WDMA Procedures for Developing American National Standards Using the Canvass Process

May 2024

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Window & Door Manufacturers Association
Procedures for Developing American National Standards Using the Canvass Process

1. General

These procedures constitute the canvass process used by the Window and Door Manufacturers Association (WDMA) for developing evidence of consensus for the approval, reaffirmation, revision, or withdrawal of American National Standards. WDMA has adopted these procedures and has been approved by the American National Standards Institute (ANSI) as a standards developer using a canvass process. WDMA has prepared and submitted these procedures that meet the requirements found in the *ANSI Essential Requirements: Due process requirements for American National Standards* (most current edition) and shall comply with these procedures.

1.1 **Antitrust policy**

WDMA shall require that American National Standards be developed following applicable antitrust and competition laws and that meetings amongst competitors to develop American National Standards be conducted per these laws.

2. Development of canvass list

2.1 WDMA shall develop a list of potential canvassees consisting of those organizations, companies, government agencies, standards developers, individuals, etc., known to be, or who have indicated that they are, directly and materially affected by the standard. The standards developer shall meet the ANSI Essential Requirements 2.2 regarding lack of dominance and 2.3 regarding balance, assuring that no single interest category constitutes more than one-third of the membership of a consensus body dealing with safety-related standards. No individual shall represent more than one canvassee. Interest categories are:

a) General Interest,

b) User and

c) Producer

including but not limited to: (User) purchasers, specifiers, or product owners, such as architects, builders, specifiers, or consumers (Producer) product manufacturers, component suppliers, or others involved in providing compliance to the requirements of the standard; (General Interest) government organizations, code body, test lab, or others involved in regulatory requirements, product testing or other use of the standard, as well as anyone not specifically identified as USER or PRODUCER.

2.2 To determine if potential canvassees are interested in participating, WDMA shall conduct a pre-canvass interest survey, in which the WDMA informs the potential canvassees in writing about the use of the canvass method for developing evidence of consensus, and, if the potential canvassees are interested in participating, obtains an appropriate interest category classification. WDMA's letter shall contain the title, designation, scope, and 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 thirty days from the date of the WDMA's letter and shall be so noted in the letter. All those who have agreed to participate shall be included on the canvass list, together with their agreed-upon interest categories following sections 2.2 and 2.3 of the ANSI Essential Requirements. In addition, the affiliation and interest category of each member of the consensus body shall be made available to interested parties upon request.

Once an interest survey has been completed for a standard, it need not be repeated for subsequent balloting of the document. WDMA may conduct a single interest survey for a group or category of standards. A canvassee who has indicated a desire to be on the standards developer's canvass list for a particular category or categories of standards shall receive the draft document(s), electronic or letter ballot(s), and all appropriate information on Sections 4.2 and 5.

2.3 WDMA shall remove any canvassee from the canvass list if that canvassee fails to submit a vote on time for 3 consecutive ballots.

2.4 Upon development of a list of potential canvassees, WDMA shall submit a BSR-8 form to ANSI to initiate the public review process.

2.5 Participation as a canvassee or as a member of any work groups formed thereunder, is open to anyone known to be, or who has indicated that they are, directly and materially affected by the standard.

Any interested party must submit their application along with a reasonable participation fee (to be determined by WDMA) used to defray the cost of developing the standard. A fee waiver or fee reduction may be available upon request. WDMA member companies in good standing are not required to pay a fee.

3. Initiation of canvass

WDMA will check the appropriate box on the PINS or BSR-8 form, instructing ANSI to announce the solicitation of additional canvassees. The canvass list should be made available upon request to WDMA, or alternately, a URL address indicated where an electronic version of the canvass list would be posted. Any resulting proposals for additions to the canvass list shall be referred directly to the standards developer.

4. Conduct of canvass

4.1 WDMA may begin to conduct the canvass at any time after the creation of the list of potential canvassees, but canvassees subsequently added to the canvass list shall have the same amount of time to respond as do the other canvassees.

4.2 WDMA shall transmit, at minimum, the following information to all canvassees and other interested parties so requesting unless WDMA has previously supplied this information:

a) the purpose and intended application of the standard;

b) a brief history and explanation of how the standard was developed;

c) an explanation of ANSI's function and the use of the canvass process in the voluntary consensus standards system;

d) upon request, a copy of the canvass list, consisting of the name, affiliation(1), and category of interest of each canvassee;

e) a copy of the complete proposed American National Standard or the relevant portion under consideration when the canvassee has previously received the complete standard; This copy may initially be available electronically, but shall be made available in print upon request,

f) official electronic or letter ballot(s) to all canvassees.

Upon request, WDMA shall provide to the canvassee a reasonable number of copies of the document being considered, to allow for a speedy determination of position by the canvassee. Should the document contain material that is not to be considered for approval as an American National Standard, such as an introduction or annex, a clear statement shall be included indicating those portions of the standard that are to be considered for approval by ANSI.

The WDMA ballot form shall provide an opportunity for the canvassee to indicate its position (i.e., affirmative, affirmative (with comment), negative (with reasons), abstain, or nonparticipation, with the advice that, to receive consideration objections must be accompanied by supporting written statements and should provide proposals for a solution to the problem raised. If a ballot is distributed through an online e-ballot and a canvassee is unable to access the e-ballot under consideration, upon pre-approval from WDMA staff, the canvassee is permitted to submit its position via e-mail; no other means of ballot submittal will be accepted. At least one follow-up shall be sent to canvassees not responding. The canvass ballot may be closed at the end of thirty (30) days or sooner if all canvassees have responded. An extension of up to thirty (30) days shall be granted upon request from any canvassee giving a legitimate reason.

Those not on the canvass list who have a direct and material interest in the standard have an opportunity to participate in the review of the standard during the public review process, announced in Standards Action. Interested parties submitting comments must complete the comment form provided with the announcement. Information on the comment form must include name, contact information, reason for comment, and corrections, in legislative format, necessary to resolve their concern. Incomplete forms will be rejected, and the commenter will have the balance of the comment period to resubmit a complete form.

4.3 Approval of a new standard, revision, or reaffirmation of an existing standard, or an addendum to part or all of an existing standard shall require approval by at least a majority of the canvass list and approval by at least two-thirds of those voting, excluding abstentions.

4.4 Proposals for new American National Standards and proposals to revise, reaffirm, or withdraw existing American National Standards shall be transmitted to ANSI using the BSR-8 form, or its equivalent, for listing in Standards Action to provide an opportunity for public comment. The announcement period shall be 45 days, if the document is available in an electronic format, deliverable within one day of a request, and the source (e.g., URL or an E-mail address) from which it can be obtained by the public is provided to ANSI for announcement in *Standards Action*. WDMA shall determine whether such listing shall be concurrent with the canvass and whether announcement of the proposed action in other suitable media is appropriate. Is not required but, WDMA shall transmit a copy of the proposed new, revised, or reaffirmed standard to the administrator(s) of the appropriate USA Technical Advisory Group(s) at the same time.

4.5 Views and objections resulting from the canvass (4.2 and 4.3) shall be dealt with following clause 5.

5. Disposition of views and objections

Prompt consideration shall be given to the written views and objections of all participants, including those commenting on either the PINS announcement or public comment listing in *Standards Action*.

5.1 **PINS announcement comments**

If WDMA receives written comments within 30 days from the publication date of a 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 90 days from the comment deadline. Such a deliberation shall be organized by WDMA and the commenter and shall be concluded before WDMA may submit a draft standard for public review. If the deliberation does not take place within 90 days and WDMA can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then WDMA will be excused from compliance with this requirement.

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 WDMA to the commenter and ANSI. Upon submission of the Deliberation Report, WDMA may continue with the submission of the draft standard for public review. If additional deliberations take place, they should not delay the submission of the draft 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 reasonable and timely manner, but normally should not exceed 90 days following the deliberation. Subsequently, if WDMA intends to proceed with the standard, WDMA shall incorporate all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI Board of Standards Review (BSR) for consideration. Stakeholders who were involved in the PINS deliberation process may also file separate Deliberation Report(s) with ANSI and WDMA within 30 days after the conclusion of any deliberation for consideration by the BSR, if the standard is submitted to ANSI for approval.

While the outcome of the deliberations are not binding, unless WDMA agrees to binding provisions, participants are encouraged to develop a consensus on whether and how the development of the standard should proceed.

5.2 **Public review and consensus body comments**

In connection with an objection articulated during a public comment period, or submitted in connection with a vote, an effort to resolve all expressed objections shall be made, and each objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons. If resolution is not achieved, the objector shall be informed in writing (including electronic communications) that an appeals process exists within procedures used by WDMA. In addition, each objection resulting from public review or submitted by a member of the consensus body, and which is not resolved must be reported to the BSR.

When this process is completed per these written procedures, WDMA may consider comments received after the closing of the public review and comment period otherwise they shall be considered at the next review.

WDMA is not required to consider negative votes accompanied by comments not related to the proposal under consideration, or negative votes without comments. WDMA shall indicate conspicuously on the electronic or letter ballot that negative votes must be accompanied by comments related to the proposal and that votes unaccompanied by such comments will be recorded as "negative without comments" without further notice to the voter. If comments not related to the proposal are submitted with a negative vote, the comments shall be documented and considered in the same manner as the submittal of a new proposal. If clear instruction is

provided on the ballot, and a negative vote unaccompanied by comments related to the proposal is received notwithstanding, the vote may be counted as a "negative without comment" to establish a quorum and report to ANSI. However, such votes (i.e., negative vote without comment or negative vote accompanied by comments not related to the proposal) shall not be factored into the numerical requirements for consensus, unless WDMA procedures state otherwise. WDMA is not required to solicit any comments from the negative voter. WDMA is not required to conduct a recirculation ballot of the negative vote. WDMA is required to report the "no" vote as a "negative without comment" when making their final submittal to the BSR unless WDMA has been granted the authority to designate its standards as American National Standards without approval by the BSR.

Each unresolved objection, attempted resolution, or any substantive change made in a proposed American National Standard shall be reported to the consensus body to allow all members of the consensus body to respond, reaffirm, or change their vote within four weeks. Notification of substantive changes made in a proposed American National Standard shall be submitted to ANSI for publication in *Standards Action*.

6. Submittal of standard

Upon completion of the procedures for canvass, for disposition of views and objections, and for appeals, the proposed standard may be submitted to ANSI for approval.

The information to be supplied to ANSI shall comply with Section 4.2.1.1.h, *ANSI Essential Requirements: Due process requirements for American National Standards* (most current edition).

7. Appeals

Persons who have directly and materially affected interests, and who believe they have been or will be adversely affected by a standard within the WDMA's jurisdiction, or by the lack thereof, shall have the right to appeal any procedural actions or inactions of WDMA.

7.1 Complaint

The appellant shall file a written complaint with WDMA within fifteen days after the date of notification of action or at any time concerning inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the section(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.

7.2 Response

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

7.3 Hearing

If the appellant and WDMA are unable to resolve the written complaint informally in a manner consistent with these procedures, the secretariat shall schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least ten working days' notice. The aforementioned hearing may be conducted via meeting or teleconference.

7.4 Appeals panel

The appeals panel shall consist of three individuals knowledgeable as to the policy and other concerns related to the appeal who do not have demonstrably real or apparent conflicts of

interest with the subject of the appeal or the person filing the appeal. WDMA and the appellant will select the members of the appeals panel. If the appellant and WDMA cannot agree on the composition of the panel within fifteen days from the start of the selection process, WDMA may appoint the panel.

7.5 **Conduct of the hearing**

The appellant has the burden of demonstrating adverse effects, improper actions or inaction, and the efficacy of the requested remedial action. WDMA has the burden of demonstrating that they 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.

Robert's Rules of Order (latest edition) shall apply to questions of parliamentary procedure for the hearing not covered herein.

7.6 **Decision**

The appeals panel shall render its decision and the appellant shall be sent a copy in writing within thirty (30) days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. The panel may dispose of the case in any of the following manners:

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

8. Policy for interpretation of standards

Written inquiries requesting an interpretation of WDMA's approved American National Standards shall be submitted to the WDMA offices in writing. WDMA staff shall respond in writing directly to the requestor and distribute the request within 14 business days for response to the appropriate committee chair for committee action. The committee shall respond to the request at their next regularly scheduled meeting. Approval of an interpretation shall require a two-thirds majority of committee members entitled to vote. WDMA staff shall respond in writing directly to the requestor with the interpretation results within 14 business days of the committee's action. Technical interpretations shall be posted on WDMA's website. Revisions to the standard resulting from requests for interpretations shall be processed following these procedures. Any party that might be directly and materially affected by any technical interpretations may appeal the interpretation to the WDMA Technical Process Committee (TPC).

9. Metric policy

Following the policy contained in Appendix C of the WDMA Technical Committee Handbook, unless otherwise approved by the WDMA Technical Committee, and accompanied by a market justification, all documents shall be written as metric (SI) primary, following IEEE/ASTM SI-10. Approximate IP conversions may also be included in parenthesis immediately following the SI value. Following is an example:

"The Air Leakage Resistance Test shall be conducted at a pressure differential of 75 Pa (1.57 psf)."

10. Patent policy

WDMA supports and complies with ANSI's patent policy as covered in Section 3.1, *ANSI Essential Requirements: Due process requirements for American National Standards*,

11. Commercial terms and conditions

Except as otherwise permitted by these *Essential Requirements*, ANS shall not include terms or conditions that are primarily contractual or commercial in nature, as opposed to technical, engineering, or scientific in nature. Thus, for example, an ANS shall not include contractual requirements (3.2.1); endorse or require the use of proprietary products or services (3.2.2); or endorse or require the use of particular conformity-assessment bodies, testing facilities, or training organizations (3.2.3).

11.1. **Contractual requirements**

Except as provided below, ANS shall not include contractual requirements such as those relating to particular products or services, guarantees, warranties, reworks, indemnities, buybacks, price-related terms, and other conditions of sale or use.

11.2. **Endorsements of proprietary products orservices**

ANS shall not endorse or require the purchase or use of proprietary products or service providers as a condition of implementing the standard. Proprietary in this context means products or services that are the property of an owner and cannot be obtained or recreated without the consent of the owner. For example, an ANS may not endorse or require the purchase or use of brand-name tools or components, licenses, manufacturer lists, service provider lists or copyrighted materials. The term “"copyrighted materials"” is not intended to include: (a) manufacturers' instruction/safety manuals; or (b) third-party standards, when such documents are incorporated by reference into the text of an ANS for noncommercial technical, or safety-related purposes, as long as such references do not otherwise violate other provisions of the Commercial Terms and Conditions Policy (e.g., they cannot also include warranties, guarantees and like commercial clauses).

However, for informational purposes, where known sources exist for products or services necessary to comply with the ANS, it is permissible, but not obligatory, to identify the sources (which may include a source's name and address) in a footnote, an appendix, or reference to a website. The referenced products or services shall be reasonably available from the referenced sources, the words "or the equivalent" shall be added to the reference, and the reference shall also expressly state that identification of products or services is not an endorsement of those products or services or their suppliers.

11.3. **Conformity assessment, testing and training**

In connection with ANS that relate to the determination of whether products or services conform to one or more standards, the process or criteria for determining conformity may be standardized as long as the description of the process or criteria is limited to technical, engineering or scientific concerns and does not include what would otherwise be contractual or commercial terms.

It is permissible for health, safety, or environmental protection reasons to include a generic requirement for third-party, *i.e.,* independent, conformity assessment, testing, or training. ANS shall not dictate the use or non-use of a particular conformity assessment body, testing facility, or training organization.

However, for informational purposes, where known sources exist for products or services necessary to determine compliance with the ANS, it is permissible, but not obligatory, to

identify the sources (which may include a source's name and address) in a footnote, an appendix, or reference to a website. The referenced products or services shall be reasonably available from the referenced sources, the words “or the equivalent” shall be added to the reference, and the reference shall also expressly state that identification of sources is not an endorsement of those sources.

12. Records retention

WDMA shall prepare and maintain records to provide evidence of compliance with these procedures. Records concerning new, revised, or reaffirmed American National Standards shall be retained for one complete standards cycle, or until the standard is revised.

Records of standards concerning actions or interpretations of American National Standards shall be retained for at least one standards cycle, a minimum of five (5) years, or until approval of the subsequent revision or reaffirmation of the complete standard.

Records concerning withdrawals of all American National Standards shall be retained until five (5) years from the date of withdrawal.

13. Periodic maintenance

WDMA American National Standards shall undergo a periodic review of the entire document and action to revise or reaffirm on a schedule not to exceed five years from the date of its approval as an ANS.
If a PINS or BSR-8/108 has not been submitted for a WDMA ANS within five years after its approval, WDMA will request an extension of time to reaffirm or revise the standard or WDMA will withdraw the standard. The request for an extension of time shall be submitted to ANSI within thirty days following five years after the approval date of the ANS. The requests for extension will provide the program and schedule of work that will lead to revision, reaffirmation, or withdrawal.

14. Criteria for withdrawal

An American National Standard shall be withdrawn five years following approval if the standard has not been revised or reaffirmed, unless an extension has been granted by the ANSI Executive Standards Council (ExSC) or its designee. An American National Standard that has not been reaffirmed or revised within the five years and that has been recommended for withdrawal by the ExSC or its designee, shall be withdrawn at the close of a 30-day public review notice in Standards Action. American National Standards that have not been revised or reaffirmed within ten years from the date of their approval as American National Standards shall be withdrawn and such action shall be announced in Standards Action.

The WDMA Board of Directors may abandon the processing of a proposed new or revised American National Standard or a portion thereof if it has followed its accredited procedures. A written justification for discontinuance of a standards project shall be made available upon receipt of any written request received by WDMA within 60 days of the date of the final action. Appeals of such actions shall be made following WDMA's appeals policy based on procedural noncompliance.

List of compliance reviews and revisions

December 2005 (reviewed for compliance to 2005 ANSI Essential Requirements)

February 2007 communication (reviewed for compliance with ANSI Audit Report, 01-13-06 and 2006 ANSI Essential Requirements)

April 2008 (reviewed for compliance with the 2008 version of the ANSI Essential Requirements)

August 2008 (revised per suggestions of Standards Developer & ANSI ISO/TAG Accreditation Programs Manager for compliance with the 2008 version of the ANSI Essential Requirements)

March 2009 (revised for compliance with the 2009 version of the ANSI Essential Requirements)

February 2010 (revised for compliance with the 2010 version of the ANSI Essential Requirements)

February 2012 (reviewed for compliance with the 2012 version of the ANSI Essential Requirements. No changes made.)

February 2013 (revised for compliance with the 2013 version of the ANSI Essential Requirements. Changes made to 4.4 and 5.1)

February 2014 (revised for compliance with the 2014 version of the ANSI Essential Requirements. Deleted criteria for draft standards for trial use (formerly Section 13))

December 2014 (proposed revisions based on ANSI pre-audit recommendations. Changed "method" to "process" in Title and Section 1; expanded definition of USER, PRODUCER and GENERAL INTEREST in 2.3; clarified 4.2(d) that canvas list available upon request; removed "withdrawal" from 4.3; corrected timing in 7.2; clarified 7.6 that appellant shall be sent a copy of appeal decision; clarified Section 8 to add the criteria for voting to create an interpretation and to clarify that WDMA shall respond in writing to interpretation requests; revised Section 11 to comply with ANSI Essential Requirements.)

February 2015 (revised for compliance with the 2015 version of the ANSI Essential Requirements; added Section 1.1 relating to ANSI antitrust policy; revised 4.2 to comply with the language in ANSI Essential Requirements 2.7.5.

January 2016- January 2020 (reviewed annually for compliance with the latest version of the ANSI Essential Requirements. No changes made.)

January 2021 (reviewed for compliance with the 2021 version of the ANSI Essential Requirements. Revised clause 11 Commercial terms and conditions to reflect changes to the "ANSI Commercial Terms Policy" and the revision to 2021 ANSI Essential Requirements Section 3.2 Commercial terms and conditions.)

May 2022 (reviewed for compliance with the 2022 version of the ANSI Essential Requirements. No changes necessary. Made changes to references in section 9 Metric Policy to align with WDMA Technical Committee Handbook)

October 2023 (revised based on 2023 ANSI audit findings)

April 2024 (reviewed for compliance with the 2024 version of the ANSI Essential Requirements. No changes are needed. Revisions include a rewrite of Section 2 and adding participation fees, adding a section for periodic maintenance, and multiple non-substantive grammatical changes)