

# Procedures for Standards Development

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## Foreword

The American Petroleum Institute (API) *Procedures for Standards Development* (Procedures) provide specific guidance for API standards activities including; project justification and initiation of new standards; approval balloting; requirements for balance, consensus and due process; procedures for revision, reaffirmation and withdrawal; criteria for processing requests for interpretations; intellectual property and patent policy guidance; and API's appeals process.

These Procedures govern the development of all standards published exclusively by API and jointly with other standards developing organizations. All API standards development activities shall be conducted in accordance with these Procedures.

These Procedures also provides guidance that allows for the submittal of candidate API standards for approval as American National Standards including the national adoption of International Organization for Standardization (ISO) standards as American National Standards.

These Procedures have been approved by the ANSI Executive Standards Council (ExSC) effective July 31, 2019.

For additional information on API's standards program contact the Standards Director, American Petroleum Institute, 200 Massachusetts Avenue, NW, Suite 1100, Washington, DC 20001.

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# Contents

1	Scope .....	1
1.1	API Standards Committees .....	1
1.2	Joint Committees.....	1
2	Standardization Authority .....	1
3	Definitions.....	1
4	Designation of API Standards .....	3
4.1	General.....	3
4.2	Definition of Standard.....	3
4.3	Specifications .....	3
4.4	Recommended Practices .....	3
4.5	Standards .....	3
4.6	Codes .....	3
4.7	Other Document Designations .....	3
5	Procedures .....	4
5.1	General.....	4
5.2	Due Process .....	4
5.3	Notification of Standards Activities .....	5
5.4	Resource Needs.....	7
5.5	Membership on Standards Committees.....	8
5.6	Balloting.....	9
5.7	Interpretations .....	12
5.8	Appeals.....	13
5.9	Maintenance of Standards .....	14
5.10	Standards Meeting Procedures.....	17
5.11	Effective Date .....	17
6	Normative Policies.....	17
6.1	Records Retention.....	17
6.2	Terms Relating to Provisions in API Standards .....	18
6.3	Referencing Standards in API Standards .....	18
6.4	Intellectual Property.....	18
6.5	Commercial Terms and Conditions .....	19
6.6	Metric Policy .....	20
6.7	Liaison .....	20
6.8	On-Line Access to Standards Information .....	20
7	International Standards Activities .....	21
7.1	Adoption of ISO Standards as American National Standards.....	21
7.2	Expedited Procedures for the Identical Adoption of an ISO Standard.....	21



# API Procedures for Standards Development

## 1 Scope

### 1.1 API Standards Committees

The procedures established in this document govern the development of standards published by the American Petroleum Institute (API). All API standards development activities shall be conducted in accordance with these Procedures.

API committees responsible for standards development may also maintain written procedures addressing individual committee organization, scope, membership and conduct. These Procedures shall not be amended by individual committee procedures or procedures developed for joint committee activities (see 1.2).

Questions regarding intellectual property issues such as copyrights, trademarks or patents shall be directed to the API Office of General Counsel.

### 1.2 Joint Committees

API committees working jointly with other standards developing organizations shall maintain written procedures addressing joint committee structure, scope, membership and operations.

## 2 Standardization Authority

The authority to develop standards has been authorized by the API Board of Directors and rests with the API segment and standards policy committees. This authority may be delegated to subordinate committees with responsibility for standards development.

## 3 Definitions

For the purposes of these procedures, the following definitions apply.

### 3.1

#### **consensus body**

The group that approves the content of a standard by ballot and by its approval, demonstrates evidence of consensus.

### 3.2

#### **standards action**

A substantive action taken or decision reached by an API committee or API staff relating to a standard or the manner in which such action was taken or decision was reached.

Note: Standards actions may include approval of new standards, revision, reaffirmation or withdrawal of existing standards and the decision to nationally adopt an international standard.

### 3.3

#### **standards policy committee**

A committee with overall responsibility for standards program management in a particular subject area.

Note 1: A standards policy committee may be established by the API Board of Directors, an API General or Segment Committee or an authorized subordinate level committee.

Note 2: Membership on standards policy committees is limited to representatives of API member companies.

### 3.4

#### **standards committee**

A committee with the overall responsibility for developing, maintaining and approving API standards for a particular category or categories of equipment, materials, or practices in accordance with these Procedures.

Note 1: A standards committee may be responsible for an entire standards program or industry sector.

Note 2: Responsibility for standards programs may be assigned to intermediate committees with authority to form, guide, and coordinate standards committees as needed.

### 3.5

#### **subgroup**

A group formed by a standards committee for the purposes of developing consensus through the balloting procedures described in Section 5.6 *Balloting*. It may also provide oversight to additional subordinate groups responsible for (1) the definitive content of one or more standards, and (2) responding to views and objections therein.

### 3.6

#### **editorial changes**

##### **non-substantive changes**

Changes intended to correct errors or inconsistencies in a manuscript. Editorial changes have no effect on the way the standard is used or applied.

### 3.7

#### **substantive changes**

Changes that directly and materially affect the use of the standard.

Example: A non-exclusive list of examples are as follows:

- changing “shall” to “should” or “should” to “shall”;
- the addition, deletion or revision of requirements, regardless of the number of changes;
- the addition of mandatory compliance with referenced standards.

### 3.8

#### **shall**

Denotes a minimum requirement in order to conform to the standard.

### 3.9

#### **should**

Denotes a recommendation or that which is advised but not required in order to conform to the standard.

Note: In some cases, third parties or authorities having jurisdiction may choose to incorporate API standards by reference, and may mandate compliance with all requirements and recommendations. All uses of the words “should and “shall”, therefore, must be based on sufficient information of the standard’s current and potential future use.

### 3.10

#### **may**

Denotes a course of action permissible within the limits of a standard.

### 3.11

#### **can**

Denotes a statement of possibility or capability.

### 3.12

#### **periodic maintenance**

Maintenance of a standard by review of the entire document and action to revise or reaffirm it on a schedule not to exceed five years from the date of its approval.

### **3.13**

#### **continuous maintenance**

Maintenance of a standard by consideration of recommended changes to any part of it according to a documented schedule for consideration and action by the consensus body.

### **3.14**

#### **stabilized maintenance**

Maintenance of an eligible (5.9.4) standard on a 10-year review cycle by a standards policy committee.

## **4 Designation of API Standards**

### **4.1 General**

All API standards shall be identified by an alphanumeric designation. API standards may include the following terms (4.3 through 4.6) in the title and/or the alphanumeric designation to provide additional clarity. All API standards carrying these designations are compliant with these Procedures.

### **4.2 Definition of Standard**

Standard is a broad term covering all API documents that have been developed in accordance with these Procedures. All API standards shall include the following statement in their foreword:

*This document was produced under API standardization procedures that ensure appropriate notification and participation in the developmental process and is designated as an API standard. Questions concerning the interpretation of the content of this publication or comments and questions concerning the procedures under which this publication was developed should be directed in writing to the Standards Director, American Petroleum Institute, 200 Massachusetts Avenue, NW, Suite 1100, Washington, DC 20001.*

Note: There is no hierarchal structure of documents designated as API standards and as defined in 4.3, 4.4, 4.5 and 4.6, just different types of documents based on the intended purpose.

### **4.3 Specifications**

Documents that are written in such a way as to facilitate communications between purchasers, manufacturers, and/or service suppliers. Specifications may include datasheets which may be used in industrial transactions.

### **4.4 Recommended Practices**

Documents that communicate recognized industry practices. Recommended practices (RPs) may include both mandatory and non-mandatory requirements.

### **4.5 Standards**

Documents that combine elements of both specifications and recommended practices.

### **4.6 Codes**

Documents that may be adopted by regulatory agencies or authorities having jurisdiction. This may include "inspection-based" material.

### **4.7 Other Document Designations**

#### **4.7.1 Draft Standards**

A document that has been developed under these Procedures and is distributed for additional comment. Most draft standards are not published; however, with the approval of the appropriate committee, draft standards may

be published for a specified period of time to obtain more widespread circulation to interested parties. A draft standard may be published as long as it is identified as such on its cover and includes an express disclaimer approved by the API Office of General Counsel. Draft standards shall not be processed as Draft American National Standards for trial use, as they are no longer recognized by ANSI.

## **4.7.2 Bulletins and Technical Reports**

### **4.7.2.1 Description**

Documents that convey technical information on a specific subject or topic and are generally issued on a one-time-basis are not standards and are not addressed by these Procedures. Bulletins and technical reports may be approved for publication by API standards committees using the procedures for consensus as defined by these Procedures.

### **4.7.2.2 Registration of Technical Reports with ANSI**

An API Technical Report may be registered with ANSI for publication and shall include the official designation as a "Technical Report prepared by the American Petroleum Institute and registered with ANSI". Registration requires compliance with ANSI's *Procedures for the Registration of Technical Reports with ANSI* and submission for registration to ANSI using the *Formal Submittal for Registration as a Technical Report* form PSA-01. (For additional information on the procedures for ANSI Technical Reports see <http://www.ansi.org>.)

### **4.7.3 Other Designations**

Any other designations such as, but not limited to, guide, publication or guidance document shall not be used in the title of API Standards.

The term "Chapter" may be used to designate a subdivision or group of standards or documents within a particular suite.

## **5 Procedures**

### **5.1 General**

The following procedural requirements apply to the development of consensus for approval, revision, reaffirmation, and withdrawal of API standards.

### **5.2 Due Process**

#### **5.2.1 Openness**

Participation in API standards activities is open to all parties (persons and organizations) that have a direct and material interest in the subject of a standard. Consideration shall be given to the written views and objections of all participants and the right to appeal shall be made available to adversely affected parties (see 5.8).

#### **5.2.2 Balance**

##### **5.2.2.1 Overview**

API seeks broad input to its standardization activities including the participation of all parties representing interest categories appropriate to the nature of the standard, and allows for open attendance at standards meetings (see 5.10.1). API strives for balanced representation (for example, targeting one-third representation for the traditional model of the three interest categories of operator-user, manufacturer-service supplier, and general interest) in an effort to avoid a majority of any one interest category. The criteria for balance are that a) no single interest category constitutes more than one-third of the membership of a consensus body dealing with safety-related standards or b) no single interest category constitutes a majority of the membership of a consensus body dealing with other than safety-related standards.



### 5.2.2.2 Interest Categories

In defining the interest categories appropriate to API standards activities, consideration shall be given to at least the following.

- a) Operator-User—the entity that is using the product specified in the standard or performing the operations or practices described in the standard.
- b) Manufacturer-Service Supplier—the entity that is fabricating a product specified in the standard or used in performing the operations or practices described in the standard or the entity that is providing a service in compliance with the standard.
- c) General Interest—an entity that is neither of the above but has a direct and material interest in the product, operation, or practice described in the standard. Typically this category includes consultants.

Other interest categories such as the following may be established within a standards committee in order to insure adequate levels of representation.

- d) Government—Federal, state, or other regional regulatory body.
- e) Academia—College or university-affiliated expert.
- f) Association—Professional society or non-governmental authority.
- g) Non-Governmental Organization (NGO)—Labor, consumer interest.

### 5.2.2.3 Designation of Interest Categories

Rosters shall be established for all consensus bodies with the interest categories of each voting member stated. Members may have voting or non-voting status (see 5.5). Observers are non-voting members and may be listed on the roster as mailing list members. Those representatives identified on the mailing list of a consensus body roster are nonetheless considered members of the API group, and as such, any comments submitted by such members during a standards action ballot (5.6.3) are not considered public review comments.

### 5.2.2.4 Outreach

The size of a consensus body meeting the requirements of 5.2.2.1 shall be appropriate to the standard being discussed, and should typically consist of at least ten members. In the event that there are insufficient consensus body members identified, or the requisite interest categories are not adequately represented to achieve balance, API staff shall make efforts to contact organizations or individuals deemed appropriate for consensus body membership, or shall conduct outreach to under-represented interest categories, and document those efforts.

## 5.2.3 Consensus

API develops industry standards on the basis of consensus. Consensus is established when substantial agreement has been reached by directly and materially affected interests. Substantial agreement means more than a simple majority but not necessarily unanimity. Consensus requires that all views and objections be considered, and that an effort be made toward their resolution. For purposes of these Procedures, consensus shall be defined as a majority of those eligible to vote shall have voted *and* approval by at least two-thirds of those voting, excluding abstentions.

## 5.3 Notification of Standards Activities

### 5.3.1 General

The standards activities listed below shall be announced in a suitable manner in order to provide an opportunity for participation by all direct and materially affected parties. Such announcements may be in the form of notices or

copies of committee notices, to known interested parties or announcements in suitable media, including electronic, appropriate for the known affected interests.

- a) Meetings of standards committees.
- b) Intent to develop, revise, reissue, or withdraw standards.
- c) Availability of drafts of standards.
- d) Availability of ballots for approval of new or revised standards, reaffirmation or withdrawal of existing standards or national adoption of international standards.

See 6.8 for additional information on posting of notifications of standards activities.

### **5.3.2 American National Standards Institute**

#### **5.3.2.1 Overview**

Activities related to API standards that are intended for submittal and/or processing through the American National Standards Institute (ANSI) shall be announced in *ANSI Standards Action*. The decision to submit an API standard to ANSI for approval shall be determined by the standards committee responsible for the document in consultation with API staff. API shall maintain ownership of all copyrights and other rights to such API standards, but may license ANSI to distribute the standard.

#### **5.3.2.2 Submittal of ANSI Documentation**

##### **5.3.2.2.1 General**

When it has been determined that an API standard shall be submitted to ANSI for approval as an American National Standard, or a candidate international standard shall be nationally adopted as an American National Standard, the documents listed in 5.3.2.2.2 to 5.3.2.2.4 (and if necessary, 5.3.2.2.5) shall be prepared and submitted to ANSI by API staff. Consult the latest revision of the *ANSI Essential Requirements: Due Process Requirements for American National Standards (ANSI Essential Requirements)* for complete information (<http://www.ansi.org>).

##### **5.3.2.2.2 PINS**

Upon the approval of the *Standards Resource & Research Request Form (SR3)*, (5.4) to develop or revise an ANSI/API standard (including the national adoption of international standards), notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form for listing in *ANSI Standards Action*. A PINS form is not required at the initiation of a project to reaffirm or withdraw an ANSI/API Standard. Prompt consideration shall be given to the written views and objections of those individuals commenting on the PINS announcement.

##### **5.3.2.2.3 BSR-8**

Proposals for new ANSI/API standards, proposals to revise, reaffirm, or withdraw approval of existing ANSI/API standards and proposals to nationally adopt a candidate ISO standard shall be transmitted to ANSI using a BSR-8 form for listing in *ANSI Standards Action* in order to provide an opportunity for public comment. Submission of the BSR-8 form should be concurrent with final balloting. However, any substantive change subsequently made in a proposed ANSI/API standard requires listing of the change in *Standards Action*. Prompt consideration shall be given to the written views and objections of those individuals commenting as a result of the public review.

##### **5.3.2.2.4 BSR-9**

Following the resolution of comments and objections, a BSR-9 form shall be submitted requesting BSR approval. In the event of an outstanding, unresolved objection, the objector shall be advised of their right to

appeal, and there shall be a 30 day waiting period to allow the appeals filing period to elapse prior to submitting the BSR-9 unless the objector advises API in writing prior to the 30 days that they will not appeal.

#### **5.3.2.2.5 BSR-11**

In the event that a BSR-9 cannot be filed within a year following the ANSI review period, an extension shall be requested using the ANSI BSR-11 form.

If an ANSI/API standard is more than 4 years past its approval date as an ANS and for which a PINS or BSR-8 has not been submitted, an extension shall be requested using the ANSI BSR-11 form.

If an API standard is not published within 6 months following its approval as an American National Standard, an extension shall also be requested using the ANSI BSR-11 form.

#### **5.3.2.2.6 Other Forms**

The *ANSI Essential Requirements* shall be consulted for information regarding other issues including, but not limited to, continuously updated ANSI/API Standards and requests for extension of overage ANSI/API Standards.

#### **5.3.2.2.7 Discontinuance of a Standards Project as an American National Standard**

If it is decided to abandon the processing of a proposed new or revised API standard as an American National Standard or portion thereof, it may be done so without a vote of the relevant consensus body.

API shall notify ANSI immediately of such actions which will be announced in *ANSI Standards Action*.

### **5.4 Resource Needs**

#### **5.4.1 General**

Before undertaking the development of a new standard or the revision of an existing standard (regardless of whether funds are being requested to support subject matter experts, master editors or research projects), an API *Standards Resource & Research Request Form* (SR3), shall be completed and reviewed by the policy committee of jurisdiction. The policy committee or its designated subgroup shall review the need for the proposed activity, the time frame for completion, and the amount and type of resources required. Funding to support an approved SR3 requests shall be handled by API staff as part of the annual budgeting process.

The policy committee may subsequently be asked to assist in prioritizing funding requests when the total request cannot be accommodated during the request year.

Actual work on the drafting or revision of a standard shall not begin until the policy committee approves the project request.

#### **5.4.2 Need**

##### **5.4.2.1 Assessment**

The business need and scope for the proposed action should be assessed using the SR3 form which includes the criteria given in 5.4.2.2 to 5.4.2.7.

##### **5.4.2.2 Coordination with Other Organizations**

The policy committee should be advised if a similar or overlapping standard is on the work program of another standards developing organization, and if so, how will the work be coordinated with the appropriate group(s).

### **5.4.2.3 Manpower and Financial Resources**

An assessment of the available manpower resources should be carried out to determine whether there is a need for a content specialist or master editor to facilitate the standards development process. Other resource needs should also be included such as complex graphics or content that would require special arrangements for completion.

### **5.4.2.4 Research Request Needs**

Requests for research funding should address the business need for the research and identify whether the research is edition-specific or whether it will result in technology enhancement for multiple standards. Opportunities for joint industry projects and leveraging of funding from other organizations should also be considered.

### **5.4.2.5 Effect of Not Initiating the Standards Activity**

The effect of not initiating the proposed action should be addressed including potential safety, reliability and environmental impacts that may arise.

### **5.4.2.6 ANSI/ISO Candidate Standard**

The value to industry of conducting a national adoption of an International Organization for Standardization (ISO) standard should be evaluated. A national adoption results in the creation of an American National Standard and therefore the relevant procedures for processing an American National Standard shall be followed. All activities shall be legally compliant with applicable laws and regulations.

### **5.4.2.7 Project Timing**

The SR3 requires a proposed timeline that includes a target initiation date for work on the standard to begin and a target balloting date for the standard. This information is used to update the *API Standards Database* and track the committee's progress.

## **5.4.3 Approval of Resource and Research Requests**

Prior to submitting the SR3 to the policy committee, the request shall be reviewed and approved in accordance with the accordance with the policy committees' procedures.

## **5.5 Membership on Standards Committees**

Membership on standards committees is open to all parties having a direct and material interest. Members shall be able to fully participate in the standards committee activities, and shall be capable of providing technical contributions or subject matter expertise; however, participation shall not be unreasonably restricted on the basis of technical qualifications. Membership in API is not a requirement for membership on standards developing committees; however, membership in API is required for membership on standards policy committees.

Assignment of voting or non-voting status on a consensus body is determined by the chairman in consultation with API staff. All directly and materially affected parties in the subject of a standard shall be assigned a vote (with one vote per company: see 5.6.5.1), unless a party elects to be a non-voting member of the consensus body or adding a new voting member would cause the consensus body to become unbalanced (5.2.2).

All voting members shall be active participants in standards committee activities: removal of voting rights from consensus body members may be employed in accordance with individual committee procedures. Criteria for removal should include failure to regularly participate in meetings and to return letter ballots.

## **5.6 Balloting**

### **5.6.1 General**

Balloting shall be conducted using API's electronic balloting (e-ballot) system except for recirculation (5.6.7.3), which can be conducted via e-mail in lieu of the e-ballot system. Voters and commenters are required to respond using the e-ballot system to facilitate the preparation of ballot summaries and comment registries suitable for recording and reporting the disposition of all comments.

### **5.6.2 Voting During Meetings**

The right to vote in any meeting is exclusively that of the respective officers and members of the committee holding the meeting. In the absence of a member, a duly appointed alternate or designated representative may exercise the member's right to vote. No standards actions become final however, until ratified by an e-ballot of the committee or consensus body.

### **5.6.3 Ballots**

Standards actions, including approval of a new standard, the revision or reaffirmation of an existing standard or the national adoption of an international standard, shall be approved by e-ballot of a standards committee or consensus body.

No draft standard or standards revision shall be sent to any external standards organization for their adoption or potential use unless the standard has been balloted and approved in accordance with these Procedures, or a formal agreement between API and another standards organization has already been established for joint development/revision of standards.

A reasonable period of time shall be set for balloting (generally six weeks). Such a period shall be established by the standards committee chairman in consultation with API staff. E-ballots shall be prepared and distributed by API staff to members of the standards committee or consensus body who are eligible to vote and their alternates (if any). Information on accessing copies of ballot drafts and submitting comments shall be distributed to those who have expressed an interest in participating in the ballot.

See 6.8 for additional information on posting of ballots and draft documents.

### **5.6.4 Ballot Format**

A ballot shall concisely state the proposed action being balloted. All ballots shall provide for four voting options:

- a) Affirmative;
- b) Affirmative with comment;
- c) Negative with reasons;
- d) Abstain.

Negative votes are required to be accompanied by comments related to the proposal and votes unaccompanied by such comments will be recorded as "invalid negatives" without further notice to the voter.

### **5.6.5 Individual Ballot Qualification**

#### **5.6.5.1 Voting Requirements**

Only one ballot is allowed for each company voting member or the voting member's alternate. If ballots are received from the member who is eligible to vote and the alternate of the same company, the member's vote shall prevail. If ballots are received from alternates representing the same company, the earliest ballot received by API shall prevail. Each valid ballot received by API shall identify the member who is eligible to vote or the alternate to

the member casting the ballot, show the company affiliation, be dated, and be returned by the ballot closing date. Comments shall be easily understood, concise, and clearly indicate the part of the document to which it pertains. It is recommended that alternative wording to resolve the comment should be provided.

### 5.6.5.2 Joint API Committee Ballots

In cases where joint balloting of multiple API committees is determined to be appropriate because of the need to solicit input from multiple disciplines, special arrangements shall be made to ensure compliance with these Procedures. These arrangements include noting such joint ballot requirements in the SR3 form (see 5.4.1), approval of the joint ballot by the parent committee, and coordination between voting members of the joint committees representing the same company, and may include designation of segment interest categories such as Upstream Operator-User, Downstream Operator-User, or Pipeline Operator-User.

### 5.6.6 Ballot Approval

For a proposed ballot action to be considered approved, all comments shall be considered and in accordance with 5.2.3, *both* of the following conditions shall be satisfied:

- a) a majority of the members who are eligible to vote shall have voted; and
- b) at least two-thirds of the combined valid affirmative and valid negative votes (excluding abstentions) shall be affirmative.

### 5.6.7 Comments and Objections

#### 5.6.7.1 Disposition and Documentation of Comments

All comments, resulting from the public review or submitted by a member of the consensus body, shall be considered and attempts made to resolve them in accordance with this subsection before a ballot is considered to have been approved by the committee.

The chairman of the appropriate committee, in conjunction with API staff and committee members or a designated subgroup, when appropriate, is responsible for the consideration of ballot comments pertaining to technical, safety, or environmental assertions and assertions of ambiguity, inaccuracy, or omission.

API staff is responsible for the consideration of ballot comments pertaining to API policies and procedures, including format, style, graphics, use of copyrighted material and patent-related issues.

Documentation of all comment resolution decisions including consideration given to all negative ballots shall be recorded on the comment registry provided by API and re-submitted to API on completion prior to proceeding to publication. The following general format should be used to document comment resolution:

**Accepted:** Indicates that the text will be changed as proposed in the accepted comment.

**Accepted in principle:** Indicates that the text will be changed to reflect the principle of the accepted comment (i.e. the change will be made but not exactly as suggested by the commenter). In addition, some explanation of why and how the text will be modified to incorporate the comment shall be provided.

**Noted:** Indicates that the comment has been considered, but that no change will be made at this time. In many cases “noted” comments have been considered during the preparation of the text, but did not merit inclusion. In other instances, “noted” comments may be considered at the next revision. Some brief explanation of the reason for “noting” a comment shall be provided.

**Not accepted:** Indicates that no change will be made to the text. An explanation of the reason for not accepting the comment shall be given.

All commenters shall be advised of the disposition of comments and objections in writing or through electronic communications.

Comments received subsequent to the closing of the ballot, and in the case of ANSI/API standards the closing of the public review, may be considered by the appropriate committee or can be considered in the same manner as a new proposal.

For ANSI/API standards, a BSR-8 form should be submitted to ANSI concurrent with the final ballot. A BSR-9 form should be filed at the completion of the comment resolution process.

### **5.6.7.2 Disposition and Documentation of Objections**

API *shall* consider all objections in the form of negative votes which are accompanied by comments that are related to the proposal under consideration. This includes negative votes accompanied by comments of a procedural or philosophical nature. These types of comments shall not be dismissed due to the fact that they do not necessarily provide alternative language or a specific remedy to the negative vote.

API *shall not* consider negative votes without comments and negative votes accompanied by comments not related to the proposal under consideration (invalid negatives). If comments not related to the proposal are submitted with a negative vote, the comments shall be documented and considered in the same manner as submittal of a new proposal.

### **5.6.7.3 Recirculation**

Each unresolved objection and attempt at resolution, and any substantive change made in a proposed API standard shall be reported to the consensus body in order to afford all members of the consensus body an opportunity to respond, reaffirm, or change their vote in accordance with the following criteria.

- a) Comments with affirmative ballots determined to be persuasive and editorial; the proposed editorial changes are incorporated into the document.
- b) Comments with affirmative ballots determined to be persuasive and substantive; the proposed changes are recirculated in accordance with this section to the appropriate committee or consensus body offering them an opportunity to respond, revise or reaffirm their vote prior to incorporation into the document.
- c) Comments with affirmative ballots determined to be non-persuasive are not considered further.
- d) Comments with negative ballots determined to be persuasive and substantive; the proposed changes are recirculated in accordance with this section to the appropriate committee or consensus body offering them an opportunity to respond, revise or reaffirm their vote prior to incorporation into the document.
- e) Comments with negative ballots determined to be non-persuasive are not considered further. The final disposition of these comments shall be communicated in writing or through electronic communications to the voter and shall include notification of the right to appeal. The non-persuasive objection shall also be recirculated to the consensus body in accordance with this section to the appropriate committee or consensus body offering them an opportunity to respond, revise or reaffirm their vote.
- f) Comments with negative ballots that are determined to be unrelated to the item being balloted or negative ballots submitted without comments shall not be considered further and will be recorded as “negatives without comments” for purposes of reporting to ANSI with no further notice to the submitter.
- g) Comments with negative ballots may be withdrawn by the voter after consultation with the chairman or the designated subgroup and changed in writing or through electronic communications by the voter to either an abstention or an affirmative.

#### **5.6.7.4 Optional Reballot**

##### **5.6.7.4.1 Overview**

In some cases it may be desirable to reballot an entire document or reballot a portion of a document in lieu of recirculation. The decision to use the reballot option shall be made by the committee chairman in consultation with API staff.

##### **5.6.7.4.2 Reballoting an Entire Standard**

When the decision is made to reballot an entire document, the ballot should clearly explain the reason for the reballot. When an entire document is reballoted, the results of that ballot shall supersede the previous ballot and shall be the results which are reported to the committee and included with the BSR-9 submission in the event that the document is submitted for ANSI approval.

##### **5.6.7.4.3 Reballoting a Portion of a Standard**

When the decision is made to reballot a portion of the document in lieu of recirculation, comments are considered in accordance with 5.6.7.1. The ballot should clearly explain and/or the ballot document should clearly indicate which portions of the proposed standard are being reballoted. It should be made clear that no other portion of the document is under consideration during the reballot and that the previous ballot results not pertaining to the reballoted portion remain final. The results of the reballot shall be included with the BSR-9 submission in the event that the document is submitted for ANSI approval.

##### **5.6.7.5 Posting of Voting Results and Comments from Voters and Guests**

See 6.8 for additional information on posting of voting results and comment registries.

#### **5.6.8 Legal Review**

Standards shall not be considered final until the API Office of General Counsel has reviewed and approved the document.

### **5.7 Interpretations**

#### **5.7.1 General**

An interpretation is the answer to a question on the meaning of a standard. Requests for interpretations of API standards have to be submitted in writing. Only API staff is authorized to issue interpretations.

#### **5.7.2 Applicability**

If the subject standard was not intended to answer the question posed, then the inquirer shall be advised in writing that an interpretation will not be issued. The answer to a question about the factual content of a standard is not an interpretation and the inquirer shall be advised in writing that an interpretation will not be issued. Interpretations are not intended to supply consulting information on the application of a standard and the inquirer will be advised in writing that API does not provide consulting services and that an interpretation will not be issued.

#### **5.7.3 Review by Others than API Staff**

API staff shall make interpretations in writing after consultation, if necessary, with committee members and the API Office of General Counsel. There shall be no consultation with competing suppliers or manufacturers of the product or services to which the standard applies or might apply. If consultation is made with committee members, the API Office of General Counsel shall also be consulted.



In the event that the API staff determines that there is insufficient expertise or resources available to respond to the interpretation request in a timely manner in accordance with these Procedures, the inquirer shall be notified in writing that API cannot provide an interpretation.

#### **5.7.4 Time for Review**

Due to the complex nature of the interpretation request, API cannot guarantee a turnaround time for responding to requests, and all inquirers will be advised of this at the time the request for interpretation is taken under consideration.

#### **5.7.5 Notification**

Completed interpretations will be sent to the inquirer and the appropriate API committee, and may be periodically published or made available electronically.

### **5.8 Appeals**

#### **5.8.1 General**

Appeals shall be granted and considered in accordance with these Procedures. These appeals procedures do not address technical appeals, only procedural appeals which could include whether a technical issue was afforded due process.

In general, directly and materially affected parties who believe they are, or will be adversely affected by a standards action are eligible to file an appeal. Administrative procedures for conflict resolution in the standards development process, including consideration of negative ballots, shall be exhausted before lodging any appeal. Appeals shall be considered by the committee or committees responsible for the issue. The decision of the appeal authority is final; however, the API Global Industry Services Committee may, at its discretion, review the decision to ensure that the decision is in conformance with API policies.

#### **5.8.2 Submission**

Appeals shall be submitted in writing to the API Standards Director with a check of \$500.00 as a filing fee. This fee may be waived or reduced upon presentation of evidence of the appellant showing hardship. The appeal shall include a statement identifying specifically the action or inaction objected to; the basis for the objection, including any adverse impacts on the complainant; and suggested remedial action. The appeal shall be filed with API within 30 days of the date of notification of the action causing the complaint or at any time with regard to inactions. Further, challenges to published standards shall be initiated within 1 year of their distribution unless it can be demonstrated that the objection is based on grounds that have subsequently arisen. The API Standards Director shall investigate the objections raised, respond promptly and attempt to resolve the issue within 45 calendar days of receipt.

#### **5.8.3 Hearing**

If the Director cannot resolve the objections, a hearing by the appropriate committee or its designated appeals board shall be convened. The hearing should be held within 45 calendar days of the date on which it is agreed that an informal resolution is not feasible.

Competing suppliers or manufacturers of the process or service that is the subject of the appeal shall not participate in the appeals process. An appeals board shall generally consist of three individuals selected by the Director in consultation with the committee chairman, API Executive Staff member, and the API Office of General Counsel. Board members shall not have been directly involved in the disputed matter. The appeals board may call upon experts familiar with the issues of the dispute. The appellant is notified of the appeals board's composition and given the opportunity to object to members on the appeals board. Objections shall be substantiated to be considered.

The appellant shall be given the opportunity to appear before the appeals board and present arguments in support of his or her objection. The appeals board shall consider whether applicable API policies and procedures

were satisfied and whether the procedural and substantive actions or requirements complained of merit corrective action.

#### **5.8.4 Decision**

The appeals board shall issue a written decision following the hearing, within 45 calendar days. The decision shall indicate the conclusions reached, and their basis. The Standards Director shall ensure that a complete record of the appeal is compiled and maintained in conformance with API's record retention policy (see 6.1). The appellant shall receive a written copy of the final decision.

Specified time limits in this policy may be modified by the API Standards Director responsible for the appealed standard upon demonstration of reasonable cause.

### **5.9 Maintenance of Standards**

#### **5.9.1 General**

API standards may be maintained under any one of the following three options given in 5.9.2, 5.9.3 or 5.9.4.

#### **5.9.2 Periodic Maintenance**

##### **5.9.2.1 Overview**

All standards under periodic maintenance shall be reviewed when technological changes affect their currency or at least once every 5 years unless revised or withdrawn sooner by the appropriate standards committee. If a standard has not been revised by the end of year four of the 5-year period, API staff will advise the responsible standards committee, who will then a) revise the standard, b) reaffirm it, or c) withdraw it. The standards committee may ask its parent committee for an extension of up to 2 years for the revision, reaffirmation, or withdrawal of a standard. Any standard that is not acted upon (revised, reaffirmed, or withdrawn) at the end of 7 years shall be administratively withdrawn as an API standard. Requests for extensions should demonstrate that work is underway to revise, reaffirm or withdraw the document. Requests for extensions of ANSI/API standards should be submitted to ANSI within 30 days of five years following the ANSI approval.

##### **5.9.2.2 Reaffirmation**

Documents under the periodic maintenance option that meet the requirements for reaffirmation shall be marked on the cover with a designation that includes "REAFFIRMED, MONTH YEAR" indicating the month and year that the reaffirmation ballot was approved (see 5.6.6 and 5.6.7) by the appropriate consensus body.

#### **5.9.3 Continuous Maintenance**

##### **5.9.3.1 Overview**

Continuous maintenance allows for proposal for suggested revisions to be processed for consensus body ballot at any time during the documents current cycle. No portion of the standard shall be excluded from the revision process under the continuous maintenance option.

##### **5.9.3.2 Submission of Proposed Revisions**

###### **5.9.3.2.1 General**

Proposals for revision of a standard under continuous maintenance shall be submitted in writing to the attention of the Standards Director, American Petroleum Institute, 200 Massachusetts Avenue, NW, Suite 1100, Washington, DC 20001, standards@api.org, or to the appropriate Standards Associate. Proposals received by the Director shall be reviewed and assigned to the designated Standards Associate for processing.

### **5.9.3.2.2 Review of Proposed Revisions**

The designated Standards Associate shall review each proposal prior to submission to the appropriate committee. If the associate concludes the proposal requires further clarification, the submitter may be given up to 14 additional business days to resubmit the proposed revision. The Standards Associate shall then forward the proposal to the chairman of the committee responsible for developing and/or maintaining the standard for consideration.

### **5.9.3.2.3 Submission Deadlines**

Proposals for revision of a standard under continuous maintenance shall be received at least 30 days prior for consideration at the next scheduled committee meeting. Proposals received after the deadline date shall be considered at the next scheduled meeting of the committee.

### **5.9.3.3 Publication**

#### **5.9.3.3.1 Addenda**

Standards actions approved under the continuous maintenance option shall be incorporated in the next addendum or edition. When an addendum is issued, the addendum number and year of publication shall be published on the cover. If the addendum is of significant extent and complexity, a new edition of the standard may be published.

#### **5.9.3.3.2 New Edition, Reaffirmation, or Withdrawal**

Publication of a new edition of a standard under the continuous maintenance option shall occur within five years of the publication of the previous edition. The new edition may either be a complete revision or an incorporation of all the addenda approved since publication of the previous edition. If no revisions or addenda are approved for publication within four years of the prior publication date, action to reaffirm or withdraw the standard shall be initiated by the responsible standards committee.

### **5.9.3.4 Change Proposals**

#### **5.9.3.4.1 Submission of Change Proposals**

API standards committees operating under continuous maintenance will normally meet semi-annually. Change proposals shall be received by the API Standards Department 30 days prior to the meeting dates for consideration at the next meeting. Proposal received after the deadline date will be considered at the next succeeding meeting. Information on meetings is available at <http://www.api.org>.

#### **5.9.3.4.2 ANSI Public Review**

In accordance with 5.3.2.2, a BSR-8 form shall be prepared and submitted to ANSI in order to provide an opportunity for public comment on the proposed revision items. Submission of the BSR-8 shall be concurrent with final balloting. However, any substantive change subsequently made in a proposed ANSI/API standard requires listing of the change in *ANSI Standards Action*. A BSR-9 form shall be submitted following the resolution of comments and objections.

### **5.9.3.5 Notice in the Standard**

The following notice shall be included in public review drafts, published standards, and addenda of standards maintained under the continuous maintenance option:

*The American Petroleum Institute maintains this standard under continuous maintenance procedures. These procedures establish a documented program for regular publication of addenda or revisions, including timely and documented consensus action on requests for revisions to any part of the standard. Proposed revisions shall be submitted at any time to the Director, Standards, American Petroleum Institute, 200 Massachusetts Avenue, NW, Suite 1100, Washington, DC 20001, [standards@api.org](mailto:standards@api.org).*

### **5.9.3.6 Standards Committee Action**

#### **5.9.3.6.1 Disposition of Proposals**

The responsible standards committee shall take consensus action on each proposed revision within one year of receipt of the proposal. The committee's disposition of each proposal shall be documented in meeting notes, minutes, or other records and submitted to API.

#### **5.9.3.6.2 Revisions of Standards**

Substantive revisions to standards maintained under the continuous maintenance option shall be subject to all the requirements of 5.6.

### **5.9.4 Stabilized Maintenance Option**

A standard that is maintained under the stabilized maintenance option shall satisfy the following eligibility criteria:

- a) the standard addresses mature technology or practices, and as a result, is not likely to require revision; and
- b) the standard is other than safety or health related; and
- c) the standard has been reaffirmed at least once; and
- d) at least 10 years have passed since the approval or last revision of the standard; and
- e) the standard is required for use in connection with existing implementations or for reference purposes.

A standard maintained under the stabilized maintenance option is not required to be revised or reaffirmed on a routine 5-year cycle; however, it shall be subject to review of such status by the appropriate policy committee on a 10-year cycle.

If the stabilized standard is an American National Standard and it is determined in connection with this review that the standard shall continue to be maintained under the stabilized maintenance option and as such does not require revision or withdrawal, then this shall be communicated to ANSI by API and a related announcement shall be made in *ANSI Standards Action*. Notification to ANSI shall be accomplished via the submittal of an informational announcement if the standard will continue to be maintained under the stabilized maintenance option or will be withdrawn, or via a PINS, if the standard will be revised.

If a recommendation is made at any time by a materially affected and interested party that a standard maintained under the stabilized maintenance option requires revision or should be withdrawn, then that recommendation shall be considered in the same manner as a new proposal but within a maximum of 60 days from receipt. A recommendation should include rationale to begin a revision, and shall not be dismissed due to the fact that it does not necessarily suggest a specific revision. A response to the submitter of such a recommendation shall be provided in writing within 60 days of the receipt of the recommendation advising the decision relative to the maintenance status of the standard. A standard that is maintained under the stabilized maintenance option shall include a clear statement of the intent to consider requests for change and information on the submittal of such requests.

The decision to maintain a standard under the stabilized maintenance option and the process by which it is maintained can be subject to appeal to API.

### **5.9.5 Criteria for Withdrawal**

API standards shall be revised or withdrawn if the API Office of General Counsel determines that there are significant legal issues arising out of the publication of the standard. API standards may also be withdrawn if API staff, in consultation with the appropriate standards committee, determines the standard would no longer be in the

interests of the industry. In the event that the standard is an ANSI/API standard, API shall notify ANSI immediately and the standard shall be withdrawn as an American National Standard and announced in *ANSI Standards Action*.

## **5.10 Standards Meeting Procedures**

### **5.10.1 General**

Committees dealing with standards activities shall meet as needed to conduct their work. With the exception of those portions of meetings dealing with policy and/or budget issues, standards meetings are open to all interested parties.

See 6.8 for additional information on posting of agendas and records of API meetings.

### **5.10.2 Agendas**

Notices of meetings accompanied by an agenda shall be prepared and distributed to appropriate committees, subcommittees, task or work groups, and known interested parties.

### **5.10.3 Minutes**

The committee, subcommittee, or task or work group secretary shall prepare minutes. Minutes of each meeting contain the names of the committee, subcommittee, task group, or work group and its members; date(s) of the meeting; a list of members attending and visitors present; the time the meeting opened and its location; approval of previous minutes, if appropriate; a synopsis of each subject discussed and action items; and the time the meeting adjourned.

Minutes of API meetings should be limited to a short concise statement of the issue that was discussed, the resolution of the issue, and any future action items.

## **5.11 Effective Date**

### **5.11.1 General**

The effective date of an API standard shall be the date of publication printed on the cover.

### **5.11.2 Effective Date of Standards used in the API Monogram Program and APIQR Registration Program**

The effective date of a standard or specification, including those used in the API Monogram and APIQR program, shall be clearly identified as the effective date for those programs and shall be printed on the cover except for first editions that only include new content that has not previously appeared in a published API standard. The effective date is typically approximately six (6) months after the standard, specification or revision is published by API. A longer (not to exceed one year) or shorter period between the date of distribution and effective date may be established by API staff after consultation with the responsible committee. If a standard or specification is reaffirmed, subsequent copies of the document shall carry the original effective date of the applicable edition and its reaffirmation date. Alternatively, a new edition may be issued. The foreword of new or revised standards shall include the following statement: "For API Monogram Program licensees and APIQR program registrants, this Standard shall become effective on the program date printed on the cover but may be used voluntarily from the date of publication."

## **6 Normative Policies**

### **6.1 Records Retention**

Records concerning the documentation of origin, development and completion of API's technical standards, including basic data correlations, equations or other technical material necessary to allow the documentation of

the standard's development shall be retained permanently. These may include meeting minutes, ballot results or general correspondence if contained therein.

Standardization minutes, ballot results and general correspondence shall be retained for five years or until publication of the next edition of the standard, whichever is the longest time duration. Records concerning withdrawn standards shall be retained for five years from the date of withdrawal.

## **6.2 Terms Relating to Provisions in API Standards**

The terms "shall" (3.8), "should" (3.9), "may" (3.10) and "can" (3.11) as defined in these Procedures shall be used to state provisions in all API standards and any other documents developed in accordance with these Procedures.

## **6.3 Referencing Standards in API Standards**

### **6.3.1 General**

API standards may reference other API standards or standards developed by other organizations as needed. When one API standard references another, it shall be referenced by alphanumeric designation and title rather than copied into the referencing document.

### **6.3.2 Dating of Standards Referenced in Another Standard**

The committee developing the standard shall determine whether to reference a specific date of issue when referencing documents, or to leave them undated which indicates a reference to the latest edition as stated in the required introductory paragraph to a normative references section of a standard. Undated references may be made only to a complete document. References to specific sections or subsections, annexes, tables, figures and addenda of another document shall always be dated.

## **6.4 Intellectual Property**

### **6.4.1 Participant's Obligations**

#### **6.4.1.1 General**

API considers their standards to be a valuable asset of the Institute that are protected by a variety of federal and state laws. By participating in API's standardization programs, participants agree to the following principles given in 6.4.1.2 to 6.4.1.5.

#### **6.4.1.2 API Intellectual Property License Agreement**

Prior to publication or distribution of any API standard or derivative works based on any API standard by any other organization, API and the other organization must execute an intellectual property licensing agreement in a form approved by API's Office of General Counsel.

#### **6.4.1.3 Copying and Distribution**

Individuals shall not copy or distribute final or draft standards without the authorization of API staff.

#### **6.4.1.4 Ownership**

Unless expressly agreed otherwise by API, all material and information that is provided by participants and is incorporated into API publications is considered the sole and exclusive property of API.

#### **6.4.1.5 Third Party Information**

Participants shall not provide any documents, data, or information if the use of such material by API in a standard would infringe upon the rights of any third parties in the information including, but not limited to, copyrights,

patents, trade secrets, trademarks, publicity and privacy. Participants shall immediately notify API if a participant determines that any information that is contained in a final or draft API standard would violate the rights of third parties if published by API or if used by a third party.

#### **6.4.2 Patents**

It is API's intent to fully comply with the 2019 edition of the ANSI *Essential Requirements: Due Process Requirements for American National Standards* and sets forth the following additional policy statements that are also compliant with the 2019 edition. As a general rule, API standards are developed using performance-based language. In accordance with 5.2, *Due Process*, any patent holder may participate in API standards activities, but patents which would be required for compliance with that standard should not be included in API standards. These types of patents may, in exceptional circumstances, be included in API standards provided that: (i) there are significant technical reasons why the standard cannot be drafted without the use of terms covered by patent rights, and (ii) where the patent holder, and any successors or assigns, are bound by an agreement in written or electronic form to a letter of assurance approved by the API Office of General Counsel granting either:

- a) a royalty free license under reasonable terms and conditions that are demonstrably free of any unfair discrimination to applicants desiring to utilize the license for the purpose of implementing the standard, or
- b) a release to API and all users of the document from any claims of patent infringement based on the publication or use of the standard.

#### **6.4.3 Record of Statement**

A record of the patent holder's statement shall be placed and retained in API's and ANSI's (if appropriate) permanent standards files.

#### **6.4.4 Notice**

When the Institute receives from a patent holder the assurance set forth above, the standard shall include a note approved by the API Office of General Counsel that notifies users of the patent holder's statement concerning patent rights.

#### **6.4.5 Responsibility for Identifying Patents**

The Institute shall not be responsible for identifying all patents for which a license may be required or for conducting inquiries into the legal validity or scope of those patents that are brought to its attention.

Participants in the API standards development process should notify API immediately if they believe that compliance with an API standard would require use of a patented process or product.

### **6.5 Commercial Terms and Conditions**

Provisions involving business relations between buyer and seller such as guarantees, warranties, and other commercial terms and conditions shall not be included in an API standard. The appearance that a standard endorses any particular products, services or companies shall be avoided. Therefore, it generally is not acceptable to include manufacturer lists, service provider lists, or similar material in the text of a standard or in an annex (or the equivalent). Where a sole source exists for essential equipment, materials or services necessary to comply with or to determine compliance with the standard, it is permissible to supply the name and address of the source in a footnote or informative annex as long as the words "or the equivalent" are added to the reference. In connection with standards that relate to the determination of whether products or services conform to one or more standards, the process or criteria for determining conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns and does not include what would otherwise be a commercial term.

## 6.6 Metric Policy

International System of Units (SI) is the preferred units of measurement for API standards. U.S. customary units (USC) may also be utilized; however, when citing units in dual units, the SI unit should be listed first with the corresponding USC unit listed either in parentheses in the text or in separate tables, figures, datasheets or in separate annexes.

## 6.7 Liaison

API standards committees that develop standards in subject areas for which other national or international organizations develop related standards of substantial interest to the petroleum industry should maintain committee and/or API staff liaison with such organizations to avoid unnecessary duplication of efforts. All activities shall be legally compliant with applicable laws and regulations.

## 6.8 On-Line Access to Standards Information

### 6.8.1 General

In order to comply with the information accessibility requirements of these Procedures, the following criteria shall be used when posting various materials relevant to the standards development process on API's website.

Documents posted on API's website shall generally be in a non-revisable format such as PDF unless there is reasonable justification for a revisable format to be provided.

### 6.8.2 Notification of Standards Actions

In accordance with 5.3.1, when the standards activities listed in (a) through (d) are announced on the API public website, the announcements shall be available for public review without any security requirements.

### 6.8.3 Ballots and Draft Documents

In accordance with 5.6.3, ballots for standards actions and associated document drafts for new or revised standards shall be made available during the balloting period by posting links to the API balloting system and the draft document on a public website. The API balloting system shall allow individuals who are not members of the consensus body to register as guests on the balloting system in order to submit comments. The associated draft document shall be available without any login requirements. All documents shall be marked "Draft—For Committee Review" and shall contain the following notice:

*This document is not an API Standard; it is under consideration within an API technical committee but has not received all approvals required to become an API Standard. It shall not be reproduced or circulated or quoted, in whole or in part, outside of API committee activities except with the written approval of the Chairman of the committee having jurisdiction and staff of the API Standards Dept. Copyright API. All rights reserved.*

At the conclusion of the ballot period, the ballot shall be closed and the associated ballot information including the link to the ballot draft shall be removed from the API website.

### 6.8.4 Voting Results and Comment Registries

In accordance with 5.6.7.5, when voting results and comment registries are produced following the closing of a ballot, this information shall be made available to the chairmen of the consensus body and relevant subgroups. The voting results and comment registries may be made available to all members of the consensus body and relevant subgroups by, for example, posting the information on a secure committee-accessible site with individual login requirements, or by e-mailing the voting results and comments registry directly to them. Alternatively, notification may be sent to all voters and guests for a ballot informing them that the voting results and comment registry are available from API staff on request.



Upon final publication of the standard, if the summaries of voting results and comments registries have previously been posted to the API website, they shall be removed and archived.

### **6.8.5 Meeting Agendas and Action Items**

In accordance with 5.10, meeting agendas and action items shall be posted after review by API Office of General Counsel. Minutes/actions items shall be posted only on a secure committee-accessible site with individual login requirements.

## **7 International Standards Activities**

### **7.1 Adoption of ISO Standards as American National Standards**

The *API Guide for the National Adoption of ISO Standards as API/American National Standards* provides guidance when preparing to nationally adopt an ISO standard as an ANSI/API standard. It has been prepared from information found in *ISO/IEC Guide 21-1 Regional or national adoption of International Standards and other International Deliverables—Part 1: Adoption of International Standards* and *ISO/IEC Guide 21-2 Regional or national adoption of International Standards and other International Deliverables—Part 2: Adoption of International Deliverables other than International Standards*.

### **7.2 Expedited Procedures for the Identical Adoption of an ISO Standard**

API reserves the right to exercise the option of following the expedited procedures set forth in the *ANSI Procedures for the National Adoption of ISO and IEC Standards as American National Standards*. Consensus shall be in accordance with 5.6.6 of these Procedures.





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