Policies and Procedures Manual

Committee on Petroleum Measurement (COPM)
October 2017

Addendum 1, December 2017
API Foreword

This manual shall become effective on the date printed on the cover but may be used voluntarily from the date of distribution.

The purpose of this Committee on Petroleum Measurement (COPM) manual is to provide a reference guide for the responsibilities, organization, and operation of the Committee on Petroleum Measurement (COPM, its subcommittees and subordinate units, and the API policies that govern these activities.

Suggested revisions are invited and should be submitted to the API, Standards Department, Measurement Standards Coordination, 1220 L Street, NW, Washington, DC 20005, USA, or by email to standards@api.org.

Note: This version of the COPM Policies and Procedures Manual includes modifications issued in December 2017 as Addendum 1. Added text is highlighted in yellow. Deleted text is indicated by strikethrough.
# Table of Contents

<table>
<thead>
<tr>
<th>Section 1</th>
<th>Responsibilities, Purpose, Objectives, Functions, Organization</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Responsibilities</td>
<td>1</td>
</tr>
<tr>
<td>1.2</td>
<td>Purpose and Objectives</td>
<td>1</td>
</tr>
<tr>
<td>1.3</td>
<td>Functions</td>
<td>2</td>
</tr>
<tr>
<td>1.4</td>
<td>Organization</td>
<td>2</td>
</tr>
<tr>
<td>Section 2</td>
<td>Officers and Their Responsibilities</td>
<td>6</td>
</tr>
<tr>
<td>2.1</td>
<td>Officers and Terms</td>
<td>6</td>
</tr>
<tr>
<td>2.2</td>
<td>Executive Committee</td>
<td>6</td>
</tr>
<tr>
<td>2.3</td>
<td>Subcommittee Officers and Their Responsibilities</td>
<td>6</td>
</tr>
<tr>
<td>2.4</td>
<td>Subordinate Group Officers and Their Duties</td>
<td>7</td>
</tr>
<tr>
<td>2.5</td>
<td>Appointments</td>
<td>8</td>
</tr>
<tr>
<td>Section 3</td>
<td>Legal Topics</td>
<td>8</td>
</tr>
<tr>
<td>3.1</td>
<td>Antitrust Laws</td>
<td>8</td>
</tr>
<tr>
<td>3.2</td>
<td>Other Legal Matters</td>
<td>8</td>
</tr>
<tr>
<td>Section 4</td>
<td>Meetings</td>
<td>9</td>
</tr>
<tr>
<td>4.1</td>
<td>General Requirements</td>
<td>9</td>
</tr>
<tr>
<td>4.2</td>
<td>Quorum Requirements</td>
<td>9</td>
</tr>
<tr>
<td>Section 5</td>
<td>Standards Development</td>
<td>10</td>
</tr>
<tr>
<td>5.1</td>
<td>Purpose</td>
<td>10</td>
</tr>
<tr>
<td>5.2</td>
<td>Definition of a Standard</td>
<td>10</td>
</tr>
<tr>
<td>5.3</td>
<td>Applicable Policies</td>
<td>11</td>
</tr>
<tr>
<td>5.4</td>
<td>Identification and Approval of a Work Item</td>
<td>11</td>
</tr>
<tr>
<td>5.5</td>
<td>Balloting</td>
<td>13</td>
</tr>
<tr>
<td>5.6</td>
<td>Standards Documentation</td>
<td>15</td>
</tr>
<tr>
<td>5.7</td>
<td>National Adoption Procedure</td>
<td>15</td>
</tr>
<tr>
<td>Section 6</td>
<td>Budget Process</td>
<td>16</td>
</tr>
<tr>
<td>6.1</td>
<td>General</td>
<td>16</td>
</tr>
<tr>
<td>6.2</td>
<td>Operating Budget</td>
<td>16</td>
</tr>
<tr>
<td>6.3</td>
<td>Resource and Research Budget</td>
<td>16</td>
</tr>
<tr>
<td>6.4</td>
<td>Schedule and Approval Requirements</td>
<td>16</td>
</tr>
<tr>
<td>6.5</td>
<td>Funding and Management</td>
<td>17</td>
</tr>
<tr>
<td>6.6</td>
<td>Reprogramming of Funds</td>
<td>17</td>
</tr>
<tr>
<td>Section 7</td>
<td>Outside Contractual Services</td>
<td>17</td>
</tr>
<tr>
<td>7.1</td>
<td>General</td>
<td>17</td>
</tr>
<tr>
<td>7.2</td>
<td>Introduction and Definitions</td>
<td>17</td>
</tr>
<tr>
<td>7.3</td>
<td>Responsibilities</td>
<td>18</td>
</tr>
<tr>
<td>7.4</td>
<td>Project Guidelines</td>
<td>18</td>
</tr>
<tr>
<td>7.5</td>
<td>Project Reporting</td>
<td>18</td>
</tr>
<tr>
<td>Section 8</td>
<td>Responses to Requests for Interpretation of API Standards</td>
<td>18</td>
</tr>
<tr>
<td>8.1</td>
<td>Introduction</td>
<td>18</td>
</tr>
<tr>
<td>8.2</td>
<td>Definition of Interpretation</td>
<td>18</td>
</tr>
<tr>
<td>8.3</td>
<td>Policy on Interpretation</td>
<td>18</td>
</tr>
</tbody>
</table>
Section 9  **Membership**  
9.1 Applicable Policies  
9.2 Requirements  
9.3 Requests for Membership  
9.4 Removal from Membership  
9.5 Membership Rosters  
9.6 Non-Member Services  
9.7 Emeritus Membership

Section 10  **Voting (Balloting)**  
10.1 Balloting Requirements  
10.2 Balloting Period  
10.3 Actions Requiring Approval by a Majority  
10.4 Actions Requiring Approval by Two-Thirds of Those Voting  
10.5 Authorization of Letter Ballots  
10.6 Voting and Non-Voting Members

Section 11  **Procedures for Entry of New Issues for COPM Attention**  
11.1 New Standards Development  
11.2 Requests for Revision of Published Standards  
11.3 Prioritization

Section 12  **Awards**  
12.1 Purpose  
12.2 Certificate of Appreciation  
12.3 Citation for Service  
12.4 Chester W. Ochsner Mentoring Award  
12.5 COPM New Member Impact Award

Annex A  **API Mission**

Annex B  **Antitrust Compliance Guide**

Annex C  **Committee Report Forms**

Annex D  **Standards Resource & Research Request (SR3) Form**

Annex E  **Working and Subordinate Group Guidelines**  
E.1 Working Groups  
E.2 Subordinate Group Meetings  
E.3 New Project Justification  
E.4 Draft Standard Preparation by Working Group  
E.5 Submission of Final Draft to API Staff for Editing and Production

Annex F  **Joint Balloting of Multiple COPM Subcommittees: Lead and Associate Subcommittees**
Section 1  Responsibilities, Purpose, Objectives, Functions, and Organization

1.1 Responsibilities

The Committee on Petroleum Measurement (COPM) is a stand-alone committee reporting to the American Petroleum Institute (API) Board of Directors through the Pipeline Subcommittee of the Midstream Committee. COPM also coordinates with the Global Industry Services Committee (GISC), and the COPM chair is a GISC member representing the interests of the COPM membership. It and its standing Subcommittees are responsible for developing the policies of the API on hydrocarbon measurement. COPM engages in three (3) major activities: standardization, governmental response, and training.

1.2 Purpose and Objectives

In support of the API Mission (Annex A), COPM provides leadership (management and budget) in developing and maintaining cost effective, state of the art, hydrocarbon measurement standards and programs based on sound technical principles consistent with current measurement technology, recognized business accounting and engineering practices, and industry consensus. This is accomplished through the API and COPM leadership role in the national and international standardization community in the development, publication, promotion, and revision of petroleum measurement standards, through its Subcommittee structure, and through elimination of duplicative efforts.

The objectives of COPM are to:

a. Manage and direct the development and maintenance of standards and practices for determining and measuring the quantity and quality of natural gas, natural gas liquids, liquefied petroleum gas, petrochemicals, crude petroleum, petroleum products, and other petroleum or hydrocarbon related fluids. These standards provide the means by which industry and government establish technically defensible baseline calculations for custody transfer, loss control, and environmental measurement activities. These terms are defined as follows, and at the time of publication of this document are consistent with the API Manual of Petroleum Measurement Standards, Chapter 1 Vocabulary:

- **Custody Transfer Measurement** is the measurements specific to change in ownership and/or a change in responsibility for commodities.
- **Loss Control Measurement** is the systematic review and analysis of all measurements that provide for inventory control by establishing baseline measurements against which to judge loss control efforts.
- **Environmental Measurement** identifies and quantifies releases into the environment by actual testing and modeling.

b. Encourage cooperation among various industry and government activities relating to measurement.

c. Promote, through publications, the use of API petroleum measurement standards in industry and government.

d. Provide training in the use of API measurement standards.

e. Cooperation and liaise with pertinent national and international measurement standards organizations including but not limited to, the American National Standards Institute (ANSI), ASTM International, the Gas Processors Association (GPA), the American Gas Association (AGA), and the Energy Institute (EI) (formerly the Institute of Petroleum) of the United Kingdom, to eliminate duplicative standards activities.
1.3 Functions

Functions of COPM include, but are not limited to the following:

a. issue recommendations to the Global Industry Services Committee regarding the work program and resources;

b. prioritize and manage both the annual research and content specialist/contracted expert and other resources budget;

c. participate on the Appeals Board in the review of appeals of standards actions pursuant to the API Procedures for Standards Development, as required;

d. manage the approved work plan;

e. if disputed, adjudicate the assignment of lead subcommittee and associate subcommittee(s) for joint balloting of standards within multiple COPM subcommittees;

f. adjudicate the disposition of ballot comments and negative votes if there is a dispute between the chairman of the lead subcommittee and the chair(s) of the associate subcommittee(s) for joint balloting of standards within multiple COPM subcommittees;

g. appoint COPM emeritus members;

h. maintain the COPM Policies and Procedures Manual.

1.4 Organization

1.4.1 COPM

COPM members shall be representatives designated by petroleum or petroleum pipeline companies which are API corporate members or representatives designated by API general member companies, and who are active in petroleum and hydrocarbon measurement management roles within their companies (see Section 9). COPM officers consist of a chairman and up to two vice chairmen.

1.4.2 Subcommittees

1.4.2.1 Overview

The Subcommittees of COPM are responsible for the creation, approval, and structure of the measurement standard documents and for developing responses to federal and state regulatory activities in areas of their technical expertise.

1.4.2.2 API/ASTM D02.02 Joint Subcommittee on Measurement Quality (COMQ)

a. COMQ is a joint (sub)committee with ASTM International through ASTM Technical Committee D02. Not all standards that are developed by the joint committee are joint API/ASTM standards.

b. COMQ develops, approves, and maintains standards pertaining to measurement quality of hydrocarbons (sometimes in conjunction with other COPM Subcommittees), including:

   - Temperature Determination, MPMS Chapter 7
   - Sampling, MPMS Chapter 8
   - Density Determination, MPMS Chapter 9
   - Sediment and Water Determination, MPMS Chapter 10
   - Physical Properties Data, MPMS Chapter 11
   - Use of SI Units, MPMS Chapter 15
   - Custody Transfer/Crude by Truck, MPMS Chapter 18 (Joint with COLM)
Figure 1 – COPM Organizational Chart

COPM

- COMET
  - Ch. 1 Vocabulary
  - Education & Training
    - Spanish Translation
- COLM
  - Ch. 2 Tank Calibration
  - Ch. 3 Tank Gauging
- CPMA
  - Ch. 4 Proving Systems
- CELE
  - Ch. 5 Metering
- COMA
  - Ch. 6 Metering Assemblies
- COMQ/ASTM D02.02
  - Ch. 20 Production Measurement & Allocation
  - Ch. 19 Evaporation Loss Estimation
  - Ch. 17 Marine Measurement
  - Ch. 23 Reconciliation of Hydrocarbon Quantities
- COGFM
  - Ch. 7 Temperature Determination
  - Ch. 8 Sampling
  - Ch. 9 Density Determination
  - Ch. 10 Sediment & Water
  - Ch. 11 Physical Properties
  - Ch. 15 Use of SI Units
  - Ch. 18* Custody Transfer
  - Ch. 21.1 Electronic Gas Measurement
  - Ch. 22 Testing Protocols
  - Ch. 14 Natural Gas Fluids Measurement
  - Ch. 21.2 Electronic Liquid Measurement

* Joint COMQ/COLM
1.4.2.3 **Subcommittee on Liquid Measurement (COLM)**

a. Develops, approves, and maintains standards dealing with the measurement of flowing hydrocarbon liquids, including:
   - Tank Calibration, MPMS Chapter 2
   - Tank Gauging, MPMS Chapter 3
   - Proving Systems, MPMS Chapter 4
   - Metering, MPMS Chapter 5
   - Metering Assemblies, MPMS Chapter 6
   - Calculation of Petroleum Quantities, MPMS Chapter 12
   - Statistical Aspects of Measuring and Sampling, MPMS Chapter 13
   - Measurement of Hydrocarbon Fluids by Weight, MPMS Chapter 16
   - Custody Transfer/Crude by Truck, MPMS Chapter 18 (Joint with COMQ)
   - Flow Measurement—Electronic Liquid Measurement, MPMS Chapter 21.2

b. Supports the API Downstream Department’s Weights and Measures activity.

1.4.2.4 **Subcommittee on Measurement Accountability (COMA)**

a. Develops, approves, and maintains standards for the measurement and reporting of hydrocarbons but not limited to crude or petroleum product for transfers by shore terminal operators, vessel personnel and other parties involved in cargo transfer measurement and accountability operations, MPMS Chapter 17.

b. Develops, approves, and maintains standards by providing practical methodologies for monitoring hydrocarbon transportation loss and gain for non-marine systems i.e. pipeline, tank cars (rail tank cars, tank trucks, etc.), MPMS Chapter 23.

c. Supports the API Midstream Department’s Marine Subcommittee activities.

d. Maintains joint standards with the Energy Institute (formerly Institute of Petroleum).

1.4.2.5 **Subcommittee on Gas Fluids Measurement (COGFM)**

a. Develops, approves, and maintains standards for the measurement of natural gas fluids, including:
   - Natural Gas Fluids Measurement, MPMS Chapter 14
   - Flow Measurement — Electronic Gas Measurement, MPMS Chapter 21.1
   - Testing Protocols, MPMS Chapter 22

b. Maintains joint standards with the American Gas Association and Gas Processors Association.

1.4.2.6 **Subcommittee on Production Measurement and Allocation (CPMA)**

a. Develops, approves, and maintains standards for production and allocation measurement, MPMS Chapter 20.

b. Coordinates standards development with API’s Drilling and Production Operations Subcommittee (DPOS), which reports to API’s Upstream Committee.

1.4.2.7 **Subcommittee on Evaporation Loss Estimations (CELE)**

Develops, approves, and maintains publications that provide methods for determining evaporation losses and emissions during storage and transfer of crude petroleum and petroleum products, MPMS Chapter 19.

1.4.2.8 **Subcommittee on Measurement, Education & Training (COMET)**

a. Maintains, in conjunction with other COPM Subcommittees, MPMS Chapter 1 *Vocabulary* and MPMS terms and definitions.

b. Develops training programs based on current API measurement standards.
Conducts measurement seminars.
Engages in other education and training activities of interest to COPM participants.
Oversees the Spanish translation of API measurement standards.

1.4.3 Subordinate Groups (Working Groups)

COPM or Subcommittees may form subordinate groups to accomplish specific projects. These subordinate groups may be called by various names, including but not limited to Working Group, Drafting Group or Task Group. In this document, the term primarily used is Working Group.

Subcommittees form Working Groups to accomplish the detail work involved in the development, review, or maintenance and revision of specific standards or groups of standards, definitions and terms, or to study and report on issues of interest or concern. They also may provide liaison with other standards organizations and advise API Staff and Subcommittees on standards interpretation and the need for new standards. Annex E provides working and subordinate group guidelines.

A Working Group Chairman may, with the concurrence of the Subcommittee Chairman, form lower level groups for specific purposes such as defining the scope and justification for a proposed new standard, or preparing a draft document, or other specific task. The Working Group has the primary responsibility to address any comments on standards ballots within their scope, and to recommend appropriate resolution of negative ballots for the Subcommittee’s approval.

Working Groups may be disbanded after resolution of final ballot comments or continue to provide editorial support through publication or as otherwise deemed appropriate by the Subcommittee chairman.

Task groups may be disbanded upon completion of their task or form the basis of a continuing Working Group.

1.4.4 COPM Relationship to the American National Standards Institute (ANSI) and other Standards Developing Organizations

COPM encourages participation in international standards efforts to ensure the measurement interests of API member companies are considered during the promulgation of international standards. API is a member of ANSI, which coordinates the adoption of American National Standards, and is the United States’ member body of the International Organization for Standardization (ISO). U.S. Technical Advisory Groups (TAGs) develop and transmit, via ANSI, the U.S. positions on activities and ballots of ISO Technical Committees (and as appropriate, subcommittees and policy committees), including the approval, reaffirmation, revision and withdrawal of ISO standards. Therefore, COPM participation in the measurement subcommittees of ISO/TC 28 and ISO/TC 193 is carried out through the relevant U.S. TAGs.

COPM also conducts active liaison and joint standards development activities with ASTM International, the American Gas Association (AGA), the Gas Processors Association (GPA), and the Energy Institute (EI) (formerly the Institute of Petroleum (IP)) to help ensure the international acceptability and applicability of API standards to the greatest extent possible.
Section 2 Officers and Their Responsibilities

2.1 Officers and Terms

The officers of COPM include a Chairman and up to two Vice Chairmen. The API Midstream Committee Chair appoints the Chairman of COPM for a 2 year term. The Vice Chairmen and Subcommittee Chairmen are appointed by the COPM Chairman for 2 year terms, and may serve longer if re-appointed.

2.2 Executive Committee

2.2.1 Composition and Duties

The Executive Committee is composed of the Chairman of COPM, the Vice-Chairmen, Subcommittee Chairmen, the API Secretary, and the immediate past COPM Chairman. The Executive Committee carries out planning, awards nomination, and budget reviews, and, if required, makes policy decisions between COPM meetings.

2.2.2 Duties of the COPM Chairman

The Chairman is the presiding officer at all meetings of COPM and establishes the time, date, and agenda for committee meetings and ensures that the activities of COPM conform to the objectives and policies of the API. The Chairman provides the Subcommittees with general guidance.

The Chairman is responsible for liaison and coordination with API staff and officers of other API committees.

2.2.3 Duties of the COPM Vice-Chairmen

The Vice-Chairman (or Vice-Chairmen) assist(s) the COPM Chairman in all the administrative duties of committee leadership, in long-range planning, and assist(s) the Subcommittee Chairmen under their jurisdiction.

In the absence of the Chairman, or at the Chairman's request, a designated Vice-Chairman assumes the duties of the chairman.

2.2.4 Duties of the COPM Secretary

The COPM Secretary shall be a designated professional staff member of API and is responsible for providing secretarial and administrative services as requested by the Committee and Subcommittee officers and as required by API policies in the areas of programs, projects, and budget.

The Secretary, in coordination with other API staff, shall maintain current and accurate Committee, Subcommittee, and subordinate group membership rosters. Copies of the rosters are available on the API COPM website.

2.3 Subcommittee Officers and Their Responsibilities

2.3.1 Subcommittee Officers

The officers of each Subcommittee are the Chairman, the Vice-Chairman, and the Secretary.
2.3.2 Duties of Subcommittee Chairmen

Subcommittee Chairmen shall guide the activities of the Subcommittee consistent with its responsibilities.

The Subcommittee Chairmen appoint, with concurrence of the COPM Chairman, the Vice-Chairman (or Vice-Chairmen), of their Subcommittees for a period of 2 years, but may serve longer if re-appointed. The Subcommittee Chairman appoints the chairmen of Working Groups established within the Subcommittee.

The Chairman of each Subcommittee may appoint a Coordinating Committee consisting of the Vice-Chairmen and two to four members to assist in resolving quick response needs in the periods between Subcommittee meetings and to assist the Chairman in the operation and management of the Subcommittee.

The Chairman establishes the time, date, and agenda for committee meetings and submits the agenda to API Measurement staff for distribution. The Chairman informs COPM of the progress of Subcommittee work by presenting brief oral reports to COPM at the Spring and Fall meetings. A format for the agenda, meeting minutes, and oral report is provided in Annex C.

The Chairman of each Subcommittee shall annually review the status and progress of its working groups to validate ongoing projects. If a project has been active for one year without achieving a subcommittee ballot, it shall be subject to cancellation and disbanding of its drafting group at the discretion of the Subcommittee Chairman.

2.3.3 Duties of Vice-Chairmen

Subcommittee Vice-Chairmen assist the Chairmen in all the administrative duties of committee leadership and in long-range planning. They are responsible for the program portion of the Subcommittee meetings. In the absence of a Chairman, or at the Chairman’s request, the Vice-Chairman assumes the duties of the Chairman. In the absence of both the Chairman and Vice-Chairman, the Chairman of COPM shall designate a temporary chair of subcommittee meetings.

2.3.4 Duties of the Subcommittee Secretary

API will appoint an API staff member as Subcommittee Secretary to record and finalize the minutes and maintain the record of attendance. Where appropriate, technical justification for actions should be summarized or referenced in the minutes. The Secretary makes the minutes available to the appropriate Subcommittee. In absence of staff attendees, the responsible committee Chairman shall appoint an acting Secretary.

2.4 Subordinate Group Officers and Their Duties

The officers of each Working Group are the Chairman and the Secretary. In addition, a Vice-Chairman may be appointed.

- Chairman – The Working Group Chairman is appointed by the Subcommittee Chairman from the membership of the respective Subcommittee with the concurrence of the COPM Chairman. The Working Group Chairman shall guide the activities of the Working Group consistent with its responsibilities, and shall be responsible for ensuring that the activities under their jurisdiction are organized and progressing in a manner that is compliant with COPM policies and directives.

- Vice-Chairman – The Working Group Chairman may appoint a vice chairman, with the concurrence of the Subcommittee Chairman, to preside at meetings in the absence of the Chairman.

- Secretary – The Working Group Chairman shall appoint a member of the group as secretary to carry out the required secretarial and administrative services for the Working Group.
2.5  Appointments

2.5.1  Appointing Authorities

Table 1 defines authorities for appointing officers and members of the committee, subcommittee, work and task groups.

<table>
<thead>
<tr>
<th>Officers/Members to be Appointed</th>
<th>Appointing Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>COPM Committee Chair</td>
<td>Midstream Committee Chair</td>
</tr>
<tr>
<td>COPM Vice-Chair</td>
<td>COPM Chair in consultation with the COPM Executive Committee</td>
</tr>
<tr>
<td>COPM Members</td>
<td>COPM Chair</td>
</tr>
<tr>
<td>Subcommittee Chairs</td>
<td>COPM Chair in consultation with the COPM Executive Committee</td>
</tr>
<tr>
<td>Subcommittee Vice-Chair</td>
<td>Subcommittee Chair in consultation with the COPM Chair</td>
</tr>
<tr>
<td>Subcommittee Members</td>
<td>Subcommittee Chair</td>
</tr>
<tr>
<td>Task Groups &amp; Work Groups Chairs</td>
<td>Subcommittee Chair</td>
</tr>
<tr>
<td>Task Groups &amp; Work Groups Members</td>
<td>Task Group or Work Group Chair, as appropriate</td>
</tr>
</tbody>
</table>

2.5.2  Appointment Letters

To keep API records as complete and up-to-date as possible, all appointing authorities shall inform API of desired appointments, and the API office will issue any appointment letters, if requested, on behalf of the appointing authorities.

Section 3  Legal Topics

3.1  Antitrust Laws

It is the policy of the API to comply strictly with the U.S. antitrust laws. It is the responsibility of every committee member, officer, and employee of the API to comply with the antitrust regulations. To assist in identifying situations which may have antitrust implications, the API Office of General Counsel, working with the API General Committee on Law, has prepared an Antitrust Compliance Guide, a copy of which is included as Annex B. The guide is intended to provide a general understanding of antitrust law, but it is not a substitute for advice of counsel. The API Office of General Counsel should be contacted whenever a situation is encountered that might have antitrust implications.

3.2  Other Legal Matters

Other legal matters concerning COPM or its subcommittees are to be handled by the API Office of General Counsel.
4.1 General Requirements

Generally, all standards meetings of COPM, its subcommittees, and active working groups are open to all interested parties having a direct and material interest including users, manufacturers, service providers and government agencies. Participants shall be capable of providing technical contributions in the subject of a standard. Committees may hold closed meetings for policy or budget matters.

COPM meets in the Spring and Fall in a given year. Subcommittees usually meet during the week of COPM of both Spring and Fall meetings. The Chairman normally calls COPM and its subcommittee meetings. A petition by 30% or more of the voting members is required for any additional meeting(s).

Working groups and other subordinate groups meet as required in a cost effective and productive manner. Efforts should be made to avoid closed meetings for the regular Spring and Fall COPM meetings. Working group chairmen should consider the feasibility of providing conference call/on-line capability for any meeting not occurring during the Spring and/or Fall COPM meeting, or during the time between the Spring and Fall meetings to advance work items.

The Committee, subcommittee, or subordinate group chairman shall call meetings. API staff shall send a meeting notice and an agenda to all members of the Committee, Subcommittee, or Working Group. Information regarding regularly scheduled Spring and Fall COPM meetings shall be submitted for listing in the annual standards plan that is made available on the API website. Meetings shall be conducted to the parliamentary procedures in *Roberts Rules of Order*. Members and interested parties shall be welcome to submit comments in writing, which shall be recorded or summarized in the minutes.

Minutes shall be taken by the Secretary or acting Secretary of the activity and shall be approved by the Chairman. Minutes shall be submitted to API staff within 6 weeks of the end of the meeting. Meeting minutes for all meetings held shall be submitted to API Staff for all Committee, Subcommittee, Executive/Coordinating Committee, Work/Task/Draft/Ad Hoc/etc. Groups, and shall be posted on the respective COPM committee web pages.

Minutes of each meeting shall contain, at a minimum: name of committee; date, time and location of meeting; officers, members, and visitors present; time opened; approval of previous minutes; synopsis of each subject discussed and action items; and the time the meeting closed. A template for meeting minutes is included as Form C.5 in Annex C. The minutes shall be approved by the chairman and made available to all members of the committee, subcommittee, or subordinate group as well as posted on the appropriate COPM committee web page. Final approval shall occur at the subsequent meeting.

4.2 Quorum Requirements

A simple majority (greater than 50%) of the voting members of COPM, or subcommittees (except API COMQ/ASTM D02.02) shall constitute a quorum for conducting business at a meeting. If a quorum is not present, actions taken are subject to confirmation by letter ballot. Working groups do not ballot documents for adoption; therefore formal quorum requirements do not have to be established. All documents, including new or revised standards, are balloted at the Subcommittee or COPM level.

Since API COMQ is a joint committee with ASTM D02.02, the quorum requirement to conduct ASTM business is for 10% of the voting members to be present. For conducting API business, API quorum requirements shall be followed.
Section 5  Standards Development

5.1  Purpose

API is chartered to promote the interests of the American petroleum industry and to encourage the development and dissemination of petroleum technology. The API Voluntary Industry Standards Program is a means of achieving this purpose. The authorization for developing voluntary industry standards is derived from the API Charter and the Institute's Board of Directors.

5.2  Definition of a Standard

5.2.1  Overview

For the purposes of these policies and procedures, the term standard means:

“A prescribed set of voluntary rules, conditions, or requirements concerned with the definition of terms; classification of components; delineation of procedures; specification of dimensions; construction criteria, materials, performance, design, or operations; measurement of quality and quantity in describing materials, products, systems, services, or practices; or descriptions of fit and measurement of size.”

This definition includes all API publications that are, or have been, designated as standards, specifications, recommended practices, codes, bulletins, and technical reports. The actual title is left to the discretion of the department developing the publication.

Emerging or maturing technologies may be covered by measurement standards after the industry gains sufficient experience with the technology and an analysis of data from its use. Technical Reports (5.2.6) or Draft Standards (5.2.8) may be published to promote data collection and gain experience with emerging technologies. In such cases, a preliminary form of the standard (trial use standard) may be issued as a draft standard and may be used a vehicle to obtain consistent data and experience within the industry.

All API standards, excluding draft standards, shall be identified by an alpha-numeric designation. The following terms shall be included in the title to describe the nature of the document.

5.2.2  Specifications

These are documents that are written in such a way as to facilitate communications between purchasers, manufacturers and/or service suppliers.

5.2.3  Recommended Practices

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

5.2.4  Standards

These are documents that combine elements of both specifications and recommended practices.

5.2.5  Codes

These are documents that may be adopted by regulatory agencies or authorities having jurisdiction. This may include “inspection-based” material.
5.2.6 Bulletins and Technical Reports

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.

5.2.7 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.

5.2.8 Draft Standards

A draft standard is 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.

5.3 Applicable Policies

5.3.1 General

Prior to beginning work on a standard, Working Group participants should review the following API policies and procedures¹, and adhere to them during standard development:

a. API Procedures for Standards Development
b. API Guide for the National Adoption of ISO Standards as API/American National Standards.
c. API Document Format and Style Manual.

5.3.2 API Mission Statement

See Annex A for the API Mission.

5.3.3 Standards Development

Documents assigned the designations given in 5.2.2 through 5.2.5, and 5.2.8, shall be developed, reaffirmed, and withdrawn in accordance with the API Procedures for Standards Development and this COPM Policies and Procedures Manual.

Documents assigned the designations given in 5.2.6 and 5.2.7 are not addressed by these procedures, although it is recommended that they are identified and approved as work items in accordance with 5.4.1, and a letter ballot, as outlined in 5.5.3, may be utilized to ensure there is consensus on the subject matter.

5.4 Identification and Approval of a Work Item

5.4.1 Developing Standards

Committee work to develop a new standard or revise an existing standard must begin with the identification of a work item by the Subcommittee. The Subcommittee may form a Working Group or Task

¹ Joint efforts with other standards organizations may require consideration of additional policies and procedures, i.e., ASTM, GPA etc.
Group to determine and report on the scope, justification, outline, and schedule of the proposed work. A Standards Resource Research and Request (SR3) Form (see Annex D) shall be completed and submitted to the Subcommittee, whose members shall consider whether to concur with and approve the proposed project.

An SR3 shall be prepared and approved for all joint standards developed and maintained with other standards developing organizations including AGA, ASTM, EI and GPA. An SR3 shall also be prepared and approved if it is proposed to nationally adopt an ISO standard as an API standard.

If approved by the Subcommittee, the Standards Resource Research and Request Form along with any other relevant information is submitted to the COPM Secretary prior to a scheduled meeting of COPM. SR3 forms are presented at the scheduled COPM meetings, where members may ask questions on the proposals, but a decision on whether the SR3 is approved by COPM is not routinely made at the Spring and Fall meetings. Requests for COPM to approve an SR3 at the Spring or Fall meeting should be by exception and may be made for reasons such as:

a. Limited modifications (such as a revised scope of a standard) to an existing (already COPM-approved) SR3.

b. Necessity to immediately initiate work on a project due to a pressing need such as to address a safety issue or regulatory requirement.

For SR3s presented but not approved at the COPM Spring or Fall meeting, the COPM Secretary forwards the forms to COPM members for consideration, and includes the COPM approval vote on the agenda for the next COPM meeting, usually held via a conference call/web meeting approximately 6 weeks following the Spring or Fall meeting.

SR3s submitted outside the regular scheduled Spring and Fall meetings shall be subject to letter ballot approval by the appropriate Subcommittee and COPM.

Actual work on the drafting of the standard should not begin until the project is approved by COPM. COPM may make changes or clarification to the proposed project prior to approval without re-submittal by the Subcommittee and will assign the project to a subcommittee.

Upon project approval by COPM, the Subcommittee Chairman shall appoint a Working Group Chairman, who shall proceed with developing the standard. COPM may direct, or the Subcommittee may decide, to solicit membership in the group from the participants of other subcommittees whose interests relate to the work being undertaken. For detailed information on the organization and function of Working Groups refer to Annex E (Figure E.1 shows an overview of the development process). If appropriate, the Subcommittee Secretary shall issue an ANSI PINS form to the American National Standards Institute to register the standard.

If prior to the publication of a standard, COPM decides that the standard would no longer be in the interests of the industry, it may vote by simple majority to stop further development or publication of the standard.

One of COPM’s functions is to manage the work program. If a project has not been completed or made sufficient progress (e.g. has not been published or balloted within the Subcommittee) within 3 years of COPM approval of its SR3, it should be subject to resubmission and reapproval of an updated SR3 by the Subcommittee and COPM, or it should be canceled. The revised SR3 should take into account:

- whether the scope of the project needs to be modified;
- if additional participants need to be identified, including the appointment of a new Working Group Chair or Co-Chair;
- a revised schedule for completion of the project.
5.4.2 Review, Reaffirmation, and Withdrawal of Standards

The *API Procedures for Standards Development* requires that all standards be reviewed at least once every 5 years unless they have been previously revised or withdrawn, or are being maintained under the stabilized maintenance option. Draft standards (5.2.8) shall be reviewed after 2 years to determine if the standard should become a full standard (see API standards procedures). At the request of a Subcommittee, COPM may grant an extension to a draft standard for a specified period of time, but it should be noted it is the intention for draft standards to have a limited “lifespan” after which they are withdrawn.

If a standard has not been revised within the 5-year period, API staff will advise the responsible Subcommittee that it must make a determination whether to revise, reaffirm, or withdraw the standard. Even if the standard needs to be revised, it should be reaffirmed at the 5-year point pending revision, unless the existing version should be withdrawn due to serious technical flaws.

A Subcommittee may ask COPM for an extension of up to 2 years for the revision, reaffirmation, or withdrawal of a standard. Requests for extensions should demonstrate that work is underway to revise, reaffirm or withdraw the document. Any standard that is not acted upon (revised, reaffirmed, or withdrawn) at the end of 7 years will be administratively withdrawn as an API standard.

If the Subcommittee reviews a standard and no revision is considered necessary, the standard shall be reaffirmed by the letter ballot procedure given in the *API Procedures for Standards Development*, and the date of reaffirmation shall be added to the cover.

If the Subcommittee determines that a standard is in need of revision, the Subcommittee should justify the need for revision and initiate a new work item to accomplish the task utilizing the Standards Resource and Request Form.

The Subcommittee is also responsible for determining if a standard no longer serves the function for which it was intended. The Subcommittee may recommend that COPM take action to discontinue publication of a standard.

5.5 Balloting

5.5.1 Joint Standards Balloting with Other Organizations (ASTM, AGA, GPA, ANSI)

The Subcommittee on Measurement Quality (COMQ) is a joint committee with ASTM. All standards developed by COMQ that are to also be ASTM standards are balloted jointly with ASTM. Subsequent to approval of the draft following balloting within the joint SC using the procedure described in 5.5.2, it shall be submitted for ASTM D02 Main Committee ballot and ASTM Society Review according to ASTM procedures.

The Subcommittee on Gas Fluids Measurement (COGFM) maintains several joint standards with the American Gas Association (AGA) and with the Gas Processors Association (GPA). These standards should be balloted through AGA and GPA simultaneously with the COGFM ballot.

Subcommittees wishing to initiate joint standards development work with other organizations should first contact API staff prior to starting work to ensure proper coordination between the organizations.

Any MPMS standards submitted as a new, revised, reaffirmed or withdrawn American National Standard shall be submitted to the American National Standards Institute (ANSI) for listing in "Standards Action" for comment. Comments and objections resulting from interested ANSI parties shall be addressed in accordance with this section.
5.5.2 Balloting Procedure

See *API Procedures for Standards Development* for the API standards procedures, which include ballot and consensus requirements.

5.5.3 Subcommittee Ballot

5.5.3.1 General

The final draft of the standard is forwarded by the Working Group Chairman, with the concurrence of the Subcommittee Chairman, to the Subcommittee Secretary, specifying that the draft is ready for final ballot.

The Subcommittee Secretary issues an electronic letter ballot on the draft publication to all members of the appropriate Subcommittee. Requirements of the *API Procedures for Standards Development* apply to the internet-based electronic balloting system.

If appropriate, the Subcommittee Secretary shall issue the ANSI BSR-8 form to the American National Standards Institute (ANSI) to begin the public review period.

Once the subcommittee ballot has closed, the results are sent by the Subcommittee Secretary to the chairmen of the Subcommittee and appropriate working group. If no negative votes or comments have been submitted during the ballot, the results are sent for information only. If any negative votes or comments have been submitted, API staff is responsible for consideration and resolution of comments pertaining to API policies and procedures. The chairman of the appropriate working group, in conjunction with the working group members, is responsible for the consideration and resolution of any other ballot comments. However, it is ultimately the appropriate Subcommittee Chairman's responsibility to ensure that comments have been addressed satisfactorily in accordance with the *API Procedures for Standards Development*.

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

5.5.3.2 Recirculation

Each unresolved objection and attempt at resolution, and any substantive change made in a proposed API standard shall be reported to the appropriate Subcommittee in order to afford all voting members an opportunity to respond, reaffirm, or change their vote.

5.5.3.3 Optional Reballot

In some cases it may be desirable to reballot an entire document or reballot a portion of a document in lieu of recirculation (5.5.3.2). The decision to use the reballot option shall be made by the Subcommittee Chairman in consultation with API staff.

5.5.4 Appeals Procedure

Any person having a material interest in an API standards action shall have the right to bring a timely appeal in accordance with the *API Procedures for Standards Development*.

5.5.5 Report of Final Ballot Results

The Subcommittee Secretary shall report to the Subcommittee the final results of the balloted standards including resolution of any comments or negatives.

If appropriate, the Subcommittee Secretary shall issue the ANSI BSR-9 form to the American National Standards Institute to complete the American National Standard process.
5.5.6 Joint Balloting of Multiple COPM Subcommittees

In cases where joint balloting of multiple COPM subcommittees is determined to be appropriate because of the need to solicit input from multiple disciplines, the following procedures shall be followed:

a. The lead subcommittee shall be identified at the initiation of the project and the associate subcommittee(s), whose input is also being sought, determined (see Annex F for assignments already made at the time of issuance of this edition of the COPM Policies and Procedures Manual). The lead subcommittee and any associate subcommittee(s) shall be clearly indicated as such on the Standards Resource Research and Request (SR3) form.

b. A proposal (SR3) to develop a new standard or to revise an existing standard using joint committee balloting shall initially be considered within the lead subcommittee. If approved within the lead subcommittee, the proposal shall be subsequently considered within the associate subcommittee(s). Any cases of dispute as to the lead subcommittee shall be referred to COPM for adjudication where a decision will be made by majority vote. As with all SR3s, approval shall be given by COPM for progressing the project under joint subcommittee balloting before work on drafting or revising the standard commences.

c. When the final draft of the standard is ready for final ballot, an electronic ballot will be initiated and distributed to all members of the lead and associate subcommittee(s). Voting on the joint ballot will be as follows:
   1. All voting members of the lead subcommittee shall vote.
   2. Where a voting member’s company on an associate subcommittee is NOT represented on the lead subcommittee, that member shall vote on the joint ballot.
   3. Where a voting member’s company on an associate subcommittee already has a voting representative on the lead subcommittee, the associate subcommittee member shall NOT vote on the joint ballot. In this case, the viewpoint of the associate subcommittee representative shall be directed through their voting representative of the lead subcommittee.

Members who have representatives on the lead subcommittee and associate subcommittee(s) should coordinate the submission of comments via their lead subcommittee representative.

d. Once the joint subcommittee ballot has closed, the chairman of the lead subcommittee, in consultation with the chair(s) of the associate subcommittee(s), is responsible for ensuring that the disposition of ballot comments and any negative votes have been addressed satisfactorily in accordance with the API Procedures for standards Development. Any dispute between the chairman of the lead subcommittee and the chair(s) of the associate subcommittee(s) as to the disposition of ballot comments and negative votes shall be referred to COPM for adjudication where a decision will be made by majority vote.

5.6 Standards Documentation

Documentation of origin, development and completion of each and every technical standard, including basic data correlation, equations, original field data, documentation (e.g., experimental, round robin data) or other technical material necessary to allow the documentation of a standard’s development, must be submitted to API staff for retention in the API standards documentation files in accordance with API Procedures for Standards Development.

5.7 National Adoption Procedure

API groups that want to adopt an ISO standard for use as an API Standard should use the API Guide for the National Adoption of ISO Standards as API/American National Standards, in conjunction with ISO Guide 21, Regional or national adoption of International Standards and other International Deliverables Part 1: 2005, Adoption of International Standards, and Part 2: 2005, Adoption of International Deliverables other than International Standards. If you have any questions, please contact API staff.
Section 6  Budget Process

6.1  General

The funding of COPM-sponsored projects is provided within the API budget process on an annual basis. The COPM budget has two parts. The operating budget provides for operations including staff, office rental, travel, computer, and other support services. The second category covers the standards resource and research projects of COPM and its Subcommittees.

6.2  Operating Budget

The operating budget is prepared and administered by the API Director, Standards Program, to provide the staff support required by COPM and in response to guidance from API Executive Staff.

6.3  Resource and Research Budget

6.3.1  General

The first step of this part of the budget process is the definition of the research project objectives, content specialist/contracted expert or other resource assistance requirements, and the estimated costs by the COPM Subcommittees. The project descriptions are then submitted to COPM for prioritization and approval in preparation for its consideration within the API Self-Supporting Program Budget, including seeking both internal and external funding support. After review and prioritization by COPM, it is submitted to the API Global Industry Services Committee (GISC) with other budget items from other API standards committees. The approved budget from GISC is then submitted to the API Management Committee's Budget Committee, who makes its recommendation to the Executive Committee. Ultimately, the API Board of Directors reviews the recommendation of the Executive Committee. The process begins in the spring of the year prior to expenditure and the API Board decides whether to accept the recommended budgets at its annual meeting.

6.3.2  Initiation of the Budget Request

The Subcommittees of COPM are responsible for preparing and submitting budget proposals in January of the year prior to the expenditure. In practice, these budget proposals are prepared by the Working Groups for approval by the Subcommittee and COPM at the Spring meetings.

The appropriate section of the Standards Resource & Research Request Form (see Annex D) shall be used for submitting budget proposals.

The strength of this document, its presentation, and support at the subsequent reviews will ultimately determine the success of the request. Highlighting the direct benefit to the API overall objectives helps to support approval, as does the identification of potential co-sponsors.

6.4  Schedule and Approval Requirements

The agenda of the COPM Spring meeting includes the budget approval process, which is initiated by presentation of the budget proposals, approved by the Subcommittees earlier in the week. Additionally, the COPM Secretary defines the API's budget guidelines for the subsequent year and highlights any problems or strategies to be considered. The COPM membership reviews each budget proposal and participates in a process to determine project prioritization.
The budget items are next presented to the Global Industry Services Committee (GISC). If the GISC concurs, the budget items are combined with all others to form the API budget proposal for the following year.

Review by the API Budget Committee begins in mid-July. By mid-September the budget is presented to the API Executive Committee for approval and presentation to the API Board of Directors for final approval at the API Annual Meeting.

The budget, thus approved, applies to the fiscal year January 1 through December 31 of the following year.

6.5 Funding and Management

Once funding is approved, the sponsoring Subcommittee is responsible for setting the scope and objectives and monitoring the progress of the research and special projects. Typically the members of the Working Group, the Subcommittee, or both, review periodically with the research contractor(s), content specialist or contracted expert performing the work, and report to COPM on the status and progress.

The administration of any contract is the responsibility of API staff and periodic reports to COPM are required (see Section 7.3).

6.6 Reprogramming of Funds

There are occasions where it will be necessary or advantageous to reprogram funds among or between projects within COPM. In this event, the evaluation and planning will be by API staff in consultation with the COPM Executive Committee for review and approval by COPM.

Section 7 Outside Contractual Services

7.1 General

The Committee on Petroleum Measurement (COPM) frequently uses contract services to carry out well-defined studies or to obtain specific experimental data in support of approved activities, including preparation and support, new or updated standards.

7.2 Introduction and Definitions

The contracted services are in support of activities that cannot be undertaken directly by the Subcommittee or Working Group members and where specific expertise is required. Typical examples are research, studies, or support services.

Research projects are the most common and may involve the creation or analysis of large databases of experimental data in support of measurement needs. Examples are (1) the temperature and gravity relationship for crude oils and products used to develop the revised Volume Correction Tables and (2) the 10,000 data points collected during 1985 through 1988 to update the orifice meter equation.

Studies involve the collection and analysis of data unavailable to members via any other method. An example of this is the COMQ Reformulated Gasoline (RFG) measurement and volume correction factor development research program.

Services and consultants are used frequently as project managers, writers, editors, and to furnish computer analyses.
7.3 Responsibilities

Following the project and budget approval, the members of the Subcommittee and the Working Group are responsible for the technical integrity of the contracted project. This may be accomplished by the appointment and operation of a project manager (or team) and a steering committee to provide guidance to API staff and review the results obtained.

API staff is responsible for the preparation, with the assistance of the Working Group, of Requests For Proposals to solicit bids, and for negotiating contracts, financial control, contractor oversight and administration, progress reporting, and the other requirements of API financial policies. API staff has the fiduciary responsibility to its members and the goal of satisfying high standards of professionalism.

7.4 Project Guidelines

COPM members should consult with API staff regarding the chronological steps to be followed in planning and executing a project involving an outside contractor.

Additionally, API financial policies establish procedures for preparation and approval of API contracts.

7.5 Project Reporting

The project management function includes the acquisition of cost and progress reports, adequate to ensure work performance, from the contractor and the transfer of this information to the steering committee, Working Group, Subcommittee, and the Committee on Petroleum Measurement (COPM). API staff accomplishes this by acquiring appropriate data from the contractor as frequently as necessary.

Specifically, the reporting of cost and progress milestones shall be a part of the Subcommittee’s Spring and Fall reports (written and oral) to the Committee on Petroleum Measurement (COPM). The reporting shall address the status versus the targets, the successes, and the concerns, which may become significant at a later date.

Section 8 Responses to Requests for Interpretation of API Standards

8.1 Introduction

Only API staff is authorized to issue interpretations. API staff shall issue interpretations in writing after consultation, if necessary, with the appropriate committee members and the API Office of the General Counsel in accordance with API Procedures for Standards Development.

8.2 Definition of Interpretation

For the purposes of this section and API Procedures for Standards Development, an interpretation is the answer to a question on the meaning of the standard. The answer to a question about the factual content of a standard is not an interpretation.

Additionally, the term standard includes all API publications that are or have been designated standards, specifications, recommended practices, publications, guides, or manuals and which conform to API Procedures for Standards Development.

8.3 Policy on Interpretation

All requests for interpretation shall be written and directed to API, Standards Department, who will coordinate and provide all responses.

Completed interpretations will be sent to the inquirer and the appropriate API committee, and may be periodically published or made available electronically.
Section 9 Membership

9.1 Applicable Policies

API membership qualifications are defined in API's Charter and Bylaws.

9.2 Requirements

9.2.1 COPM Membership Requirements

COPM members shall be employees of petroleum or petroleum pipeline companies that are corporate members of API, with membership limited to one representative per company, including its affiliates or subsidiaries, although others who bring special skills, experience, or viewpoints to the group may be appointed after consultation with API management. The members are actively involved in measurement and management roles for their companies.

Their respective companies must endorse members of COPM, its standing Subcommittees, and subordinate units and that endorsement is construed as a commitment of time necessary to carry out the duties of the appointment.

9.2.2 Subcommittee Membership Requirements

Subcommittee members shall be representatives of petroleum or petroleum pipeline companies, although others who bring special skills, experience, or viewpoints to the group may be appointed. While API membership is not a requirement for subcommittee membership, it is encouraged to strengthen governance and industry coordination. API seeks broad input to its standardization activities including the participation of individuals representing interest categories (see 9.2.6) appropriate to the nature of the standard, and attendance of all interested parties at meetings. In general, a balance of the various interest categories including operator-user, manufacturer-service supplier, and general interest should be sought.

COPM Subcommittees have a broad interdisciplinary membership from all sectors of the petroleum industry including users, suppliers, service organizations, and equipment manufacturers involved in measurement. Persons from state and federal agencies and from other API departments involved with the measurement requirements of the petroleum industry may also request participation. When the participation of people from these organizations would be important to the development of a standard, Subcommittee Chairmen may appoint an Advisory Group to work with the appropriate Working Group in the preparation of a draft standard. This Advisory Group shall have the opportunity for fair and equitable participation in the standards development activity through meeting notice and attendance, and submission of coordinated and consolidated comments. The Advisory Group members, however, shall not have a vote so as to avoid the dominance of that single group over the interests of the industry users of the standard.

Membership on the API Committee on Measurement Quality (COMQ), which is a joint committee with ASTM D02.02 Committee on Hydrocarbon Measurement for Custody Transfer, requires parallel ASTM membership. ASTM membership shall be confirmed prior to considering nomination of an individual as a member of COMQ.

9.2.3 Subordinate Group Membership Requirements

Membership on temporary subordinate units such as working groups, drafting groups, drafting groups for standards development, and task groups for special issues, may include all with capability for technical contributions. Since these groups tend to be limited in size, membership on these units shall take into consideration a balance between continuity and opportunities for member participation, special expertise,
and interdisciplinary coordination. While API membership is not a requirement for membership, it is encouraged to strengthen governance and industry coordination.

9.2.4 Subcommittee and Subordinate Unit Chairmen

The chairmen of subcommittees and all temporary subordinate units (working, drafting, or task groups) shall be representatives of API member petroleum or petroleum pipeline companies unless the COPM Executive Committee approves an exception.

Subordinate group chairs are ex-officio members of their parent committee.

9.2.5 Alternates and Non-Voting Members

Voting members may designate one alternate member from their company for each subcommittee. (Note: The alternate does not automatically succeed to subcommittee membership upon the voting member’s resignation.) Alternates shall be notified of all relevant letter ballots but shall not vote unless formally designated by the voting member.

A company may permit several individuals to participate in committee activities. If a company already has designated a voting member for a subcommittee, the additional individuals shall be designated as non-voting members.

9.2.6 Interest Categories

COPM interest categories are defined as follows:

Operator-User
A petroleum company, including those engaged in gathering and processing oil and natural gas, or a petroleum pipeline company.

Manufacturer-Service Supplier
• A company fabricating a product/equipment specified in the standard, or
• an entity that is providing a service in compliance with the standard, such as a laboratory, inspection company, equipment calibration company, or
• an entity engaged primarily in storing (i.e. terminal) or transportation (i.e. marine, rail and trucking) operations of oil and natural gas.

General Interest
A person, organization or other 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, regulatory bodies, government agencies, etc.

9.2.7 Multiple Memberships, Liaison Members and Mailing Lists

Multiple voting members from one company are not allowed on either COPM or its subcommittees. However, multiple memberships on Subcommittee subordinate groups may be allowed.

Related organizations or governmental agencies may request liaison participation on COPM or its Subcommittees and Working Groups. API will grant approval of such participation upon direction by the COPM Executive Committee or API staff.

COPM, its subcommittees and other subordinate groups generally do not have mailing lists since membership is limited to active participants only. Members who act solely in a liaison capacity with other organizations or government agencies shall be given a liaison ranking on the roster. If mitigating
circumstances exist, individuals may be added to the mailing list of a roster, but this is subject to the petitioner providing adequate justification to the chairman of the appropriate group, and the chairman and API staff's approval that such an addition is warranted. Mailing lists shall not be used in place of intra-company correspondence, i.e. committee members should effectively liaise with others within their company/organization and forward any appropriate documentation that they receive from the API groups. It should be noted that a mailing list ranking on subordinate group will not allow access to the working area of that group on the COPM website (access is reserved for active participants only).

9.3 Requests for Membership

Requests for membership on COPM, its Subcommittees, and subordinate groups shall be directed, in writing, to API staff and shall include the applicant's qualifications, direct and material interest in the committee's work, willingness to participate actively, and a commitment of time and resources to carry out the work of COPM. This information will be forwarded to the appropriate chairman.

Consideration for membership shall consist of the following: the need for active participation from each interest, the domination by a single interest category (see 9.2.6), the extent of interest by the applicant, and the reasonable limits for committee size.

9.4 Removal from Membership

Non-participating members of COPM, its subcommittees, and subordinate groups may be removed from membership by the appropriate chairman for failure to participate in any three consecutive meetings and/or failure to otherwise contribute to the work of the group. For COPM and its subcommittees, the committee Secretary will notify the nominating company that the member will be removed. If the company desires to continue to be represented, a new member should be nominated through their company COPM member or via a letter from their management to the committee Secretary if there is no appropriate company representative serving on COPM.

Subcommittee membership shall be terminated for failure to return subcommittee letter ballots. A review of its voting membership shall be conducted by every subcommittee, which shall then send warning letters of pending termination to those voting members who have failed to return the last two subcommittee letter ballots.

In the absence of circumstances acceptable to the Subcommittee's Coordinating Committee or Subcommittee Chairman, failure to return the next Subcommittee letter ballot shall result in termination of Subcommittee membership or suspension of voting status. Voting members or companies removed from the subcommittee for non-participation shall be required to petition the chair for reinstatement of their voting rights after waiting a period of no less than six months from the date that the privileges were withdrawn.

A terminated member may appeal to the Subcommittee's Coordinating Committee, Subcommittee Chairman, or the COPM Executive Committee.

9.5 Membership Rosters

API staff maintains membership rosters of the Committee, Subcommittees, Working Groups, and Task Groups. It is the responsibility of the respective chairmen to ensure that the lists include everyone and the responsibility of the member to ensure that the included information is correct and that staff is notified in writing of any errors and changes.

Rosters can be viewed on the COPM website and can only be viewed by the members on that committee, subcommittee, or subordinate group. Login information can be obtained from the API Measurement staff.
9.6 Non-Member Services

Persons interested in the activities of the subcommittees and working groups, who are not COPM members, may receive meeting notices and attend meetings as observers. Draft documents and other working documents are not available under this service. Written request for access to these services shall be addressed to the API staff.

9.7 Emeritus Membership on COPM Subcommittees

In addition to the foregoing, individuals no longer sponsored by member companies may be granted emeritus membership by recommendation of the COPM Executive Committee and more than two-thirds vote by COPM.

Qualified individuals are typically annuitants, who have been active within the industry, COPM, or Subcommittees. Their special expertise is critical for the successful development of measurement standards, and they desire to actively participate with standard development at the subcommittee level.

Individuals may be nominated from subcommittees, working or task groups. COPM members may also recommend individuals for emeritus membership through their Subcommittee Chairman. The Subcommittee’s Coordinating Committee will review and forward approved candidates to the COPM Executive Committee. The Executive Committee will consider the nominees and will forward the approved candidates for vote by COPM.

COPM will normally vote on nominees at the Fall COPM meeting for membership in the following calendar year. No more than ten individuals may serve as emeritus members at the same time.

Emeritus membership will be for a one-year period, reviewed annually, and may be reaffirmed by vote of COPM.

An individual who has been accorded emeritus membership shall be exempt from paying meeting fees. He or she, however, shall bear all other ancillary costs associated with meeting attendance, such as hotel, travel, etc.

An emeritus member shall be accorded subcommittee voting privileges under Section 10.5. An emeritus member must comply with all applicable rules and regulations of API.

Section 10 Voting (Balloting)

10.1 Balloting Requirements

Requirements for balloting of standards are contained in the API Procedures for Standards Development.

10.2 Balloting Period

The normal balloting period for letter ballots shall be six calendar weeks from the date of issue. At the Chairman’s option, however, the initial ballot period may be lesser or greater, or extended to allow additional ballots to be received.

Reminders to return ballots shall be sent, as appropriate, to committee members.
10.3 Actions Requiring Approval by a Majority

The following actions require approval by a majority of the voting membership of the committee or subcommittee either at a meeting or by letter ballot:

- Establishing a subgroup (such as a working group or task group), including its scope and duties.
- Disbanding a subgroup.
- Approval of a new work item.
- Abandonment of a standards development project.
- Approval of a budget item.
- Approval of withdrawal of an existing standard.

The following actions, by committee or subcommittee vote at a meeting, require approval by a majority of the voting members present:

- Approval of minutes.
- Authorization of a letter ballot.

10.4 Actions Requiring Approval by Two-Thirds of Those Voting

The following actions require either a letter ballot or an equivalent formal recorded vote with approval by at least a majority of the voting membership and at least two-thirds of those voting, excluding abstentions:

- Adoption of committee procedures, or revisions thereof.
- Approval of change of committee or subordinate group scope.
- Approval of emeritus membership.

10.5 Authorization of Letter Ballots

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

- Majority vote of those voting members present at a committee meeting.
- The Chairman.
- The COPM Executive Committee.
- Petition of 30% or more members of the committee or subcommittee.

10.6 Voting and Non-Voting Members

10.6.1 General

Voting members of COPM are members representing companies with corporate API membership in accordance with Section 9.2. Non-voting members of COPM are those members serving because they are COPM subcommittee chairmen for the same companies that already have a designated COPM voting representative.

Companies or individuals that are members of a COPM subcommittee may request voting privileges within that subcommittee. A company shall provide API staff with a written notification of the designated voting member of a subcommittee.

Voting members of superior committees are deemed to have the authority to represent their company’s voting member in any matter before a committee subordinate to their voting membership.

Non-voting members of COPM subcommittees are those company representatives or usually individuals appointed to participate because of special expertise such as government representatives or members of academia, as well as members representing other industry trade associations.
All members appointed to serve on working groups have a vote (with a limit of one vote per company) for the purpose of addressing the recommendations for the resolution of negative votes on drafts of standards documents, and in recommending action items to the parent subcommittee, regardless of their company or individual API membership status, with the exception of those individuals participating on advisory groups appointed by the cognizant COPM Subcommittee Chairman in accordance with Section 9.

10.6.2 Vote of Alternate

An alternate’s vote at a COPM meeting is counted only if the voting member notifies the Chairman or Secretary prior to the meeting.

10.6.3 Single Vote

No member shall have more than one vote. If two or more organizations appoint the same person to represent each of them, however, that person may cast a separate vote for each organization represented. The organizations shall confirm in writing to the appropriate Secretary that they are aware of and will accept the results. Additionally, representation of more than one organization by the same member shall require approval by a majority of the committee or subcommittee, excluding the vote of that member.

Section 11 Procedures for Entry of New Issues for COPM Attention

11.1 New Standards Development

API members, or other interested individuals, may propose a new standard based on need or new technology. The proposals should be made in writing to API staff. Subcommittees or working groups may also develop proposals for new standards. In either case, the procedures given in Section 5 of this manual will be followed. Formal approval of the project by both the Subcommittee and COPM is required.

11.2 Requests for Revision of Published Standards

A written request to the API Staff with background and justification will be directed to the appropriate subcommittee for consideration and action. Formal approval of the project by both the Subcommittee and COPM is required.

11.3 Prioritization

In order to use the resources of COPM and API staff efficiently, it is necessary to prioritize the development of new or revised standards, along with the current and ongoing projects. Prioritization is accomplished with periodic polling of COPM members.

Section 12 Awards

12.1 Purpose

Awards shall be made to recognize those individuals on COPM and its subcommittees who have made special contributions or who have provided distinguished service in the field of hydrocarbon measurement. Awards shall be made at COPM’s discretion during any regularly scheduled meeting of the committee, typically at the Spring meeting.
12.2 Certificate of Appreciation

12.2.1 Overview

Certificates of appreciation may be given by COPM as API’s highest award for distinguished service on COPM or its subcommittees. The award shall be in the form of a certificate bearing the name of the recipient, a citation of the outstanding service rendered, and the signatures of the president and the Secretary of API.

12.2.2 Criteria for Awarding the Certificates of Appreciation

To ensure that certificates of appreciation are meaningful, they should be awarded only after careful consideration of the contributions of the proposed recipient. The limit for COPM awards shall normally be one or two per year, with no obligation to make an annual award.

Preference should be given to active committee members. Prospective recipients of an award should be nominated each year. Nominations should not be held over from year to year.

The award should be given for continued, dedicated, and effective service to COPM or for the recognition of some specific, outstanding performance over a shorter period of time. The purpose of the certificate is to recognize distinguished service and is not to be interpreted as an award for routine performance.

12.2.3 Nominating Potential Award Recipients

Members of COPM and its subcommittees may nominate members for awards to the respective Coordinating Committee or directly to the COPM Executive Committee. The Executive Committee, in its capacity as an awards committee, shall consider all nominations.

12.3 Citation for Service

12.3.1 Overview

The COPM Executive Committee may award a certificate of service to committee members and others in recognition of special contributions. The award shall be in the form of a certificate bearing the name of the recipient, a citation of the special contribution, and the signature of the Chairman of COPM.

12.3.2 Criteria for Awarding Citation for Service

The award is given to those members who have made significant contributions to COPM or its subcommittees.

12.3.3 Nominating Potential Award Recipients

COPM members and Subcommittee Chairmen may make nominations to the COPM Executive Committee. The COPM Executive Committee will then select and approve the nominees to receive the award.
12.4 Chester W. Ochsner Mentor Award

12.4.1 Criteria for the Chester W. Ochsner Mentor Award

The Chester W. Ochsner Mentor Award is given to individuals who have made significant contributions to the work of COPM, while not serving in a committee, subcommittee, or task or working group leadership position.

This individual is willing to share his/her knowledge with and mentor new members of COPM in an unbiased way to help them understand the principles behind measurement.

The award need not be given every year. It consists of a certificate signed by the COPM Chairman.

12.4.2 Procedure for Nominating Potential Award Recipients

COPM and its subcommittees may nominate members for consideration for the Chester W. Ochsner Mentor Award to the COPM Executive Committee. All nominations are subject to approval by the Executive Committee, in its capacity as an awards committee.

12.5 COPM New Member Impact Award

12.5.1 Criteria for the API New Member Impact Award

The API New Member Impact Award recognizes those individuals who have five years or fewer years of service and have made significant contributions to COPM and its subcommittees during the past year.

The API New Member Impact award is given in recognition of special/significant contributions as new members of standards subcommittees, working or drafting groups, or vendor/manufacturer advisory groups.

12.5.2 Procedure for Nominating Potential Award Recipients

Nominations for the award are accepted from active COPM members and subcommittee chairmen. Up to seven (7) final nominees can be chosen to receive the API New Member Impact Award. Nominations must be made in writing using the official nomination form. The COPM Executive Committee will review all entries and select and approve the nominees to receive the award.
Annex A
(informative)

API Mission

To promote safety across the industry globally and to influence public policy in support of a strong, viable U.S. oil and natural gas industry.

As the U.S. oil and natural gas industry’s primary trade association, API:

- Engages in federal and state legislative and regulatory advice that is based on scientific research; technical, legal and economic analysis; and public issues communication.

- Provides an industry forum to develop consensus policies and collective action on issues impacting its members.

- Works collaboratively with all industry oil and gas associations, and other organizations, to enhance industry unity and effective in its advocacy.

API also provides the opportunity for standards development, technical cooperation and other activities to improve the industry’s competitiveness through sponsorship of self-supporting programs.
Annex B
(normative)

Antitrust Compliance Guide

B.1 Introduction

The American Petroleum Institute is a trade association founded in 1919 as an outgrowth of cooperation between the American petroleum industry and the Allied Governments during World War I. The purposes of the API are described in the API’s corporate charter as follows:

1. To afford a means of cooperation with the government in all matters of national concern;
2. To foster foreign and domestic trade in American petroleum products;
3. To promote in general the interests of the petroleum industry in all of its branches; and
4. To promote the mutual improvement of its members and the study of the arts and sciences connected with the petroleum industry.

It has long been recognized by the government, the courts, and business that trade associations perform legitimate and useful functions in our economic system, and the lawfulness of normal trade association activities is recognized both in and out of the antitrust context. Because trade associations are usually composed of competitors, such associations are sometimes the focus of investigations and litigation under the antitrust laws. Consequently, trade association personnel and their member organizations must recognize that their activities may be closely scrutinized for antitrust compliance.

Because of this scrutiny, officials, staff, and members of the API must be constantly aware of the antitrust implications of association activities. This Annex has been prepared as an aid to assist you in identifying and complying with U.S. antitrust requirements. It is not, however, a substitute for legal advice and is not intended to substitute for the legal advice member companies may receive from their own antitrust counsel. Nor is it intended to be a comprehensive survey of all the types of antitrust-related issues that may arise. Questions concerning the contents of this Annex or the application of the various antitrust laws to specific API activities should be referred to the API Office of General Counsel.

B.2 Purpose of Antitrust Laws

The chief purpose of the antitrust laws is to protect and foster the efficient operation of our free enterprise system by assuring the preservation of competition among business firms at all levels of trade. These laws are primarily based on the theory that the consumer benefits by getting the best product at the lowest price through competition and that society’s productive resources are best allocated and utilized by subjecting business firms to the rigors of a competitive market.

If one company through improper means dominates a market with resultant power to fix or control prices and exclude competition, consumers and society generally suffer.

The same is true if competitors agree among themselves to fix prices, limit production, divide markets, or allocate customers. In both cases consumers and society lose the benefits of competition in the affected markets. The antitrust laws are aimed at conduct that threatens to deprive consumers of the benefits of competition.

B.3 Principal Federal Antitrust Laws

The principal federal antitrust statutes are the Sherman Act and the Clayton Act. An important and closely related statute is the Federal Trade Commission Act, which is in part concerned with anticompetitive conduct and in part concerned with unfair trade practices and misrepresentations. A fourth statute that is
usually associated with antitrust law, though somewhat different in purpose, is the Robinson-Patman Act, a 1936 amendment to the Clayton Act.

B.3.1 Sherman Act

The Sherman Act, adopted in 1890, contains two substantive prohibitions:

• Section 1, as interpreted by the courts, prohibits agreements, contracts, combinations, or conspiracies between two or more companies or persons that unreasonably restrain trade. It is Section 1 of the Sherman Act that prohibits, among other things, agreements among competitors to fix prices, allocate customers, limit production, or eliminate a competitor.

• Section 2 prohibits monopolizing conduct, attempts to monopolize, and conspiracies or combinations between two or more companies or persons to monopolize a market. It is Section 2 of the Sherman Act that prohibits, for example, predatory sales below cost for the purpose and with the likely effect of achieving a monopoly in a market. Unlike Section 1, single firm conduct can result in a violation.

Violation of the Sherman Act is a felony. The Act itself provides for criminal penalties, including fines up to $100,000,000 against corporations, fines for individuals up to $1,000,000, and prison terms up to ten years. As an alternative to the statutory fine, corporations or individuals may be fined amounts computed on the basis of a maximum of twice the gain or twice the injury resulting from violation even if these fines exceed the sums specifically prescribed.

B.3.1.1 Enforcement of the Sherman Act

• Criminal. Enforcement of the criminal provisions of the Sherman Act is exclusively in the hands of the Justice Department’s Antitrust Division. The corporate and individual fines, described above, as well as up to ten years incarceration provide very serious sanctions. Criminal enforcement is reserved for so-called per se violations of the Sherman Act, usually price-fixing. These violations are described in Section B.5. Be sure you know what they are.

Justice Department action looking toward a criminal indictment is ordinarily preceded by a grand jury investigation. The grand jury, which is impaneled by a United States District Court, has very broad investigative powers, including the power to subpoena witnesses and documents. Government attorneys appear before the grand jury but attorneys for the investigated parties do not. If the Justice Department decides to seek an indictment and if the grand jury decides that there probably has been a violation, the grand jury returns an indictment naming the parties and spelling out the charges.

The Justice Department has a formal amnesty program that may allow the first corporation that provides information on an illegal conspiracy to avoid criminal prosecution. The amnesty program has played a key role in recent government prosecutions of several international price-fixing conspiracies.

• Civil. If the suspected violation is not of the clear-cut variety that is considered per se unlawful, the Justice Department will usually choose to investigate it through civil processes. The Justice Department can conduct its investigation through use of a Civil Investigative Demand (CID), which could include requests for document production, interrogatories, and investigative interviews.

Civil suits brought by the Justice Department seek to enjoin conduct that violates the Sherman Act or the Clayton Act. In addition, as described below, the Clayton Act enables private plaintiffs to get injunctive relief and to recover treble damages for violations of the antitrust laws. Treble damages may also be recovered in suits brought by state attorneys general suing in a parens patriae capacity on behalf of injured state citizens or by the federal government.
A significant consequence of a Justice Department lawsuit, criminal or civil, is that it will frequently precipitate private treble damage actions based on the violations alleged by the Justice Department. Such lawsuits frequently are brought on behalf of a class of similarly situated plaintiffs and often seek recovery of damages going into many millions of dollars. Moreover, a guilty plea or an adverse judgment against a defendant in a government suit is *prima facie* evidence of a violation in a subsequent private suit.

**B.3.2 Clayton Act**

The Clayton Act, adopted in 1914, provides that civil actions may be brought by the U.S. Government or by private parties to enforce the federal antitrust laws, including the Sherman Act. Such civil actions to enforce the Sherman Act are the most frequent type of antitrust litigation. In civil actions, the standard of proof required to establish a violation is lower than in criminal cases—in the latter the government must prove its case beyond a reasonable doubt, but in a civil case a plaintiff is only required to establish a violation by a preponderance of the evidence.

Civil actions under the Clayton Act may seek injunctive relief as well as damages for injuries caused by an antitrust violation. The Clayton Act provides that damages awarded to private parties by reason of antitrust violations will be automatically trebled and that, in addition, a successful antitrust plaintiff will recover its reasonable attorneys’ fees and costs.

The Clayton Act also supplements the Sherman Act by identifying several specific types of conduct or transactions that can be illegal. Among these are the following:

- **Exclusive Dealing, Requirements Contracts, and Tying**—selling goods to a customer on the condition that the customer refrain from dealing in the goods of a competitor, e.g., by committing the customer to take its requirements from the seller or by requiring the customer also to purchase a second product from the seller, where the effect of the practice might substantially lessen competition (Section 3).

- **Mergers and Acquisitions**—acquiring the stock or assets of another entity where the effect of the acquisition may be to substantially lessen competition in a market or to tend to create a monopoly (Section 7). (This provision has been supplemented by the so-called Hart-Scott-Rodino premerger notification requirements. With certain exceptions, transactions that result in one entity holding more than $50 million in either voting securities or assets of another entity must be reported in advance to the antitrust agencies. This gives the agencies an assured opportunity to attempt to enjoin a transaction before consummation.)

- **Interlocking Directorates**—the same person serving as officer or director of two competing corporations, subject to certain exceptions based on overall size or the volume of sales made in competition with each other (Section 8).

**B.3.2.1 Enforcement of the Clayton Act**

The substantive provisions of the Clayton Act may be enforced by the Justice Department, the Federal Trade Commission, or private plaintiffs in civil suits. Since the FTC shares with the Justice Department the important statutory responsibility for enforcement of Section 7 of the Clayton Act, dealing with mergers and acquisitions, the two agencies coordinate closely with one another to avoid duplication of effort.

**B.3.3 Federal Trade Commission Act**

The Federal Trade Commission Act, adopted in 1914, prohibits “unfair methods of competition” and “unfair or deceptive acts or practices.” The Federal Trade Commission was established to enforce the statute. “Unfair methods of competition” may include conduct that violates the Sherman or Clayton Acts as well as some restrictive conduct that does not violate the literal terms of those Acts. The Act also authorizes the FTC to halt various unfair trade practices of a nonantitrust variety, such as false
advertising. In addition, the Federal Trade Commission Act empowers the FTC to collect data and business information in order to provide reports to Congress and executive agencies.

B.3.3.1 Enforcement of the FTC Act

Unlike the Sherman Act, the FTC Act provides no criminal penalties. The FTC’s primary enforcement tool is entering orders requiring that a respondent in an FTC proceeding cease and desist unlawful activities and take remedial action (such as “corrective advertising” or “restitution”) to alleviate harm caused by past violations.

However, once a company becomes subject to an FTC enforcement order, any violation of that order may give rise to penalties, including fines of $11,000 per violation, with each day of noncompliance considered a separate violation. As noted above, the Federal Trade Commission Act reaches practices that would also violate the Sherman Act. If the violation in question is of a kind that typically would result in the employment of criminal sanctions, such as price-fixing, the FTC would ordinarily leave enforcement to the Justice Department since it has the sole power to bring criminal cases.

B.3.4 Robinson-Patman Act

The Robinson-Patman Act, enacted in 1936, is an amendment to Section 2 of the Clayton Act that was primarily intended to protect small businesses from price discrimination. Under the Robinson-Patman Act, it is unlawful to sell commodities of “like grade and quality” to different customers at different prices where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly. In suits under the Act, such an unlawful effect may be alleged to occur to a seller’s competitors (so-called primary line injury) or, more commonly, may be alleged to occur to customers adversely affected by a lower price given to their competitors (secondary line injury). A primary line case must establish sales below some appropriate measure of costs plus a reasonable prospect of recouping via monopoly profits the losses of the below-cost pricing. The Robinson-Patman Act also seeks to prevent indirect discrimination by outlawing payments, in any form, for services not actually rendered, and by requiring that promotional allowances and services be made available to competing customers on proportionally equal terms. The Act also makes it unlawful for a buyer knowingly to receive or induce a discrimination in price.

The Robinson-Patman Act provides several affirmative defenses, the most important of which are the “meeting-competition” and “cost-justification” defenses. The statute provides for a meeting-competition defense that the lower price or the furnishing of services was made in good faith to meet an equally low price of a competitor or services furnished by a competitor. Under the cost justification defense, a price discrimination can be cost-justified by the seller and thereby saved from illegality to the extent that the price differential reflects cost savings to the seller in the manufacture, sale, or delivery of the goods. The seller must be able to substantiate any such cost savings.

Private plaintiffs may seek to enforce the Act and to recover treble damages. The FTC has statutory authority to enforce the Robinson-Patman Act, but has largely left enforcement to private plaintiffs in the last 20 years.

B.4 State Trade Regulation Statutes

In addition to the federal laws reviewed above, many states have enacted antitrust and trade regulation statutes relating to activities within their borders. These laws must also be considered, along with federal laws, in evaluating the antitrust status of a proposed transaction or course of conduct. Like the federal laws, many state statutes provide for treble damages and criminal penalties. While state antitrust and trade regulation laws vary from state to state, most frequently they fall into the following categories:
B.4.1 General Antitrust Acts

The great majority of states have legislation containing provisions similar to those in the Sherman Act applicable to intrastate commerce within their boundaries.

B.4.2 Price Discrimination

Over half the states have price discrimination laws. Many of these laws apply to discriminations between regions or communities in addition to discriminations between different purchasers in the same community.

B.4.3 Selling Below Cost

Legislation has been adopted in about half the states that generally prohibits selling below certain levels of cost. Often such legislation prohibits loss leaders. Some states have passed statutes that specifically prohibit selling motor fuel or petroleum products below cost.

B.4.4 Little FTC Acts

Many states have passed statutes providing private actions for damages and injunctive relief for types of unfair trade practices that would violate the Federal Trade Commission Act. In a number of instances treble damage recovery is possible.

B.5 Sherman Act Violations

Criminal federal antitrust cases typically involve alleged *per se* violations—usually price fixing—of Section 1 of the Sherman Act, which prohibits contracts, combinations, or conspiracies in restraint of trade. *Per se* offenses also account for the preponderance of private actions for treble damages. Even though a trade association may not itself be a profit-making business organization, its officers and employees can be convicted of criminal antitrust violations and the association can be assessed with treble damages if officers or employees are found to have participated in illegal activities with association members.

A contract or agreement does not violate Section 1 of the Sherman Act unless it unreasonably restrains commerce. Ordinarily, the determination whether a restraint is unreasonable requires analysis of the effect on competition of a given practice, including a consideration of its procompetitive and anticompetitive consequences. This is referred to as “rule of reason” analysis. However, over the course of time courts have, on the basis of experience, concluded that some types of arrangements or agreements are so inherently injurious to competition that they can be conclusively presumed “unreasonable” without inquiry as to the precise economic harm they may cause or as to the business justification for their use. Such agreements are deemed illegal *per se* under the Sherman Act. They are especially important to know about and avoid, because they are the types of activities upon which the government concentrates in selecting cases for criminal prosecution and because the courts will listen to no justification excusing their commission.

*Per se* violations of Section 1 the Sherman Act include the following:

B.5.1 Price Fixing

- *With Competitors (horizontal price fixing)—* an agreement with a competitor as to prices either company will charge is illegal *per se*. This includes not only agreements on the final prices themselves but on matters relating to them. Therefore, *per se* unlawful horizontal price fixing may include agreements with competitors concerning prices, terms of sale, levels of output, price changes, discounts, rebates, credit terms, pricing methods, sales periods, and other matters relating to or affecting price or an element of price. The concept of “agreement” is similarly broad: whether formal or informal, written or oral, contained in a document or
established by a course of dealing, resulting from direct communications or through communications of a common third party, if a court finds a meeting of the minds, it may conclude that an agreement exists. In some circumstances, the practice of a mutual exchange of price information among competitors concerning current or prospective prices or concerning the current or prospective prices on specific sales to identified customers may be regarded as evidence from which an illegal price-fixing agreement may be inferred. For this reason, the association should generally avoid sponsoring programs that involve exchange of current or prospective price information among competitors, and should obtain legal counsel concerning any such program before implementation.

- **With Customers (vertical price fixing)**—an agreement with a customer on the minimum price at which the customer will resell a product or commodity is also illegal *per se*. Although some economists and academic authorities have been critical of *per se* treatment of vertical price fixing, so far the courts have been firm in holding to *per se* treatment for minimum resale prices.

## B.5.2 Horizontal Agreements to Allocate Customers or Territories

It is illegal *per se* to agree with a competitor to divide territories in which you sell or to allocate customers with whom either of you will deal.

## B.5.3 Horizontal Boycotts

Agreements between competitors not to buy from a given supplier or not to sell to a particular customer are in many circumstances illegal *per se*. Horizontal agreements between companies to induce a supplier not to deal with a competitor are also illegal *per se*. While in certain situations agreements between competitors, or between others, not to deal with a third party may not receive strict *per se* treatment, no such activity should be undertaken without prior advice of counsel.

## B.5.4 Tying Arrangements

A tying arrangement, or a tie-in sale, is one in which a customer is required to purchase an unwanted product or service in order to obtain a desired product or service. A tie-in sale is ordinarily illegal *per se* once the court is satisfied that separate products are involved, that the seller has sufficient economic power with respect to one product to enable him to force his customers to purchase the other product, and that more than an insubstantial amount of commerce is affected. While a court may not always make such findings and while use of the criminal process is unlikely, all such arrangements should be avoided unless prior advice of counsel has been received stating that in the particular circumstances an arrangement is permissible.

Competitors should not only avoid *per se* illegal agreements, they should also avoid any discussion of the matters on which they could not lawfully agree. This is so because if such discussions were followed by parallel business action, a court or jury might find that there was an illegal agreement between the parties to such a discussion even if they actually intended no agreement. Accordingly, there should be no discussion between competitors concerning matters on which each must act unilaterally. These include prices to be charged others (including discounts, credit terms and other things affecting price), the quantity or quality of products or services to be produced or sold to others, the areas within which or the persons to whom such sales will be made, or in many instances the persons from whom or the terms on which products or services will be purchased. Members and employees of a trade association must be vigilant to avoid such discussions and any conduct that might inadvertently encourage them.

## B.6 Exclusionary or Predatory Practices

Antitrust proceedings alleging violation of Section 2 of the Sherman Act are often brought when a company with a large share of a market engages in questionable business practices intended to have the
effect of driving smaller competitors out of business or of crippling them severely. In addition to
government prosecution against such conduct, quite frequently a company forced out of business or on
the brink of bankruptcy will strike back at its more successful competitors by bringing an action for treble
damages alleging that either acting together or individually the competitors engaged in exclusionary or
predatory practices in order to attempt to achieve a monopoly.

Often such an action will include an allegation of so-called predatory pricing. Pricing may be found to be
unlawful, or predatory, where sales are made below cost and where there is a reasonable prospect of
recouping through monopoly profits the losses due to the below-cost pricing. Courts disagree on what
definition of cost should be used in determining whether a price is “below cost.” Sales at prices bringing
no incremental profit to the seller (i.e., below incremental or variable cost) should ordinarily be avoided
since such sales run the risk of being regarded as predatory if recoupment is a reasonable prospect.

B.7 Antitrust Implications of Specific Trade Association Activities

Trade associations engage in many industry activities that have procompetitive effects and are clearly
permissible under the antitrust laws. Several types of trade association activities, however, may raise
antitrust problems under certain circumstances:

B.7.1 Statistical Reporting

The reporting of statistical data is one of the primary functions of a trade association. Such programs are
conducted to aid members in operating their businesses more effectively and are also often useful to the
government and the general public. Competition works best when both buyers and sellers are well-
informed about market conditions.

Statistical programs can involve numerical data of many types, including data on production, inventories,
sales, and shipments. The purpose of collecting and disseminating data of this type is to indicate trends in
the industry that reflect upon supply and demand. Association members receiving such statistical data
can then make their future business decisions more rationally. Such decision-making, however, must be
on an individual basis, without consultation with competitors.

The degree of antitrust risk in conducting statistical programs varies depending on the type of information
that is being collected, its specificity, its current nature, and its dissemination. Broadly speaking, the
further removed such data is from prices and costs, the less company-specific it is, the more historical it
is, and the wider the public dissemination, the less likely it will be that antitrust problems will be raised by
the program.

Because, as previously noted, exchanges of price data by competitors may be regarded as constituting a
price-fixing agreement under certain circumstances, a statistical program involving exchange of current
price or cost information may pose an antitrust risk. Similarly, exchange of information on future
production plans can result in antitrust difficulties. Price, cost and production information, if part of a
statistical program, should deal only with clearly past events and should be composite so as not to
disclose the source of the data, the identity of data pertinent to particular companies, or the details of
particular transactions. To be on the safe side, the trade association should avoid statistical programs
involving current prices and costs or future production or marketing decisions. In any event, any program
involving price, cost, or production data should be submitted to counsel for prior review. Whenever
competitively sensitive data of any kind is collected from members of the trade association, it is desirable
to treat the data as confidential and ensure against interchange among competing members. This can
also be done by employing a neutral third party, such as an accounting firm, to collect the data, collate it,
and aggregate it for publication in a manner that conceals company-specific competitive information.

It is also usually desirable that trade association data be made available on a reasonable basis to all
interested parties and that participation in information programs be voluntary. If the information exchange
is unique, hard to duplicate, and of substantial commercial importance, limiting participation may be
interpreted as an attempt to gain an unfair advantage over competitors. Use of coercive measures to force members to participate in statistical programs might also be used as evidence of anticompetitive purpose.

Reports summarizing collected data should also be disseminated unaccompanied by recommended courses of action: how data is put to use and the business decisions that may flow from the data should be left to the individual companies without trade association direction. In general, statistical reporting programs should only be undertaken for a valid, lawful purpose and with the express, prior approval of counsel.

B.7.2 Product Standardization

The development of uniform standards or specifications that may be used by industry members form an important and legitimate function of trade associations. Standards can be based on product performance or on product composition, construction, and dimension. They can also incorporate product safety and environmental considerations. Performance specifications ordinarily pose fewer antitrust problems than other types of specifications since they do not necessarily confine producers to a particular method of construction or composition. Standardization can eliminate unnecessary product incompatibility and thus can benefit manufacturers, distributors, and consumers. But since standardization programs can, in some instances, impose costs on some producers or appear to reduce consumer choice, great care must be exercised in the manner in which standards are formulated and used lest they give rise to charges of antitrust violation.

Generally, all interested parties (whether or not they are members of a trade association) should have the right to comment on proposed standards that may affect their business. Comments and suggestions from all interested individuals should be given consideration. Standardization that involves a patent, rare materials, or unusual capital investment may be unduly restrictive and creates increased antitrust risks. Even if the trade association promulgates standards, there should be no agreement to adhere to association standards—each company should be free to decide on its own whether to accept or reject a standard.

B.7.3 Certification

Standards create the possibility of designating products with a certification seal. Such certification is a legitimate practice in that it assures the buyer that a product meets certain set criteria of either performance, construction, or quality.

Care should be taken to avoid providing any basis for the allegation that certification is used wrongfully to deny a competitor access to a market. Certification must be based upon reasonable standards; be available to nonmembers as well as members of the certifying organization; and should involve testing by neutral parties when appropriate. Care must be taken not to disparage noncertified competitive products.

Note also that care must be taken to assure that officers or employees of the association act only in an authorized manner in dealing with sensitive certification issues. The Supreme Court held an association liable for the damage caused by an unauthorized letter issued in the name of the association stating that a product did not meet the association’s safety standards. Although the letter was unauthorized, the fact that the individual responsible for its issuance appeared to have authority to issue it sufficed to implicate the association.

B.7.4 Research

A trade association may in some circumstances sponsor research, particularly as to health and safety matters that may otherwise not be a subject of competitive striving, provided there is no understanding on the part of association members that the association would be the exclusive locus of such research. The association would ordinarily not act as a clearinghouse for the exchange by competitor members of their
commercially oriented research: the antitrust laws are concerned with preserving competition in research and innovation against unreasonable restraints. But in certain cases the association may, with the assistance of neutral third parties, receive the input of members for the purpose of advancing research in designated areas. The fruits of the research should not be used to improve the competitive stance of only a few association members. The National Cooperative Research and Production Act describes the balancing process for determining what joint research satisfies the rule of reason and provides a method for avoiding exposure to treble damages. Because of antitrust risks, each research program sponsored by the API must receive prior review and approval of counsel.

B.7.5 Lobbying

Concerted efforts to influence legislative or executive action are protected by the First Amendment to the U.S. Constitution and are generally exempt from the antitrust laws although such exemption is not absolute. This Constitutional protection also extends to efforts to secure administrative or judicial action through litigation or other petitioning. Joint lobbying constitutes one of the primary functions served by this association.

However, not all attempts to influence governmental actions are protected. Some courts have held that combinations to influence the government in its commercial capacity (for example, as a buyer), as distinguished from its regulatory role, can violate the antitrust laws. A combination purporting to have been formed to influence government action that is a mere sham to disguise conduct actually designed to interfere directly with business relationships of a competitor can also violate the antitrust laws. Petitioning is not protected if it has no reasonable chance of success on the merits and its purpose is to diminish competition by its mere assertions or pendency rather than by the sought-after action. Government antitrust agencies have indicated they will be particularly alert to litigation efforts that in fact are primarily designed to harass or coerce by their very pendency.

Legitimate lobbying activities, even if exempt from the antitrust laws, are regulated by other federal laws, should only be undertaken with the express, prior approval of counsel.

We stress again that all the trade association activities just reviewed–statistical reporting, standardization, certification, research, and lobbying–can, if not pursued carefully, pose antitrust risks and should not be undertaken without the prior review and approval of counsel.

B.8 Internal Procedures and Memoranda

Careful language will not avoid antitrust liability when the conduct involved is illegal. On the other hand, conduct that is perfectly legal may become suspect because of a poor choice of words or a misleading manner of expression. Careless and inappropriate language can have an extremely adverse effect on the outcome of an antitrust investigation or lawsuit.

Under current investigative procedures, no documents, other than privileged communications with counsel, are exempt from disclosure. All other documents may be subject to production, including drafts, telephone logs, expense account reports, and “personal” handwritten and computer messages of individual employees made in the course of their work. Internal correspondence should be carefully written so as to avoid misstatements of fact or inferences or conclusions that may be misinterpreted or taken out of context by a third person.

Sensible procedures will also help avoid unnecessary problems. Committee and other meetings of members of the association should be structured rather than informal or free-flowing–there should be an agenda, a chairperson, observance of rules of procedure, the presence of association employees as well as those of member companies, the taking of minutes, and the participation by counsel in reviewing the agenda prior to the meeting and in attending a meeting if a topic of possible antitrust sensitivity is to be considered.
So far as use of language is concerned, please remember:

1. Do not give the false impression that the API is a party to any anticompetitive agreement. Do not even allow discussion among competitors of such matters as need for changes in price levels, prospective production plans, allocation of markets, action aimed at hindering the prospects of competitors, or the like.

2. Wherever possible, be sure to identify clearly the specific legitimate purpose of each API activity.

3. Do not give the false impression that participation in API activities is not available to all members on equal terms or that companies in the industry are excluded from membership for competitive reasons.

4. Be particularly careful when describing any activity of the API to avoid any misleading implication that specific courses of conduct regarding prices or costs are being proposed.

5. Do not give the impression that one or more members are being singled out for special treatment.

6. Be careful to avoid the use of suspicion-arousing phrases such as "Please destroy after reading."

7. Do not describe non-API members as dishonorable and do not disparage their products.

8. Be careful not to speculate as to the legal propriety or consequences of specific conduct.

B.9   Conclusion

The foregoing guidelines are not to be regarded as covering all antitrust issues that can arise. Rather, they are intended to alert the API officer or employee to some of the more common situations in which antitrust counsel should be consulted. Other situations may arise that may have competitive implications. It will be desirable to err on the side of over-consultation with API counsel. Failure to consult with counsel on specific courses of action can have serious consequences for the API, its members, officers, and employees.
Annex C  
(informative)  

Formats for Subcommittee Oral and Written Reports to COPM,  
Agendas and Minutes  

Form C.1—Subcommittee Chairman’s Oral Report to COPM  

Subcommittee: ______________________________  Date: ________________  

Membership  
On Roster which is a change Up or Down of:  
Total: __________  

Last Regular Meeting  
Date: __________  Location: ________________________________  

Agenda Items: ________________________________________________  

________________________________________________________________

________________________________________________________________

Major Concerns: ________________________________________________  

________________________________________________________________

________________________________________________________________

Items for COPM  
Action:  
1)  
2)  
3)  

Submitted by: ________________________________________________  
Subcommittee Chairman
Form C.2—Subcommittee Chairman’s Written Report to COPM

Date:

Subcommittee Name:

Chairman:

Vice Chairman:

Secretary:

I. PURPOSE

II. MEETINGS

III. MEMBERSHIP

IV. STATUS OF STANDARDS RELATED TO THE MANUAL OF PETROLEUM MEASUREMENT STANDARDS (MPMS)
   A. Chapter xxx
      Section yyy
      (etc.)

V. NEW WORK ITEM PROPOSALS WITHOUT FUNDING REQUESTS

VI. NEW WORK ITEM PROPOSALS WITH FUNDING REQUESTS

VII. WORK PRIORITIES

VIII. MEETING PLANS

IX. SUMMARY
Form C.3—Subcommittee Chairman’s Report to COPM Executive

Subcommittee:
Membership Total:
Last Meeting Date:
Location:
Attendance:

1. Standards/Technical Reports published since the last meeting:

2. Status of Reaffirmations – list standards currently up for reaffirmation (due for action this year) with status of ballots etc.:

<table>
<thead>
<tr>
<th>Ch./Std</th>
<th>Title</th>
<th>Edition/Yr.</th>
<th>Due for Action</th>
<th>Ballot Status</th>
<th>Current Ballot Type</th>
<th>SR3 Active</th>
<th>SR3 Approval Year</th>
<th>Status/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Status of Active Projects (those with approved SR3s):

<table>
<thead>
<tr>
<th>Ch./Std</th>
<th>Title</th>
<th>Edition/Yr.</th>
<th>Due for Action</th>
<th>Ballot Status</th>
<th>Current Ballot Type</th>
<th>SR3 Active</th>
<th>SR3 Approval Year</th>
<th>Status/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. Budget status:

5. Major Concerns – only include sensitive issues that potentially crosses subcommittee scopes or is of significant interest to COPM:

6. Items for COPM Action – include requests for extensions or new SR3s:
Form C.4—Meeting Agenda

AGENDA

API Committee Name
Work/Task/ /Draft/Ad hoc/ Group Name
Location

Date
Time of meeting

Chair of Meeting

1. Opening and introductions Speaker
2. Appointment of minutes writer (if no permanent Secretary) Speaker
3. Review and approval of the agenda Speaker
4. Review and approval of minutes from last meeting Speaker
5. Officer changes Speaker
6. Status of projects Speaker
7. Old business Speaker
8. New business Speaker
9. Date of next meeting Speaker
10. Adjournment Speaker
### Form C.5—Meeting Minutes Template

**Meeting Minutes**  
Committee of Petroleum Measurement (COPM)  
<Meeting Name/Chapter Reference>  
1 <Section of Chapter>  
2 <Date>

**Location:**

**Attendees:**  
See the sign-in sheet, or

**Members:**  
{Name of person} <Company>

**Guests:**  
{Name of person} <Company>

**Minutes:**

<table>
<thead>
<tr>
<th>Agenda Topic</th>
<th>Discussion</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roll call</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decide who will write the minutes (if the group does not have a permanent secretary)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review of agenda</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review of minutes from last meeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other issues and topics of meeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>…</td>
<td></td>
<td></td>
</tr>
<tr>
<td>…</td>
<td></td>
<td></td>
</tr>
<tr>
<td>…</td>
<td></td>
<td></td>
</tr>
<tr>
<td>…</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Old business</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New business</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of next meeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjournment</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Annex D
(normative)

## Standards Resource & Research Request (SR³) Form
Committee on Petroleum Measurement

### Document Information

<table>
<thead>
<tr>
<th>Standard Designation:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td></td>
</tr>
<tr>
<td>Edition:</td>
<td></td>
</tr>
<tr>
<td>Budget Year:</td>
<td></td>
</tr>
<tr>
<td>Committee/Subcommittee: (check all that apply if a joint project)</td>
<td>COPM</td>
</tr>
<tr>
<td>Priority Matrix Ranking: (to be completed by API)</td>
<td>Priority 1 (Rank 10-15)</td>
</tr>
<tr>
<td>Proposed Action:</td>
<td>New Standard</td>
</tr>
<tr>
<td>Proposed Funding Type:</td>
<td>Budget Request</td>
</tr>
<tr>
<td>Total Funding Request (Parts A &amp; B):</td>
<td>$</td>
</tr>
<tr>
<td>Name of Submitter(s):</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>

### Part A – Resource Plan

**I. Background and Information:**

1. **Explain the business need for the proposed action.** Indicate potential cost savings to industry where possible.

2. **What is the scope of the standard?**

3. **Is this standard on the work program of another standards development organization (SDO)?**

   - Yes [ ]
   - No [ ]

   If yes, specify SDO and standard designation/project title/contact
If yes, is the work being coordinated with the appropriate group? Are there special circumstances that would justify independent API initiation of the proposed action?

4. Are a volunteer chair and group of experts available to perform the proposed action?  
   Please include names and company affiliation and indicate chair, if available.

5. Is there a need to commit resources to supplement the development of the draft? Would a paid content specialist accelerate progress on the development/revision? Is there a readily available content specialist?

6. Are there special format requirements for final document, i.e. knowledge of ISO template required, significant graphics, photos or equations) required that would need extraordinary resources?  
   Yes  No
   If Yes, please provide details:

7. Please provide any other information that is pertinent to the proposed action.

8. What are the implications of not initiating the proposed action? Include potential safety, reliability, environmental and financial impacts that may arise.

9. Is there research proposed to accomplish the proposed action?  
   Yes  No  
   If yes, complete Part B of this form.

II. Project Timing

<table>
<thead>
<tr>
<th>Proposed start date:</th>
<th>Proposed date draft will be ready for letter ballot:</th>
</tr>
</thead>
<tbody>
<tr>
<td>TG/WG: (estimated number of volunteers needed)</td>
<td>Content Management: ($ amount &quot;if needed&quot; or volunteer)</td>
</tr>
</tbody>
</table>
PART B – Research Plan

I. Background and Information

1. Proposed Research Title:

2. Proposed Project Scope:

3. Research Amount:

4. What is the business need for the proposed research?

5. Is the proposed research edition-specific for a single standard or will it result in technology enhancement for multiple standards?
   Yes [ ] No [ ]
   If multiple standards, please cite the standards effected:

6. Research Timing:
   Research is necessary prior to scheduled revision. [ ]
   Research can be done concurrent with revision. [ ]

7. How does the research support the proposed action identified in Part A?

8. Is a joint industry project (JIP) a possibility?
   Yes [ ] No [ ]
   If Yes, with whom?

9. Are there opportunities for leveraged research with other organizations?
   Yes [ ] No [ ]
   What organizations?

10. What are the implications of not performing the proposed research?
II. Dates and Funding:

<table>
<thead>
<tr>
<th>Estimated Completion Date</th>
<th>Prior Research Funding Requested</th>
<th>Anticipated Future Research Funding Needs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td>Year 2: $</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Year 3: $</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Year 4: $</td>
</tr>
</tbody>
</table>

PART C – Proposal Feedback/Approval Information

SC comments to Proposer/WG:

Date approved by subcommittee:

COPM comments:

Date approved by COPM:

Date entered into API Publications DB:
Annex E
(informative)

Working and Subordinate Group Guidelines

E.1 Working Groups

E.1.1 Overview

Conceptually, a working group shall be formed to cover the scope of each standard of the API Manual of Petroleum Measurement. Some standards may not require a standing working group and others may require several drafting groups to adequately cover and manage the efforts necessary in writing, balloting, and maintenance of the standards. The Subcommittee Chairman is responsible for managing these issues.

E.1.2 Composition

Subordinate groups are a hierarchy of groups reporting to the subcommittees and consist of working, drafting or task groups. They should achieve a balance in representation among API member companies and other interested parties and be no larger than necessary to accomplish the needs. Membership requirements are defined in Section 9. Membership of the working, drafting or task groups should be limited to active participants only.

It is within the subordinate group chairman’s prerogative to form a Vendor-Manufacturer Advisory Group if it is considered advantageous for input to, and review of, a document. Development of such a group must include the concurrence of the Subcommittee Chairman and the benefit of his or her guidance. Some subjects are impacted greatly by available or developing equipment. In these cases it is important to include information from the suppliers at an early stage in the development of a document. This determination should be made early.

If needed, an advisory group roster should be structured with consideration for: 1) the task and composition of the subordinate group, and 2) the number of interested vendors and manufacturers. If a large number of advisory members are needed, the group should be structured to include a small delegation to act as spokesmen with the drafting or working group and to minimize the number of persons attending each meeting. The advisory group shall not have a vote on working or drafting group issues.

E.1.3 Time Commitment by Members

Subordinate group members are expected to actively participate in subordinate group activities. It is the responsibility of subordinate group members to obtain the approval of their company COPM member and/or management with respect to necessary time/financial commitments. The subordinate group chairman may assist in this regard.

E.1.4 Subordinate Group Officers

E.1.4.1 Chairman

The subordinate group Chairman is appointed by the Subcommittee Chairman within the guidelines of this COPM Policies and Procedures Manual. The chairman is the single most important factor in the success of the subordinate group and, therefore, this selection should be given careful consideration. It is recommended that the same individual is NOT appointed as Chairman of multiple subordinate groups.
The Chairman is responsible for acquiring members willing to devote sufficient time, forming the necessary drafting and task groups, scheduling meetings as required, maintaining records, and reporting to the Subcommittee on a semi-annual basis.

The subordinate group chairman shall report all significant actions to the Subcommittee Chairman to ensure a continual awareness of the work and its progress.

Refer to Section 2.5.1 for appointment of drafting and task group chairmen.

**E.1.4.2 Vice-Chairman**

The subordinate group Chairman, with the approval of the Subcommittee Chairman, may appoint a Vice-Chairman to preside at meetings in the absence of the chairman. The Vice-Chairman shall have the same general qualifications and be subject to the same requirements as the Chairman.

**E.1.4.3 Secretary**

The subordinate group Chairman may appoint a secretary to record and finalize the meeting minutes and maintain the record of attendance.

**E.2 Subordinate Group Meetings**

**E.2.1 Meeting Management**

All meetings should be managed using the *Robert's Rules of Order* and it is imperative that the chairmen of any group become educated and comfortable routinely using these principles.

**E.2.2 Frequency of Meetings**

The subordinate group Chairman sets the time, duration, place, and frequency of meetings with the concurrence of the parent group Chairman.

To expedite the development of standards, subordinate group chairmen are encouraged to conduct subordinate group business between biennial subcommittee meetings. Business may be conducted by conference call, web meetings, through e-mail correspondence, or by holding an interim meeting (when necessary and acceptable to appropriate members).

The API Measurement Coordination staff at the request of the subordinate Group chairman shall issue a written announcement for each meeting. The relevant Subcommittee Chairman and API staff shall be advised of all meetings.

**E.2.3 Attendance**

It is the Chairman’s responsibility to encourage subordinate group members to participate to the extent possible. Staff, the Subcommittee Chairman, and other subordinate group members may be requested to assist in this effort.

Attendance (including name, company, and contact information) shall be taken at all meetings and shall be turned in to an API Measurement Staff member immediately following a meeting.

**E.2.4 Agenda**

An agenda for the subordinate group shall be prepared by the Chairman and distributed by API Measurement Coordination staff to all members prior to the meeting. Publishing an agenda ensures that all planned subjects are covered and that the meeting is run efficiently. (See Annex C, Form C.4.)
E.2.5 Minutes

Minutes are subject to review and approval by the subordinate group chairman. The minutes are forwarded to the Subcommittee Chairman for information and to API Measurement Coordination staff for review, issue, and posting on the subordinate group web page. As a minimum, the minutes shall include a list of attendees (see E.2.3), all items on which affirmative action is taken, and an account of the disposition of all agenda items. Actions relating to the development of recommendations for resolution of negative ballot issues shall be clearly recorded. Minutes of ALL meetings (including Ad Hoc groups and Coordinating Committees) should be submitted to an API Measurement Staff member within 6 weeks of the meeting. (See Annex C Form C.5.)

E.2.6 Rosters

The subordinate group Chairman is responsible for developing the initial roster(s) with names, companies, addresses (physical and electronic), and telephone numbers for submittal to the API Measurement Coordination staff for distribution and maintenance. The subordinate group Chairman makes revisions to the roster(s) with subsequent notification to the API Measurement Coordination staff and parent group Chairman.

Rosters can be viewed by subordinate group members only on the API website. Login information can be obtained from API staff.

E.2.7 Meeting Guidelines

a. Keep to the subject. Limit discussion to issues, which are within the scope of the specific standard. Do not discuss or attempt to include topics, which are in or belong in other API standards.

b. Seek consensus. Consensus is an agreement, which is not totally satisfying to all parties but rather one, which the parties can accept.

c. Discussion of an issue should end when the discussion is clearly repeating itself and the arguments are being restated without the addition of new information or insight. Terminate the discussion with a vote. Once a topic has been voted upon, it should be considered closed. Do not revisit or rehash items that have been voted upon and closed. (Thus, minutes of past meetings become valuable and important.)

d. Do not dwell on editorial or grammatical concerns. API editorial staff is responsible for this function. A draft should be technically accurate and written in understandable, clear language. Do not spend valuable time on editorial matters.

e. Represent the best practical interests of the industry. API committee and subordinate group meetings are not forums for commercial/economic discussions, voicing personal prejudices or displaying grievances between companies.

f. Have enough copies of information the group is reviewing to supply the members and guests. The attendance from the previous meeting will indicate the approximate number of attendees to expect.
E.3 New Project Justification

After the Subcommittee has identified a work item, a working group or task group is formed to perform the following actions: See Figure E.1.

- Define the objectives. Make these written objectives as specific as possible.
- Define the scope and purpose of the standard.
- Brainstorming—anticipate questions to be asked during the approval process.
- Review existing information and all possible aspects of the issue.
- Identify issues where consideration by other API committees should be requested (i.e. safety, health, environmental, legal).
- Develop an outline of the proposed standard.
- Develop a schedule. Identify specific milestones and the dates by which they will be accomplished.
- Prepare the Standards Resource & Research Request Form (see Annex D).

Once the Working Group or Task Group has completed the above, these are submitted to the Subcommittee and COPM for approval. The Working Group shall not proceed with the development of the standard until COPM approval is obtained.

E.4 Draft Standard Preparation by Working Group

E.4.1 General

After the project has been approved by the Subcommittee and COPM (see Figure E.1), the Working Group proceeds with the development of the standard.

Drafting standards generally follows the following sequence. Deviations should be discussed with and approved by the Subcommittee Chairman.

E.4.2 Work assignments

The Working Group Chairman should identify specific tasks and assign them to individual working group members or drafting groups on an as-needed basis. These tasks might include drafting sections of the document, research, or other tasks as may be identified. Drafting groups or working group members with special assignments report directly to the Working Group Chairman.

The format [API or ASTM (in the case of joint standards)] of a standard should be specified early in the project so that all drafters can work toward the desired end product format. Format instructions are available from API Measurement Coordination staff.

Please contact API staff for existing electronic files when revising existing standards.

E.4.3 Review and revise drafts

As drafts are prepared for various sections of the standard, they should be compiled together into one document. Initial and subsequent drafts should be distributed to working or drafting group members at least one month prior to the next scheduled meeting.

Working group votes on drafts shall be decided by majority vote (50 % plus one vote) of members present at the meetings or by letter ballots as appropriate.
Note: The chairman may protect his impartial position by exercising his voting right only when his vote would affect the outcome, in which case he can either vote or abstain. If he abstains, he simply announces the result with no mention of his own vote.

If there is an issue on which there is not substantial agreement, the Chairman should ballot the working group members to determine, by majority vote, the wording of the final working group draft.

At the completion of the drafting effort, when the Working Group and the Chairman believe the document to be ready for ballot, the completed full draft shall be reviewed by the Working Group members to confirm their acceptance and its readiness for the upcoming review by the Subcommittee, COPM, and other standards bodies (ASTM, EI, AGA, etc.) via the ballot process. The ballot review is an extensive effort, exceeding the working group’s effort in most cases, and must not be initiated prematurely.

**E.4.4 Subcommittee and COPM Ballot**

The final draft is assembled by the working group Secretary or Chairman and forwarded to the Subcommittee Secretary for letter ballot and approval by the Subcommittee and COPM.

**E.4.5 Editorial Group Membership**

At this stage, it is possible to reduce the working or drafting group to a smaller editorial group, which can carry out the remaining editorial support. Responsibilities include reviewing the edited materials for technical clarity, consistency with Sections E.5.1, E.5.2, and E.5.3, and the full review of the API-edited manuscript prior to publication. It is recommended that membership consist of two (and no more than three) people, and that the working group, or drafting group, chairman be included.

**E.5 Submission of Final Draft to API Staff for Editing and Production**

**E.5.1 Submission of Manuscript for Editing and Production**

After the Subcommittee Chairman signs off on the document the Working Group Chairman forwards the standard to the Subcommittee Secretary for publication.

Before submitting a manuscript to the editorial staff for editing and production, the working group Chairman must ensure that the manuscript is complete and that all changes resulting from the balloting process and other reviews have been incorporated. All tables and annexes must be included, as should the artwork files for all figures. The editorial staff has been directed not to accept incomplete manuscripts for editing.

The submittal of the final version of a new publication shall be in electronic format.

**E.5.2 Guidelines for Submitting API Technical Publications**

Please see API *Document Format and Style Manual* for details.

**E.5.2 Review of Edited Manuscript**

The review of the edited manuscript requires a substantial commitment of time and effort by the editorial group reviewer(s). The responsible staff member sends copies of the edited manuscript to the appropriate editorial group members, who must then compare the edited draft, word for word, with the draft submitted for editing. All editorial changes should be reviewed, and the reviewer should clearly mark any revisions directly on the edited draft. Retyping all or part of the edited manuscript impedes the production process because the editor must read all of the retyped material to determine what changes have been made.
General instructions such as “reinstate original wording” also slow the production process because they do not provide the editor with specific information. The reviewers should answer all of the editor’s queries and should furnish any additional information requested by the editor. When the editorial group review is complete, the marked-up edited manuscript is returned to the responsible API staff member.

Manuscript review is the final time for reviewers to make any corrections. Changes at subsequent production stages lead to delays and added production costs.

E.5.3 Review of Corrected Proofs and Artwork

The responsible API staff member shall send copies of the corrected proofs to the designated editorial group reviewer, who must then compare the proofs, word for word, with the marked-up edited manuscript. The reviewer should clearly mark any changes directly on the proofs. This is the last opportunity to review the document before it is published, so the reviewer must be satisfied that the document is correct and complete when the proofs are returned to the responsible staff member. To avoid delays in the production process, the reviewer should be given a target date for return of the marked-up proofs.
Figure E.1—Overview of the Standards Development Process

Subcommittee commissions working group/task group to develop:
- Scope
- Justification/priority
- Outline
- Schedule

Working group/task group develops:
- Scope
- Justification/priority
- Outline
- Schedule
And submits to Subcommittee

Subcommittee and COPM approval to continue with development

Working group develops document

Working group achieves consensus to submit to subcommittee

Subcommittee Chairman reviews document and approves for ballot

Document submitted to Subcommittee and COPM for ballot per API Procedures for Standards Development
Annex F
(informative)

Joint Balloting of Multiple COPM Subcommittees

Table F.1 — Lead and Associate Subcommittees

<table>
<thead>
<tr>
<th>MPMS</th>
<th>Title</th>
<th>Lead SC</th>
<th>Associate SC</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 18.1</td>
<td>Measurement Procedures for Crude Oil Gathered From Small Tanks by Truck</td>
<td>COMQ</td>
<td>COLM</td>
<td></td>
</tr>
<tr>
<td>Chapter 18.2</td>
<td>Custody Transfer of Crude Oil from Lease Tanks Using Alternate Measurement Methods</td>
<td>COMQ</td>
<td>COLM</td>
<td></td>
</tr>
</tbody>
</table>