

ICC EVALUATION SERVICE, LLC, RULES OF PROCEDURE FOR THE ENVIRONMENTAL COMMITTEE

1.0 PURPOSE

The purpose of the ICC-ES Environmental Committee is to monitor the work of ICC-ES, in issuing evaluation reports; to evaluate and approve environmental criteria (EC) on which evaluation reports may be based; and to sponsor related changes in the applicable codes.

2.0 COMMITTEE GENERAL RULES

2.1 Announcement: To provide the broadest possible opportunity for individuals to participate on ICC-ES Environmental Committee, ICC-ES shall make a public announcement for applicants to fill vacant positions on committees. This announcement shall include:

1. A notice posted on the ICC-ES web site
2. A notice in all applicable ICC-ES and ICC ePublications
3. A specific notice to the ICC-ES Evaluation Service Advisory Committee (ESAC)
4. A formal request for qualified nominations from ICC-ES' strategic partners who have demonstrated a commitment to the organization's mission and represent a broad cross section of users and producers.

All applicants will be provided due consideration in the appointment process.

2.2 Deadlines: The deadline for receipt of applications for appointment to ICC-ES Environmental Committee shall be posted no later than 30 days prior to the deadline.

2.3 Application for Membership: Each candidate for committee membership shall submit statements indicating the following:

1. Evidence of knowledge and competence in the work of the committee;
2. Assurance of ability to participate actively in the work of the committee including responding to correspondence and attendance at committee meetings;
3. Relationship of applicant to the scope of the committee;
4. Whether the applicant currently serves on other ICC-ES or ICC Committees, Councils or ad-hoc Committees;
5. What organization, company, etc., the nominee would represent;
6. Whether the applicant would have an instructed vote and, if so, by and on behalf of whom; and whether the organization, in instructing its representatives, can meet the time constraints imposed by the committee objectives;
7. What person or organization would fund participation; and
8. Agreement to notify the office of the CEO of a change in employment; and
9. The appropriate interest category (see section 2.8).

2.4 Appointment: Appointment to a committee shall be based on: (1) Qualifications of the applicant; (2) Scope of knowledge relative to applicable topics under consideration; (3) Limiting the size of the committee to a manageable size for the task at hand; and (4) Maintaining balance of interests within the membership of each committee.

Committee members shall be appointed by the President and ratified by the ICC-ES Board of Managers.

2.5 Chair: The Chair shall be appointed by the President.

2.6 Conflict of Interest: A committee member shall withdraw from and take no part in those matters with which the committee member has an undisclosed financial, business or property interest. The committee member shall not participate in any committee discussion on the matter or any committee vote. Violation thereof shall result in the immediate removal of the committee member from the committee. A committee member who is a proponent of a proposal shall not participate in any committee discussion on the matter or any committee vote. Such committee member shall be permitted to participate in the floor discussion by stepping down from the dais.

2.7 Committee Composition: ICC-ES is committed to the principals of balance and flexibility, allowing the use of different methodologies to meet the needs of different subject areas when determining the composition of committees to ensure to the extent practicable, representation among parties having an interest in the subject matter under consideration by the Environmental Committee. In this effort to achieve balance and openness, the ICC-ES may consider input from outside organizations and stakeholders; provided, however, that the ICC-ES shall retain sole authority to determine appointments to the various committees. A minimum of thirty-three and one-third percent (33.3%) of the committee members shall be regulators representing the General (G) interest category. The balance of the committees membership shall be composed of User (U) and Producer (P) interest categories.

2.8 Interest Categories: Each member appointed to a committee shall be assigned to one of the following interest categories.

2.8.1 General Interest (G): Individuals assigned to the General Interest category are those who represent the interests of an entity, including an association of such entities, representing the general public or entities which promulgate or enforce the provisions within the committee scope.

Examples of entities include:
Consumers
Government Regulatory Agency

2.8.2 User Interest (U): Individuals assigned to the User Interest category are those who represent the interests of an entity, including an association of such entities, which is subject to the provisions or voluntarily utilize the provisions within the committee scope.

Examples of entities include:
Academia
Applied Research Laboratory
Building Owner
Design Professional
Government Non-regulatory Agency
Insurance Company
Private Inspection Agency
Product Certification/Evaluation Agency

2.8.3 Producer Interest (P): Individuals assigned to the Producer Interest category are those who represent the **interests** of an entity, including an association of such entities, which produces, installs or maintains a product, assembly or system subject to the provisions within the committee scope.

Examples of entities include:
Builder
Contractor
Distributor
Labor
Manufacturer
Material Association
Standards Promulgator
Testing Laboratory
Utility

2.8.3.1 Multiple Interests: Individuals representing entities in more than one of the above Interest categories, one of which is a Producer Interest, are assigned to the Producer Interest. Individuals representing entities in the General Interest and User Interest categories are assigned to the User Interest.

2.8.4 Members Changing Employment: When a Member changes employment, or interest category, membership on the committee automatically terminates. The Member changing employment may request reappointment to the committee by submitting a new application for membership. The new business interest and affiliation of the applicant and any change in interest category shall be considered by the applicable appointing authority when reviewing the new request for membership.

2.9 Chair Voting: The Chair of the committee shall vote only when the vote cast will break a tie vote of the committee.

2.10 Committee Membership Term: Environmental Committee members shall be appointed to a 12-month term. The term shall be from January 1, 2012 to December 31, 2012, and every 12 months thereafter, except for the initial transition period where dates shall be November 1, 2011 to December 31, 2011 respectively. The size of the committee shall be determined by the ICC-ES President

3.0 ENVIRONMENTAL CRITERIA (EC)

3.1 EC are established by the Environmental Committee to provide a basis for issuing ICC-ES

evaluation reports on products and systems under the normative reference documents referenced in Section 2.0 of the Rules of Procedure for Sustainable Attributes Verification and Evaluation Program Verification of Attributes Reports. They also clarify conditions of acceptance for products and systems specifically regulated by codes, standards and other normative reference documents.

EC may involve a product, material, method of construction, or service. Consideration of any EC must be in conjunction with a current and valid application for an ICC-ES evaluation report, an existing ICC-ES evaluation report, or as otherwise determined by the Environmental Committee.

3.2 Procedure:

3.2.1 Proposed EC shall be developed by the ICC-ES staff, with input from clients and form others, as necessary, and discussed in open session with the Environmental Committee during a scheduled meeting as described in Section 4.0, except as permitted in Section 5.0 of these rules.

3.2.2 Proposed EC shall be available to interested parties at least 30 days before discussion at the Environmental Committee meeting.

3.2.3 The Environmental Committee shall be informed of all pertinent written communications received by ICC-ES.

3.2.4 Attendees at Environmental Committee meetings shall have the opportunity to speak on the criteria listed on the meeting agenda, to provide information to Environmental Committee members.

3.3 Approval of EC shall be as specified in Section 4.11 or 5.2 of these rules.

3.4 Actions of the Environmental Committee may be appealed in accordance with the ICC-ES Rules of Procedure for Appeal of Acceptance Criteria or the ICC-ES Rules of Procedure for Appeals of Evaluation Committee Technical Decisions.

4.0 ENVIRONMENTAL CRITERIA PRESENTED AT PUBLIC MEETINGS

4.1 Schedule: The Environmental Committee shall schedule public meetings in discharging its duties under Section 1, subject to Section 4.3. All scheduled meetings shall be publicly announced.

4.2 Open Meetings: Public meetings of the Environmental Committee are open meetings. Any interested person may attend in person, or via electronic media when available, and participate in the meetings. Only Environmental Committee members vote on the EC (see Section 4.11).

4.3 Closed Sessions: Environmental Committee meetings shall be open except that the Chair may call for a closed session to seek advice of counsel.

4.4 Agenda Order: ICC-ES shall publish an agenda for each public meeting.

4.5 General Procedures: The Robert's Rules of Order shall be the formal procedure for the conduct of the public meeting except as a specific provision of these Rules of Procedure may otherwise dictate. Two-thirds ($2/3$)

of the voting Environmental Committee members shall constitute a quorum. A majority vote of members present is required on any action.

In the absence of the Chair, Environmental Committee members present shall elect an alternate Chair from the Environmental Committee for that meeting. The alternate chair shall be counted as a voting Environmental Committee member for purposes of maintaining a quorum and to cast a tie-breaking vote of the Environmental Committee.

4.6 Meeting Minutes: Minutes of the meetings shall be kept.

4.7 Meeting Record: An electronic record of meetings shall be made by ICC-ES; no other audio, video, electronic or stenographic recordings of the meetings will be permitted. A copy of the ICC-ES record of the meeting will be available to interested parties upon written request made to ICC-ES together with a payment as required by ICC-ES to cover costs of preparation and duplication of the copy. These materials will be available beginning five days after the conclusion of the meeting but will no longer be available after one year from the conclusion of the meeting.

4.8 Presentation of Material at the Public Meeting: Information to be provided at the meeting shall be limited to verbal presentations. Audio-visual presentations are not permitted, except where specifically approved by the Chair.

4.8.1 Parties interested in the deliberations of the Environmental Committee shall refrain from communicating, whether in writing or verbally, with Environmental Committee members regarding agenda items, as described in Section 6.0.

4.8.2 All written communications and submissions regarding agenda items shall be delivered to ICC-ES. All such written communications and submissions shall be considered non-confidential and available for discussion in open session of a Environmental Committee meeting, and shall be delivered at least ten days before the scheduled Environmental Committee meeting if they are to be forwarded to the committee.

4.8.3 Materials delivered to ICC-ES at least ten days before the scheduled meeting will be posted on the ICC-ES web site (www.icc-es.org) prior to the meeting. After this time, parties wishing to submit materials for consideration by the Environmental Committee must deliver copies of such material in the quantity and format as directed by ICC-ES. Consideration of materials not received by ICC-ES at least ten days before the meeting is at the discretion of the Environmental Committee.

4.8.4 Following the meeting, ICC-ES will make all materials considered by the Environmental Committee available on the web site for a maximum period of one year following the meeting. The Chair reserves the right to refuse recognition of communications which do not comply with the provisions of this section.

4.9 Time Limits: Time limits shall be established as part of the agenda for public comment on all EC at the beginning of each meeting session. Each person requesting to comment shall be given equal time. In the interest of time and fairness to all meeting participants, the

Chair shall have limited authority to modify time limitations on public comment. The Chair shall have the authority to adjust time limits as necessary in order to complete the agenda.

4.10 Time Keeping: Keeping of time for public comment by an individual shall be by an automatic timing device. Remaining time shall be evident to the person commenting. Interruptions during public comment shall not be tolerated. The Chair shall maintain appropriate decorum during all public comment.

4.11 Committee Action: Following the floor discussion of each proposal, one of the following motions shall be made and seconded by members of the committee.

- Approval as Submitted
- Approval with Revision
- Disapproval
- Hold for Further Study

4.11.1 Committee Discussion: Discussion on this motion shall be limited to Committee members. If a Environmental Committee member proposes a modification, which has not been proposed or discussed during the floor discussion, the Chair shall suspend the Environmental Committee discussion and shall reopen the floor for discussion of the comments only. Upon receipt of all comments from the floor, the Chair shall resume committee discussion.

4.11.2 Subsequent Motion: If the initial motion is unsuccessful, a motion for one of the other allowable motions shall be made (see Section 4.11) and dispensed with until a successful final action is achieved. If a successful final action is not achieved, Section 4.11.3 shall apply.

4.11.3 Failure to Achieve Majority Vote: In the event that an EC does not receive any of the required majority for approval of the motion, final action on the EC in question shall be Hold for Further Study.

4.11.4 Reconsideration: There shall be no reconsideration of an EC after it has been voted on by the Environmental Committee in accordance with this section. An EC may be reconsidered by being placed on the agenda of a future Environmental Committee meeting.

4.11.5 Withdrawal: During Environmental Committee discussion, ICC-ES staff may recommend to the Chair that the item being considered by the Environmental Committee be withdrawn from consideration. The Chair may then ask for the Environmental Committee to vote on the recommendation for withdrawal of the item. In the event of a majority affirmative vote, the Environmental Committee shall cease further discussion or voting on the item.

5.0 COMMITTEE BALLOTING FOR ENVIRONMENTAL CRITERIA

5.1 EC may be issued without a public meeting following a 30-day public comment period and a majority vote for approval by the Environmental Committee when, in the opinion of ICC-ES staff, one or more of the following conditions have been met:

1. The subject is addressed in nationally recognized standards or generally accepted industry standards or other normative reference documents.

2. The subject is a revision to an existing EC that requires a formal action by the Environmental Committee, and public comments raised were resolved by staff with commenters fully informed.

3. Other EC and/or the code, standard or other normative reference document provide precedence for the revised criteria.

4. ICC-ES staff believes the technical content of the EC has been sufficiently vetted either in another public forum or within the working group that developed the EC.

5.2 An Environmental Committee member, in voting on an EC, may only cast one of the following ballots:

- Approved
- Approved with Comments
- Disapproval

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

- a. *Lack of clarity*: There is insufficient explanation of the scope of the EC or insufficient description of the intended use of the product or system; or the EC is so unclear as to be unacceptable. (The areas where greater clarity is required must be specifically identified.)
- b. *Insufficiency*: The EC is insufficient for proper evaluation of the product or system. (The provisions

of the EC that are in question must be specifically identified.)

- c. *The subject of the EC needs to be discussed in a public meeting*: The Committee member requests additional input from other Committee members, staff or industry.

6.0 COMMITTEE COMMUNICATION

Direct communication between Environmental Committee members, and between Environmental Committee members and an applicant or concerned party, with regard to the processing of a particular EC or evaluation report, shall take place only in a public meeting of the Environmental Committee. Accordingly:

6.1 Environmental Committee members receiving an electronic ballot in accordance with Section 5.0 should respond only to the sender (ICC-ES staff). Environmental Committee members who wish to discuss a particular matter with other Environmental Committee members, before reaching a decision, should ballot accordingly and bring the matter to the attention of ICC-ES staff, so the issue can be placed on the agenda of a future Environmental Committee meeting in accordance with Section 4.0.

6.2 Environmental Committee members who are contacted by an applicant or concerned party on a particular matter that will be brought to the Environmental Committee shall refrain from private communication and shall notify the applicant or concerned party to forward their concerns through the ICC-ES staff in writing, and/or make their concerns known by addressing the Environmental Committee at a public meeting, so that their concerns can receive the attention of all Environmental Committee members.■

***Effective Upon the Date That Environmental Committee Members Are Ratified
Rules Accepted by ICC-ES President – October 1, 2011***