



United States
National Committee
of the IEC

**STATUTES and RULES OF PROCEDURE
of the
UNITED STATES NATIONAL COMMITTEE
of the
INTERNATIONAL ELECTROTECHNICAL
COMMISSION
(USNC/IEC)**

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USNC STATUTES AND RULES OF PROCEDURE
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STATUTES and RULES OF PROCEDURE
of the
United States National Committee
of the
International Electrotechnical Commission
(“Statutes and Rules”)

Article I

Purpose

1.1 Purpose of the Statutes and Rules

These Statutes and Rules constitute the operating procedures of the United States National Committee of the International Electrotechnical Commission (IEC) (hereinafter “USNC”) and provide the means by which the USNC represents U.S. interests in the IEC on behalf of the American National Standards Institute (ANSI) and in accordance with ANSI’s Constitution and By-Laws (ANSI By-Laws).

These Statutes and Rules describe the organizational structure of the USNC, its governing body, the USNC Council, and the applicable procedures that govern each of the USNC Council’s standing and policy committees.

1.2 Objectives of the IEC

The IEC is an international non-treaty standards and conformity assessment organization whose mission is to promote international cooperation on all questions of standardization and conformity assessment activities in the fields of electricity, electronics, and related technologies, and thus to promote international understanding of these matters.

1.3 Role of ANSI

ANSI is a 501(c)(3) Not-For-Profit corporation organized and existing under the New York Not-For-Profit Corporation Law (NPCL), as amended by the Nonprofit Revitalization Act of 2013 (NPRA). ANSI serves as the national coordinator of voluntary standardization activities in the U.S. and, through the USNC Council, represents the interests of the United States in the IEC (ANSI By-Laws, Section 1.02 (1)-(2)).

1.4 Role of the USNC and USNC Membership

The USNC is a broad-based constituency representing stakeholders from academia, consumers, government agencies, manufacturers, professional societies, retailers, testing

organizations, and trade associations responsible for the U.S. representation in the IEC and other electrotechnical bodies associated with the IEC.

Membership in the USNC is open to ANSI members and USNC Technical Advisory Group (TAG) participants in good standing who participate in international standardization and conformity assessment activities in the fields of electricity, electronics, and related technologies.

1.4.1 Special Membership Categories

Upon the payment of requisite fees, USNC Members may also serve in Special Membership Categories as follows:

- USNC Premier Members, which allows an organization to realize a number of financial benefits related to participation in USNC TAGs and
- USNC Technical Advisory Group (USNC TAG) Administrators, USNC Conformity Assessment System Secretariats, or IEC Administrative Secretariats for Technical Committee (TC)/Subcommittee (SC)/Project Committee (PC)/or Systems Committees (SyC).

1.4.2 Honorary Life Membership

The USNC Council may, from time to time, grant Honorary USNC Life Memberships in recognition of an individual's long and valuable service to the USNC. These Honorary Life Members shall have all the privileges of USNC membership except voting and shall be exempt from individual fees assessed.

Article II

USNC Council

2.1 Responsibilities and Functions

The USNC Council is the USNC's governing body and on behalf of the USNC and ANSI is charged with exercising all responsibilities for U.S. representation in the IEC and other electrotechnical bodies associated with the IEC.

Those responsibilities include:

1. Representing and coordinating the United States' involvement in the IEC and other electrotechnical bodies associated with the IEC concerning IEC standardization and conformity-assessment issues on behalf of ANSI;
2. Oversight of the Technical Management Committee (TMC) and Conformity Assessment Policy Coordination Committee (CAPCC);

3. Recommending to the ANSI Board Finance Committee and the ANSI Board Executive Committee an annual budget to cover IEC-related activities;
4. Managing programs and adjudicating disputes arising from authorized USNC activities;
5. Promoting consistency between those international and national activities that fall within the scope of the IEC;
6. Reporting annually to the ANSI Board of Directors on U.S. participation in IEC activities;
7. Coordinating with the IPAG on issues affecting United States interests in more than one international forum; and
8. Establishing, as appropriate, Technical Advisory Groups to cover United States participation in IEC activities.

2.2 Composition of the USNC Council

The USNC Council shall be comprised of the following:

- a) The President of the USNC, serving as Chair of the USNC Council (*ex officio*);
- b) The Officers of the USNC (*ex officio*);
- c) Elected representatives from USNC Members;
- d) Up to three (3) elected consumer advocates;
- e) The Chairs of the Standing Committees not otherwise members of Council (*ex-officio*, without vote);
- f) The President of ANSI (*ex-officio*, without vote);
- g) The Chair of the IPAG (*ex-officio*, without vote); and
- h) IEC Officers from the US, if any (*ex-officio*, without vote).

Efforts shall be made to balance stakeholder categories in the membership of the Council at all times. As further detailed in Section 5.2 below, the President of the USNC and the other USNC Council members are recommended by the Nominations Committee, elected by the USNC Council, and subject to the consent of the ANSI Executive Committee.

2.3 USNC Council Membership Rights and Responsibilities

USNC Council members have the right to: (a) access all USNC Council documents, including meeting reports and agendas; (b) participate in electronic communications and correspondence; (c) attend all USNC Council meetings; (d) participate in discussions at all USNC Council meetings; and (e) vote on all matters coming before the USNC Council in accordance with the voting procedures and conflict-of-interest rules set forth in Article VI below.

USNC Council members are expected to actively participate in USNC Council meetings, debates and votes. They should have sufficient experience to offer recommendations in

determining positions taken by the USNC Council. USNC Council members have the obligation to read materials distributed in advance of meetings and commit the time and resources that are necessary and appropriate to fulfill the missions of the USNC.

2.4 Term of Office for USNC Council Membership

Except for *ex-officio* members, the term of office for individuals elected as USNC Council members is three (3) years. Such members may seek reelection to an unlimited number of consecutive three (3) year terms. To the extent possible, terms should be staggered.

2.5 USNC Council Meetings

The USNC Council shall meet as often as necessary to carry forward the regular business of the USNC, at least three times a year corresponding to the meeting dates of the IEC Standardization Management Board and the IEC Conformity Assessment Board.

An agenda of the principal items to be considered at any meeting of the USNC Council shall be distributed at least two weeks in advance of the meeting. The meeting report of each Council meeting shall be distributed to all members of the USNC Council after each meeting. Non-members of the Council shall inform the General Secretary in advance of their request to attend meetings, and their attendance is subject to the approval of the USNC President. Meetings of the USNC Council may be called at the USNC President's discretion or at the request of five (5) members.

2.6 ISO/IEC Policy Coordination

The USNC Council shall coordinate with the ANSI ISO Council (AIC) as appropriate.

2.7 Ad Hoc Committees

The USNC Council and USNC President may establish Ad Hoc Committees as needed. Ad Hoc Committees may be formed for a specific purpose, such as addressing time-sensitive issues, developing recommendations on technical or policy matters, or advancing specific work plan objectives. The scope, membership, and duration of each ad hoc committee shall be defined. Ad Hoc Committees may be dissolved upon completion of their charge or at the discretion of the USNC President.

Article III

USNC Council Officers & Related Parties

3.1 USNC Officers

The Officers of the USNC include the USNC President, three Vice Presidents, and the Immediate Past-President. These Officers shall meet the criteria for USNC membership. To the extent possible, the terms of the USNC elected Officers should be staggered to ensure continuity of experienced leadership.

3.2 USNC President

3.2.1 General

The USNC President shall serve as the USNC Council Chair and is elected by the USNC Council in accordance with Section 5.2 below to a three (3) year term. The USNC President may also seek reelection to a second, consecutive three (3) year term. These terms may be in addition to any partial term served.

3.2.2 Responsibilities

The responsibilities of the USNC President shall include, but not be limited to, the following:

National

- a) Serving as the principal representative of the USNC and chairing meetings of the USNC Council;
- b) Serving as an *ex-officio* member, without vote, on all USNC policy and standing committees;
- c) Serving as spokesperson for the USNC;
- d) Serving as an *ex-officio* member, with vote, on the ANSI Board of Directors and Executive Committee; and
- e) Representing the USNC at the ANSI International Policy Advisory Group (IPAG).

International/Regional

- a) Leading the U.S. delegation at IEC General Meetings;
- b) Serving as a primary USNC point of contact for the IEC Secretariat, and head of delegation when necessary;
- c) Representing the USNC for IEC-related issues addressed within regional standardization organizations
- d) Representing the USNC when elected to groups such as the IEC Board (IB); and

- e) Appointing a USNC Vice President, Immediate Past President or other USNC officer, as appropriate, to represent the USNC at international and regional meetings that the President cannot attend.

3.3 USNC Vice Presidents

3.3.1 General

There shall be three (3) USNC Vice Presidents: (i) a Vice President – Finance, (ii) a Vice President – Technical, and (iii) a Vice President - Conformity Assessment, who are assigned specific responsibilities as noted in section 3.4.2.

The Vice Presidents are elected by the USNC Council to three (3) year terms in accordance with Section 5.2 below. Each Vice President may seek reelection to a second, consecutive three (3) year term. These terms may be in addition to any partial term served.

3.3.2 Responsibilities

The responsibilities of the Vice Presidents shall include, but not be limited to, the following:

National

- a) The Vice President – Finance shall serve as Chair of the USNC Finance Committee;
- b) The Vice President – Technical shall serve as Chair of the USNC Technical Management Committee (TMC); and
- c) The Vice President – Conformity Assessment shall serve as Chair of the USNC Conformity Assessment Policy Coordinating Committee (CAPCC).

International / Regional

- a) The Vice President – Finance shall serve as a subject matter expert on IEC financial matters as appropriate
- b) The Vice President – Technical shall serve as the USNC’s primary representative to the IEC Standardization Management Board (SMB);
- c) The Vice President – Conformity Assessment shall serve as the USNC’s primary representative to the IEC Conformity Assessment Board (CAB); and
- d) A Vice President, Immediate Past President or other USNC officer, may represent the USNC at international and regional meetings that the President cannot attend in accordance with section 3.1.2 above.

3.4 USNC Immediate Past-President

The USNC Immediate Past-President may be requested to fulfill special assignments as designated by the USNC President. The USNC Immediate Past-President shall have the privilege of the floor at all meetings and shall serve as an Officer for two years following the conclusion of their term of office, *ex-officio*, without vote.

3.5 USNC General Secretary

The USNC General Secretary is an ANSI staff employee who provides support for the USNC. The General Secretary, or their assigned staff, shall participate directly in all USNC Council, Policy and Standing Committee meetings, including Officer Meetings, without vote.

The General Secretary or assigned ANSI staff may serve as the USNC SMB Alternate Member subject to approval by the USNC Council.

Article IV

USNC Council Policy Committees

The USNC Council shall maintain the following Policy Committees: (a) the USNC Council - Technical Management Committee (TMC); and (b) the USNC Council - Conformity Assessment Policy Coordination Committee (CAPCC). The Policy Committees are responsible for coordinating, developing, and representing USNC consensus position in appropriate national, regional, and international groups.

4.1. USNC Council - Technical Management Committee (TMC)

4.1.1. Responsibilities and Functions

The responsibilities of the TMC shall be carried out in accordance with the Procedures for TMC Management of the Technical Work of the USNC (Annex 2) and include the following:

- a) Developing U.S. positions before the IEC SMB and other regional/international bodies;
- b) Designating USNC TAGs for each IEC technical committee (TC/SC/PC/SyC)¹ in which the U.S. elects to participate;
- c) Approving, for each TAG, as appropriate, Technical Advisors (TAs), Deputy Technical Advisors (DTAs), and USNC TAG Administrators;
- d) Assigning U.S.-held IEC Administrative Secretariats;

¹ IEC TCs, SCs, PCs, and SyCs will be referred to as "IEC technical committees" throughout the document.

- e) Approving of Secretaries and Assistant Secretaries of US-held IEC Administrative Secretariats;
- f) Approving nominations of U.S. Chairs for IEC technical committees;
- g) Coordinating with the General Secretary on invitations to host IEC technical committee meetings in the U.S.;
- h) Establishing, as appropriate, USNC TAGs to cover U.S. participation in SMB activities;
- i) Coordinating with the General Secretary to maintain the Secretariat of an IEC Committee;
- j) Coordinating with USNC CAPCC to resolve any non-technical issues;
- k) Approving TAG Model Operating Procedures;
- l) Reporting to USNC Council after each meeting; and
- m) Hearing appeals in accordance with this Article and Article VIII below.

4.1.2 TMC Chair

The Vice-President – Technical shall serve as Chair of the TMC and shall serve as the U.S. Member to the IEC SMB upon completion of IEC election.

4.1.3 TMC Vice-Chair

The TMC may elect a Vice-Chair. The Vice-Chair assists the Chair of the TMC as needed. The Vice-Chair shall serve a three-year term that is renewable with the consent of the committee.

4.1.4 TMC Membership

TMC members shall be nominated and elected for TMC membership in accordance with Section 5.2, below.

4.1.4.1 Term of Office for TMC Membership

The term of office for individuals elected to the TMC is fixed at three (3) years. Such members may seek reelection to an unlimited number of consecutive three (3) year terms. To the extent possible, terms should be staggered for USNC TMC members.

4.1.5 TMC Meetings

The TMC shall meet as often as necessary to carry out its responsibilities. The TMC's technical constituency (*i.e.*, TAs, DTAs, TAG Administrators and

Secretaries, and U.S. technical committee Chairs and Secretaries) are encouraged to attend. USNC members who are not members of TMC may request permission from the General Secretary to attend TMC meetings, and their attendance is subject to the approval of the TMC Chair. Meetings of the TMC may be called at the Chair's discretion. A meeting report of each TMC meeting shall be provided to the members of the TMC.

4.1.6 USNC TAGs

U.S. participation in IEC technical committees shall be conducted through USNC TAGs designated and authorized by the TMC. Each USNC TAG shall be governed by the Model Operating Procedures for USNC TAGs or comparable procedures approved by the TMC. Such procedures shall include an appeal process for resolving disputes within the TAG.

In addition to official USNC TAGs, the TMC may authorize from time to time the creation of other TMC groups to organize U.S. positions for certain technical activities through the exchange of information among individuals concerned. These groups normally act as mirror committees to corresponding IEC committees.

4.1.7 TMC Appeals

Appeals from final TAG decisions may be brought to the TMC for resolution after all TAG-related appeals have been concluded per the TAG-specific procedures.

The TMC shall seek to resolve any such final TAG decisions in accordance with the Appeals Process detailed in Article VIII below. Final appeals from TMC decisions may be taken to the USNC Council and then to the ANSI Appeals Board, in accordance with applicable procedures.

4.1.8 Performance Concerns

Complaints regarding the performance of TA, DTA, and TAG Secretaries/Administrators should be resolved by the TAG in accordance with its applicable procedures. The TMC shall have the right to remove a TA, DTA, USNC TAG Secretary, or USNC TAG Administrator for good cause shown.

4.1.9 Other TMC Standing and Ad Hoc Committees

Other standing and ad hoc committees may be established as necessary by the TMC with clearly defined scopes and membership to manage the technical work of the USNC.

4.2 USNC Council - Conformity Assessment Policy Coordination Committee (CAPCC)

4.2.1 Responsibilities and Functions

The responsibilities of the USNC CAPCC shall be conducted in accordance with the Procedures for CAPCC Management of the Conformity Assessment Work of the USNC (Annex 3) and include the following:

- a) Developing U.S. positions for the IEC CAB and other regional/international organizations;
- b) Supporting the proper and expeditious development of conformity assessment systems;
- c) Developing recommendations on USNC Conformity Assessment (CA) strategy and implementation plans for USNC Council endorsement;
- d) Recommending USNC CA positions for agenda items at the IEC Board as they arise;
- e) Establishing, as appropriate, processes to address U.S. participation in conformity assessment activities;
- f) Appointing and approving Secretariats of U.S. conformity assessment mirror committees (e.g., USNC/IECEE, USNC/IECEX, USNC/IECRE);
- g) Coordinating with USNC TMC to resolve any standards technical issues;
- h) Reporting to USNC Council after each meeting; and
- i) Approving the USNC CA systems operating procedures.

4.2.2 CAPCC Chair

The Vice President – Conformity Assessment shall serve as Chair of the CAPCC and as such shall also serve as the U.S. Member to the IEC CAB.

4.2.3 CAPCC Vice-Chair

Subject to the approval of the USNC Council, the CAPCC may elect a Vice-Chair for special assignments and duties decided by the committee/Chair in a process and on terms decided by the Committee. The Vice-Chair, if one is elected, shall serve as the CAB Alternate. The Vice-Chair shall serve a three-year term that is renewable with the consent of the committee.

4.2.4 CAPCC Membership

CAPCC members shall be nominated and approved for CAPCC membership in accordance with Section 5.2, below. Officers of US CA mirror committees, and their associated secretaries, shall also serve as Ex-Officio members.

4.2.5 Terms of Office for CAPCC Membership

The term of office for individuals elected to the CAPCC is fixed at three (3) years. Such members may seek reelection to an unlimited number of consecutive three (3) year terms. To the extent possible, terms should be staggered for USNC CAPCC members.

4.2.6 CAPCC Meetings

The CAPCC shall meet as often as necessary to carry out its responsibilities. The CAPCC's technical constituency (*e.g.*, certifiers, testing laboratories, etc.) is encouraged to attend. USNC members who are not members of the CAPCC may request permission from the General Secretary to attend CAPCC meetings, subject to the approval of the CAPCC chair. Meetings of the CAPCC may be called at the Chair's discretion or at the request of five (5) CAPCC members. A meeting report of each CAPCC meeting shall be provided to the members of the CAPCC.

4.2.7 CAPCC Conformity Assessment Mirror Committees

The CAPCC shall maintain a U.S. conformity assessment mirror committee, reporting to CAPCC, to serve as the U.S. member body for each of the IEC Conformity Assessment Systems and Schemes in which the U.S. participates. The Secretariats of all such mirror committees are required to enter into a memorandum of understanding ("MOU's") with ANSI. The mirror committees shall coordinate with appropriate conformity assessment bodies, process applications for U.S. conformity assessment bodies, and develop U.S. viewpoints, comments, and votes on all matters pertaining to their respective IEC Conformity Assessment Systems and Schemes. The mirror committees shall perform the duties set forth in the MOU and the USNC Conformity Assessment Mirror Committee Operating Procedures.

4.2.8 Other CAPCC Standing and Ad Hoc Committees

Other Standing and Ad Hoc Committees may be established as necessary by the CAPCC with clearly defined scopes and membership to manage the conformity assessment work of the USNC.

4.3 Subcommittees or Task Forces

The USNC Council policy committees may establish such additional subcommittees and task forces as are considered desirable to accomplish its mission. Specific details on the operations of these subcommittees and task forces shall be outlined by the respective subcommittee(s) and task forces and approved by the USNC Council policy committee.

4.4 Agendas

In preparing the agenda for USNC Council Policy Committee meetings, the appropriate secretary shall, as far as possible, list all the documents related to the various items for discussion and voting. All members should identify issues for consideration that shall be forwarded to the General Secretary for the attention of the appropriate USNC Council policy committee. Best efforts should be made to circulate relevant documents at least two (2) weeks prior to the meeting.

Article V USNC Council Standing Committees

5.1 Standing Committees

The USNC Council shall maintain, as needed, the following standing committees: (1) the Nominations Committee, (2) the Finance Committee, (3) the Communications Committee, (4) the Rules and Procedures Committee, and (5) the Young and Emerging Professionals Committee. Standing Committee Chair(s) shall be elected by the USNC Council for a renewable three-year term. Standing Committees may elect a Vice-Chair for special assignments and duties decided by the Committee/Chair. The Vice-Chair shall serve a three-year term that is renewable with the consent of the committee.

Standing committees shall have a Chair and a minimum of three members. The USNC Council shall review the membership of all Standing Committees at least annually. The Chair of a Standing Committee has the ability to invite participants to Committee meetings, as the agenda requires.

5.2 USNC Nominations Committee

The USNC Nominations Committee will seek to maintain a diversity of representatives. The Nominations Committee should not include individuals whose current terms of office are expiring at the end of the year as they may be candidates for one or more positions.

The Nominations Committee shall:

- a) Review qualifications and nominate qualified candidates for open USNC Council officer positions and other open positions on the USNC Council, TMC, and CAPCC;
- b) Provide periodic reports to the USNC Council, TMC, and CAPCC;
- c) Recommend periodically to the USNC Council modifications to the criteria for such positions;
- d) Recommend periodically to the USNC Council qualified candidates for award programs such as IEC, ANSI, and other relevant electrotechnical award opportunities; and
- e) Each year submit to the General Secretary a list of all qualified candidates for membership on USNC Council, TMC, and CAPCC, and open USNC Officer positions.

The Nominations Committee shall determine whether candidates are qualified to serve in these positions, but shall not make any final determinations of which candidates will fill these positions. Elections shall be conducted in accordance with Article VII below.

5.3 USNC Finance Committee

The USNC Council shall maintain a USNC Finance Committee, chaired by the Vice President - Finance.

The USNC Finance Committee shall recommend:

- (1) Proposals on new or continuing USNC activities and objectives that the Committee believes will serve the strategic interests of the USNC;
- (2) Proposed changes to the staff-prepared budget reflecting the estimated revenues and expenses for the following calendar year in alignment with the ANSI budget cycle.

Revenues include but are not limited to the ANSI international activity assessments for IEC P-membership, IEC Secretariats, and individual and corporate activity assessment levied for USNC/IEC participation. Expenses include ANSI staff support costs, IEC dues, direct program costs, and agreed upon indirect cost. In developing a budget recommendation for USNC Council to review and approve, the Finance Committee shall recommend applicable dues and fees for USNC/IEC individual and corporate activity assessments to support the activities of the USNC Council.

ANSI will provide regular summary reports detailing revenues and expenses related to the USNC program.

5.3.1 Financial Support for the Technical Work of the USNC

Except for the USNC Secretariat, the USNC does not provide financial support for activities such as the work of TAs or USNC TAGs, U.S. delegates to IEC meetings, or hosting IEC technical committee meetings held in the United States. Financial and administrative support for such activities must be arranged by the relevant TA, USNC TAG, its Administrator, and/or the related industry sector(s).

5.4 USNC Communications Committee

The USNC Council shall maintain a standing Communications Committee charged with recommending and developing appropriate communications relating to USNC activities, training, and education programs. This work shall be completed through the USNC General Secretary with the support of the ANSI Communications Department.

5.5 USNC Rules and Procedures Committee

The USNC Council shall maintain a Rules and Procedures (R&P) Standing Committee charged with recommending changes to the USNC statutes, policy documents, rules and procedures, and terms of reference documents.

5.6 USNC Young and Emerging Professionals Committee

The USNC Council shall maintain a Young and Emerging Professionals Standing Committee charged with the engagement and education of Young and Emerging Professionals in the fields of standardization and conformity assessment.

5.7 Other Standing Committees

Other Standing Committees may be established by the USNC Council with clearly defined scopes and membership as necessary.

5.8 Agendas

Best efforts should be made to circulate a meeting agenda and relevant documents at least two (2) weeks prior to each meeting.

Article VI

Voting Requirements for USNC Council and USNC Policy and Standing Committees

6.1 Voting Rights

Each member of the USNC Council and the USNC Policy and USNC Standing Committees shall have only one vote. If more than one member from a single organization participates in the USNC Council or one of its Policy, Standing Committees or Appeals Panels, only one such member is entitled to vote on matters arising before these groups or any subgroups.

Votes are decided by a simple majority vote and require a quorum. Abstentions are not counted towards determining majority.

The USNC Council Chair and the Chairs of the USNC Council Policy and Standing Committees shall only vote in order to break a tie while chairing a meeting of their respective committees.

6.2 Quorum

Except as otherwise stated, the presence in person (or through approved remote participation) of at least one half of the members of the USNC Council or any USNC Policy or Standing Committee shall constitute a quorum for the transaction of business at all meetings of the USNC Council or any USNC Policy or Standing Committee. A quorum is required to make decisions but not to hold a meeting. The Chair counts towards a quorum.

6.3 Remote Participation

At the discretion of the Chair of the USNC Council or Chairs of the USNC Council Policy or Standing Committees, any one or more committee members who are not physically present at a regular or special meeting of the USNC Council or USNC Policy or Standing Committee meetings may participate remotely. Remote participation shall constitute presence in person at a meeting as long as both the Committee and the remote participant is able to use audio equipment that will ensure all persons participating in the meeting can hear and interact with the remote participant and the remote participant is able to propose, object to, and vote upon a specific action to be taken at the meeting.

6.4 Electronic Ballot

Electronic ballots used by the USNC Council, USNC Council Policy Committees and USNC Council Standing Committees shall be decided by a simple majority of the members voting, excluding abstentions, providing at least 50% of the voting members return their ballots. Electronic ballots used outside of a meeting shall normally close two (2) weeks from date of issue. Electronic ballots shall be authorized by the USNC Council

Chair, USNC Policy Committee Chair, or the USNC Standing Committee Chair as the case may be.

The General Secretary shall establish and operate a follow-up procedure to encourage a maximum return.

6.5 Accelerated Electronic Ballots

Upon approval of the General Secretary, items where expeditious returns are required, electronic ballots may be circulated with a one (1) week return date. The same voting criteria as defined under electronic ballots shall be followed.

6.6 Consideration of Comments on Ballots

The General Secretary shall forward the comments to the committee. The views and objections shall be considered by a process determined by the Chair.

Article VII

Elections and Vacancies

7.1 Ballots on Candidates Nominated by Nominations Committee

In the last quarter of each year, a list of all qualified candidates nominated by the Nominations Committee in accordance with Section 5.2 above, for election to the USNC Council, TMC and CAPCC shall be sent by the General Secretary to the USNC Council by electronic ballot. The candidates receiving the plurality of votes shall be declared elected to the respective positions for which they are considered, subject to consent by the ANSI Executive Committee.

The nomination and election procedures shall be timed to permit a closing date for the ballots no later than December 1.

7.2 Vacancies

In the event of a vacancy in any USNC-elected position, including USNC officers or members of the USNC Council, TMC, or CAPCC, the USNC Council may elect a suitable person to fill the unexpired term of the vacating member. Elections for vacant USNC elected positions shall be conducted in accordance with section 7.1.

Article VIII

USNC Council Appeals Procedure

8.1 Right to appeal

U.S. National Interested Parties (See Annex 1) who believe they have been or will be

adversely affected by an action or inaction of the USNC Council or its Policy Committees or the decisions of USNC TAGs have the right to appeal in accordance with the procedures contained in this Article. These procedures apply to all appeals filed with the USNC Council or its Policy Committees.

Other concerns of such U.S. National Interested Parties should be brought to the attention of the USNC General Secretary. The USNC Council (or the relevant Policy Committee) will address such concerns in a manner that it deems fair and reasonable, consistent with this Article VIII and the ANSI By-Laws.

8.2 Status of decision pending conclusion of an appeal and related communications

Pending a decision by an appeals panel of the USNC Council or its Policy Committees (“Appeals Panel”), the decision of the body that initially rendered the decision that is the subject of the appeal shall remain in effect unless the appeals panel grants a stay in accordance with section 8.3. No party to an appeal may communicate with any member of an Appeals Panel on the subject of the appeal while the matter is pending. All communications regarding pending appeals shall be directed to the General Secretary of the USNC.

8.3 Request to stay a decision pending the conclusion of an appeal

In the event that a party to a duly filed appeal wishes to request a stay from the Appeals Panel of the decision at issue pending the conclusion of the review process, these procedures apply. The party requesting the stay will be allowed to submit a one-page statement to succinctly explain the extraordinary basis for the request and the other party, if it opposes, will be allowed to submit a one-page statement to succinctly explain why the Appeals Panel should not grant the request.

- a) The requestor shall contact the USNC General Secretary to request implementation of the stay process.
- b) The requestor will be allowed one week to submit a one-page statement in support of its request.
- c) The one-page request will be provided to the other party(ies), which will in turn be allowed one week to submit a one-page response. (The one-page request/response shall be single spaced and in 12-point font or larger.)
- d) Both documents will be provided to the Appeals Panel via an accelerated electronic ballot.
- e) The USNC General Secretary will issue a written decision to both parties on behalf of the Appeals Panel.

8.4 Appeals Panels

Hearing of appeals shall be handled by an Appeals Panel of at least three (3) voting members of the responsible USNC body (including the Appeals Panel Chair, who is also entitled to vote) who have been vetted in accordance with the conflict-of-interest provisions set forth in section Article IX below. If three (3) members of the USNC Council or one of its Policy Committees, as the case may be, are not available to serve on the Appeals Panel, the Chair of the USNC Council may appoint one or more additional panel members who shall be persons knowledgeable about the *USNC Statutes and USNC TAG Model Operating Procedures*, as applicable. Such appointment(s) of non-USNC members shall be with the concurrence of all parties to the appeal.

An appeal of a decision of a USNC Policy Committee appeals panel may be filed with the USNC Council within twenty-one (21) calendar days of the date on which the Policy Committee's final appeals decision is issued to all parties.

8.5 Content, Form and Timing of Appeal

All appeals, along with the required filing fee, shall be directed to the USNC General Secretary on or before 11:59 PM Eastern time of the due date. The filing fee may be waived or reduced only upon sufficient evidence of hardship.

All parties filing an appeal or authoring letters of support must be clearly identified, and contact information provided, at the time of filing. Anonymous filings will not be accepted.

All appeals shall be made in writing. The appeal shall be comprised of a brief, written statement ("Appeals Statement") of the matter and the reason(s) why the appellant believes the decision is in error. The Appeals Statement should include/append as appropriate the following:

- a) a copy of the decision from which the appeal is taken;
- b) an explanation of the issue and the procedural history;
- c) arguments that explain why appellant believes the decision was in error;
- d) references to the provision(s) of the USNC procedures upon which appellant relies;
- e) relevant evidence that directly supports appellant's position and upon which appellant relies;
- f) letters of support for the appeal, if any, per section 8.7; and
- g) the specific relief sought by appellant from the USNC.

The Appeals Statement (exclusive of exhibits submitted pursuant to (a), (e) and (f), above, and table of contents) shall not be more than 30 pages, double-spaced, in 12-point font or larger. The USNC General Secretary shall have discretion to extend this page limit for good cause shown.

Unless otherwise instructed by the USNC General Secretary, the required Appeals Statement shall be submitted via electronic means (with one complete hard copy mailed to the General Secretary) within twenty-one (21) calendar days following the date of the decision that is the subject of the appeal or at any time with respect to an inaction by the USNC Council or USNC policy committee. If the appellant is unable to provide the required Appeals Statement within the twenty-one (21) calendar day deadline, an extension may be requested, with the grounds for such request noted. Such request must be directed to the USNC General Secretary within the twenty-one (21) calendar day deadline or the appellant shall forfeit the right to appeal. Extensions of time to submit an appeal may be granted at the discretion of the Chair of the USNC Council or of the relevant Policy Committee as the case may be, or, if the Chair is unavailable, the USNC General Secretary. No supplemental filing prior to the forthcoming hearing shall be permitted without a showing of good cause.

8.6 Response

The Appeals Statement shall be distributed by the USNC General Secretary to respondent(s) identified or approved by the Appeals Panel and such respondent(s) will be provided the opportunity to respond. The respondent(s) shall have twenty-one (21) calendar days from the date of distribution to submit their response to the appeal on or before 11:59 PM Eastern time of the due date.

All parties responding to an appeal or authoring letters of support must be clearly identified, and contact information provided, at the time of filing. Anonymous filings will not be accepted.

The response shall be comprised of a brief, written statement ("Appeals Response") of the matter and the reason(s) why the respondent believes the decision is not in error. The Appeals Response should include/append as appropriate the following:

- a) the reasons why respondent believes the decision under appeal was correct and a reference to the provisions in the USNC procedures upon which the respondent relies;
- b) relevant evidence that directly supports respondent's position and upon which respondent relies; and
- c) letters of support for the response, if any, per section 8.7.

The Appeals Response (exclusive of exhibits submitted in response to (b) and (c), above, and table of contents) shall not be more than 30 pages, double-spaced in 12-point font or larger. The USNC General Secretary shall have discretion to extend this page limit for good cause shown.

The Appeals Statement, together with the Appeals Response, shall be distributed by the USNC General Secretary to the Appeals Panel, subject to applicable conflict of interest

procedures, and to the parties. No supplemental filing prior to the forthcoming hearing shall be permitted without a showing of good cause.

If the respondent is unable to provide the required response within twenty-one (21) calendar days, an extension may be requested, with the grounds for such request noted. Such request must be directed to the USNC General Secretary within the twenty-one (21) calendar day deadline or the respondent shall forfeit the right to respond. Upon receipt of the response, it shall be provided to the appellant for information only. Extensions of time to submit a response may be granted at the discretion of the Chair of the USNC Council Appeals Panel, or, if the Chair is unavailable, the USNC General Secretary. No reply to the response prior to the forthcoming hearing shall be permitted without a showing of good cause.

8.7 Letters of support by non-parties to the appeal

A person or organization that is not a party to the appeal may submit a letter of support for a position taken by the appellant or respondent to the appeal by contacting that party and requesting that such a letter be included in that party's formal appeals brief or response.

Such party-supporting letters shall be clearly marked as such, may not include new evidence, may not exceed three single-spaced pages in length and 12-point font or larger, and shall address procedural issues only. Letters not meeting the requirements of this section will not be accepted without the approval of the Appeals Panel Chair. Authors of such letters do not have any special standing with respect to the USNC's appeals processes, are not considered parties to the appeal and do not have the right to address the adjudicating body at the hearing on the matter.

8.8 Hearing

A hearing date for an appeal shall be set by the USNC General Secretary after consultation with the Appeals Panel Chair. However, a later date may be scheduled if mutually agreeable to the participants in the hearing. All parties shall be given at least calendar (21) calendar days' notice of the hearing date. Panel members shall receive copies of the appeals record at least twenty-one (21) calendar days prior to the date of the appeals hearing. The name and affiliation of all speakers and any observers must be provided to the USNC General Secretary in advance of the hearing date.

At the hearing, the appellant's position shall be presented first, followed by the respondent. Each side is then allowed to respond until their total allotted time is exhausted. A half hour total, for the initial presentation and subsequent responses, is allotted for each side, with a limit of three speakers per side. Additional time is allotted for a question-and-answer session directed by the Appeals Panel. At the hearing, speakers are not permitted to make assertions about facts or issues not in the record. The hearing may not be recorded in any way. At the close of the question-and-answer period, the Appeals Panel shall go into executive (closed) session for the purpose of arriving at a

decision.

Should any party not be present at the hearing, the decision of the Appeals Panel shall be based on the presentations made by the parties that are present at the hearing in addition to the written submissions on record.

8.9 Decision

Decisions of Appeals Panels shall require a majority vote of the panel, shall represent the decision of the USNC Council or one of its Policy Committees. Notice of a decision reached by the Appeals Panel shall be sent by the USNC General Secretary to the parties within forty-two (42) calendar days, unless the USNC General Secretary requests an extension that is authorized by the Appeals Panel Chair. The decision shall specify the outcome of the appeal, and shall be accompanied by an explanation of the reasons for such outcome, and the specific relief granted, if any. The outcome of the appeal shall be announced in *Standards Action*.

8.10 Accessibility of Appeals Decisions

A copy of the appeals decision shall be made available upon request.

8.11 Appeal of USNC Council Actions and Remands

In accordance with the *ANSI Appeals Board Operating Procedures*, an appeal from a final decision of the USNC Council may be filed with the Appeals Board. The USNC Council may also hear appeals remanded or referred to the USNC by the ANSI Appeals Board.

8.12 Informal Settlement

The USNC encourages settlement of disputes at any time if the settlement is consistent with the objectives of the applicable USNC procedures. Any settlement (to which the parties agree in writing) that is consistent with applicable USNC procedures, or an agreement to withdraw the appeal, will terminate the appeals process.

Article IX

Conflict of Interest, Code of Conduct and Fiduciary Duties

9.1 Responsibilities of Committee Members Generally

All members of the USNC Council and its Policy Committees shall, in that capacity, act as fiduciaries to USNC/ANSI, and shall act in good faith and in the best interest of

USNC/ANSI. All members of the USNC Council, and its Policy and Standing Committees, shall abide by these Statutes and Rules, ANSI's Conflict of Interest and Related Party Transaction Policy, as well as the ANSI Code of Conduct.

9.2 Responsibilities When Making Decisions on Behalf of USNC/ANSI

A member of the USNC shall act at all times in a manner that promotes confidence in the integrity and impartiality of the USNC and should avoid a conflict of interest, or the appearance of a conflict of interest, in connection with all USNC activities. A conflict of interest can arise from involvement by a USNC member with the subject matter of a dispute under consideration by the USNC, or from any relationship between the USNC member and a party to an action before the USNC, whether past or present, that reasonably raises a question of an USNC member's impartiality.

Typically, a potential conflict of interest arises when a member of the USNC participates in activities integral to the particular issue under review, or that person is employed by, or a member of the governing body of, the relevant organization or other entity as applicable.

If a directly and materially interested party asserts that he or she believes that a member of the USNC has a conflict of interest, that party is required to state the reason(s) for their belief. That information shall then be forwarded to the member of the USNC identified as having a possible conflict for that person's response. If that committee member disagrees with the assertion, the Chair of the relevant committee, with input from ANSI's General Counsel as appropriate, shall make a final determination as to whether a conflict of interest exists. In making that decision, the Chair shall seek to avoid potential conflicts or appearance of impropriety.

Members of the USNC who are deemed to have a potential conflict of interest shall not participate in the deliberations or decisions. The USNC Council does not consider it to be a conflict of interest for a member to vote for oneself during an election.

Article X

Miscellaneous

10.1 Annual Report

The USNC General Secretary and USNC President shall provide an annual report to the Board of Directors of ANSI and the USNC on U.S. participation in IEC activities.

10.2 Amendments to Statutes and Rules

Proposed changes to these Statutes and Rules of the USNC shall be reviewed by the USNC Council. Modifications to these Statutes and Rules and the reasons for these changes shall be balloted electronically to the USNC Council. The ballot shall be at least 30 calendar days. Final approval by the USNC Council of proposed changes to these

Statutes and Rules requires a two-thirds (2/3) majority vote before submission to the ANSI Executive Committee for final approval.

10.3 Supplementary Issuances and Conflicts

The USNC Council and its Committees may, from time to time, issue instructions, policy guidance statements, or other informational material. In the event of any conflicts between these documents and the USNC Statutes and Rules, the provisions of the USNC Statutes and Rules shall prevail.

10.4 Dissolution of the USNC

The USNC shall not be dissolved without the consent of the USNC Council. The balloting on dissolution shall be at least 30 calendar days, and requires a two-thirds (2/3) majority vote.

10.5 Exhaustion of Remedies

Each USNC member agrees that if a dispute shall arise between the member and ANSI or the USNC, the member shall in the first instance be obligated to pursue and exhaust all administrative appeals available to such member within ANSI.

Annex 1

Definitions and Acronyms

Definitions

U.S. National Interested Party: A U.S. National Interested Party is directly and materially interested in the relevant standards activity and is:

1. a corporation or an organization domiciled in the U.S.; or
2. a U.S. branch office of a foreign company registered or authorized to do business in one or more U.S. states or territories²; or
3. a U.S. federal, state or local government entity; or
4. a U.S. citizen or permanent legal resident.

Good standing: Individuals meeting all responsibilities and obligations of USNC membership (e.g., appointed by a member organization, dues up to date, etc.)

Acronyms

AIC	ANSI ISO Council
ANSI	American National Standards Institute
CAB	IEC Conformity Assessment Board
CAPCC	USNC Conformity Assessment Policy Coordination Committee
B	IEC Board
IPAG	ANSI's International Policy Advisory Group
IEC	International Electrotechnical Commission
ISO	International Organization for Standardization
PC	Project Committee
SC	Subcommittee
SMB	IEC Standardization Management Board
SyC	Systems Committee

² A U.S. Nationally Interested Party does not include employees of other IEC National Member Bodies (NMB). Such employees should participate in international standards development through their own NMB.

TA	Technical Advisor
TAG	Technical Advisory Group
TC	Technical Committee
TMC	USNC Technical Management Committee
USNC	U.S. National Committee of the International Electrotechnical Commission

Annex 2

PROCEDURE FOR TMC MANAGEMENT OF THE TECHNICAL WORK OF THE USNC

1. General-TC/SC/SyC Participation

U.S. participation in IEC technical committees is conducted through USNC Technical Advisory Groups (TAGs). The TMC may designate a USNC TAG to cover each IEC technical committee.

1.1 USNC Endorsement of U.S. Participants as IEC Technical Committee Chairs

Chairs of technical committees are nominated by the appointed Secretariat and, in the case of U.S. nominees, the nomination is subject to the approval of the USNC TMC.

Before the USNC TMC endorses the appointment of a U.S. nominee as the Chair of an IEC technical committee, it shall have reasonable assurance the nominee will have adequate financial support and will be able to meet the time requirements of the assignment. It should be understood that the USNC does not provide financial support for U.S. Chairs.

2. USNC Assignment of IEC Technical Committee Secretariats

The Secretariat of a technical committee is appointed by the SMB to a National Committee. The Secretariat of an SC is allocated by the parent TC.

For those Secretariats appointed to the USNC, the duties are further assigned by the USNC Council through the TMC to a US-based organization that will act as an Administrative Secretariat. To be named as Administrative Secretariat, the US-based organization must first:

- a) Demonstrate it is willing to serve as the USNC Administrative Secretariat
- b) Confirm in writing its intent to support an individual to function as the Secretary including:
 - 1) Confirmation of its willingness to commit sufficient financial, administrative, technical support and resources
 - 2) Confirmation that it will serve an initial period of four years
- c) Be approved by the USNC TMC.

The Administrative Secretariat appoints a Secretary.

This assignment of an Administrative Secretariat is not further assignable to another organization without the approval of the USNC TMC.

The USNC TMC may revoke any assignment made to an Administrative Secretariat. In making a determination of revocation, the USNC TMC will review all relevant facts and circumstances, including any concerns or complaints raised by third parties, and provide the Administrative Secretariat with the opportunity to address any concerns or complaints that have been raised. A decision to revoke an Administrative Secretary shall be made only upon full discussion in an open meeting of the USNC TMC and a vote of the USNC TMC supporting the revocation.

The Administrative Secretariat agrees to give the USNC TMC at least one year advance notice (or two years advance notice if still serving its initial term) before it will no longer fulfill the responsibility of the Administrative Secretariat.

Annex 3

PROCEDURE FOR CAPCC MANAGEMENT OF THE CONFORMITY ASSESSMENT WORK OF THE USNC

1. Acceptance of IEC CA System Participation

General – CAPCC Participation

U.S. participation in an IEC Conformity Assessment (CA) System shall be approved by the USNC CAPCC. This USNC CAPCC appointed activity is called a USNC CA Mirror Committee. A viable USNC CA Mirror Committee is defined as one having a Secretariat, a Secretary, and three (3) or more members in good standing.

The USNC CA Mirror Committee shall select Officers to include a Chair, one or more Vice-Chair(s), and a Treasurer. The officers shall coordinate the work of the mirror committee.

Each USNC CA Mirror Committee shall be administered by a Secretariat designated by a majority vote of the mirror committee and approved by the USNC CAPCC. The Secretariat, with the concurrence of the mirror committee, shall appoint a Secretary to carry out the day-to-day work of the mirror committee and to take action as instructed by the mirror committee or as directed by the Chair.

USNC CA Mirror Committee must notify the CAPCC of new Schemes under consideration and/or for approval by the USNC CA Mirror Committee, which will then be reported out to the USNC Council.

2. Requests for Acceptance of a New Field of IEC CA System

Proposal for the Development of a New IEC CA System by the USNC

USNC CAPCC shall consider any written requests to initiate a new field of IEC CA activity. Such requests shall include:

- a) An assessment of the market sector needs to determine if it can support an international conformity assessment system;
- b) A business plan regarding the new field of IEC CA activity, including its ability to be self-financing.

Based on the results of the above information, the USNC CAPCC will determine a U.S. position on the proposed new IEC CA System. If the USNC CAPCC supports the

proposal, it will then submit the proposal to the IEC CAB via the U.S. CAB delegate. The U.S. CAB delegate is the Chair of the CAPCC with the Vice Chair of CAPCC serving as the U.S. CAB Member and Alternate.

Development of a USNC Position on a Proposal for a New IEC CA System

U.S. National Interested Parties who might reasonably be expected to be, or who indicate that they are affected by the proposed scope of the activity, shall have an opportunity to express their views.

Members of USNC Council and the public shall be notified through ANSI's Standards Action and other appropriate publications of the opportunity to comment on a new field of IEC CA System activity.

The U.S. position shall be guided by the following criteria:

- a) Documented evidence that U.S. National Interested Parties support the new field of IEC CA System activity
- b) Confirmation that technical requirements for use within the proposed IEC CA System are recognized within the U.S.

Based on the results of the above information the USNC CAPCC will establish a U.S. position on the proposed new IEC CA System and submit its position to the IEC CAB via the U.S. CAB delegate.

3. Participation or Withdrawal in a (New) IEC CA System

Participation in a New IEC CA System

Members of USNC and the public shall be notified through ANSI's Standards Action and other appropriate communications of the opportunity to participate, including a call for membership and Secretariat, in the new IEC CA System activity.

Establishment of a new USNC CA Mirror Committee will be based on a confirmation of minimum membership and a documented commitment by a Secretariat to:

- a) Provide a minimum of a three-year financial and technical commitment to support the activity to support effective U.S. participation in the work of the IEC CA System;
- b) Undertake the responsibilities of Secretariat in accordance with USNC CA-01 Section 4.

The CAPCC shall approve the new Secretariat by a simple majority vote of the CAPCC.

Once formed, the membership of the USNC CA Member Body will be responsible for electing officers and ensuring the execution of an MOA between ANSI and the proposed Secretariat in agreement with the USNC Statutes and Rules and additional operating documentation.

Withdrawal from an IEC CA System

The USNC CA Mirror Committee will notify the USNC CAPCC with a rationale and timeline for their intended withdrawal.

In consultation with the USNC CAPCC, the USNC CA Mirror Committee will recommend a proposal for an orderly withdrawal from the IEC CA System. The USNC CAPCC will determine appropriate actions.

Delegation of Administration of Secretariats to a USNC CA Mirror Committee

The USNC CAPCC shall make all decisions concerning the assignment of the administration of secretariats to a USNC CA Mirror Committee, including the granting, continuance, transfer or withdrawal of such assignments.

Delegation of a Secretariat to a USNC CA Mirror Committee

A Secretariat of a USNC CA Mirror Committee shall be a USNC Member. Any responses to the announcement to serve as Secretariat of the USNC CA Mirror Committee shall demonstrate that the following criteria are met:

- a) Documented evidence the organization is a U.S. national interested party with the ability to hold the secretariat.
- b) The organization is a member of the USNC and has committed to encourage interested parties to join the USNC.
- c) The organization has sufficient documented technical and administrative competence.
- d) The organization has complied and shall take all appropriate measures to comply with U.S. antitrust laws and foreign competition laws.
- e) Documented evidence from members of USNC CAPCC demonstrating support for the organization seeking to hold the secretariat.
- f) The organization has made a financial commitment for not less than three years covering the costs associated with holding the secretariat, including the defined costs incurred by USNC CAPCC for administrative support and oversight of the delegated secretariat.
- g) The organization agrees that, should it be unable to continue to serve, it will provide sixty (60) days prior written notice to USNC CAPCC of its intent to relinquish the secretariat.
- h) The organization agrees to comply with the requirements of the USNC CAPCC oversight of USNC CA Mirror Committee secretariats in accordance with USNC CA-01 Section 4.

- i) The organization has committed in writing to comply with all applicable rules and policies of the USNC and the IEC CAB.
- j) The organization agrees to complete training offered by the USNC CAPCC and IEC to support compliance with IEC CAB and USNC CAPCC procedures governing the administration of the USNC CA Mirror Committee secretariat.
- k) The organization executes a Memorandum of Agreement between the American National Standards Institute and secretariat.

Relinquishing of a Secretariat of a USNC CA Mirror Committee

The secretariat will notify the USNC CA Mirror Committee, the USNC CAPCC, and ANSI with a rationale and timeline for its intended withdrawal.

In consultation with the USNC CAPCC, the USNC CA Mirror Committee will recommend initiation for a call for a new secretariat (USNC CA-02 Section 2) and take appropriate action.

The relinquishing secretariat will make final notification that they have fulfilled their obligations under their MOA.

Termination of a Secretariat of a USNC CA Mirror Committee

A proposal to terminate assignment of a secretariat of a USNC CA Mirror Committee may be initiated by a USNC Council, CAPCC or CA Mirror Committee Member. The proposal shall be submitted in writing to notify the USNC CA Mirror Committee, the USNC CAPCC, and ANSI and shall include the reasons including cause and documented evidence why the secretariat should be terminated.

In consultation with the USNC CAPCC, the USNC CA Mirror Committee will recommend action related to the resolution of the request for termination of the MOA with the secretariat, in accordance with USNC CA-01 Clauses 2.2.3 and 2.2.6.

USNC CAPCC Oversight of USNC CA Mirror Committees

The USNC Conformity Assessment Mirror Committee Operating Procedures (USNC CA 01), under the responsibility of the USNC CAPCC, and their associated supplement shall be adopted fully by each USNC CA Mirror Committee as its operating procedures.

Informative Annex 4

Fiduciary Duties

Scope and Context of Fiduciary Duties: Members of the USNC Council and its Policy Committees are the members themselves, not the entity with which they are affiliated. When a corporate member designates an individual to serve on the USNC Council or its Policy Committees, that individual serves in a personal capacity and owes fiduciary duties to ANSI, not to the designating corporation. These fiduciary duties apply when members are performing functions on behalf of USNC/ANSI. These duties do not restrict members from representing their employers' or organizations' interests in other contexts, such as technical standards development activities, market activities, or other professional roles. Members should understand when they are acting in their capacity as USNC fiduciaries (making decisions for ANSI) versus when they are acting as representatives of their employers or organizations in other contexts.

Relationship Between Individual and Designating Corporation: When acting in their capacity as members of the USNC Council or its Policy Committees, individuals designated by corporate members are not acting as agents of or on behalf of their designating corporations. The designating corporation is not bound by and does not control the individual's decisions made in their fiduciary capacity to ANSI. The individual's fiduciary obligations to ANSI supersede any direction or instruction from their employer regarding USNC Council or Policy Committee matters.

Understanding Fiduciary Duties: As fiduciaries, members of the USNC Council and its Policy Committees owe ANSI a duty of care (acting with the care that an ordinarily prudent person would exercise in a like position and under similar circumstances) and a duty of loyalty (pursuing the interests of USNC/ANSI rather than personal financial interests). This means that when voting on matters or making decisions on ANSI's behalf, members must prioritize ANSI's interests, not their employer's commercial interests. If members believe their duties to their employer or another third party conflict with those of ANSI, they may recuse themselves from decision-making as detailed in Section 9.2 below.

Protections for USNC Council and Policy Committee Members: Members of the USNC Council and its Policy Committees acting within the scope of their authority and in good faith are covered by ANSI's professional liability insurance. The policy specifically defines "Individual Insured" to include "any past, present or future director, officer, employee, volunteer, committee member or trustee of the Named Insured...while acting on behalf of the Named Insured in such capacity." Members are eligible for indemnification under Article XI of ANSI's By-Laws on the same basis as Board members, subject to the conditions specified therein. Personal liability arises only in extraordinary circumstances involving bad faith, self-dealing, or gross negligence — not from good faith errors in judgment. Questions about scope of authority, insurance coverage, or conflicts may be directed to ANSI's General Counsel.