

17.10.1.3 Critical social non-conformity

- a) The CAB shall issue a critical non-conformity when either
 - i. Workers' lives are evidently at risk, or*
 - ii. A critical indicator specified in the ASC standard is not met.**
- b) The CAB shall require that critical non-conformities shall be satisfactorily addressed by an applicant:
 - i. Prior to certification being granted;*
 - ii. Within one month of the detection date or a full re-audit shall be required;*
 - iii. That the root cause of the non-conformity is identified and addressed.**
- c) The CAB shall conduct an on-site visit to close the critical non-conformity.*
- d) The decision, justification and conclusion shall be made clear in the audit reports.*
- e) In the case of a critical non-conformity raised during the period of validity of a certificate, the CAB shall:
 - i. Suspend the certificate at the end of the audit;*
 - ii. Close the critical non-conformity within a maximum of one (1) month of the detection date. This shall include:
 - A. Acceptance of root cause analysis (RCA) and corrective actions based on the RCA submitted by the unit of certification;*
 - B. Verification of corrective actions implemented by the UoC:
 - 1. On-site verification as deemed necessary;*
 - 2. Conformity can be demonstrated.***
 - iii. Withdraw the certificate if the critical non-conformity is not closed on completion of the one (1) month period.
 - A. An extension of 15 calendar days shall be granted to close out the critical non-conformity in exceptional cases;*
 - B. Extension of time and justification to close critical nonconformities shall be documented in the audit report.***

SeaChoice Comment:

CAR v2.2 introduces the concept of “critical” non-conformities which steers the ASC further away from the Aquaculture Dialogues’ intent to create standard(s) that required farm(s) to meet the full criteria in order to be certified (i.e. where a farm fails to meet criteria, certification would not be granted).

SeaChoice submits that any farm(s) that is in critical non-conformity with the standard should not be certified. That is, a farm should not be allowed a month to ‘close’ the critical non-conformity and then rewarded certification. Currently no critical indicators are defined by the ASC (including the draft farm standard principles 1 and 3). We would assume a critical non-conformity is likely a severe breach of the standard (such as key performance metrics). For example, a breach of the zero allowance use of WHO listed antibiotics identified as critically important for human health is likely a contending indicator for ASC’s ‘critical non-conformity’ use. By establishing a process for which the offending farm ‘addresses’

and 'closes' the critical non-conformity yet still receives/maintains certification will result in farms with outrageous practices using the ASC label (such as in our example above, farms using WHO critically important listed antibiotics). We submit this threatens the integrity of the ASC program and logo. Standard indicator requirements and performance metrics are the defined bar for which applicant and certified farms must be held to without compromise. Simply put, a farm that uses WHO listed critically important antibiotics - should never be eligible for ASC certification. Likewise, the same for farms that breach the defined performance metrics on escapes, marine mammal deaths, mortalities, sea lice, and other indicators.

If ASC does introduce 'critical' non-conformities, we strongly urge the ASC to treat 'critical indicators' as just that - critical. Farms that fail to conform with critical indicators should dis-entitle them from certification; or immediate certificate revocation for when critical non-conformities are raised during the validity of certificate.

In addition, SeaChoice recommends requiring critical and major non-conformities identified during the validity of a certificate be raised immediately upon identification. For critical non-conformities, revocation should immediately occur. For major non-conformities, suspension should immediately occur. At minimum, if a critical or major non-conformity is still open at time of harvest, stipulate that the ASC label should not be used. We disagree with delaying disciplinary action to the next audit, as this allows farms in critical/major non-compliance with the standard to go to market using the ASC logo in the meantime. Such a scenario is a significant threat to the logo's credibility, as it implies endorsement of irresponsible practices. SeaChoice's global analysis found that farms have benefited from the ASC logo despite being in major non-compliance with the standard at the time of harvest.