

BOR Chapter and Verse Agency Expectations

After recent events, the American Lumber Standard Committee (ALSC) Board of Review (BOR) felt further explanation of the expectations of the BOR policy for repeated Chapter and Verse letters is needed. Note that while the policy set forth here generally should apply in typical circumstances, the BOR may take more immediate and severe actions consistent with its authority if circumstances warrant doing so, such as in instances of fraud or bad-faith dealing on the part of the applicable facility or accredited agency.

A Chapter and Verse letter is a formal letter issued by ALSC staff when a facility or accredited agency has demonstrated repeated instances of non-conformance with applicable ALSC enforcement regulations. Per BOR instructions, the letter puts an agency on notice that action must be taken to improve compliance. A copy of this Chapter and Verse letter is also provided to the BOR.

The following Chapter and Verse protocol was detailed in the February 4, 2016 BOR minutes:

For the lumber program, a chapter and verse letter will be issued if three successive inspections show issues within a grade/ moisture/ or other categories; For the WPM program, a chapter and verse letter will occur when three inspections in a row find issues in a respective category or record conformance; For the treated wood program, a chapter and verse will be used when three inspections in a row find issues with penetration, or three inspections in a row find issues with retention, regardless of retention class.

Once the conditions for a Chapter and Verse letter are met a Chapter and Verse letter stating...

In addition to the ALS notification to the agency whenever incorrectly labeled material is found at a facility, the Board of Review has requested that an agency be separately re-contacted when an ALSC field representative makes 3 or more inspections at the same facility that indicates items found non-compliant. Please respond to ALS staff on or before the XXXX, 20XX BOR meeting (within 2-4 months).

The Chapter and Verse Letter is issued by ALSC staff to the accredited agency with a copy of the Chapter and Verse letter being provided to the BOR.

The protocol outlined in the February 4, 2016 minutes did not address what happens when staff Chapter and Verse follow-up visits result in additional findings of noncompliance, requiring that additional Chapter and Verse letters be issued. Further clarification by the BOR of what accredited agencies can expect when multiple Chapter and Verse letters are issued is provided.

If a second Chapter and Verse letter is required, the accredited agency is issued the following letter by ALSC staff with a copy going to the BOR that will state:

The circumstances for an additional Chapter and Verse letter have again arisen at facility XYZ. There have now been 4 inspections in a row where non-compliant labeled items inspected were found. A summary of past visits and the non-compliant labeled items found follows: (a list of the prior ALSC visit and findings are provided)

Your agency's response to the first Chapter and Verse issued on x/x/xx indicated that: (some possible agency responses) additional training and the hiring of additional QC personnel for the facility had occurred. The response indicated that increased inspections would be implemented. The response also indicated that a warning would be issued if conformance was not consistently met. What has your agency been finding at this facility since these steps have occurred? What additional steps will your agency take to ensure this facility's compliance with ALSC enforcement regulations?

If after a second Chapter and Verse letter is issued and ALSC again finds instances of non-compliance in its follow-up visit to the facility, a third Chapter and Verse letter will be issued. ALSC will send to the accredited agency responsible for this facility a letter with a copy going to the BOR indicating that:

This is the third Chapter and Verse letter in a row that ALSC staff has issued to your agency for this facility. This represents 5 inspections in a row where non-compliant labeled material related to items inspected were found. Please understand that continued findings of non-compliant labeled material cannot be tolerated. If during ALSC staff's next visit to the facility ALSC finds a continuation of non-compliance issues found at this facility, the accredited agency will be requested to appear before the X/X/X Board of Review meeting to explain the continued lack of conformance of your member facility. All disciplinary actions available to the BOR, as outlined in PS20 and the ALSC Enforcement Regulations, will be considered by the BOR.

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VI. REVIEW OF THE CHAPTER AND VERSE CRITERIA IN USE BY THE BOARD OF REVIEW FOR THE LUMBER, TREATED WOOD, AND WOOD PACKAGING MATERIAL PROGRAMS

Mr. Hawks recognized Mr. Reck. Mr. Reck defined for those present a Chapter & Verse letter and how it differs from normal agency correspondence. He reviewed the Chapter and Verse letter (C&V) protocol for each program for the lumber program, the C&V was triggered when three inspections in a row at a mill find an item of the same grade category, species, and size category having an issue. For the WPM program, C&V arises when three inspections in a row find issues related to the same non-conformance (bark, labeling, HT related, records). For the treated wood program, the C&V is used when three inspections in a row find issues with the same preservative and retention level for either retention or penetration. Mr. Reck noted that at its November 5, 2015 meeting the Board elected to change the protocol for C&V in the lumber program to be three inspections in a row with any issues. He noted this item was placed on the agenda in order to allow discussion of this change as well as protocols in use in other programs. There was some discussion about what causes a C&V to be written and recommendations were made to the Board of Review to take under advisement.

The Board of Review in Executive Session made the following changes to the Chapter and Verse requirements. For the lumber program, C&V will not be used when three inspections in a row at a mill occur for any reason, but will instead issue the C&V if three successive inspections show issues within a grade/ moisture/ or other categories. For the WPM program, the C&V will occur when three inspections in a row find issues in a respective category or record conformance. For the treated wood program, C&V will be used when three inspections in a row find issues with penetration, or three inspections in a row find issues with retention, regardless of retention class.