

# **BQ-9000 Policy 2.0**

## **Suspension and Revocation of BQ-9000 Designation**

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### **Suspending BQ-9000 Producer, BQ-9000 Marketer or BQ-9000 Laboratory Status**

NBAC may suspend BQ-9000 Producer, Marketer or Laboratory status and remove a company's name from the list of BQ-9000 companies at [www.bq9000.org](http://www.bq9000.org) for any of the following reasons:

1. Failure to follow the approved quality management system, policies, or procedures resulting in a major nonconformance without implementing corrective action;
2. Denying access to an operation's facilities and records to the BQ-9000 auditors within the scope of the requested certification;
3. Failure to pay NBAC required fees;
4. Failure to respond to NBAC corrective actions in the timeframe provided; or
5. A production facilities falls under the suspension criteria in Policy 5.0 Idled Production Plants.

NBAC will notify the organization in writing of the suspension and the actions required to regain BQ-9000 status, including a deadline for the specified actions. Once suspended, entities will have 180 days to remedy the reasons for suspension with a reassessment audit. If the suspended entity does not respond to the NBAC's initial notification of suspension within thirty (30) days, the entity's BQ-9000 status will be revoked. Information provided will not include specific remedies to violations.

### **Reinstatement of Suspended BQ-9000 Certification**

BQ-9000 status for companies will remain suspended for reasons 1, 2 and 4 above until an on-site audit verifies that effective corrective action has been taken. Final decisions on the suitability of corrective action and the company's eligibility for reinstatement are at the discretion of the NBAC.

BQ-9000 status for companies suspended for failure to pay fees will be reinstated when all outstanding fees and interest have been paid in full.

BQ-9000 status for companies suspended due to an idled production plant may be reinstated after the plant begins production and specific quality system requirements are met as defined in Policy 5.0.

### **Revoking BQ-9000 Certification**

NBAC may revoke BQ-9000 status and remove an organization's name from the list of approved organizations at [www.bq9000.org](http://www.bq9000.org) for any of the following reasons:

1. Repeated failure to maintain its system in conformance with the requirements of this directive and the approved quality system;
2. Failure of a suspended operation to meet conditions for reinstatement within the required timeframe;

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3. Failure to respond to NBAC in given timeframe;
4. Willful violation of Federal or State regulations relevant to BQ-9000 standards;
5. Deliberate misrepresentation of the products or services distributed under a BQ-9000 system;
6. Fraudulent use of BQ-9000 Logo in advertising and promotional material; or
7. A production facilities falls under the revocation criteria in Policy 5.0 Idled Production Plants.

NBAC will notify organizations in writing of the revocation. Companies whose approval has been revoked may reapply for BQ-9000 certification after a period of one year.

**Reconsideration of Adverse Decision**

An applicant denied certification has thirty (30) days after the Commission’s adverse decision in which to submit a written request for reconsideration of a denied certification or other adverse decision to the National Biodiesel Accreditation Commission. The Commission will grant Reconsideration if it believes there is a genuine issue of fact material to the decision it made. The reconsideration request must identify the elements of the audit report or other basis for the Commission decision alleged to be inaccurate or otherwise erroneous. The applicant may attach written evidence of the alleged inaccuracy or error. Before acting on Reconsideration, the Commission reserves the right to submit to the applicant additional questions in writing or to direct further investigation by its staff or auditor, and to consider also the evidence so acquired.

The question upon Reconsideration shall be exactly the same question as upon original consideration: Shall the Application be approved? The vote required shall be the same as upon original consideration: A majority of the Commissioners in office. In its vote upon Reconsideration, the Commission shall, weighing the evidence before it, act upon the basis of the evidence presented. The Commission’s decision shall contain findings of fact and conclusions based thereon.

**Appealing NBAC Rulings**

Appeal Letter and Fee.

A party aggrieved by a decision of the Commission upon Reconsideration may appeal that decision to an Appeal Board if within twenty (20) calendar days of the decision upon Reconsideration the party writes a letter to the Commission stating the grounds for appeal, requesting a hearing, and enclosing a fee of \$2,000 to offset the Commission’s miscellaneous costs incurred in the Appeal.

Board Appointed.

Upon request of such letter, the Commission shall appoint an independent Appeal Board of three industry experts: Preferably, one from academia, one from government, and one from private industry.

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#### Record on Appeal

The Commission shall forward to each Appeal Board member the entire record of the matter appealed. The record on appeal shall consist of: All documents in the possession of the Commission with respect to Appellant at time of Reconsideration. The Appeal Board's decision shall be based solely on the record; no additional evidence shall be considered.

#### Board Duties.

The Appeal Board shall:

- Within five days of appointment, elect a Chair;
- Within ten days of appointment, receive and thoroughly review the record;
- Invite the Appellant to submit any further written argument, to be received no later than fourteen (14) days after appointment;
- Thoroughly review any written argument submitted;
- Schedule a telephonic hearing on the appeal, to be conducted no later than thirty (30) days after appointment.

#### Conduct of Appellate Hearing.

At the oral argument session, the Commission shall be represented by its Chair or its counsel. The appellant may appear in person or be represented by counsel. Each party may make an oral statement of no longer than ten minutes. There shall be no further evidence introduced; however each party shall, during oral argument, respond fully and faithfully to questions from the Appeal Board. There shall be no direct or cross-examination by the parties.

#### Substantial Evidence Standard of Review: Decision on Appeal.

After all questions from the Appeal Board have been answered, the Board shall dismiss the parties and reach a decision. The Board may affirm the Commission decision, reverse the Commission decision, or remand to the Commission for further action in accord with the Board's decision. The Board shall reverse or remand it if it determines that the decision of the Commission was not supported by substantial evidence in the record before the Commission when reviewed as a whole. The Board shall affirm it if it determines that the decision of the Commission was supported by substantial evidence in the record before the Commission when viewed as a whole. The Appeal Board Chair shall write the decision and send it to both parties. The written decision of the Appeal Board shall be final.