

*The American Society of Sanitary Engineering*

# **ASSE Seal Control Board Procedures**



**September, 2010**

Published by the American Society of Sanitary Engineering  
901 Canterbury Road, Suite A • Westlake, Ohio 44145-1480

Copyright © 2004 by the American Society of Sanitary Engineering. All rights reserved

No part of this publication may be reproduced in any form, in an electronic  
retrieval system or otherwise, without prior written permission of the publisher.

Printed in the United States of America.

# THE ASSE SEAL PROGRAM

Within the counties, municipalities and towns throughout the United States and Canada there exists a wide range of plumbing codes.

Some have grown item by item; others have been adopted as complete documents. In each of these areas there are inspection authorities who are subject to these local requirements and must approve the use of new or improved products in their territories. Most of these officials do not have the facilities for testing these products, nor do they always have the funds to have them tested by independent laboratories.

As a result, many problems face a manufacturer who wishes to introduce a new or improved product. Some localities will accept the product if it has been tested by two or three recognized municipal laboratories still in existence in the country. Some will accept the test of individual laboratories to which manufacturers send their products. Some will not accept the product without years of tested proof.

The nature of some products is such that only time testing under many environmental conditions can prove that adequate capabilities can be obtained. Consequently, the introduction of a new or improved product becomes very time-consuming and expensive because the manufacturer must send personal representatives to each locality to convey information of the product's characteristics and capabilities for performing its intended function. If this is not done, the manufacturer may be limited in production or may have to develop many special models acceptable to various local inspection authorities; a course of action which reflects increased cost to the manufacturer and, ultimately, to the consumer. The ASSE Seal Program assists the approval process for inspection authorities who are responsible for reliability and safety in their systems.

The American Society of Sanitary Engineering for Plumbing and Sanitary Research was established in 1906 primarily for the purpose of protecting the health, welfare and safety of the public through better sanitary principles as related to plumbing. The Society, since its inception, has been striving to develop rules and regulations for the advancement of sanitary science in plumbing, encourage standardization and project the need for practical and scientifically developed plumbing installations. Originally local in scope, the Society has now grown to international prominence and today includes members from many countries. Because of the Society's great vision and foresight into the future, it is regarded today by many authorities as one of the world's most important scientific and technical groups related to plumbing.

As a help to both manufacturers and local officials, ASSE, in line with its original purpose, concluded that if a means could be established whereby products could display a Certification Mark (Seal) indicating to inspection officials that these products were tested for compliance with appropriate and acceptable voluntary, open, industry and consensus performance standards by a qualified laboratory, the products could be accepted or approved with confidence of acceptable performance in the plumbing system.

However, the ASSE Certification Mark (Seal) is only useful to the manufacturer if there is an acceptable standard. Therefore, the ASSE standards development program is a significant one. In sponsoring standards activities, our Society hopes to stimulate the interest of manufacturers in working with an ASSE Product Performance Standards Committee in creating standards which meet the ANSI requirements for voluntary, open and consensus performance standards.

Together, the ASSE Standards Program and the ASSE Seal Authorization Program improve many facets of the plumbing system in order to achieve a high level of protection for public health and safety.

# PREAMBLE

The Seal Program was established by authorization of the membership of the ASSE.

The Seal Control Board, as appointed by ASSE's Board of Directors, is responsible for reviewing and granting approvals for product listings. The Seal Control Board is also responsible for overseeing the Product Listing Program and for reporting the program's activities to the Board of Directors. As appointed by the Board of Directors, the Product Listing Coordinator is responsible for maintaining the product listings. The Staff Engineer, as a non-voting Seal Control Board member, shall be responsible for reviewing requests for extending a product listing. The Seal Control Board Chairperson, along with the Product Listing Coordinator, are responsible for decisions regarding suspensions or withdrawals of a product listing.

Display of the ASSE Seal and the applicable standard number shall indicate that the product(s) has been approved by the Seal Control Board as meeting the material and performance requirements of the applicable product standard and the current edition of the *Seal Control Board Procedures*.

Display of the ASSE Seal is not a product endorsement.

ASSE is an accredited third party certification body by ANSI (certification #0432).

ASSE is committed to following the criteria as outlined in ISO Guide 65 (CAN-P-3G) and following all ANSI decisions pertaining to accreditation criteria.

All certification services are available internationally, including all parts of Canada and the United States.

Certification services can also be provided in French.

ASSE declares responsibility for decisions relating to granting, maintaining, extending, suspending and withdrawing of certification.

# Table of Contents

<p><b>Section 1 Seal Control Board Procedures &amp; Product Listings .....1</b></p> <p>1.1 Scope ..... 1</p> <p>1.2 Organization ..... 1</p> <p>1.3 Openness/Consensus ..... 1</p> <p>1.4 Subcontracting..... 2</p> <p>1.5 Conflict of Interest &amp; Confidentiality.....2</p> <p>1.6 Product Listing – Extent of Listing.....2</p> <p><b>Section 2 Application Request .....3</b></p> <p>2.1 Applicant .....3</p> <p>2.2 Application Request .....3</p> <p>2.3 Application Packet &amp; Forms .....3</p> <p>2.4 Applicant’s Responsibilities .....3</p> <p><b>Section 3 Application Submittal .....4</b></p> <p>3.1 Application Materials .....4</p> <p>3.2 Application Review Time Period .....4</p> <p>3.3 Application Requirements .....4</p> <p>3.4 First Time Applicant .....4</p> <p>3.5 Product Listing Coordinator’s Review .....5</p> <p>3.6 Staff Engineer’s Review .....5</p> <p><b>Section 4 Seal Control Board Review Procedures .....6</b></p> <p>4.1 Application Review .....6</p> <p>4.2 Seal Control Board Application Review Time Frame6</p> <p>4.3 Approved Applications ..... 6</p> <p>4.4 Notification of Approval ..... 6</p> <p>4.5 Retention of Application Material ..... 6</p> <p>4.6 Tentative and/or Disapproved Applications ..... 7</p> <p>4.7 Second Ballot for Application ..... 7</p> <p>4.8 Resolution of Second Disapproved Ballot ..... 8</p> <p>4.9 Notification of Disapproval ..... 8</p> <p>4.10 Special Appeal Meeting ..... 8</p> <p>4.11 Appeal Expenses ..... 8</p> <p>4.12 Request for Hearing before a Board of Appeals .....9</p> <p>4.13 Membership of the Board of Appeals .....9</p> <p>4.14 Purpose and Decision ..... 9</p> <p>4.15 Board of Appeals Expenses ..... 9</p> <p>4.16 Retention of Board of Appeals' Documents ..... 10</p> <p><b>Section 5 Product Listing Questions, Complaints &amp; Disputes ..... 11</b></p> <p>5.1 Product Listing Questions, Complaints &amp; Disputes ..... 11</p> <p>5.2 Questions, Complaints or Disputes about ASSE Procedures and Policies ..... 11</p> <p>5.3 Record Keeping of Complaints, Questions &amp; Disputes ..... 12</p> <p>5.4 Technical Interpretations &amp; Clarifications..... 12</p> <p>5.5 Appeals..... 12</p> <p>5.6 Timeline for Addressing Questions, Complaints &amp; Disputes ..... 13</p>	<p><b>Section 6 Display of the Seal ..... 14</b></p> <p>6.1 Ownership ..... 14</p> <p>6.2 Display of the ASSE Seal ..... 14</p> <p>6.3 Prohibition of Display (Infringed Products) ..... 14</p> <p>6.4 Product Endorsement ..... 15</p> <p><b>Section 7 Quality System..... 16</b></p> <p>7.1 ASSE Quality System ..... 16</p> <p>7.2 Applicant Product Quality System ..... 16</p> <p>7.3 Listee Product Quality System ..... 16</p> <p>7.4 First Time Applicant’s Quality System ..... 16</p> <p>7.5 Product Quality Requirements ..... 16</p> <p><b>Section 8 Disposition of the Seal ..... 17</b></p> <p>8.1 Voluntary..... 17</p> <p>8.2 Involuntary ..... 17</p> <p><b>Section 9 Renewals ..... 18</b></p> <p>9.1 Annual Renewal ..... 18</p> <p>9.2 Updated Drawings ..... 18</p> <p>9.3 Updated Material Listing ..... 18</p> <p><b>Section 10 Modification to a Listed Product ..... 19</b></p> <p>10.1 Modification(s) to a Listed Product..... 19</p> <p>10.2 Modification(s) Not Affecting Performance ..... 19</p> <p>10.3 Modification(s) Affecting Performance ..... 19</p> <p>10.4 Unauthorized Product Modification ..... 20</p> <p>10.5 Modification Fees ..... 20</p> <p><b>Section 11 Private Labels ..... 21</b></p> <p>11.1 Private Labels/Additional Product Listings ..... 21</p> <p><b>Section 12 Revisions to a Product Standard..... 22</b></p> <p>12.1 Applications under Current Edition ..... 22</p> <p>12.2 Updating to the Revised Edition ..... 22</p> <p>12.3 Withdrawal of an ASSE Product Standard ..... 22</p> <p><b>Section 13 Suspensions &amp; Removal of Product Listings ..... 23</b></p> <p>13.1 Suspensions for Health or Safety ..... 23</p> <p>13.2 Suspensions Due to an Unauthorized Modification 24</p> <p>13.3 Suspensions Due to a Failure of Factory Audit Retesting.....24</p> <p>13.4 Suspensions Due to a Failure of Retesting as Required by ASSE to Resolve a Complaint.....24</p> <p>13.5 Suspensions Due to a Failure of Submitting the Necessary Corrective Action..... 25</p> <p>13.6 Deactivating a Product Listing ..... 25</p> <p>13.7 Listee Responsibilities – Notification of a Suspension ..... 25</p> <p><b>Section 14 Annual Inspections for Product Listing Compliance ..... 26</b></p> <p>14.1 Compliance Inspections ..... 26</p>
--	--

14.2	Inspections for Listees with Manufacturing Facilities without ISO 9001 Certification .....	26	<b>Section 20 Product Listing Records .....</b>	<b>42</b>	
14.3	Inspections for Listees with Manufacturing Facilities with ISO 9001 Certification .....	28	20.1	Access to Product Listing Records .....	42
14.4	Two Categories of Product Failures .....	29	20.2	Active Product Listing Records.....	43
14.5	Affected Product(s) Disposition .....	29	20.3	Inactive Product Listing Records .....	43
14.6	Multiple Plants/Same Product(s) .....	29	<b>Appendix A Application Review .....</b>	<b>44</b>	
14.7	Payment of Expenses .....	30	<b>Appendix B Communications.....</b>	<b>45</b>	
14.8	In-House Witness Testing Criteria .....	30	<b>Appendix C ASSE Standards .....</b>	<b>46</b>	
14.9	Corrective Action .....	30	<b>Appendix D Additional Industry Standards .....</b>	<b>48</b>	
<b>Section 15</b>	<b>Disposition of Unlisted Product(s) Displaying the ASSE Seal.....</b>	<b>31</b>	<b>Appendix E Other Industry Standards &amp; Recognized Documents.....</b>	<b>50</b>	
15.1	Infringed Products .....	31	<b>Appendix F Subcontracted Agencies.....</b>	<b>52</b>	
15.2	Disposal of “Infringed Product(s)” .....	31			
15.3	Payment of Expenses .....	31			
15.4	Results of Marking Infringements .....	32			
15.5	Federally Registered Trademark.....	32			
<b>Section 16</b>	<b>ASSE Listed Testing Laboratories.....</b>	<b>33</b>			
16.1	Listed Testing Laboratories .....	33			
16.2	Laboratory Performance .....	33			
16.3	Re-listing Procedures for Removed Laboratories .....	34			
16.4	Complaints Regarding ASSE Listed Testing Laboratories.....	34			
<b>Section 17</b>	<b>ASSE Seal Control Board Membership .....</b>	<b>35</b>			
17.1	Membership.....	35			
17.2	Terms of Appointment.....	35			
17.3	Classification of Membership.....	35			
17.4	Level of Experience.....	35			
17.5	Selection of Seal Control Board Chairperson .....	36			
17.6	Responsibilities of Chairperson.....	36			
17.7	Vice Chairperson .....	36			
17.8	Liaison/Product Standards Committee .....	36			
<b>Section 18</b>	<b>ASSE Seal Control Board Duties .....</b>	<b>37</b>			
18.1	Member Responsibilities .....	37			
18.2	Seal Control Board Training.....	37			
18.3	Disclosure of Confidential Materials.....	37			
18.4	Return of Destruction of Application Materials .....	38			
18.5	Meetings .....	38			
18.6	Voting – New Product Listings(s) .....	38			
18.7	Voting on other Matters.....	38			
18.8	Conflict of Interest.....	38			
18.9	Failure to Declare .....	38			
18.10	Abstention.....	39			
18.11	Disapproved Ballots .....	39			
18.12	Tentative Approval Ballot .....	39			
18.13	Correspondence .....	39			
18.14	Letter of Authorization .....	39			
18.15	Revisions of Procedures .....	40			
<b>Section 19</b>	<b>Fees .....</b>	<b>41</b>			
19.1	Fees .....	41			
19.2	Payments .....	41			

# SECTION 1

## Seal Control Board Procedures and Product Listings

### 1.1 Scope

The scope of the Seal Control Board of the American Society of Sanitary Engineering (hereinafter the “ASSE”) shall be the listing of products, including devices, fixtures, appliances and materials pertaining to plumbing and piping systems which are in the interest of protecting public health. The listing of products shall include requirements for safety, health, construction, maintenance, performance and/or operation of equipment and materials for plumbing and piping systems as referenced by ASSE and other applicable industry standards.

### 1.2 Organization

- A. The Seal Control Board shall be responsible to the ASSE Board of Directors.
- B. The Board of Directors shall appoint a Product Listing Coordinator.
- C. The Product Listing Coordinator shall ensure that all Seal Control Board members are operating within their approved scope as outlined within the ASSE By-Laws and these Procedures.
- D. Where the Board of Directors determines that a special committee must be formed, the committee shall be formed using a classification system which is devised by the Product Listing Coordinator and within the scope of the American National Standards Institute’s (ANSI’s) guidelines and approved by the Board of Directors.

### 1.3 Openness/Consensus

- A. Membership in the Society shall be extended to all those with an interest in plumbing or sanitary engineering or in the goals or ideals of the Society. As per the ASSE By-Laws, Article V, Section 1, the President shall appoint all committee members, in accordance with the Society’s By-Laws or by resolution.
- B. All changes, additions or deletions to these Procedures shall be reviewed by the Seal Control Board and approved by the Board of Directors.
- C. All notices regarding revised Procedures shall be posted in the ASSE Newsletter, the official ASSE magazine, *Plumbing Standards* and on the ASSE website.
- D. The ASSE Product Listing (Seal) Program is open to any manufacturer producing a product that complies with all of the requirements of the ASSE Product Listing (Seal) Program and the requirements of the applicable product standard. The ASSE Product Listing (Seal) Program is administered in a nondiscriminatory manner and shall:
  - 1. Avoid placing an undue financial burden or other conditions that prohibit the use of the program.
  - 2. Not discriminate based on the size of the manufacturer.
  - 3. Not require the manufacturers to be a member of ASSE in order to have their products authorized to display the ASSE Seal.
  - 4. Not make authorization to display the ASSE Seal on a particular product contingent on prior certifications, either for a specific product or by the manufacturer.
  - 5. Not provide consultancy services to listees, applicants, manufacturers or any other interested parties.
- E. Any person(s) may submit, in writing, to the Product Listing Coordinator recommendations for additions, deletions or modifications. Additions, deletions or modifications received in the

International Office at least sixty (60) days prior to a scheduled Mid Year or Annual Meeting shall be placed on the agenda for discussion.

#### **1.4 Subcontracting**

- A. ASSE maintains the right to subcontract work.
- B. ASSE ensures the subcontracted body or person(s), is competent and complies with the current edition of the Seal Control Procedures and the signed agreement.
- C. ASSE takes full responsibility for the subcontracted work and maintains the responsibility for granting, maintaining, extending, suspending or withdrawing the signed agreement.
- D. ASSE shall monitor all subcontractor performance by means of an annual audit of the subcontractor or representative of the subcontractor conducted by the Staff Engineer. The results of this audit will be documented on an audit report form. The subcontractor or subcontractor's representative shall be responsible with addressing any corrective or preventative action with ASSE in a timely manner. The Product Listing Coordinator shall oversee that this audit is completed and that all corrective or preventative action is completed.

#### **1.5 Conflict of Interest and Confidentiality**

- A. All ASSE personnel, including subcontractors, involved in the Product Listing Program are required to complete a Conflict of Interest and Statement of Confidentiality form.
- B. Any ASSE personnel involved in the Product Listing Program, including subcontractors, who may have a conflict of interest as declared on the form, shall not be assigned to the processing and review of a product listing where a conflict of interest may exist.
- C. All Seal Control Board members are required to complete a Conflict of Interest and Statement of Confidentiality form.
- D. Seal Control Board members who have a conflict of interest as declared on the form shall not ballot or review an application request where a conflict of interest may exist.
- E. Should an undisclosed conflict of interest arise for a member of personnel or a Seal Control Board member by ASSE, the member will be removed immediately by the Board of Directors.
- F. ASSE shall also perform and document an analysis of potential conflict of interests for all related bodies or subcontracted parties.

#### **1.6 Product Listing Extent of Listing**

An ASSE Product Listing does not imply an endorsement or a warranty of any kind on the part of ASSE or ANSI with respect to the manufacturers or the distributors of the listed products.

## **SECTION 2**

### **Application Request**

#### **2.1 Applicant**

Applications for the ASSE Seal shall be requested by a product manufacturer who is responsible for its design, production and any subsequent changes or licensee (hereinafter referred to as the applicant). To request application documents in French, a written request shall be sent to the attention of ASSE's Product Listing Coordinator.

#### **2.2 Application Request**

Applicants shall submit a completed ASSE Product Listing Contract for each product or series of products, under one standard. The Product Listing Contract shall clearly identify the product(s) on which the ASSE Seal is to be displayed, the applicable standard number, the applicant's legal status, contact person, the contact person's address, telephone number, fax number, e-mail and complete manufacturing site information, if different than the applicant.

#### **2.3 Application Packet & Forms**

- A. Upon written request, the ASSE International Office shall forward an application packet, complete with instructions, procedures and required forms. The application packet shall include a schedule of ASSE fees as determined by the Board of Directors, a list of all ASSE listed testing laboratories or agencies (hereinafter referred to as listed testing laboratory) capable of testing to the applicable product standard(s) and, for a first time applicant, a copy of the current *Seal Control Board Procedures* and compliance letter. First time applicants shall also include a copy of the applicant's Quality Manual or documentation of compliance to ISO 9001. At a minimum, the first time applicant must submit a completed ASSE Quality Control Questionnaire.
- B. Upon written request, the ASSE Laboratory Evaluation Report Form shall be forwarded by the Product Listing Coordinator to the listed testing laboratory selected by the applicant.
- C. All ASSE application documents and product listing forms are controlled documents and the format of them shall not be amended by any other party other than ASSE.

#### **2.4 Applicant's Responsibilities**

- A. The applicant shall make all arrangements with the listed testing laboratory for conducting the product(s)' testing and shall be responsible for all costs incurred. The Laboratory shall submit the original copy of the Laboratory Evaluation Report Form directly to the attention of the Product Listing Coordinator.
- B. The applicant shall forward all required documentation as referenced on the Product Listing Contract.
- C. The applicant shall forward the required application fee as determined by the ASSE Board of Directors and as referenced on the Product Listing Contract.

## **SECTION 3**

### **Application Submittal**

#### **3.1 Application Materials**

- A. The application shall be submitted electronically and shall include:
1. One (1) copy of the ASSE Laboratory Evaluation Report Form along with the drawings and technical data reviewed by the laboratory shall be submitted directly from the laboratory to the attention of the Product Listing Coordinator.
  2. One (1) set of packaging instructions, installation instructions, maintenance instructions, testing instructions, catalogue cut sheets and spare parts lists, and copies of safety labels and instructions if required by the standard or by the Authority Having Jurisdiction of where the product is intended to be marketed.
  3. A drawing identifying the location of the ASSE Seal on the product(s).
  4. A completed and signed Product Listing Contract, including a signed copy of the Product Listing Procedure Information sheet stating the applicant has read, understands and agrees with the procedures as stated in the current edition of the *Seal Control Board Procedures* which shall be kept on file with the applicant's permanent records.
  5. One (1) set of assembly drawings.
  6. One (1) set of individual detail parts drawings of the components of the product with a complete material listing.
  7. One (1) set of toxicity reports, if applicable.
  8. Application Fee.
- B. If the applicant is unable to submit the application electronically, one set of the documents referenced in Section 3.1 A shall be submitted to ASSE in hard copy format.
- C. All application materials shall be submitted in English. If the product is intended to also be marketed in Canada, the application shall provide copies of the items as requested in Section 3.1 A, # 2 and 3 in both English and French.

#### **3.2 Application Review Time Period**

- A. Regular review – regular review applications have a twenty-five (25) calendar days ballot period.
- B. Accelerated review – requires an additional fee and has a five (5) business day ballot period.

#### **3.3 Application Requirements**

- A. Excluding the provisions as outlined in Section 12.1, applications, including test results, must be submitted to the current edition of the standard in order to be accepted for review by ASSE.
- B. Applications may include more than one model or series of models; however all the models must pertain to the same product performance standard.

#### **3.4 First Time Applicant (or new manufacturing facility)**

The application packet shall include the applicant's Quality Manual or documentation of compliance to ISO 9001(current edition).

**Note 1:** All application material shall be submitted in English.

**Note 2:** Upon completion of the Product Listing Coordinator's review, an incomplete application shall be returned to the applicant. Incorrect applications shall be charged an additional fee based on the time and cost involved to correct the application.

### **3.5 Product Listing Coordinator's Review**

- A. Upon receipt, the Product Listing Coordinator shall review the documentation to determine if the application includes all items referenced in Section 3.1 and that ASSE has the capability to perform the certification review for the application submitted.
- B. The Product Listing Coordinator shall notify the applicant and/or the listed testing laboratory, in writing, of any omissions and/or errors and the corrective action required. The application is not forwarded until all application documentation is complete and correct.
- C. If the application includes all required documentation, the Product Listing Coordinator shall forward the application materials to the Staff Engineer for review.

### **3.6 Staff Engineer's Review**

- A. The Staff Engineer shall review the Laboratory Evaluation Report Form, technical data and supporting documents as submitted by the laboratory in comparison to the technical data and supporting documents submitted by the applicant including, but not limited to, Laboratory Evaluation Report Form, certifications, drawings, markings, toxicity reports (if applicable), installation instructions and spare parts lists. The Staff Engineer shall verify the documents are complete and in order and ensure that ASSE has the technical expertise for the certification review of the application submitted.
- B. If the Staff Engineer determines that the application is complete the application will be forwarded to the Seal Control Board for ballot.
- C. If the Staff Engineer determines that item(s) pertaining to technical data or documentation are incorrect or incomplete, the Staff Engineer shall communicate with the applicant and/or the listed testing laboratory and advise them accordingly.
- D. The applicant and/or the listed testing laboratory have sixty (60) days to respond to the Staff Engineer. Failure to respond shall be cause for rejection of the application.
- E. Once the necessary documentation is returned to ASSE and if the documentation is determined to be:
  - 1. Incorrect, the Staff Engineer shall:
    - a. direct the Product Listing Coordinator to return the application to the applicant, noting the reason(s) the application has been returned; or
    - b. continue to work with the applicant and/or the listed testing laboratory until all issues are addressed.
  - 2. Correct, the Staff Engineer shall complete the Staff Engineer's Review Form and the application will be forwarded to the Seal Control Board for ballot.
- F. The applicant shall be responsible for any additional costs, as determined by ASSE.

## **SECTION 4**

### **Seal Control Board Review Procedures**

#### **4.1 Application Review**

- A. Each voting member of the Seal Control Board shall review the Laboratory Evaluation Report Form with respect to the appropriate sections of the product standard.
- B. Each voting member of the Seal Control Board shall review the supporting documentation, including but not limited to packaging instructions, installation instructions, maintenance instructions, testing instructions, catalogue cut sheets and spare parts lists. Should any discrepancies between the supporting documentation and the appropriate sections of the product standard be noted, the application shall be disapproved.

#### **4.2 Seal Control Board Application Review Time Frame**

- A. The voting members of the Seal Control Board shall reply by written ballot as appropriate. The Seal Control Board written ballots have the following voting options:
  - 1. Approval
  - 2. Tentative Approval
  - 3. Disapproval
  - 4. Abstain
- B. The voting members of the Seal Control Board shall sign, date and return the approved ballot no later than the close of the business day as stated on the ballot.
- C. Ballots received by the Product Listing Coordinator after the close of the balloting time frame shall not be considered in the evaluation.
- D. Balloting results shall not be disclosed to the applicant until either all the ballots have been returned or after the close of the balloting time frame.

#### **4.3 Approved Applications**

- A. Approvals require a unanimous decision by the voting members of the Seal Control Board, less abstentions.
- B. At the close of the balloting time frame, the Product Listing Coordinator shall document “approved” in the assigned product listing database.
- C. The *Seal Authorizations Book* and the website shall be updated to include the new product listing.

#### **4.4 Notification of Approval**

- A. Under the signature of the Seal Control Board Chairperson, the applicant (hereinafter referred to as the listee) shall be notified by a Product Listing Approval Letter (PLAL).
- B. Under the signature of the Seal Control Board Chairperson, a Seal Listing Certificate (SLC) identifying the listee, the standard name, number and date, the model(s), the product record number, the laboratory of record and the listing date shall be included with the PLAL.

#### **4.5 Retention of Application Material**

One (1) copy of the application material shall be retained by the ASSE International Office for the duration of the listing or for one (1) year after the voluntary or involuntary removal of the ASSE Seal.

#### **4.6 Tentative and/or Disapproved Applications**

- A. The Product Listing Coordinator shall forward all ballots which have a tentative or disapproved vote due to a technical reason, to the Staff Engineer for review.
- B. The Staff Engineer may discuss the contents of the tentative or disapproved ballot(s) with the listed testing laboratory of record, the Seal Control Board Member or the applicant's contact person regarding possible errors, omissions or supporting documentation.
- C. If the ballot has been returned with a tentative or disapproved vote based on a documentation error, the Product Listing Coordinator shall address the comment(s) with the applicant or the Seal Control Board Member. Once the documentation error has been addressed, the Product Listing Coordinator shall forward a second ballot to the Seal Control Board member who cast a disapproved or tentative ballot.
- D. The applicant's contact person shall be notified, in writing, that the application has a tentative ballot or has been disapproved and state the discrepancies, omissions or failures indicated on the ballot(s).
- E. Responses from the applicant, the laboratory or the Seal Control Board member shall be received within fifteen (15) calendar days and shall be forwarded to the Staff Engineer for review. If, in the opinion of the Staff Engineer, the unresolved issue(s) has been satisfactorily addressed, the Product Listing Coordinator shall forward a copy of the response and a second ballot to the voting member(s) of the Seal Control Board who submitted the tentative or the disapproved ballot(s).
- F. The Staff Engineer may discuss the response with the listed testing laboratory of record or the applicant's contact person to clarify any possible errors, omissions or supporting documentation.
- G. If, in the opinion of the Staff Engineer, the clarifying information, documentation or corrections have adequately addressed the comments on the disapproved or tentative ballot(s), the Staff Engineer shall instruct the Product Listing Coordinator to forward a second ballot to the Seal Control Board member(s) who cast a disapproved or tentative ballot(s).
- H. If the applicant or listed testing laboratory fails to respond within fifteen (15) calendar days, the application is disapproved and the application documentation is returned to the applicant.
- I. If it is determined by the Staff Engineer or by ballot of the Seal Control Board that an application does not meet the scope of a standard, the application is disapproved and will be returned to the applicant with an explanation by the Product Listing Coordinator.

#### **4.7 Second Ballot for Application**

- A. The voting member(s) of the Seal Control Board who submitted the tentative or the disapproved ballot(s) shall have five (5) calendar days to review the response and return the second ballot.
- B. No new issues on this application shall be introduced.
- C. If the voting member(s) of the Seal Control Board who submitted the tentative or disapproved ballot(s) fails to return the second ballot by the close of the fifth calendar day, the Product Listing Coordinator shall so inform the Staff Engineer and the Seal Control Board Chairperson. The Staff Engineer and/or the Seal Control Board Chairperson shall determine if all issues are resolved and approve or disapprove, as appropriate, the product(s) for ASSE listing.

#### **4.8 Resolution of Second Disapproved Ballot**

- A. If a tentative or disapproved ballot(s) is received from the second ballot(s), the Seal Control Board Chairperson, in an attempt to resolve the issue(s), shall address the voting member(s) of the Seal Control Board who submitted the tentative or disapproved ballot(s) by correspondence, special meetings or teleconferences.
- B. If the Seal Control Board Chairperson, through correspondence, special meetings or teleconferences with those voting member(s) of the Seal Control Board who submitted the tentative or disapproved ballot(s) resolves the issue(s) within fifteen (15) calendar days of the second ballot closing, the procedure as set forth in Section 4.5 shall be followed.
- C. If the voting members of the Seal Control Board cannot reach an affirmative, unanimous decision, less abstentions, on the second ballot,
  - 1) the application shall be disapproved.
  - 2) the Product Listing Coordinator shall notify the Seal Control Board Chairperson.
    - a) The Seal Control Board Chairperson, with the recommendation from the Staff Engineer that the discrepancies, omissions or failures as indicated on the ballot(s) have been addressed and with four (4) affirmative ballots may override a single negative ballot.

#### **4.9 Notification of Disapproval**

If the Staff Engineer does not recommend approval or the application is disapproved, the Product Listing Coordinator shall notify the applicant in writing that the eligible voting members of the Seal Control Board were unable to render an approval and that the application is disapproved.

#### **4.10 Special Appeal Meeting**

- A. Upon receipt of the notification that the voting members of the Seal Control Board were unable to render an approval, in an endeavor to resolve the issue(s), the applicant has fifteen (15) calendar days to appeal the decision and request a special meeting or teleconference meeting in an endeavor to resolve the issue(s).
- B. If the issue(s) is resolved, the voting members(s) who submitted the negative ballot(s) shall re-ballot for the record. The applicant shall be notified in writing.
- C. If the issue(s) is not resolved, the Product Listing Coordinator, under signature of the Seal Control Board Chairperson shall notify the applicant, in writing, that the voting members of the Seal Control Board were unable to render an approval and the application is disapproved.
- D. Personnel, including those acting in a managerial capacity, who may have a conflict of interest which may compromise the impartiality of an investigation of an appeal shall not be part of the appeals process.

#### **4.11 Appeal Expenses**

- A. All documented expenses shall be the responsibility of the applicant. Charges may include, but are not limited to, purchase of product(s), testing laboratory charges, consultants, legal counsel, telephone charges, mailing/shipping costs and hourly rates as determined by the ASSE Board of Directors for ASSE personnel.
- B. The applicant shall be invoiced, on a monthly basis, for all documented expenses. All invoices shall be paid per the stated terms. The appeal shall be held in abeyance until all past due accounts are settled.

#### **4.12 Requests for Hearing before a Board of Appeals**

- A. Upon receipt of the notification from the Seal Control Board Chairperson that the Seal Control Board was unable to render an approval following the special appeal meeting, the applicant may request a hearing before a Board of Appeals. A written request shall be filed with the ASSE International Office within thirty (30) calendar days after the date of notification that the application was disapproved.
- B. If a written request for a hearing is not filed within the thirty (30) calendar days, the file shall be closed and all application documentation returned to the applicant.

#### **4.13 Membership of the Board of Appeals**

- A. The Board of Appeals shall consist of three (3) individuals who have not been directly involved in the decision and who will not be materially or directly affected by any decision made in the appeal.
  - 1. One (1) member, who shall serve as the chairperson, shall be appointed by the International President.
  - 2. One (1) member shall be appointed by the Product Listing Coordinator.
  - 3. One (1) member shall be appointed by the applicant.
- B. Each member of the Board of Appeals shall be approved by a majority vote of the International President, the Product Listing Coordinator and the applicant.

#### **4.14 Purpose and Decision**

- A. The purpose of the Board of Appeals is to review all documentation submitted prior to the date of the hearing and to render a decision whether the Seal Control Board adhered to the procedural requirements as set forth in the *Seal Control Board Procedures* and/or the technical requirements as referenced by the applicable standard.
- B. The Board of Appeals may request testimony from the applicant and/or their expert witnesses and may request testimony from representative(s) of the Seal Control Board, the Product Listing Coordinator, representative(s) from the Board of Directors and/or their expert witnesses.
- C. The decision shall be by a two-thirds (2/3) vote by the Board of Appeals. The Board of Appeals shall render its decision, in writing, stating findings of fact and conclusions within thirty (30) days of the conclusion of the hearing.
- D. If the Board of Appeals rules in favor of the applicant, the application shall be approved. The applicant shall be notified of the decision in writing.
- E. If the Board of Appeals does not uphold the appeal, the application shall remain disapproved and the file closed. The applicant shall be notified of the decision in writing. All application documentation shall be returned to the applicant.
- F. If the applicant elects to resubmit the product(s) as a new application for the ASSE Seal, all items pertaining to the disapproval by the voting members shall be addressed. The product shall then be tested at a listed testing laboratory and a new application submitted.

#### **4.15 Board of Appeals Expenses**

- A. Prior to a Board of Appeals hearing, the applicant shall agree, in writing, to reimburse ASSE for all documented related expenses incurred by the members of the Board of Appeals and for the administration of the Society's activities relating to the appeal hearing. ASSE shall in turn

reimburse the members of the Board of Appeals for their documented, related expenses. The expenses may include, but are not limited to, travel, lodging, legal and secretarial services.

- B. If the applicant fails to agree, in writing, to the conditions as set forth in Section 4.15A, the original decision of the Seal Control Board shall remain in effect.
- C. The applicant shall be invoiced, on a monthly basis, for all documented expenses. All invoices shall be paid per the stated terms. The appeal shall be held in abeyance until all past due accounts are settled.

#### **4.16 Retention of Board of Appeals Documents**

- A. One (1) copy of all Board of Appeals documents shall be retained by the ASSE International Office for one (1) year following notification of the decision of the Board of Appeals.
- B. If the applicant elects to resubmit the product(s) as a new application, the Board of Appeals hearing documents shall be destroyed.

## **SECTION 5**

### **Product Listings Questions, Complaints & Disputes**

#### **5.1 Product Listings Questions, Complaints & Disputes**

- A. ASSE, while recognizing its responsibility to the public to promote safe sanitary practices through the Product Listing Program, provides a system of recourse or appeal, to those who have complaints, questions or disputes about its policies, procedures and the performance of personnel involved in the Product Listing Program. All complaints, questions or disputes shall be submitted in writing to the ASSE International Office as described in Section 5.2.
- B. Entities that question an ASSE listed product shall submit a letter, in writing, detailing their concerns with supporting documentation to the attention of the Product Listing Coordinator. If ASSE determines that the device should be retested to the applicable standard after reviewing the letter and supporting documentation indicating non-compliance, ASSE shall independently obtain the product for testing at an ASSE listed testing laboratory. Once the retesting is completed, the complainant and the listee of the product in question will be notified of the results and the procedures in Section 13.4 shall be followed. If the retesting indicates that the device is still in compliance with the requirements of the standard, the complainant will be responsible for all costs involved. If the retesting indicates that the device is not in compliance with the requirements of the standard, ASSE shall determine the costs that are chargeable to the listee of the product not in compliance.
- C. ASSE alone and at its sole discretion, has the right to challenge any entity which has been given express, prior, written consent to display the ASSE Seal.
- D. ASSE alone and at its sole discretion, has the right to challenge the unauthorized use or infringement(s) of the ASSE Seal.
- E. ASSE alone and at its sole discretion, has the right to seek legal counsel against any entity who unlawfully uses, improperly displays or attempts to display the ASSE Seal.
- F. Personnel, including those acting in a managerial capacity, who may have a conflict of interest which may compromise the impartiality of an investigation of a complaint, question or dispute shall not be used to review the complaint, question or dispute.

#### **5.2 Questions, Complaints or Disputes about ASSE Procedures and Policies**

- A. Person(s) who have complaints, questions or disputes about the policies and procedures of the Product Listing Program or of a listed product, shall document these complaints or questions, in writing, to the attention of the Product Listing Coordinator. Person(s) who have complaints, questions or disputes about the performance of the personnel involved in the Product Listing Program shall document these complaints or questions, in writing, to the attention of the Administrative Manager.
- B. Complaints, questions or disputes about the policies and procedures of the Product Listing Program or of a listed product shall be evaluated promptly and carefully by the Product Listing Coordinator and reported to the Board of Directors. Complaints, questions or disputes about the performance of the personnel involved in the Product Listing Program shall be evaluated by the Administrative Manager or the Board of Directors.
- C. ASSE shall ensure that appropriate action shall be taken to address the issues.
- D. The complainant shall be notified, in writing, by the Product Listing Coordinator or the Administrative Manager of the action taken.

### **5.3 Record Keeping of Complaints, Questions, Disputes and Appeals**

- A. Documentation of the complaint, question, dispute or appeal along with any correspondence and a report of any actions taken, shall be maintained while the investigation is ongoing and once closed out, for as long as the listing in question is an active listing. All documentation shall be maintained at the ASSE International Office.
- B. Documentation for complaints, questions and disputes regarding product listings or the Product Listing Program Procedures shall be maintained by the Product Listing Coordinator.
- C. Documentation for complaints, questions and disputes regarding personnel involved within the Product Listing Program shall be maintained by the Administrative Manager.

### **5.4 Technical Interpretations and/or Clarifications**

- A. Should an applicant, ASSE listee or an ASSE listed testing laboratory need a technical interpretation or clarification of an ASSE Product Standard or one of those referenced in Appendix D, a request shall be made in writing by letter or e-mail to the ASSE International Office to the attention of the Staff Engineer.
- B. Upon receipt, the Staff Engineer shall review the request to determine the nature of the request.
- C. If, after review, the Staff Engineer determines a clarification is necessary, the Staff Engineer shall respond in writing to the requester after review. Should additional information be required, the Staff Engineer shall contact the requester directly by phone, e-mail, fax or letter and then respond to the requester directly with the clarifications.
- D. If, after review, the Staff Engineer determines a technical interpretation is necessary, the Staff Engineer shall forward the request to the Chairperson(s) of the Product Standards Committee (PSC) and/or Seal Control Board.
  - 1. Upon receipt, the PSC and/or Seal Control Board shall review the request.
  - 2. Once a response has been drafted by the PSC and/or Seal Control Board, the Chairperson(s) shall forward the response to the Staff Engineer.
  - 3. The Staff Engineer shall then forward the technical interpretation in writing to the requester.

### **5.5 Appeals**

- A. A decision regarding a complaint, question or dispute as determined by ASSE may be appealed.
- B. A representative from the parties involved shall request an appeal of the final decision as determined by ASSE with 15 days of notification.
- C. If an appeal is received, a special appeal meeting will be held via teleconference. The person issuing the appeal along with the Seal Control Board Chairperson, Product Listing Coordinator and Staff Engineer shall be present.
- D. All documented expenses will be the responsibility of the party requesting the appeal.
- E. If a decision is rendered during the Special Appeal meeting, the Product Listing Coordinator shall notify the parties involved in writing of the decision.
- F. If a decision can not be rendered or the party involved would like to appeal the decision rendered, the party involved shall request a hearing before a Board of Appeals.
- G. A written request shall be filed with ASSE with 30 days after the Special Appeals Meeting.
- H. The procedures as set out in Sections 4.13 – 4.16 shall then be followed.

## **5.6 Timeline for Addressing Questions, Complaints & Disputes**

- A. Because each case is different and some cases may require retesting, there is not a set time period for when ASSE's investigation of a question, complaint or dispute will be completed.
- B. ASSE will evaluate each case and provide an estimated time period for completion of an investigation of a question, complaint or dispute to the party who issued the concern.
- C. Should the party who issued the concern feel that the investigation of the question, complaint or dispute by ASSE is taking an unnecessary amount of time, the party may contact the Seal Control Board Chairperson.

## **SECTION 6**

### **Display of the Seal**

#### **6.1 Ownership**

- A. The American Society of Sanitary Engineering is the sole owner of the ASSE Seal. The ASSE Seal is a duly registered trademark with the US Department of Commerce Patent and Trademark Office (United States Trademark Reg. No 2,323,383).
- B. The Seal shall not be affixed to or published on any product, advertisement, literature, instruction, packaging and other printed material until written authorization to display the seal has been received from the Seal Control Board Chairperson.

#### **6.2 Display of the ASSE Seal**

- A. The ASSE Seal and the applicable standard(s) number shall be displayed on all ASSE listed products which have received the express, prior, written consent from the ASSE Seal Control Board Chairperson. There are various markings required by individual standards which must be displayed in order to meet the standard's requirements.
- B. Subject to express prior written consent by ASSE, ASSE listed products whose only finished surfaces exposed to view would be defaced by the imprinting of the ASSE Seal and applicable standard number(s) and those products by virtue of their size would not permit the imprinting of the ASSE Seal and applicable standard number(s), shall have the ASSE Seal placed on all product literature and packaging. This exclusion of the ASSE Seal and applicable standard(s) number(s) on the product shall be recorded on the listing certification and in the database file at the ASSE International Office. All products granted this exclusion shall be published in the *ASSE Seal Authorizations Book* and the ASSE website with this notation.
- C. All ASSE listed products (with the exception of products noted in Section 6.2 - B) not displaying the ASSE Seal and applicable standard(s) number on products shall be considered "not listed" and removed from the Seal Authorization List, the quarterly *ASSE Seal Authorization Book* and on the ASSE website.

**NOTE:** As the ASSE Seal is a recognizable symbol of product performance to nationally recognized consensus standards, ASSE recommends that the ASSE Seal be included in all product literature and advertisements.

#### **6.3 Prohibition of Display (Infringed Products)**

- A. The ASSE Seal shall not be affixed to or published on any product and product literature or packaging until written approval to display the ASSE Seal has been received from the Seal Control Board Chairperson. Infringed products are governed by the guidelines found in Section XII of these Procedures.
- B. Should ASSE discover the improper use of the ASSE Seal Logo, (i.e.: Seal Logo is displayed on product that has been determined to be hazardous, the product is not authorized to display the Seal Logo, the product contains an unauthorized form of the Seal Logo or the product is in violation of the certification agreement, etc.), a letter will be forwarded to the company improperly displaying the ASSE Seal Logo informing them to remove the logo from the product, literature, catalog, advertisements or website upon receipt of notification.

- C. The Product Listing Coordinator shall forward a copy of such letters to the Board of Directors and Seal Control Board.
- D. The Product Listing Coordinator shall follow up with the company in question to ensure that the improper display of the ASSE Seal Logo has been removed in the timeline requested. If the ASSE Seal Logo is not removed, the Product Listing Coordinator shall inform the Board of Directors and the Board of Directors shall determine the next course of action. The Board of Directors shall refer to ISO Guide 27 for direction in determining the next course of action.
- E. ASSE maintains the right to take appropriate legal action, as determined by the ASSE Board of Directors, for unauthorized display of the Seal.

#### **6.4 Product Endorsement**

- A. Display of the ASSE Seal is not a product endorsement. Display of the ASSE Seal is confirmation that the product(s) has been submitted to an ASSE listed testing laboratory for evaluation to the applicable product standard, has been reviewed by the voting members of the Seal Control Board and is found to be in compliance with the minimum requirements as stated in the applicable standard and the current edition of the *Seal Control Board Procedures*.
- B. Any misrepresentations or violations of the *Seal Control Board Procedures* shall be cause for removal of the ASSE Seal on the product(s) and on all literature pertaining to the products.

## **SECTION 7**

### **Quality System**

#### **7.1 ASSE Quality System**

- A. The Product Listing Coordinator, the Seal Control Board Chairperson and the Administrative Manager shall ensure a quality system is established, implemented, maintained and reported as defined in ISO/IEC Guide 65 - 4.5.3.
- B. The procedures for conducting internal audits shall be based on ISO 19011.

#### **7.2 Applicant Product Quality System**

- A. Each applicant shall demonstrate, prior to approval for the product listing, that the manufacturing and/or assembly facility for the proposed product has an ongoing product quality system.
- B. The applicant's quality system shall include:
  - 1. Written procedures for identifying the product during all stages of production.
  - 2. Written procedures for inspecting and/or testing finished products.
  - 3. Maintain records verifying that the product has passed all phases of inspection and/or testing.
  - 4. Maintain records verifying that all inspection, measuring and test equipment is calibrated and inspected at prescribed intervals utilizing certified equipment to nationally recognized standards or defining the basis used for calibration and inspections.
- C. The system and/or these records shall be available to ASSE when requested.

#### **7.3 Listee Product Quality System**

- A. The listee shall keep a record of all complaints made known to the supplier relating to a product's compliance with requirements of the applicable standard and to make these records available to the ASSE or the ASSE's representative(s), when requested.
- B. The listee shall take appropriate action with respect to such complaints and any deficiencies found in products or services that affect compliance with the requirements for certification.
- C. The listee shall document the actions taken.
- D. The quality system and/or these records shall be available to ASSE when requested.

#### **7.4 First Time Applicant's Quality System**

- A. First time applicants shall include with the application a Quality Manual or documentation of compliance to ISO 9001 (current edition). At a minimum, the first time applicant shall complete an ASSE Quality Control Questionnaire.
- B. The Quality Manual, documentation of compliance to ISO 9001 (current edition) or the ASSE Quality Control Questionnaire shall be reviewed by the Product Listing Coordinator and/or the Staff Engineer prior to approval for product listing.

#### **7.5 Product Quality Requirements**

- A. Applicants' listed manufacturing site(s) demonstrating compliance to ISO 9001(current edition) shall be deemed in compliance with this section.
- B. A copy of the ISO 9001 certificate shall be included in the application.

## **SECTION 8**

### **Disposition of the Seal**

#### **8.1 Voluntarily**

When a manufacturer voluntarily terminates their ASSE Seal Listing, one of the following shall apply:

- A. Product(s) with a date code prior to the date of notification can display the ASSE Seal on those product(s); but the product(s) is removed from the ASSE Seal List, the *Seal Authorizations Book* and the website.
- B. Product(s) date coded after notification shall not display the ASSE Seal on those product(s).
- C. Products not date coded shall not display the ASSE Seal and the product(s) shall be removed from the ASSE Seal List, the *Seal Authorization Book* and the website. The ASSE Seal shall be removed from all product literature, instructions, packaging and other printed material.

#### **8.2 Involuntary**

See Section 13.

## **SECTION 9**

### **Renewals**

#### **9.1 Annual Renewal**

- A. Annually all listees shall receive a Seal Authorization Renewal Notice. This notice shall include:
1. The amount due for each listing.
  2. A statement to be signed by a duly authorized representative of the listee certifying that the product(s) has not changed or been modified in the past year.
  3. A statement which reads: "If the product(s) is produced at a facility subcontracted by the listee, the signature of the listee's duly authorized representative also confirms that the manufacturing facility has not made any changes to the design of the product, the materials of the product or to the material suppliers without prior notification to ASSE".
- B. Before the renewal certificate will be issued, the listee's duly authorized representative shall return to the ASSE International Office the signed renewal notice together with the referenced renewal fee. Renewal status is not official until such time as the signed statement is received in the ASSE International Office.

#### **9.2 Updated Drawings**

Every seven (7) years or at ASSE's discretion, the listee shall be required to submit the most current drawings to ASSE. This shall be done at the time of renewal.

#### **9.3 Updated Material Listing**

- A. Every three (3) years, or at ASSE's discretion, the listee shall be required to submit a complete material listing to ASSE at the time of renewal.
- B. Before the listing shall be renewed, the Staff Engineer shall compare the material listing as submitted by the listee with the material listing on file to verify no changes to the materials have been made without prior written approval from ASSE.
- C. If the Staff Engineer determines that an unauthorized modification has been made to the materials, he shall notify the Product Listing Coordinator. The Product Listing Coordinator shall then follow the steps in Section 10.4.
- D. Should the Staff Engineer determine that no unauthorized modifications have been made to the materials, he shall recommend to the Product Listing Coordinator that the listing be renewed.

## **SECTION 10**

### **Modifications to a Listed Product**

#### **10.1 Modification(s) to a Listed Product**

- A. When a listee intends to make a modification(s) to an ASSE listed product(s), including a material modification, a full description of the intended modification(s) along with new technical data or drawings shall be submitted, in writing, to the ASSE Product Listing Coordinator.
- B. Upon receipt, the Product Listing Coordinator shall verify that the product is ASSE listed and forward the request with the supporting documentation to the Staff Engineer for review.

#### **10.2 Modification(s) Not Affecting Performance**

- A. The Staff Engineer, at his discretion, shall determine if the modification(s) does not affect the performance of the product as it relates to the applicable standard (nonfunctional modification(s)) and, as such, no additional testing is required.
- B. Examples of nonfunctional changes to a product listing include, but are not limited to, exterior trim options, exterior finishes such as chrome, satin chrome and polished, additional types of end connections of the same pipe size as the original listed product, consolidations of records and additional marketing product designation numbers.
- C. The listee shall be notified of the results of the modification request.

#### **10.3 Modification(s) Affecting Performance**

- A. If the Staff Engineer determines that the change may affect the performance as it relates to the standard and therefore determines additional testing is necessary, the Staff Engineer shall request a review of the intended modification and make a recommendation for further testing to the voting members of the Seal Control Board. This should be noted on the Staff Engineer's Review Form.
- B. The Product Listing Coordinator, upon receipt of the signed and dated Staff Engineer's Review Form, shall forward a copy of the modification request, the Staff Engineer's Review Form and a ballot to all voting members of the Seal Control Board for review and balloting.
- C. The Seal Control Board shall have fifteen (15) days to review the modification request and to return the ballot to the Product Listing Coordinator. If the majority of the voting members of the Seal Control Board determine that the modification requires additional testing, the listee and/or manufacturer shall be notified, in writing. The notification shall clearly indicate what section(s) of the standard shall be tested and the rationale for additional testing. If the Seal Control Board determines no additional testing is necessary, the modification shall be approved and the procedures as stated in Section 9.3 H shall be followed.
- D. If additional testing is required, the listee and/or manufacturer shall submit the product(s) to a listed testing laboratory for testing to the specific sections of the standard as required by the Seal Control Board.
- E. Upon completion of the testing, the laboratory shall submit the original Laboratory Evaluation Report Form to the Product Listing Coordinator with a cover letter noting testing was performed because of a modification.
- F. If only partial testing was required by the Seal Control Board, the Product Listing Coordinator shall forward a Staff Engineer's Review Form along with the Laboratory Evaluation Report Form, supporting documentation and the original modification request to the Staff Engineer.

- G. The Staff Engineer shall review the completed Laboratory Evaluation Report Form and all documentation, complete the Staff Engineer's Review Form indicating approval or disapproval and then forward the Staff Engineer's Review Form to the Product Listing Coordinator.
- H. If approved by the Staff Engineer, the Product Listing Coordinator shall note the modification in ASSE's files and forward a supplement to the certificate, written notification of approval and an invoice for the modification to the listee. If disapproved by the Staff Engineer, the Product Listing Coordinator shall inform the listee in writing that the modification has been disapproved with rationale for disapproval.
- I. If complete testing to the standard was required by the Seal Control Board, the modification shall be handled as a new application and the listee will be notified to submit a cover letter, nonrefundable application fee and application materials as referenced in Section 3.1A to the Product Listing Coordinator. The procedures as stated in Section 4 shall be followed.

#### **10.4 Unauthorized Product Modification**

If an ASSE listed product(s) is modified by the listee or the manufacturer without prior, written authorization from ASSE, the procedures in Section 13.2 shall be followed.

#### **10.5 Modification Fees**

- A. The modification fee shall be the responsibility of the manufacturer and/or listee.
- B. If testing to the complete standard was required by the Seal Control Board, the listee shall be required to submit a full application fee at the time testing is completed and the application is submitted to ASSE.

## **SECTION 11**

### **Private Labels (Additional Product Listings)**

#### **11.1 Private Labels (Additional Product Listings)**

- A. A private label shall exist if a current listed product is intended to be marketed by a company under a different name than the listee.
- B. Should an ASSE listee desire to additionally list a current listed product to be marketed as a private label by another company, the listee shall complete the Private Label Request Form which can be obtained from the ASSE website.
- C. Upon completion, the listee shall submit the Private Label Request Form to the Product Listing Coordinator.

## **SECTION 12**

### **Revisions to a Product Standard**

#### **12.1 Applications under the Current Edition**

- A. An application received within six (6) months of the Board of Directors approving the revision of a product standard, may be submitted under the previous edition of the product standard. Any application received after the expiration of the six (6) month date shall be returned to the applicant.
- B. If the product is at a listed testing laboratory and the testing cannot be completed within the six (6) month time frame, the applicant can request, in writing, an extension. The request shall include a statement from the listed testing laboratory indicating the approximate completion date.
- C. An exception to the rule may be granted upon written approval of the ASSE Seal Control Board.

#### **12.2 Updating to the Revised Edition**

- A. If the Seal Control Board determines no further testing is needed the listing will be updated to the revised edition of the standard and the listee shall be notified.
- B. If the Seal Control Board determines retesting is necessary, to maintain the listing, the product(s) shall be tested to either the revised section(s) or the complete standard (as directed by the Seal Control Board) within three (3) years of the ASSE Board of Directors approval date of the Standard.
- C. All listees with products approved under the revised standard shall be informed of the testing requirements as directed by the Seal Control Board through direct correspondence, as published in the *ASSE Newsletter* or *Plumbing Standards* magazine.
- D. The listee and/or the listed testing laboratory shall submit to ASSE a revised Laboratory Evaluation Report Form. The Laboratory Evaluation Report Form shall be reviewed by the Staff Engineer. Should the Staff Engineer have any questions regarding the Laboratory Evaluation Report Form or need any further documentation, the Staff Engineer shall contact the listee or listed testing laboratory for clarification.
- E. Should the listee elect not to submit the product(s) for retesting, the listee shall notify ASSE in writing and the product(s) shall be removed from the ASSE listing, the *Seal Authorizations Book* and the website. The listee will be notified upon completion of the removal of the listing that the product can no longer carry the ASSE Seal Logo.
- F. If the listee does not notify ASSE and a revised Laboratory Evaluation Report Form is not submitted within three (3) years of the ASSE Board of Directors approval date, the product shall automatically be removed from the ASSE listing, the *Seal Authorization Book* and the website. The listee shall be notified in writing of this action and that the product can no longer carry the ASSE Seal Logo.

#### **12.3 Withdrawal of an ASSE Product Standard**

- A. When the ASSE Board of Directors withdraws a standard, the Product Listing Coordinator, under signature of the Seal Control Board Chairperson shall notify all listees with products listed under the withdrawn standard in writing.
- B. Listing(s) can be maintained for three (3) years from the date of withdrawal.
- C. At the close of the three (3) year withdrawal date, the standard and all products listed under the standard shall be removed from the Seal List, the *Seal Authorization Book* and the website.

## **SECTION 13**

### **Suspensions & Removal of Product Listings**

#### **13.1 Suspensions for Health or Safety**

- A. Should the ASSE Board of Directors determine that a health or safety hazard associated with a product standard exists; all products listed under the affected standard shall be suspended immediately.
- B. The Product Listing Coordinator, under signature of the Seal Control Board Chairperson shall notify, in writing, all listee(s) with products listed under the affected standard that their product(s) are suspended. The listee shall also be informed that any products produced after the date of notification of the suspension shall not carry the ASSE Seal Logo until further notice from ASSE.
- C. Upon resolution of the health or safety issue(s), if the product's performance as it relates to the applicable standard is not affected, the listee(s) listing shall be reinstated and the listee(s) shall be notified in writing.
- D. If the product's performance is affected, the listee(s) shall be notified, in writing, that the product(s) shall be retested to the standard or to those section(s) of the standard, as determined by the Seal Control Board, before reinstatement can be granted.
- E. If a listee recognizes a potential hazardous situation with a listed product, ASSE shall be notified within 30 days from recognition of the problem.
- F. The listing shall therefore be suspended until such time as acceptable corrective action can be submitted by the Listee.
- G. The Listee will be informed by the Product Listing Coordinator of the suspension of the listing on the products and that any products produced after the date of notification of the suspension until further notice from ASSE shall not carry the ASSE Seal Logo.
- H. After receiving notification of suspension of the ASSE listing from the Product Listing Coordinator, the listee shall make no misleading claims regarding the certification of the product during the time of the suspension.
- I. If an inventory of products produced prior to the date of suspension, carrying the ASSE Seal Logo, exists, the Listee shall be responsible to notify all relevant existing and potential customers that the certification on the product has been suspended. A copy of this notification shall also be sent to ASSE.
- J. For all listings removed due to a potential health or safety hazard, ASSE shall also take all measures possible to contact the appropriate regulatory authorities, including but not limited to the Canadian Advisory Council on Plumbing, of the suspension of the product listing when relevant.
- K. The listee shall have sixty (60) days to submit corrective action to ASSE.
- L. The Staff Engineer, with consultation from the Seal Control Board Chairperson, shall determine if the corrective action is acceptable and shall notify the Product Listing Coordinator that the listing can be reinstated.
- M. If any safety related product incident or a safety related recall occurs that ASSE is aware of, ASSE as an accredited third party certification body, shall inform the Standards Council of Canada in writing and forward all applicable correspondence in accordance with CAN-P-1500M.

### **13.2 Suspensions Due to an Unauthorized Modification**

- A. If an ASSE listed product(s) is modified by the listee or the manufacturer without prior, written authorization from ASSE, the Product Listing Coordinator, after approval from the Seal Control Board Chairperson, shall immediately contact the listee stating the product listing has been suspended.
- B. The listee shall also be informed that any products produced after the date of notification of the suspension until further notice from ASSE shall not carry the ASSE Seal Logo.
- C. If the listee responds within the allotted time frame of thirty (30) calendar days, ASSE will determine the next course of action.
- D. If the listee does not respond within the allotted time frame, the listing will be delisted and the listee informed. The status of the listing shall then be considered inactive

### **13.3 Suspensions Due to a Failure of Factory Audit Retesting**

- A. Should two consecutive samples of the selected product fail the necessary testing or should the Seal Control Board determine a suspension of the product listing is necessary per Section 14.5 C & D, the Product Listing Coordinator, under signature of the Seal Control Board Chairperson, shall contact the listee stating the product listing has been suspended due to failure to conform to the applicable product standard performance requirements.
- B. The listee shall also be informed that any products produced after the date of notification of the suspension, until the date of reinstatement, shall not carry the ASSE Seal Logo.
- C. Should the listee elect to reinstate the listing, the listee shall have thirty (30) days from the date of notification to address the reason for failure of the testing and re-submit the product to an ASSE listed laboratory for the applicable retesting.
- D. The test results shall be submitted to ASSE directly by the laboratory within six (6) months from the date of notification of the suspension.
- E. The listee shall submit documentation detailing the corrective action to address the failure.
- F. Upon receipt of the required documentation and the test report form, the Product Listing Coordinator shall forward a Staff Engineer's Review Form, along with the documentation and test results to the Staff Engineer. The Staff Engineer shall make a recommendation to the Seal Control Board Chairperson to either reinstate or delist the listing. The Product Listing Coordinator, under signature of the Seal Control Board Chairperson, shall then notify the listee of the results.

### **13.4 Suspensions Due to a Failure of Retesting as Requested by ASSE to Resolve a Complaint**

- A. After following the steps as described in Section 5.1, if the retesting of a product due to a complaint received by ASSE indicates that the product is no longer in compliance with the requirements of the standard, the Product Listing Coordinator, under signature of the Seal Control Board Chairperson, shall contact the listee stating the product listing has been suspended due to failure of testing as requested by ASSE to settle a complaint submitted regarding the product.
- B. The listee shall also be informed that any products produced after the date of notification of the suspension until the date of reinstatement shall not carry the ASSE Seal Logo.
- C. In order for the listing to be reinstated, the listee shall submit to the ASSE Product Listing Coordinator, documentation that the cause for failure has been modified and new testing confirming that the product meets the applicable product standard within six months from the date of notification of the suspension.

- D. The documentation submitted by the listee along with the test results shall first be reviewed by the Staff Engineer and then balloted by the Seal Control Board for approval or disapproval. If the Seal Control Board approves the request, the listing shall be reinstated to an active listing. If the Seal Control Board disapproves the request, the listing will be delisted. In order to obtain the listing again, the steps in Sections 3 and 4 shall be followed.

### **13.5 Suspensions Due to a Failure of Submitting the Necessary Corrective Action**

- A. If the corrective action is not submitted as explained in Section 14.9, the affected listings will be suspended.
- B. The Product Listing Coordinator, under signature of the Seal Control Board Chairperson, shall contact the listee stating the product listing(s) has been suspended due to failure to submit the necessary corrective action.
- C. The listee shall also be informed that any products produced after the date of notification of the suspension shall not carry the ASSE Seal Logo until the date of reinstatement.
- D. In order for the listing to be reinstated, the listee shall submit to the ASSE Product Listing Coordinator, the necessary corrective action within 5 business days from the date of notification of the suspension.
- E. If the Listee fails to respond as required in 13.5 D, the listing will remain suspended and in order to be reinstated in the future, the Listee will be required to follow the procedures as outlined in Section 3 and 4.

### **13.6 Deactivating a Product Listing**

- A. Listees wanting to deactivate or withdraw their listings shall complete the “Deactivate Record or Remove Models Request” form obtained from the Product Listing Coordinator or request in writing to the Product Listing Coordinator that the listing be deactivated or the removal of specific models.
- B. The listee shall be informed that any products produce after the date of deactivation or withdrawal of the listing shall not carry the ASSE Seal Logo.

### **13.7 Listee Responsibilities – Notification of Suspension**

- A. The Listee shall be responsible to verify that as of the date of the suspension of the ASSE listing, any products produced do not carry the ASSE Seal Logo.
- B. After receiving notification of suspension of the ASSE listing from the Product Listing Coordinator, the listee shall make no misleading claims regarding the certification of the product during the time of the suspension.
- C. If an inventory of products produced prior to the date of suspension, carrying the ASSE Seal Logo, exists, the Listee shall be responsible to notify all relevant existing and potential customers that the certification on the product has been suspended. A copy of this notification shall also be sent to ASSE.

## SECTION 14

### Annual Inspections for Product Listing Compliance

#### 14.1 Compliance Inspections

- A. ASSE or an independent agency/agencies contracted by ASSE, shall conduct an annual announced or unannounced inspection(s) (audit) for all ASSE listed products. The inspection(s) shall be conducted to ascertain that:
  - 1. The listed manufacturing facility has an acceptable quality control system in place. As stated in Section 7.4, listed manufacturing sites demonstrating compliance to ISO 9001 (current edition) shall be deemed in compliance with this section.
  - 2. ASSE listed products display the proper markings as required by the applicable product standard including the ASSE Standard number and the ASSE Seal.
  - 3. No modifications have been made to the original listed product without prior written consent from the ASSE Seal Control Board.
  - 4. No unauthorized display of the ASSE Seal is being used.
- B. Inspections shall be conducted by qualified personnel as defined by ASSE.
- C. In-house witness testing shall be conducted under the supervision of a qualified ASSE inspector and the director of engineering, an in-house laboratory director or a manufacturer's factory representative. (Reference Section 14.8– In-House Witness Testing Criteria)
- D. Inspections shall be conducted in accordance with ISO/IEC 17020.
- E. Listees shall be billed for all costs incurred for the annual inspection(s) unless written notice from the listee advises ASSE to direct billing to the manufacturer on record.

#### 14.2 Inspections for Listees with Manufacturing Facilities without ISO-9001 Certification

During the course of an inspection at all listed manufacturer's locations, ASSE inspectors shall perform the following functions:

- A. Review of quality management system records and practices shall include, at a minimum, the processes as defined by the quality management system for product production, the application of the processes as it relates to the product production, the sequence and interaction of the processes, the criteria and the methods used to determine that these processes are effective, the availability of resources necessary to support the operation of these processes, the monitoring of these processes and the continual improvement of these processes.
- B. Review at least 50% of the listee's product listing records. Records shall be selected randomly without prejudice of prior audit history. Samples shall be selected from the ASSE listed products in production on the day of inspection or from available inventory. For each record inspected the following sampling plan shall be followed by the ASSE inspector:

Number of Models in Record	Number of Models to Inspect from Record	Number of Units of Each Selected Model to Inspect from Record
1-5 Models	1	1
6-15 Models	2	1
16 Models and over	3	1

ASSE reserves the right to select additional records if ASSE has a reasonable suspicion of a listed model that is not being produced in accordance with the ASSE Standard, Seal Control

Board Procedures and Product Listing Contract. Such additional inspection would be above the random 50% record selection. Reasonable suspicion could arise from query into the legitimacy of a listing.

- C. If there are no listed product(s) in production or stock, during the inspection, the manufacturer shall be instructed by the ASSE inspector to forward selected samples within 60 days from the date of the inspection to the ASSE International Office. If a production run is not scheduled within the 60 days of the date of the inspection, the manufacturer shall advise ASSE of the date of the next production run and submit to ASSE the selected samples within 30 days of the given date.
- D. The listee shall be invoiced for any additional costs which include but are not limited to any reviews and laboratory testing.
- E. Each selected product shall be examined for product markings and for possible marking infringements. The inspector shall review the product(s) and production drawings on file to determine that no modifications have been made to the original listed product(s) by a comparison of the drawings and technical data on file at the ASSE International Office.
- F. The inspector shall record all results and observations on the ASSE Factory Audit Report (FAR).
- G. The inspector shall ensure that each section of the FAR is complete. The signed and dated FAR shall be returned to the ASSE International Office within thirty (30) days of the inspection.
- H. ASSE reserves the right to randomly select a model(s) for testing to the appropriate section of the applicable standard from a series of models for each record. The period for retesting shall not exceed seven (7) years. If, during an annual audit, samples are not available for the requested testing, the listee shall be notified, in writing, that samples were not available and have the option of forwarding the required number of samples as determined by the ASSE Inspector (as stated in the applicable standard) to a listed testing laboratory or ASSE staff will purchase the required number of samples and forward the samples to the listee's designated listed testing laboratory. All costs involved for the purchase and shipping of the samples by ASSE shall be the responsibility of the listee.
  - 1. Inspectors shall select a sample(s) and, at the option of the manufacturer and/or listee, send the selected sample(s) to the manufacturer's and/or listee's choice of an ASSE listed testing laboratories or complete in house testing to be witnessed by the ASSE Inspector. Testing shall be in accordance with the latest issue of the applicable sections of the appropriate product standard and the latest edition of the *Seal Control Board Procedures*. Results of the test(s) shall be recorded on the appropriate Factory Audit Inspection Test Report Form.
  - 2. For sample(s) to be forwarded to an ASSE listed testing laboratory, the ASSE inspector shall:
    - a. Complete the Factory Audit Report and the Instructions for Testing for Audits to be included with the selected sample(s).
    - b. Tag the selected samples with the ASSE Logo Tape.
  - 3. The manufacturer/listee contact shall promptly forward the selected sample(s) to the listed testing laboratory by the best means available. If the manufacturer/listee contact is unable to forward the selected sample(s), they shall immediately notify the ASSE Product Listing Coordinator, in writing, explaining the reason for the delay.
  - 4. Upon receipt, the listed testing laboratory shall perform testing on the sample(s) in accordance with the appropriate section(s) of the product standard and the latest edition of the *Seal Control Board Procedures*. The laboratory shall forward the original one (1) copy of the completed Factory Audit Inspection Test Report Form to the ASSE International Office to the attention of the Product Listing Coordinator and one (1) copy to the manufacturer.

5. The Product Listing Coordinator shall forward a copy of the Factory Audit Inspection Test Report Form and the Staff Engineer' Factory Audit Review on Factory Audit Retests Form to the Staff Engineer.
6. The Staff Engineer shall review the report, mark the Staff Engineer's Factory Audit Report Form as appropriate and return a copy to the Product Listing Coordinator.
7. The listee shall be notified, in writing, if the selected product(s) was found in compliance and the record will be updated to reflect the new testing date. If the products were not found in compliance, the procedures in Section 13.3 will be followed.

**14.3 Inspections for Listees with Manufacturing Facilities with ISO-9001 Certification**

Manufacturers with ISO-9001 (current edition) have the option of factory audits as per Section 12.2 or as follows:

- A. Annually the manufacturer shall supply an ISO 9001 certificate to the ASSE International Office.
- B. The manufacturer shall specify a location that normally stocks at least fifty (50) percent of the listed products including warehouses, wholesalers, distributors or retail locations.
- C. Annually, an ASSE Inspector shall perform an inspection at the manufacturer's designated warehouse, wholesaler, retail location or distributor.
- D. During the course of the inspection, the ASSE Inspector shall perform the following functions:
  1. Review at least 50% of the listee's product listing records. Records shall be selected randomly without prejudice of prior audit history. Samples shall be selected from the ASSE listed products in inventory on the day of the inspection. For each record inspected the following sampling plan shall be followed by the ASSE Inspector:

Number of Models in Record	Number of Models to Inspect from Record	Number of Units of Each Selected Model to Inspect from Record
1-5 Models	1	1
6-15 Models	2	1
16 Models and over	3	1

2. Review non-listed products for unauthorized display of the ASSE Seal produced by the same manufacturer.
3. Determine that no modifications have been made to the original listed product by a comparison of the current drawings and technical data on file at the ASSE International Office.
- E. ASSE reserves the right to select additional records if ASSE has a reasonable suspicion of a listed model that is not being produced in accordance with the ASSE Standard, Seal Control Board Procedures and Product Listing Contract. Such additional inspection would be above the random 50% record selection. Reasonable suspicion could arise from query into the legitimacy of a listing.
- F. The inspector shall record all results and observations on the ASSE Distributor/Retailer/Warehouse Report Form.
- G. The inspector shall ensure that each section of the ASSE Distributor/Retailer/Warehouse Report Form is completed. The signed and dated document shall be returned to the ASSE International Office within thirty (30) days of the inspection.
- H. ASSE reserves the right to randomly select a model(s) for testing to the appropriate section of the applicable standard from a series of models for each record. The period for retesting shall not exceed seven (7) years.

- I. If the ASSE Inspector purchases a listed product at a manufacturer's designated warehouse, distributor, retail location or wholesaler for retesting, the purchased product shall be forwarded to the Staff Engineer at the ASSE International Office. Once received, the Staff Engineer shall:
  - 1. Not disassemble the product for interior checks in order to maintain the integrity of the device;
  - 2. Verify the identification of the device;
  - 3. Reseal the package after verification of the device;
  - 4. Tag the package with the ASSE Logo Tape and label the package with the ASSE record number and the date of visual inspection;
  - 5. Sign the package to ensure that the device was handled according to these procedures;
  - 6. Maintain a log of each device purchased and inspected.
- J. The listee shall be notified that the product(s) was selected for the required testing and request the listee to inform ASSE, in writing, to which listed testing laboratory the product(s) shall be forwarded. Procedures, as listed in Section 14.2H 4-7 shall be followed.
- K. The listee shall be responsible for any additional costs which may include, but are not limited to: sample purchases, shipping to the ASSE listed testing laboratory, reviews and/or laboratory testing.

#### **14.4 Two Categories of Product Failures**

- A. **Affected product(s)** - ASSE listed product that fails to meet the requirements of the applicable sections of the product standard during in house witness testing or at a listed testing laboratory.
- B. **Infringed product(s)** - product that displays the ASSE Seal prior to receiving authorization from the Seal Control Board.

#### **14.5 Affected Product(s) Disposition**

- A. If the first sample of the selected ASSE listed product tested in-house or at an ASSE listed testing laboratory as part of an ASSE listing compliance inspection, fail to comply with the applicable sections of the product standard(s), a second sample shall be tested. Should the second sample of the selected ASSE listed product fail the necessary retesting, the procedures as outlined in Section 13.3 shall be followed.
- B. Should a failure of the testing of the first selected ASSE listed product and passing of the second sample, a written explanation of the failure shall be submitted by the laboratory to ASSE for review by the Staff Engineer.
- C. After review by the Staff Engineer, the Product Listing Coordinator shall forward the Staff Engineer's Review, the explanation of the failure as submitted by the laboratory, the failed and passed factory audit retest report forms, with a ballot to each voting member of the Seal Control Board. The voting members of the Seal Control Board shall have 15 days to return their ballots.
- D. Should the Seal Control Board determine that the listing shall be suspended, Section 13.3 shall be followed.

#### **14.6 Multiple Plants /Same Product(s)**

- A. Some manufacturers or listees fabricate the same model(s) and size(s) at more than one manufacturing location.
- B. The following procedures apply only to manufacturers or listees who have clearly identified each manufacturing location for each listed product. A product(s) that is not clearly identified with the manufacturing location shall be considered manufactured at all plants covered by the listing.

- C. A clearly marked product(s) of the same size and model manufactured at any of the other listed plants shall not be considered "affected product(s)".
- D. A product(s) that is not clearly identified with the production line and plant shall be considered manufactured on all production lines covered by that listing and shall all be considered an "affected product(s)".

#### **14.7 Payment of Expenses**

The listee shall be invoiced for all costs incurred as a result of product failures including, but not limited to, testing and additional follow-up inspections as determined by ASSE (including travel expenses and ASSE costs).

#### **14.8 In-House Witness Testing Criteria**

- A. Qualifications of the ASSE Inspectors (including subcontractors):
  1. ISO/IEC 17025 Training by an Accredited Organization.
  2. ISO/IEC 9001 Training by an Accredited Organization.
  3. Five (5) years experience in auditing and/or plumbing background.
- B. Capabilities of the manufacturing facility to conduct in-house testing to ASSE Standards should include:
  1. Personnel.
  2. Equipment.
  3. Records of maintenance and calibration.
  4. Current copy of the applicable standard is available.
- C. In-house witness testing should be arranged by the ASSE Inspector prior to the audit to ensure the testing equipment can be set-up and that the product is available.
- D. ISO Certificates shall be provided to the ASSE Inspector if the manufacturing facility has ISO certifications.

#### **14.9 Corrective Action**

- A. If a deficiency is found during an inspection regarding the listed product(s) or the manufacturer's/listee's quality control system, the listee will be notified in writing by the Product Listing Coordinator.
- B. The listee shall be responsible to submit corrective action or ensure that the manufacturer, if different than the listee, submits corrective action.
- C. All corrective action shall be submitted to the Product Listing Coordinator within 60 days from notification.
- D. If the necessary corrective action is not submitted by the deadline, the Product Listing Coordinator shall notify the Listee that the necessary corrective action was not submitted by the required due date and that the Listee has 10 additional business days to submit the corrective action or arrange a timeline as agreed on by the Product Listing Coordinator and the Listee to submit the corrective action.
- E. If the Listee has not responded to the Product Listing Coordinator within the 10 business days, the procedures in Section 13.5 shall be followed.

## **SECTION 15**

### **Disposition of Unlisted Product(s) Displaying the ASSE Seal**

#### **15.1 Infringed Products**

If any product(s) is found displaying the ASSE Seal during an annual inspection or through any other means and the manufacturer or listee has not been given prior written authorization by the Seal Control Board Chairperson to display the ASSE Seal, the following procedures shall be followed:

- A. All unlisted products displaying the ASSE Seal shall be designated "infringed products". Any manufacturer or listee found infringing on ASSE's sole and exclusive right to the control and use of the ASSE Seal, shall be instructed to immediately cease and desist from further display of the ASSE Seal on the product(s) and all references to ASSE Seal listing shall be eliminated until such time as the manufacturer submits an application in accordance with Section II and the ASSE Seal Control Board determines the product(s) has met all the requirements of the applicable product performance standard(s) and the rules and regulations as stated in the *ASSE Seal Control Board Procedures* (current edition).
- B. Immediately upon notification by ASSE, the manufacturer shall perform the following:
  - 1. Place on hold all quantities of the "infringed products" still remaining in inventory.
  - 2. Within ninety (90) days, recall all of the "infringed products" that have been delivered to third parties.
  - 3. Notify ASSE when the ASSE Seal has been removed from all unlisted products; both in house and in the field.
  - 4. Schedule an inspection, both in house and at large, to ensure that the ASSE Seal has been removed from all unlisted products.

#### **15.2 Disposal of "Infringed Product(s)"**

If, during a factory audit, the inspector discovers an unlisted product(s) displaying the ASSE Seal, the manufacturer or listee shall choose one of the following options:

- A. Remove the ASSE Seal from all quantities of the "infringed product(s)" in the presence of the inspector.
- B. Request the inspector to identify all quantities of the "infringed product(s)". Remove the ASSE Seal from all "infringed product(s)" within ninety (90) days. Hold all of the "infringed products" in stock. Notify ASSE immediately when the ASSE Seal has been removed from the "infringed product(s)" so that a follow-up inspection can be scheduled. During the follow-up inspection, the inspector shall verify that the ASSE Seal has been removed and can then release that product for distribution.

#### **15.3 Payment of Expenses**

- A. The violating manufacturer or listee shall be invoiced for all costs incurred as a result of the unauthorized use of the ASSE Seal, including inspection costs.
- B. Inspection costs shall include, but are not limited to, travel expenses and inspection fees.
- C. Inspections performed as a result of the unauthorized use of the ASSE Seal shall include the following:
  - 1. Follow-up inspection(s) to verify proper disposal of the ASSE Seal on all products.
  - 2. Re-inspection(s) to determine when listing shall be granted.

#### **15.4 Results of Marking Infringement(s)**

If the removal of the ASSE Seal from the "infringed product(s)" is not accomplished within ninety (90) days, unless prior arrangements for an extension have been made with the ASSE, the ASSE shall contact legal counsel for violation of federal and/or state laws.

#### **15.5 Federally Registered Trademark**

The American Society of Sanitary Engineering is the sole owner of the ASSE Seal. The ASSE Seal is a duly registered trademark with the US Department of Commerce Patent and Trademark Office (United States Trademark Reg. No. 2,323,383). Display of the ASSE Seal or any other mark owned by ASSE without the prior written authorization of the Seal Control Board Chairperson or the ASSE Board of Directors is a violation of federal and state law. Failure to adhere to the policies set forth in this section shall result in legal action.

## **SECTION 16**

### **ASSE Listed Testing Laboratories**

#### **16.1 Listed Testing Laboratories**

- A. Testing laboratories or agencies seeking ASSE listing shall request in writing a laboratory application form. Upon receipt of such a request, an application shall be forwarded to the testing laboratory or agencies by the Product Listing Coordinator.
- B. The laboratory shall submit to ASSE a copy of the Laboratory Listing Agreement, resume(s) of laboratory personnel, equipment information, quality documents and manual, two laboratory evaluation report forms prepared by the laboratory and the Laboratory Standards Update list.
- C. The laboratory applicant and/or listed testing laboratories shall adhere to the ASSE Laboratory Listing Agreement.
- D. ASSE shall conduct an initial laboratory audit.
- E. Laboratories not indicating a qualified toxicologist on staff shall be required to include toxicology compliance from agencies that have a qualified toxicologist on staff and have met ANSI requirements for testing to the applicable toxicology standards.
- F. The laboratory applicant shall be notified by a confirmation letter and a listing certificate. The certificate shall be renewed annually upon verification of compliance to the Laboratory Listing Agreement.
- G. Annually, at the request of the Product Listing Coordinator, the listed testing laboratory shall verify compliance to ANSI/ISO/IEC 17025-current edition and report on any changes in key laboratory personnel or testing capabilities.
- H. Additional audits shall be conducted every other year beginning with the initial audit.
- I. Annually, all listed testing laboratories shall submit the yearly membership renewal fee.
- J. For obtaining product listings through ASSE, testing may only be performed by an ASSE listed testing laboratory. The listed testing laboratory shall complete the ASSE Laboratory Evaluation Report Form for those applicants seeking ASSE product(s) listing. All Laboratory Evaluation Report Forms completed by an independent listed testing laboratory shall include a signature of the official of the laboratory and of a registered professional engineer supervising the evaluation. All Laboratory Evaluation Report Forms completed by a manufacturer's in-house listed testing laboratory shall include a signature of an officer of the company and of a registered professional engineer supervising the evaluation. Original copies of the Laboratory Evaluation Report Form with the PE stamp shall be submitted to the Product Listing Coordinator as required in Section 3.1.A.1

#### **16.2 Laboratory Performance**

- A. Should the ASSE Staff Engineer or a Seal Control Board Member notice a significant technical error on a laboratory evaluation report, the Product Listing Coordinator shall send a warning letter regarding the error to the laboratory.
- B. If a second error is found on another report, a second warning letter shall be sent to the laboratory.
- C. Should a third error be found, a ballot will be sent to the Laboratory Committee with reasoning from the Staff Engineer for removal of the laboratory as an ASSE listed testing laboratory.
  - 1. Should the Laboratory Committee determine, by a majority vote, the laboratory should be removed as an ASSE listed testing laboratory, the Product Listing Coordinator shall write

- a letter of notification to the laboratory. A notice shall be posted in the ASSE *Newsletter*, the *Plumbing Standards Magazine*, and ASSE website. All listees will receive a notification of the removal of a laboratory by email.
2. Should the Laboratory Committee determine, by a majority vote, the laboratory should not be removed; the laboratory shall remain as an ASSE listed testing laboratory.

### **16.3 Re-listing Procedures for Removed Laboratories**

- A. A laboratory shall wait six (6) months from the date of notification of removal before filing a new application to become re-listed as an ASSE listed testing laboratory.
- B. The laboratory shall be responsible for a new application fee, a re-inspection fee, and all expenses for performing the audit.
- C. In addition to following section 16.1 of the ASSE Seal Control Board Procedures, the laboratory shall provide evidence of corrective action and/or preventative action which was implemented in order to address the issues which led to the removal of their listing.
- D. After ballot by the Laboratory Committee, the Product Listing Coordinator should notify the laboratory of the status of their application.
- E. Should a significant technical error occur within one year, the laboratory will be removed as an ASSE listed laboratory.

### **16.4 Complaints Regarding ASSE Listed Testing Laboratories**

- A. All complaints about an ASSE listed testing laboratory shall be submitted in writing to the Product Listing Coordinator with supporting evidence for the complaint.
- B. Should ASSE receive or issue a written complaint regarding performance of a listed testing laboratory, the Product Listing Coordinator shall inform the laboratory in writing that a complaint has been received regarding the laboratory's performance and the nature of the complaint. The letter should request the laboratory to provide evidence of internal audits, management reviews and also evidence of how the requirements of ISO 17025 and the ASSE Seal Control Board Procedures are being implemented. The laboratory will be requested to provide evidence of conformance to their Quality Control Manual and evidence of corrective and/or preventative action/s performed to address the complaint.
- C. The complainant's information shall be kept confidential.
- D. The laboratory will have sixty (60) days from the date of notification to submit the required information to the ASSE Product Listing Coordinator. If the requested information is not submitted within the sixty (60) days, the laboratory shall be removed as an ASSE listed testing laboratory.

## **SECTION 17**

### **ASSE Seal Control Board Membership**

#### **17.1 Membership**

The Seal Control Board shall be an ASSE Standing Committee consisting of the following ASSE members:

- A. A minimum of ten (10) rotating voting members (with no more than five (5) members voting on each application).
- B. Alternate member(s) (no more than one (1) alternate member representing each classification).
- C. Product Listing Coordinator (nonvoting).
- D. ASSE Staff Engineer (limited voting as referenced by the Society's By-Laws).
- E. The scope of the Seal Control Board is defined in the Society's By-Laws. A change to the Society's By-Laws to extend or reduce the scope of the Seal Control Board requires a majority affirmative vote of the Society's general membership represented at the Annual Meeting.

#### **17.2 Terms of Appointment**

Length of appointment shall be in accordance with the ASSE By-Laws.

#### **17.3 Classification of Membership**

- A. The Seal Control Board voting membership shall consist of a cross section of the entire plumbing industry. Members shall be in good standing. Classification of membership may include, but not be limited to, the following:
  - 1. Plumbing Inspector - Shall be certified or licensed by a recognized regulatory agency.
  - 2. Plumbing Contractor - Shall be a licensed plumbing contractor in possession of a current plumbing license.
  - 3. Plumbing manufacturer or their direct factory or sales representative or independent sales representative.
  - 4. Engineer who is a Registered or Licensed Professional Engineer or a Registered or Licensed Plumbing Engineer.
  - 5. A representative of the ASSE general membership.
- B. Not more than one voting member from each category shall vote on the same application.

#### **17.4 Level of Experience**

- A. Each member of the Seal Control Board shall have a minimum of ten (10) years work experience, be professionally qualified and have a concern and willingness to participate in the seal approval process.
- B. The Staff Engineer shall have a four (4) year degree from an accredited college or university in the engineering or applied sciences field and a minimum of ten (10) years work experience or shall have a current license or registration as a Professional Engineer.
- C. The Product Listing Coordinator shall have, at a minimum, a college degree or equivalent work experience, proven organizational skills, written and verbal communications skills and the ability to understand the technical issues involved with the Product Listing Program.

### **17.5 Selection of Seal Control Board Chairperson**

At the ASSE Annual Meeting, the Seal Control Board shall recommend to the Board of Directors a current member to serve as Chairperson for the coming year.

### **17.6 Responsibilities of Chairperson**

- A. The Seal Control Board Chairperson shall be responsible for all activities relating to the ASSE Seal and the protection of its integrity and through the ASSE Board of Directors, all ASSE International Office personnel responsible for related activities of the Seal Control Board.
- B. The Seal Control Board Chairperson shall chair all regular meetings of the Seal Control Board, all applicant or listee hearings and any other meetings necessary to conduct the activities of the Seal Control Board.
- C. The Seal Control Board Chairperson shall complete all duties as specifically referenced in the *Seal Control Board Procedures* and/or the Society's By-Laws.
- D. Upon appointment, the Seal Control Board Chairperson shall appoint one (1) member to serve as Vice-Chairperson.

### **17.7 Vice Chairperson**

If the Seal Control Board Chairperson is unable to perform the duties as described, the Vice-Chairperson shall act in the capacity of the Chairperson.

### **17.8 Liaison/Product Standards Committee**

- A. At the ASSE Annual Meeting, the Seal Control Board shall recommend to the Chairperson a current member to serve as Seal Control Board /Product Standards Committee Liaison.
- B. The Seal Control Board /Product Standards Committee Liaison shall present at the Annual and Mid-Year Product Standards Committee Meetings, all correspondence directed to the Seal Control Board which requires direction from the Product Standards Committee.
- C. The Liaison shall report all rulings from the Product Standards Committee back to the Seal Control Board either directly at the meetings or through written correspondence.

## **SECTION 18**

### **ASSE Seal Control Board Duties**

#### **18.1 Member Responsibilities**

- A. Each member shall have the responsibility to apply extreme care and diligence to the approval process, to assure that the review of an application is conducted properly and to the best of their ability using the applicable product standard and that the Laboratory Evaluation Report Form and the applicable documentation is submitted for evaluation.
- B. Each voting member shall return the ballot no later than the close of the business day of the specified due date. Ballots not returned shall be considered a "non-returned" ballot and the vote shall not be considered in the approval/disapproval of the product(s).
- C. Each voting member shall complete the ballot by checking the applicable box(s) including the "declaration box". All ballots shall be signed and dated. Incomplete ballots shall be considered a "non-returned" ballot and the vote shall not be considered in the approval/disapproval of the product(s).
- D. Each member shall refrain from giving advice or provide consultancy services to the applicant as the methods of dealing with matters which are barriers to the certification requested. Each member shall refrain from voting on applications that are of the same type of product that the member supplies or designs to avoid a conflict of interest.
- E. Each member shall be responsible for attending the ASSE Annual Meeting and the ASSE Mid-Year Meeting unless prior, written notice is forwarded to the Administrative Manager, the Product Listing Coordinator or the International President stating the reason(s) for not attending. The International President shall be notified when a member fails to attend three (3) consecutive meetings without prior notice to either the Product Listing Coordinator or the International President.

#### **18.2 Seal Control Board Training**

Each Seal Control Board member and supporting staff shall have a training record. Training shall be conducted on ASSE Standards, other referenced standards and procedures by a person(s) qualified on the specific area of instruction. The training shall be recorded on the Seal Control Board member's training record and the record shall be maintained in the member's personnel file at the International Office until such time as they voluntarily or involuntarily leave the Seal Control Board. Training shall be conducted for Seal Control Board Members at the Mid-Year and Annual meetings.

#### **18.3 Disclosure of Confidential Materials**

- A. Members of the Seal Control Board shall not disclose the contents of an application due to the confidential nature of the material.
- B. Violation by any member of the Seal Control Board shall result in their immediate dismissal from the Seal Control Board.
- C. The Board of Directors shall determine the course of action for violations by staff members.
- D. When ASSE and/or Seal Control Board members are subpoenaed to disclose information regarding product listings or potential product listings the applicant or listee shall be informed of the information provided as permitted by the law.

#### **18.4 Return or Destruction of Application Materials**

Each member, upon leaving the Seal Control Board, shall return all application material to the ASSE Product Listing Coordinator. If the member is unable to return the application material, the material shall be destroyed and the Product Listing Coordinator notified that all application material has been destroyed and the method used.

#### **18.5 Meetings**

- A. The Seal Control Board shall hold two (2) regular meetings each year. One (1) meeting shall be held at the ASSE Annual Meeting and one (1) meeting at the Mid-Year Meeting.
- B. The Seal Control Board may conduct special meetings. These meetings may be in the form of teleconferences, video teleconferences and reassembly of the Seal Control Board members or in such other manner agreeable to all parties concerned.
- C. The Product Listing Coordinator and the Staff Engineer shall attend both the ASSE Annual Meeting and the Mid-Year Meeting.
- D. The meetings are open to members, clients and any interested parties.

#### **18.6 Voting - New Product Listing(s)**

- A. All applications to display the ASSE Seal shall be approved by unanimous vote of five (5) voting Seal Control Board Members with a minimum of three (3) affirmative votes, less abstentions.
- B. Ballots received by the Product Listing Coordinator after the close of the balloting time frame shall not be considered in the evaluation.

#### **18.7 Voting on Other Matters**

Voting on all other matters shall be a majority vote. The method of voting shall be at the discretion of the Seal Control Board Chairperson. Examples for voting on other matters may include, but not be limited to:

- A. Recommendation to the President for Seal Control Board Chairperson.
- B. Listed product modifications.
- C. Matters coming before the Seal Control Board not pertaining to the approval for product listing.

#### **18.8 Conflict of Interest**

Each voting member of the Seal Control Board shall, on each ballot, declare whether or not there exists a conflict of interest. The Conflict of Interest statement shall be as promulgated by the ASSE Board of Directors and shall read as follows:

- A. "I declare under penalty of perjury that I have no conflict of interest with the above issue and that I am eligible to vote on the above issue."  
or
- B. "I have no conflict of interest on the above issue, but I have personally decided to abstain."  
or
- C. "I have a conflict of interest on the above issue that prevents me from voting on the above issue and, therefore, I abstain."

#### **18.9 Failure to Declare**

If a Seal Control Board member fails to declare whether or not a conflict of interest exists, the ballot shall be considered as a non-returned ballot.

### **18.10 Abstention**

The Seal Control Board member shall indicate, on the ballot, the reason or circumstance necessitating the abstention. Abstention shall be for cause and not for delay.

### **18.11 Disapproved Ballots**

- A. Disapproved ballots shall include, in writing, comments referencing the applicable section(s) of the standard and/or supporting documentation for the disapproval. Where there is insufficient space on the ballot to record the above, a separate sheet shall be included identifying the product, the product standard and the voting Seal Control Board member's signature.
- B. Editorial comments and opinions are not cause for disapproval of the product listing.

### **18.12 Tentative Approval Ballot**

- A. Where there is a question(s) or comment(s) which will not affect the performance of the product but require answers for the record, the voting member shall indicate a tentative approval. The question(s) or comment(s) shall be stated on the ballot.
- B. Where there is insufficient space on the ballot to record the above, a separate sheet shall be included identifying the product, the product standard and the voting Seal Control Board member's signature.
- C. The approval certificate and the listing shall be held in abeyance until the questions or comments have been satisfactorily addressed.

### **18.13 Correspondence**

Correspondence from the Seal Control Board to applicants and listees shall be categorized as administrative, technical clarification or seal action and shall be signed by the person listed as follows:

- A. Administrative Correspondence: That which pertains to the procedures for filing an application, housekeeping (documentation verification and day to day correspondence) - by the Product Listing Coordinator.
- B. Technical Clarification Correspondence: That which pertains to the verification of test reports, product certification, documented prints or any item that requires clarification concerning markings, toxicity, installation instructions and spare parts lists - by the Seal Control Board or Staff Engineer.
- C. Seal Action Correspondence: That which directly affects the listing, suspension or delisting of a product authorized to display the ASSE Seal - by the Seal Control Board Chairperson.

### **18.14 Letter of Authorization**

- A. Under the signature of the Seal Control Board Chairperson, a letter authorizing the display of the ASSE Seal shall be forwarded to the listee.
- B. Under the signature of the Seal Control Board Chairperson, a certificate displaying the listee, the standard name, number and date, the assigned record number, the model number and/or name of the product(s), the listed testing laboratory and the approval date shall be forwarded.
- C. Copies of the Authorization Letter shall be forwarded to the members of the Seal Control Board and the ASSE Board of Directors.

### **18.15 Revisions to Procedures**

- A. A complete review of the *Seal Control Board Procedures* shall be conducted at least every five (5) years. Proposed additions, deletions or revisions shall be submitted in writing to the Product Listing Coordinator at least forty-five (45) days prior to the scheduled Mid Year Meeting or the scheduled Annual Meeting for placement on the Seal Control Board agenda.
- B. Members of the Seal Control Board will have fifteen (15) days to review the draft and submit, in writing, any comments, corrections or recommendations to the Product Listing Coordinator.
- C. The Product Listing Coordinator shall forward the comments, corrections or recommendations to the Staff Engineer and the Board of Directors for review and appropriate action.
- D. At the close of the fifteen (15) day review period, the draft shall be forwarded to the Board of Directors for approval/disapproval.
- E. Upon approval by the Board of Directors, the revised version of the *Seal Control Board Procedures* shall be distributed to each listee, ASSE personnel member involved in the Product Listing Program, Seal Control Board Members and the Board of Directors.
- F. The Product Listing Coordinator shall publicize in the *ASSE Newsletter*, *Plumbing Standards Magazine* and on the ASSE website that the *Seal Control Board Procedures* have been revised. Additional copies may be obtained from the ASSE International Office.

## **SECTION 19**

### **Fees**

#### **19.1 Fees**

- A. ASSE maintains a system of fees for work performed and related expenses incurred. The fee structure is available upon written request to the Product Listing Coordinator. The ASSE Finance Committee reviews the fees and makes recommendations to the ASSE Board of Directors for revisions. All ASSE clients are notified of any changes in the fee structure thirty (30) days prior to the effective date. A notice of fee increases shall be posted in the ASSE Newsletter, *Plumbing Standards* magazine and the ASSE website.
- B. Application Fee
  - 1. A separate application fee is required for each application submitted for review under a separate product performance standard.
  - 2. Multiple product(s) size(s) submitted under one product performance standard require one (1) application fee.
- C. Modification Fees
  - 1. When a modification to a listed product(s) is requested, the Listee shall be invoiced (as appropriate) a fee as determined by the ASSE Board of Directors.
  - 2. Should the Seal Control Board determine that partial testing is required; the modification fee shall be applied at the completion of the testing and final review by the Staff Engineer. Should the Seal Control Board determine that complete testing is required; an application fee shall apply after completion of the testing when the application is submitted to ASSE.
- D. Factory Audit Fees- the Listee shall be invoiced for the yearly factory audit.

#### **19.2 Payments**

- A. All invoices shall be paid as per the stated terms.
- B. Invoices thirty (30) days past due may be charged an additional late fee.
- C. Past due accounts shall be cause for suspension of the product listing(s).

## **SECTION 20**

### **PRODUCT LISTING RECORDS**

#### **20.1 Access to Product Listing Records**

- A. ASSE Staff members involved in the Product Listing Program shall have unrestricted access to the product listing files.
- B. ASSE Seal Control Board members who do not have a conflict of interest with the manufacturer's record shall have access to the product listing records in the presence of an ASSE Staff member involved in the Product Listing Program.
- C. For the purpose of continued compliance for ANSI and Standards Council of Canada (SCC) accreditation, ANSI and SCC auditors shall have supervised access to the files after written approval from the Board of Directors and in the presence of an ASSE Staff member who is involved in the Product Listing Program.
- D. Situations may arise in which a representative from a regulatory authority may request access to a product listing record. Such requests shall be made in writing to ASSE with rationale as to why access to the record is being requested. Access shall only be granted after notification has been made to the Listee and written permission has been obtained from both the Board of Directors and the Listee. An ASSE personnel member involved in the Product Listing Program shall be present during the review. No copies from the product listing record shall be taken from the ASSE International Office.
- E. Parties reviewing product listing records as explained in Sections 20.1 C & D will be required to sign a non-disclosure agreement.
- E. ASSE Inspectors shall be provided information as determined by the Product Listing Coordinator and Staff Engineer for the purpose of conducting a factory audit.
- F. Listees or manufacturers may review their own records after written approval from the Board of Directors and only in the presence of an ASSE Staff member who is involved in the Product Listing Program.
- G. Copies of a listee's application materials may be forwarded by the Product Listing Coordinator upon a written request. The written request must be submitted by the contact on record or a verified company officer on the listee's letterhead. The information shall only be sent to the address on record at the ASSE International Office.
- H. If ASSE records are subpoena, the listee shall be contacted prior to the information being released or reviewed.
- I. The ASSE Product Listing Coordinator shall maintain a log of all requests to review product listing records. The log at a minimum shall contain the following: the name of the listee, the record number of the record review, the purpose of the review, the date of the request, the date of the Board of Directors approval of the request, the date the record was reviewed and the ASSE staff person present.
- I. Product listing files shall not be supplied to competitors of the listee unless written permission is granted by the listee and the ASSE Board of Directors.

## **20.2 Active Product Listing Records**

Active records include any records which have a current Seal. Active records are kept for the duration of the listing at the ASSE International Office.

## **20.3 Inactive Product Listing Records**

The records are moved to an inactive status in the event of either a voluntary or involuntary removal of the Seal. Records that have been inactivated shall be retained for a period of seven (7) years. At the completion of the seven (7) year period, the manufacturer shall have the option of having the files returned or having ASSE destroy the files.

## **APPENDIX A**

### **Application Review**

Appendix A is intended to serve as a guideline for the ASSE Seal Control Board member to follow while reviewing an application and action upon completion of the review. It is also intended for the applicant/listee to see what steps are taken by the Seal Control Board member during the review process.

- A. Each voting member of the Seal Control Board shall verify that the product(s) has been tested to the current revision of the applicable product performance standard.
- B. Each voting member of the Seal Control Board shall verify that the testing agency is one of the ASSE listed testing laboratories.
- C. Each voting member of the Seal Control Board shall verify that the Laboratory Evaluation Report Form submitted conforms to the applicable product standard by comparing dates, paragraph numbers and descriptions of test procedures.
- D. Each voting member of the Seal Control Board shall verify that all items in the applicable Laboratory Evaluation Report Form have been completed by the listed testing laboratory and the report is signed and sealed by a Professional Engineer and/or the Director of Engineering.
- E. Each voting member of the Seal Control Board shall determine whether all items in the applicable Laboratory Evaluation Report Form are in compliance, not in compliance or questionable.
- F. Each voting member of the Seal Control Board's ballot shall be returned without action pending an interpretation by the ASSE Seal Control Board Chairperson or the Product Standard Committee Chairperson. Each voting Seal Control Board member shall be notified of the results of the interpretation and then ballot accordingly.
- G. If any item(s) in the applicable Laboratory Evaluation Report Form indicates noncompliance or is unanswered without appropriate comments, the application shall be disapproved. Each voting member of the Seal Control Board shall so note on the ballot the reason(s) for the disapproval.
- H. If any item on the applicable Laboratory Evaluation Report Form is marked "questionable" and the item has not been addressed by the Staff Engineer prior to submittal to the voting members of the Seal Control Board, the member(s) of the Seal Control Board shall request, through the International Office, from the applicant or the listed testing laboratory, the reason(s) why the item was so designated.
- I. Editorial comments and opinions shall not be included on an ASSE ballot. If a voting Seal Control Board member wishes to submit an editorial comment or opinion, it shall be submitted in a separate letter.
- J. If a voting Seal Control Board member wishes to have the editorial comment or opinion addressed, the member shall request that the editorial comment or opinion be placed on the agenda at the next Seal Control Board Meeting, providing the request is submitted at least sixty (60) days prior to the scheduled meeting.

## **APPENDIX B**

### **Communications**

- A. All written communications, including e-mail and facsimiles, shall be maintained with the applicant's records. Dates of notifications shall be as stated on the communications, unless otherwise noted.
- B. Applications, documents, drawings, ballots and written letters shall be forwarded to the voting members of the Seal Control Board by electronic means, US mail or other private services.
- C. Applicants, listees, listed testing laboratories and listed manufacturing facilities shall forward all written communications for the Staff Engineer, Seal Control Board Chairperson or the Product Standards Committee to the attention of the Product Listing Coordinator at the ASSE International Office. Copies of all written communications shall be maintained with the record.

## **APPENDIX C**

### **ASSE Standards\***

The following is a list of ASSE Standards to which a manufacturer may obtain ASSE certification:

- ASSE 1001 - Atmospheric Type Vacuum Breakers
- ASSE 1002 - Anti-siphon Fill Valves (Ballcocks) for Gravity Water Closet Flush Tanks
- ASSE 1003 - Water Pressure Reducing Valves
- ASSE 1004 - Backflow Prevention Requirements for Commercial Dishwashing Machines
- ASSE 1006 - Residential Use Dishwashers
- ASSE 1007 - Home Laundry Equipment
- ASSE 1008 - Plumbing Aspects of Residential Food Waste Disposer Units
- ASSE 1009 - Commercial Food Waste Grinder Units
- ASSE 1010 - Water Hammer Arresters
- ASSE 1011 - Hose Connection Vacuum Breakers
- ASSE 1012 - Backflow Preventer/Intermediate Atmospheric Vent
- ASSE 1013 - Reduced Pressure Principle Backflow Preventers & Reduced Pressure Fire Protection Principle Backflow Preventers
- ASSE 1014 - Backflow Prevention Devices for Hand-held Showers
- ASSE 1015 - Double Check Backflow Prevention Assemblies & Double Check Fire Protection Backflow Prevention Assemblies
- ASSE 1016 - Automatic Compensating Valves for Individual Showers and Tub/Shower Combinations
- ASSE 1017 - Temperature Actuated Mixing Valves for Hot Water Distribution Systems
- ASSE 1018 - Trap Seal Primer Valves/Potable Water Supplied
- ASSE 1019 - Vacuum Breaker Wall Hydrants, Freeze Resistant Automatic Draining Type
- ASSE 1020 - Pressure Vacuum Breaker Assembly
- ASSE 1021 - Drain Air Gaps for Domestic Dishwashers Applications
- ASSE 1022 - Backflow Preventer for Beverage Dispensing Equipment
- ASSE 1023 - Hot Water Dispensers, Household Storage Type, Electrical
- ASSE 1024 - Dual Check Valve Backflow Preventers
- ASSE 1032 - Dual Check Valve Type Backflow Preventers for Carbonated Beverage Dispensers Post Mix Types
- ASSE 1035 - Laboratory Faucet Backflow Preventers
- ASSE 1037 - Pressurized Flushing Devices (Flushometers) for Plumbing Fixtures
- ASSE 1043 - Cast Iron Solvent Sanitary Drainage Systems
- ASSE 1044 - Trap Seal Primer Valves - Drainage Type and Electronic Design Types
- ASSE 1047 - Reduced Pressure Detector Fire Protection Backflow Prevention Assemblies
- ASSE 1048 - Double Check Detector Fire Protection Backflow Prevention Assemblies
- ASSE 1049 - Individual and Branch Type Air Admittance Valves for Chemical Waste Systems
- ASSE 1050 - Stack Air Admittance Valves for Sanitary Drainage Systems
- ASSE 1051 - Individual and Branch Type Air Admittance Valves for Sanitary Drainage Systems
- ASSE 1052 - Hose Connection Backflow Preventers
- ASSE 1053 - Dual Check Backflow Preventer Wall Hydrants - Freeze Resistant Type
- ASSE 1055 - Chemical Dispensing Systems
- ASSE 1056 - Spill Resistant Vacuum Breaker
- ASSE 1057 - Freeze Resistant Sanitary Yard Hydrant w/Backflow Protection

- ASSE 1060 - Outdoor Enclosures for Backflow Prevention Assemblies
- ASSE 1061 - Removable and Non-Removable Push-Fit Fittings
- ASSE 1062 - Temperature Actuated, Flow Reduction (TAFR) Valves for Individual Fixture Fittings
- ASSE 1063 - Air Valve & Vent Intake Preventers
- ASSE 1064 - Backflow Prevention Assembly Field Test Kits
- ASSE 1066 - Individual Pressure Balancing In-Line Valves for Individual Fixture Fittings
- ASSE 1069 - Automatic Temperature Control Mixing Valves
- ASSE 1070 - Water Temperature Limiting Devices
- ASSE 1071- Temperature Actuated Mixing Valves for Plumbed Emergency Equipment
- ASSE 1072- Barrier Type Floor Drain Trap Seal Protection Devices
- ASSE 1079 - Dielectric Pipe Unions

\*The list applies to the current edition of the referenced standards, unless otherwise noted by the Seal Control Board.

## **APPENDIX D**

### **Additional Industry Standards**

The following is a list of industry standards to which a manufacturer may obtain ASSE certification. The list applies to the current edition of the referenced standards, unless otherwise noted by the Seal Control Board.

#### **ASME STANDARDS**

A112.1.2	Air Gaps in Plumbing Systems (For Plumbing Fixtures and Water-Connected Receptors)
A112.1.3	Air Gap Fittings for use with Plumbing Fixtures, Appliances and Appurtenances
A112.14.1	Backwater Valves
A112.18.3	Backflow Protection Devices and Systems in Plumbing Fixture Fittings
A112.18.7	Deck Mounted Bath/Shower Transfer Valves with Integral Backflow Protection
A112.19.5	Trim for Water-Closet Bowls, Tanks and Urinals
A112.19.8	Suction Fittings for Use in Swimming Pools, Wading Pools, Spas and Hot Tubs
A112.19.10	Dual Flush Devices for Water Closets
A112.21.3M	Hydrants for Utility and Maintenance Use
A112.3.1	Stainless Steel Drainage Systems for Sanitary DWV, Storm, and Vacuum Applications, Above- and Below Ground
A112.36.2M	Cleanouts
A112.4.1	Water Heater Relief Valve Drain Tubes
A112.6.1M	Floor Affixed Supports for Off-the-Floor Plumbing Fixtures for Public Use

#### **ASME & CSA Standards**

A112.18.1-2005/ CSA B125.1-05	Plumbing Supply Fittings
A112.18.2-2005/ CSA B125.2-05	Plumbing Waste Fittings
A112.19.1-2008/ CSA B45.2-08	Enamelled Cast Iron and Enamelled Steel Plumbing Fixtures
A112.19.2-2008/ CSA B45.1-08	Ceramic Plumbing Fixtures
A112.19.3-2008/ CSA B45.4-08	Stainless Steel Plumbing Fixtures

**CSA Standards**

- B64 Series -07 Backflow Preventers and Vacuum Breakers  
*(Consists of B64.0, B64.1.1, B64.1.2, B64.1.3, B64.2, B64.2.1, B64.2.1.1, B64.2.2, B64.3, B64.3.1, B64.4, B64.4.1, B64.5, B64.5.1, B64.6, B64.6.1, B64.7, B64.8 and B64.9)*
- B356-00 Water Pressure Reducing Valves for Domestic Water Supply Systems

**AWWA Standards**

- AWWA C510 Double Check Valve Backflow Prevention Assembly
- AWWA C511 Reduced Pressure Principle Backflow Prevention Assembly

**IAPMO STANDARDS**

- PS 050-2010 Flush Valve with Dual Flush Device for Water Closet or Water Closet Tank with Integral Flush Valve with Dual Flush Device
- PS 072-2007 Valves with Atmospheric Vacuum Breaker
- PS 076-95 Ballcock or Flushometer Valve Tailpiece Trap Primers and Trap Primer Receptors/Adapters
- PS 079-2005 Multiport Electronic Trap Primer
- PS101-97 Suction Relief Valves
- PS113-2010 Hydraulically Powered Household Food Waste Disposers

**NSF STANDARDS**

- NSF 61 Drinking Water System Components – Health Effects

## **APPENDIX E**

### **Other Industry Standards & Recognized Documents**

Should an applicant desire ASSE certification to a Standard not listed in Appendices C & D, written request to add the standard to ASSE's scope shall be submitted to ASSE.

The ASSE Staff Engineer & Seal Control Board Chairperson will review the standard to determine if it meets ASSE's certification scope and will determine if it can be added to either Appendices C or D.

An Other Recognized Document or ORD may be developed to provide certification services within ASSE's certification scope in areas where recognized standards do not exist or are not applicable.

The ASSE Staff Engineer and Seal Control Board Chairperson will review the request to develop an ORD in order to:

1. determine if the ORD would be applicable to ASSE's certification scope.
2. ensure an applicable standard or ORD does not already exist for the type of product in question.
3. verify if products are currently being approved through the interpretation of an existing standard by other product certification bodies.

Should the Staff Engineer and Seal Control Board Chairperson determine the need for the ORD, they should notify the Seal Control Board & Product Standards Committee Liaison of the request.

It should then be the responsibility of the Seal Control Board & Product Standards Committee Liaison member to bring the request for the ORD to the attention of the Product Standards Committee.

For development of an ORD, procedures as set forth in ASSE's Procedures for the Development of Standards for the Plumbing Industry, Part 6, shall be followed. While developing the ORD, the Products Standards Committee should be determined if other test requirements can be used from other current standards. If an ORD is developed and the applicable products will be sold in Canada, the ORD should be based on Canadian Recognized Standards, should they exist.

Before any product is certified to the ORD, the ORD must first be submitted to the appropriate Regulatory Authority Advisory body for acknowledgement of the need for the ORD, and acknowledged by the appropriate regulatory authority within the jurisdiction where the product will be marketed and installed and where a recognized standard addressing the scope of the product is not available. The submission to the Regulatory Authority Advisory body shall include a summary of the research conducted to establish the need for the ORD, summary of the details on the new product and why an ORD needed to be developed, a list of the performance requirements/testing criteria, evidence of reproducible test data, evidence of a laboratory's conformance with CAN-P-4 for the new test requirements and the proposed effective date for the application of the ORD.

Certification of the applicable product cannot be completed in any regulated areas until the appropriate Regulatory Authority Advisory Body has acknowledged the need for the ORD. If the area is an unregulated one, no certification can be conducted before consultation with and endorsement of the ORD by the appropriate industry body.

Within 30 days of receipt of acknowledgement of the ORD by the Regulatory Authority Advisory Body, ASSE shall make copies available to the public, including other certification bodies whose scope of accreditation includes the scope of the ORD and to the Standards Council of Canada.

If the Staff Engineer and Seal Control Board Chairperson determine that the scope of the standard or ORD does not meet the ASSE scope of certification, the party issuing the request shall be notified that the standard was not accepted or that ASSE will not be moving forward to develop an ORD.

## **APPENDIX F SUBCONTRACTED AGENCIES**

At times, ASSE may use a subcontracted agency to perform work on behalf of ASSE.

ASSE's current list of subcontracted agencies includes:

IAPMO R & T – performs annual inspections in accordance with Section 14 of the Seal Control Board Procedures on behalf of ASSE.