

Policy 8

Standards Development and Certification Program

- ◆ Laminate flooring manufacturers wishing to obtain certification pursuant to the most current version of NALFA/ANSI LF-01 and/or NALFA/ANSI LF-02, will submit the NALFA approved application, or equivalent, to NALFA's registered office. In the absence of an approved application, it is the obligation of the submitting party to submit all of the required information in a format that can be clearly read and interpreted in order to determine compliance with the appropriate standard. A NALFA representative will review the application and ensure that, on its face, it appears to be complete and provide all of the requested information.
- ◆ Complete applications will be forwarded to a review panel for consideration. The review panel will consist of two individuals, one from the Technical Committee and one from the Board of Directors. The individuals will rotate from each body from application to application. [For the first application, the Chair of the Technical Committee and the President shall review the application; for the second, the Vice Chair of the Technical Committee and the First-Vice President of the Board shall review, etc.]. In a case where the individual slated to review an application pursuant to the rotation schedule is from the company that is applying, his/her turn will be skipped and the rotation schedule will shift down one.
- ◆ Although it is anticipated that decisions will be made promptly (within 5-7 business days), action will not occur until a response is affirmatively received from reviewers.
- ◆ If both reviewers approve the application, the applicant will be notified and, upon the applicant executing the approved NALFA Standard Seal Licensing Agreement, will be entitled to use the certification seal in connection with the specific certified product. If one or both of the reviewers do not approve the application, for any reason, then the application will immediately be forwarded to the full Board for its review and consideration prior to a final determination being made. In a case where an application is ultimately not approved, the Board will respond to the applicant specifically identifying the deficiency.
- ◆ The application fee for use of the NALFA Certification Seal pursuant to NALFA/ANSI LF-01 or NALFA/ANSI LF-02 is \$10,000 per product for non-members (even if for use of the seal by a non-member of a NALFA member certified product [i.e., "private label"]; See Policy 12 below). Participation in NALFA's laminate flooring certification program, and use of the NALFA Seal, will be free to NALFA members in good standing.

- ◆ Certifications are good for 5 years and, after that time, must be renewed.
- ◆ Participation in any certification program developed by NALFA for goods/services/products by associate members will be free to NALFA associate members in good standing. The application fee for non-members under any such program will be equal to one-year's associate membership dues per product/good/service seeking certification.

Any appeals made to the organization regarding procedural issues in standards writing (for example, exclusion of a party from the Canvass list), will be submitted to the Technical Committee for its consideration. The Technical Committee will examine the facts and issue its ruling within 30 days of receipt

Policy 10 Use of Certification Seal by Associate Member

- ◆ Any Associate Member of NALFA wishing to develop a standard by which subsequently qualified products may obtain permission to use the NALFA Certification Seal must make application for such to the Board of Directors. The choice of product(s) for standard development, and the decision as to the use of the Seal, are at the sole discretion of the Board of Directors. The Board may make its determination at a regularly scheduled meeting or via e-mail ballot. Notwithstanding any other considerations by the Board, the proposed standard must support the mission of NALFA.
- ◆ If the project is approved, a subcommittee of product experts will be formed to establish a standard by which a product or group of products can be measured against. For the development of the standard, the subcommittee shall take the following steps:
 1. The sub-committee will meet and prepare the standard in a timely manner.
 2. If necessary (e.g., a standard already exists), a list of independent laboratories should be identified during the process in order to provide verification of the standard and test methods.
 3. The subcommittee will present the draft standard to the Technical Committee for approval.
 4. The Technical Committee may reject, modify or accept the standard.
 5. if approved by the Technical Committee, the draft standard will be presented to the Board for approval.

- ◆ Once a standard is approved, and “final”, companies seeking certification under it shall provide the necessary information/data that shows compliance to the standard.
- ◆ The Test Results and a small representative sample of the product(s) will be submitted to NALFA’s legal counsel for review. A rotating panel, consisting of legal counsel, a regular member, and a Technical Committee member with product experience will determine a product’s compliance to the standard.
- ◆ The review panel will make a recommendation to the Technical Committee on compliance to the standard. An adverse determination by the Technical Committee is appealable to the Board.
- ◆ Once a product is shown to meet the standard, the Technical Committee will grant permission to use the NALFA Seal of Approval for that product.
- ◆ NALFA members may submit product under the standard for free. A non-member application fee equal to \$5,000 per product shall be assessed (even if for use of the seal by a non-member of a NALFA member certified product [i.e., “private label”]; See Policy 12 below).

Policy 12 NALFA “Secondary” Product Certification Policy [January 2008]

- 1) After certification, under either NALFA/ANSI LF-01 or NALFA/ANSI LF-02, by a company (hereinafter “Certified Company”) under the policy set forth herein, application may be made in order to have the certified product recognized, and also be listed as certified, for use by another laminate flooring manufacturer/distributor/company/brand (hereinafter “Private Label Company”).
- 2) If a Private Label Company wishes to use the NALFA certification seal in connection with its sale/distribution of laminate flooring, manufactured and certified under a NALFA/ANSI Standard by the Certified Company, the Private Label Company must obtain a letter from the Certified Company indicating:
 - a. That the Certified Company is selling/licensing the certified product to the Private Label Company (no specific contract details will be required);
 - b. Identifying the name the certified product, to be private labeled, was originally certified by NALFA under;
 - c. Providing documentation of the certification; and
 - d. Identifying what name the laminate flooring will be private labeled under by Private Label Company.
- 3) If the Private Label Company is a NALFA member, this secondary application shall be processed for free and, once reviewed, accepted and filed, the Private Label Company can be listed on the NALFA website as a company with

certified product. If the Private Label Company making application for the secondary approval is not a NALFA member, an application processing fee of \$10,000 (LF-01 and LF-02 certification) and \$5,000.00 (U/L Standard) per product will be charged (this will entitle a non-member to listing on the website as well).

- 4) Inquiries about whether a product, claimed to be certified, is in fact certified shall be dealt with as follows:
 - a. The inquiry is made regarding claims by a NALFA member regarding their product:
 - i) NALFA counsel will contact the NALFA member company directly (being as discreet as possible without knowing disclosure to any other member company);
 - ii) The member company shall be given the opportunity to respond;
 - iii) If the claim by the member company is incorrect, if it is the first violation, the member company shall be given the opportunity to correct the matter (e.g., provide evidence that such representations are being removed from packaging, removal of any claims from brochures, website, etc.), and the infraction shall not be disclosed to the NALFA Board;
 - iv) Any addition substantiated violation of the policy by a NALFA member shall be brought to the attention of the NALFA Board of Directors.
 - b. The inquiry is made regarding claims by a NALFA non-member regarding their product:
 - i) NALFA counsel will send an open notification to the regular members, with the information known about the claim, and inquire whether any NALFA member has knowledge regarding such;
 - ii) Failure of any NALFA member to respond to the inquiry within seven (7) business days will cause NALFA counsel to contact the non-member and seek clarification on the use (indicating that unauthorized use is actionable trademark infringement), this letter shall be cc'd to the NALFA Board of Directors;
 - iii) If a NALFA member does respond to the inquiry, the NALFA member shall be responsible for verify the use or shall take the steps, pursuant to Item 3 above, to remedy to misuse;
 - iv) A NALFA member's first cure of any failure to ensure secondary registration was originally undertaken, shall be done confidentially, without any know disclosure of the NALFA-member company. A second failure to undertake secondary registration by a NALFA Certified Company shall be disclosed to the Board of Directors; and
 - v) If Item 4(b)(ii) and (iii) do not remedy the matter entirely, then the Board of Directors shall be consulted regarding next steps.