

ICC EVALUATION SERVICE, LLC, RULES OF PROCEDURE FOR ENVIRONMENTAL PROGRAMS ICC-ES VAR ENVIRONMENTAL REPORTS

1.0 PURPOSE

The purpose of these rules is to set forth procedures governing ICC Evaluation Service, LLC (ICC-ES), reports on the verification of environmental attributes of materials and products, methods of construction and prefabricated building components, hereinafter called "products". The purpose of these reports is to provide third-party verification of an applicant's environmental claims.

An ICC-ES VAR Environmental Report is not to be construed as representing a judgment about aesthetics or any other attributes not specifically addressed in the report, nor as an endorsement or recommendation for the use of the product referenced in the report. Use of the subject of the report is the prerogative and responsibility of the user.

2.0 BASIS OF EVALUATION

Evaluation of data is on the basis of current published requirements specified by ICC-ES at the time of review.

3.0 APPLICATIONS

General: Applications for a report are limited to products whose sustainable attributes can be verified in accordance with published ICC-ES evaluation guidelines.

Applications shall be filed on forms provided for that purpose.

Applications shall be accompanied by one complete set of supporting data which fully describe the subject of the application, substantiate its sustainable declaration(s) and comply with ICC-ES evaluation guidelines. This includes quality control documentation. The data may be in hard copy or electronic form.

Fees as set forth in Section 6.0 of these rules shall be submitted with applications.

An application may be filed only by an entity having rights to the product for which a report is sought.

Applications for a report that are held for more than 30 days without receipt of the basic fee or supporting documentation are subject to cancellation unless such term is extended by the ICC-ES president or designated representative.

4.0 DATA TO BE SUBMITTED IN SUPPORT OF VARs™

4.1 All applications shall be submitted with information as noted in Section 3.0 of these rules. Where data consists of calculations, plans, and specifications developed through the practice of architecture or engineering, the documents containing such data shall be

sealed by a registered design professional.

4.2 Where data consists of reports of laboratory tests, such tests shall be performed at the expense of the applicant by an independent testing laboratory. Testing laboratories shall be accredited by an approved body under ISO/IEC Standard 17025, General Requirements for the Competence of Testing and Calibration Laboratories. The scope of the laboratory's accreditation shall include the type of testing that is to be reported to ICC-ES. When the type of testing performed is not specifically recognized in the scope of the laboratory's accreditation, documentation shall be provided to demonstrate that the laboratory has the capabilities necessary to perform such testing.

Reports from nonaccredited laboratories may be accepted by ICC-ES for the processing of a specific ICC-ES VAR Environmental Report upon submission of satisfactory evidence, including an on-site assessment by ICC-ES or its agents, that confirms the laboratory conforms to ISO/IEC Standard 17025 for the work in question. The applicant shall be responsible for fees and expenses associated with the review and on-site assessment of a nonaccredited laboratory as stated in the ICC-ES fee schedule.

4.3 An initial on-site inspection of the manufacturing facility is required to verify compliance with quality control documentation for the product and the manufacturing facility.

4.4 Periodic inspections are also required for all reports. Applicants shall obtain the services of a third-party inspection body that is acceptable to ICC-ES, and submit quality documentation for the product and the manufacturer's facility. Inspection bodies shall be accredited by an approved body under ISO/IEC Standard 17020, General Criteria for the Operation of Various Types of Bodies Performing Inspection. The quality documentation shall include necessary detail to meet ICC-ES requirements. Revisions to the quality documentation must be submitted to and approved by ICC-ES in conjunction with changes to the report content. If an appropriate inspection body is unavailable, ICC-ES may consider providing the required services.

Inspection agencies shall agree to provide, at a minimum, annual unannounced inspection services in accordance with the terms of the ICC-ES VAR Environmental Report and the quality documentation. Costs for such inspection services shall be borne by the applicant.

4.5 ICC-ES may require the applicant to conduct further tests and/or provide additional information

considered relevant to the evaluation.

4.6 Additional listees necessitate submission of information the same as set forth above as applicable to the report holder.

5.0 ISSUANCE OF A REPORT

ICC-ES will review the data submitted; work with the applicant in obtaining additional data as necessary to evaluate the product; prepare a draft report; secure applicant review; and prepare a final report for comment by the applicant when comments in staff letters have been resolved.

The applicant and any listees will be notified when the report is available to the public. The report will also be made available on the ICC-ES web site. See Section 13.0 of these rules for permitted use of VAR Environmental reports.

6.0 FEES

6.1 General:

6.1.1 The fees for a report are set forth in the ICC Evaluation Service, LLC, Environmental Programs Fee Schedule (hereinafter referred to as "fee schedule"). The basic fee covers one item evaluated for one type of sustainable attribute. Each additional item (e.g., a derivative of the basic product covered by the report, or an additional sustainable attribute) to be evaluated has an additional fee as set forth in Table 1 of the fee schedule. All fees shall be in U.S. funds drawn from a U.S. bank.

6.1.2 Where products to be covered by a report are distributed or manufactured by companies other than the applicant and such other companies' names appear on the ICC-ES VAR Environmental Report as listees, a fee will be charged for each listee as set forth in Table 1 of the fee schedule.

6.1.3 The basic fee covers the dissemination of a report via the ICC-ES web site, and maintenance of that report.

6.1.4 When an applicant submits test reports from a nonaccredited laboratory, fees for reviewing the qualifications and independence of the laboratory (including the costs of an on-site assessment by an authorized ICC-ES representative) shall be applicable as set forth in the footnote 2 of the fee schedule.

6.2 New Report Application:

6.2.1 Each new report application shall be accompanied by the basic fee set forth in the current published fee schedule. This fee is nonrefundable unless authorized by the president or his designated representative. Upon completion of the evaluation, the applicant will be invoiced for any additional fees (additional listees, additional items, etc.) beyond the basic fee.

6.2.2 The new ICC-ES VAR Environmental Report shall be valid for one year.

6.2.3 Applications that are processed for more than three years without the issuance of a report are subject to additional fees or to cancellation, as determined by the president or his designated representative.

6.3 Renewing Environmental Reports:

6.3.1 Each year, a fee, as set forth in the fee schedule, will be assessed to extend the recognition of the environmental report for one or two years, as determined by the report holder. Notice will be sent to the report holder a minimum of 60 days in advance of the renewal date. Payment must be received on or before the renewal date.

6.4 Revising Environmental Reports:

6.4.1 The report holder may request revision of a report at any time after it is issued. An application and fee shall be submitted. The basic revision fee is nonrefundable unless a refund is authorized by the president or his designated representative.

6.4.2 An application for revision, and appropriate fees, must be filed when the report needs revision to comply with a newer edition of the codes or an Environmental Criteria.

6.5 Fee Adjustments:

The ICC-ES president may modify fees when justification for such modifications is presented by the applicant and the ICC-ES president determines that the modifications are warranted.

7.0 NOTIFICATION TO ICC-ES AND REQUIRED CHANGES TO REPORTS

Report holders must notify ICC-ES prior to modifying products covered by a ICC-ES VAR Environmental Report. Modifications include changes in the formulation, manufacturing process, or quality control program. They also include significant changes regarding the report holder, such as a company name change, change of address, change of ownership, change in legal status, or addition/deletion of a listee.

When there is a change in the conditions under which a report was originally issued (e.g., a change in ICC-ES requirements and/or ICC-ES rules or policy) that affects the report, the report holder will be notified.

8.0 PRODUCT IDENTIFICATION

Products shall be identified as specified in the applicable report. The identification may be placed on product packaging in lieu of the product, when specifically approved by ICC-ES. As a minimum, the method of identification shall include the manufacturer's name and product name (if any). The manufacturer's registered trademark or registered logo is permitted in lieu of the manufacturer's name when a facsimile of the registered trademark or registered logo is included in the report. The report may specify additional identification provisions when required by applicable ICC-ES guidelines. The ICC-ES Environmental Programs mark of conformity (mark) shall be applied only to materials or products which comply with the current report.

Electronic labeling may be used in lieu of the ICC-ES Environmental Programs mark. Examples of electronic labeling are the ICC-ES web address (www.icc-es.org); specific URL related to the report; or the ICC-ES machine readable code placed on the aforementioned items.

The ICC-ES VAR Environmental Report number may

be placed on the listed product, or on the product's packaging or installation instructions.

9.0 INSPECTIONS OF MANUFACTURERS, AND EXPENSE REIMBURSEMENT

See Section 9.0 of the ICC Evaluation Service, LLC, Rules of Procedure for Evaluation Reports.

10.0 REVOCATION OR MODIFICATION WITH RIGHT TO A HEARING

See Section 10.0 of the ICC Evaluation Service, LLC, Rules of Procedure for Evaluation Reports.

11.0 REVOCATION/CANCELLATION/SUSPENSION WITHOUT RIGHT TO A HEARING

See Section 11.0 of the ICC Evaluation Service, LLC, Rules of Procedure for Evaluation Reports.

12.0 PROPRIETARY DATA

See Section 12.0 of the ICC Evaluation Service, LLC, Rules of Procedure for Evaluation Reports. Contractors engaged by ICC-ES may have access to documentation submitted to ICC-ES when ICC-ES determines that no conflict of interest exists.

13.0 PERMITTED USE OF AN ICC-ES VAR ENVIRONMENTAL REPORT AND THE ICC-ES NAME, ENVIRONMENTAL PROGRAMS MARK, ICC-ES MACHINE-READABLE CODE, AND REPORT NUMBER

13.1 Environmental report holders must comply with these Rules of Procedure in their use of the ICC-ES name, Environmental Programs mark, machine-readable code, the ICC-ES VAR Environmental report number and the report itself, as well as communications associated with the report. If it is determined that identification is being applied to materials or products that do not comply with the current report, applied before authorization or applied after a report has been closed, ICC-ES will immediately disseminate a notice of violation of the ICC-ES Rules of Procedure and take necessary action to secure compliance.

13.2 No listee shall use the report number until authorized by ICC-ES.

13.3 The then-current report, as published on the ICC-ES web site, may be reproduced in its entirety by the report holder in the report holder's literature, advertising, or promotional materials. No reference to ICC-ES, the ICC-ES VAR Environmental Report, the Environmental Programs mark, or the machine-readable code shall be included with such reproduction in a manner which could be misleading. In lieu of reproducing the entire ICC-ES VAR Environmental Report in literature, advertising, or

promotional materials, the report holder may use references and statements such as: "See ICC-ES VAR-XXXX (insert current number) at www.icc-es.org/ep"; and/or the ICC-ES machine-readable code. It is the report holder's responsibility not to misrepresent the ICC-ES VAR Environmental Report in any way, and to secure prior ICC-ES approval when there is a question concerning the use of the ICC-ES name and/or report. Report holders are expressly prohibited from using the ICC-ES name, Environmental Programs mark, machine-readable code, or report number to claim or imply product recognition beyond the recognition specified in the ICC-ES VAR Environmental Report. Report holders are also expressly prohibited from using, in advertising, promotional, and informational materials, such language as "ICC-ES approved", "ICC-ES certified", "code approved", or "code accepted", which implies that recognition of their products in an ICC-ES VAR Environmental report is an acceptable substitute for review and approval by the local code official.

13.4 Use of the ICC-ES Environmental Programs mark and machine-readable code requires prior authorization by ICC-ES.

13.5 Violation of these rules, regarding use of the ICC-ES name, Environmental Programs mark, machine-readable code, reports and report numbers, as determined by ICC-ES, must cease immediately upon notification of the violation by ICC-ES. Failure to respond to the notification may lead to suspension or revocation of the report under these rules. ICC-ES also reserves the right to note violations in the public notices and publications of ICC-ES and its parent company, ICC, and on the ICC-ES web site.

14.0 COMPLAINT PROCEDURE

Complaints related to a report shall be in accordance with Section 14.0 of the ICC Evaluation Service, LLC, Rules of Procedure for Evaluation Reports.

15.0 APPEALS

See ICC-ES Rules of Procedure for Appeals Concerning Evaluation Reports.■

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