



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

1.0 PURPOSE

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

2.0 MEETINGS

2.1 The Evaluation Committee shall schedule meetings that are open to the public in discharging its duties under Section 1, subject to Section 3.

2.2 All scheduled meetings shall be publicly announced.

2.3 Two-thirds ($\frac{2}{3}$) of the voting Evaluation Committee members shall constitute a quorum. A majority vote of members present is required on any action.

2.4 In the absence of the nonvoting chairman-moderator, Evaluation 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.

2.5 Minutes of the meetings shall be kept.

2.6 An electronic audio record of meetings shall be made by ICC-ES; no other audio, video, electronic or stenographic recordings of the meetings will be permitted. Visual aids (including, but not limited to, charts, overhead transparencies, slides, videos, or presentation software) viewed at meetings shall be permitted only if the presenter provides ICC-ES before presentation with a copy of the visual aid in a medium which can be retained by ICC-ES with its record of the meeting and which can also be provided to interested parties requesting a copy. A copy of the ICC-ES recording of the meeting and such visual aids, if any, 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.

2.7 Parties interested in the deliberations of the committee should refrain from communicating, whether in writing or verbally, with committee members regarding agenda items. All written communications and submissions regarding agenda items should be delivered to ICC-ES. All such written communications and submissions shall be considered nonconfidential and

available for discussion in open session of an Evaluation Committee meeting, and shall be delivered at least ten days before the scheduled Evaluation Committee meeting if they are to be forwarded to the committee. 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 Evaluation Committee must deliver a sufficient number of copies 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 Evaluation Committee. Following the meeting, ICC-ES will make all materials considered by the Evaluation Committee available on the web site for a maximum period of one year following the meeting. The committee reserves the right to refuse recognition of communications which do not comply with the provisions of this section.

3.0 CLOSED SESSIONS

Evaluation Committee meetings shall be open except that the chairman may call for a closed session to seek advice of counsel.

4.0 ACCEPTANCE CRITERIA

4.1 Acceptance criteria are established by the committee to provide a basis for issuing ICC-ES evaluation reports on products and systems under codes referenced in Section 2.0 of the Rules of Procedure for Evaluation Reports. They also clarify conditions of acceptance for products and systems specifically regulated by the codes.

Acceptance criteria may involve a product, material, method of construction, or service. Consideration of any acceptance criteria 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 Evaluation Committee.

4.2 Procedure:

4.2.1 Proposed acceptance criteria shall be developed by the ICC-ES staff and discussed in open session with the Evaluation Committee during a scheduled meeting, except as permitted in Section 5.0 of these rules.

4.2.2 Proposed acceptance criteria shall be available to interested parties at least 30 days before discussion at the committee meeting.

4.2.3 The committee shall be informed of all pertinent written communications received by ICC-ES.

4.2.4 Attendees at Evaluation Committee meetings shall have the opportunity to speak on acceptance

criteria listed on the meeting agenda, to provide information to committee members.

4.3 Approval of acceptance criteria shall be as specified in Section 2.3 of these rules.

4.4 Actions of the Evaluation 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.

5.0 COMMITTEE BALLOTING FOR ACCEPTANCE CRITERIA

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

1. The subject is nonstructural, does not involve life safety, and is addressed in nationally recognized standards or generally accepted industry standards.

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

3. Other acceptance criteria and/or the code provide precedence for the revised criteria.

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

- a. *Lack of clarity*: There is insufficient explanation of the scope of the acceptance criteria or insufficient description of the intended use of the product or system; or the acceptance criteria is so unclear as to be unacceptable. (The areas where greater clarity is required must be specifically identified.)
- b. *Insufficiency*: The criteria is insufficient for proper evaluation of the product or system. (The provisions of the criteria that are in question must be specifically identified.)
- c. *The subject of the acceptance criteria is not within the scope of the applicable codes*: A report

issued by ICC-ES is intended to provide a basis for approval under the codes. If the subject of the acceptance criteria is not regulated by the codes, there is no basis for issuing a report, or a criteria. (Specifics must be provided concerning the inapplicability of the code.)

- d. *The subject of the acceptance criteria needs to be discussed in public hearings*. The committee member requests additional input from other committee members, staff or industry.

5.3 An Evaluation Committee member, in voting on an acceptance criteria, may only cast the following ballots:

- Approved
- Approved with Comments
- Negative: Do Not Proceed

6.0 COMMITTEE COMMUNICATION

Direct communication between committee members, and between committee members and an applicant or concerned party, with regard to the processing of a particular acceptance criteria or evaluation report shall take place only in a public hearing of the Evaluation Committee. Accordingly:

6.1 Committee members receiving an electronic ballot should respond only to the sender (staff). Committee members who wish to discuss a particular matter with other 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 committee meeting.

6.2 Committee members who are contacted by an applicant or concerned party on a particular matter that will be brought to the committee will refrain from private communication and will encourage 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 committee at a public hearing, so that their concerns can receive the attention of all committee members.