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Hearth Product Safety Certification Systems & Rules for Granting, Maintaining, Extending, Suspending and Withdrawing Certification

Overview

OMNI-Test Laboratories, Inc. (O-TL) evaluates and certifies products. Products that are certified by O-TL have been evaluated by O-TL and found to be in conformance with all applicable safety standards and model codes recognized under the standard system(s) of the United States (US) and/or Canada. In addition, certification is contingent upon satisfactory review of manufacturing quality control (QC) for the product.

A certified product that is subject to follow-up inspection to ensure continuing conformance with the requirements of certification is said to be a listed product and the product's manufacturer is considered a supplier of a listed product. Suppliers of listed products are authorized to apply labels bearing O-TL's certification mark to certified products, subject to the terms of a listing agreement.

The types of products that O-TL evaluates, certifies, and lists fall into the following general categories:

- Gas-Fuel Fired Appliances (Boilers, Room Heaters, Wall and Floor Furnaces, Fireplaces, Cooking, and Decorative);
- Oil-Fuel Fired Appliances (Boilers, Room Heaters, Stoves, and Furnaces);
- Solid-Fuel Fired Appliances (Boilers, Room Heaters, Furnaces, Fireplaces, Stoves, And Cooking);
- Electric Heaters And Other Electrical Standards Related To Fuel Burning Equipment;
- Flue Gas Venting Equipment;
- Heat Shields And Wall Protectors, Hearth Extensions And Floor Protectors;
- Fireplace Accessories;
- Processed Fuel Firelogs.

Certification Systems

At the applicant's option, O-TL can evaluate and certify product conformance under the US certification system, the Canadian certification system, or both the US and Canadian certification systems.

Rules for Granting Certification

Applicants for certification must submit to O-TL an application that specifies the following:

- the scope of the desired certification;

- a statement that the applicant agrees to comply with the requirements for certification and to supply any information needed for evaluation of the product to be certified;
- the applicant's corporate entity name, address, and legal status;
- a description of the product to be certified;
- identification of certification system(s) and standard(s) against which the product will be certified, if known to the applicant.

Typically, the application is a two part process. The first part is in the form of a Professional Services Agreement (PSA) between the applicant and O-TL. The PSA covers the product evaluation elements of the certification process. The second part of the application takes the form of a Product Documentation and Listing Agreement, which covers the certification, licensing to use listing labels bearing O-TL's certification mark, quality control inspections, and other matters related granting and maintaining certification.

An applicant for certification must submit a prototype or representative production sample of the product and engineering drawings and other descriptive materials to support the evaluation.

Testing the product to the applicable standards of the desired certification system(s) is a key part of the evaluation process. Typically, O-TL conducts or witnesses the product testing. However, if the product has already been tested by an appropriately accredited testing laboratory that is recognized by O-TL, data and information from the existing test report may be utilized by O-TL for product evaluation purposes.

An evaluation of the applicant's quality system is another key element of the process. O-TL will review the applicant's quality system and conduct an on-site inspection of the manufacturing facilities to ensure that the facilities and operation of the quality system are adequate to sustain confidence that the product will be manufactured such that it conforms to the applicable standard(s).

Upon completion of the product evaluation, O-TL will issue an "Evaluation Report", which will contain the results of the product evaluation.

O-TL will also complete a manufacturing quality system inspection, which includes manufacturing facilities and quality system, including the following:

- procedures for traceability of a finished product to production and material records through label records;
- a production flow chart;
- a description of production methods and list of major production equipment;
- information on packaging and storage, if deemed necessary for product performance;
- details of the quality control procedures utilized during the manufacturing process, including in-process quality control, final inspection and test, calibration, and visual or other sensory standards.

O-TL will issue a "Factory Inspection Manual" for each O-TL certified product. Each manual will contain the following:

- an Appliance Design and/or Manufacturing Change Report;
- a complete set of O-TL stamped component and assembly drawings;
- a copy of the listing label;
- a copy of the operating manual; and
- a component list (or bill of materials).

Contingent upon successful findings from the product evaluation and manufacturing quality system evaluation, and upon the applicant agreeing to the terms of a Product Documentation and Listing Agreement, O-TL will issue a letter certifying the product's conformance under the applicable certification system(s). The decision will be confined to those matters specifically related to the certification being considered.

If the certification evaluations result in a negative recommendation, O-TL's report to the applicant will identify any non-conformities that have to be discharged in order to comply with all certification requirements and the extent of further evaluation or testing required. If the applicant can show remedial action has been taken to meet all requirements within a specified time limit, O-TL will repeat only the necessary parts of the initial procedure.

Rules for Maintaining Certification

A supplier of listed products shall always comply with the relevant provisions of the applicable certification system. The rules for maintaining the listing/certification will be described in detail in a Product Documentation and Listing Agreement. These rules will include the provisions summarized below.

O-TL will maintain the confidentiality of the supplier's confidential business information. However, a supplier of listed products must grant O-TL authority to release confidential records to regulatory authorities and courts of competent jurisdiction when such an authority or court requires access and/or in the event that it is necessary take corrective action due substantial non-conformance with the terms of certification or due to a certified product being found to put persons or property at unacceptable risk. Authority must also be given to provide the

accrediting bodies that accredit O-TL's testing and certification programs with access to confidential records for the purpose of assessing O-TL's conformance with the requirements of accreditation.

A supplier of listed products shall make the necessary arrangements for the conduct of announced and unannounced follow-up inspection visits, and the resolution of complaints. If a regulatory authority or court of competent jurisdiction determines that it is necessary to conduct and witness tests, conduct field investigations or investigate complaints related to the supplier and the regulatory authority or court has authority under the rules of the certification system or applicable law to require reimbursement for related expenses from O-TL or the supplier, such expenses shall be reimbursed by the supplier.

A supplier of listed products shall make claims regarding certification only in respect to the scope for which certification is granted. Certification shall only used to indicate that products are certified as being in conformance with specified standards. A supplier of listed products shall not use certification in such a manner as to bring O-TL into disrepute and not make any statement regarding its product certification which O-TL may consider misleading or unauthorized.

In making reference to its product certification in communication media, a supplier of listed products must comply with O-TL's requirements. A supplier may publish that it has been authorized to apply O-TL's certification mark to the product(s) to which the certification applies. In all cases the supplier shall take sufficient care in its publications that no confusion arises between certified and non-certified products. A Test or Evaluation Report may only be published in its entirety; else, if a supplier wishes to publish part of a test or evaluation report, written approval must first be obtained from O-TL. A supplier shall not specify function, claim or the like in user information that could mislead purchasers to believe that performance of the product or its use is covered by the certification when in fact it is not. Instruction books or other information accompanying the product and related to the certification shall be approved by O-TL. Advertisements containing O-TL's certification mark and/or references to O-TL's certification of the product shall be approved by O-TL.

A re-evaluation of a listed product or a supplier's quality management system may be requested by O-TL if one of the following occurs:

- in the event of changes significantly affecting the product's design or specifications;
- changes in the standards to which compliance of the product is certified;
- changes in ownership, structure or management of the supplier; or
- in the case of any other information (whether provided by the supplier or obtained by other means) indicating that the product may no longer comply with the requirements of the certification system.

Rules for Modifying or Extending Certification

A supplier of a listed product may apply for a modification to an existing listing. O-TL will review the application and determine which evaluation processes, if any, are appropriate to ensure conformance with the applicable standard(s) and certification system(s). Any re-evaluation of the product or supplier's quality system will be conducted using O-TL's procedures for product and/or supplier's quality system evaluation, as may be adapted to fit the circumstances.

A supplier of a listed product wishing to extend its listing to allow the application of O-TL's certification mark to additional product types or models, which are made at the same factory and subject to the same quality assurance system as a currently listed product, shall apply to O-TL using the usual application procedures. In such cases, O-TL will evaluate the candidate product(s), but may decide not to carry out a factory inspection prior to certification and listing. Depending on a positive outcome of the certification evaluations, such additional listings must be subject to a Product Documentation and Listing Agreement.

Rules for Suspending Certification

Suspension of a listing is an action which may be taken to address non-conformance under O-TL's process for resolving instances of misuse or misapplication of its certification mark, or by agreement with the supplier. The listing for a specific product may be suspended for a limited period of time, for example, in the following cases:

- if follow-up surveillance shows non-conformance with the requirements of such a nature that immediate withdrawal of certification is not necessary;
- if a case of improper use of O-TL's certification mark is not resolved by suitable retractions and appropriate remedial measures by the supplier;
- if there has been any other contravention of the rules of the certification system or the procedures of O-TL.

After mutual agreement between the supplier and O-TL, a listing may also be suspended for a limited period of non-production or other reasons.

An official suspension will be confirmed by O-TL in a registered letter to the supplier (or by equivalent means). The supplier shall not identify any product as certified, if it has been produced under a suspended listing applicable to that product.

At the end of the suspension period, O-TL will investigate to determine if the conditions for reinstating have been fulfilled. If the conditions are not fulfilled, O-TL will revoke certification and/or delist the client, unless an extension of the listing suspension is granted by O-TL.

Rules for Revoking Certification

O-TL's policies and procedures for revoking certification conform to ISO/IEC Guide 27. These policies and procedures include, but are not limited to, the following. Certification of individual product families may be revoked, and/or a client delisted, in the following cases:

- if surveillance shows that there is non-compliance of a serious nature;
- if the supplier fails to comply with the due settlement of its financial obligations to O-TL;
- if there is any contravention of the listing agreement;
- if inadequate measures are taken by the supplier in the case of suspension.

In addition, a listing may be withdrawn for the following reasons:

- if the supplier does not wish to continue the listing;
- if the applicable standard or rules are changed and the supplier either cannot or will not ensure compliance with the new requirements;
- if the product is no longer made or the supplier goes out of business.

O-TL has the right to revoke certification(s) and/or delist a client by informing the supplier by registered letter (or other equivalent means). In such cases, the supplier may give notice of appeal. When considering an appeal, O-TL may or may not (depending on the nature of the issues) decide to proceed with its decision to revoke certification. For products certified under the Canadian Standards System, a supplier may appeal any O-TL decision on certification to the Standards Council of Canada, which shall be the final level of appeal.

Prior to revoking certification, O-TL will decide upon the consequences in relation to products certified under the listing, including whether O-TL's certification mark shall be removed from all products in stock and, perhaps, even from products already sold, or whether clearance of the stock of marked products should be allowed within a short period of time, and whether other actions are required.

The revocation or withdrawal of certification, or delisting of a client, may be published by O-TL. For products certified for use in Canada, Provincial and Territorial regulatory authorities with jurisdiction in the product area shall be notified if in O-TL's judgment there are safety concerns that warrant such notification. For products that are certified for use in the United States the Consumer Products Safety Commission shall be notified if in O-TL's judgment there are safety concerns that warrant such notification.