AERC 300
Manufacturer Participant Guidelines

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1. Scope

The *AERC 300 Manufacturer Participant Guidelines* establishes the requirements and processes for the submission of products for inclusion into the *Certified Products Database* and the terms of participation for *Manufacturer Participants*. It contains additional program requirements that *Applicants* will be subject to, including responsibilities of the participant, suspension and reinstatement, and maintaining compliance with all applicable provisions of the program documents. Classes of *Manufacturing Participants* include:

a. *Primary Manufacturers* - are entities that qualify products on their own name and designs.
b. *Secondary Manufacturers* - are entities that qualify for participation off the listings owned by a Primary Participant, under a contractual agreement between the parties.

2. Program Documents

The full breadth of Program Guidelines governing participation in the Attachments Energy Rating Council Product Certification Program is defined by the following documents:

a. *AERC 100 Standard for Rating the Thermal Performance of Fenestration Attachments* is the master document referencing all program requirements including any/all technical standards, program subdocuments, appendices and annexes listed below:

   i. *AERC 1 Procedures for Determining Energy Performance Properties of Fenestration Attachments (AERC 1)*

   ii. *AERC 1.1 Procedures for Determining the Optical and Thermal Properties of Window Attachment Materials (AERC 1.1)*

   iii. *AERC 1.2 Physical Test Methods for Measuring Energy Performance Properties of Fenestration Attachments (AERC 1.2)*

   iv. *AERC 1.3 Simulation Documents - Technical Reference Manual (AERC 1.3)*

   v. *AERC 2 Procedures for Determining Heating and Cooling Annual Energy Performance Ratings of Fenestration Attachments (AERC 2)*

   vi. *AERC 300 Manufacturer Participant Program Requirements (AERC 300)*

   vii. *AERC 301 Independent Inspection Agency Program Requirements (AERC 301)*

   viii. *AERC 302 Accepted Calculation Entity/Accepted Simulator Program Requirements (AERC 302)*

   ix. *AERC 400 Policies and Procedures (AERC 400)*

3. Definitions

All significant terms referenced for participation in the *AERC Product Certification Program* are defined in *AERC 400 Policies and Procedures, Appendix A*.

4. Responsibilities of the AERC

The responsibilities of the *AERC* are defined in the *AERC 100 Standard for Rating the Thermal Performance of Fenestration Attachments*. The responsibilities of the *AERC* as the owner/sponsor of the program are all-encompassing and equivalent within the scope of each sub-document and are thus not repeated in those sub-documents.

5. Paths of Participation for Primary Manufacturers

There shall be two paths of participation available to *Primary Manufacturers* under the *AERC Product Certification Program*. *Manufacturer Participants* may select only one path of participation for all of their products governed under program guidelines. The designations of and paths of participation are:

a. *Type 2 Category Participant*

   i. *Type 2 Category Participants* submit products for acceptance in accordance with all the procedures for product qualification as delineated in the breadth of program requirements. *Type 2 Category Participants* are subject to on-going surveillance testing on products procured by the *Administrator* from the open market, in accordance with the terms specified in the *Authorization Agreement*.

   ii. Surveillance testing shall be conducted twice annually on up to eight samples, randomly selected for testing from the breadth of the participant's *Certified Product Listings* and procured from open market sources.

   iii. *Type 2 Category Participants* are required to meet these additional requirements:

      1) Must provide a list indicating the location of all facilities authorized to manufacture each of their certified listings. Alternatively, provide the *Administrator* the full list of locations within any zip code of the United States where their products are available for retail purchase, or alternatively, provide an on-line tool open to the public's use and access for determining the availability of that manufacturer's products in the open market. If the model provides for two step distribution through intermediaries, they must list those intermediaries in the alternative.

      2) Must be capable of imprinting, or labeling the location of manufacture on the product by code, city and state, or plant number.

      3) Must be capable of imprinting the lot, or week of final assembly on the product packaging.

      4) Must be willing and capable of providing production documentation in support of traceability requirements for tested samples upon request.

      5) Must discretely simulate each and every product submitted on a *Certified Product Listing Report (CPLR)* except as allowed for by the product grouping rules defined in *AERC 1 Section 5.2* and *AERC 1.1*.

b. *Type 3 Category Participant*

i. *Type 3 Category Participants* submit products for acceptance in accordance with all the procedures for product qualification as delineated in the breadth of program requirements. Type 3 participation is characterized by a bi-furcated surveillance scheme consisting of:

1) Annual quality assurance conformity inspections at each manufacturing location enrolled and authorized to produce certified products; and

2) Surveillance testing of two samples per year.

3) Type 3 participation requires the submission and acceptance of a *Quality Management System*. The detailed requirements are described in Section 14.

c. The design of the surveillance testing plan for each participant in either path of participation is at the discretion of the *Administrator*.

6. Secondary Manufacturers

Secondary Manufacturers are a special class of participant who are exempt from any obligations of inspection and surveillance testing under the program and whose rights are subservient to the rights of the *Primary Manufacturer* from which their listings are derived. *Secondary Manufacturers* do no labeling of a product and make no modification of the product other than trimming the fully assembled product to width and height. All *Secondary Listings* are qualified under the path selected by the *Primary Manufacturer* and all mechanisms of qualification are the responsibility of the *Primary Manufacturer*.

7. Application

a. *Applicants* seeking *Acceptance* in any of the classes of *Manufacturer Participant*, shall do so utilizing the latest program form specified by the *Administrator* for the circumstances of their participation.

b. *Applicants* must demonstrate, to the satisfaction of the *Administrator*, in accordance with program requirements, that the products they manufacture and for which they seek ratings meet all the requirements for *Acceptance* into the *AERC Product Certification Program*.

c. For *Type 3 Category Participants*, the company must enroll each location at which they intend to manufacture the products accepted into the program and subject each enrolled location to the Type 3 Category inspection and monitoring requirements.

d. For *Type 2 Category Participants*, the company must provide up-to-date and accurate reporting of all outlets where their products are available in the retail distribution chain.

e. In order to move from a “pending” status to an “active” status as a *Manufacturer Participant*, the *Applicant* must have at least one *Attachment Product* accepted for inclusion in the *AERC Certified Products Database*. This is predicated on the *Administrator’s* validation and acceptance of a *Certified Product Listing Report* issued by an *Accepted Calculation Entity*, assessed on the basis of the objective evidence required in the program documents. Continued inclusion in the *CPD* is subject to the *Manufacturer Participant's* ongoing compliance with all program

requirements.

8. Qualifications for Participation

a. Foundational to any application for acceptance, is the ownership of the product design based on designs and manufacturing processes belonging to the company, or the proper licensing of the designs of another; or the existence of all products put forth by a participant existing within the public domain. It is the sole responsibility of the Applicant to comply with all laws and requirements relating to copyright and patent and establish the clear right to promote his products for acceptance to the *Product Certification Program*. *Applicants* agree to hold harmless the *AERC* in any claims of patent infringement or trademark/service mark violation in connection with any application and/or product listing. *Manufacturer Participants* expressly grant permission to the *AERC* to enforce the Federal Digital Millennium Copyright Act in its explicit terms regarding any listing they may have included in the *Certified Product Database*.

b. *Secondary Manufacturer Participants*, accepted for participation as a class of *Manufacturer Participant* are subject to participation on the basis of a *Secondary Listing*, founded on an active, accepted *Primary Listing*.

c. Acceptance of the terms of the *Authorization Agreement*, and any subsidiary agreements thereto, as specified by the *Administrator*.

d. All *Accepted Manufacturer Participants* shall honor and protect the marks of the *AERC* against any negligent or fraudulent use not in conformance with *Program Requirements*.

9. Term of Acceptance

Listings are term limited to the time frames specified in *AERC 400 Policies and Procedures*. All *Manufacturer Participants*, and the products they have submitted for inclusion to the *Certified Products Database* have term limited participation tied to the manufacturer's specific products accepted into the *Certified Products Database*. A *Manufacturer Participant's* status is "active" as limited by his holding at least one "active" status product in the *AERC Certified Products Database*.

The active status of a *Manufacturer Participant* expires on the expiration or termination of his last "active" status *CPD Listing*, or as per the imposition of termination or suspension for any reason governed by program guidelines. *Manufacturer Participants* whose active status terminates as a result of an expiration, and not resulting from an issue of non-compliance, are still valid participants until the last day of the year for which they have paid participation fees. They may reactivate their status with the submission of *CPLR(s)* without having to reapply and pay new participation fees within the year for which they have paid. Participants whose status was terminated as a result of a removal for cause, voluntary request, or expiration of all listings, who wish to reactivate their participation will have to reapply.

10. Suspension and Revocation of Acceptance

Acceptances are subject to suspension and/or revocation for any action deemed by the *Administrator* to be a violation of the *AERC Program Requirements*, including but not limited to the following:

a. Failure to submit to compliance inspections in accordance with the participant's *Authorization Agreement* per their selected path of participation;

b. Failure to implement corrective actions as required by any notice of non-conformance in association with any conformity assessment process;

c. Failure to pay all fees required for program participation;

d. The filing of an application for bankruptcy under any chapter of Federal Law by the participant;

e. Failure to submit to or cooperate with the *Administrator* in performing inspections;

f. Failure to submit *Variance Resolution* plans based on any conformity assessment process or based on failure of products subject to the governance of *AERC Program Requirements* to meet the verification testing protocols in their selected path of participation;

g. Any action, which is determined by the *Administrator* to pose a threat to the credibility or good name of the *AERC*, the *AERC Product Certification Program*, or its status as a certification body; and

h. Any violation of the *Authorization Agreement*, determined by the *Administrator* to be an intentional act by the *Program Participant*, its principals, employees or agents, that violates the use of the marks and other representations of the *AERC* in the act of labeling or certification, either written or oral.

All actions in regards to suspension or revocation of acceptance under the *Program Requirements* are subject to appeal per the provisions established in *AERC 400 Policies and Procedures*.

11. Reinstatement after Suspension

An *Accepted Manufacturer Participant*, whose participation has been suspended for some violation of *AERC Program Requirements*, may apply for reinstatement of their authority, subject to the procedures established by program requirements and the payment of all fees specified by the *Administrator*, incurred as a result of the suspension.

12. Inspection and Operations Manual for Type 3 Category Participants

a. Basic Minimum Requirements:

   i. *Manufacturer Participants* applying for acceptance under the *Type 3 Participation Scheme* must possess defined and documented processes in order to credibly manage the process of producing true and faithful representations of the originally certified products.

   ii. Quality Assurance Inspection and Operations Manuals

1) The *Quality Management System* manual must define the company's quality assurance policy and delineate the management structure engaged to oversee the application of the quality system in accordance with the manual.

2) The manual must contain checklists and forms adequate to establish sufficient oversight of inspection and sampling services.

3) A cross-reference matrix indicating which portion of the manual relates to which section of the *AERC Minimum Quality System Documentation* standards.

4) Logs covering all measuring devices employed by the organization and the results of required inspections and calibrations.

5) Compliance with the full requirements of the *Minimum Quality System Documentation* standards defined in the program requirements.

b. Pre-Acceptance, On-Site Inspection for Type 3 Category Participants

i. An initial, on-site inspection is required to verify the implementation and functioning of the *Quality Management System* described in the accepted *Quality Assurance Manual*.

ii. **Actions Pre-Inspection** - The *Administrator* will contact the *Applicant* in advance of scheduling the initial qualification review to discuss the process and specific areas of relevance:

1) Arrange a date and time to conduct the review;

2) Name of the *Inspector* who will make the inspection;

3) Identify any specific protocol(s) to be addressed or products that may require some specified process, which may require observance;

4) Provide a checklist of relevant and required information so that the *Applicant* may be prepared on the day of the inspection;

5) Identify specific records and documentation to be reviewed in the course of evaluating the application; and

6) Explain the process by which technical evaluation of the *Applicant's* ability to meet the *AERC 300* program requirements will occur and outline the breadth of documentation and/or inspection that the applicant may be required to supply.

iii. **Actions Day of Review** -Upon arrival, the Inspector will provide the *Applicant* with an overview of the following:

1) *AERC 300 Manufacturer Participant Program Requirements*;

2) Objectives of the review process;

3) The services *Applicant* has applied to render and are subject to review;

4) The agenda for the day;

At the conclusion of the on-site review, the *Inspector* will brief the *Applicant* on their initial impressions and provide some indication of when to expect a determination. The Inspector

will also communicate, in list form, any known outstanding mandatory items that will be required in order to complete the assessment process.

iv. **Post-Review** - Within 30 days of the conclusion of the on-site review, or within 30 days following receipt of any documentation requested at the conclusion of the on-site review, one of the following will occur:

1) A request will be issued for provision, clarification, or correction of documents relevant to the inspection process with a deadline to submit them;

2) Issuance of a notice the application has been processed and acceptance of the application has been granted; or

3) Issuance of a written notice denying the application specifying the reasons on which the denial is based and explaining all rights of appeal and the process for pursuing an appeal.

13. Product Certification Process

Participation by a manufacturer is predicated on the acceptance by the *Administrator* of a properly formatted, complete, and validated *Certified Product Listing Report* defining the scope of the *Certified Product Listings.*

Only *AERC Accepted Calculation Entities* can submit *CPLRs* for consideration and validation. All *CPLRs* must be submitted in the form specified by program requirements and certify, under signature of the designated authority of the *Accepted Calculation Entity*, attesting that all products contained in the report meet the totality of program requirements for acceptance into the *Certified Products Database*. The basic process is described below:

a. Manufacturer submits list of products to an *ACE* to certify;

b. *ACE* performs all simulation services to derive the ratings in accordance with all specified standards and procedures contained in all referenced standards and documents contained in the breadth of the *AERC Program Requirements*;

c. *ACE* constructs the *CPLR* and the database upload document and submits all required documents in the form specified in the program documents to the *Administrator*;

d. The *Administrator*, or an *AERC* appointed *Independent Validator*, shall review the *CPLR* and all related work product submissions and certify to the completeness and accuracy of the documentation and its conformity to program requirements;

e. The *Administrator* will conduct a final review to ensure the simulation and validation process has been completed in conformance with the program requirements. If the *Administrator* determines all the documents are in order, it will:

i. Construct and issue an *Authorization Agreement* to the *Applicant* for its acceptance and signature

ii. Upon receipt of the accepted *Authorization Agreement* from the *Manufacturer*

Participant, accept the products contained in the *CPLR* into the *CPD* and issue forth the date on which the participant is authorized to begin the acts of labeling and certification.

14. Secondary Manufacturer Participants

Secondary Manufacturer Participants are permitted under the program in the class of *Secondary Manufacturer* and will be listed as a *Manufacturer Participant*, provided they meet the following criteria:

a. They submit listings through the *Primary Manufacturer (OEM)* of the *Primary Listing* that serves as the foundation for any *Secondary Listing*;

b. They explicitly accept the terms of private label listings as delineated on the *AERC Private Label Listing Agreement*;

c. Pay annual participation fees as specified in program guidelines;

d. *CPLR* listings exposed to the public shall not indicate its status as a *Secondary Listing*.

e. *Secondary Manufacturer Participants* are not subject to annual inspections of their retail locations, provided they do no assembly or labeling of the *Private Labeled* product in their facilities, other than trimming products to custom widths or heights.