

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

### 1.0 PURPOSE

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

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

### 2.0 BASIS OF EVALUATION

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

### 3.0 APPLICATIONS

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

Applications shall be filed on forms provided for that purpose.

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

Fees as set forth in Section 7.0 of these rules shall be submitted with applications.

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

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

### 4.0 DATA TO BE SUBMITTED IN SUPPORT OF VARs™

**4.1** All applications shall be submitted with in as noted in Section 3.0 of these rules. Where data consists of calculations, plans, and specifications developed

through the practice of architecture or engineering, the documents containing such data shall be sealed by a registered design professional.

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

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

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

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

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

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**4.5** ICC-ES may require the applicant to conduct further tests and/or provide additional information considered relevant to the evaluation.

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

### **5.0 ISSUANCE OF A REPORT**

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

The applicant and any listees will be notified when the report is available to the public. The report will also be made available on the ICC-ES web site. See Section 14.0 of these rules for permitted use of evaluation reports.

### **6.0 RE-EXAMINATION OF A REPORT**

All reports shall be subject to re-examination within the time period noted on the report. All reports shall be subject to re-examination within one year of their initial issue date. Thereafter the applicant has the option of a re-examination period of one or two years.

The applicant and any listees will be notified when the report is reissued and available to the public. The report will also be made available on the ICC-ES web site. See Section 14.0 of these rules for permitted use of reports.

### **7.0 FEES**

#### **7.1 General:**

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

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

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

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

#### **7.2 New Report Application:**

**7.2.1** Each new report application shall be accompanied by the basic fee set forth in the current

published fee schedule. This fee is nonrefundable unless authorized by the president or his designated representative. Upon completion of the evaluation, the applicant will be invoiced for any additional fees (additional listees, additional items, etc.) beyond the basic fee.

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

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

#### **7.3 Re-examination Application:**

**7.3.1** Each application for re-examination shall be accompanied by applicable re-examination fees as set forth in Table 2 of the fee schedule. Upon completion of the evaluation, applicable fees beyond those already paid will be determined, and the applicant will be invoiced accordingly.

**7.3.2** The applicant shall, at the time of re-examination, have supplied to ICC-ES, on a yearly basis, a completed Quality Control Declaration.

**7.3.3** Report holders may file for a re-examination with substantial changes in accordance with Table 3 of the fee schedule.

#### **7.4 Fee Adjustments:**

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

### **8.0 NOTIFICATION TO ICC-ES AND REQUIRED CHANGES TO REPORTS**

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

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

### **9.0 PRODUCT IDENTIFICATION**

Products shall be identified as specified in the applicable report. The identification may be placed on product packaging in lieu of the product, when specifically approved by ICC-ES. As a minimum, the method of identification shall include the manufacturer's name, product name (if any), and ICC-ES VAR Environmental Report number (VAR-XXXX). The manufacturer's registered trademark or registered logo is permitted in lieu of the manufacturer's name when a facsimile of the registered trademark or registered logo is included in the report. The report may specify additional identification provisions when required by applicable ICC-ES guidelines. In no case shall the report number be the

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only method of identification. For those products using a third-party inspection agency, the name of the agency shall be included as part of the identification. The use of the ICC- ES Environmental Programs mark is optional. The ICC- ES Environmental Programs mark and/or the ICC-ES VAR Environmental Report number shall be applied only to materials or products which comply with the current report.

**10.0 INSPECTIONS OF MANUFACTURERS, AND EXPENSE REIMBURSEMENT**

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

**11.0 REVOCATION OR MODIFICATION WITH RIGHT TO A HEARING**

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

**12.0 REVOCATION/CANCELLATION/SUSPENSION WITHOUT RIGHT TO A HEARING**

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

**13.0 PROPRIETARY DATA**

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

**14.0 PERMITTED USE OF AN ICC-ES VARENVIRONMENTAL REPORT AND THE ICC-ESNAME, ENVIRONMENTAL PROGRAMS MARK AND REPORT NUMBER**

**14.1** Upon completion of a report or re-examination, the report holder will be provided an authorization letter from ICC-ES that addresses the use of the ICC-ES name and Environmental Programs mark, the ICC-ES evaluation report number and the evaluation report itself, as well as guidance on communications associated with the evaluation report. If it is determined that identification is being applied to materials or products that do not comply with the current evaluation report, applied before authorization or applied after a report has been closed, ICC-ES will immediately disseminate a notice of violation of the ICC-ES Rules of Procedure and take necessary action to secure compliance.

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

**14.3** The current report, as published on the ICC-ES web site, may be reproduced in its entirety by the report holder in the report holder's literature, advertising, or promotional materials. No reference to ICC-ES, the ICC-ES VAR Environmental Report, or the ICC-ES.

Environmental Programs mark shall be included with such reproduction in a manner which could be misleading.

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

**14.5** Use of the ICC-ES Environmental Programs mark requires prior authorization of ICC-ES.

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

**15.0 COMPLAINT PROCEDURE**

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

**16.0 APPEALS**

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

*Effective: October 22, 2010*

*Revised: May 17, 2012*

*Header Revised: May 10, 2017*