

## **NOCSAE® Summary of Procedures for Adoption and Implementation of Standards and Revisions to Existing Standards 12-30-2019**

NOCSAE® utilizes the following procedures for creating, amending, editing, revising, reaffirming, and withdrawing standards for athletic equipment. The purpose and intent of these procedures is to formalize the process for creating and maintaining standards that are grounded upon sound science, and to provide a process whereby all materially affected interests will have a timely opportunity for meaningful input and participation in the standards development process, both in non-voting input, and through a balanced representation of materially affected interest categories within the Standards Committee (consensus body) voting membership.

NOCSAE® incorporates those requirements necessary to achieving and maintaining accreditation by the American National Standards Institute (“ANSI”) as an Accredited Standards Developer. These requirements include, but are not limited, to the ANSI Essential Requirements for Due Process.

### **1. General Provisions, Procedures, and Definitions**

- 1.1. NOCSAE® conducts all official standards development activities through the Standards Committee, which will meet the requirements and definitions of a consensus body as defined by ANSI. See Section 2 below.
- 1.2. New NOCSAE® standards are either “Proposed” or “Final” as defined in Sections 4 and 5 below. “Draft” versions of standards are unofficial and are utilized only for the purpose of providing a starting point for discussion internally.
- 1.3. Formal standards development activities for new standards and the revision, reaffirmation, and withdrawal of existing standards, including the solicitation of comments, feedback, objections, and other input, begin once the Standards Committee approves a “Proposed” new standard, approves a revision to an existing standard, or approves the reaffirmation of an existing standard. NOCSAE also provides an informal opportunity for public input prior to a vote on the proposed standards activity.
- 1.4. All NOCSAE® standards shall follow the most current normative policies and administrative procedures as contained in clause 3 of the ANSI Essential Requirements. This includes, but is not limited to:
  - 1.4.1. The exercise of good faith to resolve potential conflicts between and among existing American National Standards and any candidate American National Standards which NOCSAE® may create.
  - 1.4.2. Use of the International System of Units (SI) as the preferred unit of measurement.
  - 1.4.3. A written interpretation of a standard is available if requested in writing. The interpretation shall be made either by the Executive Director, or by the Technical Director at the request of the Executive Director. Interpretations are developed

from the history, purpose, and scope of the standard itself, and from previous interpretations. The interpretation shall be reviewed and approved by the Executive Director and the Technical Director before the interpretation is made available.

- 1.4.4. Compliance with the ANSI Patent Policy, clause 3.1 of the ANSI Essential Requirements, and with the Commercial Terms and Conditions Policy in clause 3.2 of the ANSI Essential Requirements as reflected in the most current version.
- 1.4.5. Maintaining records of compliance with the ANSI requirements, as part of the NOCSAE® records retention policy.
- 1.5. A “revision” to an existing standard is any substantive change in a critical test or performance parameter which could affect pass/fail outcome, including, but not limited to, changes to any of the following provisions: headform, characteristics, drop heights/velocities, environmental conditions, anvil and/or impact surface characteristics, Severity Index (SI) limits, pass/fail criteria, number of impacts, impact location, and instrumentation. Implementation of a revision requires a 2/3 vote of the Standards Committee.
- 1.6. A “modification” of an existing standard is a non-substantive edit defined as any minor change to the language, format, structure, or appearance of a standard, including, but not limited to, updating internal references, correcting spelling and paragraph numbering, and clarifying text edits which do not affect the pass/fail outcome nor alter the substantive content of the standard. Modifications do not require approval by the Standards Committee, and become effective at the time they are made.
- 1.7. NOCSAE® standards shall be developed in accordance with applicable antitrust and competition laws. Meetings amongst competitors to develop NOCSAE® standards will be conducted in accordance with these laws, and in compliance with clause 3.3 of the ANSI Essential Requirements.

## 2. Standards Committee

- 2.1. The NOCSAE® Standards Committee adheres to the principles and definitions of “balance”, “openness”, and “lack of dominance” as defined in clauses 1.1, 1.2, 1.3 and 2.3 of the ANSI Essential Requirements for Due Process with regard to the purpose, membership, and operation of the Standards Committee.
- 2.2. The voting membership of the NOCSAE® Standards Committee represents the following materially affected interest categories:
  - 2.2.1. **Producers:** Those interests involved in the creation, manufacture, distribution, promotion, and maintenance of products or equipment that are, or could be, subject to one or more NOCSAE® standards, and includes equipment reconditioning interests.

- 2.2.2. **Users/Consumers:** Those interests involved in the purchase and/or use of athletic equipment subject to NOCSAE® standards, and includes sport governing and rulemaking bodies, rules enforcement, players, parents, coaches, athletic trainers, and equipment managers, and governmental consumer interests.
- 2.2.3. **Technical/Scientific/Medical Interest:** Those interests which have relevant experience, education, or training regarding performance of protective equipment and injury protection and prevention, which includes accredited equipment certifiers, physicians, engineers, epidemiologists, testing engineers and technicians, and other standards developers.
- 2.3. It is the goal of NOCSAE that no interest group shall have more than one-third of the total votes on the Standards Committee. The NOCSAE® Board will regularly review the categories of interest reflected by the membership of the Standards Committee, and will take such steps as are necessary to maintain balance as defined in clause 2.3 of the ANSI Essential Requirements for Due Process, including reaching out to underrepresented interest groups
- 2.4. Membership on the Standards Committee is not conditioned upon membership in any organization or association. There are no costs, charges, or fees required to be a voting member of the Standards Committee, and NOCSAE® will reimburse each member of the Standards Committee for all reasonable costs and expenses associated with attending meetings of the Committee.
- 2.5. From time to time, the Board may choose to expand the membership of the Standards Committee, either temporarily or permanently. A Notice of Membership Vacancy, which shall include the procedures for applying for membership, shall be publicly posted and distributed when such event occurs. In addition, the notice also shall be published on the NOCSAE® website. A list of applicants and potential members shall be kept by the NOCSAE® Executive Director.
- 2.6. Voting members of the Standards Committee are categorized by the interests they reflect, and those categories are listed with their names on the NOCSAE® website.
- 2.7. The Standards Committee shall hold its meetings open to the public, and no votes to elevate a standard to “Final” shall be taken until the committee has considered all comments and input received from any interested party in attendance at such meeting, or who has submitted written comment, suggestion, or objection to the standard in question. See, also, Subsection 4.2
- 2.8. Voting members of the Standards Committee who are unable to attend a scheduled meeting shall be given the opportunity to vote during or within 30 days after any meeting where a vote is taken, and all attempts shall be made to arrange for the absent member to attend and participate by electronic, live stream, or other means satisfactory to the absent member.

### **3. Initiation of Standards Activity**

- 3.1. All NOCSAE® standards are continuously maintained, as defined in ANSI 4.7.2 Essential Requirements (“ANSI ER”), and are designated as such in each standard, either directly or by internal reference. Consequently, comments, and requests for modification, revision, or withdrawal may be made at any time, and will be considered and addressed as specified in these procedures.
- 3.2. Once the Director of Research, the Technical Director, or the NOCSAE® Board or any committee assembled by the Board is satisfied that evidence exists to merit consideration of the adoption of a new standard, the revision of an existing standard, or the reaffirmation or withdrawal of an existing standard, a written report of such findings shall be prepared by the Technical Director and sent to the Executive Director, who shall provide a copy to the Board.
- 3.3. As part of this preliminary process, a working draft version of the new standard or revised standard may be prepared and distributed by the Technical Director to the Standards Committee and to the Board or to a committee designated by the Board for review and informal comment and discussion prior to the next regularly scheduled Standards Committee meeting. Working drafts are not official documents and are not available on the NOCSAE website.
- 3.4. After considering all input or feedback received, the Technical Director shall prepare a version of the proposed new or revised standard for initial consideration by the Standards Committee at its next regularly scheduled meeting. A copy of the version to be considered will be sent to the members of the Standards Committee and published on the NOCSAE website at least 30 days prior to the next scheduled meeting of the Standards Committee and will be available for free to any interested party through the NOCSAE website.
- 3.5. Once a decision is made to pursue a proposed new American National Standard (“ANS”), a PINS will be filed and all resulting comments and deliberation reports shall be addressed in accordance with clause 2.5.1 and its subsections if the ANSI ER.
- 3.6. Within 30 days of a vote by the Standards Committee to revise an ANS, the revision proposed by NOCSAE shall be submitted to ANSI by the filing of a BSR8 for purposes of obtaining public comment. Whether a proposed standard is submitted as an ANS or developed through NOCSAE standards development procedures, NOCSAE will provide written responses to all comments received and will document all attempts to address comments and resolve objections, in compliance with section 2.6 of the ANSI ER.

### **4. Proposed New or Revised Standards**

#### **4.1. Proposed new standards**

- 4.1.1. All potential new standards must first be approved as a “Proposed” new standard by a majority vote of the voting membership of the Standards Committee before any further formal action can be taken. All approved “Proposed” new standards shall be published on the NOCSAE website within 30 days of the approval vote. If the Standards Committee approves the proposed new standard and votes to submit the proposed new standard as an ANS, notification shall also be given as required in paragraph 3.6 within 30 days of the vote of the Standards Committee.
- 4.1.2. The purpose of approving a new standard as “Proposed” is to begin the six month open comment and review portion of the development process. An approved “Proposed” new standard may go through several edits and changes during the comment period, which shall remain open for a minimum of six months from the date of the vote approving the "Proposed" new standard.
- 4.1.3. If the Standards Committee approves substantive changes to the “Proposed” new standard based on comments and feedback received during this initial six-month comment period, the “Proposed” new standard which incorporates those changes shall be published on the NOCSAE website within 30 days of such vote. If the proposed new standard is also a proposed new ANS, the proposed new ANS will be re-submitted to ANSI for additional public review in Standards Action within 30 days of the vote approving changes to the proposed version.
- 4.1.4. If the Standards Committee approves a “Proposed” new standard, that proposed new standard cannot be voted on as a “Final” standard for at least 12 months from the initial approval date, so as to permit adequate time for the Standards Committee to receive, consider, and respond to comments, objections, suggestions, or other input. During this process the Executive Director or the Technical Director will make reasonable attempts to address any input received and will keep a record of all written input received and responses made.
- 4.1.5. Public notice of the decision to approve a new standard as a “Proposed” standard shall be made by NOCSAE on its website, and through email notice to any who have requested to receive such notification.
- 4.1.6. All written comments received regarding a “Proposed” new standard shall be addressed and a written report of the status of the proposed new standard shall be given to the Standards Committee for discussion prior to the next scheduled meeting of the Standards Committee following the meeting where the “Proposed” new standard was approved.
- 4.1.7. All objections to a “Proposed” new standard shall be presented to and considered by the Standards Committee before a vote is taken to change a “Proposed” new standard to a “Final” new standard. Any interested party or parties may additionally request the opportunity, prior to any final vote, to meet informally with the Director of Research or the Technical Director in person regarding any

proposed new standard, and NOCSAE will assist in hosting and facilitating such meetings if necessary.

- 4.1.8. At the Standards Committee meeting scheduled closest to the 12-month anniversary of the meeting where a new standard was voted to “Proposed” status, the Technical Director will make a written recommendation to the NOCSAE Standards Committee as to whether such proposed standard should be elevated to “Final” status as a new standard, or whether any additional edits or other changes are recommended or should be withdrawn.

#### 4.2. **Revised Standards**

- 4.2.1. Any revision to an existing standard must be approved by a two-thirds vote of the Standards Committee.
- 4.2.2. Any revision to an existing ANS shall be initiated in accordance with the provisions of paragraph 3.6 above.
- 4.2.3. A revision will be open for comment and review for at least 30 days prior to the scheduled meeting of the Standards Committee where the initial vote on the revision is to be taken, and an additional 30 days following the date of the vote approving the revision.
- 4.2.4. During the 30-day post-approval period for a revision to an existing standard, all written comments received by shall be addressed and a written report provided to the Executive Director by the Technical Dir. within 10 days of the 30-day period ending. This report will outline if a comment is considered persuasive and immediate action to correct the standard via revision is needed. If such finding is made the recently approved revision shall be suspended and notification given as to such finding prior to the 45<sup>th</sup> day after approval. In this case the Technical Dir. shall prepare a further revision for consideration by the standards committee at its next scheduled meeting. If no such finding is made, the comments will be preserved for consideration at the next regular standards committee meeting
- 4.2.5. All written comments regarding the revision received during the comment period prior to Standards Committee action shall be addressed and a written report of the status of such revision shall be given to the Standards Committee for consideration prior to the next scheduled meeting of the Standards Committee where the revision is on the agenda for approval.
- 4.2.6. If the Standards Committee approves a revision to any existing standard, it will specify an effective date for such revision, which shall be a minimum of 12 months from the close of the comment period, or the last day of the month where the vote approving the revision was taken, whichever is longer. The effective date so chosen shall not prohibit a manufacturer from complying earlier than that date, but no sooner than 45 days from approval

#### 4.3. **NOCSAE® Notification System**

- 4.3.1. Identification of all “Proposed” new standards that have been formally approved as either “Proposed” or “Final” by the Standards Committee, and a list of all redlined and approved revised standards;
- 4.3.2. The ability for any interested party to subscribe to automatic notifications of any modifications or revisions, and to receive notification of scheduled Standards Committee meetings at which such proposed standards will be considered;
- 4.3.3. The ability to make a formal written reply or leave comments and objections to the proposed standard;
- 4.3.4. All substantive objections received, and which clearly identify the person making the objection, will be addressed in writing and a record kept of such objections and responses. This written response shall include a recitation of any unresolved objections or attempts to resolve objections.
- 4.3.5. Responses to all such objections shall include identification of the appeals process available.
- 4.3.6. For all NOCSAE® standards which are also ANSI/ANS standards, the decision to withdraw such standard shall be subject to the same ANSI notice requirements for new or revised existing standards.

#### 4.4. **Reaffirmation and Administrative Withdrawal of Standards**

- 4.4.1. A standard that has not been revised or reaffirmed for four years shall be administratively withdrawn consistent with the current version of 4.2.1.3.1 ANSI ER. Reaffirmation requires a 2/3 favorable vote of the Standards Committee. PINS notification shall not be required for reaffirmation.
- 4.4.2. All negative votes and substantive objections received to a reaffirmation and which clearly identify the person making the objection, will be addressed in writing and a record kept of such objections and responses. This written response shall include a recitation of any unresolved objections or attempts to resolve objections consistent with the most current version of 2.7 ANSI ER.

### 5. **Standards Committee voting requirements**

- 5.1. A quorum is defined as 2/3 of the voting membership of the Standards Committee and is required to be present at any meeting of the Standards Committee where any standards activity vote is scheduled to occur. Voting members who are in attendance electronically shall be included in the count towards a quorum.
- 5.2. Consensus to approve a new standard as a “Proposed” standard shall require only a majority vote of the Standards Committee.

- 5.3. Consensus approval to change a “Proposed” new standard to a “Final” standard shall require 2/3 majority vote of the Standards Committee members. If any voting members are absent and otherwise unable to attend electronically, they shall have 30 days following the meeting to indicate their vote in writing. Any unresolved objectors (from public review and from the vote of the consensus body) shall be notified in writing of their right to appeal in accordance with Section 6. Any Standards Committee member who wishes to oppose the final decision regarding elevation to final status of a new standard may seek an appeal as provided in Section 6.
- 5.4. Consensus to approve a revision to an existing standard shall require a 2/3 majority vote of the Standards Committee.
- 5.5. Appeals of actions related to the NOCSAE American National Standards consensus process shall be accepted at any time.
- 5.6. If the Standards Committee approves the “Proposed” new standard as a “Final” new standard the effective date of the new standard shall not be earlier than twelve (12) months from the date of such final approval.
- 5.7. NOCSAE® shall maintain documentation of each vote of the Standards Committee members, as specified in clause 2.7 of the ANSI ER, which documentation shall include any negative votes and objections, and shall include documentation of the resolution of any such negative votes if the negative vote is accompanied by a comment or explanation.
- 5.8. Each unresolved objection and attempt at resolution, whether received from public review or from the vote of the standards committee, and any substantive change made in a proposed standard or proposed ANS 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

## **6. Appeals from decisions to adopt, revise, or withdraw NOCSAE® Standards**

- 6.1. Any person who has a directly and materially affected interest and who believes a decision of the NOCSAE® Standards Committee regarding a proposed new or a revised performance or test standard will have an adverse impact on that interest shall have the right to appeal any procedural actions or inactions of the NOCSAE® Standards Committee. The person or entity seeking review is the “Appellant.”
- 6.2. An appeal shall be commenced by sending a Notice of Appeal in writing or electronically via email to the Executive Director of NOCSAE® within thirty (30) calendar days after the close of the meeting at which the decision was made. Any issue not raised in the Notice of Appeal shall be considered waived and shall not be considered or argued during the appeal.
- 6.3. **The Appellant shall state specifically the following information in its notice:**
  - 6.3.1. The nature of the objection(s) including any adverse effects



- 6.3.2. The specific procedure(s) or standard(s) or actions/inactions of the Committee that is at issue, and;
- 6.3.3. The specific remedial action(s) that would satisfy the Appellant's concerns
- 6.3.4. Appellant shall also identify all information it provided to NOCSAE® in support of its position with regard to the standard or procedure at issue, including whether it appeared and participated in person at any meeting where action was taken by NOCSAE® on the standard or procedure in question.
- 6.3.5. Appellant also shall specify previous efforts to resolve the objection(s) prior to the action in question, and prior to serving the Notice of Appeal, and the outcome of each shall be noted.
- 6.3.6. The Notice of Appeal shall contain all available documentation, affidavits, papers, and other evidence Appellant desires to offer in support of the issues raised in the Notice of Appeal. The failure to submit the required documentation shall constitute a waiver of the right to appeal, and the appeal may be dismissed with written explanation for the dismissal.
- 6.4. Within fifteen (15) calendar days after receipt of the Notice of Appeal by the Executive Director, a written response shall be made to the Appellant, specifically addressing each allegation and objection in the notice of appeal and providing the Appellant with all documentation in support of the response of the Executive Director.
- 6.5. If, after thirty (30) days from the date of the written response to the Appellant, either the Appellant or the Executive Director determines that the Parties will be unable to resolve the written appeal informally, the Appellant and NOCSAE® each have the right to notify the other Party in writing that an impartial Appeals Panel (hereinafter referred to as "Panel") shall be convened.
- 6.6. **Appeals Panel**
  - 6.6.1. The Panel members shall not have participated in the matter under appeal. The panel shall consist of two members selected by the NOCSAE® president, and one individual selected by the Appellant. Two of the three panel members must be acceptable to each party.
  - 6.6.2. NOCSAE® General Counsel shall notify the Appellant in writing of the identity of the panel members selected by the NOCSAE® President, and the Appellant shall have ten days after such notification to provide the name of its selected member. If appellant objects to either or both of the members identified, it shall so state the basis for its objections in writing within 5 days and shall identify at least one acceptable alternate member in its written objection. If no acceptable member is identified, NOCSAE President shall appoint the panel member.

- 6.6.3. The individuals selected must not be materially or directly affected by any decision made or that could be made in the dispute and shall so indicate in writing.
- 6.6.4. The Panel chairperson shall be the NOCSAE® Executive Director, who shall not vote.
- 6.6.5. Within 10 days of timely receipt of the Appellant's panel member designation, the NOCSAE® Executive Director shall notify the Appellant in writing that the panel has been identified, and that if Appellant desires to have hearing for purposes of making an oral argument in support of the appeal, it must notify the Executive Director within 10 days to request a hearing for purposes of oral argument, stating the reasons why the issue cannot be adequately evaluated without a hearing.
- 6.6.6. If a hearing is requested and granted, it shall be scheduled as soon as reasonably practicable and after consultation with all parties and panel members. The hearing shall be conducted by telephone or online conference.
- 6.6.7. The hearing shall be recorded electronically, and should the appellant decide to seek any additional appellate relief provided herein, a transcript of the appeal hearing may be requested. The costs of such transcript shall be borne by the party requesting it.
- 6.6.8. Each participant shall be given up to 30 minutes to present its arguments. The Appellant shall proceed first, NOCSAE® may respond, and the Appellant shall be given up to 10 additional minutes for a final rebuttal response.
- 6.6.9. A written decision on the appeal shall be provided no later than thirty (30) calendar days from the close of the Hearing, and if the appeal is denied, the decision shall specify the option of an appeal to ANSI, including a description of the procedures for perfecting an appeal to ANSI.
- 6.6.10. If no hearing is requested or granted, the Panel shall issue its decision in writing as soon as reasonably practicable. The panel may meet in person, or by telephone or online conference, and may request additional information from the parties. A decision shall be by majority vote. A dissenting member may write a separate opinion or statement, which shall be signed, and attached to the majority decision.