

Procedures for Standards Development

THIRD EDITION, MAY 2006
APPROVED BY ANSI, SEPTEMBER 2006



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FOREWORD

The API Procedures for Standards Development provides specific legal guidance for the development and publication of API standards and the conduct of API standards committees. These ensure due process and require that appropriate notification and participation in the development process is afforded to all direct and materially affected parties. API standards are developed, revised and interpreted only in accordance with the procedures described in this document.

These Procedures have also been approved by the Executive Standards Council of the American National Standards Institute (ANSI) effective September 14, 2006 and provides guidance that allows for the submittal of candidate API standards for approval as American National Standards.

Questions or comments concerning these procedures should be directed in writing to the Director of Standards, API, 1220 L Street, NW, Washington, D.C. 20005

Generally, API standards are reviewed and revised, reaffirmed, or withdrawn at least every five years. A one-time extension of up to two years may be added to this review cycle. Status of these publications can be ascertained from the API Standards Department, telephone (202) 682-8000. A catalog of API publications and materials is published annually and updated quarterly by API, 1220 L Street, N.W., Washington, D.C. 20005.

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API Procedures for Standards Development

1 Scope

The procedures established in this document govern the development of standards published exclusively by API as authorized by API Policy 602, *Voluntary Industry Standards Program*. All API standards development activities shall be conducted in accordance with these procedures. API committees responsible for standards development shall maintain written procedures in accordance with API Policy 602 addressing individual committee organization, scope, membership and conduct. These procedures shall not be amended by individual committee procedures or procedures developed for joint committee activities.

Questions regarding intellectual property issues such as copyrights, trademarks or patents shall be directed to the API Office of General Counsel. Section 10 provides some general guidelines on these subjects but shall not be considered authoritative in every case.

1.1 JOINT COMMITTEES

API committees working jointly with other organizations in standards development activities shall also maintain written procedures in accordance with API Policy 602 addressing joint committee organization, scope, membership and conduct. Joint procedures shall also identify or reference procedures for standards development but shall not amend these procedures for standards development.

2 Standardization Authority

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

3 Standards

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

This document was produced under API standardization procedures that ensure appropriate notification and participation in the developmental process and is designated as an API standard. Questions concerning the interpretation of the content of this publication or comments and questions concerning the procedures under which this publication was developed should be directed in writing to the Standards Director, API, 1220 L Street, N.W., Washington, D.C. 20005.

4 Definitions

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

4.1 standards action: A standards action is defined as a substantive action taken or decision reached by an API committee or API staff relating to a standard or the manner in which such action was taken or decision was reached.

4.2 standards committee: A standards committee may be established by the API Board of Directors, an API General or Segment Committee, or an authorized subordinate level committee. A standards committee is assigned the overall responsibility for developing and approving API standards for a particular category or categories of equipment, materials, or practices in accordance with API Policy 602 and these procedures. A standards committee may be responsible for an entire standards program or industry sector. Responsibility for standards programs may be assigned to intermediate committees with authority to form, guide, and coordinate standards committees as needed to assure conformance with API Policy 602.

4.3 subgroups: A subgroup may be formed by a standards committee for the purposes of developing consensus through the ballot process described in 7.5, and may provide oversight to additional subordinate groups responsible for (1) the definitive content of one or more standards and (2) responding to views and objections therein.

4.4 editorial changes: Editorial changes are changes that correct errors or inconsistencies in a manuscript.

4.5 substantive changes: Substantive changes are changes that affect the meaning or intent of a standard.

5 Designation of API Standards

All API standards shall be identified by an alphanumeric designation. The following terms shall be included in the title and/or the alphanumeric designation to describe the nature of the document

5.1 SPECIFICATIONS

Documents that facilitate communications between purchasers and manufacturers.

5.2 RECOMMENDED PRACTICES

Documents that communicate proven industry practices.

5.3 STANDARDS

Documents that combine elements of both specifications and recommended practices.

5.4 CODES

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

5.5 OTHER TERMS

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

5.5.1 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.

6 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.

7 Procedures

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

7.1 DUE PROCESS

Participation in API standards activities is open to all parties (persons and organizations) that have a direct and material interest in the subject of a standard. Consideration shall be given to the written views and objections of all participants and the right to appeal shall be made available to adversely affected parties (see 7.7).

7.1.1 Balance

API seeks broad input to its standardization activities including the participation of individuals representing interest categories appropriate to the nature of the standard, and attendance of all interested parties at meetings. API strives for balanced representation (for example, targeting one-third representation for the traditional model of the three interest categories of operator-user, manufacturer, and general) in an effort to avoid a majority of any one interest category.

7.1.1.1 Interest Categories

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

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

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

- a. Government—Federal, state, or other regional regulatory body
- b. Academia—College or university-affiliated expert

7.1.2 Consensus

API develops industry standards on the basis of consensus. Consensus is established when substantial agreement has been reached. Substantial agreement means more than a simple majority but not necessarily unanimity. Consensus shall be defined as approval by a majority of those eligible to vote and at least two-thirds of those voting, excluding abstentions.

7.2 NOTIFICATION OF STANDARDS ACTIVITIES

The standards activities listed below shall be announced in a suitable manner in order to provide an opportunity for participation by all directly and materially affected persons. Such announcements may be in the form of notices or copies of committee notices, to known interested parties or announcements in suitable media, including electronic, appropriate for the known affected interests.

- a. Meetings of standards committees
- b. Intent to develop, revise, reissue, or withdraw standards
- c. Availability of drafts of standards
- d. Letter ballot approval of new, revised, or reissued standards or approval of withdrawal of standards

7.2.1 Federal Register

API staff shall submit a list of planned standards activities each year (both new standards under development and existing standards under revision) to the National Institute of Standards and Technology (NIST) for publication in the Federal Register.

7.2.2 American National Standards Institute

Activities related to API standards that are intended for submittal and/or processing through the American National Standards Institute (ANSI) shall be announced in *ANSI Standards Action*. The decision to submit an API standard to ANSI for approval shall be determined by the standards committee responsible for the document in consultation with API staff.

7.2.2.1 Submittal of ANSI Documentation

When an API standard is submitted to ANSI for approval as an American National Standard, the following documents shall be prepared and submitted to ANSI by API staff. Following is a summary of the basic ANSI requirements necessary for compliance. Consult the latest revision of the *ANSI Essential Requirements: Due Process Requirements for American National Standards (ANSI Essential Requirements)* for complete information (www.ansi.org)

7.2.2.1.1 PINS Form

Upon the approval of the project justification (see 7.3) to develop or revise an ANSI/API standard, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form for listing in Standards Action. A PINS form may be submitted, but is not required, at the initiation of a project to reaffirm or withdraw an ANSI/API Standard.

7.2.2.1.2 BSR-8 Form

Proposals for new ANSI/API standards and proposals to revise, reaffirm, or withdraw approval of existing ANSI/API Standard shall be transmitted to ANSI using a BSR-8 form for listing in Standards Action in order to provide an opportunity for public comment. Submission of the BSR-8 form shall be concurrent with final balloting.

7.2.2.1.3 BSR-9 Form

Following the resolution of comments and objections a BSR-9 form shall be submitted requesting ANSI Board of Standards Review (BSR) approval.

7.2.2.1.4 Other Forms

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

7.3 RESOURCE NEEDS

Before undertaking to develop or revise a standard, the appropriate committee shall review the need for the proposed activity, the time frame for completion, and the amount and type of resources required. Actual work on the drafting or revision of a standard shall not begin until the appropriate oversight committee approves the project.

7.3.1 Need

The factors described in 7.3.1.1 through 7.3.1.6 shall be considered as part of the project justification analysis.

7.3.1.1 Industry Practices

To the extent possible, API standards reflect current industry practices and encourage best practical environmental and safety performance throughout industry. The impact of new or emerging technologies should be considered.

7.3.1.2 Regulatory Impact

During the development of API standards it should be recognized that they may be adopted or incorporated by authorities having jurisdiction.

7.3.1.3 Effect of Not Initiating the Standards Activity

The effect of not initiating the standards activity may be characterized in terms of cost to industry or by other appropriate means.

7.3.1.4 Other Standards

The impact of other organizations' standards on the proposed standard or the potential overlap of other organizations' standards with the proposed standard should be considered.

7.3.1.5 Document Demand

API standards should meet broad industry needs. Potential demand for a new standard or for a proposed revision may be evaluated based on distribution data.

7.3.1.6 ANSI/ISO Candidate Standard

The value to industry of submitting the standard to the ANSI for processing as an American National Standard should be evaluated. Likewise, the value to industry of submitting the standard to the International Organization for Standardization (ISO) for potential adoption as an international standard should be evaluated. The API-ISO Standards Submittal Review Process shall be utilized to determine the level of support and interest an API committee may have in participating and supporting the submission of an API standard as the base document for the ISO standard.

7.3.2 Standard Development Plan

When a standards project is presented to the appropriate committee for consideration, the project shall be accompanied by a proposed timeline that includes a target initiation date for work on the standard to begin and a target balloting date for the standard.

7.4 MEMBERSHIP ON STANDARDS COMMITTEES

Membership on standards committees is open to all individuals having a direct and material interest. API authorized committees and subordinate units shall be in conformance with the applicable portions of API Policy 501, Committee Membership and Structure for standardization subordinate units.

7.5 BALLOTING

7.5.1 Voting During Meetings

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

7.5.2 Voting by Letter Ballot

Actions involving the development of a new standard or revisions to an existing standard, voted affirmatively by a majority of those in attendance at a meeting of the committee, shall be ratified in accordance with 7.1.2 by letter ballot of the membership of the committee or consensus group. Urgency and other special considerations may dictate that the normal letter ballot procedure be abridged and action accomplished via a special letter ballot. For ANSI/API standards, a BSR-8 form should be filed at the initiation of the letter ballot period.

7.5.2.1 Special Letter Ballot

A special letter ballot is subject to the same basic requirements imposed on letter ballots, except such ballot may be initiated by the committee chairman in consultation with the committee officers.

7.5.3 Ballots

A new standard or the revision, withdrawal, reaffirmation of an existing standard or national adoption of an ISO standard must be approved by ballot of a standards committee or consensus group. A reasonable period of time shall be set for balloting (generally six weeks). Such period shall be established by the standards committee chair in consultation with API staff. Ballots shall be prepared and distributed by API staff to members of the standards committee or consensus group who are eligible to vote and their alternates (if any). Information copies of ballot drafts shall be distributed to those who have expressed an interest in submitting comments, and a copy shall also be provided for internal API legal staff review at the initiation of the ballot.

7.5.4 Ballot Format

Ballot shall concisely state the proposed action being balloted. All ballots shall provide for four voting options: affirmative, affirmative with comments, negative with documentation, and abstention. Ballots shall be conducted using an electronic e-mail balloting system to facilitate the preparation of ballot summaries and comment registries suitable for recording resolutions.

7.5.5 Individual Ballot Qualification

Only one ballot is allowed for each company voting member or the voting member's alternate. If ballots are received from the member who is eligible to vote and the alternate of the same company, the member's vote shall prevail. If ballots are received from alternates representing the same company, the earliest received ballot shall prevail. Each valid returned ballot must identify the member who is eligible to vote or the alternate to the member casting the ballot, show the company affiliation, be dated, and be returned by the ballot expiration date. Comments shall be easily understood, concise, and clearly indicate the part of the document to which it pertains. If necessary, alternative wording to resolve the comment shall be provided.

7.5.5.1 Negative Votes

Negative votes should be accompanied by documentation that includes the following:

- a. Specific paragraph, sections, or parts to which the negative ballot pertains.
- b. Specific substantive reason(s) for the objection.
- c. Proposed wording or action to resolve the objection.

7.5.6 Ballot Approval

For a proposed ballot action to be considered approved, all comments shall be considered (see 7.5.7) and in accordance with 7.1.2, both of the following conditions shall be satisfied:

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

7.5.7 Resolution of Comments

All comments shall be considered and resolved in accordance with this subsection before a ballot is considered to have been approved by the committee. The chairman of the appropriate committee, in conjunction with the committee members or a designated subgroup, when appropriate, is responsible for the consideration and resolution of ballot comments pertaining to technical, safety, or environmental assertions and assertions of ambiguity, inaccuracy, or omission. API staff is responsible for the consideration and resolution of ballot comments pertaining to API policies and procedures. For ANSI/API standards, a BSR-8 form should be submitted to ANSI concurrent with the final ballot and with any subsequent ballots resulting from substantive comments received during the ballot or public review. A BSR-9 form should be filed at the completion of the comment resolution process.

Comments shall be resolved in one of the following ways:

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

Comments with negative ballots may be withdrawn by the voter after consultation with the chairman or the designated subgroup and changed in writing or through electronic communications by the voter to either an abstention or an affirmative.

Consideration given to all negative ballots, including an explanation of resolution decisions, shall be documented in meeting notes, minutes, or other records and submitted to API.

7.5.8 Reballoting

If substantive changes are made to a document as a result of comments or objections received with a ballot or through public comment, the proposed substantive changes or unresolved objections must be rebaloted to the appropriate committee to afford the committee members the opportunity for review and comment. The entire document may be rebaloted, or only those items that were substantively changed during ballot resolution may be rebaloted. Reballoting procedures are the same as balloting procedures, except that a shorter period may be designated depending upon the length of the material being balloted.

7.5.9 Notification and Recirculation

To afford all members an opportunity to respond, reaffirm or change their vote, the individual submitting comments and all committee members and alternates shall be promptly informed (in writing or through electronic communications) of the resolution of comments that formed the basis of negative ballots by official API correspondence, including an explanation for the resolution decision. Transmittal of official meeting minutes containing ballot resolution decisions shall meet these notification requirements.

7.5.9.1 Legal Review

Standards shall not be considered final until the Office of General Counsel has reviewed and approved the document in accordance with API Policy 603, Publications Review.

7.6 INTERPRETATIONS

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

7.6.1 Applicability

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

7.6.2 Review by Others than API Staff

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

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

7.6.3 Time for Review

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

7.6.4 Notification

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

7.7 APPEALS

Appeals shall be granted and considered as set forth in the API Uniform Procedures for Appeals and Dispute Resolution (see Section 10). The following is a summary of those procedures.

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

7.7.1 Submission

Appeals must be submitted in writing to the API Standardization Director along with a check of \$500 as a filing fee. This fee may be waived or reduced upon presentation of evidence of the appellant showing hardship. The appeal shall include a statement identifying specifically the action or inaction objected to; the basis for the objection, including any adverse impacts on the complainant; and suggested remedial action. The appeal must be filed with API within 45 days of the date of notification of the action causing the complaint. Further, challenges to published standards must be initiated within 1 year of their distribution unless it can be demonstrated that the objection is based on grounds that have subsequently arisen. The API Standards Director shall investigate the objections raised, respond promptly and attempt to resolve the issue within 45 calendar days of receipt.

7.7.2 Hearing

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

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

The appellant shall be given the opportunity to appear before the appeals board and present arguments in support of his or her objection. The appeals board shall consider whether applicable API policies and procedures were satisfied and whether the procedural and substantive actions or requirements complained of merit corrective action.

7.7.3 Decision

The appeals board shall issue a written decision following the hearing, within 45 calendar days. The decision shall indicate the conclusions reached, their basis, and the right of further appeal. The Standards Director shall ensure that a complete record of the appeal is compiled and maintained in conformance with API Policy 404, Records Retention. The appellant shall be permitted access to the records.

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

7.8 MAINTENANCE OF STANDARDS

7.8.1 Definitions

7.8.1.1 Periodic Maintenance

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

7.8.1.2 Continuous Maintenance

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

7.8.2 Periodic Maintenance Option

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

that work is underway to revise, reaffirm or withdraw the document. Requests for extensions of ANSI/API standards should be submitted to ANSI within thirty days of five years following the ANSI approval.

7.8.3 Continuous Maintenance Option

No portion of the standard shall be excluded from the revision process under the continuous maintenance option.

7.8.3.1 Submission of Proposed Revisions

7.8.3.1.1 General

Proposals for revision of a standard under continuous maintenance shall be submitted in writing to the attention of the Standards Director, API, 1220 L Street, NW, Washington, D.C. 20005-4070, standards@api.org. The Director shall review the proposal and assign it to the designated Standards Associate for processing.

7.8.3.1.2 Review of Proposed Revisions

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

7.8.3.1.3 Submission Deadlines

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

7.8.3.2 Publication

7.8.3.2.1 Addenda

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

7.8.3.2.2 New Edition, Reaffirmation, or Withdrawal

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

7.8.3.3 Change Proposals

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

7.8.3.3.1 ANSI Public Review

In accordance with 7.2.2.1, a BSR-8 form shall be prepared and submitted to ANSI in order to provide an opportunity for public comment on the proposed revision items. Submission of the BSR-8 shall be concurrent with final balloting. A BSR-9 form shall be submitted following the resolution of comments and objections.

7.8.3.4 Notice in the Standard

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

API maintains this standard under continuous maintenance procedures. These procedures establish a documented program for regular publication of addenda or revisions, including timely and documented consensus action on requests for revisions to any part of the standard. Proposed revisions shall be submitted at any time to the Director, Standards, API, 1220 L Street, NW, Washington, D.C. 20005-4070, standards@api.org.

7.8.3.5 Standards Committee Action

7.8.3.5.1 Disposition of Proposals

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

7.8.3.5.2 Revisions of Standards

Substantive revisions to standards maintained under the continuous maintenance option shall be subject to all the requirements of 7.5.

7.8.4 Criteria for Withdrawal

API standards shall be revised or withdrawn if the Office of General Counsel determines that there are significant legal issues arising out of the publication of the standard. In the event that the standard is an ANSI/API standard, API shall notify ANSI immediately and the standard shall be withdrawn as an American National Standard and announced in Standards Action.

7.9 STANDARDS MEETING PROCEDURES

Committees dealing with standards activities shall meet as needed to conduct their work.

Notices of meetings accompanied by an agenda shall be prepared and distributed to appropriate committees, subcommittees, task or work groups, and known interested parties. With the exception of those portions of meetings dealing with policy and/or budget issues, standards meetings are open to all interested parties.

7.9.1 Minutes

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

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

8 Normative Policies

8.1 RECORDS RETENTION

All records shall conform to API's records retention policy (API Policy 404).

8.2 REFERENCING STANDARDS IN API STANDARDS

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

8.2.1 Dating of Standards Referenced in Another Standard

The committee developing the standard shall determine whether to reference a specific date of issue or use the phrase “latest edition” when referencing documents.

8.3 INTELLECTUAL PROPERTY POLICY

8.3.1 Participant’s Obligations

API considers their standards to be a valuable asset that is protected by a variety of federal and state laws. By participating in the API’s standardization programs, participants agree to the following principles:

8.3.1.1 Copying and Distribution

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

8.3.1.2 Ownership

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

8.3.1.3 Third Party Information

Participants shall not provide any documents, data, or information if the use of such material by API in a standard would infringe upon the rights of any third parties in the information including, but not limited to, copyrights, patents, trade secrets, trademarks, publicity and privacy. Participants shall immediately notify API if participant determines that any information that is contained in a final or draft API standard would violate the rights of third parties if published by API or if used by a third party.

8.3.2 Patents

As a general rule, patents the use of which would be required for compliance with that standard should not be included in API standards. These types of patents may, in exceptional circumstances, be included in API standards provided that:

- a. There are significant technical reasons why the standard cannot be drafted without the use of terms covered by patent rights, and
- b. The patent holder has agreed in writing to issue a royalty free license to applicants desiring to utilize the license for the purpose of implementing the standard, or
- c. The patent holder has agreed in writing to release API and users of the document from any claims of patent infringement based on the publication or use of the standard, or
- d. The patent holder has agreed in writing to terms and conditions approved by the Office of General Counsel.

8.3.3 Record of Statement

A record of the patent holder’s statement shall be placed and retained in API’s permanent standards files.

8.3.4 Notice

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

8.3.5 Responsibility for Identifying Patents

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

8.4 COMMERCIAL TERMS AND CONDITIONS

Provisions involving business relations between buyer and seller such as guarantees, warranties, and other commercial terms and conditions shall not be included in an API standard. Generally, it is not acceptable to include proper names or trademarks of spe-

cific companies or organizations in the text of a standard or in an annex (or the equivalent). It is not acceptable to include manufacturer lists, service provider lists, or similar material in the text of a standard or in an annex (or the equivalent).

Where a sole source exists for essential equipment, materials, or services necessary to determine compliance with the standard, it is permissible to supply the name and address of the source in a footnote or informative annex as long as the words “or the equivalent” are added to the reference. In connection with standards that relate to the determination of whether products or services conform to one or more standards, the process or criteria for determining conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns and does not include what would otherwise be a commercial term or proper name.

8.5 METRIC POLICY

International System of Units (SI) is the preferred units of measurement for API standards. US units may also be utilized; however the document shall be published in an SI-preferred format, i.e. SI (US). API *MPMS* Chapter 15 provides guidance on SI units.

8.6 LIAISON

API standards committees that develop standards in subject areas for which other national or international organizations develop related standards of substantial interest to the petroleum industry shall maintain committee and/or API staff liaison with such organizations to avoid unnecessary duplication of efforts. API shall pursue active participation or leadership roles in such organizations when such action is determined by the applicable API General or Segment Committee to be in the best interests of the industry.

9 International Standards Activities

9.1 ADOPTION OF ISO STANDARDS AS AMERICAN NATIONAL STANDARDS

The API *Guide for Adoption of ISO Standards as American National Standards* provides guidance when preparing to nationally adopt an ISO standard as an ANSI/API standard. It has been prepared from information found in ISO Guide 21, *Adoption of International Standards as Regional or National Standards*, and the ANSI *Procedures for the National Adoption of ISO and IEC Standards as American National Standards*.

9.1.1 Expedited Procedures for the Identical Adoption of an ISO Standard

API reserves the right to exercise the option of following the expedited procedures set forth in the ANSI *Procedures for the National Adoption of ISO and IEC Standards as American National Standards*. Consensus shall be in accordance with 7.5.6 of these procedures.

10 References

10.1 API POLICY 402—PROTECTION OF COPYRIGHTS BELONGING TO THIRD PARTIES

10.2 API POLICY 403—PROTECTION OF API'S COPYRIGHTS AND TRADEMARKS

10.3 API POLICY 404—RECORDS RETENTION

10.4 API POLICY 501—COMMITTEE MEMBERSHIP AND STRUCTURE

10.5 API POLICY 602—VOLUNTARY INDUSTRY STANDARDS PROGRAM

10.6 API POLICY 603—API PUBLICATIONS REVIEW

10.7 API PROCEDURE NO. AP-042—HANDLING APPEALS AND DISPUTES

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