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ORGANIC CERTIFICATION PROCEDURES MANUAL

PART I

Version 6
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INTRODUCTION

Organic Certifiers, Inc. (OC) is a private company that provides 3rd party certification services to the USDA National Organic Program, Canadian Organic Production Systems General Principles and Management Standards, OC's private standards equivalent to EU 834 and Brand Name Inputs Standards. This Certification Procedures Manual explains the process OC uses to grant certification to applicants.

1 STANDARDS & SCOPES

1.1 OC offers three different certification standards for organic certification.

USDA National Organic Program Accredited



USDA NOP – 7 CFR Part205 includes all USDA organic standards, including prohibited practices, requirements, and the [National List of Allowed and Prohibited Substance](#)

Applicable Scopes:

- Crops
- Handling
- Livestock
- Wild Crops

ISO 17065 Accredited Programs



Canadian Organic Production Systems General Principles and Management Standards – Developed by Canadian General Standards Board and managed by CFIA, a Canadian government agency.

Applicable Scopes:

- Unprocessed plant products
 - Grown Crops
 - Collected from Wild
- Live animals or unprocessed products of animal origin
 - Milk products
 - Egg products
 - Meat products
 - Apiculture products
- Maple or birch products
- Prepared agricultural products for use as food
 - From agro-processing food commodities
 - From repackaging of feed commodities for wholesale and retail trade
 - From feed commodities brokerage
- Processed agricultural products containing alcohol
- Seeds and propagating material
- Input

Private Standards Equivalent to EU 834– Developed by OC and assessed as equivalent to EU 834 by CAEQ, accreditation body.

Applicable Scopes:

- Unprocessed plant products
 - Grown Crops
 - Collected from Wild
- Live animals or unprocessed products of animal origin
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 - From repackaging of feed commodities for wholesale and retail trade
 - From feed commodities brokerage
- Processed agricultural products containing alcohol
- Seeds and propagating material
- Inputs



1.2 For the purposes of categorizing applicants, the following certification scopes will be used:

Scope	Definition
<ul style="list-style-type: none"> • Crops 	Pastures, cover crops, green manure crops, catch crops, or any plant or part of a plant intended to be marketed as an agricultural product, fed to livestock, or used in the field to manage nutrients and soil fertility.
<ul style="list-style-type: none"> • Wild Crops 	Plant or portion of a plant that is collected or harvested from a site that is not maintained under cultivation or other agricultural management.
<ul style="list-style-type: none"> • Handling 	Any portion of an operation that receives or otherwise acquires agricultural products and processes, packages and store such products.
<ul style="list-style-type: none"> • Livestock 	Any cattle, sheep, goats, swine, poultry or equine animals used for or in the production of food, fiber, feed, or other agricultural-based consumer products; wild or domestic game; or other nonplant life, except such term shall not include aquatic animals for the production of food, fiber. Feed or other agricultural-based consumer products.

2 GENERAL REQUIREMENTS

2.1 INTRODUCTION

OC has been authorized by the relevant accreditation body to grant organic certification to applicants under the relevant organic standards. OC uses the NOP Regulations (Part 2), Standards equivalent to the EU 834 (Part 3) and Canadian Organic Program Standards (Part 4), as the basis for its certification system, and all necessary steps are taken to evaluate conformance with applicable regulations and norms. To qualify for certification, applicants must demonstrate that they have the responsibility for ensuring that products comply with the certification requirements. OC will comply with, implement, and carry out, any other terms and conditions determined by the USDA AMS Administrator, NOP Program Manager, SOP Official, EU agency, or CFIA, as determined necessary. OC will not make false or misleading claims about its accreditation status, the USDA accreditation program for certifying agents, or the nature or qualities of products labeled as organically produced.

2.2 CERTIFICATION REQUIREMENTS

OC will provide sufficient information to persons seeking certification to enable them to comply with applicable standards and will provide any future updates to such applicable standards. All requirements, applications, on-site inspections, and decisions regarding certification, are confined to matters specifically related to the scope of the certification being sought. OC operates in the English language.

2.3 LEGAL REQUIREMENTS

Applicant organizations must be a person (an individual, partnership, corporation, association, cooperative or other legal entity) with direct control over all sites and products listed on the application. Applicant organizations seeking certification for multiple legal entities/operations under its direct control (i.e. farm management company) must provide copies of legal documents (i.e. Memo of Understanding, Contract Agreements, etc.) that outline its legal responsibility for the production of all products seeking certification and sold by the farming operation. If the individual operations retain legal control of the product during production, applications will need to be submitted for each legal entity.

3 APPLICATION

3.1 To request certification, please contact info@occert.com. OC will provide each applicant with an application package including the following:

- a) Applicant Information;
- b) Estimate setting forth relevant certification fees;
- c) Certification Agreement;
- d) Application forms pertaining to the Standards for which certification is sought.

3.2 To initiate certification, applicants must return the complete application package, along with a paid deposit on certification as indicated on the Estimate. The remainder of the certification fees will be final invoiced after the site inspection has been completed and must be paid in full prior to receiving certification.

4 APPLICATION REVIEW

4.1 ASSIGNMENT

Applicants will be assigned to a Certification Specialist who is responsible for all communications between OC and the applicant as well as monitoring the status of individual applicants to ensure a smooth certification process. Customer service is a top priority at OC and all questions and concerns will be handled in an efficient manner by the assigned Certification Specialist.

4.2 REVIEW

4.2.1 All applications will be processed within approximately 3 weeks (1 week, if expedited) of receipt of the complete application and paid deposit. Processing includes application review and collection of supporting documentation and/or missing information as needed.

4.2.2 The Certification Specialist will contact the applicant and answer any questions to ensure the applicant has prepared the necessary means to perform all evaluation activities. Applicants may be asked for supporting documentation before moving forward with certification.

4.2.3 An applicant may withdraw its application at any time. An applicant who withdraws its application shall be liable for the costs of services provided up to the time of withdrawal of its application. An applicant that voluntarily withdraws its application prior to the issuance of a notice of noncompliance will not be issued a notice of noncompliance. Similarly, an applicant that voluntarily withdraws its application prior to the issuance of a notice of certification denial will not be issued a notice of certification denial.

5 ON-SITE INSPECTION/AUDIT (EVALUATION)

5.1 SCHEDULING

5.1.1 The Inspector/Auditor will contact the applicant to schedule and confirm the inspection/audit details directly. The Inspector/Auditor should provide an estimate of how long the inspection/audit should take and the applicant and Inspector/Auditor shall agree upon a mutually convenient timeframe. Applicants should provide the Inspector/Auditor with additional guidance on locating difficult to find sites at this time.

5.1.2 The initial on-site inspection/audit will be conducted within a reasonable time, except that the initial inspection may be delayed for up to 6 months to comply with the requirement that the inspection be conducted when the land, facilities, and activities that demonstrate compliance or capacity to comply can be observed. The initial on-site inspection must occur before first certified harvest. On-site inspections are to be conducted annually thereafter for each portion of the operation that wishes to continue certification.

5.1.3 All on-site inspections must be conducted with an authorized representative of the operation who is knowledgeable about the operation. The inspector will evaluate the applicant's operations through observations, collection and testing of samples, taking of photographs, and review documents and records of the operation, all as determined to be necessary by OC and the inspector.

5.1.4 Applicants have the right to refuse a particular inspector. Reasons/justifications for a refusal must be submitted in writing to OC prior to the inspection. OC shall determine whether the reasons are accepted.

5.2 ON-SITE INSPECTION/AUDIT

5.2.1 An initial on-site inspection/audit will be conducted of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested.

5.2.2 All applicants shall be subject to inspection/evaluation activities including but not limited to:

- a) An opening meeting;
- b) Documentation review (risk assessment, policies and procedures, records [input/output reconciliation, trace-back audits], etc.);
- c) Interviews with responsible persons;
- d) Residue sampling in accordance with the sampling policy set forth in the applicable standards and this certification manual;
- e) Inspection of organic and non-organic units where there is reason for doing so, which may include, conventional and transitional crop areas, harvest storage locations, preparation areas, processing and conditioning sites, administrative areas and records;
- f) Closing meeting.

5.2.3 During the closing meeting; the applicant will receive an Exit interview Summary which includes unofficial findings and requests for more information. The inspector/auditor will be able to clarify and answer any questions pertaining to the individual findings but will not be able to consult on how to make corrections.

5.2.4 OC may conduct additional on-site inspections of operations or may be required by its accreditation bodies to conduct additional on-site inspections for the purpose of verifying compliance of the operations with regard to certification requirements. Additional inspections may be announced or unannounced at the discretion of OC or as required by its accreditation bodies.

5.2.5 At the time of inspection, the inspector shall provide the operation's authorized representative with a receipt for any samples taken by the inspector. There shall be no charge to the inspector for the samples taken. A copy of the on-site inspection report and any test results will be sent to the inspected operation by OC.

5.3 EU & COR - EVALUATION FINAL REVIEW

5.3.1 Non-Conformances and Corrective Actions - If non-conformances are detected, applicants have the opportunity to improve the non-conformance by submitting a corrective actions summary and supporting evidence to clear each non-conformance.

5.3.2 Evidence of corrective actions can be in the form of documents, records and/or photographs and it must be appropriate to show the non-conformance has been addressed.

5.3.3 OC has the right to determine if a re-visit to the audited organization is necessary to close any non-conformance found.

5.3.4 If time allows, when corrective action evidence is rejected by the auditor, the applicant can re-submit additional evidence to close the non-conformance.

5.3.6 Once the applicant has completed corrective actions response or when the corrective actions window has closed, a final audit report will be generated.

6 FINAL REVIEW & CERTIFICATION DECISION

6.1 GRANTING CERTIFICATION

6.1.1 OC shall review all information and make the certification decision within a reasonable time after completion of the on-site inspection. A Notice of Decision will be sent to the applicant notifying them of the outcome of the final review. OC will not delegate decision making authority to outside bodies.

6.1.2 The Certificate shall only be issued after, or concurrent with the following;

- a) the decision to grant or extend the scope of certification has been made;
- b) certification requirements have been fulfilled;
- c) payment for certification has been paid in full;

6.1.3 COR - If at any point during certification activities, interpretation of an applicable standard is required, it can be sought from the Standards Interpretation Committee (SIC). Refer to Part G of the COO for details about this committee and on how to request an interpretation.

6.2 CERTIFICATES

6.2.1 Certificate of Organic Production – NOP: Once certified, the operations certification continues in effect until surrendered by the organic operation or suspended or revoked by OC, the State Organic Program or the Administrator. The certificate issued for operations certified to the NOP Regulations will include the following, but not limited to:

- a) Certified operation's name;
- b) OC's name, address, web site, and phone number;
- c) Effective date;
- d) Issue date;
- e) Anniversary date;
- f) Categories (Scope) of organic operation
- g) Specific certified organic products covered by the organic certificate, allowing auditors and buyers to verify whether the operation is certified to produce or handle the product for sale;
- h) Labeling category for each product certified under the handling/processing certification category;
- i) The statement, "Certified to the USDA organic regulations, 7 CFR Part 205."; and
- j) The statement, "Once certified, a production or handling operation's organic certification continues in effect until surrendered, suspended or revoked."

6.2.2 Certificate of Organic Production – COR: The certificate issued for operations certified to the Canadian Organic Program standards will include the following:

- a) OC's name, address, web site, and phone number;
- b) The holder of the organic certificate (i.e., the legal name of the person(s) or operation where the product is produced/processed/packaged/labelled. When applicable, the certificate or document should also include the name the holder does business as;
- c) A list of the certified products, which shall be identified by their specific product name and any trademarks under which they are marketed. (Product names such as "vegetables" are not acceptable as it is too broad. An appropriate name would be "carrots");
- d) The standards, or other normative documents concerning, under which each product or product type is certified;

- e) The applicable type of certification:
 - If for producing/processing
 - Crop Production
 - Grain Production
 - Livestock Production
 - Maple Production
 - Specialized Production (e.g. beekeeping)
 - Processing
 - If for Packaging and Labelling Certificates
 - Packaging and Labelling
- f) The date on which the certification was granted;
- g) The date on which:
 - The operator shall submit an application for subsequent annual inspection (only for Organic Product Certification documents)
- k) The certification document expires (only for Packaging and Labelling Certification documents). All other certificates remain valid until suspended or cancelled.
- h) The location of all operations covered by this certification (should identify the town, province, and country, as appropriate).
- i) For additional specifics to Certification under the COR standard, please refer to the CFIA Memo Clarification on the Certification of Organic Products and COO Manual Appendix B.

6.2.3 Certificate of Organic Production – EU: The certificate issued for operations certified to the EU Program standards will include the following:

- a) Certified operation's name (all legal names) and addresse(s), including a physical address if the mailing or legal address is not the physical location of the operation;
- b) OC's name, address, web site, and phone number;
- c) Effective date;
- d) Inspection Date;
- e) Expiration Date;
- f) Issue date (when OC issued the organic certificate);
- g) Categories of organic operation (crops, wild crops, livestock, and handling/processing);
- h) Specific certified organic products covered by the organic certificate, allowing auditors and buyers to verify whether the operation is certified to produce or handle the product for sale (e.g. "hay" or "Uncle Perry's Berry Organic Granola"); and
- i) The statement, "This document has been issued on the basis of Article 29(1) of Regulation EC No. 834/2007 and Article 68(2) of Regulation EC No. 889/2008. The declared operator has submitted his activities under control and meets the requirements laid down in those regulations."

6.2.4 The Certificate shall include the signature of the Executive Director as the Authorized representative of the certification body.

6.3 DENIAL OF CERTIFICATION

6.3.1 Notice of Noncompliance:

When OC has reason to believe an applicant is not able to comply, a Notice of Noncompliance to the applicant shall be sent. When correction of a noncompliance is not possible, a Notice of Noncompliance and a Notice of Denial of Certification may be combined in one notification.

6.3.2 Definition – Minor vs. Major Noncompliance

- a) Minor Noncompliance is an inadvertent misapplication of the Regulations that is not considered to jeopardize the organic integrity of a product or ingredient and is correctable.
- b) Major Noncompliance is the absence or complete breakdown of a Regulation that jeopardizes or has jeopardized the organic integrity of an operation or its products.

6.3.3 Upon receipt of such Notice of Noncompliance(s), the applicant may:

- a) Correct noncompliances and submit a description of the corrective actions taken with supporting documentation to OC; or
- b) Correct noncompliances and submit a new application to another certifying agent, provided, that the applicant must include a complete application, the notification of noncompliance received from OC, and a description of the corrective actions taken with supporting documents; or
- c) Submit written information to OC to rebut the noncompliance described in the notification of noncompliance.

6.3.3 Upon receipt of Applicant's response, OC will evaluate the corrective actions taken conduct an on-site inspection, if necessary, and:

- When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue the applicant an approval of certification; or
 - When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, issue the applicant a Notice of Denial of certification.
- a) OC will issue a Notice of Denial of certification to an applicant who fails to respond to the Notice of Noncompliance.
 - b) If OC has reason to believe that an applicant has willfully made a false statement or otherwise purposefully misrepresented the applicant's operation or its compliance with the certification requirements, a Notice of Denial may be issued without first issuing a Notice of Noncompliance.

7 Continuance of Certification (Renewal)

7.1 Three (3) months prior to the anniversary date of the Certificate, OC will send a Renewal Package that will consist of the following:

- a) Annual Update Summary;
- b) the most current Organic System Plan (OSP) and Certificate on file;
- c) Estimate

7.2 To continue certification, a certified operation must annually pay their estimated certification fees in full and submit their Annual Update, including but not limited to:

- a) Annual Update Summary, supported by documentation if necessary, detailing any deviations from, changes to the previous year's organic system plan;
- b) An update on the correction of minor non-compliances previously identified by OC;
- c) Other information as deemed necessary by OC to determine compliance with the applicable standards.

7.3 Once a complete Renewal Package has been returned, a full assessment will begin including:

- a) application review (see section 4);
- b) on-site inspection/evaluation (see section 5);
- c) final review & decision (see section 6);
- d) issuance of updated Certificate (see section 6).

When it is impossible for OC to conduct the annual on-site inspection following receipt of the certified operation's annual update information, OC may allow continuation of certification and issue an updated certificate on the basis of the information submitted and the most recent on-site inspection conducted during the previous 12 months, provided that the annual on-site inspection is conducted within the first six (6) months following the certified operation's schedule date of annual update.

8 CHANGES AFFECTING CERTIFICATION

8.1 Certified operations shall immediately notify OC in the event a prohibited substance (including drift) has been applied to any field, production unit, site, facility, livestock or product that is part of the operation, as well as changes to an operation including but not limited to: modification to products, the manufacturing process, the extension of acreage, management or ownership. OC will take appropriate steps to verify continued compliance with all applicable regulations and standards, including re-inspection when the change may affect the integrity of organic product, or as OC deems necessary to confirm compliance. The certified operation shall not release certified products resulting from such changes until notified accordingly.

8.2 In the event of changes significantly affecting a product's specification or changes in the standards to which compliance of the product is certified, or changes in the ownership, structure or management of the supplier, if relevant, or in the case of any other information indicating that the product may no longer comply with the requirements of the certification system, the scope of certification may be amended accordingly.

8.3 When new or revised standards requirements are issued that affect the certified operations, OC shall ensure these changes are communicated to all certified operations and shall verify the implementation of the changes by the certified operations at the next scheduled inspection and may take other actions as required.

9 USE OF LOGO & TRADEMARK

9.1 Certified operations are authorized to use the certification mark adopted by OC and any truthful reference to certification status as issued by OC. The mark shall be to the size, color, placement, and use specification as approved by OC. Certified operations are required to obtain pre-approval of labels to ensure conformity.

9.2 For use of the COR logo, please reference the COO Part D.

9.3 Upon suspension, revocation or cancellation of certification, the certification mark or any other indication of the certification shall be removed from the entire production run affected by the

adverse action. This includes any uses of the certificate logo, marks and claims on packaging, promotional materials, packaging and labels not yet in use.

10 SURVEILLANCE AND TESTING

10.1 Certified operations are subject to unannounced surveillance and sample testing audits. Unannounced inspections may be limited in scope, depth, and breadth, and may cover only certain aspects of the operations, such as parcels, facilities, products, etc.

10.2 OC shall inform the operation in advance of the intended visit. This notification will normally not exceed 24 hrs. In exceptional case where it is impossible for the operation to accept the proposed date (due to medical or other justifiable reasons), the operation will receive another visit of an unannounced surveillance inspection or audit. If the visit cannot take place because of non-justifiable reasons, adverse actions, as specified in section 11, will be taken against the client. The basis for selection of operators inspected in these instances are either random selection or selection of operations based on the type of production, the certified operation's record of compliance, the complexity of production, risk based, or the result of a complaint or investigation. If there is any suspicion that a certified product contains trace amounts of GMO's, investigation will be required and if determined necessary, a sample maybe taken for testing as part of the investigation. Such visits / tests are completed at the certifying agent's expense.

10.3 RISK ASSESSMENT

10.3.1 The potential for risk is identified through a variety of means including, but not limited to, reviews of application and inspection documentation, lab analysis, etc. OC has identified these major factors affecting risk:

- a) complaints or Investigations against the operation;
- b) previous noncompliance or adverse actions;
- c) split or parallel production;
- d) risk of contamination;
- e) complexity of operation.

10.3.2 A determination is made whether the operation falls into the high, medium or low risk category based on the number of risks identified per the following guidelines:

0-1 factors identified = Low Risk

2 factors identified = Medium Risk

3 or more factors identified = High Risk

Risk assessments are performed for all operations in the COR & EU programs, as well as, medium and high risk operations in the NOP program. Risk assessments are completed by the Certification Specialist.

10.4 NOP - UNANNOUNCED INSPECTION & TESTING REQUIREMENTS

10.4.1 A minimum number of 5 percent (5%) of total operators, with a minimum of one, in the USDA National Organic Program shall be subject to random and targeted unannounced inspections each year.

10.4.2 A minimum number of 5 percent (5%) of total operators, with a minimum of one, in the USDA National Organic Program shall be subject to residue testing each year.

10.5 COR - UNANNOUNCED INSPECTION & TESTING REQUIREMENTS

10.5.1 A minimum number of 3 percent (3%) of total primary production and five percent (5%) of total processing operators, with a minimum of one, in the Canadian Organic Program shall be subject to random and targeted unannounced inspections each year.

10.5.2 OC shall use a risk based sampling strategy which requires pre-harvest or post-harvest sampling and testing when there is a reason to suspect that the agricultural input or agricultural product has come into contact with a prohibited substance or was produced by or handled using prohibited techniques.

10.6. EU - UNANNOUNCED INSPECTION & TESTING REQUIREMENTS

10.6.1 A minimum number of 10 percent (10%) of total operators, with a minimum of one, in the European Union Organic Program shall be subject to random and targeted unannounced inspections each year.

10.6.2 A minimum number of 5 percent (5%) of total operators, with a minimum of one, in the European Union Organic Program shall be subject to residue testing each year.

11 ADVERSE ACTIONS

11.1 NONCOMPLIANCE

11.1.1 When an inspection, review, or investigation of a certified operation by OC reveals any non-compliance with the applicable regulations, a written Notice of Noncompliance will be sent to the certified operation.

11.2 RESOLUTION

When a certified operation demonstrates that each non-compliance has been resolved, OC shall send the certified operation a written notification of noncompliance resolution.

11.3 PROPOSED SUSPENSION OR REVOCATION – NOP ONLY

11.3.1 When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, OC shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification.

11.4 WILLFUL VIOLATIONS – NOP ONLY

Notwithstanding paragraph 11.1 of this section, if OC has reason to believe that a certified operation has willfully violated the Act or regulations, OC shall send the certified operation a notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.

11.5 SUSPENSION OR REVOCATION – NOP ONLY

11.5.1 If the certified operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, OC shall send the certified operation a written notification of suspension or revocation.

11.5.2 A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations in this part.

11.5.3 A certified operation or a person responsibly connected with an operation whose certification has been revoked will be ineligible to receive certification for a period of 5 years following the date of such revocation, *Except*, That, the Secretary may, when in the best interest of the certification program, reduce or eliminate the period of ineligibility.

11.5.4 In addition to suspension or revocation, any certified operation that: (1) Knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than the amount specified in §3.91(b)(1)(xxxvii) of this title” per violation. (2) Makes a false statement under the Act to the Secretary, a State organic program's governing State official, or a certifying agent shall be subject to the provisions of section 1001 of title 18, United States Code.

11.6 SUSPENSION AND CANCELLATION – COR and EU

11.6.1 SUSPENSION

11.6.1.1

OC shall suspend certification, if:

- a) the holder of the certification has not complied with any provision of the applicable Regulations or the certification;
- b) in the case of a multi-ingredient product, less than 70% of its contents are organic;
- c) the substances used by the holder of the certification are other than those set in the applicable Regulations;
- d) the agricultural product comes into contact with substances other than those set out in the applicable Regulations;
- e) the substances used by the holder of the certification are the ones set out in the applicable standard, but are not used in the manner described in that standard; or
- f) the production, processing, packaging, and labelling methods used by the holder of the certification do not comply with the requirements set out in the applicable Regulations, or with the general principles respecting organic production set out in that standard.

11.6.1.2

The suspension remains in effect until the required corrective measures are implemented by the holder of the certification and verified by OC or until the cancellation of the certification.

11.6.2 CANCELLATION

11.6.2.1

OC shall cancel the certification, if:

- a) the application made for certification contains false or misleading information; or
- b) the holder of the certification has not implemented the required corrective measures within 30 days following the day on which the certification was suspended or within any longer period then allowed in the report that addresses the grounds for suspension.

11.7 REINSTATEMENT

11.7.1 REINSTATEMENT – NOP

11.7.1.1 Once an organic producer or handler's organic certification has been suspended for any reason, including nonpayment of fees, eligibility for certification must be reinstated by the NOP before they can be recertified. To become reinstated, the following must occur:

a) The Operator must correct all noncompliance's stated in the notice of suspension and any other outstanding noncompliance's that have been subsequently identified by OC or any other certifier. Operators must also prepare a letter to the Secretary of Agriculture requesting the reinstatement of their certification.

b) Operations must contact OC and submit a complete and accurate, OSP, fees, documentation supporting the correction of all noncompliance's and, if OC was not the certifier that issued the proposed suspension, all noncompliance, proposed suspension and suspension notices. Operations will send their reinstatement request letter to the Secretary of Agriculture to OC to submit on behalf of the operation.

c) OC will review the materials and conduct an inspection. Upon successful completion of the inspection, and when the operation has demonstrated all prior and current noncompliances have been resolved, OC will prepare a letter requesting reinstatement on behalf of the operation. OC will then send the following items to the Secretary of Agriculture;

- 1) The operators request for reinstatement letter,
- 2) OC's request for reinstatement letter,
- 3) Initial Notice of Noncompliance, Notice of Proposed Suspension, Notice of Suspension;
- 4) Copy of the Inspection Report; and
- 5) Any Notice(s) of Noncompliance issued as a result of the onsite inspection and documented objective evidence to demonstrate that the operation has corrected the noncompliance(s).

11.7.2 REINSTATEMENT – COR

OC shall reinstate suspended certification only after the CFIA has been notified and the date of the certification reinstatement is posted on the CFIA published list of suspended and cancelled organic certifications. OC cannot grant certification to an operator whose had its certification previously cancelled and whose name appears on the CFIA published list of suspended and cancelled organic certifications, unless the operator has submitted an application for certification of agricultural product to a CFIA, has completed the organic certification process and OC has received a confirmation from the CFIA that the date of the certification reinstatement is posted on the CFIA list. OC submits to the CFIA a request for having the date of the certification reinstatement posted on the CFIA list of suspended and cancelled organic certifications within 5 working days from the date of the certification decision.

11.8 WITHDRAWAL/TERMINATION

At any time during the certification process or once certified, the applicant or certified operation may voluntarily withdraw/terminate certifications. The request to discontinue certification must be in writing.

12 COMPLAINTS, MEDIATION, AND APPEALS

12.1 COMPLAINTS

12.1.1 OC shall acknowledge the receipt of complaints and investigate complaints, brought by operators or third parties concerning OC performance or concerning the compliance of certified operators. OC will be responsible for gathering and verifying all necessary information (as far as possible). If determined necessary, the certified operator in question may be subject to sampling

and testing as a result of complaint concerning the use of a prohibited substance. Complaints shall be submitted in writing with supporting evidence to document the complaint.

12.1.2 Complaints will be dealt with in a timely and efficient manner. OC shall investigate all complaints by persons designated by the Executive Director who were not involved with the evaluation, certification decision, and present no other direct or indirect conflict of interest. The Executive Director shall be responsible for communicating the final decision to the appropriate authorities or persons of interest, applicant/certified operator and complainant.

12.1.3 When a complaint is resolved, a documented resolution shall be made. If known, the complainant shall be informed of the general outcome of the complaint in a way which does not prejudice the confidentiality of the party.

12.1.4 Certified operators shall take appropriate action on complaints made to their own operations, keep a record of all complaints made and document all actions taken. Said records shall be subject to review by OC.

12.2 MEDIATION AND APPEALS

12.2.1 Certified operators have the right to due process regarding disputes arising from certification decisions and actions related to certification.

12.2.2 Mediation- NOP Program: Any dispute with respect to denial of certification or proposed suspension or revocation of certification may be mediated at the request of the applicant for certification or certified operation and with acceptance by OC in accordance with the NOP Regulations Section 205.663.

12.2.3 Appeals – NOP Program: An applicant or certified operator may appeal a decision by OC to deny, suspend or revoke certification in accordance with NOP Regulation Section 205.681.

12.2.4 Mediation and Appeals – COR and EU Programs: An applicant or certified operator may appeal a decision by OC to deny, suspend, or cancel certification.

12.2.5 How To Submit An Appeal:

- a) Appeals must be received by OC within 30 days of notification to the Applicant / Certified Operator of the adverse decision. The appeal shall:
 - i. Specify the grounds on which the appeal is made;
 - ii. Be accompanied by relevant documented evidence;
 - iii. Indicate what steps were taken to resolve the issue prior to lodging the appeal.
- b) Appeals may be submitted via email, fax, and registered mail or equivalent. Within five (5) days of OC's receipt of an appeal, OC shall send confirmation to the appellant of its receipt of such appeal.
- c) All appeals must be accompanied by an appeal fee to offset the costs and staff time associated with process of the appeal.

12.2.6 An appeal may first be mediated at the request of the applicant / certified operator and with acceptance by OC. Mediation shall be requested in writing to OC within 30 days of notification to the Applicant / Certified Operator of the adverse decision. If OC rejects the request for mediation, OC shall provide written notification to the applicant / certified operator. If mediation is accepted by OC, such mediation shall be conducted by a qualified mediator mutually agreed

upon by the parties to the mediation. The parties to the mediation shall have no more than 30 days to reach an agreement following a mediation session. If mediation is unsuccessful, the appeal shall proceed for review by the Appeals Committee, as outlined below.

12.2.7 Review by Appeals Committee:

- a) The burden of proof to show adverse effect shall be on the Appellant.
- b) Records of appeals are maintained in an Appeals Log or an appropriate notation is made in the Log while records are kept with the process of the applicant / certified operator's files. OC maintains records related to the appeal, including evidence of communication, final decision and any follow-up actions taken.
- c) The Appeals Committee shall be screened for any potential conflict of interest.
- d) Appeals Committee members shall review the appeal and may:
 - i. Rule in favor of the appellant, promptly notifying the appellant and taking the appropriate actions;
 - ii. Rule against the appellant, notifying the appellant of this decision;
 - iii. Request additional information from the appellant or involved parties;
 - iv. Involve assessors or other experts, screening them for conflict of interest in coordination with the appellant;
 - v. Take any other action that is necessary or appropriate

13 COOPERATION WITH OTHER INSPECTION & CERTIFICATION BODIES

13.1 CHANGING CERTIFICATION BODIES

13.1.1 Operators that choose to change certifying bodies must complete an application form as required by the new certifier and notify their current certifier of their intent to change certifiers. Operations intending to continue to sell certified product must maintain their current certification until their new certifier has issued documents (i.e. certificate, and/or certification decision letter) confirming their certification. Operations may have to continue the certification process with the first certifier while becoming certified under the new certifier or risk a noncompliance.

13.1.2 Once certification is granted under the new certifier, the operation must then notify their former certifier of their certification status with their new certifier and return all documents confirming their certification with their first certifier, such as certificates and attestations and withdraw/terminate their certification. The former certifier will issue a notice to the operation that their first certification is no longer in effect and that all certification agreements are terminated. Operations cannot use up existing supplies of labels identifying their former certifier.

13.1.3 During this process, OC will exchange relevant information on the results of their evaluations, inspections and/or certification reviews with the other certification body, competent authorities, or control authorities either upon request or on their own initiative.

13.2 RECOGNITION OF OTHER CERTIFICATION BODY DECISIONS

13.2.1 USDA – NOP: OC accepts certification decisions made by any other certifying agent which has been accredited or accepted by the USDA pursuant to NOP Regulations 205.500, concerning the NOP program.

13.2.2 Canadian Organic Program: When OC takes into account of or uses for granting its own certification (acceptance of the certification of ingredients included in a product to be certified),

the work performed by another certification body, OC will recognize decisions made by other certification bodies, insofar as that organization has been approved by CFIA with respect to an equivalent accreditation scope, and maintain its responsibility for the certification decision resulting from this recognition.

13.2.3 EU Program: Prior certification of products accepted for use by certified operations seeking EU certification shall be based on the supplying operations certification under the same accreditation program.

14 REQUIREMENTS FOR EXPORT OF U.S. ORGANIC PRODUCTS UNDER U.S. TRADE ARRANGEMENTS

14.1 U.S. EXPORT ARRANGEMENTS

The United States has trade arrangements with several nations to facilitate the exchange of organic products. These arrangements provide additional market opportunities for USDA organic producers. Consumers also benefit from a wider range of organic products year-round. OC is authorized to issue Export Certificates to certified operators who wish to export their certified organic products that fall under the applicable U.S. trade arrangements. Currently, the U.S. has trade arrangements with the EU, Canada, Japan, Taiwan, Korea and Switzerland.

14.2 Operators certified by OC who wish to export their certified organic products to a country who has entered into a trade arrangement with the U.S. must complete an Application for Issuance of Export Certificate.

14.3 OC reviews the application and verifies that the products meet the conditions of the applicable trade arrangement.

14.4 Upon satisfactory completion of the verification process and payment of the applicable fee, OC will issue the approved form of Export Certificate.

15 GROWER GROUP CERTIFICATIONS

15.1 CRITERIA: Grower group certifications shall consist of groups that fulfill the following criteria:

- a) The group shall be located in country which is defined by the Organization for Economic Co-operation and Development (OECD) as a developing country.
- b) The group shall be constituted of operations with similar geographic location, production systems, size of holdings.
- c) The farm units are generally managed by family and/or local labor.
- d) Large farming units (farms bearing an external certification cost that is lower than 2% of their turnover), processing units and traders may be included in the groups, however they must be inspected annually by Organic Certifiers. Operations collecting and transporting crops, simple processing, and storage units may also be included.
- e) The group shall be established formally, based on written agreements with its members. It shall have a central management to enable oversight of the product flow, established decision procedures a coordinated marketing, and legal capacity.
- f) When intended for export, the marketing of the products must be carried out as a group.

- g) The group shall comply with all other relevant production, processing, and labeling standards, as applicable.
- h) The group's size will depend upon structure, capacity and communications.

15.2 REQUIREMENTS: Grower group certification shall require that at least:

- a) The certified entity shall be the group as a whole. This means that individual operators may not use the certification independently (by marketing as individual producers outside of the group).
- b) An effective and documented internal control system shall be in place and that there are competent personnel implementing the system. The system shall include a documented management structure of the internal control system.
- c) A general description of the operation with the definition of the type of producer organization (such as cooperative, association, exporter with producers under contract).
- d) Internal inspection protocol must be described and implemented. Inspections of all operators for compliance with production standards shall be carried out by the internal control system at least annually.
- e) Internal Inspectors are designated by the group and carry out internal controls. They must receive suitable training. The internal quality system sets out rules to avoid or limit potential conflicts of interest of the internal inspectors.
- f) A clear description and identification of the farm units and farmers be on file and available at all times.
- g) A mechanism to remove non-compliant group members from the list of members is in place.
- h) The relationship of the management body to each of the members of the group, the relationship between farmer members and balance of interest must be evaluated by Organic Certifiers prior to issuance of the certificate.
- i) Risk assessments are conducted.
- k) Complete core documentation is maintained consisting of at minimum:
 - 1) A full and complete Application for Grower Group;
 - 2) Maps/sketches;
 - 3) A complete list of the group members;
 - 4) Farm/field or processing records;
 - 5) Yield estimates; and
 - 6) Signed member agreements.

15.3 CONTRACTS: Small holder group certification shall require that the management body of the group sign a written contract with Organic Certifiers specifying the responsibilities of the group and of the internal control system. The contract shall require that the small holder group management obtain signed obligations from all operators to comply with the standards and to permit inspections.

15.4 ACCESS TO STANDARDS: All operators shall have access to a copy of the standards or the relevant sections of standards presented in a way adapted to their language and knowledge.

15.5 EXTERNAL INSPECTION: OC shall conduct external inspections as follows:

- a) Inspection of the group shall be carried out by Organic Certifiers at least annually.
- b) The inspection visit shall include both inspection for compliance with the standards and an evaluation of the effectiveness of the internal control system.

- c) Inspection of a sample of operators shall be undertaken to fulfill both the functions in paragraph b above.
- d) Determining the percentage of operators subject to re-inspection shall take into account
 - 1) The number of operations in the small holder group; and
 - 2) The outcome of the risk analyses of the management structure.(low medium or high risk) which include, but are not limited to:
 - i. The value of the products and the difference between the value of the organic and conventional price for the product;
 - ii. Degree of similarity of the production systems and the crops within the group:
 - iii. Risks for intermingling and/or contamination and,
 - iv. Experience of the group, (i.e number of years in operation, number of new members registered annually, nature of problems within the organization, potential conflicts of interest and staff turnover).
- e) Random selection of operations will be the most common selection factor, however OC shall take into account other mitigating factors in determining how many and which operations of the small holder group are to be inspected. These factors may include the number of years an individual operator has been organic, their size, location and/or identified risk.
- f) The farms visited by the external inspection body must be predominantly different from one year to the other.
- g) Larger farms, processors, and exporters shall be inspected annually by OC.
- h) In the event OC finds the internal control system to seriously lack reliability and effectiveness, it shall increase the numbers of farms subject to their annual inspection to at least three times the square root of the number of farms in the group.

15.6 EVALUATION AND ASSESSMENT OF INTERNAL CONTROL SYSTEM: The following shall be applied in evaluating the internal control system:

- a) Internal inspections of all operators have been carried out at least annually; new operators are only included after internal inspections, according to procedures agreed with Organic Certifiers;
- b) Sample inspections shall be carried out with the relevant documents from the internal control at hand, and the methods and results of the internal control shall be compared with the results of the inspection to determine whether the inspections of the internal control system have adequately addressed the compliance of operators;
- c) Instances of non-compliance have been dealt with appropriately by the internal control and according to a documented system of sanctions;
- d) Adequate records of inspections have been maintained by the internal control system;
- e) The operators understand the standards; and
- f) A witness audit i.e. the inspector shall witness a number of internal control inspections.

15.7 RECORDS: OC shall maintain basic data on all operators, in addition to certification records of the group as a whole. A standardized form shall be completed and updated by the Smallholder Group management and shall include: Identification, name, location (at least on an area map), year of entrance into the certification system, date of last internal and external inspection, number of hectares, cash crops, and yield estimates.

15.8 RESPONSIBILITY: The certified entity (the group as a whole) shall be responsible for compliance of all operators. The internal control system shall include the application of sanctions to individual members who do not comply with the production standards. The Internal Control

System shall inform OC of the irregularities and non-compliances found, as well as the corrective actions imposed.

15.9 SANCTIONS: In the event of non-compliance by the group and/or its operators, sanctions shall be issued commensurate with the severity of the non-compliance. Failure of the internal control system to detect and act on non-compliances shall invoke sanctions on the group as a whole. In cases where it finds the internal control system to lack reliability and effectiveness, OC shall apply sanctions to the group as a whole, including, in case of serious deficiencies, the withdrawal of the certification of the group.