 6: SJI Metric Policy

6.1 SJI provides American National Standards using Standard English units. SJI will provide, upon request, Systeme International (SI) units in a conversion table in either print version or via free download from the SJI website.

Article 7: SJI Interpretation Policy

Requests for interpretation for SJI Standards must be submitted in writing to the Steel Joist Institute. Any such request is referred to the SJI Engineering Practice Committee (EPC) for official interpretation. The EPC response is reviewed by the Institute's Executive Committee and Legal Counsel. If these parties agree to the response, the Managing Director is instructed to submit a written response to the inquiring party. Any resultant revisions shall be processed in accordance with the foregoing procedures.

Article 8: SJI Appeals Policy

8.1 Persons who have directly and materially affected interests and who have been or will be adversely affected by a SJI standard or proposed revision shall have the right to appeal procedural actions or inactions relating to a standard.

8.2 The appellant shall submit a written complaint to the the Steel Joist Institute within thirty (30) days after the notification of the 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 are 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.

8.3 Within thirty (30) days after receipt of the complaint, SJI shall respond in writing to the appellant, addressing the objection(s) raised in the complaint.

8.4 If the parties are unable to resolve the appeal informally, a hearing will be scheduled. The SJI Board of Directors, consisting of one representative from each member company, will act as the Appeals Board and must approve all action regarding written complaints. No person serving on the Appeals Board is directly or materially affected by any items to be reviewed. Concurrence of three-fourths (3/4) of the Directors present at any meeting wherein there is a quorum shall be required to decide any question concerning any standard of the Institute. A copy of the written complaint, the decision and/or recommendation of the EPC, shall be submitted in writing to each Director at least three (3) weeks prior to convening any meeting at which the written complaint is to be considered.

8.5 Written notification concerning the decision of the Appeals Board will be mailed to the complainant within thirty (30) days following the adjournment of the Board meeting at which the complaint was considered.

Article 9: SJI Antitrust Policy

It is the policy and practice of the Steel Joist Institute to strictly comply with all antitrust laws, Federal and State, in all of its meetings and social activities. The Federal laws of most concern are the Sherman Act, 1890, the Clayton Act, 1914 and the Robinson-Patman Act, 1936. These laws are enforced by The Department of Justice, The Federal Trade Commission and private citizens. Enforcement may be criminal and civil. This type of litigation is very costly and can result in prison sentences and treble damages to say nothing about loss of employment. It is a real shame to see an otherwise good business person go to prison. In addition, the Institute could lose its tax-exempt status as an IRS code 501(c)(6) trade group if found guilty of violating the antitrust laws.

The Steel Joist Institute, being a combination of competitors, is already in hazardous territory. All that is needed to violate the law is to commit an “unreasonable restraint of trade”. There are two types of “unreasonable restraint of trade” ‘Per Se’ and ‘Rule of Reason’. Per se means if one does the act it is a violation and Rule of Reason means the prosecuting party must prove an unreasonable restraint of trade - much more difficult to prove.

Major forbidden areas are:

- Discussion of agreement on price of any products;
- Any discussion at any time of prices of and any related costs of products;
- Discussion of pricing policies, markups, discounts or allowances;
- Any discussion of price of delivery, credit, warranties or terms of sale;
- Profit & costs of member companies;
- Exchange of member competitive information.

This is a short list and could be much longer. It is a guide. If in doubt do not discuss gray areas. It is the responsibility of member companies, associate members and their employees to seek any additional advice on how to best comply with the antitrust laws.

If at any time a member company, associate member company, any of its employees or guests is suspicious of, hears or observes any perceived violation of the antitrust laws they are encouraged to immediately notify their employer, the Managing Director of the Institute and/ or the Institute Legal Counsel. The inappropriate activity will be dealt with immediately!