RFM Procedure 7:
Alaska RFM Complaints and Appeals Process

Alaska Responsible Fisheries Management (RFM)
Certification Program
17065

Procedure 7: Alaska RFM Complaints and Appeals Process

1. Purpose

This document sets out the processes that the Alaska Seafood Marketing Institute (ASMI) will follow when handling complaints or appeals about the RFM Certification Program.

2. Scope

This procedure covers the handling of all complaints and appeals received by ASMI in relation to the operation of the RFM Certification Program, including concerns related to standard setting, scheme governance, quality assurance and misuse of the RFM Certified Seal. It describes the actions to be taken by ASMI for effective follow-up, monitoring and review of complaints and appeals. The procedure is accessible to certification clients, applicants and the public.

3. Definitions

Appeal — Formal request for reconsideration of a certification decision. The party lodging an appeal is called the 'appellant'.

Complaint — Formal expression of dissatisfaction (other than appeal) where a response is expected. The party lodging a complaint is called the 'complainant'.

RFM Complaint Register — A running list of all complaints and appeals lodged with the RFM Certification Program showing the current status of each submission.

4. Scoping and Categorization

4.1 Confirm Submission is Within Scope

ASMI will review written expressions of dissatisfaction it receives regarding the RFM Certification Program. The ASMI Executive Director, or designee, will evaluate each submission to determine if it falls within program scope. Complaints about RFM certified or applicant entities, whether Chain of Custody (CoC) clients or fishery clients, will be deemed out of scope if the issues raised in the submission are primarily about:

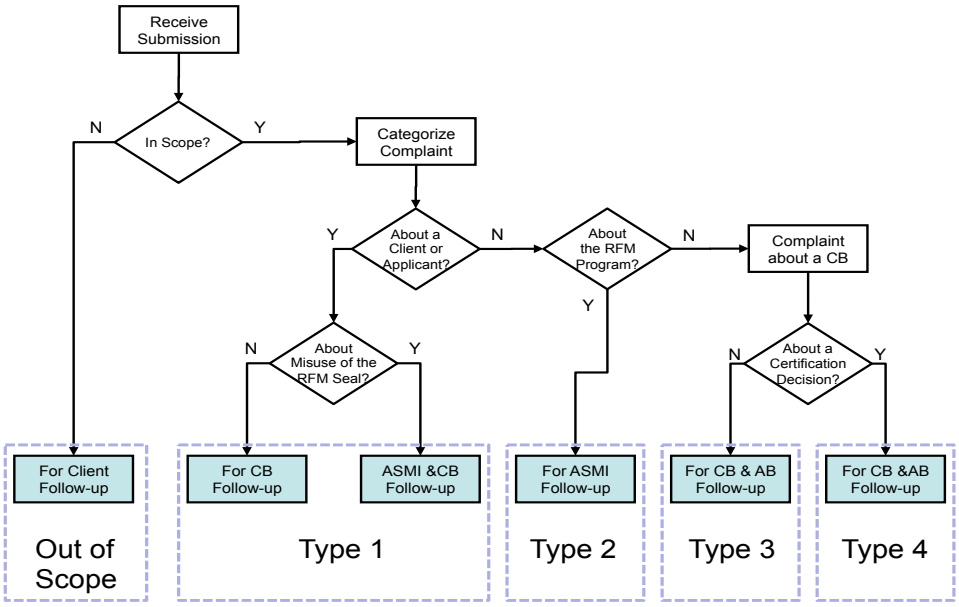
- Product integrity or quality; or
- Business practices of the organization that are unrelated to RFM certification; or
- Issues that are otherwise not materially related to compliance with RFM Certification Standards.

Complaints found to be out of scope will be referred to the respective client for appropriate action and will not be recorded in the RFM Complaint Register.

4.2 Categorization

Complaints which are confirmed as falling within the scope of this procedure will be categorized and managed according to four types and an appeal process:

- Type 1 - Complaint about an applicant or RFM certified organization[1];
- Type 2 - Complaint about the RFM standard setting process or RFM operations;
- Type 3 - Complaint about an ASMI-approved Certification Body; and
- Type 4 - Complaint of a certification decision.
- Appeal of a certification decision by a Certification Body (see 5.5)



[1] Type 1 complaints include allegations of misuse of the RFM Certified Seal or RFM Claim.

5 Handling Complaints and Appeals

5.1 Complaint about an RFM Certified Organization (Type 1)

In general, a complaint about an RFM certified or applicant organization (Type 1) will be referred to the Certification Body of record in the first instance. The complaint will be logged in the RFM Complaint Register and the Certification Body will be instructed to investigate the complaint in line with RFM requirements for Fishery Certification (Procedure 2) and/or Chain of Custody Certification (Procedure 4) as applicable. ASMI will request the Certification Body to report back on the outcome of its investigation within 30 days.

In addition to the foregoing, if the complainant has alleged a misuse of the RFM Certified Seal by the organization, ASMI will initiate its own investigation of the complaint. At the direction of the Executive Director, or designee, the RFM Team will gather evidence to establish a record of the products involved, including all product forms, species, regions of harvest, associated organizations, and sales. The RFM Team may also conduct a trace-back study if doing so is warranted based on results from the investigation. NOTE: A breach of the Terms of Conditions for Use of the RFM Certified Seal may lead to a product recall. Sanctions may apply as described in RFM Procedure 6. The RFM Team will notify the Certification Body about potential misuse of the RFM Certified Seal by the client, direct the Certification Body to perform its own investigation of the complaint, and instruct the Certification Body to report back on the extent of the issue. The RFM Team will inform the Executive Director, or designee, when the complaint has been closed-out, identifying any corrective actions that were taken as a result of the complaint investigation. The Executive Director, or designee, will inform the complainant of the outcome.

5.2 Complaint about the RFM Program (Type 2)

Complaints about the RFM Certification Program itself (Type 2 complaints) are within the scope of this procedure. Type 2 complaints may extend to issues concerning standard setting/revision processes, scheme governance, or administrative functions. Type 2 complaints are a priority and as such will be communicated to the Executive Director, or designee, for immediate attention. The Executive Director, or designee, will acknowledge receipt and inform the complainant of how ASMI will investigate the complaint and the likely timeframe for a formal response. If the Executive Director, or designee, appoints a lead person from within the RFM Team to investigate the complaint, that appointee shall be, to the extent practical, independent of those activities

that were highlighted in the complaint. Results of the investigation will be documented. When the investigation is concluded, the Executive Director, or designee, will inform the complainant of the outcome, including any corrective actions taken.

5.3 Complaint about a Certification Body (Type 3)

Complaints about the activities of an ASMI-approved Certification Body in relation to the RFM Certification Program (Type 3 Complaint) will be managed by the Executive Director, or designee. Receipt of the complaint will be acknowledged, and an investigation will be initiated as appropriate to the nature and extent of the allegations made in the complaint. At a minimum, ASMI will:

- Inform the Certification Body of the details of the complaint;
- Inform the Accreditation Body of record of the details of the complaint; and
- Request a formal response from the Certification Body to the concerns raised;

The Executive Director, or designee will be responsible for seeking and managing resolution of all Type 3 complaints. This will include follow-up communications with the complainant to assess whether the Certification Body's response to the complaint, as well as any associated corrective actions taken, was satisfactory to resolve the complaint. In the event of an unresolved complaint, the Executive Director, or designee, will inform the complainant of the option to resubmit their complaint directly to the Accreditation Body of record for further consideration.

5.4 Complaint Concerning Certification Decision (Type 4)

If a client or applicant or external party wishes to challenge the certification decision[2] taken by an ASMI-approved Certification Body, the party shall within 14 days of official notification of the decision, submit a written complaint to the Certification Body with the Executive Director, or designee, in copy. The submission must clearly state the basis for the complaint, identifying the relationship of the complainant to the certification client or applicant and

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[2] A certification decision may be positive or negative and it may entail granting or refusing certification, extending or reducing certification scope, or suspending or withdrawing a certificate.

describing any participation by the complainant in the assessment process. The Certification Body will initiate its own appeal process in line with its own procedures and in accordance with ISO 17065. Upon completion, the Certification Body will inform the complainant, client or applicant, and ASMI of the outcome.

5.5 Appeal of Certification Decision

If the appellant is dissatisfied with the outcome of the Certification Body's appeals process, the party may, within 14 days of notification of the Certification Body's decision, lodge an appeal with ASMI.

Upon receipt of an appeal, the Executive Director, or designee, will review the submission to confirm that the technical matters raised therein have merit and that the appellant is of sufficient standing (only registered stakeholders and clients/applicants have standing to lodge an appeal). After such preliminary matters are confirmed, upon the payment of US $7,500 appeal fee, the Executive Director, or designee, will accept the appeal and will confer with the Chairman of the RFM Fisheries Standard Committee (FSC) for the purpose of identifying suitably qualified people to serve on an Appeals Panel. The panel shall be comprised of one to three persons with relevant expertise in the subject matter under appeal, familiarity with certification processes, and knowledge of the RFM Standards. Panel members will be appointed on an *ad hoc* basis and may be drawn from the FSC or other qualified individuals[3], however no person with a commercial interest or known bias in the subject of the appeal will be appointed to serve on an Appeals Panel.

The Appeals Panel will hold a meeting (or teleconference) within 30 days of acceptance of the appeal. The Appeals Panel will follow the procedures and the standard of review as outlined in the Appeals Panel Terms of Reference. The objective of the appeal review is to determine whether the certification decision that was taken by the Certification Body was materially affected by: 1) a procedural error arising during the assessment; or 2) an error of fact whether through misinterpretation, omission or otherwise. Panel members will not substitute their own views or opinions for those of the Certification Body.

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[3] The RFM Team may keep a list of suitably qualified individuals who are interested in serving on an Appeals Panel.

At its discretion, the panel may request additional information or clarification from the Certification Body, client, appellant and/or other parties as the panel deems necessary to conduct the review. The RFM team will appoint a secretary to assist the panel with the collection of information.

After completing its review of relevant material evidence, the Appeals Panel will prepare a written decision summarizing their findings. The panel's written decision will include a clear statement as to whether the certification decision should be upheld or not, the basis for that decision, and any recommended actions arising from their review. The decision by the Appeals Panel is final and is not subject to further appeal. ASMI will inform the appellant, client or applicant, Certification Body, and the Accreditation Body of record of the decision of the Appeals Panel. If the Appeals Panel finds in favor of the appellant, the Certification Body will be required to review its certification decision and submit its findings to its Accreditation Body and to ASMI.

6 Monitoring and Review

Monitoring:

The Executive Director, or designee, will record all complaints and appeals in the RFM Complaint Register. The register will be regularly updated to monitor progress towards resolution (i.e. close-out) of complaints and appeals.

Review:

The RFM Complaint Register will be made available for internal audits and it will also be used in the Internal Annual RFM Program Review (Procedure 5). At the discretion of the Executive Director, or designee, the RFM Complaint

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