



<b>Section:</b>	3. Publications
<b>Subpart:</b>	3.3. Handbooks and Publications
<b>Policy No.:</b>	3.3.2. Procedures to Modify Handbooks
<b>Title:</b>	Procedures to Modify Handbooks
<b>Effective:</b>	January 2015
<b>Revised:</b>	August 2021

## Procedures to Modify Handbooks

**Purpose:** Establish NCWM policy for proposing modifications to NCWM Handbooks.

**Background:** The following policy formerly existed in the Introduction sections of NIST Handbooks 44 and 130. Since NCWM did not have a policy manual until more recent years, this seemed to be the appropriate place to make the policy readily available for modifying those Handbooks. In 2010, NCWM created a new policy manual based on policy decisions by the Board of Directors over the previous 10 years. With a policy manual in place, the Board believes that the following is more properly placed there than in the NIST Handbooks.

### Policy:

#### A. Submission of Agenda Items – Preamble

NCWM Bylaws require that its officers and committees observe the principles of due process for the protection of the rights and interests of affected parties. Specifically, it requires that the committees and officers: (a) give reasonable advance notice of contemplated studies, items to be considered for action, and tentative or definite recommendations for conference vote, and (b) provide that all interested parties have an opportunity to be heard.

#### B. Submission Process

Anyone introducing an item to the Committee shall initially use the regional weights and measures associations to consider its merits. Using the regional associations ensures discussion and evaluation of items at the grassroots level by involving the regional members in the development, evaluation, and justification of proposals. The regions include the Central, Northeastern, Southern, and Western Weights and Measures Associations. For information on the regional associations, visit [www.ncwm.net](http://www.ncwm.net).

To submit a proposal, obtain Form 15: Proposal to Amend Handbooks at <https://www.ncwm.com/helpful-forms> or by contacting NCWM via email at [info@ncwm.com](mailto:info@ncwm.com). Complete the form and submit it electronically in Microsoft Word format to NCWM at [info@ncwm.com](mailto:info@ncwm.com). Instructions for completing the form are included with the electronic version of this template. To ensure that your proposal is included on the regional meeting agenda, submit no later than August 15 of the calendar year immediately preceding the calendar year in which the NCWM Interim Meeting where the proposal would first be considered by NCWM is held. Regional meeting schedules are available on the NCWM website.

(Amended 2021)

#### C. Procedures

The NCWM Committee will consider items according to the following procedures:

1. Submit new items to NCWM by August 15.
2. NCWM will forward new items to regional associations for consideration at their fall meetings.

3. If the regional associations find merit in the new items, they shall forward them to the NCWM Committees with their recommendations.
  4. NCWM committees and subgroups are not required to submit a Form 15 proposal, but NCWM recommends that they do so to allow for regional review and comment whenever possible.
  5. NCWM Committees will present the new and carryover items for Open Hearings at the January Interim Meeting.
- (Amended 2018 and 2021)

#### **D. Criteria for Inclusion on the NCWM Committee's Agenda**

1. Any item forwarded to NCWM by at least one regional association and received by November 1 will be automatically placed on the Committee's Interim Meeting agenda.
2. Items that have not been submitted to a regional association, but which are submitted to NCWM by November 1, will be evaluated by the Committee using the criteria in Section E, Exceptions to Policy, and Section F, Committee Agenda.
3. Any proposal received by NCWM after November 1, but prior to the Interim Meeting, will be evaluated by the Committee according to Section E, Exceptions to Policy and Section F, Committee Agenda. Only those items determined to be a national "priority" will be included on its agenda.
4. Proposals shall be submitted on a Form 15 and shall include:
  - a. a concise statement of the item or problem outlining the purpose and national need for its consideration. An electronic copy of the background material and proposed amendment(s) should be submitted in a Microsoft Word format on a CD ROM, DVD, or by electronic mail sent to info@ncwm.net;
  - b. background material, including test data, analysis of test data, or other appropriately researched and documented material for the Committee to evaluate when deciding its position or future activity on the proposal;
  - c. proposed solutions to problems stated in specific language and in amendment form as changes to Conference documents; and
  - d. if a proposal involves a new area of weights and measures activity; practical, realistic, and specific recommendations for laws or regulations to be adopted and test methods to be utilized to provide for proper enforcement.

When proposals are to modify or add requirements to existing publications, such as Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, or Handbook 133, Checking the Net Content of Packaged Goods, the proposal should:

- 1) identify the pertinent portion, section, and paragraph of the existing publication that would be changed (e.g., Uniform Method of Sale of Commodities Regulation, Section 8.2, paragraph (b));
- 2) provide evidence of consistency with other NCWM publications such as with other uniform laws and regulations;
- 3) provide evidence of consistency with federal laws and regulations (e.g., U.S. Department of Agriculture [USDA] or Federal Trade Commission [FTC] regulations); and
- 4) relay the positions of businesses, industries, or trade associations affected by the proposal including supporting and opposing points of view.

## **E. Exceptions to Policy for Submission of Items to the NCWM Committee Agenda; Submission of "Priority" Items**

The Committee will use the following criteria to evaluate items that have not been approved by a regional association, but have been received by the November 1 deadline. If an item is received after the November 1 deadline, it will be included on the agenda if the Committee determines that it is a national "priority."

Criteria for Inclusion on the Committee's Agenda When No Regional Association Has Approved the Item.

1. Items shall have significant legal impact on weights and measures laws and/or regulations involving:
  - a. court cases/attorney general opinions; or
  - b. preemption by federal statute or regulation; or
  - c. conflicts with international standards; or
  - d. items which could affect health and safety.
2. The Committee may contact parties that are potentially affected by an item (e.g., trade associations, industry, and consumer groups) for comments. The Committee may consider these comments and any other information in determining if the item should be included on its agenda.
3. When the Committee determines that it should consider an item as a "priority" (using the criteria in 1.), the item will be handled in the following manner:
  - a. A "priority" item received prior to the Interim Meeting may be added to the Interim Meeting agenda by a majority vote of the Committee.
  - b. A "priority" item received after the Interim Meeting may be added to the Committee's Annual Meeting agenda as:
    - 1) a discussion item by a majority vote of the Committee; or
    - 2) as a voting item by a majority vote of the Committee and the NCWM Board of Directors.

## **F. Committee Agenda**

1. The Committee will review items that have been submitted and selected by a majority vote to be included on its agenda. The Committee will only include those items that have been:
  - a. approved by at least one of the regional associations; or
  - b. forwarded by other committees, subcommittees, NTETC Sectors, task forces, or work groups, or those items that meet the criteria in Section E, Exceptions to Policy.
2. The Committee will publish an agenda (NCWM Publication 15) that identifies the items to be discussed during the Interim Meeting. This agenda will be distributed to members approximately 30 days prior to the meeting. The agenda will be provided upon request to all other interested parties.

(Amended 1998)

## G. Interim Meeting

1. The Committee shall hold public hearings at the Interim Meeting for the purpose of discussing and taking comments on agenda items.
2. Upon request, the Committee will provide the opportunity for presentations by government officials, industry representatives, consumer groups, or other interested parties during the Interim Meeting. Requests to make presentations shall be received by the Committee Chairman or Technical Advisor at least two weeks prior to the start of the meetings.

## H. Interim Meeting Report

1. Items under consideration by the Committee, and about which the Committee offers comments or recommendations to NCWM to act upon during the Annual Meeting, will be included in the Committee's Interim Report published in the Annual Meeting Program and Committee Reports (NCWM Publication 16).
2. The Annual Meeting Program and Committee Reports will be prepared and distributed to Conference members approximately three months prior to the NCWM Annual Meeting.

## I. Classifications for Agenda Items

At the Interim Meeting, the Committee can classify proposals in one of the following ways:

1. **"Voting"** – These are items the Committee believes are fully developed **and ready for final consideration by the established due date for final committee reports.** ~~of the voting membership.~~ Each item has either received majority support from the Committee or the Committee has reached agreement that it is ready for voting status to let NCWM membership decide.
2. **"Informational"** – These items are deemed by the Committee to have merit. They typically contain a proposal to address the issue and a meaningful background discussion for the proposal. However, the Committee wants to allow more time for review by stakeholders and possibly further development to address concerns. The Committee has taken the responsibility for any additional development of Informational items.
3. **"Developing"** – These items are deemed by the Committee to have merit but are found to be lacking enough information for full consideration. Typically, the item will have a good explanation of the issue, but a clear proposal has yet to be developed. By assigning Developing status, the Committee has sent the item back to the source for further development. The Committee Report will provide the source with clear indication of what is necessary to move the item forward for full consideration. The item will be carried in the Committee agenda with contact information for the person responsible for the development. The Committee will take comments on Developing items during open hearings of the Interim Meeting, starting with the developer if available. The Developer may submit updates for inclusion in Publication 15 no later than November 1, and in Publication 16 no later than April 1. If the Developer cannot meet these deadlines for publication, the Developer may submit updates in writing to the Committee for consideration and possible inclusion in the next Committee Report.
4. **"Assigned"** – These items are deemed by the Committee to have merit but are found to need further enhancement before being considered by the Committee. Typically, the item will have a good explanation of the issue, but a clear proposal has yet to be developed and the committee thinks further development should be conducted by a subcommittee, steering committee or task group. The Committee Report will provide the designated group

with clear direction and expectations. The item will be carried in the Committee agenda and will include contact information for the chairperson of the responsible subcommittee, steering committee or task group. An assigned item will be returned to the Committee when the responsible group believes the item is fully developed or that no further progress can be made in developing the item. A Committee may revoke the assigned status at any time. The Committee will take comments on Assigned items during open hearings of the Interim Meeting, starting with the developer if available. The assigned group shall submit their final recommendations to the Committee for consideration and possible inclusion in the next Committee Report.

5. **"Withdrawn"** – These are items that the Committee has found to be without merit. The Committee's determination to withdraw should not be based on the Committee's opinion alone, but on the input received from stakeholders. The Committee's report will contain an explanation for the withdrawal of the item. Once an item appears in NCWM Publication 16 as Withdrawn, the status of that item may not be amended, and no further testimony will be received. The item may be reintroduced through the regional associations for consideration as a new item.

(Amended 2021)

At the Annual Meeting the Committee may:

1. Change the status of the items, but no item may be changed to Voting status because the item has not been published, as such, in advance of the meeting.
2. Amend voting items during the Annual Meeting based on additional information received following the Interim Meeting and testimony received at the Annual Meeting. These items may also be amended by the voting membership during the voting session of the Annual Meeting following the procedures outlined in the NCWM Bylaws.
3. Remove items from the voting agenda at the Annual Meeting by changing the status prior to a call for the vote of the NCWM membership.
4. Take testimony on Developing items which will be limited to an update from the person developing the item.
5. Take testimony on Assigned items which will be limited to an update from the representative of the responsible group.

(Amended 2013, 2018 and 2019)

#### **J. Comments on Interim Reports**

1. Weights and measures officials, industry representatives, and all others are encouraged to submit written comments on items in the Committee's Interim Report.
2. All comments on the Interim Meeting Report shall be submitted to the Committee no later than one month preceding the opening of the Annual Meeting.

#### **K. Annual Meeting**

1. The Committee will hold a public hearing at the Annual Meeting to discuss items on its agenda.
2. Those who want to speak on an item during the public hearing should request time from the Committee Chairman. The Committee Chairman may impose time limits on presentations, the discussion of a question, or the discussion of a proposed amendment.

#### **L. Final Committee Reports and Conference Action**

1. Following the public hearings, the Committee will prepare its final report for action by the voting membership of the Conference. Copies of the final report will be provided to the membership prior to the voting session for that report.
2. The Chairman of the Committee will present the final report of the Committee to the Conference body. A vote will be taken on items, proposals, or sections in the report as circumstances require. The Conference will vote on the entire final report as presented in accordance with established Conference voting procedures. Parliamentary procedures according to Robert's Rules of Order, as amended by NCWM Bylaws, shall be adhered to in the presentation of, and any action on, a Standing Committee report.

(Amended 1998)

#### **M. Editorial Changes to the Handbooks**

To ensure due process is followed in the development of NIST Handbooks 44, 130 and 133, great care is taken when considering potential editorial changes. The following process shall be followed for editorial changes:

1. Considerations used to determine if a change may be editorial will include:
  - a. the change does not alter the meaning or procedure outlined,
  - b. the change is to correct an omission or clarify how the text was written,
  - c. the item itself was reformatted and relocated in the text to make the organization of the content more meaningful,
  - d. The change does not alter the technical content or understanding of the handbook.
2. The proposed editorial changes by the Executive Secretary shall be reviewed and approved by the Standing Committee Chair who was seated at the time the final report was approved. A disagreement between the Executive Secretary and the Committee Chair will be resolved by the Board of Directors.
3. All editorial changes shall be approved prior to publication.

#### **N. Publication of the Handbook**

NIST may not publish a new edition if it determines that it is reasonable to forego an annual publication (e.g., amendments were minor or editorial in nature) to save printing, mailing, and other costs. If this occurs, NIST will issue a notice that the current edition is still valid and will explain its action. (Note: Section numbering may be changed from one edition of the handbook to another to accommodate additions or deletions.)

(Amended 2008)