



**National Boating Education Standards Panel
Minutes – May 17, 2018
Teleconference Meeting**

These minutes are the official record of the National Boating Education Standards Panel (ESP) meeting. The minutes are prepared by National Association of State Boating Law Administrators (NASBLA) staff and are provided to both the ESP members and those on the EZ-ESP mailing list. The minutes reflect the panel's actions on any comments submitted for its consideration, and reflect the general discussion of other ESP actions based on official motions made at the panel meeting. All discussion, materials, and data are considered proprietary to ESP and NASBLA, and are not appropriate for public use. Written consent must be obtained from NASBLA before the minutes are used outside the scope of panel activity.

The meeting minutes serve as notification of the disposition of any and all comments submitted through the call for proposed revisions, call for comments, comments, consensus ballot, and public review periods. An effort to resolve all rejected/negative comments will be made. A "resolved" comment is a negative vote cast by a member of the consensus body or a comment submitted as a result of public review where the negative voter agrees to change his/her vote or the negative commenter accepts the proposed resolution of his/her comment. An "unresolved" comment is either (a) a negative vote submitted by a consensus body member or (b) written comments, submitted by a person during public review expressing disagreement with some or all of the proposed standard, that have not been satisfied and/or withdrawn after having been addressed according to the developer's approved procedures. If the Panel does not hear from the public review commenter within 30 days of notification of their unresolved comment, that comment will be considered resolved. Any negative comment not resolved or withdrawn will be considered an unresolved objection and will be recirculated for panel consideration. Any change of vote by a panel member must be substantiated in writing. If resolution is not achieved, the commenter has a right to appeal per the process outlined in the National Boating Education Standards Panel Rules (latest version). Please contact NASBLA staff (esp@nasbla.org) for further details.

The National Boating Education Standards Panel (hereafter referred to as the "panel") convened its teleconference meeting on Thursday, May 17, 2018 at 3:00 PM EDT. The [meeting was recorded](#) and posted on Basecamp on May 18, 2018. This file will be retained on Basecamp at least until the panel reviews, corrects as necessary, and approves these written minutes.

Meeting Roster

Panel members present: Harry Munns (presiding), Tim Spice, Bob Beck, Robin Pope, Jeff Riecks, Ernie Lentz, Joe McCullough, Emily King, Jeff Wheeler, Bob Brandenstein, and Amanda Perez. **Panel members absent:** Hugh Gibson, Ed Huntsman, and Kim Jackson. **USCG Representatives:** Tom Dardis. **NASBLA staff:** Pamela Dillon.

Meeting Agenda: (see pages 4-6 of these minutes).

1. Welcome, Opening Remarks, Introductions:

1.1 Chairman Harry Munns called the meeting to order at 3:06 PM EDT and welcomed members. He congratulated member Robin Pope on his appointment to the National Boating Safety Advisory Council. Member Joe McCullough was also selected as Alaska's new Boating Law Administrator. Congratulations were extended to both.

2. Meeting Attendance:

2.1 Dillon called roll. A quorum was established with eleven (11) of fourteen (14) members present.

[Note: Quorum is one-half of the members.] See the roster of panel members present.

2.2 Munns reviewed the meeting agenda. The Panel accepted the agenda as presented.

3. Review and Acceptance of the April 19, 2018 meeting minutes:

3.1 Munns called for consideration of the minutes from the panel's teleconference meeting held April 19, 2018. The minutes included Appendices A and B. Draft minutes and appendices were posted to Basecamp on May 4, 2018. Munns asked if members had additional corrections to, or comments regarding, the minutes. Pope moved to accept the minutes as posted. King seconded. The Panel approved the April 19, 2018 meeting minutes with Appendices A and B as posted. **(Note: Approved minutes will be posted on EZ-ESP.)**

4. Chair/Staff Report

4.1 Munns updated the Panel on the current activities to fill the member vacancy. A recommendation was made to the NASBLA Executive Board for consideration at their June 2-3 meeting.

4.2 Dillon reported that the USCG did not fund the Non-profit Grant application submitted for Panel support. The NASBLA Executive Board has stated its intention to continue its support of the Panel's work moving forward. Discussion ensued about possible steps to harmonize and align the standards. Based on recent discussions with ANSI as part of the audit process, the Panel is meeting the obligations for harmonization with the skills standards as required by NASBLA as an Accredited Standards Developer.

5. [ANSI/NASBLA 103-2016: Basic Boating Knowledge - Power](#)

No action was needed on this published American National Standard.

6. [ANSI/NASBLA 102-2017: Basic Boating Knowledge - Sailing](#)

No action was needed on this published American National Standard.

7. [ANSI/NASBLA 101-2017: Basic Boating Knowledge - Human-Propelled Boats](#)

No action was needed on this published American National Standard.

8. [ANSI/NASBLA 103.1-2018: Supplement - Basic Boating Knowledge – Water-Jet Propelled](#)

No action was needed on this published American National Standard.

9. Panel Action Items (See Appendix A of Minutes for Action Item References)

9.1 Dillon reviewed the status of the ANSI Audit, sharing the [NASBLA Response to ANSI Audit with Section 8 responses 4-27-2018](#). She reviewed posted references regarding the audit, including [Audit Report NASBLA 2018](#) and [Audit Letter NASBLA 2018 Panel Rules and other recommendations](#). Dillon reviewed the NASBLA response letter and recommended changes to the Rules required or recommended by the ANSI Audit. After presentation and discussion. The Panel considered the ANSI comment regarding the option of considering Technical Appeals. The Panel's verbal consensus was that it did not support a change to allow for Technical appeals. Chair Munns then requested Panel Action to accept ESP Rules as Amended 5-17-2018 v.2.

Panel Action: Accept ESP Rules as Amended 5-17-2018 v.2 for recommendation to the NASBLA Executive Board. Moved by Lentz. Second by Pope and Riecks. Motion passed. 11 Yes, 0 No, 0 Abstain.

9.2 Munns then moved to discuss the Change Management Plan. He referenced an [Approval Grid](#) timeline previously presented. He acknowledged the Panel had received no comments to date on this process. Munns mentioned the Action Item Assignments stating these would be updated removing the assignments for Technical Reports. Munns removed the time requirements and stated the first call for public comment should move forward in mid-2019 in order for completion by the target date of 2021. Perez stated the need to communicate with our constituents at the every opportunity including the upcoming NASBLA Annual Conference. The main concern to overcome is the comment from constituents that they “did not know you were doing this.” Transparency is key in the success for moving forward. Perez suggested that the first draft of the proposed changes be provided later in 2018 during or after the NASBLA conference.

Munns revisited questions from the May meeting that Pope had introduced:

- Does the core standard get published by itself? Can students get certified to the CORE only?
- Is the Passenger Standard of the future to be considered the same as the CORE?
- Is the CORE mandatory to complete again when completing future additional courses?

It was suggested that these questions will be more easily determined once the next layer of detail is added to the draft CORE standard. Discussion ensued about the questions and next steps forward.

Munns proceeded to form teams to address next steps in the Change Management Plan process including next steps in the development of the [Abstract Core Standard – 3 8 2018](#). He identified Lentz, Brandenstein, and Beck as being without assignments. He asked Riecks to join them. Munns asked this group to meet to work on the CORE (identifying items from the Sail and Human-Propelled standards). He asked Brandenstein to coordinate to present the state of the CORE standard at the next meeting. Munns asked them to identify parts of the other standards (Sail and Human-Propelled).

Munns also reported he had submitted a presentation proposal for the NASBLA Annual Conference.

9.3 Dillon reported that the Passenger Safety Standard received USCG grant support for Tier 1 of a three tier approach. The funding will support a RoundTable of Epidemiologists to review hospital discharge data. The Roundtable will be created in partnership with Safe States Alliance.

9.4 Action Item #53, #57, #58, #59 – Technical Reports (TechRep) – Dillon is working on final formatting of the Technical Report. She will complete and forward to ANSI.

9.5 Perez stated she had no updates for action item #60 – Education Research.

10. **Old Business** – No updates.

11. **Request for Interpretation** – None requested.

12. **New Business** – Munns suggested that a Blog be created to keep stakeholders apprised on the Panel process to develop the CORE plus process. Dillon suggested using NASBLA Connect.

13. **Future Meetings:**

- June 14, 2018
- July 19, 2018
- August 16, 2018
- Dillon announced date changes for the next in-person meeting. ESP meets Sept. 7-8, 2018 in Indianapolis, Indiana (Before the NASBLA Annual Conference Sept. 9-12) - Travel dates Sept. 6 and Sept. 8 (after 6 pm)/Sept. 9 in AM.

14. **Closing Comments/ Meeting Adjourned**

Munns thanked the panel for its work. He called for a motion to adjourn. Lentz moved, Pope seconded. There were no objections. The meeting ended at 4:43 PM EDT.



Mission: Establish and maintain recreational boating education standards to increase safety on our nation's waterways.

Vision: A country of educated, safe, competent, and confident boaters.

2018 National Boating Education Standards Panel (DRAFT v.1)

Thursday, May 17, 2018 – 3:00 ET/2:00 CT/ 1:00 MT/ 12:00 PT/ 11:00 AKT

Dial-in Information: 1-866-740-1260 Access Code 8726320

Meeting URL: <https://core.readytalk.com/callme/?ap=8667401260&ac=8726320&role=p&mode=ad>

REF: See [ESP Schematic References](#) (shown in boxes) and [ANSI References](#) (labeled "A" in red)

5. Welcome, Opening Remarks, Introductions

Harry Munns, Chair

- Call to Order and Welcome

6. Meeting Attendance/ Agenda Acceptance

- [Roll Call](#) /Establishment of Quorum

Munns/Dillon

7. Approval of Minutes from April 19, 2018

Munns

- [Draft minutes of the April 19, 2018 meeting with Appendix A - Action Items](#) and [Appendix B – Draft Core Standard](#)

8. Chair/Staff

Munns/Dillon

- Member Vacancy Update
- USCG Grant Award Update

9. [ANSI/NASBLA 103-2016: Basic Boating Knowledge - Power](#)

No Action needed.

Published as an American National Standard

10. [ANSI/NASBLA 102-2017: Basic Boating Knowledge - Sailing](#)

No Action needed.

Published as an American National Standard

11. [ANSI/NASBLA 101-2017: Basic Boating Knowledge - Human-Propelled Boats](#)

No Action needed.

Published as an American National Standard

12. [ANSI/NASBLA 103.1 - 2018: Supplement- Basic Boating Knowledge – Water-Jet Propelled Boats](#)

No Action needed.

Published as an American National Standard

Panel Action Items (See Appendix A of Minutes for Action Item References)

9.1 ANSI Audit Response

- [NASBLA Response to ANSI Audit with Section 8 responses 4-27-2018](#)
- References:
 - [Audit Report NASBLA 2018](#)
 - [Audit Letter NASBLA 2018 Panel Rules and other recommendations](#)
- **PANEL ACTION NEEDED:** [ESP Rules as Amended 5-17-2018 v. 2](#)

9.2 Change Management Plan/Next Generation of Standards Munns/Perez

- NASBLA Conference Presentation Proposal Submitted
- *Discussion:* How to use the CORE standard (follow up to April meeting discussion)
 - [Abstract Core Standard – 3 8 2018](#)
- Next steps for our march to Core+ and Outcome based standards
 - Timeline: Review of [March 2017 time line](#); [Excel Version](#)
 - List major tasks

9.3 Action Item #44 – Passenger Safety Standard Dillon

- Grant Funding/ Action Plan

9.4 Action Item #53, #57, #58, #59 – Technical Reports (TechRep) Dillon

- Power Technical Report – Final for Publication (with Appendix)

9.5 Action Item #60 – Education Research

Gibson/Perez

11. **Old Business**

12. **Request for Interpretation - None**

13. **New Business**

All

14. Future Meetings

All

- June 14, 2018 (Flag Day)
- July 19, 2018
- August 16, 2018
- **DATE CHANGE:** Sept 8 (all day) and Sept 9 (8 AM to 3 PM, 2018) In-person meeting in Indianapolis, Indiana (Before the NASBLA Annual Conference Sept. 9-12) - Travel dates Sept. 7 and Sept. 9 (after 5 pm)/Sept. 10 AM.

15. Closing Comments/ Meeting Adjourned

All

Appendix A: Summary of Action Items - updated 5/14/18

#	Action Item Origination Date	Regarding	Action Item YELLOW DEPICTS PENDING/ONGOING	Status
1	3/21/13	Application as SDO	RE: NASBLA's role and requirements in positioning itself for application as an SDO – staff to review potential policies or By-laws updates in advance of the Annual Meeting in September 2013	3/21/14 – COMPLETED
2	3/21/13	Standards 8, 9, 10 and course approval admin policies	Re: Standard section 8, 9, and 10 and the impacts of potential changes to the current Level 1 Standard. Ensure NASBLA is positioned for any needed updates for existing standards 8, 9, or 10 and current administrative policies for NASBLA course approval.	10/14/14 COMPLETED
3	3/21/13	On-water	Update basecamp files	10/14/14 Ongoing; 11/18/14 New website www.onwaterstandards.org is fully functional. This site lists all updated information. Completed
4	3/21/13	Panel Rules	Present recommendations for revision to Executive Board	5/14/13: Completed
5	3/21/13	Paddlesport Standard	Finalize the Title, Scope and Purpose and approve re-formatted draft	7/30/13: Completed

6	3/21/13	Paddlesport	Check with ACA regarding an update	Completed.
7	3/21/13	General	Develop alpha-numeric architecture for use in labeling boating education standards similar to ABYC's alpha-numeric approach.	COMPLETED
8	3/21/13	General	Staff was directed to 'clean up' the Human-propelled standard to make it consistent in font, indents, etc. with the Level 1 – Basic Boating Knowledge as the template	Completed and posted.
9	3/21/13	General	Apply NASBLA style guide to edit entire standard (after Ex Board approval of rules).	Completed and posted.
10	3/22/13	Basic Boating Knowledge 2.1-2.3	Comment #6 – Technical comment (life jacket labeling)	COMPLETED
11	3/22/13	Section 2.3.1	Comment #30 – Technical comment Basic Boating Knowledge	Assigned to Panel Team Malatak and Completed
12	3/22/13	Section 2.5	Comment #1 – Technical Basic Boating Knowledge	Completed
13	3/22/13	Section 3.5	Comment #90 – Technical – Panel accepted in principle to eliminate parts of the trailering section. Basic Boating Knowledge	COMPLETED.
14	3/22/13	General	Comment #45 – technical (see example)	COMPLETED
15	3/22/13	Section 6.3	ANSI requirements require international measurements	6/18/13: Completed
16	3/22/13	Section 6.3.1.1.1	Comment 105 – Technical Basic Boating Knowledge	6/18/13: Draft Accepted/ Completed.
17	3/22/13	Section 7.3.1.2	Comment 108 – Technical Basic Boating Knowledge	6/18/13: Draft Accepted/ Completed.
18	3/22/13	Section 7.5	Comment 109 – Technical Basic Boating Knowledge	7/30/13: Completed

19	3/22/13	General	Approved Panel Action – Recommend to the Executive Board to consider a stand-alone Water-Jet propelled watercraft standard.	10/24/13: COMPLETED Ex Board authorized development of new standard. See Action Item #23.
20	3/22/13	General	Approved Panel Action – Allow staff to edit per the NASBLA stylebook and address any errors in grammar and spelling.	6/18/13: Completed and Ongoing.
21	3/22/13	General	Review ANSI self-audit.	Policy and Planning - 7/30/13: Update provided. 9/13/13: Assigned to Rules and Process - Ongoing. 4/21/17 Audit Team Assigned Jackson, McCullough, Gibson, King. Audit scheduled for January 2018. 7/20/17 Audit Team Re-assignments: Jackson, Wheeler, Pope, King. 8/28/17 Audit team meeting to review ANSI pre-audit submissions. 12/13/17 ANSI Pre-Audit scheduled; 1/2018 ANSI Audit process completed, awaiting final Audit Report. 4/2/18 Final ANSI Audit Report Received. 5/14/17 ANSI Audit report response sent 4/27/18. Panel Rule revisions completed by Panel for Ex Board.
22	7/30/13	General	Each panel team to document risk-based research and statistical materials used as evidence for revisions recommended by the panel.	7/30/13: Assigned to Resources workgroup/ongoing. 12/12/17 Gibson reported approximately 38 research reports identified.
23	11/17/13	Jet-Propelled	Develop a new jet-propelled watercraft standard.	11/17/13: Assigned to Ed Huntsman, John Annino and Mike Gladhart. 12/17/13: Document draft accepted as working draft for consideration of structure and process. 3/27/15: Panel Action – guidance provided. 9/12/15 Draft Accepted. COMPLETED. 12/12/17 Panel disposition completed on 103.1 Water-Jet Propelled Supplement.

24	11/17/13	106 - Trailerling	Develop a new trailerling standard.	11/17/13: Assigned to Sweet and Woods. 12/17/13: Document draft accepted as working draft for consideration of structure and process. 3/27/15: Outline submitted to Panel for comment. 7/9/15 Draft Standard accepted by the Panel for the ANSI process. 8/13/15 Moved to ANSI. Action Item COMPLETE. 10/17 Trailerling Standard Withdrawn from consideration.
25	4/12/14	101	Editorial 27 Consider new language on Dewatering	COMPLETED
26	4/12/14	101	Editorial 47, 70, Technical 82– Section 2.0 Boating Equipment	8/5/14: COMPLETED
27	4/12/14	101	Editorial 40, 52,72,78,87, Technical 74, 88, 9, 75 regarding Sound Signaling Equipment (renumbered 2.6)	8/5/14: COMPLETED
28	4/12/14	101	Editorial 11, 58, 44, 97, 13, 98 regarding Safe Navigation	COMPLETED
29	4/12/14	101	Editorial 49, 65 regarding Other Water Activities	COMPLETED
30	4/12/14	General	Editorial 38 – Style guide applications/ Update Terms and Definitions	10/14/14 Draft presented. 12/14 ANSI edited 103 standard. 3/27/15 Panel Action – Accepted as draft. 9/12/15 Style Guide Version 4 Present updated document on 3/16/14: Document accepted – Post on Website
31	4/12/14	General	Editorial 18 – Title Numbering Policy	10/14/14 Draft presented. 3/27/15 Panel Action – Accepted as draft. 9/12/15 Style Guide Version 4 Accepted as working draft
32	4/12/14	General	Editorial 86 – Style guide applications	10/14/14 Draft presented. 12/14 ANSI edited 103 standard. 3/27/15 Panel Action – Accepted as draft. 9/12/15 Style Guide Version 4 Accepted as working draft
33	4/12/14	101 – Human	Technical 76 regarding Preventive Maintenance	COMPLETED

34	10/15/14	General	Recommend to the Executive Board to empower ESP to begin work to create an ANSI <u>education</u> standard for power boating skills.	12/11/2014 Recommendation endorsed by Executive Committee. 3/27/15 Dillon assigned to create 'starter' document. 6/11/15 Draft Presented. 7/9/15 Action team assigned – Riecks, Edmonston, and Spice. 8/13/15 Draft presented and accepted. 9/12/15 Completed Action Item #47. 4/21/17 Vote to CLOSE this action item.
35	10/15/14	General	Recommend to the Ex Board to put together a standard policy document of common education and standards terms.	10/15/14 Motion Passed by Panel. 12/11/14: Approved by NASBLA Executive Board. This may be in form of a technical document. 3/27/15 Technical Support Document (TSD) concept presented. 9/12/15 Style Guide Version 4 Accepted as working draft
36	12/11/14	102-Sail	Develop knowledge, risk-based standard for sail.	12/11/14: Approved by NASBLA Executive Board. 3/27/15 draft presented. Panel Action to review parallel document written in course provider terms. 5/7/15 – Accepted course provider version as a working draft for consideration of content. 7/9/15 Draft standard accepted by Panel for the ANSI process. 8/13/15 ACTION ITEM COMPLETE.
37	12/11/14	102- Sail	Develop an education standard for sail to bridge knowledge risk-based and skills.	12/11/14: Approved by NASBLA Executive Board. 3/27/15: draft presented. Panel Action to review parallel document written in course provider terms. 5/7/15- This is combined with Action Item # 36. 8/13/15 ACTION ITEM COMPLETE. 4/21/17 Vote to CLOSE this action item.
38	12/11/14	101- Human	Develop an education standard for human-propelled	12/11/14: Approved by NASBLA Executive Board. 3/27/15 Dillon assigned to create 'starter'

			to bridge knowledge risk-based and skills.	document Process Ongoing. 9/12/15 Completed - See Action Item #46 - 4/21/17 Vote to CLOSE this action item.
39	3/26/15	103-Power	Re: Public Review comments #2, 3, 5, 10, 13, Consider replacement for Commandant Instruction reference.	3/26/15: Assigned to Jepsen and Wheeler. 5/7/15: Completed.
40	3/26/15	103-Power	Re: Public Review comment #21.	3/26/15: McKenzie and Spice. 5/7/15: Completed.
41	6/11/15	101-Human-Propelled	Re: Public Review editorial comment #2, technical # 13,	6/11/15: McKenzie, Pope, Jackson to consider new language. 7/9/15: Recommendation presented and approved. COMPLETED
42	6/11/15	101-Human Propelled	Re: Public Review technical comment # 18	6/11/15: Spice, Jackson, McKenzie to cover the needs of the overall standard. 7/9/15: Recommendation presented and approved. COMPLETED
43	6/11/15	101- Human Propelled	Re: Public Review technical comment #9, 12, 10, 11,	6/11/15: Assigned to Riecks, Pope for language recommendation. 7/9/15: Recommendation presented and approved. COMPLETED
44	8/13/15	Passenger Safety Standard	Draft new 'Core Boating Standard' for passengers/non-operators. 1/14/16 Workgroup name changed to 'Passenger Safety Standard'	8/13/15: Presented Executive Board authorized concept. SMEs assigned to assist Education Committee charge team led by Kelli Toth: Woods, McCullough, Wakelin, and Edmonston. 9/12/15: Panel action item empowered team to begin process. 11/12/15; 12/17/15; 1/14/16; 2/12/16; 1/12/17 Updates provided ONGOING; 2/9/17 Joe McCullough assigned as ESP Liaison; 1/17 NASBLA application for USCG Grant support; 6/8/17 limited funding announced via USCG; 9/17 Panel asked for USCG grant submission in support of this effort; EX Board agreed. 1/2018 USCG grant application submitted. 3/7/18

				Toth provided update to Panel. 5/14/18 USCG Grant support announced.
45	9/11/15	Power Standard	Review Part B2, B3 and other relevant sections to determine if the Panel has existing authority which would permit the merger of the content of TBD/NASBLA 203-201X – Basic Boating Knowledge – Power Operator Readiness into NASBLA 103-2015: Basic Boating Knowledge - Power.	9/11/15 Assigned to Rules and Process work group; 10/15/15 Panel reported on work. Determined that the Panel does have existing authority which would permit the merger of content as indicated. Completed. 4/21/17 Vote to CLOSE this action item.
46	9/12/15	Human Propelled	Accept TBD/NASBLA 201-201X: Basic Boating Knowledge – Human Propelled Boats Operator Readiness as an addendum to BSR/NASBLA 101-201X: Basic Boating Knowledge – Human Propelled Boats.	9/12/15: Wheeler, Pope, and Spice volunteered for Panel Team. Analysis will be completed by Dec. 1, 2015. 11/12/15: Item placed on hold until in-person meeting in San Diego. 3/4/16: On hold. 4/14/16: On Hold 7/21/16: Panel team of Pope, McKenzie, King, McCullough, Gibson, and Riecks, Jackson to combine 101 and 201 drafts. 4/21/17 Vote to CLOSE this action item.
47	9/12/15	Power	Accept TBD/NASBLA 203-201X – Basic Boating Knowledge – Power Operator Readiness as an addendum to BSR/NASBLA 103-201X: Basic Boating Knowledge – Power.	9/12/15 Edmonston asked the full Panel to review the three documents (including the skill standard), highlight any redundant items to be re-considered, or that should be removed or are missing. Return comments before November 1, 2015 to the Panel Team - Riecks, Spice, and Edmonston. 11/12/15: Item placed on hold until in-person meeting in San Diego. 3/4/16: On hold. 4/14/16: On Hold 4/21/17 Vote to CLOSE this action item.
48	3/3/14	106 Trailing	Numbering and content questions from 3/3/16 Panel Disposition	4/14/16: Assigned to McKenzie, McCullough, and Spice. 6/9/16: Draft presented by McKenzie, needs additional review. 6/19/16: Completed

49	3/4/16	ALL	Draft a core standard across all disciplines. 9/10/16 Develop two versions – Work on existing core draft to develop detailed, prescriptive version prescriptive and abstract for consideration only.	3/4/16: Jeff Wheeler will draft and distribute to all by June 2016. 6/9/16: Extend to July 2016. 7/21/16: Draft Posted; 9/10/16: Wheeler as Lead for two core drafts. Teams: McCullough, McKenzie, King – prescriptive version; Lentz, Riecks, Gibson, Jackson –abstract version 9/9/10 Wheeler version discussed; 10/13/16 McKenzie and Jackson versions presented; 10/13/16 Determined it should be a core standard for all disciplines.12/15/16 Core Standard for All Boats posted for consideration. 1/12/17 On Hold. 4/21/17 Panel Action to accept the concept of the “core plus module” (i.e. power, HP, Sail) in support of part B of the Panel Rules. Action Item COMPLETE.
50	3/4/16	102-Sail	Harmonize with skill standard	3/4/16: Team of Rich Jepsen, Jeff Riecks and Chris Edmonston. 8/25/15 COMPLETED Post for public review
51	3/4/16	All	Address risk-based standard requirement which limits standard content.	4/14/16: Draft language for consideration at May meeting for possible presentation by Chair to Ex. Board in June. 6/9/16: Statement shared with Panel, Chair to present to Ex. BD on June 10, 2016. 7/21/16: Reports on Board Action -COMPLETED
52	3/4/36	Panel	Draft Mission/Vision statement	3/4/16: Assigned to Jeff Wheeler with Gibson, Spice, Wakelin, and McCullough. 6/9/16: Extend to July 2016. 7/21/16: Posted for Panel consideration. 1/12/17 Distribute updated draft 4/20/17 Mission/Vision statements accepted by Panel. COMPLETED
53	3/4/16	Power	Need to consider content for the ‘Technical Report’ – include items such as the	3/4/16: TBD. 4/14/16: To be drafted by Dillon – review by Jepsen, Gipson, King, and Riecks.

			NASBLA instructional strategies, 2015 rationales, and instructional design information.	7/21/16: Items posted under files on Basecamp. Include On-Water Skills Standard as a reference. 10/12/16 Conference call kick-off meeting conducted. 10/13/16 Dillon to edit chapter 3; Riecks, Dillon to edit chapters 1, 2, 4, 5. 11/10/16 Edits to Chapter 3 power posted for Power. Pope version of Chapter 3 posted for Human-propelled workgroup. 2/9/17 Chap 3 final draft for Power; 4/21/17 See items 58/59/60; 6/8/17 On Hold, pending Panel Task Team Review by Munns; 7/20/17 Review teams re-assigned. Chap 1 review- Lentz; Chap 2 edit – Kauffman; Chap 4 edit – Beck; Chap 5 edit – Brandenstein. Also see items 58/59/60. 3/8/18 Dillon delegated responsibility to finalize for submission. 4/19/18 Power Technical Report provided to Panel; request for final comments. Appendix to include Knowledge Standard only. 5/14/18 Dillon will complete and file with ANSI.
54	3/4/16	Panel	Draft strategic and operational plans. What are the guidelines for the panel to take up work? What can we produce in a 12 month period? Should we have a 'triage' process to prioritize new tasks?	3/4/16: Harry Munns and Ed Huntsman will draft some business rules within the plan. 6/9/16: Report presented stating the Panel Rules and ANSI process provides needed framework – no further action needed. COMPLETE
55	3/4/16	Panel	Follow up questions to On-Water Team: Does the on-water team expect the states to recognize course certificates from the on-water American National Standards as meeting the	3/4/16: Assigned to Rich Jepsen 4/14/16: Dillon to ask USCG for clarification. 5/5/16: Response from on water skills team as presented by Rich Jepsen. 6/9/16: Response from Barry Nobles from USCG . COMPLETED

			<p>state mandate without requiring the knowledge standard?</p> <p>How will the on-water team modify the skills standard to address the gap?</p> <p>Will the on-water standard recommend completion of the skill standard (and vice versa)?</p>	
56	6/9/16	103.1 Water Jet Propelled	<p>There is some redundancy between the 2.0 PWC topics and 3.0 Water Jet Propelled topics. (Reference comment # 8 in Water Jet Propelled comments). Send back to Subject matter experts for review.</p>	<p>6/9/16 Assigned a Panel team to King, Jepsen, and Jackson. 8/21/16 Panel team met to discuss. 8/25/16 Present a draft at Seattle meeting. 10/13/16 Huntsman to present to SME team for review. 11/10/16 Jackson version accepted by Panel as disposition for Comment #8. Alladio's comments to be inserted as SME. 12/15/17 Final draft of combined document accepted for Public Review. COMPLETED</p>
57	9/10/16	Technical Report (TechRep) - power	<p>Develop TechRep as supporting document for current standard.</p>	<p>Riecks, Edmonston</p> <ul style="list-style-type: none"> • Power TSD – Spice, Munns, Huntsman, Wheeler, and McCullough 10/12/16 <p>Conference call kick-off meeting conducted. 10/13/16 Dillon to edit chapter 3; Riecks, Dillon to edit chapters 1, 2, 4, 5. 11/10/16 Edits to Chapter 3 power posted for Power. 2/9/16 Draft of Chap 3 of Power standard announced as final pending incorporation into the TechRep draft; 4/21/17 Updates posted; 6/8/17 On Hold, pending Panel Task Team Review by Munns; 7/20/17 Huntsman is lead on Chapter 3. 3/8/18 Dillon delegated responsibility to finalize for submission. 4/19/18 Power Technical Report provided to Panel; request for final</p>

				comments. Appendix to include Knowledge Standard only. 5/14/18 Dillon will complete and file with ANSI.
58	9/10/16	TechRep – Human Propelled	Develop TR as supporting document for current standard.	Riecks, Edmonston <ul style="list-style-type: none"> Human propelled TSD – Pope, Spice, Gibson, McKenzie 10/12/16 Conference call kick-off meeting conducted. 11/10/16 Pope version of Chapter 3 posted for Human-propelled workgroup. 3/9/17 Updated Pope version posted; 4/21/17 Updates posted; 6/8/17 On Hold, pending Panel Task Team Review by Munns; 7/20/17 Tim Spice is lead on Chapter 3. 3/8/18 Dillon delegated responsibility to finalize for submission. 5/14/18 Dillon will complete and file with ANSI
59	9/10/16	TechRep - Sailing	Develop TR as supporting document for current standard.	Riecks, Edmonston <ul style="list-style-type: none"> Sail TSD – Munns, Jepsen, Riecks 10/12/16 Conference call kick-off meeting conducted. 3/9/17 Riecks to draft chapter 3; 4/21/17 Updates posted; 6/8/17 On Hold, pending Panel Task Team Review by Munns; 7/20/17 Munns is lead on chapter 3. 3/8/18 Dillon delegated responsibility to finalize for submission. 5/14/18 Dillon will complete and file with ANSI
60	9/10/16	Panel Rules Part VII Section B2	Education Research Studies	Gibson to be lead (Amanda Perez as Subject Matter Expert) 10/13/16 Send documents to Gibson for inclusion. 4/21/17 Report submitted to Panel; 6/8/17 On Hold, pending Panel Task Team Review by Munns; 7/20/17 Gibson is Lead 1/25/2018 Updated listing from Gibson received.

61	7/20/17	Performance Outcome	Develop White Paper to state position of the Panel to create performance based standards; Paper will help guide the paradigm shift re: this effort.	7/20/17 Riecks assigned to draft white paper; 8/17/17 Report provided at meeting; 10/12/17 White paper development placed on HOLD by Chairman Munns 2/27/18 ESP Change Management report to Ex Board; 3/2/18 Report to BLA Workshop; 3/4/18 Report to Ed Committee; 3/6/18 Report at Summit. 3/8/18 All presentations completed. White Paper concept placed on hold. NO FURTHER ACTION
62	9/9/17	Data needs	Identify data and statistics to support the need to move to outcome based standards. Report at November meeting.	9/9/17 Perez, Gibson, and Pope named to Panel Team. The team should evaluate data for its relevance and leave it in its raw state for now. 11/17: No report provided. Discussion of Change Management Plan development. 12/12/17 process continues

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NATIONAL BOATING EDUCATION STANDARDS PANEL RULES

PART I. INTRODUCTION

The National Association of State Boating Law Administrators (NASBLA) is a national, nonprofit organization representing the U.S. state and territorial recreational boating authorities responsible for administering and enforcing recreational boating laws. Over its 50-year history, NASBLA has provided national leadership to focus policies and resources on reducing risks associated with recreational boating; fostered partnerships and coalitions among key stakeholders in the boating community to ensure safe and secure boating environments; and strived to provide models and standards that support best practices and consistency among the states and territories.

In keeping with the Association’s mission, the National Boating Education Standards—originally adopted by the NASBLA membership in 1999 ~~and amended seven times since~~—have prescribed the minimum body of knowledge to effect safe, legal, and enjoyable recreational boating and have served as the basis for boating education courses approved by NASBLA and recognized by the U.S. Coast Guard. In 2009, separate Paddlesports Education Standards, developed in consultation with the American Canoe Association for the purpose of addressing manually-powered vessels, were approved by the NASBLA membership.

Commented [p1]: Remove phrase as it is dated.

Today, the National Boating Education Standards are referenced in numerous state laws and regulations as the minimum criteria for state-mandated boater education; however, several state legislatures have enacted process rules in conflict with these Standards. Through its establishment of the National Boating Education Standards Panel referenced in these Rules, and the Panel’s adoption of an open, consensus-based standards development process conforming to the Essential Requirements of the American National Standards Institute, NASBLA seeks to provide national agreement and consistency in boating education program content and course delivery for the nation’s boaters.

PART II. DEFINITIONS

As used in these Rules, unless otherwise stated:

1. “ANSI” means the American National Standards Institute.
2. “ANSI Essential Requirements” means the minimum acceptable due process requirements applying to activities associated with developing consensus for the purposes of approving, revising, reaffirming, and withdrawing standards sanctioned as American National Standards. In abbreviated form, the requirements are: Openness; Lack of Dominance; Balance; Coordination and harmonization; Notification of standards development; Consideration of views and objections; Consensus vote; Appeals (procedural); Written procedures; and Compliance.

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3. “*Consensus*” means that substantial agreement has been reached by directly and materially affected interests. Consensus requires that all views and objections be considered, and that an effort be made toward their resolution.
4. “*Consensus body*” means the group that approves the content of a Standard and whose vote demonstrates evidence of consensus.
5. “*Executive Board*” or “*Board*” means the Executive Board of the National Association of State Boating Law Administrators.
6. “*In good standing*,” for a duly appointed Standards Panel member, means remaining in compliance with the Panel’s attendance, balloting, conduct, and performance requirements. See Part V.2. of these Rules.
7. “*Meeting*” means any gathering of members in person or electronically (through webinar or teleconference or other electronic communication methods open and accessible to all members) to conduct official business.
8. “*NASBLA*” means the National Association of State Boating Law Administrators.
9. “*Standards*” or “*Standard*” (upper case) means the NASBLA National Boating Education Standards or the Paddlesports Education Standards or any other national boating education standards that the Executive Board authorizes the Standards Panel to address.
10. “*Standards development*” means the overall process and procedures associated with reviewing, revising, reaffirming, withdrawing, and approving standards.
11. “*Standards Panel*” or “*Panel*” means the National Boating Education Standards Panel. See “*Consensus body*.”
12. “*Substantive change*” means a change that directly and materially affects the use of the Standard.

PART III. STANDARDS PANEL OBJECTIVE AND SCOPE OF WORK

- A. **Objective.** The objective of the Standards Panel is to identify and implement a consensus-based process in conformance with ANSI Essential Requirements for the purposes of reviewing, developing, revising, and promulgating knowledge and competency standards for the recreational boater and boating professionals working with or on behalf of the recreational boating community in North America and any national boating education standards that the Executive Board authorizes the Panel to address.

In furtherance of this objective, the Standards Panel will submit standards actions to ANSI for approval, as appropriate, following all requirements as described in “*ANSI Essential Requirements: Due process requirements for American National Standards*” (current edition). These requirements include compliance with essential requirements for due process, benchmarks, normative American National Standards Policies, normative American National Standards Administrative Procedures, and normative policies and procedures for ANSI Accredited Standards Developers.

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B. Scope of Work.

- B1. The Standards Panel is established to perform the primary function of review, and as required, updating the current NASBLA National Boating Education Standards in an open and structured manner to meet the needs of the recreational boating community.
- B2. Concurrent with this review and update process, the Panel will establish and develop practices of operation that will allow NASBLA to be recognized as the standards development organization in the U.S. states and territories and the District of Columbia for recreational boating.
- B3. By establishing an ANSI accredited process, the Panel will then position NASBLA to establish and address further standards of training regarding topics and training regimens that become applicable to the recreational boating community as established by legislation, treaty or practical requirements to advance the safe operation of boats in the Association’s waters of influence.

Commented [p2]: Part III, Subparagraph B3, add period at end of the sentence;

PART IV. STANDARDS PANEL AUTHORITY, ORGANIZATION, SELECTION, AND INTEREST CATEGORIES

- 1. The Standards Panel shall be the consensus body and have such authority as shall be granted to it by the NASBLA Bylaws and the Executive Board. The Executive Board, by majority vote, retains authority to withdraw a standard and to discontinue the further processing of a registered standard project without a vote of the consensus body, per ANSI Essential Requirements.
- 2. The Panel shall be appointed by and report directly to the Board.
- 3. The chairperson of the Panel shall be appointed by and serve at the pleasure of the Board. A chairperson who is relieved of duties by the Board, or who is otherwise unable to serve in that leadership position, may remain a Panel member, if in good standing, until the completion of the member’s term of office.
- 4. The chairperson may designate a Panel member to serve as vice chairperson. The vice chairperson shall serve at the pleasure of the chairperson.
- 5. The chairperson may assign task group(s) to facilitate the Panel’s work. Non-members of the Panel may be assigned to serve on such task group(s). The task group(s) do not need to have balanced representation of interest categories (as defined in paragraph 14 of this Part), but approval of proposals that might emerge from such task group(s) shall be the responsibility of the Panel as a whole.

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6. NASBLA shall designate staff to provide technical, research, and administrative support to the work of the Panel, including any task group(s) as may be assigned. Staff may provide additional assistance at the request of the Panel chairperson.
7. The Panel shall consist of a maximum of fifteen (15) members, including the chairperson.
8. The regular term of office for a member or chairperson of the Panel shall be three (3) years, and the members’ terms shall be staggered such that one-third (1/3) expire at the end of each calendar year.
9. Panel members in good standing may be reappointed. Members shall be limited to two (2) consecutive terms, and may be reappointed after a minimum one (1)-year break.
10. Any Panel member may resign at any time by giving written notice to the Panel chairperson and Board president, or if the member resigning is the chairperson, to the Board president. Any resignation shall be effective immediately unless a certain date is specified for it to take effect. Acceptance of any resignation shall not be necessary to make it effective.
11. All members of the first Panel shall be appointed by the Board at the same time, and the appointed Panel members, other than the chairperson, shall draw lots to determine which shall serve one (1)-, two (2)-, or three (3)-year terms. Initial terms shall count against the term limit of two consecutive terms.
12. Appointments for Panel member terms that will expire at the end of the calendar year shall be made by the Board no later than December 15 of that year. Appointments to fill vacancies in unexpired terms created by the resignation or removal of a Panel member shall be made by the Board as soon as practicable. Appointments to fill partial terms of less than 12 months shall not count against the limit of two consecutive terms.
13. Appointments to the Panel shall be made by the Board from among eligible applicants identified through an ongoing application process open to all persons who are directly and materially affected by the Standards. Participation shall not be conditional upon membership in NASBLA or any other organization, or unreasonably restricted on the basis of technical qualifications or other such requirements. Applications shall be advertised and made available through multiple outlets, including the NASBLA website, and shall be accepted by NASBLA year-round. The application shall request the applicant’s name, organization (if any), interest category (as described in paragraph 14 of this Part), and expertise and interest in the work associated with the Panel’s objectives (as described in Part III of these Rules).
14. The Panel shall have stakeholder representation across five (5) interest categories.

Interest Category	Defined as:
Commercial	Individuals from for-profit companies and organizations that offer NASBLA-approved/sanctioned boating education

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	courses, and other commercial entities such as boat and boat accessory manufacturers, marine insurance companies, boat dealers, marina owners, towing and salvage companies.
Non-Governmental / Nonprofit Organization	Individuals representing nonprofit, non-governmental organizations that offer boating education or water safety courses or otherwise have an interest in recreational boating and water safety. Includes membership, professional, and trade associations.
Federal Boating Agency	Individuals representing U.S. Federal government agencies (and instrumentalities of the Federal government) and international agencies that administer programs and/or enforce laws promoting recreational boating and/or water safety.
State Boating Agency	Individuals representing U.S. State and territorial governmental agencies and subdivisions that enforce boating laws and/or administer boating safety, education, registration and titling, and other related recreational boating programs. Includes designee agencies and personnel at the sub-state level.
Public	Individual boaters, researchers, boating writers, educators, and other persons who have an interest in boating and/or water safety and who are not covered under the other interest categories.

15. No single interest category shall constitute more than one-third (1/3) of the total appointments to the Panel. If a Panel member resigns and that resignation causes one interest category to have more than one-third (1/3) of the membership action shall be taken as soon as practical to identify eligible applicant(s) in order to bring the Panel back into balance. The Panel can proceed to function as the consensus body during efforts to identify eligible applicant(s) and fill the vacancy(ies).
16. If a seated Panel member’s change in employment or other professional circumstance results in a change in the member’s stakeholder representation, the Panel chairperson shall advise the Board.

If the Board determines that the change does not affect the balance of interests described in paragraphs 14 and 15 of this Part, and if the member is otherwise in good standing (as described in Part V.2), the member shall serve out the remainder of the term. If the member is eligible for and wishes to be considered for reappointment to the Panel, the member must submit a new application.

If the Board determines that the change does affect the balance of interests on the Panel, the member shall be asked to vacate the position. If the member is eligible for and wishes to be considered for reappointment to the Panel in the future, the member must submit a new application.

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17. There shall be no undue financial barriers to participation on the Panel. Subject to any limitations imposed by the Board in its approval of the NASBLA annual budget, the NASBLA Executive Director may approve requests from Panel members for reimbursement of reasonable expenses incurred in the performance of their voluntary service to the Panel and its activities. All such reimbursements must be pre-approved, and shall be in accordance with the NASBLA Travel Policy and Procedures.

PART V. GENERAL

1. Members of the Standards Panel shall adhere to the Standards Panel Code of Ethics as approved by the Executive Board. Panel members shall function independently as individuals and not as agents or representatives of organizations with which they are or may be associated or employed when engaged in the work of the Panel.
2. To be considered in good standing, members are expected to be responsible, fully engaged, knowledgeable about and active participants in the work of the Panel. Members are expected to attend and to participate in all Panel meetings and ballots, and in the event they cannot participate, are expected to notify the Panel chairperson or the chairperson's designee.
3. A member of the Panel may be determined to no longer be in good standing for one or more of the following reasons: a) member has unexcused absences from two consecutive meetings of the full Panel or has failed to return two consecutive ballots; b) member engaged in conduct that did not abide by these Rules; c) member violated the Panel's Code of Ethics; d) member is otherwise disruptive to the conduct of the Panel's business. The Panel chairperson shall state the case for a Panel member's dismissal in writing to the Board. The member in question shall be provided the opportunity to respond in writing to the Panel chairperson and Board. Upon review of the case, the Board may decide to retain the member, request the member's resignation, or remove the member from the Panel.
4. The Panel shall approve and, in the name of NASBLA, shall authorize the publication of all technical documents, including the Standards and any technical information reports that result from its work.
5. The Panel shall use the English standard measurements as hard numbers and offer a metric equivalent unless the Panel can show justification for doing it otherwise.

PART VI. STANDARDS PANEL MEETING MINUTES

The only public record of the Standards Panel meetings shall be contained in the minutes prepared by NASBLA-designated staff for the Panel and distributed to Panel members. All discussion, materials, and data associated with the Panel's work are considered proprietary to

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NASBLA and are not appropriate for public use. Written consent must be obtained from NASBLA before the minutes can be used outside the scope of Panel activity. The minutes shall reflect the Panel's actions on any comments submitted for its consideration, and shall reflect the general discussion of other Panel actions based on official motions made at its meetings.

PART VII. STANDARDS PANEL PROCEDURES

Standards shall be reviewed on a five (5)-year cycle.¹

A. STANDARDS DEVELOPMENT - INITIAL REVIEW CYCLE²

A1. The provisions in this Subpart A describe the first review cycle covered under these Rules, and are intended to acknowledge the implementation schedule for the most currently approved version of the Standards and to transition NASBLA's current oversight, methods, and processes of standards development to activities aligned with the ANSI Essential Requirements for due process. Notification of standards activity shall be announced in suitable media as appropriate to demonstrate the opportunity for participation by all directly and materially affected persons. At the initiation of a project to develop, revise, or withdraw an American National Standard, notification shall be transmitted to ANSI using the appropriate Project Initiation Notification System (PINS) or BSR-8 form, or equivalent, for announcement in accordance with *ANSI Essential Requirements: Due process requirement for American National Standards* (latest version). Any comments resulting from the filing of PINS and/or the BSR-8 shall be addressed in accordance with clauses 2.5 and 2.6 of ANSI Essential Requirements.

Organizing the Standards Development Work

A2. In 2011, the first Standards Panel shall be seated and begin organizing its standards development work. The Panel shall review the procedures and processes described in these

¹ The first cycle will use the content of the most currently approved version of the National Boating Education Standards (with effective date of Jan. 1, 2012) as the basis for review. However, in accord with the Panel's recommendation and the NASBLA Executive Board's subsequent approval on March 30, 2012, the current document will be reformatted in the following manner: 1) to present a single National Boating Education Standard for a basic boating safety course (formulated from the existing Standards 1-7); 2) to separate out the existing Standards 8, 9, and 10, as administrative policy for the purpose of course approval and not to be included as part of the Panel's review; 3) to separate out the existing rationales into a separate Appendix; and 4) to create a numbering system for sections within the Standard.

² These provisions recognize the need to transition the current oversight, methods, and processes of standards development, and are intended to accommodate a period in which all interested parties can become familiar with the new elements. As important, these provisions recognize the recent, significant revisions and amendments to the National Boating Education Standards in 2009 and 2010, and which are scheduled to become effective Jan. 1, 2012. To facilitate the transition, Subpart A provides for the Panel to first organize its work and then initiate a "call for proposed revisions" that will use the most currently approved version of the Standards (the version with effective date Jan. 1, 2012) as the basis for the first review. Subpart B describes the procedures as they will be employed when the Panel puts forth proposed new or revised Standards in future revision cycles.

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Rules; receive further instruction on the ANSI Essential Requirements upon which they are based; develop decision criteria for assessing the proposal and approval of Standards; subject the procedures and criteria to test run(s), as feasible; clarify and recommend amendments to these Rules, as warranted; begin gathering and reviewing recreational boating accident and participation data and relevant scientific resources and research studies for its ongoing standards development work; and generally prepare for implementing a “call for proposed revisions” to the most currently approved version of the Standards.³

Call for Proposed Revisions

- A3. At the initiation of a project to develop, revise, or withdraw an American National Standard, notification shall be transmitted to ANSI using the appropriate Project Initiation Notification System (PINS) or BSR-8 form for announcement in accordance with ANSI Essential Requirements: Due process requirement for American National Standards (latest version). Any comments resulting from the filing of a PINS and/or BSR-8 form shall be processed in accordance with clauses 2.5 and 2.6 of ANSI Essential Requirements. To start the review of the most currently approved version of the Standards, the chairperson of the Panel shall then issue a call for proposed revisions. This “call for proposed revisions” period shall be ninety (90) days. Instructions requesting input shall be sent directly to each Panel member. The call for proposed revisions to the Standards, instructions for submission, and the availability of the document containing the most currently approved version of the Standards also shall be announced on the NASBLA website and other suitable media outlets, and suggestions shall be encouraged from NASBLA members and non-members alike. Submissions of proposed revisions must bear the name and contact information of the person making the submission.

Commented [p3]: The auditor suggests that NASBLA add to its procedures a trigger for filing a PINS form for a new ANS and the revision of an existing ANS.

Commented [p4]: This section was modified for clarity from the original posting for Panel consideration

- A4. The Panel shall consider only submissions of proposed revisions received during the call period. A submission received during the call period may be withdrawn by the original submitter prior to the Panel’s disposition of the comment as referenced in A6 of this Part. The submitter’s request for withdrawal may be made in person during a full Panel meeting or in written or electronic form to the chairperson of the Panel. Such withdrawals shall become part of the record and written minutes.

All submissions received after the closing of the call period shall be held and considered during the next review cycle of the Standards.

- A5. Prior to the first meeting of the Panel at which members shall address the submissions that resulted from the call period, the Panel members and the persons who submitted proposed revisions shall receive copies of or otherwise have access to all of the submissions.

³ The first cycle will use the content of the most currently approved version of the National Boating Education Standards (with effective date of Jan. 1, 2012) as the basis for review. However, in accord with the Panel’s recommendation and the NASBLA Executive Board’s subsequent approval on March 30, 2012, the current document will be reformatted in the following manner: 1) to present a single National Boating Education Standard for a basic boating safety course (formulated from the existing Standards 1-7); 2) to separate out the existing Standards 8, 9, and 10, as administrative policy for the purpose of course approval and not to be included as part of the Panel’s review; 3) to separate out the existing rationales into a separate Appendix; and 4) to create a numbering system for sections within the Standard.

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A6. The Panel, using decision criteria as referenced in A2 of this Part, and results of risk assessments based on available, relevant, and reliable information such as boating accident statistics, boater survey and participation data; and on other applicable boating safety and education research studies, scientific resources, and subject matter expertise, by simple majority must dispose of each submission received during the call for proposed revisions using one of the following three formats:

- 1) Accepted. (No comment necessary)
- 2) Accepted in principle. (Explanatory comments are required to identify the general idea(s) in the comment to be accepted and the reason the full comment was not accepted.)
- 3) Rejected. (A reason for the rejection must be provided)

In disposing of submissions under this paragraph, the Panel may raise and address additional editorial or technical points that had not been proposed during the original call period, but that are deemed necessary to provide consistency and clarity as a result of submissions that are “accepted” or “accepted in principle.”

A7. The chairperson of the Panel shall communicate the Panel’s disposition of submissions with all persons who submitted proposed revisions in writing. Persons who made submissions shall be informed of the Appeals process outlined in Part XV III of these Rules.

Commented [p5]: •Revise Part VII, Section A7 by adding the words “in writing” so the first sentence reads: “The chairperson of the Panel shall communicate the Panel’s disposition of submissions in writing. . .”

A8. The Standard(s) shall be revised by the Panel as appropriate and in accordance with its disposition of the submissions received. Depending on the nature and extent of proposed revisions to the Standard(s), the Panel chairperson may designate subgroup(s) of the Panel responsible for drafting the revision(s), and shall in all cases set the timeline for completion of revisions and distribution of the revised Standard(s) document(s) to all Panel members.

Commented [p6]: Part VII, Subparagraph A7, last sentence, “Part XIII” should read “Part XV”;

A9. Upon the approval by a simple majority of the Panel of a motion to proceed, the revised Standard(s) document(s) shall proceed to a “consensus ballot” stage (as described in A10-A16) and to a “public review” stage (as described in A17-A22). These stages may run concurrently.

Consensus Ballot

A10. The “consensus ballot” shall require a recorded vote, and all votes shall become part of the Panel’s public record. To achieve consensus, all members of the Panel, including the chairperson, must have an opportunity to vote; all views and objections must be considered; and all reasonable efforts must be made toward their resolution.

A11. Voting in the consensus ballot stage shall occur over a period lasting ~~forty-five (45)~~ thirty (30) days and -be done using a communication system open and accessible to all members of the Panel. Follow-up notices shall be issued to Panel members who have not voted within

Commented [p7]: The auditor suggests that NASBLA consider shortening the current 45 day ballot period allowed for standards committee ballots by Section VII, All of the NASBLA Procedures. A shorter ballot period, for example, 30 days, could shorten the time necessary to finalize a standard.

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~~seven-ten~~ (107) days ~~prior to~~ the close of the ballot period requesting immediate return of the ballot. Voting may close early if all Panel members have voted.

Commented [p8]: The auditor suggests that NASBLA revise the requirement in Section VII, A11 of its procedures to send follow-up e-mails requesting immediate return of the ballot to all members whose votes have not been received to ten calendar days before the ballot closes.

A12. Votes must be cast using the following options:

- 1) Affirmative.
- 2) Affirmative, with comment.
- 3) Negative, with comment explaining the reasoning for the negative vote. The comment must include wording or actions that the Panel member identifies to resolve the objection.
- 4) Abstain, with reason for abstention documented.

A13. Comments that accompany affirmative or negative votes, with the exception of editorial comments, must relate to the specific revisions under consideration and that have been made as a result of the Panel's disposition of submissions from the call for proposed revisions. Other comments shall be held for the next review cycle unless a simple majority of the Panel agrees to consider them in the current cycle.

A14. Negative votes without a comment or with unrelated comments shall be considered as "Negative without comments" and recorded as such. These comments shall not be addressed or considered.

A15. Consensus shall be determined when the majority of the Panel (not counting abstentions or negative votes without comments) cast a vote and at least two-thirds (2/3) of those voting approve. Comments received as part of affirmative or negative votes and in accord with the provisions in A12, must be recorded and addressed in one of the following manners:

- 1) Accepted (No comment necessary.)
- 2) Accepted in principle (Explanatory comments are required to identify the general idea(s) in the comment to be accepted and the reason the full comment was not accepted.)
- 3) Rejected (The rejection must be substantiated.)

A16. An effort to resolve all rejected comments shall be made. Any attempts at resolution, or negative comment not resolved or withdrawn, shall be considered an unresolved objection and shall be re-circulated for a period of fifteen (15) days for the Panel's consideration along with attempts at resolution. Any change of vote by a Panel member must be substantiated in writing. If resolution is not achieved, the member who originally made the comment shall ~~be informed~~ receive a written disposition with reasons therefore and shall be informed of the Appeals process outlined in Part XIII of these Rules as well as any and all attempts at resolution.

Commented [p9]: •Revise Part VII, Section A16 to clearly state that all unresolved objections will be recirculated "along with attempts at resolution";

Commented [p10]: •Revise Part VII, Section A16 to clearly state that all objections will receive a written disposition with reasons therefore;

Public Review

National Boating Education Standards Panel Rules

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A17. Filing of a BSR-8 form with ANSI shall initiate the Public Review process. A Standard(s) document(s) that has met the requirement outlined in A9 shall be made available on the NASBLA website and other suitable media outlets as a Public Review Draft. The draft and means of comment shall be made available to NASBLA members and non-members alike.

A18. Comments on the Public Review Draft must relate to the specific revisions under consideration and that have been made as a result of the Panel's disposition of submissions from the call for proposed revisions and consensus ballot. Other comments received shall be held for the next five (5)-year review cycle unless a simple majority of the Panel agrees to consider them in the current cycle.

A19. The comment period for the public review stage shall be forty five (45) days determined per ANSI Essential Requirements, Section 2.5.2.

A20. The Panel shall consider all comments received during the public review stage and attempt to resolve all comments in accord with criteria outlined in A+21.

A21. Each comment submitted during the public review period must be addressed by the Panel in one of the following manners:

- 1) Accepted (No comment necessary.)
- 2) Accepted in principle (Explanatory comments are required to identify the general idea(s) in the comment to be accepted and the reason the full comment was not accepted.)
- 3) Rejected (The rejection must be substantiated.)

In disposing of submissions under this paragraph, the Panel may raise and address additional editorial or technical points that had not been proposed during the public review period, but that are deemed necessary to provide consistency and clarity as a result of submissions that are "accepted" or "accepted in principle."

Public commenters shall receive notification in writing with Panel disposition with reasons stated. Commenters must inform the Panel of continuing objection within 15 days of written notification of Panel disposition. If response is not received within 15 days, the comment will be considered resolved.

A22. An effort to resolve all rejected comments shall be made by the Panel. Any negative comment not resolved or withdrawn shall be considered an unresolved objection and shall be recirculated, along with attempts at resolution, for a period of fifteen (15) days for the Panel's consideration. Any change of vote by a Panel member must be substantiated in writing. If resolution of a negative comment is not achieved, the commenter shall be informed in writing of the Appeals process outlined in Part XV of these Rules, as well as any and all attempts at resolution.

Commented [p11]: The auditor suggests that NASBLA change the language in Section VII, A19 of the NASBLA Procedures that a 45-day public review will be held, so that NASBLA has the flexibility to utilize longer and/or shorter public review periods allowed by ANSI in different circumstances. The auditor notes that if the draft is not electronically available the review period must be 60 days or if the text of the revision(s) can be published in ANSI Standards Action a 30 day public review is sufficient. The auditor further suggests that NASBLA reference the text from the ANSI Essential Requirements, Section 2.5.2 to cover all three options. In this way, NASBLA would be in compliance with the ANSI Essential Requirements, but would not need to revise its policies and procedures with each change in the ANSI policies.

Commented [p12]: Part VII, Subparagraph A20, last reference, "A12" should read "A21"

Commented [p13]: The auditor suggests that when responding to public review commenters NASBLA consider shortening the time for commenters to inform NASBLA of a continuing objection from 30 days to 15 days. This would shorten the time necessary to finalize a standard.

Commented [p14]: Part VII, Subparagraph A22, last sentence, "Part XIII" should read "Part XV";

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A23. Substantive changes in the Standard(s) document(s) resulting from the consensus ballot or public review shall require the document to be reconsidered by the Panel and shall initiate an additional consensus ballot and public review cycle. If the Standard(s) document(s) has not significantly changed as a result of the consensus ballot or public review, the Standard(s) shall proceed to publication on the NASBLA website.

B. STANDARDS DEVELOPMENT - FUTURE REVIEW CYCLES

B1. The provisions in this Subpart B describe the procedures for the five (5)-year review cycles. Notification of standards activity shall be announced in suitable media as appropriate to demonstrate the opportunity for participation by all directly and materially affected persons. At the initiation of a project to develop, revise, or withdraw an American National Standard, notification shall be transmitted to ANSI using the appropriate Project Initiation Notification System (PINS) or BSR-8 form for announcement in accordance with *ANSI Essential Requirements: Due process requirement for American National Standards* (latest version). Any comments resulting from the filing of a PINS and/or BSR-8 form shall be processed in accordance with clauses 2.5 and 2.6 of ANSI Essential Requirements.

B2. The Panel shall determine whether any revisions, additions or withdrawals to the Standards are necessary using results of risk assessments based on available, relevant, and reliable information such as boating accident statistics, boater survey and participation data; and on other applicable boating safety and education research studies, scientific resources, and subject matter expertise.

B3. Based on determinations described in B2, the Panel shall develop a draft of newly-proposed Standards, with explanations as to the revisions, additions or withdrawals proposed to the most currently approved version of the Standards. The proposed Standards shall be published for review and a “call for comments” period shall be initiated.

Call for Comments

B4. At the initiation of a project to develop, revise, or withdraw an American National Standard, notification shall be transmitted to ANSI using the appropriate Project Initiation Notification System (PINS) or BSR-8 form for announcement in accordance with ANSI Essential Requirements: Due process requirement for American National Standards (latest version). Any comments resulting from the filing of a PINS and/or BSR-8 form shall be processed in accordance with clauses 2.5 and 2.6 of ANSI Essential Requirements. To start the public review of the proposed Standards, the chairperson of the Panel shall issue a call for comments. This “call for comments” period shall be ninety (90) days. Instructions requesting input shall be sent directly to each Panel member. The call for comments on the proposed Standards, instructions for submission, and the availability of the documents containing the proposed Standards and most currently approved version of the Standards also shall be

Commented [p15]: Companion language to A3. This was not part of the original document posted for Panel review.

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announced on the NASBLA website and other suitable media outlets, and comments shall be encouraged from NASBLA members and non-members alike. Comments on the proposed Standards must bear the name and contact information of the person making the comments.

- B5. The Panel shall consider only comments received during the call period and any previously submitted requests for interpretation. A submission received during the call period may be withdrawn by the original submitter prior to the Panel’s disposition of the comment as referenced in B7 of this Part. The submitter’s request for withdrawal may be made in person during a full Panel meeting or in written or electronic form to the chairperson of the Panel. Such withdrawals shall become part of the record and written minutes.

All comments received after the closing of the call period shall be held and considered during the next review cycle of the Standards.

- B6. Prior to the first meeting of the Panel at which members shall address the comments that resulted from the call period, the Panel members and the persons who submitted comments shall receive copies of or otherwise have access to all of the submissions.

- B7. The Panel, using its decision criteria (as referenced in A2) and by simple majority, must dispose of each comment received during the call for comments using one of the following three formats:

- 1) Accepted. (No comment necessary)
- 2) Accepted in principle. (Explanatory comments are required to identify the general idea(s) in the comment to be accepted and the reason the full comment was not accepted.)
- 3) Rejected. (A reason for the rejection must be provided)

In disposing of submissions under this paragraph, the Panel may raise and address additional editorial or technical points that had not been proposed during the original call period, but that are deemed necessary to provide consistency and clarity as a result of submissions that are “accepted” or “accepted in principle.”

- B8. The chairperson of the Panel shall communicate in writing the Panel’s disposition of comments with all commenters with reasons of final disposition stated. Persons who made comments shall be informed in writing of the Appeals process and the right to appeal outlined in Part XV of these Rules.

Commented [p16]: •Revise Part VII, Section B8 to clearly state that all objections will receive a written disposition with reasons therefore;

Commented [p17]: Part VII, Subparagraph B8, last sentence, “Part XIII” should read “Part XV”;

Commented [p18]: •Revise Part VII, Section B8 to clearly state the notification of the right to appeal will be provided in writing;

- B9. Upon the approval by a simple majority of the Panel of a motion to proceed, the proposed Standards document shall proceed to a “consensus ballot” stage (as described in B10-B16) and to a “public review” stage (as described in B17-B22). These stages may run concurrently.

Consensus Ballot

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B10. The “consensus ballot” shall require a recorded vote, and all votes shall become part of the Panel’s public record. To achieve consensus, all members of the Panel, including the chairperson, must have an opportunity to vote; all views and objections must be considered; and all reasonable efforts must be made toward their resolution.

B11. Voting in the consensus ballot stage shall occur over a period lasting ~~forty-five (45)~~ thirty (30) days and be done using a communication system open and accessible to all members of the Panel. Follow-up notices shall be issued to Panel members who have not voted within ~~seven-ten (107)~~ seven (7) days ~~prior to~~ the close of the ballot period requesting immediate return of the ballot. Voting may close early if all Panel members have voted.

Commented [p19]: The auditor suggests that NASBLA consider shortening the current 45 day ballot period allowed for standards committee ballots by Section VII, All of the NASBLA Procedures. A shorter ballot period, for example, 30 days, could shorten the time necessary to finalize a standard.

B12. Votes must be cast using the following options:

- 1) Affirmative.
- 2) Affirmative, with comment.
- 3) Negative, with comment explaining the reasoning for the negative vote. The comment must include wording or actions that the Panel member identifies to resolve the objection.
- 4) Abstain, with reason for abstention documented.

Commented [p20]: The auditor suggests that NASBLA revise the requirement in Section VII, A11 of its procedures to send follow-up e-mails requesting immediate return of the ballot to all members whose votes have not been received to ten calendar days before the ballot closes.

B13. Comments that accompany affirmative or negative votes, with the exception of editorial comments, must relate to the specific revisions under consideration and that have been made as a result of the Panel’s disposition of comments from the call for comments. Other comments shall be held for the next review cycle unless a simple majority of the Panel agrees to consider them in the current cycle. The submitter of such comment(s) will be advised in writing of the ~~treatment~~ Panel’s disposition of their comment(s) and the reason or rationale for the disposition.

Commented [p21]: •Revise Part VII, Section B13 to clearly state that the treatment of comments will include the reasons therefore or rationale will be provided;

B14. Negative votes without a comment or with unrelated comments shall be considered as “Negative without comments” and recorded as such. These comments shall not be addressed or considered.

B15. Consensus shall be determined when the majority of the Panel (not counting abstentions or negative votes without comments) cast a vote and at least two-thirds (2/3) of those voting approve. Comments received as part of affirmative or negative votes and in accord with the provisions in B12, must be recorded and addressed in one of the following manners:

- 1) Accepted (No comment necessary.)
- 2) Accepted in principle (Explanatory comments are required to identify the general idea(s) in the comment to be accepted and the reason the full comment was not accepted.)
- 3) Rejected (The rejection must be substantiated.)

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The Panel's meeting minutes will serve as the notification of the disposition to the submitted comments. The reasons for the disposition will be included.

B16. An effort to resolve all rejected comments shall be made. Any negative comment not resolved or withdrawn shall be considered an unresolved objection and shall be recirculated, along with attempts at resolution, for a period of fifteen (15) days for the Panel's consideration. Any change of vote by a Panel member must be substantiated in writing. If resolution of a negative comment is not achieved, the member who originally made the comment shall be informed in writing of the Appeals process outlined in Part XV~~III~~ of these Rules as well as any and all attempts at resolution.

Commented [p22]: Part VII, Subparagraph B16, last sentence, "Part XIII" should read "Part XV";

Public Review

B17. Filing of a BSR-8 form with ANSI shall initiate the Public Review process. A proposed Standard(s) document(s) that has met the requirement outlined in B9 shall be made available on the NASBLA website and other suitable media outlets as a Public Review Draft. The draft and means of comment shall be made available to NASBLA members and non-members alike.

B18. Comments on the Public Review Draft must relate to the specific items under consideration as a result of the Panel's disposition of comments from the call for comments process outlined in B4-B9 or consensus ballot process outlined in B10-B16. Other comments received shall be held for the next five (5)-year review cycle unless a simple majority of the Panel agrees to consider them in the current cycle.

B19. The comment period for the public review stage shall be forty five (45) days, determined from the ANSI Essential Requirements, Section 2.5.2.

Commented [p23]: The auditor suggests that NASBLA change the language in Section VII, A19 of the NASBLA Procedures that a 45-day public review will be held, so that NASBLA has the flexibility to utilize longer and/or shorter public review periods allowed by ANSI in different circumstances. The auditor notes that if the draft is not electronically available the review period must be 60 days or if the text of the revision(s) can be published in ANSI Standards Action a 30 day public review is sufficient. The auditor further suggests that NASBLA reference the text from the *ANSI Essential Requirements*, Section 2.5.2 to cover all three options. In this way, NASBLA would be in compliance with the *ANSI Essential Requirements*, but would not need to revise its policies and procedures with each change in the ANSI policies.

B20. The Panel shall consider all comments received during the public review stage and attempt to resolve all comments in accord with criteria outlined in B421.

B21. Each comment submitted during the public review period must be addressed by the Panel in one of the following manners:

- 1) Accepted (No comment necessary.)
- 2) Accepted in principle (Explanatory comments are required to identify the general idea(s) in the comment to be accepted and the reason the full comment was not accepted.)
- 3) Rejected (The rejection must be substantiated.)

Commented [p24]: Part VII, Subparagraph B20, reference "B12" should read "B21"; and

In disposing of submissions under this paragraph, the Panel may raise and address additional editorial or technical points that had not been proposed during the public review period, but that are deemed necessary to provide consistency and clarity as a result of submissions that are "accepted" or "accepted in principle."

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Public commenters shall receive notification in writing with Panel disposition with reasons stated. Commenters must inform the Panel of continuing objection within 15 days of written notification of Panel disposition. If response is not received within 15 days, the comment will be considered resolved.

B22. An effort to resolve all rejected comments shall be made by the Panel. Any negative comment not resolved or withdrawn shall be considered an unresolved objection and shall be recirculated, along with attempts at resolution, for a period of fifteen (15) days for the Panel's consideration. Any change of vote by a Panel member must be substantiated in writing. If resolution of a negative comment is not achieved, the commenter shall be informed in writing of the Appeals process outlined in Part XVIII of these Rules, as well as any and all attempts at resolution.

B23. Substantive changes in the Standards document resulting from the consensus ballot or public review shall require the document to be re-considered by the Panel and shall initiate an additional consensus ballot and public review cycle. If the Standards document has not significantly changed as a result of the consensus ballot or public review, the Standards shall proceed to publication on the NASBLA website.

Commented [p25]: The auditor suggests that when responding to public review commenters NASBLA consider shortening the time for commenters to inform NASBLA of a continuing objection from 30 days to 15 days. This would shorten the time necessary to finalize a standard.

Commented [p26]: Part VII, Subparagraph B22, last sentence, "Part XIII" should read "Part XV"

PART VIII. ADDITIONAL STANDARDS PANEL OVERSIGHT

During the years in which the Standards Panel is not directly involved in the review of the Standards, the members shall be tasked with reviewing and sorting through suggested revisions collected from parties directly and materially affected by the Standards, including, but not limited to individuals, organizations, companies, government agencies, and research institutions. If the Panel members determine that a suggested revision should be made to the content of the Standards in the interim time period between review cycles, then the Panel shall begin the process of revising the Standards to meet that need. This determination shall be made through a consensus decision making process within the Panel and shall be based on the existence of compelling, risk-based evidence that a change in the Standards would address and correct a life-threatening boating safety issue.

PART IX. INTERPRETATIONS

1. Requests for an official position on the Standards shall be in writing to the Standards Panel; shall be specific regarding the section or item within an identified Standard; and shall include the reasons and circumstances for making a request. The chairperson of the Panel, or the chairperson's designee, shall be tasked with responding on the Panel's behalf in writing, including e-mail, to the request for interpretation. The request shall be stated in such a manner that it can be answered either in the affirmative or the negative with only short explanation.

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2. The Panel is the vehicle for rendering interpretations of the text of an existing Standard. The rendered interpretation becomes an integral part of the Standard and shall be recorded as such. It is therefore the duty of the Panel to insure that only needed and relevant interpretations are rendered. Interpretations of the text of a Standard and the intent of the developing entity shall be obtained from the body of knowledge and documentation used to support the development of the Standard.
3. The Panel shall review each request for interpretation. The Panel may decline to render an interpretation, but if it declines shall state a reason. A request for interpretation shall not be rendered if it involves a determination of compliance (e.g., course designs, program approvals) or involves subjects not previously considered by the Panel or not addressed in the document.
4. Requests for interpretation and the Panel's answer shall be published on the NASBLA website.
5. The Panel's meeting minutes shall serve as the official record of the interpretation. In the absence of a Panel meeting (e.g., electronic ballot), the requestor shall be notified of the Panel's position by electronic means.

PART X. PATENT POLICY

NASBLA and the Standards Panel agree to comply with the current ANSI Patent Policy as outlined in the ANSI Essential Requirements.

PART XI. COMMERCIAL TERMS AND CONDITIONS-~~AND ANTITRUST POLICIES~~

1. NASBLA and the Standards Panel agree to comply with the current version of the ANSI Commercial Terms and Conditions Policy as outlined in the ANSI Essential Requirements.
- ~~2. NASBLA and the Standards Panel agree to comply with the current version of the ANSI Antitrust Policy as outlined in the ANSI Essential Requirements.~~

PART XII. STANDARDS PANEL MEETINGS

1. The Standards Panel shall meet at least annually to conduct official business, and may meet additional times subject to the call of the Panel chairperson. Meetings, and any needed votes, may be conducted in-person or electronically using communication methods open and accessible to all Panel members. Meeting dates shall be set and notices given to Panel members at least ten (10) days in advance of the meeting date.

Commented [p27]: The auditor suggests that NASBLA consider adopting in its procedures statements that it will adhere to the current version of particular ANSI policies, such as the ANSI Antitrust Policy. In this way, NASBLA would be in compliance with the ANSI requirement to have the required policies, but would not need to revise its policies and procedures with each change in the ANSI policies.

Commented [p28]: The auditor suggests that NASBLA consider incorporating all of its stand-alone policies, (e.g. Anti-trust) into its accredited procedures. Having all of the policies and procedures required by ANSI in one document eliminates confusion as to identifying the most recently approved version of a policy or procedure, and provides easy reference to currently applicable requirements.

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2. Only members of the Panel shall have the right to vote at Panel meetings. Proxies shall not be permitted. Other persons may attend at the discretion of the Panel chairperson.
3. The Panel chairperson shall preside at meetings of the full Panel. If the chairperson is not present, the vice chairperson shall preside. If a vice chairperson has not been appointed or is not present, a member of the Panel agreed upon by consensus of Panel members shall preside.
4. A quorum shall consist of a majority of the entire Panel. Action of the Panel shall be by majority vote of those present, provided that any member present may call for a letter or electronic ballot on any action taken and, when a letter ballot is taken, action by the Panel shall be by majority vote of the entire Panel. Requirements of this paragraph do not apply to approval of standard actions as described in A15 or B15.
5. Questions of parliamentary procedure shall be determined by *Robert's Rules of Order*, latest edition, as much as practicable.

PART XIII. RECORDS

The records of the Standards Panel shall be maintained in the NASBLA office, where they shall be available for inspection by NASBLA members. Records requested under a properly executed court subpoena shall be made available in accordance with the policy on access to records as approved by the Executive Board. Minutes of meetings and published standards shall be retained based on a NASBLA-approved record retention schedule. NASBLA shall maintain any documentation related to development or maintenance of an American National Standard for one complete review cycle (five (5) years) or until the Standard(s) is/are revised or reaffirmed. NASBLA shall maintain documentation of any American National Standard that is withdrawn for a period of 5 years after withdrawal.

PART XIV. AMENDMENTS TO THE PANEL RULES

Upon affirmative vote of three-quarters (3/4) of the entire Standards Panel, the Panel may recommend amendments of these Rules to the Executive Board. Notice of a Panel meeting at which amendments will be considered for recommendation to and action by the Board shall be given to Panel members at least ten (10) days in advance of the meeting date.

PART XV. APPEALS

1. As used in this Part:

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1.1 “*Appeal*” means a formal request for response from the Standards Panel that is made by any directly and materially affected interest who believes they have been or will be adversely affected by a Standard, or by the lack thereof, and that expresses dissatisfaction with the substantive or procedural actions or inactions of the Panel.

Commented [p29]: Typo corrected.

1.2 “*Appeals Panel*” means an appropriate and selected group of three (3) individuals who have not been directly involved in the matter in dispute, who are charged with review of the appeal and making a determination of its disposition.

1.3 “*Appellant*” means the directly and materially affected interest lodging the appeal.

1.4 “*Respondent*” means the person answering the appeal on behalf of the Standards Panel.

2. *Right to Appeal* - Directly and materially affected interests who believe they have been or will be adversely affected by a Standard, or by the lack thereof, shall have the right to appeal substantive or procedural actions or inactions of the Standards Panel. A reference to the appeals process shall be posted in the Standards Panel meeting minutes and, where practical, in other official documents as referenced in Part VII of these Rules. Prior to the filing of a formal appeal, communication of the alleged actions or inactions, with mutual effort to informally resolve the dissatisfaction, shall be attempted and documented.

Commented [p30]: The auditor suggests that NASBLA consider whether it wants to allow technical appeals. The *ANSI Essential Requirements* require only that standards developers allow procedural appeals, and it is within the developer’s prerogative whether to allow technical appeals.

3. *Appeal*- Should informal resolution prove unsuccessful, the appellant shall file a written appeal within thirty (30) days after the date of notification of the Standards Panel’s action or at any time with respect to inaction. The appeal shall state the nature of the objection(s) including any adverse effects, the section(s) of these Rules or the Standard that are at issue, and the specific remedial action(s) that would satisfy the appellant’s concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted. The chairperson of the Standards Panel shall accept written appeals that are properly documented and submitted by regular mail or email. No fee is required.

The chairperson of the Standards Panel shall review the appeal to establish its validity per the most recent version of these Rules. The outcome of the validity review shall be reported in writing to the Executive Board and the Standards Panel membership and documented in the minutes of the next available Panel meeting.

- a. *Response* - Within thirty (30) calendar days of the Standards Panel chairperson’s receipt of the appeal, the chairperson, who shall serve as the respondent, shall respond in writing to the appellant, specifically acknowledging receipt of the appeal and identifying the process by which each allegation of fact will be researched and addressed. Notification of receipt of the appeal will be made at next regularly scheduled Standards Panel meeting. Within sixty (60) calendar days after the Panel meeting in which notification was made, the respondent shall send a second written response to the appellant, specifically addressing each allegation of fact in the appeal to the extent of the respondent’s knowledge including any suggested corrective actions if appropriate. The second written response will also provide information about next steps in the appeals process should dissatisfaction continue.

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- b. *Hearing* – If, after receipt and consideration of the second response, the appellant seeks additional consideration of the substantive or procedural elements stemming from the original appeal, the appellant must send written notice to the NASBLA President asking for a hearing with an Appeals Panel. This notice must be submitted within ten (10) business days of receipt of the second written response described in paragraph a of this section.
- c. *Appeals Panel* - When necessary, and as per these Rules, an Appeals Panel of three (3) individuals who have not been directly involved in the matter in dispute will be selected by the NASBLA President after screening for potential conflicts of interest and to eliminate candidates who have been directly involved in the matter in dispute. The selected individuals may come from ~~within current or~~ former Standards Panel appointees, from the NASBLA Executive Board, or from NASBLA membership. The names and conflict of interest statements of the recommended Appeals Panel candidates shall be provided to the appellant, who has the right to challenge any proposed member that has a potential conflict of interest. If the appellant believes that a member of the appeals panel has a conflict of interest, they shall state the reason for that belief to the NASBLA President. Such challenge must be received in writing or electronically within 10 business days. If the appeals panel member in question disagrees with the assertion, the NASBLA President shall make the final determination as to whether a conflict of interest exists.
- d. *Conduct of the Hearing* - The approved Appeals Panel shall select a chairperson from among its members to coordinate a timely response per Panel Rules. The Appeals Panel shall review the materials related to the appeal as well as conduct an investigation. This appeals process does not require an in-person hearing. A teleconference or other suitable electronic means to conduct a hearing may be used. The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The respondent has the burden of demonstrating that the Standards Panel took all actions in compliance with these Rules and that the requested remedial action would be ineffective or detrimental. Each party may address other pertinent arguments, and members of the Appeals Panel may address questions to individuals. The latest edition of *Robert's Rules of Order* shall apply to questions of parliamentary procedure for the hearing not already covered herein.
- e. *Decision* - The Appeals Panel shall make a determination of its disposition. A majority vote is required to determine the final outcome. The vote shall be documented as part of the official record. Consideration may be given to the following positions, among others, in formulating the decision:
 - i. Finding for the appellant, remanding the action to the Standards Panel with a specific statement of the issues and facts in regard to which fair and equitable action was not taken.

Commented [p31]: •The auditor suggests that NASBLA consider deleting the option of selecting current standards panel members to serve on an appeals panel from Section XV, Part 3. The auditor notes that even though a second level of appeal is offered in Section XV, Part 4.1, having current members serve in this capacity may offer potential conflicts of interest.

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- ii. Finding for the respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections.
 - iii. Finding that new, substantive evidence has been introduced, and remanding the entire action to the Standards Panel for appropriate consideration.
- f. *Response* - The Appeals Panel shall render its decision in writing within thirty (30) calendar days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. The response should:
- i. Excerpt each argument and provide a specific response for each, both clearly labeled.
 - ii. Reference relevant procedural history, including pertinent dates, deadlines, communications, meetings and procedural citations.
 - iii. Be presented to the Standards Panel and documented in the next available meeting minutes.
 - ~~iv.~~ Be provided to the appellant in writing.

4 Escalation beyond the Appeals Panel

4.1 Any appellant that is dissatisfied with the outcome of the Appeals Panel decision may, within fifteen (15) business days' notice of the receipt of the Appeals Panel's written determination, request a final hearing of its complaint ~~by the Standards Panel as a whole or~~ by the NASBLA Executive Board. Within sixty (60) calendar days of receipt of the written request, the body requested to conduct a final hearing will complete a coordinated review and will inform the appellant of the final outcome.

4.2 American National Standards approved by American National Standards Institute (ANSI)-Accredited Standards Developers that also hold the status of ANSI Audited Designator are subject to a separate complaint process detailed in the Operating Procedures of the ANSI Executive Board Council.

----- History of amendments

March 1, 2011. NASBLA Executive Board approved initial Panel Rules.

April 11, 2011. NASBLA Executive Board approved the following amendments: 1) deletion of "Advisory" from Panel's name to clarify its authority and function in standards development; 2) related revisions to Part II (definitions); 3) revisions to Interest Category table to standardize format and to clarify and expand upon all category descriptions; and 4) changes to Part V.1 and V.2- to address adherence to a Panel Code of Ethics approved by the Board.

January 25, 2012. NASBLA Executive Board approved the following amendments to Parts IV, V, X, and XII as recommended by the Standards Panel (in action taken at Panel meeting, January 17, 2012): 1) allow Panel chairperson to designate a vice chairperson; 2) allow Panel chairperson to assign task groups of the membership; 3) set the total Panel membership at 15; 4) distinguish timing of Board's appointments to expiring terms from its appointments to fill vacancies in unexpired terms; 5) reinforce continuous acceptance of Panel member applications; 6) emphasize Panel's overall stakeholder representation is across five interest categories; 7) clarify that the balance requirement associated with interest category representation refers to the appointments to the 15 member Panel (full Panel, without vacancies); 8) stipulate timely action to bring Panel back into balance in event of vacancy or vacancies; 9) authorize Panel to continue functioning as consensus body during efforts to recruit/appoint new members and get back into balance; 10) describe practical meaning and performance

Commented [p32]: The auditor suggests that NASBLA revise the NASBLA Appeals Policy to include the requirement that the appellant receive a written decision. This would allow for improved communication with the appellant.

Commented [p33]: •Revise Part XV, Item 4.1, to strike the words "by the Standards Panel as a whole or" from the first sentence; because members of the Standards Panel are likely to have been involved in the matter in dispute and can be considered as potentially biased.

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standards of a member “in good standing”; 11) set expectations regarding member participation in meetings and balloting and notification of Panel chairperson in event of non-participation; 12) isolate meaning of a member no longer being “in good standing” and related, possible consequences; 13) clarify that Panel may meet additional times during the year at the call of the chairperson; 14) change meeting notification from a minimum 30- to a minimum 10-days in advance of the next meeting date; 15) authorize vice chairperson to preside over meetings in absence of chairperson; 16) clarify quorum requirement as a majority of entire Panel (based on total number of members currently serving; 17) re-label Part XII as “Amendments to the Panel Rules”; 18) clarify that Panel recommends Rules amendments to the Board and the Board must take action on the recommendations; and 19) regarding Panel meeting at which Rules amendments are to be considered, reduce the meeting notification period from a minimum 30- to a minimum 10-days.

As part of the amendment process, the following technical edits were made to the Rules document: 1) reference to “Standards Panel” only upon first mention in a Part, and use of the term “Panel” in subsequent mentions; and 2) reference to “Executive Board” only upon first mention in a Part, and use of the term “Board” in subsequent mentions.

May 8, 2012. NASBLA Executive Board approved the following amendments to Parts I, II, III, and VII as recommended by the Standards Panel (in action taken at Panel meeting, May 1, 2012). The amendments were intended to reflect Panel actions and board decisions of Feb. 28 and March 30, 2012: 1) incorporate an approved Scope of Work into existing Part III, Standards Panel Objective; 2) minor edits to description of Standards as presented in second paragraph of Part I. Introduction, to reinforce that “safe, legal, and enjoyable recreational boating” was the intent of the minimum body of knowledge prescribed by the Standards as originally adopted; and 3) address the reformat of existing Standards 1-7 into a single Standard by modifying the definition (9) in Part II, and by significantly modifying the content of two footnotes in Part VII to clarify the nature of the document that will serve as the basis for review in the first call for revisions.

May 8-9, 2013. NASBLA Executive Board authorized amendments to Parts III and VII as recommended by the Standards Panel (in action taken at Panel meeting of March 21-22, 2013). As part of the amendment process, additional technical edits were made to the Rules to reflect and accurately capture both Panel recommendations and Board authorization, resulting in changes to the following sections in the Final Draft: 1) Part III A to clarify the Panel Objective and to remove redundant language; 2) Part III B2 to clarify the geographic region subject to the Scope of the Panel’s work; 3) Part VII to remove redundant language and improve consistent use of terminology; 4) Part VII A2 to correctly state the process followed in Organizing the Standards Development Work; 5) Part VII A4 and B5 to provide a method for withdrawal of a submitted comment within limitations; 6) Part VII A6 and B7 to clarify methodology to be used for Panel’s disposition of comments; 7) Part VII A6, B7, and B21 to address editorial or technical points deemed necessary as a result of comments “accepted” or “accepted in principle”; and 8) Part VII B1 and B2 to provide consistent language to guide future review cycles.

February 18, 2014. NASBLA Executive Board authorized amendments as recommended by the Standards Panel in action taken at Panel meeting on Feb. 11, 2014. In order to address ANSI Essential Requirements, new Parts X and XI were inserted with the resulting renumbering of Parts XII (formerly X), XIII (formerly XI), XIV (formerly XII) and XV (formerly XIII). In addition, amendments are approved to the following: 1) Part III to capture updated scope language; 2) Part IV Section 5 to define the chairperson’s authority to allow non-panel members to serve on task group(s) without the requirement for balanced representation. In addition the changes specify that final approval of task group proposals remains with the Panel; 3) Part IV Section 6 includes language regarding staff support of task group(s); 4) Part IV section 14 clarifies individuals represent interest categories and not their employer, organization or agency; 5) Part VII section B5 addresses an ANSI requirement regarding integration of previous standard interpretation(s); 6) Part VII section B13 clarifies the process for communication with submitters of comments; and 7) Part XV (previously numbered as Part XIII) amended to clarify the Appeals process in alignment with ANSI Essential Requirements.

July 28, 2014. NASBLA Executive Board authorized amendments as recommended by the Standards Panel in action taken at Panel meeting on July 16, 2014. In order to address ANSI Essential Requirements, the following changes were made: 1) The phrase “along with attempts at resolution” was added to A16, A22, B16, and B22, as required by clause 2.6 of the *ANSI Essential Requirements*. 2) Language was added to Part IV, paragraph 1 in order to clarify/confirm the Executive Board’s authority to withdraw a standard and to discontinue the further processing of a registered standard project without a vote of the consensus body, as described in *ANSI Essential Requirements 4.2.1.3.2 and 4.2.1.3.3*. 3) A general statement saying that

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NASBLA will maintain any ANS-related documentation was added to Part XIII as required by clause 3.3 of the *ANSI Essential Requirements*.

September 17, 2014. NASBLA Executive Board authorized amendments as recommended by the Standards Panel in action taken at Panel meeting on Sept. 16, 2014. In order to address ANSI comments, the following changes were made: 1) Part III A, Part VII sections A1, A17, B1 and B17 were revised to address descriptions of the PINS and the BSR-8 processes requiring notification to ANSI of new standards projects, reaffirmations, withdrawals, and revisions, and public review of drafts. 2) Part IV, section 7 was amended to insert the words “maximum of” for panel membership, 3) Part IV, sections 11 and 12 were revised to address how partial term appointments are evaluated against term limits, 4) Part IV, section 15 was revised to remove requirement for State Boating Agency representation of 5 members, 5) Part VII, sections A15, A21, B15, B21 were revised to add requirement of explanatory remarks when a comment is “accepted in principle”, 6) Part VII, section A18 and B18 added “consensus ballot” after “revisions”, 7) Part XII, section 4 was amended to clarify that the requirements of this paragraph do not apply to standards action criteria for approval stated in Part VII sections A15 and B15. Additional revisions were made to language in A9 and B9 to clarify original intent.

September 19, 2014: Effective date of accreditation by the American National Standards Institute (ANSI) of the National Association of State Boating Law Administrators (NASBLA) under its proposed operating procedures for documenting consensus on NASBLA-sponsored *American National Standards*.