

ICC EVALUATION SERVICE, LLC, RULES OF PROCEDURE CONCERNING THE PRODUCT LISTING COMMITTEE

1.0 PURPOSE

The purpose of the Product Listing Committee is to monitor the work of ICC-ES in issuing listings; and to evaluate and approve listing criteria on which listings may be based.

2.0 MEMBERSHIP

2.1 The Product Listing Committee has a membership of five, one of whom shall be elected each year to serve as chairman-moderator.

2.2 All members of the committee shall be employees of a code enforcement agency who have particular expertise in the areas of plumbing, mechanical, or gas, or expertise on the *International Residential Code*[®].

2.3 Persons are nominated for committee membership by the ICC-ES Executive Director for Certification Programs, from among individuals who have expressed an interest in serving.

2.4 The ICC-ES Board of Managers, using simple majority vote, shall approve the nominations of the Executive Director.

2.5 Committee membership is for one year, coinciding with the calendar year. Members may be renominated and reappointed, but no person shall serve for more than five consecutive terms.

3.0 MEETINGS

3.1 The Product Listing Committee shall discuss proposed listing criteria every month or whenever such discussion is needed.

3.2 The Product Listing Committee may meet at a specific location, such as ICC-ES headquarters, or may discuss proposed listing criteria by conference call.

3.3 The proponent of the proposed listing criteria shall be informed of the time and location of the meeting or conference call at least ten business days before the meeting or conference call occurs, and shall be invited to participate.

3.4 Committee discussions of proposed listing criteria are not open to the public.

3.5 Two-thirds of the voting Product Listing Committee members shall constitute a quorum. A majority vote of the members present is required on any action.

3.6 The chairman-moderator votes only to break a tie. In the absence of the chairman-moderator, the Product Listing Committee members present shall elect an alternate chairman from the committee for that meeting. The alternate chairman

shall be counted as a voting committee member for purposes of maintaining a committee quorum and to cast a tie-breaking vote of the committee.

3.7 Minutes of committee meetings shall be kept.

4.0 LISTING CRITERIA

4.1 Basis of Developing Listing Criteria

Listing criteria are established by the committee to provide a basis for issuing ICC-ES listings on products and systems under codes referenced in Section 3.0 of the ICC-ES Rules of Procedure for Plumbing, Mechanical and Fuel Gas Product Listings. The listing criteria also clarify conditions of acceptance for products and systems specifically regulated by the codes. Listing criteria may involve a product, material, components or systems thereof. Consideration of any listing criteria must be in conjunction with a current and valid Application for Listing, an existing listing, or as otherwise determined by the Product Listing Committee.

4.2 Procedure for Developing Listing Criteria

4.2.1 The applicant is informed by the technical staff that a criteria is needed to list his or her product.

4.2.2 Proposed listing criteria shall be developed by the applicant with input from the ICC-ES technical staff. Proposed listing criteria shall be in accordance with the template shown on the Application for Listing Criteria.

4.2.3 Proposed listing criteria shall be forwarded to the Product Listing Committee at least ten business days before the meeting or conference call, on the criteria, occurs.

4.2.4 The committee shall be informed of all pertinent written communications received by ICC-ES from the proponent.

4.2.5 The proponent of the proposed listing criteria shall have an opportunity to address the Product Listing Committee and provide information on the proposal.

4.2.6 Committee approval of listing criteria shall be as specified in Section 2.5 of these rules.

4.2.7 If the Product Listing Committee votes to accept the proposed listing criteria, the criteria is then posted on the ICC-ES web site for a 20-day period of public review and comment. If no comments are forthcoming, particularly comments related to health and safety, the proposal becomes an approved listing criteria. If a valid comment is raised, the draft criteria may be brought back before the Product Listing Committee for review.

4.2.8 If the Product Listing Committee votes to deny the proposed listing criteria, the listing criteria is then returned to the applicant. The applicant may revise the proposed criteria and bring it back to the committee for another review.

5.0 COMMITTEE BALLOTING FOR LISTING CRITERIA

5.1 Negative votes must be based upon one or more of the following, for the ballots to be considered valid and require resolution:

5.1.1 *Lack of clarity:* There is insufficient explanation of the scope of the listing criteria or insufficient description of the intended use of the product or system; or the listing criteria is so unclear as to be unacceptable. (The areas where clarification is required must be specifically identified.)

5.1.2 *Insufficiency:* The criteria is insufficient for proper evaluation of the product. (The provisions of the criteria that are in question must be specifically identified.)

5.2 A Product Listing Committee member, in voting on a listing criteria, may only cast the following ballots:

5.2.1 Accept.

5.2.2 Accept with revisions as advised by the Plumbing Listing Committee, delegated to technical staff.

5.2.3 Deny: Do not proceed.

6.0 APPEALS

6.1 Grounds for Appeal

The proponent of listing criteria directly impacted by the Product Listing Committee's action may appeal the action to the president upon the following grounds:

6.1.1 Due diligence was not exercised by the committee in considering the information presented during the meeting.

6.1.2 Meeting procedures specified by the committee chairman were not followed.

6.2 Conditions

6.2.1 Appeals shall be no later than 10 days after the committee decision.

6.2.2 Appeals concerning technical decisions of the committee will not be accepted.

6.2.3 Appeals concerning conduct of the ICC-ES staff will not be accepted. These types of complaints must be directed to the ICC-ES president.

6.2.4 The appellant is responsible for all expenses associated with the appeal according to fees noted in Section 7.0.

6.3 Appeal Procedures

6.3.1 Upon receipt of a valid appeal, the president shall request the chairman of the ICC-ES Board of Directors to

appoint a three-man appeal committee composed of previous members of the Board.

6.3.2 The appellant shall send all evidence to the president, who will in turn send the evidence to the appeal committee at least one month before the hearing.

6.3.3 The appeal shall be considered in an open hearing before the appeal committee. Interested parties shall be notified of the hearing as soon as scheduled.

6.3.4 The appeal committee chairman shall convene the hearing and set forth the history and basis of the appeal.

6.3.5 The individual making the appeal shall then be given the opportunity to address the appeal committee.

6.3.6 The appeal committee chairman shall then recognize all who wish to provide comments on the appeal.

6.3.7 The public comment period shall then be closed so that the appeal committee discussion can proceed. During this period, individuals present at the hearing who are requested to respond to questions or comments from appeal committee will be the only public individuals recognized.

6.3.8 A motion will then be made and seconded by the appeal committee.

6.3.9 Public comments will then be accepted relative to the motion.

6.3.10 The motion shall then be voted on. A majority vote of members present is necessary to render an appeal committee decision. The decision shall be transmitted to the appellant within 30 days of receipt of the appeal by the chairman.

6.3.11 The appeal committee decision can also be appealed, within seven days after notification has been received from the ICC-ES president, by the proponent. This appeal is directed to the chairman of the ICC-ES Board of Directors.

6.3.12 During this second appeal period, the action of the Product Listing Committee, if sustained on the first appeal, shall be in force. The appeal to the Board of Directors is the last appeal available for the aggrieved.

6.3.13 The ICC-ES Board of Directors will consider the written appeal and vote.

6.3.14 After all appeals are exhausted, the listee still has the right to appeal to the accreditation body on record.

6.0 FEES

A \$1,000 fee shall be submitted with any appeal to the president. A \$3,000 fee shall be submitted with any appeal to the chairman of the Board. The fees are nonrefundable once the appeal process has commenced.

Effective: November 8, 2011