



United States
National Committee
of the IEC

USNC CA 01

*Approved by
USNC Conformity Assessment Policy Coordination Committee
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USNC Conformity Assessment Mirror Committee Operating Procedures

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FOREWORD

This document establishes the Operating Procedures for USNC Conformity Assessment (CA) Mirror Committees established by the USNC Conformity Assessment Policy Coordination Committee (CAPCC).

USNC Conformity Assessment Mirror Committees are standing committees of the USNC CAPCC. Each USNC CA Mirror Committee operates under these Operating Procedures that may additionally be supplemented, but not contradicted, with the approval of the USNC CAPCC to meet the operational needs of each Mirror Committee.

Note: This document was developed by the USNC CAPCC Sub-Committee on Operating Procedures.

Revision History

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2020-07-01	Inclusion of reference to USNC Honorary Life Members
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Inquiries, comments, and proposed or recommended revisions should be submitted to the USNC/(Mirror Committee) by contacting the:

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Section 1 PURPOSE

1.1 PURPOSE OF THE USNC CONFORMITY ASSESSMENT (CA) MIRROR COMMITTEE

The purpose of each USNC CA Mirror Committee is to serve as the U.S. member body of the IEC Conformity Assessment System under their scope of responsibility; to provide a structure that is open to all related U.S. national interested parties; and to process applications for submission via the Secretariat of the USNC CA Mirror Committee. Each USNC CA Mirror Committee is responsible for developing the U.S. viewpoints and comments in all matters pertaining to their respective IEC Conformity Assessment System.

1.2 OBJECTIVE OF IEC CA SYSTEMS

The objective of each IEC CA System is to facilitate international trade by providing a global framework for impartial third-party conformity assessment and certification of equipment, services, personnel and other related activities, encompassing the concept of mutual recognition.

Section 2 ORGANIZATION, MEMBERSHIP, MEMBERSHIP CATEGORIES AND DUTIES

2.1 ORGANIZATION

Membership in the USNC CA Mirror Committee shall be open to all U.S. national interested parties (organizations, companies, government agencies, individuals, etc.) who are directly and materially affected by the committee's activity as well as Honorary Life Members. Participation shall be fair and equitable without dominance by any single interest.

2.1.1 U.S. National Interested Parties

A U.S. national interested party is one of the following entities directly and materially affected by the relevant IEC Conformity Assessment System activities:

- a. An individual representing a corporation or an organization domiciled in the U.S. (including U.S. branch offices of foreign companies authorized to do business in one or more states as defined by the relevant State's Corporation law within the U.S.);
- b. An individual representing a U.S. federal, state or local government entity; or
- c. A U.S. citizen or permanent resident.

2.1.2 Standing or Temporary Working Groups or Similar

The USNC CA Mirror Committee may establish and prescribe the membership, scope and rules of working groups or similar, as it deems necessary to the conduct of its operations and responsibilities.

2.2 MEMBERSHIP

U.S. national interested parties that may become members of the USNC CA Mirror Committee shall make a request for membership in writing to the USNC CA Mirror Committee Secretary stating why they believe their stakeholder is directly and materially affected by the committee's activities.

2.2.1 Approval

Upon determination of material interest, the USNC CA Mirror Committee shall approve membership of U.S. national interested parties by an affirmative vote of at least two-thirds of the voting members, provided that they have also paid the USNC CA Mirror Committee membership dues (2.2.4).

2.2.2 Representation

Each accepted member shall name and be represented by their Principal and may identify one or more alternates. Alternates may attend meetings with or without the Principal and participate in the discussions, but they may vote only in the absence of the Principal. No individual may represent more than one organization. Principals and Alternates, if any, shall become members of the USNC CA Mirror Committee following their organization's nomination to the Secretary and their subsequent approval for membership by the current members of the USNC CA Mirror Committee. They shall serve as specified by the organizations they represent or until their successors are identified.

2.2.3 Voluntary Termination

USNC CA Mirror Committee non-conformity assessment body members may voluntarily terminate their membership in the USNC CA Mirror Committee. Written notification of intent to resign from membership in the USNC CA Mirror Committee shall be forwarded to the USNC CA Mirror Committee Secretary at least 30 days in advance of withdrawal. USNC CA Mirror Committee dues paid by withdrawing non-conformity assessment body members during the calendar year of resignation and withdrawal shall not be refunded to the withdrawing member.

2.2.4 Membership Dues

Dues for members of USNC CA Mirror Committees are on an annual basis based on their membership category (2.3). Dues for new members shall be pro-rated according to calendar quarters of the USNC CA Mirror Committee fiscal year, during the first fiscal year of membership. Annual dues are non-refundable.

Honorary Life Members shall be exempt from individual dues.

2.2.5 Voting Status

A member's status shall be changed automatically to non-voting for failure to attend or be represented by a duly qualified alternate at three (3) consecutive meetings and will be informed of the change in status by the USNC CA Mirror Committee Secretary. A member shall be immediately reinstated to voting status upon participation in a meeting either via teleconference (when available) or in person.

Honorary Life Members have all the privileges of membership except voting.

2.2.6 Termination

A member may be terminated upon failure to perform duties (2.4). The USNC CA Mirror Committee Secretary shall direct the matter to the USNC CA Mirror Committee for appropriate action, which may include termination of membership.

2.3 MEMBERSHIP CATEGORIES

Membership categories shall consist of at least the following:

- a. U.S. Conformity Assessment Bodies (CABs)
- b. Industry (manufacturers, users and associations)
- c. General (e.g., individuals without a CAB, industry or government affiliation)
- d. Government (federal, state or local)

2.4 DUTIES

The duties of USNC CA Mirror Committee members generally include:

- a. Regularly attend USNC CA Mirror Committee meetings and vote on business coming before the USNC CA Mirror Committee
- b. Arrange for attendance by a duly designated alternate in the event that attendance by the Principal at the USNC CA Mirror Committee meeting is not possible
- c. Serve on USNC CA Mirror Committee WGs or similar as appointed
- d. Vote on the expenditure of funds in the IEC Conformity Assessment System/Scheme(s)
- e. Vote on letter ballots on USNC CA Mirror Committee business
- f. To remit timely payment of the requisite national or international fees

Section 3 USNC CA MIRROR COMMITTEE OFFICERS

3.1 OFFICERS

The Officers of the USNC CA Mirror Committee shall include a Chair, an Immediate Past Chair, one or more Vice-Chair(s) and a Treasurer.

3.1.1 Approval of Officers

The Officers, with the exception of the Immediate Past Chair, shall be chosen from members of the USNC CA Mirror Committee at a duly constituted meeting of the USNC CA Mirror Committee. Alternatively, the USNC CA Mirror Committee may appoint a nominating committee for this purpose. Selection of Officers shall reflect the balance in the organization with the intention that multiple categories or membership is represented among the Officers. The Officers shall continue to have the privilege of the floor and the right to vote.

3.1.2 Term of Office

Officers shall be elected for a term of four (4) years. They may be re-elected for successive terms.

3.2 CHAIR

The Chair shall take office and assume the duties of the office on the date stipulated in the election, and shall continue to serve until the completion of the specified term or until a successor is elected.

3.2.1 Duties

The duties of the Chair shall include the following:

- a. Preside over meetings
- b. Decide upon the provisional agendas for meetings
- c. Appoint delegates to international meetings subject to the concurrence of the USNC CA Mirror Committee
- d. Provide overall guidance and direction to the Secretary in the administration of the USNC CA Mirror Committee activities
- e. Vote when a deciding vote is required
- f. Authorize payment of funds not to exceed \$1,000
- g. Establish standing or temporary committees and appoint members to them with USNC CA Mirror Committee approval.

3.2.2 Actions Between Meetings

The Chair may decide that a vote on a basic operational or budgetary matter may be taken between meetings by letter ballot.

3.2.3 Attendance at Standing and Temporary WG or Similar

The Chair has the right as an ex-officio to attend the meetings of all standing and temporary committees of the USNC CA Mirror Committee.

3.2.4 Interim Chair

In case of death, incapacity or resignation of the Chair, one of the Vice-Chairs (if more than one) shall serve as Chair until a new Chair is elected. In this case, a new Chair shall be elected within 6 months.

3.3 VICE-CHAIR

The Vice-Chair(s) shall take office and assume the duties of the office on the date stipulated in the election, and shall continue to serve until the completion of the specified term or until a successor is elected.

3.3.1 Duties

The Vice-Chair(s) shall support the Chair, as appropriate, in the handling of his/her duties. In the absence of the Chair, the Vice-chair(s) shall perform all the duties and have the authority of the Chair.

3.3.2 Attendance at Standing and Temporary

The Vice-Chair(s) has the right as an ex-officio to attend the meetings of all standing and temporary committees of the USNC CA Mirror Committee.

3.4 IMMEDIATE PAST CHAIR

The Immediate Past Chair, having served as Chair, shall take office automatically for a period of one (1) year and shall have such powers and duties as may be assigned or delegated by the Chair. In the absence of the Chair and Vice-Chair, the Immediate Past Chair shall perform all the duties and have the authority of the Chair.

3.5 TREASURER

The Treasurer shall be responsible for the administration of the financial matters of the USNC CA Mirror Committee in accordance with these Operating Procedures and any related Supplement established by the USNC CA Mirror Committee.

3.5.1 Duties

The duties of the Treasurer shall be determined by the USNC CA Mirror Committee, and shall include the following:

- a. Provide general guidance to the USNC CA Mirror Committee Secretary on financial matters
- b. Prepare and recommended an annual budget
- c. Present financial information and reports at USNC CA Mirror Committee meetings and, if necessary, through other means of communication coordinated by the Secretary
- d. Circulate, periodically to the members of the USNC CA Mirror Committee, statements detailing audit findings of the USNC CA Mirror Committee accounts

3.5.2 Annual Fees

Annual fees shall be established by membership categories on recommendation of the Treasurer and by two-thirds vote of the voting membership. The fees shall be determined by taking the approved operating budget, removing any portion directly attributed to CAB participation in the related IEC Conformity Assessment System, and dividing the remainder among all dues paying members. The CAB(s) shall be responsible for additional expenses due to their participation in the System. Government membership shall normally be without fee but in no case shall it be more than 10 percent of the annual fee. Honorary Life Members shall be exempt from fees.

Section 4 SECRETARIAT

The Secretariat of a USNC CA Mirror Committee shall only be designated or transferred per the USNC Rules of Procedure.

4.1 MEMORANDUM OF AGREEMENT

The Secretariat shall execute a memorandum of agreement with ANSI thereby agreeing to ANSI's terms and conditions.

4.2 TERM OF OFFICE

The Secretariat shall be designated for a term of four (4) years. They may be re-elected for successive terms.

4.3 APPOINTMENT OF SECRETARY

The Secretariat is responsible for providing administrative support for the activities of the USNC CA Mirror Committee. The Secretariat shall appoint the Secretary subject to the concurrence of the USNC CA Mirror Committee and shall provide other support necessary for the conduct of the duties of the Secretary. The Secretary shall have the privilege of the floor at all meetings of the USNC CA Mirror Committee and its standing and temporary committees, but no vote.

4.4 SECRETARY

4.4.1 Duties

The Secretary shall take action as instructed by the USNC CA Mirror Committee or as directed by the Chair, and carry out the day-to-day work of the USNC CA Mirror Committee between meetings.

4.4.2 Meetings

4.4.2.1 Records

The Secretary is responsible for keeping records of the meetings of the USNC CA Mirror Committee, and other activities relevant to U.S. participation in the IEC Conformity Assessment System.

4.4.2.2 Agendas

With guidance from the Chair, the Secretary shall prepare provisional meeting agendas and make arrangements for meetings of the USNC CA Mirror Committee. Meeting dates and location shall be at the call of the Chair with concurrence of the USNC CA Mirror Committee Officers.

4.4.2.3 Notice

The Secretary shall send notice and draft agendas (with supporting documents) of meetings at least thirty

[30] days in advance of meetings.

4.4.2.4 Minutes

The Secretary shall prepare draft minutes of meetings of the USNC CA Mirror Committee, arrange for review by the Officers and legal counsel as necessary, and distribute to members of the USNC CA Mirror Committee within thirty (30) days.

4.4.3 Voting Documents

The Secretary shall supervise the preparation and circulation of all documents on which a vote has to be taken, and shall deal with all other matters relating to voting.

4.4.4 Other Documents

The Secretary is responsible for preparing, drafting, reproducing and distributing all types of USNC CA Mirror Committee documents when so directed by the Chair or by the USNC CA Mirror Committee.

4.4.5 Circulation

As authorized to do so, the Secretary shall carry out the necessary procedures for the amendment and reissue, as required, of all types of USNC CA Mirror Committee documents.

4.4.6 Record Keeping

The Secretary shall be responsible for the maintenance of complete records of all proceedings and correspondence pertaining to the IEC Conformity Assessment System's activities.

4.4.7 Financials

4.4.7.1 Receivables

The Secretary shall issue invoices for the collection of USNC CA Mirror Committee funds as directed by the Treasurer.

4.4.7.2 Payables

The Secretary shall issue checks against the USNC CA Mirror Committee account for payment as specifically directed by the USNC CA Mirror Committee.

For required payments, in the event that the Chair is unavailable for three (3) days and a payment or decision is required, the Secretary is authorized to make payment with concurrence of one of the other Officers.

4.4.8 USNC CA Mirror Committee Activity

4.4.8.1 Circulation of Documents

In accordance with general guidance from USNC CA Mirror Committee, the Secretary shall circulate to members of the USNC CA Mirror Committee for information or decision, documents received from the IEC Conformity Assessment System Secretariat and or Committees.

4.4.8.2 National Position

The Secretary shall submit to the Secretariat of the IEC Conformity Assessment System, positions approved by the USNC CA Mirror Committee.

4.4.8.3 National Differences

The Secretary shall submit to the Secretariat of the IEC Conformity Assessment System a summary of the

initial U.S. national differences from standards accepted for use in the IEC Conformity Assessment System, and any significant changes that occur from time-to-time.

4.4.8.4 Records

In addition, the Secretary shall maintain such files of correspondence as are necessary, but in particular that with the IEC Conformity Assessment System Secretariat, other member organizations, the IEC Conformity Assessment System Management Committee and related committees.

4.4.8.5 Appeals

The Secretary shall assist U.S. participants in making appeals to an IEC Conformity Assessment System. Further appeals may be made in accordance with [Section 7](#) of this document.

Section 5 USNC CA MIRROR COMMITTEE MEETINGS

The USNC CA Mirror Committee shall meet as often as necessary to conduct its regular business.

5.1 NUMBER OF MEETINGS

The USNC CA Mirror Committee shall meet at least once per year. Other meetings may be called at the Chair's discretion or at the request of at least four (4) members of the USNC CA Mirror Committee.

5.2 AMENDMENTS TO DRAFT AGENDAS

Matters not on the previously distributed draft agenda may be discussed by any USNC CA Mirror Committee member, except for those actions requiring approval by a two-thirds vote. Actions on these items may be taken at the meeting where a quorum is present if agreed upon by all members present. Otherwise, actions shall be taken and subject to confirmation by letter ballot.

5.3 QUORUM REQUIREMENTS

The presence of at least a majority of the voting members at any meeting of the USNC CA Mirror Committee shall constitute a quorum and shall be a duly constituted meeting for conducting business.

5.4 VOTING REQUIREMENTS

Except where otherwise covered by these procedures, operational, budgetary and membership matters considered at meetings of the USNC CA Mirror Committee shall be decided by a two-thirds majority of the members present and voting at a duly constituted meeting. Operational procedures or budgetary matters include, but are not limited to the following:

- a. USNC CA Mirror Committee dues for U.S. participants
- b. Annual budget for the USNC CA Mirror Committee
- c. Addition of new U.S. national interested parties to the USNC CA Mirror Committee
- d. Election of the Secretariat of the USNC CA Mirror Committee
- e. Election of Officers of the USNC CA Mirror Committee
- f. Recommendations to amend these Operating Procedures or the related IEC CA Mirror Committee Supplement to these Operating Procedures

A simple majority of the members present and voting at such meeting shall decide other matters.

5.5 LETTER BALLOTS

Except where otherwise covered in these procedures, letter/electronic ballots on basic operational or budgetary matters shall be decided by a two-thirds majority of the members voting provided at least 75 percent of the members return their ballots by the closing date. Other matters, subject to letter ballot, are decided by a simple majority voting provided that not less than half the members vote. Letter ballots normally should close thirty (30) days from issue. The Secretary shall indicate on the letter ballot whether a simple or two-thirds majority is required for acceptance. Appeals to this process shall be made in accordance with [Section 7](#).

5.5.1 Letter Ballot Authorization

A letter ballot may be authorized by any of the following:

- a. The Chair of the USNC CA Mirror Committee
- b. A majority vote at a duly constituted meeting of the USNC CA Mirror Committee
- c. Petition of four (4) or more members of the USNC CA Mirror Committee

Section 6 PARTICIPATION IN THE IEC CONFORMITY ASSESSMENT SYSTEM

The USNC CA Mirror Committee shall participate in its respective IEC Conformity Assessment System in accordance with the IEC Statutes and Rules of Procedure and the IEC Conformity Assessment Systems Basic Rules (IEC CA 01) and applicable Rules of Procedures of the System as amended by the respective IEC Conformity Assessment System Management Committee.

6.1 MEMBERSHIP IN THE IEC CONFORMITY ASSESSMENT SYSTEM

The USNC CA Mirror Committee is the U.S. member body of the respective IEC Conformity Assessment System.

6.2 APPLICATION FOR EXPANSION OF U.S. SCOPE

6.2.1 Coordination with Other Committees

When the USNC CA Mirror Committee desires to participate in a new scheme or procedure and/or recognize an additional category, the decision to participate shall be made with the consent of the USNC CAPCC. The adoption of such schemes or procedures shall be an agenda item of the applicable USNC CA Mirror Committee.

6.2.2 Scope Determination

Prior to the joining of a new or enhanced System or Scheme, it shall be determined which U.S. standards are applicable, what national differences there will be, and whether or not CABs require national credentials to be able to offer services to U.S. requirements (if applicable).

6.2.3 Application

Application shall be in accordance with the rules of the IEC Conformity Assessment System to manage the additional product category, new System, Scheme and/or procedure. The USNC CA Mirror Committee shall forward the application to the appropriate IEC Conformity Assessment System Secretariat.

6.3 APPLICATION BY CABS TO IEC CONFORMITY ASSESSMENT SYSTEMS

6.3.1 Application by CABS

The applicant shall prepare an application requesting acceptance as a CAB within an IEC Conformity Assessment System for a specific scope of activity, and then submit the application to the Secretary of the USNC CA Mirror Committee for processing.

6.3.2 Management Committee Representation

The applicant shall provide written authorization for the USNC CA Mirror Committee to represent them to the IEC Conformity Assessment System Management Committee for the purpose of attaining the status the applicant is seeking.

6.3.3 Declaration to Abide by the IEC Conformity Assessment System Rules and Procedures

The candidate shall execute a declaration stating that they are willing to abide by the Rules and Procedures of the IEC Conformity Assessment System.

6.3.4 Declaration to Pay Expenses of Peer Assessment Team

A declaration by the mirror committee applicant agreeing to pay the traveling and accommodation expenses arising from peer assessment by an appointed peer assessment team. These expenses shall be agreed in advance by the applicant. An estimate of the expenses shall be provided to the applicant in advance of the assessment.

6.3.5 Secretary Review and Submission of Applications

Upon receipt of the Application and any required associated materials the Secretary of the USNC CA Mirror Committee will submit the candidate's application to the Secretariat of the IEC Conformity Assessment System in a timely manner (normally within ten [10] working days). The Secretary shall make no substantive comments, suggestions or changes to the application of any applicant but shall be permitted to verify the completeness of the application according to the rules and procedures of the System and shall, at the same time, inform the members of the USNC CA Mirror Committee of this action in writing.

6.3.6 CAB Request for Scope Extension

When an accepted CAB wishes to apply for extension of their acceptance, within the rules of the IEC Conformity Assessment System, that CAB shall prepare the necessary applications and submit them to the Secretary of the USNC CA Mirror Committee. The applicant CAB will also be responsible for forwarding a processing fee to the System upon receipt of an invoice from the System.

6.3.7 Partial Withdraw of a CAB from a System or One of its Schemes

An accepted CAB that wishes to withdraw from recognizing and issuing deliverables with respect to certain standards under a Scheme, or wishes to withdraw from any of the other Schemes under an IEC Conformity Assessment System, shall notify the USNC CA Mirror Committee accordingly and shall indicate the date on which such a withdrawal shall become effective. The withdrawing CAB shall advise the USNC CA Mirror Committee of the provisions made to recognize System deliverables issued before the date of notification of its withdrawal was made known to the applicants.

6.3.8 CAB Complete Withdraw from a System or One of its Scheme

A CAB that wishes to withdraw completely from an IEC Conformity Assessment System and/or one of its Schemes shall notify the USNC CA Mirror Committee at least one year in advance, indicate the reason for withdrawal and give the date on which the withdrawal will become effective. The CAB shall pay its annual dues to the USNC Mirror Committee for the calendar year in which notice is given and for the calendar year following the year in which notice was given.

6.4 INDIVIDUAL PARTICIPATION WITHIN IEC CONFORMITY ASSESSMENT SYSTEMS

The following nominations shall be consistent with any USNC CA Mirror Committee priorities and succession plans.

6.4.1 Appointment of Official U.S. Delegate(s) to Management Committee Meetings

6.4.1.1 Appointment of Delegate

The Chair of the USNC CA Mirror Committee, with concurrence of the USNC CA Mirror Committee members, shall appoint delegates to attend management committee meetings, in accordance with IEC Conformity Assessment Systems Basic Rules, as representatives of the USNC CA Mirror Committee. The Chief Delegate for a management committee meeting should be the USNC CA Mirror Committee Chair with the USNC CA Mirror Committee Vice-Chair(s) also serving on the delegation, as appropriate. Additional or alternative delegates may be included as appointed by the USNC CA Mirror Committee.

6.4.1.2 Observers

The Chair of the USNC CA Mirror Committee may, upon request, appoint any interested member as an observer to IEC Conformity Assessment Management Committee meetings in accordance with IEC Conformity Assessment System Rules subject to permission of the organizer of the relevant meeting.

6.4.2 Nominations for IEC Conformity Assessment System Participation

6.4.2.1 Nominations for membership of Other Groups of an IEC Conformity Assessment System

Nominations of members to Other Groups of an IEC Conformity Assessment System (e.g. working groups, task forces) are submitted by an authorized member of the USNC CA Mirror Committee to the USNC CA Mirror Committee Secretary. Nominations are submitted by the USNC CA Mirror Committee Secretary to the IEC Conformity Assessment System Secretariat with a notification sent to USNC CA Mirror Committee members.

6.4.2.2 Nominations for Leadership Roles

Nominations of USNC CA Mirror Committee members to leadership positions (e.g., IEC CA System Officer, Committee Chairs and Secretaries, Management Committee Working Group, Task Force or similar Conveners) are submitted by an authorized member to the USNC CA Mirror Committee Secretary and shall be balloted within the USNC CA Mirror Committee for approval. Approved candidates will be submitted by the USNC CA Mirror Committee Secretary to the IEC Conformity Assessment System Secretariat for consideration.

6.4.3 Expenses

All delegates and participants shall be responsible for their expenses associated with such activities.

6.5 DEVELOPMENT AND COMMUNICATION OF USNC CA MIRROR COMMITTEE POSITIONS ON IEC CONFORMITY ASSESSMENT SYSTEM MATTERS

6.5.1 Development of Positions on IEC Conformity Assessment System Management Committee Matters

Any USNC CA Mirror Committee positions on matters to be considered by an IEC Conformity Assessment System Management Committee, as appropriate, shall be developed at a meeting of the USNC CA Mirror Committee or by correspondence.

6.5.2 Communication of USNC CA Mirror Committee Positions

Communication of USNC CA Mirror Committee positions becomes the responsibility of its delegates and participants as follows:

6.5.2.1 Positions on IEC Conformity Assessment Board (IEC CAB) Matters

A USNC CA Mirror Committee's input on matters presented to the IEC CAB to member organizations by correspondence for vote or for review and comment may be developed by the members of the USNC CA Mirror Committee. This action may occur either at a meeting or by correspondence in time for the USNC CA Mirror Committee Secretary to submit the USNC CA Mirror Committee's input by the announced deadline to the IEC CAB representative(s) from the U.S.

6.5.2.2 IEC Conformity Assessment System Management Committee Via Correspondence

USNC CA Mirror Committee positions on matters presented by an IEC Conformity Assessment System Management Committee to member bodies by correspondence for vote or for review and comment shall be developed in time to allow the USNC CA Mirror Committee Secretary to submit the USNC CA Mirror Committee position by the announced deadline.

6.5.2.3 Delegates

USNC CA Mirror Committee positions shall be expressed and serve as the basis of instruction to USNC CA Mirror Committee Delegates.

6.5.2.4 Participants

USNC CA Mirror Committee participants are responsible only to the parties they represent, not to the USNC CA Mirror Committee directly. However, it is the expectation of USNC CA Mirror Committee participants to represent positions taken by the USNC CA Mirror Committee on an informative basis, where applicable.

Section 7 APPEAL PROCEDURE

7.1 GENERAL

Directly and materially affected interest who believe they have been or will be adversely affected by action or inaction of the USNC CA Mirror Committee or any of its subordinate committee or their Officers shall have the right to appeal.

Each member of the USNC CA Mirror Committee agrees that if a dispute should arise in connection with the activities of the USNC CA Mirror Committee, all appeals available within the USNC CA Mirror Committee, the USNC and ANSI must first be pursued and exhausted before resort can be made to any judicial means of dispute resolution.

7.2 APPEAL

The appellant shall file a written appeal to the Secretary of the USNC CA Mirror Committee within thirty (30) days after the date of notification of action or at a time with respect to inaction. The appeal shall state the nature of the objection(s) including any adverse effects, the section(s) of these Operating Procedure or the specific actions or inaction's 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 shall be noted.

7.3 RESPONSE

Within thirty (30) days after receipt of the appeal, the respondent (i.e., USNC CA Mirror Committee) shall

respond in writing to the appellant, specifically addressing each allegation of fact in the appeal to the extent of the respondent's knowledge.

7.4 HEARING

If the appellant and the respondent are unable to resolve the written appeal informally in a manner consistent with these procedures, the USNC CA Mirror Committee Secretary shall schedule a hearing with an appeals panel on a date agreeable to all participants, giving at least ten [10] working days' notice.

7.5 APPEALS PANEL

The appeals panel shall be appointed by the Chair of the USNC CA Mirror Committee and consists of three (3) individuals who have not been directly involved in the matter in the dispute, and who will not be materially or directly affected by any decision made or to be made in the dispute. At least two (2) members shall be acceptable to the appellant and at least two (2) shall be acceptable to the respondent.

7.6 CONDUCT OF THE HEARING

The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The respondent has the burden of demonstrating that the USNC CA Mirror Committee 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 not covered herein.

7.7 DECISION

The appeals panel shall render its decision to the USNC CA Mirror Committee in writing within thirty (30) calendar days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision:

- a) Finding for the appellant with a specific statement of the issues and facts in regards to which fair and equitable action was not taken;
- b) Finding for the respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections, and;
- c) Finding that new, substantive evidence has been introduced, and remanding the entire action to the committee for appropriate reconsideration.

7.8 FURTHER APPEAL

If the appellant gives notice that further appeal to ANSI is intended, a full record of the appeal, response, hearing and decision shall be submitted by the USNC CA Mirror Committee Secretary following the ANSI appeals process.

7.9 DECISIONS BETWEEN CABS

If the appeal involves a dispute between a USNC CA Mirror Committee CAB and a conformity assessment body of another country, the USNC CA Mirror Committee may assist in the resolution of the matter through communication with the IEC Conformity Assessment System Management Committee and/or the relevant appeals panel. If further appeal is requested by the USNC CA Mirror Committee CAB, it shall be made through the USNC.

7.10 ORGANIZATION SEEKING RECOGNITION AS A CAB

If the appeal relates to the rejection by the IEC Conformity Assessment Management Committee of the application of an organization seeking recognition as a CAB, the USNC CA Mirror Committee, through its

status as the U.S. Member Body shall arrange for the presentation of such appeal before the relevant IEC appeals panel, but the USNC CA Mirror Committee shall assume no advocacy position to either support or not support the matter being appealed.

Section 8 AMENDMENTS

Any proposed amendments to these procedures shall be submitted to the USNC CAPCC Operating Procedures Sub-Committee for review and recommendation. Once completed, recommended amendments shall be submitted for approval to the USNC CAPCC.

USNC CA Mirror Committees may propose amendments to their respective supplements to the USNC CAPCC Operating Procedures Sub-Committee for review and recommendation. Once completed, recommended amendments shall be submitted for approval to the USNC CAPCC.

Section 9 REPORTING OBLIGATIONS TO CAPCC

The USNC CA Mirror Committee shall submit the following materials to the USNC CAPCC:

- a. Its supplement to this document and revisions thereto for approval
- b. Names of its Officers for approval
- c. Periodic reporting of USNC CA Mirror Committee activities at CAPCC meetings
- d. Budgetary and financial reports covering USNC CA Mirror Committee activities annually and, at such times and in such form as the USNC CAPCC specifies
- e. Proposals by the USNC CA Mirror Committee to host international meetings of delegates of the related IEC CA System

Section 10 HONORARY LIFE MEMBERSHIP

A USNC CA Mirror Committee may submit a nomination of an Honorary Life Member candidate to the USNC CAPCC in accordance with the Statutes.