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SOLAR RATING & CERTIFICATION CORPORATION, RULES OF PROCEDURE FOR WIND TURBINE LISTING REPORTS

1.0 PURPOSE

The purpose of these rules is to set forth procedures for the Solar Rating & Certification Corporation (ICC-SRCC), certification and listing program for wind turbine products.

The main purpose of the ICC-SRCC certification and listing wind turbine program is to assist those enforcing model codes to determine whether a given subject complies with applicable standards and applicable codes and to provide third-party performance data. A certification or listing is not to be construed as representing a judgment about aesthetics or any other attributes not specifically addressed in the certification or listing report, nor as an endorsement, assurance, or guarantee, or recommendation for use of the subject of the certification or listing. Approval of use of a certified or listed product is by the code official.

2.0 DEFINITION

A “listee” is a person or organization having a product or products certified or listed by ICC-SRCC, and who is identified in the Application for ICC-SRCC Listings.

A “certification” is a wind turbine listing with an accompanying performance summary, for the purposes of this ROP.

3.0 BASIS OF EVALUATION

3.1 General:

Evaluation of data is based on applicable standards and the provisions of the most current edition of the following model codes:

- International Codes
- Uniform Codes
- Other codes as designated by the ICC-SRCC Executive Director

Additionally, evaluation of data will be based on the most current of any applicable and listing criteria. A listing criterion will be developed when one of the following situations applies:

- There are no code-referenced standards available.
- There is a nationally recognized standard for the product, but the codes do not cover in enough detail permitted uses of the product.

ICC-SRCC will issue certifications or renew existing certifications to any or all of the following standards unless it is determined that the product does not meet the performance requirements of the standard or falls outside their scope of applicability: *ACP 101-1 The Small Wind Turbine Standard*, *AWEA 9.1 Small Wind Turbine Performance and Safety Standard*, *IEC 61400-2 Wind Turbines- Part 2: Design Requirements of Small Wind Turbines*, *IEC 61400-12-1 Wind Turbines – Part 12-1: Power Performance Measurements for Electricity Producing Wind Turbines*, *IEC 61400-11 Wind*

Turbine Generator Systems – Part 11: Acoustic Noise Measurement Techniques, *IEC 61400-22 Wind Turbines – Part 22: Conformity Testing and Certification*.

3.2 Changes to Listing Report Requirements:

3.2.1 Before implementing significant changes to its listing report requirements, ICC-SRCC shall post the proposed changes to the ICC-SRCC website for a minimum of 30 days of public comment. Resulting public comments shall be given due consideration before ICC-SRCC decides on the precise form and effective date of the changes to its requirements.

3.2.2 In the event of significant changes to the code or applicable standards, or ICC-SRCC rules or policies, affected listees will be notified and will be given a grace period to show compliance with the changes, but no more than a year from the time the changes are adopted by ICC-SRCC unless this period is extended by the Executive Director or his designated representative.

4.0 PRELIMINARY REVIEW

4.1 General:

Before applying for a new listing report, a prospective applicant must first submit a request for a Preliminary Review. The review is conducted for the purpose of verifying that the product is within the scope of accreditation of the listing program, and that ICC-SRCC has the necessary expertise, capabilities, and resources to produce the listing report. They also are used to specify the tests, data and fees required for the listing requested. Applications for preliminary reviews shall be filed on forms provided for that purpose.

The applicant must have the rights to the materials, products, or methods of construction on which a preliminary review is sought and must have the legal rights to all evidence and data. Preliminary review applications that are held for more than 60 days without receipt of the preliminary review fee or supporting documentation are subject to cancellation unless such term is extended by the ICC-SRCC Executive Director or his designated representative.

4.2 Approval:

Upon completion of the Preliminary Review, the ICC-SRCC Technical Director or his designated representative shall determine if the wind turbine is eligible for listing. If so, he shall inform the potential applicant, providing details regarding the submittals, testing and fees required. If the turbine is not deemed eligible for listing, he shall inform the potential applicant, providing the reason for ineligibility. Adverse determinations may be appealed in accordance with the Rules of Procedure for Complaints and Appeals. Applications for a listing report based on a given Preliminary Review must be received with 12 months, after which the Preliminary Review

will expire, unless such term is extended by the ICC-SRCC Executive Director or his designated representative.

5.0 APPLICATIONS

5.1 General:

Qualified applications for new listing reports or renewals, and for changes to existing listing reports, shall be filed on forms provided for that purpose. The applicant must have the rights to the materials, products, or methods of construction on which a listing report is sought and must have the legal rights to all evidence and data.

5.2 Additional Listing:

Any manufacturer or distributor other than the primary listee may be included in the listing report as an additional listee upon submission of an application and payment of required fees by the primary listee. The primary listee shall provide ICC-SRCC with the name and address of each additional listee and shall provide a cross-reference of models between the primary listee's models and the additional listee's models. The primary listee shall also notify ICC-SRCC when additional listees are to be added to the listing report or deleted.

5.3 Private Label Listing Report:

The primary listee may authorize the issuance of a separate listing report under the name of a distributor (also known as a "private label listing report"). A separate listing report application and a completed Application for Private Label Listing form shall be submitted. The application shall include a cross-reference of models between the primary listee's models and the models of the private label listing report applicant. The private label listing report shall be inextricably linked to the primary listing report. Any relevant information in the primary listing report shall be included in the private label listing report. Revisions to the private label listing report shall be made through a separate application for revision, when revisions relevant to the private label listing report are made to the primary listing report.

5.4 Data to Be Submitted in Support of Listing Reports:

Applications for new listing reports and for changes to existing listing reports shall be accompanied by one complete set of relevant test reports, drawings, installation instructions, calculations, and/or other supporting data which fully describe the subject of the application and substantiate its performance as following the applicable model codes and standards. In cases where, in addition to testing, evaluation of product samples is required by the applicable codes and standards, product samples shall be submitted to the ICC-SRCC technical staff for evaluation.

5.4.1 Test Reports

Laboratory tests shall be performed at the expense of the applicant by a testing laboratory complying with ISO/IEC Standard 17025. Testing laboratories must be accredited by an accreditation body that is a signatory to the Mutual Recognition Arrangement (MRA) of the International Laboratory Accreditation Cooperation (ILAC). The scope of the laboratory's accreditation shall include the type of testing that is to be reported to ICC-SRCC.

Test reports may be accepted from nonaccredited testing laboratories recognized by ICC-SRCC (including evidence from an on-site assessment conducted by an authorized ICC-SRCC representative) as conforming to applicable sections of ISO/IEC Standard 17025 for the tests in question.

An applicant may submit data resulting from tests conducted at the manufacturer's testing facility. In most cases, such testing shall be done under the supervision of an accredited laboratory (as described above), and the accredited laboratory shall issue the test report. The test report must be accompanied by a declaration from the accredited laboratory that steps were taken to ensure that the integrity of test specimens was maintained and that the specimens were not altered during periods when a laboratory representative was not present; and that the manufacturer's testing facility demonstrated, to the satisfaction of the accredited laboratory, its competence to perform the testing.

At the discretion of ICC-SRCC, a test report may be accepted from a manufacturer's testing facility without the involvement of another, accredited laboratory, so long as the manufacturer's facility is itself accredited as complying with ISO/IEC Standard 17025 by an accreditation body that is a signatory to the ILAC MRA. The scope of the laboratory's accreditation shall include the specific type of testing covered in the test report.

5.4.2 Engineering Analyses

Where engineering analyses are required to satisfy the selected standard(s), ICC-SRCC shall evaluate and approve the methodology and source. ICC-SRCC may require the applicant to conduct further tests and/or provide additional information considered relevant to the product evaluation if submitted engineering analyses are deemed insufficient to prove compliance to the applicable requirements.

5.4.3 Additional Information

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

5.5 Application Status

Applications are classified as Active or Inactive according to the criteria below. Active applications are eligible for completion and the award of a certification when all program requirements established by ICC-SRCC have been satisfied. Inactive applications have failed to adequately progress toward certification as established below and require additional steps to be returned to Active status. A certification application shall be considered Inactive and removed from the ICC-SWCC website under the any one of the following conditions:

- a. The wind turbine has not yet achieved "Under Test" status after eighteen (18) months from the "Under Contract" date.
- b. The wind turbine has not yet achieved "Reports Submitted" status after two (2) years from the "Under Test" date.

Upon classification as Inactive, applications are removed from the list of Applicant Turbines posted on the ICC-SWCC website. The initial Preliminary Review Application associated with applications that are classified as Inactive becomes invalid. To restore an application to Active status, a new Preliminary Review Application must be submitted for review along with payment of applicable fees. ICC-SRCC staff shall

make a good faith effort to notify applicants whose application is nearing one or both of the Inactive status criteria above, using the latest applicant contact information on file with ICC-SRCC.

5.6 Issuance of New Listing Reports

ICC-SRCC staff and the ICC-SWCC Certification Commission will review the data submitted, and where necessary request additional information to evaluate the product to the designated standard and ICC-SRCC program requirements. If approved by the ICC-SRCC Technical Director, final listing reports and certificates will be prepared.

The applicant and any listees will be notified when listing reports are approved and issued. Listing reports will be made publicly available on the ICC-SWCC website. See Section 14.0 of these rules for permitted uses of any listing report.

New listing reports shall be valid for a period of one year from the date of approval.

6.0 MAINTENANCE OF A LISTING REPORT

6.1 Renewal:

Listing reports shall be valid for a period of one year after which they are eligible for renewal. Applications for renewal of a listing report shall be submitted using appropriate ICC-SRCC forms along with the prescribed renewal fees. Applications for renewal will be evaluated along with recent inspection reports by the ICC-SWCC Certification Commission, and are subject to final approval by the ICC-SRCC Technical Director. ICC-SRCC may request additional information to assess compliance with program requirements while assessing applications for renewal. If approved for renewal, the listee shall be notified and certification directories and documents shall be updated.

6.2 Modification of Listed Products:

Listees must notify ICC-SRCC prior to modifying products covered by the listing report. Product modifications include significant changes in the manufacturing process, change in manufacturer, change in raw material specifications, or significant changes to the quality control program. Listees shall also notify ICC-SRCC when significant changes occur regarding the listee. Significant changes include company name change, change of address, change of ownership, or change in legal status. When deemed necessary by ICC-SRCC, the listee must discontinue use of the listing report until a listing report revision addressing the changes has been issued.

6.3 Inspections:

As a condition of maintaining an ICC-SRCC listing, listees shall be required to undergo an annual inspection or submit a self-assessment of quality management systems associated with the product addressed in each listing report in accordance with this section. The ICC-SRCC Technical Director shall, at his sole discretion, determine whether a self-assessment is permissible in any given year. All surveillance activities shall be conducted in accordance with *SOP-12, Surveillance Procedures*.

6.3.1 Surveillance Inspections:

As a condition of maintaining an ICC-SRCC listing report, listees shall grant ICC-SRCC or its designated representative the right to conduct surveillance inspections of quality management systems at production facilities to verify compliance with the listing requirements. Listees shall grant ICC-SRCC or its designated representative the right to conduct to verify compliance with listing requirements.

ICC-SRCC or its designated representative shall make every effort to visit manufacturing locations during normal business hours.

At the production facility, the listee shall assign an appropriate representative to accompany the inspector, to grant access to applicable manufacturing and storage locations, to help with review of applicable records and documents, to observe as the inspector selects samples randomly for testing, and otherwise to accommodate the inspector as necessary. If the inspector selects samples for testing by an accredited laboratory, the listee shall authorize the laboratory to send a copy of the test results directly to ICC-SRCC headquarters for review.

In general, the decision to choose samples for testing by an accredited laboratory is at the discretion of the inspector and may depend on the availability of the listed products during the inspection. However, sampling and testing may be mandatory in the event of the following: modification of the listed products; complaints or legal actions pending related to the code compliance of the listed products; the standard or the code governing the listed products having undergone a revision; or the applicable Rules of Procedure or ICC-SRCC policies having changed in such a way as to require retesting.

The listee shall agree that if such testing shows the product failing to meet the requirements of the specified testing standard, ICC-SRCC may remove the product from the listing.

6.3.2 Self-Assessments:

Quality control self-assessment, where permitted, shall be conducted by the listee or their authorized designee. The results shall be reported using the form designated by ICC-SRCC. Fees for the review and processing of self-assessment forms shall be assessed in accordance with the fee schedule. Surveillance inspections of the production facility and quality management system may be accepted in lieu of a self-assessment at the discretion of the ICC-SRCC Technical Director.

6.3.3 Additional Surveillance:

ICC-SRCC retains the authority to conduct surveillance of the production facilities and quality management systems associated with listing reports to confirm continued program compliance.

7.0 PRODUCT IDENTIFICATION

7.1 Listee's Name, Registered Trademark, or Registered Logo:

The listed products shall be permanently identified with the listee's name. The listee's registered trademark or registered logo is permitted in lieu of the listee's name when a facsimile of the registered trademark or registered logo is included in the listing report. The listing report shall include additional identification provisions when required by the code or the applicable standard.

7.2 ICC-SWCC Listing and Certification Marks:

Where applicable, the listee shall mark the listed product with the ICC-SWCC listing or certification mark as established in the *ICC-SRCC/ICC-SWCC Rules for Marks and Certificate Use*.

8.0 REVOCATION/CANCELLATION/SUSPENSION OF LISTING REPORTS

8.1 A listing report may be canceled upon ICC-SRCC's receiving a written request to do so from the listee. A file for a new listing report may be closed upon receipt of a written request from the applicant.

8.2 Notwithstanding anything in these rules to the contrary, any listing report or additional listing may be suspended for a period not to exceed 90 days, revoked, or canceled by the ICC-SRCC Executive Director or his designated representative, without notice or a hearing, for any of the following reasons: required fees having not been received by ICC-SRCC within 30 days from the date of mailing by ICC-SRCC of a written demand for payment; failure of the listee to maintain a current quality control program; failure to perform any test, or furnish any material or data, required by ICC-SRCC within the specified time limit, unless extended by the ICC-SRCC Executive Director or his designated representative; receipt of information that the product has been modified in violation of Section 8.0 of these rules; denial of ICC-SRCC access to manufacturing facilities for purposes of inspecting and evaluating quality control procedures; or failure to comply with any rule for maintaining listings as adopted or amended from time to time by ICC-SRCC.

8.3 Notwithstanding anything in these rules to the contrary, any listing report may be suspended by action of the ICC-SRCC Board of Directors for such period or periods as the Board determines, without notice or a hearing, for the following reason: failure of the product, material, method of construction or equipment to perform properly or conform with the specifications upon which the listing was based, either condition presenting a threat to public safety or property.

9.0 FEES

9.1 General:

9.1.1 The preliminary review and application fees cover one category of products (covered by the same standard). A separate application is required for products that are covered by other standards. All fees are set forth in the ICC-SWCC Fee Schedule (fee schedule) and applicable Certification Agreement. All fees shall be paid in U.S. funds drawn from a U.S. bank.

9.1.2 Where products covered by a listing report are distributed by companies other than the applicant, such other companies' names shall appear on the listing report as additional listees. A fee may be charged for each listee as set forth in the fee schedule.

9.2 Preliminary Review Fees:

Fees for preliminary reviews shall be assessed in accordance with the fee schedule and are non-refundable. If the

preliminary review is approved, a certification agreement will be drafted establishing data and testing requirements and application fees for a new listing report.

9.3 Application Fees for New Listing Report:

Each new application shall be accompanied by the application fee as established in the Certification Agreement resulting from the preliminary review or the fee schedule in the case of Private Label certifications. Application fees are not refundable unless authorized by the Executive Director or his designated representative. Upon completion of the evaluation, the applicant may be invoiced for additional fees, as described in the fee schedule.

9.4 Application Fees to Modify Listing Report:

A listee may request an editorial or technical modification to an existing listing report at any time. Revisions shall not extend the expiration date of the existing listing report. Fees for revisions are as set forth in the fee schedule.

9.5 Inspection Fees:

The fees for inspection activities, as defined in Section 6.3, are as set forth in the fee schedule. The applicant shall reimburse ICC-SRCC for all expenses related to qualifying inspection activities, including self-assessment report processing. If the inspector is unable to gain entry to the production facility named in the *ICC-SWCC Application for Certification*, the listee shall agree to pay ICC-SRCC the inspection fee as shown in the fee schedule. The listee is also responsible for the costs associated with shipping selected samples to an accredited laboratory as part of a surveillance inspection, and having the samples tested, if required.

9.6 Renewal Fees

An application for renewal shall be accompanied by renewal fees as set forth in the fee schedule. Renewal application fees are non-refundable.

10.0 PROPRIETARY DATA

Data in any listing report file or application file is considered proprietary. The data may be disclosed by ICC-SRCC upon written consent of the applicant or, with notice to the applicant, pursuant to a subpoena issued by a court or other governmental agency of competent jurisdiction. Proprietary data may also be disclosed to a staff member of ICC-SRCC or the International Code Council (ICC), or an authorized representative of ICC-SRCC or ICC having a legitimate interest therein; any member of the ICC-SRCC Board of Directors; or any duly identified representative of any testing agency or like organization that initially prepared the data, or a duly authorized representative thereof stated to be an employee or principal thereof having a legitimate interest therein. From time to time, ICC-SRCC records and files are audited by national and international bodies on a random basis to establish conformance with international accreditation and conformity assessment standards. It is understood that, by executing a listing report application, listees grant ICC-SRCC the authority to allow such access.

11.0 PERMITTED USE OF LISTING REPORTS AND THE ICC-SRCC NAME, LISTING AND CERTIFICATION MARKS

11.1 Listees must comply with these Rules of Procedure and the *ICC-SRCC Rules for Mark and Certificate Use* in their use of the ICC-SRCC or ICC-SWCC name, ICC-SWCC mark, machine-readable code, their listing report and listing report number, and any communications associated with the listing report. If it is determined that identification is being applied to materials or products that do not comply with the current listing report, is being applied before authorization or applied after a listing report has been closed, ICC-SRCC will immediately disseminate a notice of violation of the ICC-SRCC Rules of Procedure and take any and all actions necessary to secure compliance with the rules.

11.2 No listee shall use the ICC-SRCC listing or certification marks or ICC-SRCC machine-readable code until authorized by ICC-SRCC.

11.3 The then-current listing report as provided to the listee by ICC-SRCC and also available on the ICC-SWCC website, may be reproduced in its entirety by the listee in the listee's literature, advertising, or promotional materials. No reference to ICC-SRCC or ICC-SWCC, the listing report, the ICC-SRCC listing mark, or the ICC-SRCC machine-readable code shall be included with such reproduction in a manner which could be misleading.

11.4 Listees are expressly prohibited from using the ICC-SRCC or ICC-SWCC name, mark, machine-readable code, or listing report number to claim or imply product recognition beyond the recognition specified in the listing report. Listees are also expressly prohibited from using, in advertising, promotional, and informational materials, any language that would likely mislead the public about their listings. ICC-SRCC reserves to itself the right to interpret what would constitute misleading language.

11.5 The following provisions govern the use of the ICC-SRCC listing and certification marks and ICC-SRCC machine-readable code on products and in advertising, promotional, and informational materials:

11.5.1 Use of the ICC-SRCC listing and certification marks and ICC-SRCC machine-readable code is prohibited in any manner and in any media without authorization from ICC-SRCC. Use of, or reference to, any listing report after cancellation is also prohibited.

11.5.2 The ICC-SRCC or ICC-SWCC listing mark and machine-readable code may be used only on or in connection with products, components, methods, and materials that are covered in currently valid listing reports. Use of the ICC-SRCC or ICC-SWCC listing mark, certification mark, and/or ICC-SRCC machine-readable code is not a replacement or substitute for product identification provisions in the relevant listing. In no circumstances may the ICC-SRCC or ICC-SWCC listing mark and/or machine-readable code be used to imply ICC-SRCC or ICC-SWCC approval of aesthetics or any other attributes not specifically addressed in the listing.

11.5.3 The use of the ICC-SRCC or ICC-SWCC listing mark and machine-readable code must include the relevant listing report number.

11.5.4 The ICC-SRCC or ICC-SWCC listing mark, certification mark and ICC-SRCC machine-readable code may not be altered in any way, unless specifically authorized in writing by ICC-SRCC.

11.5.5 Listees may use their listing reports only to indicate that the products in question conform with the standards specified. When no clarification is needed regarding the standard under which the product has been listed (as when the product has been listed as complying with all applicable standards, or there is only one standard applicable to the product), the ICC-SRCC or ICC-SWCC listing mark or certification mark alone, or the machine-readable code alone, without additional clarification, may be sufficient for the product. However, to avoid misunderstandings, ICC-SRCC may require additional markings, to supplement the listing mark or ICC-SRCC machine-readable code, and clarify its meaning, wherever the possibility of confusion exists. [For example, ICC-SRCC may require the relevant standard number(s) to accompany the listing mark or ICC-SRCC machine-readable code.] ICC-SRCC will inform the listee if there are such special requirements for display of the ICC-SRCC or ICC-SWCC listing mark or machine-readable code on product packaging or in product literature.

11.6 It is the responsibility of the listee not to misrepresent in any way the status, conditions, or terms of the relevant ICC-SRCC listing report, and not to use the listing report in such a manner as to bring ICC-SRCC into disrepute. It is also the listee's responsibility to secure ICC-SRCC approval in advance whenever there is a question about how the ICC-SRCC listing mark, machine-readable code, and/or name is to be used.

11.7 In the event a listee seeks cancellation of a listing report, or informs ICC-SRCC that production at a recognized manufacturing facility has ceased or is being transferred to a different facility, then the listee shall (a) promptly provide ICC-SRCC with written confirmation that manufacturing of products bearing the ICC-SRCC certification mark and/or electronic labeling has ceased at the previously recognized facility; and (b) permit ICC-SRCC, upon request, to send a representative to inspect the facility in order to verify that the manufacturing of products bearing the mark and/or electronic labeling has ceased.

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

11.9 Violation of these rules, regarding use of the ICC-SRCC name, ICC-SRCC or ICC-SWCC listing mark and certification mark, and machine-readable code as determined by ICC-SRCC, must cease immediately upon notification of the violator by ICC-SRCC. Failure to respond to the notification may lead to suspension or revocation of the listing report under these rules. ICC-SRCC also reserves the right to note violations in the public notices and publications of ICC-SRCC and its parent company, ICC, and on the ICC-SRCC websites.

12.0 APPEALS AND COMPLAINTS

For details on appeals and complaints, see the *ICC-SRCC/ICC-SWCC Complaint Policy*. *