S&PL Procedures

AEM HEDSL Governance Document

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Executive Summary

The Association of Equipment Manufacturers (AEM) is the North American-based international trade group representing off-road equipment manufacturers, and their supply chains, with more than 1,000 member companies and over 200 product lines across five diverse industry sectors. Our members develop and produce a wide range of products, technologies, components, and systems that ensure non-road equipment remains safe and efficient, while operating in some of the most demanding and severe environments on earth with a product life cycle measured in decades.

The following document details the processes, procedures, rules, governance, and structure of administering the AEM Heavy Equipment Declarable Substance List (HEDSL). The HEDSL provides the non-road equipment sector, which encompasses all products which are designed and marketed for use in the construction, agriculture, utility, mining, and forestry sectors, a definitive list of substances that are either regulated, under review, or demonstrate potential risks to human health and/or the environment. Having a unified list for the entire non-road equipment sector to follow will reduce duplicative reporting requirements, streamline supply chain communications, prioritize substances of concern, and mitigate risk across all industry.

This document contains instructions on administering the essential functions of the committee and outlining the process for making final determinations which are central to managing the non-road sectors supply chain communication efforts. These include.

* Declaration Criteria
* HEDSL oversight committee
* HEDSL process determinations
* HEDSL format
* Rules of Declaration
* Definitions

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# Purpose of governance structure:

The HEDSL provides the non-road equipment sector, and its value chain, a definitive list of substances that are either regulated, under review, or demonstrate potential risks to human health and/or the environment.

# Jurisdiction:

The HEDSL committee consists of a North American AEM based Technical Committee. This committee will review global chemical issues.

# HEDSL Committee

## Committee Oversight

The HEDSL Committee is responsible for administering all reviews, updates, corrections, and maintenance of the HEDSL. All final HEDSL determinations rest with the HEDSL committee.

The HEDSL committee reports to the AEM Substances Compliance Council (SCC) which reports to the Safety & Product Leadership Council (S&PLC).

## Responsibilities

This HEDSL’s primary responsibility is to review substance designations under GADSL and ensure the two lists remain as harmonized as possible, while also ensuring the HEDSL meets the needs of the off-road equipment industry.

The HEDSL committee should meet at least once per month. Committee meetings may be cancelled based on quorum issues related to scheduling conflicts. The Committee Chair and Vice-Chair will work with AEM staff and the committee manager to schedule make up sessions as desired. The HEDSL committee should meet at least once prior to the GASG meeting to review new global chemical regulations, restrictions, and chemicals of concern, and once afterwards to review updates to the GADSL. On an annual basis, the committee should meet in person at least once per year.

The HEDSL committee must review all substance designations within 12 months of categorization on the GADSL list.

The HEDSL committee workload shall adhere to an annual cadence. The timing of this cadence will be determined by the HEDSL committee to ensure work is accomplished on a timely basis.

Important Dates:

* February – AEM HEDSL finalizes new substance review.
* March – AEM HEDSL subcommittee votes on added or subtracted substances.
* April – AEM HEDSL communicates results to the Substance Compliance Council (SCC) for final approval.
* Further reviews may take place if the HEDSL committee votes on, and approves of, additional review periods. Additional review periods may be necessary under certain urgent circumstances.

## Quorum Rules

The following Quorum Rules are adopted from the by-laws established by the S&PL Council.

1. Prior to the meeting, committee officers and staff will decide which agenda items require a quorum to reach a committee decision.
2. Quorum is achieved when the smaller of the following two options is met:
   1. 50% of the committee roster participating, or
   2. A minimum of 20 voting members
3. Not all votes require a quorum. Those votes require a simple majority vote of present attendees.
4. Committees require a minimum of five individual member companies to meet.
5. When voting on an agenda item that requires a quorum, member company only possess one vote, regardless of how many representatives from each company sit on the committee.
6. Each member company shall appoint ONE Representative and may, if desired appoint one or more (preferably not more than two) Alternate. Other Member Company personnel shall be permitted to accompany the Representatives and/or Alternates at meetings, as guests.
7. Each Member Company shall have one vote, which may be cast by the Representative or, in their absence, by their Alternate.
8. Quorum rules can be changed by a two-thirds vote by the Safety & Product Leadership council.

## Criteria for substance Inclusion/Exclusion:

All designations for inclusions and exclusions on the HEDSL list will be made by the AEM HEDSL Committee. All additions or subtractions to the HEDSL requires a 2/3rds vote of approval by the committee members. Votes may be taken in person or through a balloting process.

Criteria for decisions will be based on the following:

* Substance is regulated or projected to be regulated by a governmental agency or authority.
* It is demonstrated, through test data, that the substance may be associated with a significant hazard to human health and/or the environment, and its presence in a material or part in the equipment may create a significant risk to human health and/or the environment.
* Other scientifically valid methodology, based on the weight of evidence, may also be considered.
* Substance causes a functional problem in product design, if presence in the equipment part exceeds a level shown to be problematic by an international industry standard test
* Relevance to the Off-Road industry
* Submission requests from AEM member companies that are reviewed by the HEDSL committee.

## Management of HEDSL Database:

Management of the HEDSL shall be maintained by AEM Staff and an assigned committee manager.

The Database, FAQ, and process documents shall be listed on the AEM website and available to all AEM member companies and suppliers.

All submission request and relevant committee documents will be provided to AEM staff by AEM member companies.

# Committee Structure:

The HEDSL mirror committee comprised of interested AEM members to help make determinations on chemical/materials/supply chain regulatory developments with regards to our products.

## Committee MembershipRequirements**:**

Committee membership consist of AEM member companies only. Non-AEM member companies and individuals may attend HEDSL committee meetings based on a 2/3rds majority vote of approval. Non-AEM member attendees do not have voting privileges. Voting privileges are reserved only for member company representatives.

AEM members may send multiple employees from the same company to sit on the HEDSL Committee. Every AEM representative member company sitting on the HEDSL committee only possesses one vote. Voting members may appoint an alternative by notifying the Chair or AEM staff member.

HEDSL Committee company members must attend a minimum of 5 committee meetings per year in order to maintain good standing. Committee company members must be in good standing to maintain voting privileges.

Subject matter expertise is critical to the efficiency and effective operation of the committee. Therefore, the membership of committee requires a wide array of expertise:

1. Chemists,
2. Toxicologists,
3. Product designers,
4. Material scientists,
5. Regulatory professionals,
6. Supply chain professionals,
7. Chemical company representatives,
8. Lawyers

## Size:

Between 15-30 people

## Committee Resource Requirements

The committee requires an AEM staff liaison. This individual will ensure meetings are properly scheduled and administered, documents are collected and maintained, and the HEDSL list is kept up to date and available on the AEM website.

The committee requires a part-time consultant to work on an ‘as needed’ basis to provide to chemical, toxicological, and regulatory expertise required to advise the committee on substance determinations. This individual will be responsible for reviewing relevant substance regulations, as well as the toxicology literature on new substances of concern. They are intended to provide advisory functions only, as ultimate decision-making authority rests on the HEDSL committee members alone.

The part time consultant reports directly to the HEDSL committee.