



**Procedures for Accreditation of
Bodies Operating Certification of
Environmental Management Systems
E5.5**

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FOREWORD

The ANSI-ASQ National Accreditation Board, hereinafter called ANAB, was established to provide an accreditation system for certification bodies (CBs) of quality management systems (QMS) and environmental management systems (EMS) in the United States. This system has achieved international acceptance, and ANAB representatives are active on a number of international committees and working groups to meet the needs of its customers and stakeholders.

For more information, contact ANAB, 600 N. Plankinton Ave., Suite 300, P.O. Box 586, Milwaukee Wisconsin, 53201-0568, USA, telephone 414-347-9858, facsimile 414-298-2509, anab@anab.org, www.anab.org.

This procedure covers the operational activities and responsibilities of ANAB and EMS certification bodies accredited by ANAB. These procedures are a companion document to ISO Guide 66, IAF Guidance to Guide 66, and ANAB Advisories.

Other activities and responsibilities of ANAB and ANAB-accredited CBs may be described in additional guidelines, advisories and administrative documents.

Note: Any and all references to ISO, IAF, or ANAB documents, procedures, or other controlled materials shall be to the current issue of the document(s). ANAB documents are accessible free of charge on the ANAB Web site (www.anab.org); IAF documents are accessible free of charge on the IAF Web site (www.iaf.nu).

DEFINITIONS

Accreditation criteria – For a CB for ISO 14001 environmental management systems, the most recent announced versions of ISO/IEC Guide 66, General requirements for bodies operating assessment and certification/registration of environmental management systems; IAF Guidance on the Application of ISO/IEC Guide 66; ANAB Procedures for Accreditation of Bodies Operating Certification/Registration of Environmental Management Systems; and applicable ANAB Advisories. There may be additional accreditation criteria for ISO 14001-based industry sector standards.

ANAB – ANSI-ASQ National Accreditation Board.

Correction – Action to eliminate a detected nonconformity (ISO 9000:2000, section 3.6.6).

Corrective action – Action to eliminate the cause of a detected nonconformity or other undesirable situation. Corrective action is taken to prevent recurrence (ISO 9000:2000, section 3.6.5).

Informational visit (optional) – A visit, requested by a potential applicant, conducted by an ANAB auditor for the purpose of reviewing the ANAB accreditation criteria, including the accreditation process.

Initial assessment – The process of evaluating an applicant's suitability for accreditation using such techniques as (1) review of documentation, (2) an office audit, and (3) witness audit(s).

Investigative Witness audit – A required audit in response to a complaint alleging nonconformance by a certified organization. ANAB shall outline the expectations to the CB prior to the audit and if the CB does not meet those expectations ANAB shall intervene and facilitate the direction of the audit and if necessary to adequately investigate the allegations the ANAB audit team may pursue audit trails of the organization's system. See Article 9.

Review of documentation – The process of comparing the requirements embodied in the applicant's quality system documentation with the requirements of ISO/IEC Guide 66, IAF Guidance on the Application of ISO/IEC Guide 66, and ANAB Advisories.

Office audit – A systematic and independent evaluation performed at the CB's facility to determine whether its documented system for operating a registration system has been and continues to be effectively implemented.

Stage 1 audit – The first stage of a two-stage audit conducted by a CB of an organization for registration of an EMS. The stage 1 EMS audit is for conducting an on-site document review, confirming the organization has conducted an effective aspects analysis, confirming the organization is knowledgeable of legal requirements, and determining the organization's readiness for a stage 2 audit.

Stage 2 audit – The second stage of a two-stage audit conducted by a CB of an organization for registration of an EMS. The stage 2 EMS audit is for confirming effective implementation of an EMS.

Suspension of accreditation – While accreditation is suspended, a CB may not issue any new ANAB-accredited certificates.

Withdrawal (cancellation) of accreditation – Requires return of the Certificate of Accreditation, cessation of use of the ANAB mark in any form and any reference to accredited status, withdrawal of accredited registration certificates, and notification of withdrawal (cancellation) published at www.anab.org and in ANSI *Standards Action*.

Witness audit – An evaluation by an ANAB audit team of a CB's audit team conducting an audit of an organization's EMS to the requirements of applicable standards. The objective is to ascertain the:

1. CB audit team's competence to assess in the field in which the audit is being conducted.
2. CB audit team's conformance to ISO 19011, including but not limited to:
 - Conduct of the opening meeting.
 - Management of the audit, including adjustments to the audit plan.
 - Conduct of the closing meeting.
 - Adequacy of the audit team's resources and efficient use of on-site audit time.
3. CB audit team's knowledge of ISO 14001 and, where applicable, industry sector standards (for example, RC 14001).
4. Effectiveness of the CB's audit program management.
5. Conformity of the CB's audit team with the CB's management system.

In, addition, ANAB may offer constructive comments to audit team members, both strengths and opportunities for improvement.

ARTICLE 1: APPLICATION FOR ACCREDITATION

- 1.1 The EMS application package may be ordered by sending an e-mail to accreditation@anab.org.
- 1.2 The application package includes the most recent version of the following:
 - Application form E6
 - Fee schedule R8
 - Instructions to order ISO/IEC Guide 66
 - IAF Guidance on the Application of ISO/IEC Guide 66
 - Checklist for referencing the applicant's documentation to the criteria E10
 - Cover letter outlining the information that an applicant is to include with an application for accreditation and offering an optional informational visit.

Note: A controlled set of ANAB Advisories and E5 is on ANAB's Web site (www.anab.org).

- 1.3 If an informational visit is requested, ANAB informs the prospective applicant of the cost, assigns an appropriate auditor, and coordinates arrangements for the visit.
- 1.4 Upon receipt of the completed application in English and the application fee, ANAB staff evaluates the submitted information for completeness. Additional information and/or clarification may be requested of the applicant.
 - 1.4.1 The application, all attachments including the quality manual, and any policy, procedure, or work instruction reference on the criteria matrix (E10) shall be in English.
- 1.5 When it is determined that the application is complete and that the applicant has the potential to meet the accreditation criteria, the application is accepted by ANAB and the applicant is notified in writing.
- 1.6 The applicant is added to ANAB's published list of applicant CBs on ANAB's Web site (www.anab.org).

A public announcement of the acceptance of the application is made in ANSI *Standards Action* for a 30-day comment period, with instructions for submitting comments to ANAB. Any comments received shall be acknowledged and responded to by ANAB or the applicant, if appropriate. The procedure continues as described in Article 2.
- 1.7 If at any time during the application process, it is judged that the applicant does not have the potential to meet the accreditation criteria, ANAB shall inform the applicant in writing that the application cannot be considered further and of the reasons for this action. A refund of the application fee is not issued.
- 1.8 If a CB wishes to re-apply, a new application along with the application fee shall be required.
- 1.9 The applicant may enter an appeal, in accordance with Article 14, within 30 days after receipt of written notification that the application has been withdrawn.

ARTICLE 2: INITIAL ASSESSMENT FOR ACCREDITATION

- 2.1 Upon acceptance of an application, ANAB assigns the application to an ANAB accreditation audit team leader. At least one other audit team member is identified to participate with the audit team leader at the office audit(s) and witness audits. The applicant is informed of the identities, employment status, and experience of the proposed members of the audit team, including any

technical expert, if needed, to give the applicant an opportunity to raise objections. If the applicant submits objections in writing concerning any audit team member, ANAB shall not assign that person to the team if it judges the objections to be well founded.

2.1.1 Under the Multi-Cooperative Accreditation Agreement (MCAA) ANAB may accept full system office or witness audits by a MCAA signatory accreditation body for the purpose of initial accreditation or ANAB may consider joint audit teams with other accreditation bodies.

2.1.1.1 If ANAB accepts audits by a MCAA signatory accreditation body ANAB may conduct abbreviated office or witness audits.

2.1.2 Initial accreditation audits with CBs outside of the MCAA shall be conducted by ANAB; however, joint audit teams with other accreditation bodies may be considered by ANAB.

2.1.3 Team members shall have no relationships with the applicant that may influence the audits. Team members are required to maintain all knowledge and information obtained about the applicant and its operations as confidential.

2.2 The ANAB audit team leader performs a review and evaluation of the applicant's documentation submitted with the application. This review shall determine if the requirements for accreditation have been satisfactorily integrated into the applicant's management system and operating procedures. The audit team leader shall issue a report of the results of the document review. The applicant may be required to provide clarifications and corrections before the accreditation process proceeds.

2.3 ANAB, together with the audit team leader, arranges with the applicant for a mutually acceptable schedule for the office audit(s) and the two stages of the witness audits. Confirmation of this schedule shall be made in writing to the applicant, including a request for details on logistical arrangements, applicant's audit team qualifications, details of the applicant's audit plan, and any other information required of the applicant in order to carry out the assessment process. In addition, the applicant is informed of the ANAB audit plan for the office audit and the ANAB auditing protocol.

2.3.1 Other locations of the CB are also subject to audit if such locations are considered "critical" as defined in the IAF Guidance on Cross Frontier Accreditation and ANAB Advisory 18.

2.3.2 Prior to the conduct of the office audit for initial accreditation, the applicant shall have conducted a complete internal audit (all elements of the management system) and at least one complete management review.

- 2.3.3 For witness audits, ANAB requires that the number of members of the ANAB audit team be equal to the number of members on the CB's audit team. A one-person CB audit team is not acceptable for an initial accreditation witness audit, except for the stage 1 portion of the audit.
- 2.3.4 For witness audits, ANAB requires that the CB's audit team conduct a full system audit, including stages 1 and 2, of an organization's EMS to the requirements of applicable standards. It is preferred to have the stage 1 audit conducted prior to the stage 2 audit for the same organization.
- 2.3.5 The CB shall have enforceable arrangements with organizations being audited for the purpose of being issued an accredited certificate, to ensure access to witness the CB's audit team performing an audit at the organization's site. (ref. IAF Guidance to ISO/IEC Guide 61, Annex 1).
 - 2.3.5.1 The CB must notify ANAB at such time an organization refuses a witness audit. If the organization chooses to transfer to another CB to avoid having its audit witnessed, an ANAB-accredited certificate may not be issued. ANAB will notify IAF member accreditation bodies of such refusals.
- 2.3.6 During a witness audit, an ANAB auditor is not authorized to agree to any release of responsibility by the witnessed organization for the safety of the audit teams, and is expected to take immediate action at any time to avoid injury, including, if necessary, leaving the area or the organization. An ANAB auditor will conform with the safety rules of the organization, as made known to the ANAB auditor.
 - 2.3.6.1 If, at any time during a witness audit, an ANAB auditor observes a hazard he or she considers to be an imminent risk of high severity to health and safety, the auditor shall request an immediate caucus with the CB's audit team leader to inform him or her of the hazard, with the expectation that the CB's audit team leader will address this with the organization in accordance with the CB's processes.
- 2.4 The ANAB audit team conducts the office and witness audits. For each audit, an audit report is prepared by the audit team leader. Each report includes audit details, discussion of nonconformity records (NCRs) issued and concerns identified, and conclusions reached by the audit team. NCRs shall be issued for identified deficiencies that require correction and corrective action by the applicant. Concerns and opportunities for improvement are also identified in the audit report; however, they do not necessarily require a formal response.
 - 2.4.1 The ANAB audit report or NCRs about the CB related to noncompliance with statutory or regulatory requirements by the witnessed organization shall be written in terms of the management system requirements,

- certification requirements, and accreditation requirements, in consideration of the risk to the organization of disclosure to other parties
- 2.4.2 Prior to witnessing the stage 2 portion of the audit, the applicant is to present the ANAB audit team with evidence of the completed document review and conclusions from the stage 1 portion of the audit.
- 2.5 Each audit report is then electronically transmitted to the applicant.
- 2.6 Evidence of implementation of acceptable correction and corrective action for all nonconformities is required, in keeping with Article 10 of this procedure, before the initial accreditation decision process described in Article 3 is initiated. Acceptance of these responses is based on a review by the ANAB audit team and appropriate ANAB staff. Follow-up audits and/or additional audits may be required. Results of all reviews shall be communicated to the applicant in writing.
- 2.7 The applicant may enter an appeal in accordance with Article 14 within 30 days after receipt of written notification of the initial audit conclusions and/or results of the reviews of evidence of implementation of acceptable correction and corrective action for nonconformities.
- 2.8 The initial audits shall occur within the 12-month period preceding the accreditation decision. If any audit occurred more than 12 months prior to the accreditation decision, ANAB may need to conduct a follow-up audit.
- 2.9 The applicant CB shall have successfully completed the initial accreditation process within one year of the date of acceptance of the application. If the applicant has not done so, ANAB may place the applicant on “inactive” status per Advisory 8.

ARTICLE 3: THE INITIAL ACCREDITATION DECISION PROCESS

- 3.1 If the audit team’s conclusions regarding the effectiveness of the certification/registration system are satisfactory and ANAB staff has concluded that all other requirements have been met, including all nonconformities being closed per Article 10, an accreditation package is prepared by ANAB staff for the EMS Council. The package consists of a summary of the CB’s application information, all nonconformities issued including the applicant’s response and ANAB’s review of the responses, and the ANAB executive review of the initial accreditation activity and a recommendation for accreditation.
- 3.1.1 In keeping with the ANAB Council Operating Procedure (R20), the applicant’s accreditation package is presented to a review team of the EMS Council by ANAB staff with copies of the audit reports and responses. A copy of the accreditation package, including the ANAB recommendation, shall be provided to the CB prior to the Council’s decision.

3.1.2 At an EMS Council meeting, ANAB staff shall present the applicant's accreditation package to the EMS Council for a decision on accreditation. The EMS Council considers the information provided in light of the staff recommendation and input from the EMS Council review team that reviewed the package in detail. ANAB staff may be queried for additional information or clarifications. Council voting is governed by ANAB Council Operating Procedure R20.

3.2 If the EMS Council vote is in favor of initial accreditation, the decision shall be communicated to ANAB staff. Certain conditions may be imposed by the EMS Council on its decision to accredit the applicant. It is the duty of the newly accredited CB to ensure that those conditions are met.

3.2.1 ANAB staff shall notify the applicant of the favorable decision. This notification shall include two copies of the Accreditation Agreement (both signed for ANAB by the Director of Accreditation) and an invoice for the accreditation fee. (See also Article 5.1.)

See Appendix 1 for the Accreditation Agreement.

3.3 If the EMS Council votes against initial accreditation, ANAB staff shall be notified and provided the reason(s) for the decision.

3.3.1 ANAB staff shall notify the applicant in writing stating the basis of the decision and any next steps on the part of the applicant that may be deemed appropriate. The applicant may appeal the decision in keeping with Article 14.

3.3.2 ANAB fees and audit expenses associated with the accreditation activity performed to date, as described in Article 4, become payable by the unsuccessful applicant.

ARTICLE 4: FEES ASSOCIATED WITH ACCREDITATION

4.1 ANAB invoices the applicant according to the current fee schedule.

4.2 Upon failure to pay the invoice when due, ANAB may, per ANAB Advisory 21:

- Refuse any further consideration of an application
- Not offer a Certificate of Accreditation
- Suspend or withdraw accreditation

ARTICLE 5: ACCREDITATION

- 5.1 Upon receipt of one copy of the accreditation agreement duly signed by a company officer on behalf of the applicant, payment of the accreditation fee, and payment of any overdue unpaid invoices, ANAB staff shall prepare a Certificate and schedule of Accreditation.
- 5.2 ANAB updates the published list of accredited CBs on ANAB's Web site (www.anab.org).
- 5.3 ANAB gives ANSI notice of the accreditation for publication in *Standards Action* in keeping with the requirement for public notice. Any interested party may enter an appeal against a decision to grant accreditation after publication of that decision, as provided for in Article 14.
- 5.4 ANAB shall send the CB the Certificate of Accreditation, the accreditation schedule and the ANAB accreditation mark (see Advisory 6). The accreditation is valid for four years.
- 5.5 The scope of accreditation, issue date, term of accreditation, and initial accreditation date shall be shown on the certificate. The CB locations, with critical locations identified and countries in which the CB has issued or is planning on issuing ANAB accredited certifications, shall be shown on the schedule of accreditation.

ARTICLE 6: CONTINUANCE OF ACCREDITATION

- 6.1 ANAB monitors and evaluates the CB's conformity to the accreditation criteria, referenced documents, and applicable ANAB Advisories, and other requirements throughout the term of the accreditation.

This activity includes periodic monitoring through office audits of selected requirements and the periodic witnessing of a CB audit team conducting an EMS audit to ISO 14001.

- 6.2 ANAB shall conduct office audits: first, at approximately six months after initial accreditation or 12 months after the initial office audit, whichever occurs first; and thereafter every 12 months. Office audits are targeted to be scheduled six months prior to the month of accreditation. ANAB reserves the right to conduct unscheduled office audits at times other than those stated.
- 6.3 ANAB shall conduct witness audits of a CB audit teams annually. ANAB reserves the right to conduct additional witness audits if deemed advisable.
 - 6.3.1 The CB shall have enforceable arrangements with organizations holding an accredited certificate to ensure access to witness the CB audit team performing an audit at the organization's site. (ref. IAF Guidance to ISO/IEC Guide 61, Annex 1).

6.3.1.1 The CB shall notify ANAB at such time an organization refuses a witness audit. If the organization chooses to transfer to another CB to avoid having its audit witnessed, an ANAB-accredited certificate may not be issued. ANAB shall notify IAF member accreditation bodies.

6.3.2 During a witness audit, an ANAB auditor is not authorized to agree to any release of responsibility by the witnessed organization for the safety of the audit teams, and is expected to take immediate action at any time to avoid injury, including, if necessary, leaving the area or the organization. An ANAB auditor will conform with the safety rules of the organization, as made known to the ANAB auditor.

6.3.2.1 If, at any time during a witness audit, an ANAB auditor observes a hazard he or she considers to be an imminent risk of high severity to health and safety, the auditor shall request an immediate caucus with the CB's audit team leader to inform him or her of the hazard, with the expectation that the CB's audit team leader will address this with the organization in accordance with the CB's processes.

6.3.3 ANAB requires an annual witness audit in addition to any industry-specific or scope extension witness audit (if applicable) that may occur. One of the annual witness audits during the accreditation period may be an industry-specific audit.

The guidelines used for selecting the witness audit may include but are not limited to: a different IAF Scope Category each year, audit type, office audit results, and complaints. Annual witness audits may be of surveillance audits; one audit in the accreditation cycle shall evaluate the CB's re-assessment (renewal) process (ref. ISO Guide 66 and IAF Guidance to Guide 66).

6.4 ANAB shall consider accepting office or witness audits by other IAF Multilateral Mutual Recognition Arrangement (MLA) EMS signatory accreditation bodies and MCAA signatory bodies in lieu of an ANAB audit.

6.5 Other locations of the CB are also subject to audit as defined in the IAF Guidance on Cross Frontier Accreditation and ANAB Advisory 18.

6.6 A report on the results of each audit is prepared by the ANAB audit team and made available to the CB. All identified nonconformities shall be documented and included with the report. Evidence of effective implementation of acceptable correction and corrective action is required in keeping with Article 10.

6.6.1 The ANAB audit report or NCRs about the CB related to noncompliance with statutory or regulatory requirements by the witnessed organization shall be written in terms of the management system requirements,

certification requirements, and accreditation requirements, in consideration of the risk to the organization of disclosure to other parties.

- 6.7 ANAB staff is authorized by the EMS Council to make the decision for continued accreditation (within the four-year accreditation period) based on the satisfactory results of the annual audits or satisfactory correction and corrective actions. Unsatisfactory results may require increased frequency of surveillance activity per Article 7, or suspension or withdrawal of accreditation per Article 13.

ARTICLE 7: INCREASED FREQUENCY OF SURVEILLANCE ACTIVITY

- 7.1 ANAB staff is authorized by the EMS Council to increase surveillance of a CB in circumstances where suspension or withdrawal may not be appropriate. Increased surveillance activity need not precede suspension or withdrawal.
- 7.2 Any of the following reasons shall be considered for increased surveillance activity:
- 7.2.1 Significant organization changes
 - 7.2.2 Increased certification/registration activity
 - 7.2.3 Multiple nonconformities and/or complaints in a specific area (for example, audit day calculations or an industry specific program)
 - 7.2.4 Relationships that cause a real or perceived conflict of interest
 - 7.2.5 Other conditions deemed appropriate
- 7.3 Increased surveillance activity may include an increase in office audit and/or witness audit activity depending on the reasons for increasing the frequency.
- 7.4 Surveillance activity shall return to standard levels per Article 6 when ANAB regains confidence in the CB's system and the CB demonstrates effective control of its system.
- 7.5 The CB may enter an appeal, in accordance with Article 14, within 30 days after receipt of written notification of the increased surveillance activity.

ARTICLE 8: RE-ACCREDITATION

- 8.1 For re-accreditation purposes, ANAB shall conduct an office audit of the CB's full registration system at approximately six months prior to the expiration of the accreditation.

- 8.2 For re-accreditation purposes, ANAB shall witness the CB's audit team conducting a stage 1 and stage 2 full system audit of an organization's EMS for conformance to ISO 14001 and other applicable standards approximately six months prior to the accreditation expiration. It is preferred to have the stage 1 and stage 2 audits conducted in sequence for the same organization.
- 8.2.1 Under the Multi-Cooperative Accreditation Agreement (MCAA), ANAB may accept full system office or witness audits by a MCAA signatory accreditation body for the purpose of re-accreditation or the ANAB may consider joint audit teams with other accreditation bodies.
- 8.2.1.1 If ANAB accepts audits by another MCAA signatory accreditation body, ANAB may conduct abbreviated office or witness audits.
- 8.2.2 Initial accreditation audits with CBs outside the MCAA shall be conducted by ANAB; however, joint audit teams with other accreditation bodies may be considered by ANAB.
- 8.2.3 A CB shall have an audit team with a minimum of two auditors for a re-accreditation stage 2 witness audit. ANAB shall have a two-auditor team for the stage 2 portion of the audit.
- 8.2.4 The CB shall have enforceable arrangements with organizations holding accredited certificates, to ensure access to witness the CB's audit team performing an audit at the organization's site. (ref. IAF Guidance to ISO/IEC Guide 61, Annex 1).
- 8.2.4.1 The CB shall notify ANAB at such time an organization refuses a witness audit. If the organization chooses to transfer to another CB to avoid having its audit witnessed, an ANAB-accredited certificate may not be issued. ANAB shall notify IAF member accreditation bodies.
- 8.2.5 During a witness audit, an ANAB auditor is not authorized to agree to any release of responsibility by the witnessed organization for the safety of the audit teams, and is expected to take immediate action at any time to avoid injury, including, if necessary, leaving the area or the organization. An ANAB auditor will conform with the safety rules of the organization, as made known to the ANAB auditor.
- 8.2.5.1 If, at any time during a witness audit, an ANAB auditor observes a hazard that he or she considers to be an imminent risk of high severity to health and safety, the auditor shall request an immediate caucus with the CB's audit team leader to inform him or her of the hazard, with the expectation that the CB's audit team leader will address this with the organization in accordance with the CB's processes.

- 8.3 Other locations of the CB are also subject to re-accreditation audits as defined in the IAF Guidance on Cross Frontier Accreditation and ANAB Advisory 18.
- 8.4 A report on the results of each audit is prepared by the ANAB audit team and made available to the CB. All identified nonconformities are documented and included with the reports. Evidence of implementation of acceptable correction and corrective action is required in keeping with Article 10.
- 8.4.1 The ANAB audit report or NCRs about the CB related to noncompliance with statutory or regulatory requirements by the witnessed organization shall be written in terms of the management system requirements, certification requirements, and accreditation requirements, in consideration of the risk to the organization of disclosure to other parties.
- 8.5 Before the expiration date of accreditation, ANAB staff shall prepare the CB's re-accreditation package, consisting of a summary of all annual and re-accreditation audits that have occurred during the period of accreditation including; a summary of the nonconformities and correction and corrective actions that resulted from these audits and the status of the nonconformities (for example, open or closed), summary of complaints, summary of appeals, and the ANAB executive review of the re-accreditation activity.
- 8.5.1 In keeping with ANAB Council Operating Procedure (R20), the CB's re-accreditation package is presented to a review team of the EMS Council by ANAB staff. Included also is a recommendation by ANAB staff for full re-accreditation, short-term extension of accreditation, extension of accreditation with suspension, or withdrawal of accreditation. A copy of the re-accreditation package, including the ANAB recommendation, shall be provided to the CB prior to the Council's decision.
- 8.5.2 At an EMS Council meeting, ANAB staff shall present the CB's re-accreditation package to the EMS Council for a decision on re-accreditation. The EMS Council considers the information provided in light of the staff recommendation and input from the EMS Council review team that reviewed the package in detail. ANAB staff may be queried for additional information or clarifications. Council voting is governed by the Council Operating Procedure R20.
- 8.6 If the decision by the EMS Council for re-accreditation is favorable, ANAB issues a new Certificate of Accreditation for a four-year period. Certain conditions may be imposed by the EMS Council on its decision to re-accredit the CB. It is the duty of the re-accredited CB to ensure that those conditions are met.
- 8.7 If the decision by the EMS Council for re-accreditation is unfavorable, the ANAB shall notify the CB in writing, stating the basis for the Council's decision and any next steps on the part of the CB and the ANAB appropriate to initiate suspension

or withdrawal of accreditation in keeping with Article 13. The CB may appeal the decision in keeping with Article 14.

ARTICLE 9: COMPLAINTS

- 9.1 If a complaint against ANAB is received, it shall be processed by ANAB staff in keeping with its procedures for complaints including, if necessary, its correction and corrective action process. The complaint shall be addressed in writing. Non-confidential information about complaints is on ANAB's Web site (www.anab.org).
- 9.2 If a complaint is submitted to ANAB alleging nonconformance of an accredited CB with the accreditation criteria, an investigation shall be carried out by ANAB.
 - 9.2.1 The outcome of the investigation shall be made known to both the CB and the complainant.
 - 9.2.2 If the complaint or part of the complaint is valid, Article 10 applies.
 - 9.2.3 If the complaint is valid, any costs of the investigation may be charged to the CB.
 - 9.2.4 If the complaint is determined to be unfounded, the CB shall not be charged for any costs of the investigation.
- 9.3 If a complaint is submitted to ANAB alleging nonconformance of an organization with certification requirements, an investigation shall be initiated by ANAB.
 - 9.3.1 ANAB may require the CB to first carry out an investigation.
 - 9.3.1.1 If ANAB is unable to accept the results of the CB's investigation, ANAB shall subsequently carry out an additional investigation and the CB shall be charged for the cost of ANAB's investigation including cost of a subsequent investigative witness audit if required.
 - 9.3.2 ANAB may require an investigative witness audit where ANAB shall outline the expectations to the CB prior to the audit and if the CB does not meet those expectations ANAB shall intervene and facilitate the direction of the audit and the ANAB audit team may pursue audit trails of the organization's system.
 - 9.3.2.1 An investigative witness audit shall not count as an annual or re-accreditation witness audit due to ANAB's influence of the audit.
 - 9.3.2.2 If the complaint is valid, any costs of the investigative witness audit may be charged to the CB.

- 9.3.2.3 If the complaint is determined to be unfounded, the CB shall not be charged for any costs of the investigative witness audit.
- 9.4 The outcome of the investigation shall be made known to both the CB and the complainant.
- 9.5 The complainant or the CB may each enter an appeal within 30 days after the decision issued by ANAB, according to the appeals provisions of Article 14.
- 9.6 ANAB shall maintain a record of all complaints received and of their resolution. Non-confidential information about complaints is on ANAB's Web site (www.anab.org).

ARTICLE 10: CORRECTION and CORRECTIVE ACTIONS

- 10.1 If ANAB determines that an accredited CB is not in conformance with ANAB requirements or with its own policies and procedures, ANAB may give the CB the opportunity to take correction, determine cause and take corrective action within a period to be determined by ANAB without prejudice to the right to immediate termination of the accreditation agreement.
- 10.2 ANAB accreditation auditors and staff are authorized by the EMS Council to assess whether adequate correction and corrective actions have been taken and have been effectively implemented.

ARTICLE 11: PUBLIC NOTICE AND INFORMATION

- 11.1 ANSI makes public announcement of the granting, renewal, suspension, and withdrawal of accreditations and of applications for accreditation, based on information provided by ANAB.
- 11.2 ANAB maintains a current list of EMS accredited CBs (including notice of suspensions) and applicants. The information in the list is publicly available on ANAB's Web site (www.anab.org).

ARTICLE 12: ANNUAL FEE

- 12.1 The CB shall pay an annual fee, assessed semi-annually, as shown in the current fee schedule.
- 12.2 In case of premature termination of the accreditation agreement, a pro-rata payment of the fee for the portion of the accreditation year during which accreditation was in effect is payable in full upon termination.

- 12.3 In keeping with the Accreditation Agreement, ANAB shall have the right to verify accuracy of revenues reported by the CB for the purpose of calculating the annual fee.

ARTICLE 13: SUSPENSION OR WITHDRAWAL OF ACCREDITATION

- 13.1 Suspension or withdrawal of EMS accreditation is initiated by formal action by a panel of the EMS Council and shall only be lifted by formal action by a panel of the same Council, except for financial suspension (see Section 13.1.1)
- 13.1.1 ANAB staff is authorized by the EMS Council to suspend a CB's accreditation if an invoice remains unpaid 90 days after the invoice date, per ANAB Advisory 7, and suspension may be lifted by ANAB staff upon receipt of payment.
- 13.2 The period of suspension shall not exceed four months unless specifically authorized by the panel of the EMS Council. Failure to satisfy the conditions or to remedy the causes of suspension is grounds for initiating withdrawal of accreditation.
- 13.3 Upon lifting of suspension, any unaccredited certifications that were granted by the CB during the suspension shall only be accredited following a satisfactory surveillance audit of the organization by the CB.
- 13.4 Following withdrawal, accreditation shall only be granted again after the CB has successfully completed both the application process and the accreditation process, including payment of all required fees.
- 13.5 Any of the following reasons are considered grounds for suspension or withdrawal:
- 13.5.1 Failure of the CB to conform with the accreditation criteria, ANAB Procedures, ANAB Advisories, or other program requirements, including industry -specific requirements recognized by ANAB (for example, RC 14001).
- 13.5.2 Inability or unwillingness of the CB to ensure conformity of its registered organizations to applicable standards, industry specific requirements (for example, RC 14001), or ANAB EMS requirements.
- 13.5.3 Ineffective correction and/or corrective actions(s) taken, or corrective actions not implemented within a specified time period.
- 13.5.4 Nonconformance with or failure to execute the ANAB Accreditation Agreement.

- 13.5.5 Improper use of the Certificate of Accreditation or the ANAB Accreditation Mark (see Advisory 6).
 - 13.5.6 Existence of a complaint or a number of complaints that indicates the management system of the CB is not being maintained.
 - 13.5.7 Failure to meet financial obligations to ANAB.
 - 13.5.8 Failure to maintain an effective audit management program in keeping with the current issue of ISO 19011.
 - 13.5.9 Falsification of any nature.
 - 13.5.10 Other conditions deemed appropriate by the EMS Council.
- 13.6 ANAB staff shall request that the chair of the EMS Council appoint a three-member panel of Council members for a suspension or withdrawal hearing. ANAB staff shall submit a recommendation for suspension or withdrawal to the panel with appropriate documentation to support the recommendation. A copy of the recommendation and supporting documentation shall be provided to the CB.
- 13.6.1 ANAB staff shall arrange a date for the hearing. The hearing may be a face-to-face meeting or teleconference as agreed by the panel, the CB, and ANAB. For face-to-face hearings, the CB will be billed the travel expenses for the panel members.
 - 13.6.2 The CB may submit documentation contesting or rebutting the recommendation for suspension or withdrawal to the panel, in which case the CB shall provide a copy to ANAB staff.
 - 13.6.3 Except as otherwise agreed by all parties, at the hearing, the CB shall first have 30 minutes to present its position to the panel. Next, ANAB shall have 30 minutes to present its recommendation for suspension or withdrawal. After a question and answer period, the panel shall convene without the CB or ANAB present and reach its decision.
 - 13.6.4 Within three (3) calendar days of the decision of the panel, ANAB staff shall notify the CB of suspension or withdrawal in writing by certified mail/return receipt, or by other means for documenting receipt. The notice of suspension or withdrawal shall inform the CB of the effective date of suspension or withdrawal and shall include a clear statement of the reason(s) for the suspension or withdrawal. The ANAB shall make public notice of the suspension or withdrawal in *ANSI Standards Action* and on ANAB's Web site (www.anab.org).
- 13.7. Upon receipt of notice of withdrawal of accreditation, the CB shall notify its registered and applicant clients of the processes necessary to transfer to another

ANAB-accredited CB, shall withdraw all registration certificates bearing the ANAB accreditation mark, and shall provide ANAB a list and contact information for all clients affected.

- 13.8 Suspension or withdrawal of accreditation shall be made public, in keeping with Article 11. After public notification of suspension or withdrawal, ANAB staff shall respond “yes” to anyone who asks if the CB’s accreditation is suspended or withdrawn. Consistent with the ANAB policies for confidentiality, ANAB shall not provide specific reasons for the suspension or withdrawal unless otherwise agreed upon by the CB in writing in advance, or as required by law or by an industry-specific requirement.

ARTICLE 14: APPEALS PROCESS

- 14.1 CBs or other directly and materially affected parties may appeal any decision(s) or action(s) taken by ANAB.

14.1.1 A CB may appeal an ANAB invoice; however, the invoice shall be paid in full prior to the due date to avoid financial probation and/or suspension per ANAB Advisory 7.

14.1.1.1 The appeal of an invoice shall follow the appeal process as outlined in Article 14.

14.1.1.2 If the decision is in favor of the appellant, a credit or refund will be issued.

- 14.2 There are three levels of appeal in the ANAB process: Level 1 appeals are heard by a panel of ANAB staff or auditors; level 2 by a panel of the EMS Council, and level 3 by the ANSI Appeals Board. However, the main decision making body is the EMS Council.

14.2.1 Level 1 – This is an appeal heard by a panel of three consisting of staff and/or accreditation auditors that were not involved in the audit. This is normally the level applied to any appeal of an audit nonconformity. An exception is an appeal of any major nonconformity from an initial or re-accreditation audit, which shall be heard by an appeals panel of Council members.

14.2.2 Level 2 – This is an appeal to the EMS Council and it is heard by a panel of three members of the EMS Council. This is the first level of appeal for any appeal of an accreditation decision, or any other decision of the EMS Council. It is also the second level of appeal if either party (the appellant or ANAB) is not satisfied with the decision made by the Level 1 appeal panel.

- 14.2.3 Level 3 – This is an appeal to the ANSI Appeals Board and is the final level of appeal. It is heard by five members of the ANSI Appeals Board. The ANSI Appeals Board will hear an appeal to decide if the lower level appeals followed an appropriate process, gave appropriate and due consideration to the issues, and made a sound and appropriately documented decision. The ANSI Appeals Board will also consider new information not presented in level 1 or 2 appeals. The decision of the ANSI Appeals Board will be to uphold the decision at the lower level or remand it to the EMS Council for reconsideration.
- 14.3 An appeal shall be lodged in writing no later than 30 days after notification to the CB or third party of the decision or action, or whenever the appropriate appeals board may reasonably assume the decision or measure in question to be known to the appellant.
- 14.4 An appeal shall be lodged by sending a notification (via e-mail or mail) to ANAB's staff that includes appropriate substantiation for the appellant's position.
- 14.5 A panel of three members is appointed, with one of the three members appointed to serve as chair. For Level 1, the panel members are appointed by the ANAB Director or Manager. For Level 2, the panel members are appointed by the chair of the EMS Council. The appellant and ANAB shall be informed of the members of the panel and have an opportunity to object to the selection(s).
- 14.6 These appeals are not legal proceedings. Therefore, ANAB shall be notified at least 10 calendar days in advance if an appellant intends to have legal counsel present is so that ANAB has sufficient advance notice so that it can have legal counsel present.
- 14.7 The appeal shall be heard within 60 days, unless otherwise agreed by all parties.
- 14.8 Unless otherwise agreed in advance, the appeals hearing shall be conducted as follows:
- 14.8.1 Introductions;
- 14.8.2 Presentation by the appellant, limited to 30 minutes;
- 14.8.3 Presentation by ANAB, limited to 30 minutes;
- 14.8.4 Rebuttals, limited to 10 minutes for each party;
- 14.8.5 Questions by the panel.
- 14.8.6 Closing of the hearing. The chair shall:

- 14.8.6.1 Make a formal projection regarding the expected time frame for communicating the documented final decision (normally not to exceed two weeks);
 - 14.8.6.2 Inform all parties that the appeal may be escalated to the next level of appeal within 30 days of receipt of the panel decision;
 - 14.8.6.3 Dismiss the parties.
- 14.8.6 Following the hearing, the panel members will deliberate without any involvement by the appellant or ANAB.
- 14.8.8 The chair shall document the panel's decision and send it concurrently to the designated representatives of the appellant and ANAB.
- 14.8.8.1 The appeal panel's decision will be documented. However, any notes of panel members in preparing for the appeal, notes made during the hearing, or notes during the subsequent deliberations will not be maintained.
- 14.9 If a Level 2 decision by an appeals panel of the Council is unfavorable to the appellant, the appellant may lodge a final appeal in writing to ANAB. ANAB shall immediately transmit this letter to the designated responsible ANSI staff for timely consideration and action by the ANSI Appeals Board,.
- 14.9.1 ANSI shall communicate the decision of the ANSI Appeals Board to the appellant, to ANAB, and EMS Council.

ARTICLE 15: CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

- 15.1 Contact information that is submitted by the CB with its application is considered public information, and is available on ANAB's Web site (www.anab.org) to anyone having use for or interest in ANAB EMS program.
- 15.2 All other information gained in relation to ANAB accreditation activities, except for information that is made publicly available by the CB, is treated as confidential by all ANAB participants, staff, agents, ANAB councils and committees, and any contractors or subcontractors.
- 15.3 Such information shall not be disclosed to any unauthorized party without the written consent of the CB, except where the law requires that such information be disclosed. When ANAB is required by law to release such information, the CB shall be informed of the information provided.

ARTICLE 16: CHANGES TO THE EMS ACCREDITATION CRITERIA AND PROCEDURES

- 16.1 Changes to the accreditation criteria shall be reviewed by the EMS Council to determine if ANAB shall accept the revised criteria. The body responsible for the relevant document will determine the date on which the changes shall take effect.
 - 16.1.1 The EMS Council shall authorize changes for ANAB Advisories for EMS accreditation and decide the date on which changes take effect.
- 16.2 Procedures for EMS accreditation shall be authorized only by the EMS Council. When such a decision for change has been made, the EMS Council shall decide the date on which the changes take effect.
- 16.3 ANAB shall submit proposed changes to the procedures to the designated responsible ANSI staff for public comment supporting openness, due process, consensus, and consistency with international requirements for accreditation of CBs. Substantive comments received are responded to by ANSI, after coordination with ANAB and the EMS Council. The EMS Council may revise the proposed changes as a result of the review and public comment process. A final version of any revised document that incorporates changes is submitted to the EMS Council for formal approval.
- 16.4 Following formal approval of changes by the EMS Council, the revised procedures are submitted to ANSI for acknowledgment of satisfaction of public notice, due process, and consensus.
- 16.5 Availability of approved versions of the revised procedures are publicly announced by ANSI.
- 16.6 If the accreditation criteria or procedures, including annexes, are changed, ANAB shall immediately notify both accredited CBs and those in application for accreditation. ANAB shall specify a schedule for monitoring CBs actions to achieve conformity to the revised accreditation criteria and/or procedures. The date by which the changes are to be implemented shall be specified.

Appendix 1

ANSI-ASQ NATIONAL ACCREDITATION BOARD ACCREDITATION AGREEMENT FOR BODIES OPERATING CERTIFICATION/REGISTRATION OF ENVIRONMENTAL MANAGEMENT SYSTEMS



ANSI-ASQ NATIONAL ACCREDITATION BOARD ACCREDITATION AGREEMENT FOR BODIES OPERATING CERTIFICATION/REGISTRATION OF ENVIRONMENTAL MANAGEMENT SYSTEMS

This agreement is dated as of *[insert date]* by and between the ANSI-ASQ National Accreditation Board, having its principal office at Milwaukee, Wisconsin, USA, hereinafter called the ANAB, and *[insert name of certification/registration body]*, operating its certification/registration activity at *[insert city, state, country]*, hereinafter called the CB.

RECITAL

ANAB has accepted the CB as an ANAB environmental management systems (EMS) applicant; therefore ANAB and the CB desire to enter into this Accreditation Agreement.

AGREEMENTS

In consideration of the Recital and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

ARTICLE 1: ACCREDITATION REQUIREMENTS

- 1.1 The accreditation requirements for a CB for ISO 14001 environmental management systems are stated in the most recent announced versions of the following documents: ISO/IEC Guide 66, General requirements for bodies operating assessment and certification/registration of environmental management systems; IAF Guidance on the Application of ISO/IEC Guide 66; ANAB Procedures for Accreditation of Bodies Operating Certification/Registration of Environmental Management Systems E5; and applicable ANAB Advisories. There may be additional accreditation requirements for ISO 14001-based industry sector standards.

ARTICLE 2: GENERAL RIGHTS AND OBLIGATIONS

- 2.1 The CB is responsible to see that the functioning of the CB itself and every ANAB accredited EMS system it certifies/registers continues to meet the requirements of documents listed in Article 1, and that it will in this respect conform to all program requirements.

- 2.2 In its written agreement with each certified/registered organization, the CB shall require the organization to operate in conformance with its certified/registered EMS.
- 2.3 The CB is granted the right for the term of this agreement and subject to the obligations described in 2.1 and 2.2:
- To apply the ANAB accreditation mark as well as the words “ANAB EMS-Accredited CB” on all documents which relate to the accredited EMS certification/registration system.
 - To authorize each organization under its accredited certification/ registration system in its written agreement with that organization only so long as the organization continues to operate in conformance with its certified/registered EMS, to apply the ANAB accreditation mark with the CB’s own mark only on those organization documents that relate to the certified/registered EMS, and not on a product or in any way which could imply product, process, or service certification.

The latest version of ANAB Advisory 6, Conditions for the Use of the ANAB Name and Accreditation Marks, which contains further provisions to this effect, is accessible at www.anab.org and incorporated herein by reference.

- 2.4 The CB is required to notify ANAB immediately of all changes in the CB which relate to the ANAB accreditation of the CB.

ARTICLE 3: AUDITS

- 3.1 ANAB will conduct periodic surveillance through office audits of the CB and the witnessing (witness audit) of a CB audit team conducting an EMS audit.
- 3.2 The CB shall cooperate and give the necessary assistance, including access to all CB records, in any audit.
- 3.3 If required, the CB shall grant ANAB the right to verify the qualifications of persons or organizations to which work has been subcontracted within the framework of an accredited EMS.

ARTICLE 4: COMPLAINTS

- 4.1 The CB shall upon request make available to ANAB all complaints about its accredited certification/registration system and their resolution, which may include correction and corrective actions relative to the CB’s certification/ registration programs.

ARTICLE 5: PUBLICITY

- 5.1 The CB may, for the term of this agreement, use the ANAB accreditation mark for the EMS certification/registration system stated on the certificate of accreditation. ANAB Advisory 6, Conditions for the Use of the ANAB Name and Accreditation Mark, contains further provisions to this effect, which are incorporated herein by reference.
- 5.2 The CB shall upon notification by ANAB withdraw or rectify to the satisfaction of ANAB misleading or incorrect behavior, notifications or publications with regard to the accreditation.
- 5.3 The CB may, for the term of this agreement, reproduce any certificate of accreditation issued by ANAB, with any schedules thereto and the final reports, but only the entire report, issued by ANAB.

ARTICLE 6: CONFIDENTIALITY

- 6.1 During the process of accreditation, ANAB will have access to and obtain information that is confidential or proprietary to the CB or its clients. ANAB shall take reasonable measures to ensure that any ANAB participant, including staff, agents, councils and committees, or any subcontractors keep confidential all information that has come to their knowledge through the accreditation process, with the exception of the accreditation information made publicly available by ANAB (see E5, Article 11) and information that is made publicly available by the CB or its clients. ANAB shall make use of an external expert only if such an expert has signed a confidentiality agreement.

ARTICLE 7: ANNUAL FEE

- 7.1 The CB shall pay ANAB an annual fee for certification/registration in accordance with the current fee schedule, which is available from ANAB upon request.
- 7.2 Payment of the fees of 7.1 shall be for successive periods of six months. Payment shall be made within 30 calendar days following the end of each period.
- 7.3 The CB agrees that ANAB shall have at all reasonable times and upon at least 14 days notice to CB access to CB's books and records that were generated or created during the two (2)-year period immediately preceding such inspection for the purpose of verifying the accuracy of the CB's computations of the annual fee due to ANAB. In no event, however, shall ANAB have the right to conduct more than one (1) such inspection during any twelve (12)-month period. Except as necessary in the enforcement of the ANAB's rights, ANAB and its designees shall hold in strict confidence all documents and information obtained during any such inspection.

ARTICLE 8: TERM AND TERMINATION

- 8.1 This accreditation agreement shall continue in force unless terminated by either party. Except as provided in 8.2 and 8.6, this Accreditation Agreement may be terminated only upon three months prior written notice, in accordance with 8.4.
- 8.2 Notwithstanding the provisions of 8.1, if one of the parties has materially breached one or more of its obligations or the provisions under this agreement or the other agreements or documents referenced herein, the non-breaching party has the right to terminate this agreement immediately upon prior written notice in accordance with 8.4.
- 8.3 In case of termination, the existing obligations of the CB toward ANAB will remain in force, as will commitments to third parties.
- The obligation of ANAB to maintain confidentiality will remain in force despite termination of the agreement.
- 8.4 Written notice of termination, specifying the reasons therefore and the date of termination shall be sent to the other party by registered mail/return receipt requested, or by other means to confirm receipt.
- 8.5 The CB may appeal in writing to the termination of the agreement by ANAB within 30 days after receipt of the termination notice, according to the procedure described in Article 14 of E5.
- 8.6 If ANAB modifies the standard accreditation agreement, ANAB may terminate the present accreditation agreement while at the same time offering a new accreditation agreement.

ARTICLE 9: NO EX-PARTE LEGAL ACTION AND LIABILITY

- 9.1 ANAB and the CB agree to not take any legal action ex-parte; that each party shall have an opportunity to be heard.
- 9.2 The CB hereby releases and agrees to indemnify and hold harmless ANAB and their directors, employees, and agents from any losses, damages, claims, liability, causes of actions or demands and all costs and expenses incidental thereto (including costs of defense, settlement, and reasonable attorney's fees) made at any time by any party arising out of, resulting from, or in any way relating to the accreditation services provided by ANAB to the CB, except such losses, damages, claims, liability, or causes of actions or demands arising exclusively from the gross negligence or willful misconduct of ANAB or their directors, officers, employees, or agents.

9.3 The CB shall have arrangements to cover liabilities arising from its operations and/or activities that specifically includes these obligations in its scope of coverage, or shall show evidence of appropriate self-insurance.

Thus drawn up in duplicate and signed:

For ANAB:

Signature: _____

Name: _____

Title: _____

For the CB:

Signature: _____

Name: _____

Title: _____

(Depending on the CB's procedures, the signatures of several persons may be required.)