

# **BUILDERS HARDWARE MANUFACTURERS ASSOCIATION, INC.**

355 Lexington Ave. - 17th Floor, New York, NY 10017 212/297-2122

## **PROCEDURES FOR ESTABLISHING BHMA STANDARDS**

The Builders Hardware Manufacturers Association, Inc. (BHMA) has been engaged in developing product standards since January 1966. In 1970, a policy of offering those standards to the American National Standards Institute, Inc. (ANSI) for its approval was adopted by most of the BHMA Organizational Sections.

The following procedures are for the guidance of BHMA committee members and any interested parties seeking information concerning the process BHMA employs in adopting its standards.

- 1) Section meetings where criteria for standards are being discussed shall be held at least once a year and shall be open to all BHMA members and manufacturers who are not members of BHMA. Notice of such meetings shall be sent to all BHMA members and to identified non-members manufacturers at least 30 days prior to the meeting.
- 2) When a criterion proposed for adoption is debated, such criterion shall not be adopted unless 75% of BHMA members belonging to the affected Section and manufacturing the product or similar functioning product affected vote affirmatively. If not enough members are present to vote, or if negative votes from absent members would reduce a 75% result, a second vote shall be taken by mail.

The number of yes or no votes required for a 75% consensus shall be reduced by abstentions, but not by failure to return ballots. The ballot shall contain a statement requesting members who do not manufacture the type of product involved to abstain. If a member fails to return a ballot by the due date, a follow up notice shall be sent to the member advising that lacking a return of the ballot within 14 days it will be recorded as an abstention.

The primary opponent(s) and proponent(s) of the debated criterion shall prepare a one page position paper statement and those statements shall be circulated with the ballots.

Should a 75% consensus still not result, the matter shall be resolved by appeal as set forth in 14) of these Procedures.

- 3) Conduct of meetings where votes are taken shall be under Robert's Rules of Order except as otherwise provided in these procedures. The chairman of a BHMA Section shall conduct the meeting and shall appoint a secretary to record minutes and a parliamentarian. If either appointment or both are not made, the BHMA Product Standards Coordinator shall act in either or both capacities. Minutes shall contain rationales as to why criteria are adopted or rejected, if such criteria have been debated.
- 4) Section chairmen at their discretion may appoint subcommittees to work on specific standards projects. The Section Chairmen shall appoint a subcommittee chairman who shall be empowered to call meetings of the subcommittee from time to time in order to complete the assignment as directed.

All criteria formulated by the subcommittee shall be presented to the BHMA Section at a meeting held in accordance with 1, 2 and 3 of these Procedures. Such criteria shall be presented to the BHMA Section as recommendations to be acted upon by the Section. If there are any dissenting subcommittee member opinions, they shall be presented to the Section with reasons for such dissent. Minutes shall be taken at all subcommittee meetings.

5) Sections shall prepare standards incorporating performance criteria where feasible. Material and dimensional criteria shall be avoided unless performance criteria cannot successfully be used in their place. If safety or compatibility with other products is a factor, material and dimensional criteria may then be appropriate. Standards of definitions and terminology are not subject to this requirement.

6) Unless inappropriate, because safety considerations or the state of the art, more than one level of performance shall be established in order for the user to have a choice of performance levels.

7) Appropriate reaffirmation, revisions, or withdrawal of standards shall be made at least every five years.

8) Any BHMA Standard that may for some reason not be submitted to ANSI for approval shall not be circulated outside BHMA.

9) BHMA counsel shall review all BHMA standards prior to publication or submission to ANSI. Counsel shall attend all BHMA Section meetings when the agenda for such meeting includes items of other than technical nature such as promotional projects, advertising and similar subjects. When controversy over technical criteria occurs, counsel shall be advised and shall give appropriate guidance.

10) BHMA standards shall not contain provisions of an exclusionary nature or that involve practices in restraint of trade.

11) A BHMA member company, upon learning of a safety related omission or defect in any BHMA Standard or BHMA sponsored ANSI Standard, shall bring it to the attention of BHMA for Section discussion and appropriate revision of the Standard.

12) No company member of BHMA, or any individual representative of such member, shall have the authority to issue an interpretation of a BHMA standard in the name of BHMA, and no company member or any individual representative of such member, shall represent to any person that he has the approval of BHMA to issue such an interpretation.

BHMA will, in appropriate cases, render interpretations. These may be formal or informal. Formal interpretations shall be given in writing and the request for them shall also be in writing. Informal interpretations shall be given orally, and may be requested orally or in writing.

Requests for interpretations shall be made to the BHMA Product Standards Coordinator. If, in his judgment, a formal interpretation is required, he shall promptly draft a response and circulate it among all BHMA members who manufacture the product or participated in writing the Standard to which the interpretation relates. If a

75% approval in accordance with 2) of these procedures is not obtained, the BHMA Coordinator shall decline to issue the interpretation. If such approval is obtained, he shall issue the interpretations and send copies to all affected BHMA members and all known government bodies and organizations that have adopted the interpreted Standard.

Complete records of matters pertaining to formal interpretations shall be maintained by BHMA for a period of five years.

Rendering of formal interpretations shall in no way be used to supplant the normal BHMA standard development activities.

- 13) BHMA shall use the U.S. system of weights and measures with a soft conversion to approximate SI units shown in parenthesis.
- 14) Any standard developed and adopted by BHMA shall be the exclusive property of BHMA. BHMA shall copyright such standards as the same may be revised from time to time and thereafter distribute and sell copies of the standard for its own account. Representatives of member companies who serve on BHMA standards writing committees, as well as their employs, shall be deemed hereafter to have irrevocably assigned to BHMA any rights they might otherwise possess under the Copyright Revision Act of 1976, whether as joint authors or otherwise.
- 15) In the event that a member of BHMA or any other party shall object to, or otherwise comment negatively upon, a BHMA proposed ANSI standard, the following procedures shall be employed in an effort to resolve the dispute:
  - a) In the first instance, the BHMA Product Standards Coordinator shall attempt informally to resolve the dispute in a manner satisfactory to the objecting party and the members of the concerned BHMA Section. This process shall be conducted in an expeditious fashion such that the ANSI canvass procedures are not unduly delayed, and shall in no event extend beyond a period of sixty (60) days.
  - b) It is expected that most disputes will prove capable of resolution through the process described in (a) above. If, however, an objecting party believes that a satisfactory result has not been achieved, then such objecting party shall, upon request, have a right to a formal appeal, as herein after provided.
  - c) Upon receipt of a request for a formal appeal, the Executive Committee of BHMA shall establish an appeal board whose purpose shall be to adjudicate the dispute. The appeal board shall be composed of at least five individuals, each of whom shall recognize the importance of according a fair and complete hearing and shall, in the opinion of the Executive Committee, possess the expertise required to participate meaningfully. To the extent practicable, the individuals selected to serve on the appeal board shall not have commercial interests implicated in the issues being appealed and each panel member shall certify that he or she is able to adjudicate impartially.
  - d) The appeal board shall accept and consider all written materials submitted by any interested party, and an opportunity for oral argument shall be provided

upon request. The appealing party shall submit written materials in support of its position, including a proposal for resolving the dispute, within twenty (20) days after serving the request for appeal. Responsive materials from any interested party shall be submitted within twenty (20) days thereafter. Any additional materials relevant to the appeal will be accepted only in the discretion of the appeal board. Oral argument, if requested, shall occur within thirty (30) days of receipt of all written materials relating to the appeal.

- e) The burden of persuasion in the appeal shall rest with the party initiating the appeal. The decision of the appeal board shall be in writing, with a copy sent to all interested parties, and must be subscribed to by at least a majority of its members. If the appeal board rules in favor of the appealing party, the BHMA proposed ANSI standard at issue shall be returned to the appropriate BHMA section for revisions consistent with the appeal board's decision. Thereafter, the standard, as revised, shall within sixty (60) days be voted upon as provided in Section 2 of these procedures. In the event that the consensus required by Section 2 is not achieved, the standard will be withdrawn from consideration by ANSI. If the appeal board rules against the appealing party, such party will be advised of the right to take further appeal pursuant to the provisions of ANSI's Procedures for the Development and Coordination of American National Standards.
  - f) It is the express policy of BHMA to encourage the satisfactory resolution of disputes pursuant to these procedures so that invocation of the ANSI appeal mechanism is not required.
- 16) A copy of these Procedures shall be made available to anyone requesting it and without cost.
- 17) 17. Records concerning new, revised or reaffirmed American National Standards shall be retained for one complete standards cycle, or until the standard is revised. Records concerning withdrawals of all American National Standards shall be retained for at least five years from the date of withdrawal.

Adopted by the Board of Directors of BHMA  
8 May 1980

1st Revision adopted 2 April 1981  
2nd Revision adopted 2 October 1981  
3rd Revision adopted 30 September 1982  
4th Revision adopted 11 April 1985  
5th Revision adopted 18 April 1989  
6th Revision 2 May 1995  
7th Revision 26 January 1996  
8th Revision 6 January 1996  
9<sup>th</sup> Revision 7 April 1997  
10<sup>th</sup> Revision 21 April 2004