

CRP Violation Procedure –

(Approved by AMCA International Board of Directors on 11 October 2007)

1. Purpose: This procedure provides guidance to AMCA International staff in administering the violation portion of the Certified Rating Program. Violations are part of the program and will occur. The requirements of the program documents must be carried out in a fair and uniform manner. The Board has also authorized additional actions to further discourage manufacturers and sellers from misusing the program. Violations of the program can result in unfair competition whether or not they were done with malice and forethought.

2. Scope: The scope of this procedure includes all violations defined in the AMCA International CRP Program Documents. Violations outside of the CRP Program Documents can be handled using these procedures but are not directly addressed. Examples of these violations (that are not specifically defined in the program documents): improper use of the letters or acronym A.M.C.A. (the terms of the agreement for testing services forbids this), or some AMCA International Lab Accreditation Program violations. Although it would carry less weight, this procedure can be used to address those instances in which a violation would have occurred if the perpetrator was a member or licensee (specifically, those cases where a non-member and non-licensee markets a non-certified product as certified). In these cases, a harsher condemnation would be made in the correspondence.

3. Definitions:

CRP Violation: Any violation described in the program documents. Other types of violations may be improper use of the corporate logo, improper use of the AMCA acronym, or accredited lab violations.

License Appendix Withdrawal: A certified or licensed product withdrawal can be voluntary or enforced. Any withdrawal removes the product line completely from the AMCA certification program.

Enforced Withdrawal: An Enforced Withdrawal of a license appendix is a withdrawal that is taken as a final enforcement action after all other steps required by the CRP and this procedure have been taken.

Voluntary Withdrawal: A Voluntary Withdrawal of a license appendix is withdrawal due to the Licensee deciding to terminate the certification of the product line (e.g., due to a product line becoming obsolete). A voluntary withdrawal should not imply any kind of fault.

CRP Program Documents: Those procedures that define the formal licensing procedures for all AMCA International licensing programs. These documents are available to the general public (at no cost). Included in the CRP Program Documents are AMCA Publications 11, 211, 311, 511, 611, and 1011.

4. Procedure: The procedures found in the CRP Program Documents take precedence over any procedure found herein. These procedures may provide additional measures that will be taken to correct known deficiencies and to add more “teeth” to the remedies provided in the CRP Program Documents.

AMCA INTERNATIONAL - CRP VIOLATION PROCEDURE

Approved by AMCA International Board of Directors on 11 October 2007

- A. Reporting or Discovery: The first step in determining the disposition of a CRP violation is to become aware of one. All members (and the public) are encouraged to report any possible violations to the AMCA International staff. It is the policy of AMCA International staff to NOT actively search for CRP violations. It is also the policy to NOT ignore a violation staff notices in the normal course of their work. In either case the violation will be acted upon in the same manner.
- B. Investigation: Once a possible violation of the CRP is reported, staff shall investigate the facts to determine whether a violation did or did not occur. The investigation will determine if the case presented is a violation per the CRP Program Documents and search for additional evidence supporting the violation. The party reporting the violation is encouraged to supply any evidence to support the accusation. Evidence may consist of the offending item (for example, a marketing brochure or catalog that contains the possible violation), photographs or pictures of the possible violation (for example a photograph of a non-certified product with the CRP seal clearly attached), or a website address that would lead one to the possible offense. Similar violations to the reported one will be searched for within the accused company (for example, if an unapproved catalog is found on a website, other catalogs from that company will be spot checked to see if the problem is ubiquitous).
- C. Immediate Actions: Staff shall take any immediate actions deemed necessary to lessen the impact of the violation on the integrity of the program. An example of an immediate action that would be taken is the immediate removal of a CRP seal from an unlicensed, uncertified product that may be found at a trade show. The immediate action taken does not suspend the execution of all required actions of this procedure and the CRP Program Documents
- D. Initial Actions: Once staff determines that a CRP violation has taken place, the offending company will be immediately notified. The notification will:
 - a. Fully describe the violation (including quoting the CRP Document describing the violation),
 - b. Inform the offender of the actions taken and to be taken in accordance with the CRP documents and this procedure,
 - c. Inform the offender of additional actions required of them to be taken,
 - d. Inform the offender of consequences of missing any deadlines, and
 - e. Provide the required due dates for the next required action.
- E. Notification: In addition to the actions and timeframes found in the CRP Program Documents, the AMCA International web site will provide notification of the offense in accordance with this Table.

AMCA INTERNATIONAL - CRP VIOLATION PROCEDURE
 Approved by AMCA International Board of Directors on 11 October 2007

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	Offense or Result of offense	Section of Website	Start of notification on website	Time on website
1	Uncertified product represented as certified	Non Licensed Product Section	As soon as possible after discovery	6 months (12 months after first offense)
2	Publishing a catalog w/o AMCA review (AMCA 11 §9.10.1)	Directory Notice	Thirty (30) days after violation is confirmed.	6 months (12 months after first offense)
3	Other publication violation (AMCA 11 §11.5.2)	[same as CRP Seal offense]	[same as CRP Seal offense]	6 months (12 months after first offense)
4	Re-cataloging due to a check test failure (AMCA 11 §9.10.3)	Directory Notice	Ninety (90) days after licensee informs AMCA of decision to re-catalog.	6 months (12 months after first offense)
5	Withdrawal due to check test failure (AMCA 11 §9.10.3)	Voluntary Withdrawal	Immediately after recheck test failure.	6 months (12 months after first offense)
6	Failure to correct failed check test (AMCA 11 §9.10.3)	Enforced Withdrawal	When withdrawn	6 months (12 months after first offense)
7	Changed product w/o Notification (AMCA 11 §9.10.4)	Enforced Withdrawal	When staff is certain of the violation	6 months (12 months after first offense)
8	Failure to correct catalog after product line is withdrawn (AMCA 11 §9.10.5)	Enforced Withdrawal (of all product lines)	After time allotted to correct catalog	6 months (12 months after first offense)
9	Improper use of other logos or marks (AMCA 11 §10.4)]Non Licensed Product Section	As soon as possible after discovery.	6 months (12 months after first offense)
10	CRP Seal offense (AMCA 11 §10.7), with below exception (e.g., unlicensed product shown with a seal attached)	Non Licensed Product Section	From date of discovery	6 months (12 months after first offense)
11	Wrong Seal (AMCA 11 §10.7) (e.g., an Air and Sound Seal applied to a product that is only licensed for Air Performance)	Directory Notice	From date of notification	6 months (12 months after first offense)
12	Any violation withdrawal	Enforced Withdrawal	From withdrawal date	6 months (12 months after first offense)

G. Follow-Up: AMCA International Staff will maintain a log of all verified CRP violations. The log will include a summary of the violation, actions taken, date the actions were

AMCA INTERNATIONAL - CRP VIOLATION PROCEDURE

Approved by AMCA International Board of Directors on 11 October 2007

taken, and a follow up date. The follow up date will be the due date for the next required action or report thereof. The actions required include the requirements found in the CRP Program Documents and in this procedure and include requests to add or remove product lines from the web site directory and bulletin board.

- H. Administration of Program: The responsible staff member (as appointed by the AMCA International Executive Director) shall maintain the log and separate files for each violation. The violation files shall be maintained for five years after the case is closed. The case is closed when all required actions are completed. The responsible staff member will keep the Executive Director informed of all actions taken with respect to required actions or lack thereof.

5. Summary of CRP Program Document Violations:

The following is a summary of the actions taken for all of the different types of CRP violations. The "Section" number in the below actions refer to the Section in AMCA 11, *Certified Ratings Program, Operating Manual* which describes the violation. The underlined portions are those additional actions required by this procedure:

- 5.1 Section 9.10.1, Publishing a catalog without AMCA International Review:
- a. AMCA Staff notifies licensee and makes announcement in Directory Notice
 - b. Licensee submits catalog within 30 days of notification
 - c. AMCA staff checks catalog
 - d. If catalog meets requirement, staff informs licensee and no further action is necessary. Staff removes announcement in Directory Notice
 - e. If catalog does not meet requirements, licensee has 90 + 30 days to correct
 - f. If not corrected in time frame – withdrawal. The enforced withdrawal is added to the Enforced withdrawal section of the Directory.
- 5.2 Section 9.10.2, Failure to provide a check test sample
- a. AMCA notifies licensee to ship unit for check test.
 - b. Licensee ships unit within 90 + 30 days.
 - c. Approximately two months after request, AMCA sends reminder
 - d. Approximately on the initial due date, AMCA sends another reminder
 - e. After two weeks AMCA calls licensee notifying them of impending withdrawal.
 - f. Thirty days after due date, AMCA withdraws appendix. The enforced withdrawal is added to the Enforced Withdrawal section of the Directory.
- 5.3 Section 9.10.3, Failed check test.
- a. AMCA Staff notifies licensee
 - b. Licensee chooses either: ship for inspection, re-catalog, or withdraw
 - c. If 'shipped for inspection' licensee has 90 + 30 days to return a unit for re-check test.
 - d. If 're-cataloged' licensee has six months to get revised catalog(s) approved. AMCA places notice in Directory Notice.
 - e. If 'withdrawn' AMCA withdraws appendix. Withdrawal considered voluntary and announcement placed in Voluntary Withdrawal section of Directory.

AMCA INTERNATIONAL - CRP VIOLATION PROCEDURE

Approved by AMCA International Board of Directors on 11 October 2007

- f. If 'shipped for inspection' and not returned in allotted timeframe then license appendix is withdrawn. The enforced withdrawal is added to the Enforced Withdrawal section of the Directory. Licensees of name plated, similar and alternate manufactured product lines based on the withdrawn product line are notified of imminent withdrawal. [No time period here.] In two months these product lines are withdrawn and placed in the Voluntary Withdrawal Section of Directory.
 - g. If 're-cataloged' and revised catalog not complete in six months, same consequences as in § 5.3.f above.
 - h. If re-check test passes, licensee liable for another check test in one year.
 - i. If re-check test fails, licensee must choose to re-catalog or withdraw.
 - j. If licensee chooses to re-catalog after re-check test failure, then procedure reverts back to §5.3.d and §5.3.g.
 - k. If licensee chooses withdrawal, then procedure reverts to §5.3.e.
- 5.4 Section 9.10.4, Changed product.
- a. Once AMCA is 'certain' of the violation, the licensee shall be notified and the license appendix withdrawn. The enforced withdrawal is added to the Enforced withdrawal section of the Directory.
- 5.5 Section 9.10.5, Catalog corrections when license is withdrawn (for other products in the catalog)
- a. Notice is given with original withdrawal telling licensee which catalogs must be revised.
 - b. License revised catalogs within three months. References on website must be removed in one month.
 - c. If corrections are not made in above time frame, license to use the Seal is withdrawn. The enforced withdrawal is added to the Enforced Withdrawal section of the Directory.
- 5.6 Section 10.7, Seal Violations
- a. AMCA notifies licensee of violation. Places notice in Non Licensed Product Section of Directory if applicable.
 - b. Licensee must immediately cease prohibited use and within 30 days inform AMCA what corrective actions will be taken by the Licensee to rectify the prohibited use.
 - c. If licensee does not inform AMCA in 30 days what corrective actions are being taken or does not complete corrective actions within three months, any or all affected product lines will be withdrawn. The enforced withdrawal(s) is(are) added to the Enforced withdrawal section of the Directory.
- 5.7 Section 11.5.2, Violation [–promotional material, space advertising or other publications]
- a. Same as §5.6 above (for Section 10.7, Seal Violations).

6. Implementation: Once this procedure is approved by the Board of Directors, the following implementation plan will be initiated:

AMCA INTERNATIONAL - CRP VIOLATION PROCEDURE

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- AMCA International staff will make the plan (this document) available on the AMCA International website,
- The AMCA International President will announce the approval of the plan and the availability of this document in the first monthly President's Newsletter after approval.
- The AMCA International Marketing Department will ensure that the required notification areas are made available on the new and improved AMCA International website.
- All CRP violations identified starting six months after the announcement by the AMCA International President, will be liable for posting on the website per this procedure (these will be known as "current" violations). If the website is not yet ready, the time requirements for postings will continue as if they were posted.
- Six months prior to the website going live, affected AMCA member Voting Representatives and License Representatives will be informed of any situations which would cause a product line to be listed on the website (in accordance with this procedure).

After the website notification area is ready and all current violations are posted, this Implementation policy will be deleted from this procedure.