

ICC EVALUATION SERVICE, LLC, RULES OF PROCEDURE FOR SQF FOOD SAFETY CERTIFICATION PROGRAM

1.0 PURPOSE

The purpose of these rules is to set forth procedures for the ICC Evaluation Service, LLC (ICC-ES), SQF Food Safety Certification Program.

The main purpose of the ICC-ES SQF Food Safety Certification Program is to meet industry, customer, and regulatory requirements for all sectors of the food supply chain. A certification is not to be construed as representing a judgment about aesthetics or any other attributes not specifically addressed in the certification, nor as an endorsement, assurance, or guarantee, or recommendation for use of the subject of the certification. *Approval of use of a certified product is by the end user.*

2.0 DEFINITION

A “certification holder” is a person or organization having a product or products certified by ICC-ES, and who is identified in the SQF certification.

3.0 BASIS OF EVALUATION

Evaluation of information is in accordance with the following codes, as applicable:

- Safe Quality Food (SQF) Code Edition 9
- Safe Quality Food (SQF) Fundamentals Code Edition 1

4.0 APPLICATIONS

Applications for new certifications or renewals, and for changes to existing certifications, shall be filed on ICC-ES forms provided for that purpose. The applicant must have the rights to the materials, products, or methods on which the certification is sought and must have the legal rights to all evidence and data. Applications for new certifications that are held for more than 30 days without receipt of the application/evaluation fee or supporting documentation are subject to cancellation, unless such term is extended by the ICC-ES president or their designated representative.

5.0 INFORMATION TO BE SUBMITTED IN SUPPORT OF CERTIFICATIONS

5.1 General

Applications for new certifications and for changes to existing certifications shall be accompanied by one complete set of relevant supporting information, in accordance with the applicable SQF Code, which fully describes the subject of the application and substantiate its performance as being in compliance with the applicable SQF Code.

Quality system documentation for each site manufacturing the certified product shall also be submitted.

5.2 New Certification Applications:

5.2.1 Each new application shall be accompanied by the application fee set forth in the applicable ICC-ES fee schedule.

This fee is not refundable unless authorized by the president or their designated representative. Upon completion of the evaluation, the applicant will be invoiced for additional fees, as described in the fee schedule.

5.2.2 The new certification shall be valid for one year from the date of issue. An application for renewal shall be filed prior to the expiration date of the certification if renewal is desired.

5.2.3 Applications that are open for one year without the issuance of a certification are subject to additional fees or to cancellation, as determined by the president or their designated representative.

5.3 Renewals:

Certifications shall be renewed every year. An application for renewal shall be accompanied by applicable renewal fees as set forth in the fee schedule.

Re-certification (renewal) audits are typically required within thirty (30) calendar days either side of the anniversary of last day of the initial certification audit, except for Fundamentals Code re-certification (renewal) audits, which are typically required within forty-five calendar days either side of the anniversary of last day of the initial certification audit

5.4 Applications to Revise Certifications:

A certification holder may request to revise a certification at any time by submitting an application for revision to the certification scope. Revisions may include changes and additions in product scope, site relocation, and changes in business ownership.

The certification holder shall inform ICC-ES in writing, if the proposed scope change is a new process or a major change to an existing process, a new product line, or a significant change in personnel, raw materials, packaging or ingredients. ICC-ES shall conduct a site audit of the additional process or products in order to issue an updated certificate.

Revisions will not change the re-certification date or certificate expiry date. When a new certificate is issued, the re-certification audit date and certificate expiry date remain the same as on the original certificate. Fees for revisions are as set forth in the fee schedule.

5.5 Audits at Manufacturing Sites

See Section 10.0 of these rules for information concerning audits, including provisions for initial audits before a certification can be issued, and for surveillance/re-certification audits of the sites designated to manufacture the products covered in the certification.

5.6 Changes to Certification Requirements:

In the event of significant changes which could affect the safety of product, changes to the requirements of the certification standard, or if ICC-ES has reason to believe there could be

compliance issues in relation to certification, ICC-ES shall re-evaluate the site(s) to assess compliance. New and revised requirements issued by SQF shall be communicated by ICC-ES to the SQF sites.

6.0 FEES

6.1 General

All fees are set forth in the applicable ICC-ES fee schedule. All fees shall be paid in U.S. funds.

6.2 Audits:

The fees for initial and surveillance audits activities, as defined in Section 10.0, are as set forth in the fee schedule. The applicant shall reimburse ICC-ES for all expenses related to audit activities. If the auditor is unable to gain entry to a manufacturing facility covered by the certification, the certification holder shall agree to pay ICC-ES the audit fee as shown in the ICC-ES fee schedule.

7.0 ISSUANCE OF A CERTIFICATION

7.1 General:

7.1.1 ICC-ES will review the information submitted; request additional information necessary to evaluate the product/system/site; and prepare a final certification, provided ICC-ES and SQF Code requirements have been satisfied.

7.1.2 ICC-ES will issue a certificate to the applicant, as notification that the certification has been issued. The certificate remains the property of ICC-ES. All certified, registered sites will be listed in the SQF assessment database, which will display the certification site details and include the site's name, address, expiration date, food sector category(ies), product(s), relevant Code(s), certification body (ICC-ES) and country on the SQFI website.

See Section 12.0 of these rules for permitted uses of any certification.

8.0 MODIFICATION OF CERTIFIED SITES/PRODUCTS

Certification holders must notify ICC-ES prior to modifying products covered by the certification. Product modifications include significant changes in the manufacturing process, change in manufacturer, change in raw material specifications, packing materials, ingredients, or significant changes to the quality system. Certification holders shall also notify ICC-ES when significant changes occur regarding the certification holder. Significant changes include company name change, change of address, change of ownership, or change in legal status. When deemed necessary by ICC-ES, the certification holder must discontinue use of the certification until a certification revision addressing the changes has been issued.

If the ownership of a certified site changes (e.g., the site's business has been sold), the new owner is required to notify ICC-ES within thirty (30) calendar days of the change of ownership, and apply to retain the SQF certification and the existing certification number.

If the staff with major responsibility for the management and oversight of the SQF Quality System has been retained, ICC-ES may retain the existing audit frequency status. If there are significant changes in site management and personnel, ICC-ES shall complete an initial certification audit and issue a new

certificate and a new certification number. The audit frequency applicable to a new certification applies.

SQF certification is site specific, so if business premises are relocated, the site's certification does not transfer to the new site. A successful certification of the new premises is required; and an initial certification audit must be completed for the new facility.

If a certified site experiences a recall of products included in its scope of certification or receives a regulatory warning letter, the certification holder must notify ICC-ES at recalls@icc-es.org, and SQFI in writing at foodsafetycrisis@sqfi.com within twenty-four (24) hours of the event.

9.0 PRODUCT IDENTIFICATION

Finished products shall be labeled to the customer's specification and/or regulatory requirements; and shall be traceable forward to the customer, such as the retailer, distributor, or manufacturer (one forward).

Certified sites that achieve and maintain certification to the SQF Quality Code sites shall only use the SQF quality shield, in accordance with the SQF Quality Shield Rules of Use.

Certified sites that achieve and maintain certification to the SQF Food Safety Fundamentals, the SQF Food Safety Code and/or the SQF Quality Code shall only use the SQF logo in accordance with the SQF Logo Rules of Use.

10.0 AUDITS OF SITES

10.1 General: Designated representatives of ICC-ES shall make every effort to visit sites during normal business hours.

At the site, the certification holder shall assign an appropriate representative to accompany the auditor, to grant access to applicable manufacturing and storage locations, to help with review of applicable records and documents, and otherwise to accommodate the auditor as necessary.

10.2 Initial Certification Audits: Initial certification audits are required for new certification applications. Initial audits will be conducted by ICC-ES representatives. Any auditor representing ICC-ES for purposes of audits must have a contract with ICC-ES, and must be a qualified and registered SQF auditor. The purpose of the initial audit is to determine whether food safety, quality systems, hygiene and management activities are undertaken in accordance with that system documentation and comply with the requirements of the applicable SQF Code(s), and to verify whether these arrangements are implemented effectively.

10.3 Surveillance Audits: As a condition of maintaining an SQF certification, the certification holder shall grant ICC-ES' designated representative the right to conduct surveillance and re-certification audits of manufacturing sites, in accordance with the applicable SQF Code(s), to verify compliance with the certification requirements. Food safety re-certification audits shall be conducted annually, with one of the audits being unannounced, once every three years. Accommodations for seasonal operations may be considered in accordance with the applicable SQF Code.

Food safety surveillance audits are required if a site attains a "C - complies" rating at a certification audit or re-certification audit. The surveillance audit shall be conducted within thirty (30) calendar days on either side of the six (6) month

anniversary of the last day of the last certification or re-certification audit.

11.0 PROPRIETARY INFORMATION

Information in any application or certification file is considered proprietary. The data may be disclosed by ICC-ES upon written consent of the applicant/client or, with notice to the applicant/client, pursuant to a subpoena issued by a court or other governmental agency of competent jurisdiction. Proprietary data may also be disclosed to a staff member of ICC-ES or the International Code Council (ICC), or an authorized representative of ICC-ES or ICC having a legitimate interest therein; any member of the ICC-ES Board of Managers. Additionally, upon the written consent of the applicant/client, any Governmental Member of ICC may be granted access in the interest of public safety or preservation of property as it relates to enforcement of building and other applicable laws.

From time to time, ICC-ES records and files are audited by national and international bodies on a random basis to establish conformance with accreditation and conformity assessment standards. It is understood that, by executing a certification application, applicants and certification holders grant ICC-ES the authority to allow such access.

12.0 PERMITTED USE OF CERTIFICATIONS, THE ICC-ES NAME, AND SQF IDENTIFICATIONS

12.1 Certification holders must comply with these Rules of Procedure, the SQF Quality Shield Rules of Use and the SQF Logo Rules of Use, in their use of the ICC-ES name, their ICC-ES certification and certification number, the SQF quality shield and logo, and any communications associated with the certification. If it is determined that identifications being used do not comply with the current certification, is being applied before authorization or applied after a certification has been closed, ICC-ES will immediately disseminate a notice of violation of the ICC-ES Rules of Procedure and take any and all actions necessary to secure compliance with the rules.

12.2 No certificate holder shall use the SQF quality shield and/or logo until authorized by ICC-ES.

12.3 The then-current certification as provided to the certificate holder by ICC-ES; and certified site information is posted on the SQFI website. The certification may be reproduced in its entirety by the certificate holder in their literature, advertising, or promotional materials. No reference to ICC-ES, the certification shall be included with such reproduction in a manner which could be misleading.

12.4 In lieu of reproducing the entire certification in specifications, literature, advertising, or promotional materials, the certificate holder may use references and statements such as: "See SQF Certificate No. _____ (insert current number) at (www.sqfi.com)". It is the certificate holder's responsibility not to misrepresent the certification in any way, and to secure ICC-ES approval in advance whenever there is a question about the use of the ICC-ES name, certification, or SQF quality shield or logo. Certificate holders are expressly prohibited from using the ICC-ES name, certification, SQF quality shield or logo to claim or imply certification beyond what is specified in the certification. Certificate holders are also expressly prohibited from using, in advertising, promotional, and informational materials, any language that would likely mislead the public

about their certification, and the SQF quality shield and logo. ICC-ES reserves to itself the right to interpret what would constitute misleading language. It is the responsibility of the certification holder not to misrepresent in any way the status, conditions, or terms of the SQF certification, and not to use the ICC-ES name, their ICC-ES certification and certification number, the SQF quality shield and logo in such a manner as to bring ICC-ES or SQF into disrepute. Certificate holders must discontinue any use of the SQF quality shield or SQF logo to which SQFI or ICC-ES reasonably objects.

12.5 Sites that achieve and maintain certification to the SQF Food Safety Fundamentals, the SQF Food Safety Code and/or the SQF Quality Code are granted permission by ICC-ES to use the SQF logo. Electronic SQF logo files will be provided by ICC-ES.

Subsidiary companies and site addresses not included on the SQF certificate shall not use the SQF logo.

12.6 Permission for a site to use the SQF quality shield or logo shall be suspended and/or withdrawn:

- If the site's certification is suspended, withdrawn, relinquished or not renewed; all use of the SQF quality shield and/or logo in the manufacturing process must cease upon certificate suspension.
- If the site breaches or fails to comply with these Rules of Procedure, the SQF Quality Shield Rules of Use and the SQF Logo Rules of Use, as applicable;
- If the site uses the SQF logo in a way that, in the opinion of SQFI or ICC-ES, is detrimental to the SQF logo or the SQF program as a whole, is misleading to the public or otherwise contrary to law; or
- If the site has an administrator, receiver, receiver and manager, official manager or provisional liquidator appointed over its assets or where an order is made or a resolution passed for the winding up of the site (except for the purpose of amalgamation or reconstruction) or the site ceases to carry on business or becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or makes any arrangement or composition with its creditors.

12.7 The site shall be notified by ICC-ES in writing if their use of the SQF quality shield and/or logo has been suspended or withdrawn.

13.0 REVOCATION OR MODIFICATION OF CERTIFICATIONS WITH RIGHT TO A HEARING

13.1 Any certification may be revoked or modified for cause. "Cause" shall include: repeated failure to conform with the specifications upon which the certification was based; failure to comply with any condition to the issuance of the certification; any misstatement, whether intentionally or unintentionally made, in the certification application or in any data submitted in support thereof; failure to comply with any provision of the application form; or any other grounds considered as adequate cause in the judgment of ICC-ES.

13.2 Before ICC-ES revokes or modifies any certification, the certification holder shall be given reasonable notice and an opportunity to file an appeal pursuant to the ICC-ES Rules of Procedure for Appeals Concerning Evaluation Reports and Listings.

14.0 SUSPENSION/CANCELLATION/WITHDRAWAL/ OF CERTIFICATIONS WITHOUT RIGHT TO A HEARING

14.1 A certification shall be suspended if a site:

- Fails to permit the re-certification or surveillance audit within the audit window;
- Fails to take corrective action within the specified timeframe;
- Fails to permit an unannounced audit or refuses entry to an SQF food safety auditor for an unannounced audit;
- Receives an “F – fails to comply” rating at a surveillance or re-certification audit;
- Failure to comply with any rule for maintaining certifications as adopted or amended from time to time by ICC-ES; or
- Failure to provide required fees to ICC-ES within 30 days from the date of mailing by ICC-ES of a written demand for payment.

A certification may also be suspended if in the opinion of the food safety auditing team, the certified site fails to maintain the requirements of the SQF Code.

If a site's SQF certificate is suspended, it cannot represent itself as holding an SQF certificate for the duration of the suspension.

14.2 Notwithstanding anything in these rules to the contrary, any certification may be suspended by action of the ICC-ES Board of Managers for such period or periods as the Board determines, without notice or a hearing, for the following reason: failure to perform properly or conform with the specifications upon which the certification was based, either condition presenting a threat to public safety or property.

14.3 A certification shall be withdrawn and canceled if a site:

- Has been placed under suspension and fails to follow the suspension protocol, as defined by the certification body in your notice of suspension;
- Fails to take approved corrective action within the time frames specified;
- Has intentionally and systemically falsified its records;
- Fails to maintain the integrity of the SQF certificate; or

- Has an administrator, receiver, receiver and manager, official manager, or provisional liquidator appointed over its assets or where an order is made or a resolution passed for the closure of the site (except for the purposes of amalgamation or reconstruction) or the site ceases to carry on business or becomes bankrupt or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or makes any arrangement or composition with its creditors.
- Failure to provide required fees to ICC-ES within 30 days from the date of mailing by ICC-ES of a written demand for payment.

14.4 A certification may be canceled upon ICC-ES's receiving a written request to do so from the certification holder. A file for a new certification may be closed upon receipt of a written request from the applicant.

14.5 The above does not excuse compliance with any ICC-ES requirement as a condition of securing or maintaining a certification concerning identification, reference to standards or audits, or other information to be affixed to or labeled upon products.

15.0 COMPLAINT PROCEDURE

All complaints related to a certification should be submitted in writing to the attention of the ICC-ES Quality System Vice President. If a response is needed to address the complaint, ICC-ES will so inform the certification holder. After notice, the certification holder will have 30 calendar days in which to respond, or the certification in question will be subject to cancellation.

16.0 APPEALS

For details on appeals, see the ICC-ES Rules of Procedure for Appeals Concerning Evaluation Reports and Listings. Appeals regarding decisions on the suspension, withdrawal and/or cancellation of an SQF certification shall not delay the decision to suspend or withdraw the certification. ■