# Organic Certification Manual

PJRFSI offers certification services to companies seeking Organic certification. This procedure details from start to finish the life cycle of the Organic certification process.

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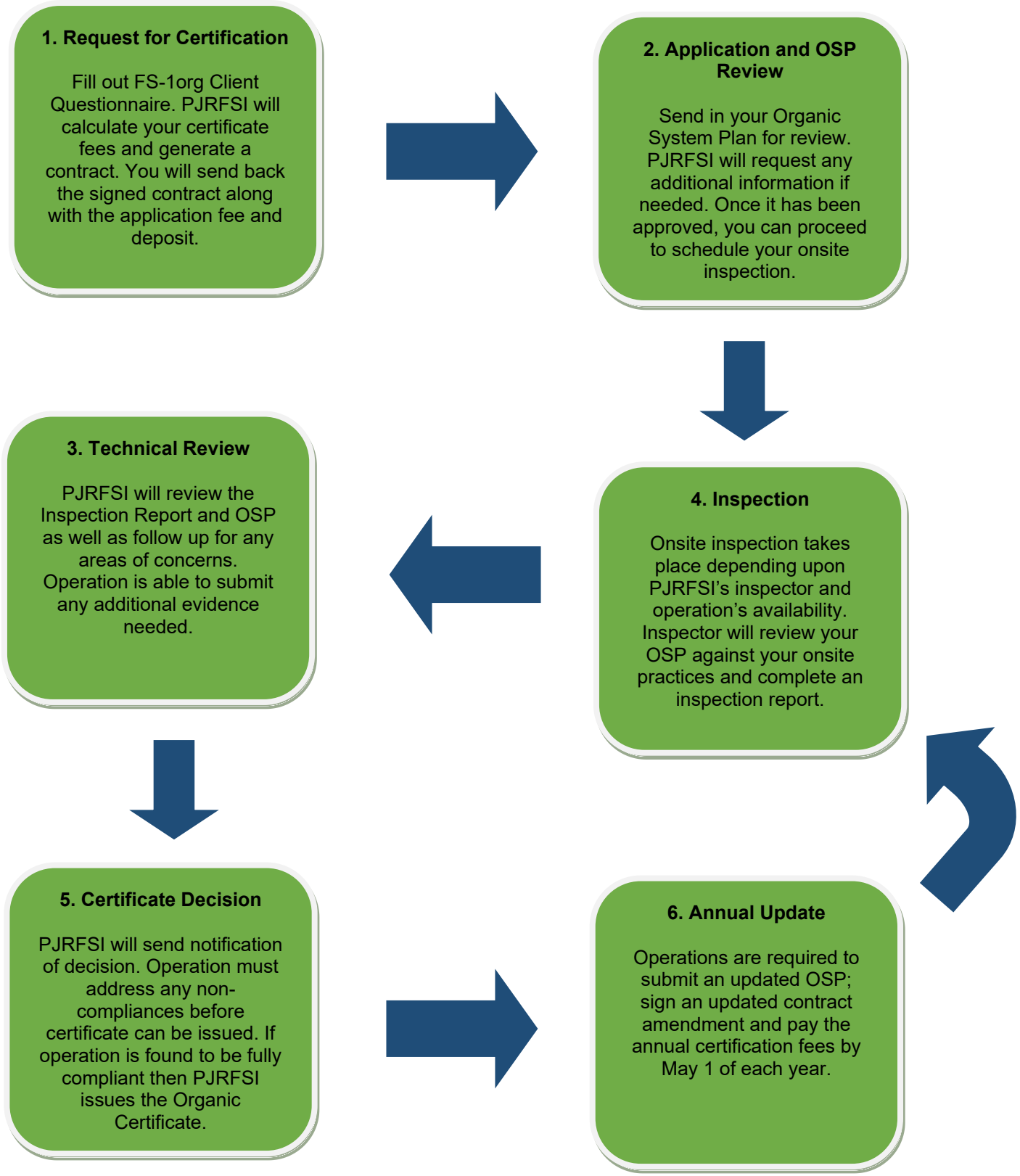
# Certification Process Flow Chart



## 1. Request for Certification

The Applicant initiates the certification process via a written or verbal request for information to PJRFSI.

In response, a PJRFSI Project Manager or designee provides the Applicant with the FS-1org – Food Safety Certification Questionnaire/Client Application and SOP-01org – Organic Certification Procedure. The documents are provided electronically unless hard copies are requested. Duly Authorized representatives of the Applicant must complete and sign the Questionnaire/Application to provide PJRFSI with sufficient information required for the quotation/certification process.

Upon receipt of the signed application, PJRFSI's Food Safety Program Accreditation Manager or designee trained in NOP quoting procedures conducts and maintains records of an application review to ensure that:

a. Applicant's legal status is established
b. Certification requirements are clearly defined, documented, and understood
c. Any differences in understanding between PJRFSI and the Applicant are resolved
d. PJRFSI has the resources and competencies to perform the certification services sought by the applicant, and if not, PJRFSI's NOP Certification Specialist or designee will reject the application until such time as the required resources and competencies are acquired.

The record of this review is the NOP Certification Specialist or designee's signature at the bottom of the FS-1org Client Application and a completed F-207org – Organic Fee Calculation. The FS-207org is based off the FS-205 PJRFSI Organic Fee Schedule

Based on the information furnished by the Applicant and input from the application review conducted by the NOP Certification Specialist or designee, a quotation in the form of a certification agreement is completed which identifies the scope of certification, details the costs of the certification inspection and subsequent certification inspections.

Transfers are handled in accordance with Section 11 below.

PJRFSI may conduct Organic inspections along with other certification system audits or audit elements, as long as all program rules are met and the integrity of any one component of the combined audit is not compromised. PJRFSI does not, however, conduct any consulting or training in combination with Organic inspection activity.

The Project Manager provides the Applicant with a duly authorized copy of the Organic Certification Agreement (FS-3org) and the Terms and Conditions (FS-3tc). The Applicant then completes, signs, and returns a copy of the Certification Agreement bearing an original signature.

Signatures by both parties indicate mutual agreement of the Certification Agreement including the scope of certification and any exclusions, the certification costs, and the associated Terms and Conditions. After the Agreement is signed, amendments, agreed on by both parties, may be issued as necessary.

Receipt of the signed Certification Agreement and the first installment payment by the Applicant to PJRFSI is taken as an instruction to proceed in accordance with the Organic Certification Agreement and the Terms and Conditions. The Food Safety Program Coordinator or designee sends the Applicant, hereafter referred to as the Operation:

a. SOP-01org – Organic Certification Procedure
b. National Organic Program Standard
c. FS-11series Organic System Plan (OSP) Application (crop or process/handling)
d. Any other appropriate guidance documents describing the inspection or the certification process.

To be considered for Organic certification and to complete your application, Operations are required to complete the applicable FS-11 – Organic System Plans (OSP). FS-11crop – Organic System Plan (OSP) Crops for farming and crop producers or FS-11process – Organic System Plan (OSP) Processing and Handling.

The OSP must include the following:

a. a description of practices and procedures to be performed and maintained, including the frequency with which they will be performed

b. a list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable
c. a description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented
d. a description of the recordkeeping system
e. a description of the management practices and physical barriers established to prevent commingling of organic and nonorganic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances
f. Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.

Upon receipt of the completed FS-11 – Organic System Plan (OSP) and within a reasonable amount of time, PJRFSI's Organic Certification Specialist trained in OSP review, reviews the OSP for completeness and determines if the OSP appears to comply with the regulations and the findings are communicated to the Operation in writing. The review and OSP approval is recorded on FS-66org Application and Organic System Plan (OSP) Review Form.

If the application does not include enough information to determine whether the applicant may be able to comply with the regulations, then the NOP Certification Specialist will request additional information. If PJRFSI determines that the Operation does not comply and is unable to comply with the regulations then PJRFSI will take appropriate compliance actions.

The NOP Certification Specialist verifies that all inputs and ingredients listed in the OSP comply with the regulations. PJRFSI must review all multi-ingredient products before they are sold, labeled, or represented as organic to ensure that the product composition meets the requirements for the proposed labeling category. PJRFSI must be able to verify that all ingredients listed as organic are certified. PJRFSI will also verify the use of any nonorganic ingredients or processing aids to determine that they are allowed. This may require consideration of commercial availability and any restrictions on substances as indicated on the National List of Allowed and Prohibited Substances (7 CFR §§ 205.601 – 205.606). PJRFSI reviews and approves the status of each material prior to the use of the material on the F-65org Material Review Form. PJRFSI accepts the material review decision from the brand name listed on the Organic Materials Review Institute (OMRI) or Washington State Department of Agriculture (WSDA) Brand Name Material List. If a submitted material is not yet evaluated by OMRI or WSDA, a Material Review will be completed by PJRFSI Organic Certification Specialist. Operations must fill out F-64org Material Review Form and Checklist.

The most current version of any file is noted in the naming convention with the use of YearMonthDay at the end of every filename. Additionally, if there are updates to a materials list the update is in red and a date at the top shows who updated the information and when. Because we do not have an internal materials database, each materials list needs to be reviewed each year for continued compliance. This is done during the initial review process and this recheck is confirmed by the final reviewer. The new FS-11 forms have been updated to include the restriction if any. This annotated version of the materials list is provided to the client and should be discussed at inspection as needed.

PJRFSI will also review all retail product labels for compliance with the labeling requirements outlined in 7 CFR §§ 205.300 – 205.311. PJRFSI will record label approval on the F-63org Organic Label Review Form and file labels they have approved in the Operation's SharePoint folder. The inspector will review a sample of these labels at the onsite inspection to ensure compliance.

If the requirements for certification change at any time and need retroactive implementation, PJRFSI's Food Safety Program Accreditation Manager or designee will ensure that the Operation is notified as soon as possible by the most appropriate means and that the new requirements are followed/implemented at the next onsite inspection activity or sooner if necessary.

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

## 2. Scheduling Inspections

A complete application package includes the following: completed and signed Client Questionnaire (FS-1org); a signed Organic Certification Agreement (FS-3org); PJRFSI's Terms & Conditions (FS-3tc); a completed and accepted Organic System Plan (FS-11), and a deposit payment. Once a full application package is reviewed and accepted by the NOP Certification Specialist, it is sent to the scheduling department.

The Food Safety Program Accreditation Manager or designee assigns an Organic Inspector to the Organization's inspection program after verification that:

a. The Inspector is approved by the Food Safety Accreditation Manager for Organic inspections
b. The Inspector has had no prior relationship with the Operation which would present a conflict of interest. The Inspector will confirm this by signing a Certification Personnel Statement of Availability found in the WB-org (National Organic Program Inspection Workbook Supplement) before completing the inspection.

The Operation is assigned to an Audit Program Coordinator (Scheduler) who will contact the Operation's designated authorized representative to confirm tentative dates for the inspection activities. The inspection must be scheduled when an authorized representative of the Operation who is knowledgeable about the operation is present and at a time when land, facilities, and activities that demonstrate the operation's compliance with or capability to comply can be observed.

The inspection should be scheduled within a reasonable time, although it may be delayed for up to six months so that the inspection can observe the relevant land, facility, or activities. For example, if PJRFSI receives a crop production application during the winter, the inspection may be delayed until the spring or summer when production season is underway.

The Scheduler sends the Scheduled Audit Form to the inspector when the dates are confirmed and entered into PJview. The Scheduler then sends the Supplier an Audit Scheduling Acknowledgement form (F-163fsi) or equivalent document for the Operation to sign and return which indicates:

a. Operation's acceptance of the proposed Inspection dates and time
b. Supplier's acceptance of the proposed Inspection team whose background information is available upon request. The Supplier has the right to object in writing to the appointment of any particular Inspector or technical expert providing the objection is valid, i.e. employee of a competitor, personal differences, etc.
c. Supplier's confirmation that all processes/procedures/activities will be ready by the proposed Inspection date

The Scheduler then creates an Auditor Assignment Form (F-27fsi) and forwards it to the Inspector(s) after approval by relevant Customer Service Personnel.

## 3. The Onsite Inspection (Certification and Annual Inspections)

This description of the onsite inspection is applicable to Certification and Annual inspections. See Section 5 for additional information about Recertification inspections.

PJRFSI undertakes the onsite inspection to:

a. Assess whether the operation complies or has the ability to comply with the regulations
b. Verify that the OSP accurately reflects the operation's activities
c. Ensure that prohibited substances have not been applied

PJRFSI will provide the inspector, prior to each on-site inspection, with previous on-site inspection reports and notify the inspector of its decision regarding certification of the production or handling operation site inspected by the inspector and of any requirements for the correction of minor noncompliances.

The onsite inspection is always conducted onsite when the organic products are in production. The Inspector is

responsible for creating an Inspection Plan using the F-184fs65-A Audit Plan Template and providing this plan to the Operation in advance of the onsite inspection.

An opening meeting is held using the Opening Meeting Agenda found in the National Organic Program Inspector Workbook Supplement (WB-org) to discuss the inspection plan.

The inspector will review each production unit, facility, and site where the operation produces or handles organic products. The inspection includes, but is not limited to:

a. Evaluation of the OSP that the operator maintains onsite to ensure that the operator has an updated OSP, is implementing the OSP, and that the OSP complies with the regulations
b. For crop producers: evaluation of soil and nutrient management, adjoining land use, buffer zones, land use history, production capacity of the land, seeds and planting stock used, crop rotation practices, pest control practices, harvest, labeling, and shipping
c. For wild crop producers: evaluation of designated harvest areas, sustainable harvest practices, and re-seeding or pruning activities
d. For handlers: evaluation of product composition, receiving, processing, pest control, storage, labeling and shipping, as well as practices to prevent commingling and contact with prohibited substances
e. Verification of the operation's production or handling capacity
f. Evaluation of the recordkeeping system and verification of activities through appropriate records
g. Reconciliation of the volume of organic products produced or received with the amount of organic products shipped, handled and/or sold, also known as trace-back audits or in-out balances
h. Sampling of organic agricultural products for residue testing, if applicable. The inspector will provide a receipt for any samples taken.

The inspection team must record copious notes of conformity and potential nonconformity. Should objective evidence exist to support writing a potential nonconformity, the following format is used:

a. Citation of the requirement(s) not being met
b. Statement of nonconformity
c. Objective evidence observed that supports the statement of nonconformity

The Inspector and/or other PJRFSI personnel are allowed to explain potential noncompliances and/or clarify the requirements of the NOP Standard, but shall not give prescriptive advice or consultancy as part of the inspection or the certification process. This does not preclude normal exchange of information with the Supplier.

Inspectors often discover new information or documentation during onsite inspections. The inspector may accept additional OSP updates during the inspection, up until the start of the exit interview, and should provide any new information received onsite to the certifier. If the inspector and the operator update the OSP during the inspection, then the inspector should provide a copy of the update to both the operator and the certifier.

At the end of the inspection, the inspector conducts an exit interview with an authorized representative of the operation. During the exit interview, the inspector communicates any potential noncompliances observed, and requests any additional information that may be missing from the OSP. If significant information is missing, the inspector should note this in the inspection report and discuss this as a concern during the exit interview.

The scheduler or appropriate designee seeks feedback from the Supplier by sending them the F-18fsi Customer Satisfaction Survey and F-38fsi Auditor Evaluation (Client Feedback Form) within approximately two weeks from the last day of the onsite facility audit.

### 4. Inspection Reporting and the Certification Decision

The Inspector documents the results of the onsite inspection using the scope specific Organic Inspection Report (WB-crops or WB-process-handling) and sends the inspection report to PJRFSI Food Safety Program Coordinator or designee to forward to an Organic Certification Specialist for technical review.

PJRFSI's Organic Certification Specialists are required to sign the F-71org (Certification Personnel Statement of Availability) prior to beginning a review of an inspection report or package in order to confirm that they are impartial and free from any conflict of interest. Note: the Inspector who carried out the onsite inspection may not serve as the Organic Certification Specialist.

Within a reasonable amount of time, The PJRFSI Organic Certification Specialist conducts a technical review of the inspection report, the OSP, the results of any analysis conducted and any other additional information provided on the F-67org Organic Review Form. If needed, the report is returned to the Inspector for clarification or revision. A record of reviews is maintained using the F-67org Organic Review Form.

After assessing whether the operation appears to comply with the organic regulations, PJRFSI makes one of the following certification recommendations:

a. Certification, if the operation is fully compliant
b. Certification with conditions, if there are minor, non-violative issues
c. Notice of Noncompliance for correctable violations. A Notice of Noncompliance allows the operation to submit a response with proposed corrective actions or rebuttal, typically within 30 days of the date of issuance. PJRFSI must evaluate the corrective actions or rebuttal to determine whether the operation complies with the regulations. If the operation appears to comply, then the certifier should recommend certification or certification with conditions. If the operation does not appear to comply, then the certifier should proceed to denial of certification
d. Combined Notice of Noncompliance and Denial of Certification for non-correctable violations

The final review of the inspection report and the certification decision steps may be performed by the same person, but the person who conducted the onsite inspection cannot conduct a final review of the documents or make a certification decision for an Operation he/she has previously inspected for 12 months after that inspection.

If the Operation complies or is capable of complying with the regulations, PJRFSI's Food Safety Program Assistant or designee creates the electronic Certificate in the Organic regulation format.

When certification is granted, PJRFSI's Food Safety Program Coordinator or designee also provides the Operation with:

a. At least one paper copy of the Certificate
b. A statement detailing the duration of the Certification (SOP-01org)
c. The grounds upon which Certification may be suspended or withdrawn and the requirements for undertaking Annual Inspections (SOP-01org)
d. Procedure for Organic Labels, Labeling, and Marketing information (SOP-03org)
e. Copy of Inspection Report

Delivery of the Certificate and other documents may be delayed until the Operation has paid all outstanding invoices. PJRFSI will upload certified Operation contact information and certificate status into the USDA Organic *INTEGRITY* database.

## 5. Maintaining and Continuing Certification

PJRFSI will issue a new organic certificate each year. These updated certificates may be issued after reviewing the annual update and/or after the annual inspection is completed.

A certified Operation must submit an FS-2org NOP Annual Update Application, an updated OSP, and fees to PJRFSI at least once per year to continue its organic certification. PJRFSI requires that the documentation and fees must be received by April 1 otherwise, a late fee will apply. If the Operation fails to submit its annual update and/or fees, PJRFSI issues a Notice of Noncompliance. The annual update must include a summary statement outlining any changes to the OSP that were made during the last year, as well as any changes planned for the coming year. If PJRFSI requires supporting documentation to verify these changes, then the Operation must provide it.

Operations must notify PJRFSI of any ongoing changes that may affect its compliance with the regulations. If an Operation plans to add new products, fields, operations, or labels to its OSP, then PJRFSI must first approve these changes and issue an updated certificate. A request to add new fields or facilities would require an additional onsite inspection. PJRFSI Food Safety Program Coordinator or designee will process a contract amendment and issue a new certificate with the updated scope.

PJRFSI shall inspect the Operation annually to determine whether its certification should continue. If an Operation fails to submit an annual update prior to the onsite inspection, PJRFSI shall issue a Notice of Noncompliance.

However, the failure of an operation to submit an annual update does not mean an annual inspection is not required.

Annual inspections follow the same process as the initial inspection. After the inspection is complete, and PJRFSI's Organic Certification Specialist or designee has reviewed both the annual update and the inspection report, PJRFSI chooses one of the four certification decisions below and communicates this decision in writing to the operation. As with the initial certification decision, the decision to continue certification may include new conditions for minor, non-violative issues. However, if an operation shows evidence of a repeated minor issue, the certifier should elevate the violation to a Notice of Noncompliance.

After assessing whether the operation appears to comply with the organic regulations, PJRFSI makes one of the following certification recommendations:

a. Certification, if the operation is fully compliant
b. Certification with conditions, if there are minor, non-violative issues
c. Notice of Noncompliance for correctable violations. A Notice of Noncompliance allows the operation to submit a response with proposed corrective actions or rebuttal, typically within 30 days of the date of issuance. PJRFSI will evaluate the corrective actions or rebuttal to determine whether the operation complies with the regulations. If the operation appears to comply, then PJRFSI will recommend certification or certification with conditions. If the operation does not appear to comply, then PJRFSI will proceed to denial of certification

## 6. Import/Export under USDA's International Organic Trade Arrangement

The USDA has established an International Organic Trade Arrangement for organic products in order to recognize other countries that have their own organic standard and certification programs. Organic equivalency is the recognition of different countries' organic program as being equivalent. If organic equivalency has been established then certified organic products can be sold in either countries with just one certification. PJRFSI is able to verify products the operations intends to export to international organic standards and trade arrangements. The operation must follow the organic regulations of the importing country and the proper certification or verification must be in place prior to sale or shipment.Organic equivalency has been established for exported organic product from the US to Canada, EU, Republic of Korea, Switzerland, Taiwan, and Japan. Each country has specific requirements for exporting organic products and export information must be listed on the Organic System Plan. Exporting requirements will be verified during the onsite inspection.

**Japan** - For exporting to Japan and Taiwan a TM-11 Export Certificate must be completed by the operation and signed by PJRFSI. USDA organic plants, mushrooms, and plant-based processed products (such as grape juice or corn meal) can be sold as organic in Japan. These product require a TM-11 export certificate to be completed by PJRFSI.
Labeling Requirements. Traded products must meet Japan's organic labeling requirements. For packaged retail products, labels or stickers must state the name of the USDA-accredited certifier and may display the USDA organic seal. The Japanese organic logo is required on plant and plant based products. A Japanese Agricultural Standards (JAS)-certified importer must apply the seal, unless the certified USDA organic operation has a JAS-labeling contract with a JAS-certified importer.
Other Products. Organic products not regulated by the JAS law—such as meat, dairy products, and alcoholic beverages— may also be exported to Japan. These USDA organic certified products do not require an export certificate and may be labeled with the USDA organic seal, but may not display the Japanese organic seal.

**Taiwan** - For exporting to Taiwan a TM-11 Export Certificate must be completed by the operation and signed by PJRFSI. Ship livestock and meat products with documentation that states: "Organic livestock products, accompanied by this certificate, were managed and produced without the use of systemic pain killers or analgesics, including the use of Lidocaine or Procaine."
Ship processed products and crops with documentation that states: "Organic agricultural products and organic processed products, accompanied by this certificate, were produced or processed using zero prohibited substances."
Labeling Requirements. For packaged retail products, labels or stickers must state the name of the USDA-accredited certifier and may use the USDA organic seal.

**Canada** - For exporting to Canada PJRFSI will issue a letter that attests "Certified in compliance with terms of the US-Canada Organic Equivalency Arrangement." To export organic products to Canada, certified operations must:

-- Produce organic products without sodium nitrate or hydroponic/aeroponic methods.
-- Produce non-ruminant organic livestock according to Canadian stocking rates.
Labeling Requirements. Organic products must comply with Canada's labeling requirements, including its dual language (English & French) requirement. For packaged retail products, labels or stickers must state the name of the USDA-accredited certifier and may display the USDA organic seal and/or the Canada organic logo.

**European Union (EU) (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lativa, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)** For exporting to EU an EU certificate of inspection must be completed and signed by PJRFSI. Crops produced using antibiotics (streptomycin for fire blight control in apples and pears) must not be shipped to the EU under the arrangement. Agricultural products derived from animals treated with antibiotics shall not be marketed as organic in the United States.
Labeling Requirements. Traded products must comply with EU labeling requirements. For packaged retail products, labels or stickers must identify the certifier code for the USDA-accredited certifier and may display the USDA organic seal and/or the EU organic logo.
Organic wine and wine “made with organic grapes” may be exported to the EU under the arrangement if it meets the following criteria:
1. Contains 100 percent organic grapes and organic ingredients. Non-organic substances not allowed under 7 CFR 205.605 are prohibited.
2. Have been produced only using the winemaking practices and substances detailed in the EU organic regulations: http://bit.ly/eu-organic-wine
Organic wine may be labeled with the USDA organic seal and the EU organic logo.

**Korea -** For exporting to Republic of Korea PJRFSI will issue a letter that states, “Certified in compliance with the terms of the US-Korea Organic Equivalency Arrangement.” To export products to the Republic of Korea, certified operations must:
-- Produce “processed food products” as defined by the Korean Food Code (see www.ams.usda.gov/NOPTradeKorea).
-- Produce products with at least 95 percent organic ingredients.
-- Ship exports with documentation that states, “Certified in compliance with the terms of the US-Korea Organic Equivalency Arrangement.”
U.S. operations must inform a PJRFSI that they wish to ship products to Korea, and ship exports with an NAQS import certificate, completed by that certifying agent. Excluded Products. Non-processed agricultural products need to be certified directly by a Ministry of Agriculture, Food and Rural Affairs (MAFRA)-accredited certifier. Labeling Requirements. Traded products must comply with Korea's organic labeling requirements and may display the USDA organic seal and/or the MAFRA organic seal.

**Switzerland** - For exporting to Switzerland PJRFSI will complete the Swiss import Certificate. The operation must comply with the terms of the arrangement:
Produce and label organic wine to the regulations of the importing country.
-- Ship products with a Swiss import certificate completed by a USDA-accredited certifying agent.
Labeling Requirements. Traded products must follow Swiss organic labeling requirements (see Legal Basis tab at the bottom of the page) and may display the USDA organic seal. The Swiss Government does not administer an organic seal.

### 7. Unannounced Inspections

PJRFSI will conduct unannounced inspections of 5% of our total certified operations per year. If PJRFSI has less than 20 certified operations then at least one (1) unannounced inspection will be conducted per year.

Per PJRFSI Terms & Conditions, Operations agree to unannounced inspections. PJRFSI will conduct unannounced inspections broadly across all certified operations, including a broad spectrum of production types, products, and locations. Operations chosen for unannounced inspections may be random, risk based, or the result of a complaint or investigation and PJRFSI will disclose to the operation the reason that the operation was chosen for the unannounced inspection. Criteria for conducting an unannounced inspection of an operation may include, but are not limited to;

a. Previous noncompliance issues
b. Complaints

c. Organic and non-organic production or handling, especially of visually indistinguishable varieties
d. Risk of contamination from adjoining land use or commingling, or contamination during handling
e. Complexity of the operation

Unannounced inspections may be limited in scope, depth, and breadth, and may cover only certain aspects of the operations, such as parcels, facilities, products. PJRFSI will direct the inspector to review a specific portion of the operation during an unannounced inspection. Unannounced inspections may fulfill the requirements for annual on-site monitoring inspections, only if the inspector is able to conduct a full inspection of the operation as required by this section.

An inspection report must be written by inspectors, reviewed by PJRFSI Certification Specialist, and a copy of the report along with any results sent to the Operation.

Inspectors may conduct sampling during an unannounced inspection and it would count toward PJRFSI's number of samples and number of unannounced inspections. For an inspection to be considered for both a sample collection and unannounced inspection, the inspector must review some aspects of the operation besides collecting a sample. See Section 9 for further information on sample collection.

An unannounced inspection should not include prior notification of the inspector's arrival. However, there may be special cases where extenuating circumstances make it impossible to conduct an unannounced inspection of the operation without prior notification (e.g. biosecurity issues). In such cases, PJRFSI may notify the Operation up to four (4) hours prior to the inspection arriving on-site to ensure that appropriate representatives are present.

Inspector must follow PJRFSI unannounced inspection protocol. Inspectors should not enter private property without explicit permission of the Operation. Inspectors must have proper identification including PJRFSI business card and unannounced inspection F-27fsi to demonstrate their assignment from PJRFSI.

If an Operation refuses to allow an inspector access to any part of an operation during normal business hours including the non-organic portions of the operation, the operation would be in violation of NOP 205.403 and PJRFSI will promptly issue a Notice of Noncompliance to the Operation.

## 8. Sample Collection Inspections and Procedures

PJRFSI shall conduct annual residue testing of agricultural products to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" pursuant to section 205.670 of NOP. Samples may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples.

Sample collection must be performed by an inspector representing PJRFSI. Sample integrity must be maintained throughout the chain of custody, and residue testing must be performed in an accredited laboratory. Sampling will be performed per established sampling methods. Chemical analysis must be made in accordance with the methods described in the most current edition of the *Official Methods of Analysis of the AOAC International* or other current applicable validated methodology for determining the presence of contaminants in agricultural products.

Sample collection and residue testing may be warranted under the following situations:

- PJRFSI may require pre-harvest or postharvest testing of any agricultural input used or agricultural product to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" when there is reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using excluded methods. Samples may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples. Such tests must be conducted by the applicable State organic program's governing State official or the certifying agent at the official's or certifying agent's own expense.

- PJRFSI shall, on an annual basis, sample and test from a minimum of five (5) percent of the operations it certifies, rounded to the nearest whole number (if the number of certifications is fewer than thirty operations on an annual basis must sample and test from at least one operation annually).

Soil and Tissue Sampling for Residue Testing procedure shall follow the following protocol.

**Sampling Plan** - If a field is suspected of drift contamination, the inspector should draw up a sampling plan using a grid or gradient map to determine the best locations for taking samples. A gradient pattern is used to show direction of contamination (drift). A grid pattern is used to establish whether partial or uniform contamination has occurred. A composite pattern is used only to determine whether or not a site has been contaminated. Take samples from areas of least suspected contamination to those with the highest potential. Keep them separate to minimize cross-contamination.

A sampling plan should include:

- A review of the symptoms or other evidence of contamination
- A review of any records, pesticide labels, permits, use reports, re-entry records, pesticide invoices, labor records, harvest records, and sales records
- Inspection of the episode site
- Documentation of field conditions - weather conditions, soil conditions, vegetation, odors, current and previous crops, adjoining land use, drainage, etc.
- Interview of key personnel- applicator, mixer/loader, flagger, field crew, grower or complainant, pesticide investigator, field staff, crop advisor, neighbors, etc.
- Review of technical data for suspected contaminants - site and mode of action, degradation rates, toxicity, and sample collection/handling recommendations.
- An Episode site diagram, showing grid or gradient pattern, number, type of tests (soil or tissue), location of samples, landmarks, adjacent crops and sites, dimensions, location of witnesses, and distances between points
- Sample collection log

**Soil Sample -** A soil sample for residue testing is drawn from the location(s) in question only, instead of submitting a composite sample. Trowels or shovels are used to collect surface samples. Probes are used to collect subsurface samples. The inspector should follow the lab procedure to insure that adequate sample amounts are collected. Sterile glass containers are most appropriate for the collection of tissue samples and soil samples with regard to semi-volatile organic compounds. Soil samples should be placed in jars with Teflon or aluminum foil lined lids. Immediately label samples with name, identification#, and date, then seal properly. An adhesive seal or piece of tape bridging the lid and the container prevents the container from being re-opened, and shows if a sample has been tampered with.

Procedures to collect the sample are as follows:

- Remove cover from sample container opening
- Collect as much material as needed to fill, or nearly fill, the sample container, using a precleaned trowel, shovel, or soil probe
- Place material collected into the sample container
- Cap the sample container, label the tag addressing all the categories or parameters, put container(s) in a ziplock plastic bag, and immediately put the bag on ice to slow decomposition.
- The label can serve as a Chain of Custody seal if it is overlapping the edge of the lid and the container. Otherwise, each container should be sealed with an additional adhesive strip. Keep the sample cool and dark.
- Log the sample with sample number, date, time, location, depth, type and number of containers, media, required analysis(es), and inspector's name.
- Complete all chain of custody documents and record in the field log book or sample collection log sheets.
- Properly clean and decontaminate the equipment after use and between samples.

**Tissue and plant sample** - it is more significant to sample fruit, if available, than leaf tissue, as there are typically more residues in fruit than leaves. Leaves keep the plant alive and are subject to changes. Fruit are less active and act as gathering organs. Collect both types of samples if available. Collect 1 kg. of leaves if there is no fruit. Place the fruit or leaves in a sterile container. Wrap the container in aluminum foil to keep the integrity of the sample. Put the sample on ice as soon as possible to prevent oxidation. Use alcohol first to decontaminate the knife or scissors before sampling. Do not cut anything prior to decontamination.

The following field supplies may be needed for sample collection:

- Chemical analysis request forms from the laboratory to which the sample will be sent

- Sample collection logs, chain of custody forms
- Paper and ziplock plastic bags of various sizes; glass jars of various sizes; lids; aluminum foil
- Tape and stapler; labels; Styrofoam coolers; ice or blue ice
- Stainless steel pruning shears, knife, or scissors (tissue samples), SS trowel, shovel, soil probe (soil samples), lubricating oil
- Alcohol, distilled water, wash bottle, disposable gloves
- Paper towels, cotton swabs, sterile pads
- Wooden markers, flagging tape, tape measure, or measuring wheel
- Notebook or clipboard, grower's file with farm map, pen, pencil, grease pen or markers, maps
- Personal safety equipment (masks, wader, coveralls, sterile gloves)
- Shipping container, shipping tape, and labels

Clean equipment between samples. All equipment should be cleaned between each sample taken, by washing with alcohol and water rinse, followed by a final rinse with distilled water. Disposable gloves should be changed between samples. Remove gloves by inverting the used pair as you pull it off your hand. Used paper towels and disposable gloves are placed in a plastic bag and properly discarded. Spent solutions of wash and rinse water are collected and disposed of properly, depending on the type of potential contaminant.

Contact the lab. The laboratory should be contacted in advance so that they know the samples are coming. Be sure the lab can do the type of tests requested. The inspector should maintain all samples in his/her possession at all times. If not in view, they should be in a locked vehicle to prevent tampering. Samples should be shipped to the analytical laboratory as soon as possible by a licensed delivery service or other responsible party. Samples should be packed in new cardboard or styrofoam shipping containers and properly labeled. When shipping, use Chain of Custody forms to verify proper handling during transport. A Chain of Custody form is partially filled out by the inspector to include company name, address, phone number, sample ID, date, time collected, location, and type of analysis requested. Each time the sample changes hands, the Chain of Custody form is signed, dated, and time of day recorded, all the way to the laboratory.

### 9. Results from Pesticide Residue Testing

Results of any all analyses and tests performed under this section will be provided to the applicant or certified operation. The results of all analyses and tests performed under this section will also be available for public access, unless the testing is part of an ongoing compliance investigation.

If no residues of prohibited pesticides are detected, PJRFSI will notify the certified operation of the test results and indicate that the product may be sold as organic. PJRFSI will retain the test results, which must be made available to the public upon request and will be reviewed as part of the next audit.

**Residues Detected at Less than 0.01 ppm**

If tests detect residues of prohibited pesticides at less than 0.01 parts per million (ppm), which is the same as 10 parts per billion (ppb), then PJRFSI will notify the certified operation of the test results and indicate that the product may be sold as organic. PJRFSI will assess why the residue is present and follow up with operation as appropriate and retain the test results, which must be made available to the public upon request and will be reviewed as part of the next audit.

**Residues Detected at or above 0.01 ppm**

If a test detects a residue of a prohibited pesticide at or above 0.01 ppm, PJRRFSI will first determine if U.S. Environmental Protection Agency (EPA) has established a tolerance for the pesticide for the tested commodity (e.g., residues of imidacloprid in or on soybeans). Additional information on using EPA tolerances is provided in 5.3.5 below. Once PJRFSI has identified whether EPA has established a tolerance for a given residue in the tested sample, he/she should use the decision points described below in 5.3.1 (EPA tolerance exists), 5.3.2 (FDA action level, but no EPA tolerance), or 5.3.3 (no EPA tolerance or FDA action level) to determine which reporting and adverse actions are appropriate.

If residue is detected at or below 5 percent of the EPA tolerance, PJRFSI will notify the certified operation of the test results. PJRFSI will assess why the residue is present and if appropriate, consider a notice of noncompliance for the following violations:

- § 205.202(b): application of prohibited substances. The notice should inform the operation that the product is not organic. The certifying agent should consider suspending or revoking the operation's certification.
- § 205.202(c): inadequate buffer zones to prevent the unintended application of prohibited substances. The notice should require corrective actions to prevent future contamination.
- § 205.272: inadequate measures to prevent commingling or contamination of organic products. The notice should require corrective actions to prevent future contamination.

If residues are not a result of the application of prohibited pesticides, the product may be sold as organic. If suspensions, revocations, or civil penalties are appropriate, coordinate adverse actions with the NOP. PJRFSI will retain the test results, which must be made available to the public upon request and will be reviewed as part of the next audit.

If residue is detected above 5 percent of the EPA tolerance level, but not above the EPA tolerance level, the PJRFSI will immediately notify the certified operation of the test results and indicate that the product **may not** be sold as organic. PJRFSI will assess why the residue is present and issue a notice of noncompliance for violation of 7 CFR 205.671, having prohibited substances at levels greater than 5 percent of the EPA tolerance level. Additional violations may include:

- § 205.202(b): application of prohibited substances. The notice should propose to suspend or revoke the operation’s certification.
- § 205.202(c): inadequate buffer zones to prevent the unintended application of prohibited substances. The notice should require corrective actions to prevent future contamination.
- § 205.272: inadequate measures to prevent commingling or contamination of organic products. The notice should require corrective actions to prevent future contamination.

If suspensions, revocations, or civil penalties are appropriate, coordinate adverse actions with the NOP. PJRFSI will retain the test results, which must be made available to the public upon request and will be reviewed as part of the next audit.

If residue is detected above EPA tolerance level, PJRFSI will notify the certified operation of the test results and indicate that the product **may not** be sold as organic and immediately report the violation to the appropriate agency as described in 5.3.4 below. PJRFSI will assess why the residue is present and issue a notice of noncompliance for violation of 7 CFR 205.671, having prohibited substances at levels greater than 5 percent of the EPA tolerance level. Additional violations may include:

- § 205.202(b): application of prohibited substances. The notice should propose to suspend or revoke the operation’s certification.
- § 205.202(c): inadequate buffer zones to prevent the unintended application of prohibited substances. The notice should require corrective actions to prevent future contamination.
- § 205.272: inadequate measures to prevent commingling or contamination of organic products. The notice should require corrective actions to prevent future contamination.

If suspensions, revocations, or civil penalties are appropriate, coordinate adverse actions with the NOP. PJRFSI will retain the test results, which must be made available to the public upon request and will be reviewed as part of the next audit.

**No EPA Tolerance, but FDA Action Level Exists**

If there is not an established EPA tolerance, the certifying agent should check for a U.S. Food and Drug Administration (FDA) action level. FDA action levels are established for persistent pesticides, such as chlorinated hydrocarbons (e.g., DDT), that are no longer registered by EPA for use in crop or animal production, but continue to be detected in crops due to the persistent nature of these chemicals in the environment.

If the detected residue is below 0.01 ppm, see above. If residue is detected below the FDA action level, PJRFSI will notify the certified operation of the test results and assess why the residue is present. If appropriate, consider a notice of noncompliance for the following violations:

- § 205.202(b): application of prohibited substances. The notice should notify operation that product is not organic and results should be reported as described in 5.3.4 below. The certifying agent should consider suspending or revoking the operation's certification.
- § 205.202(c): inadequate buffer zones to prevent the unintended application of prohibited substances. The notice should require corrective actions to prevent future contamination.
- § 205.272: inadequate measures to prevent commingling or contamination of organic products. The notice should require corrective actions to prevent future contamination.

If residues are not a result of the intentional or direct application of prohibited pesticides, the product may be sold as organic. If suspensions, revocations, or civil penalties are appropriate, coordinate adverse actions with the NOP.

PJRFSI will retain the test results, which must be made available to the public upon request and will be reviewed as part of the next audit.

If residue is detected above the FDA action level, PJRFSI will immediately notify the certified operation of the test results and that the product **may not** be sold as organic. The FDA or a foreign equivalent may provide guidance on addressing these products. PJRFSI will immediately report the violation to the appropriate agency. PJRFSI will assess why the residue is present. If appropriate, consider a notice of noncompliance for the following violations:

- § 205.202(b): application of prohibited substances. The notice should propose to suspend or revoke the operation's certification.
- § 205.202(c): inadequate buffer zones to prevent the unintended application of prohibited substances. The notice should require corrective actions to prevent future contamination.
- § 205.272: inadequate measures to prevent commingling or contamination of organic products. The notice should require corrective actions to prevent future contamination.

If suspensions, revocations, or civil penalties are appropriate, coordinate adverse actions with the NOP.
PJRFSI will retain the test results, which must be made available to the public upon request and will be reviewed as part of the next audit.

**No EPA Tolerance or FDA Action Level**
Some testing results will indicate pesticide residues for which EPA has not established a tolerance and the FDA has not established an action level. If testing detects a residue of prohibited pesticides above 0.01 parts per million (ppm), PJRFSI will immediately notify the certified operation of the test results and indicate that the product **may not** be sold as organic and immediately report the violation to the appropriate agency. If appropriate, consider a notice of noncompliance for the following violations:

- § 205.202(b): application of prohibited substances. The notice should propose to suspend or revoke the operation's certification.
- § 205.202(c): inadequate buffer zones to prevent the unintended application of prohibited substances. The notice should require corrective actions to prevent future contamination.
- § 205.272: inadequate measures to prevent commingling or contamination of organic products. The notice should require corrective actions to prevent future contamination.

If suspensions, revocations, or civil penalties are appropriate, coordinate adverse actions with the NOP. PJRFSI will retain the test results, which must be made available to the public upon request and will be reviewed as part of the next audit.

**Reporting Violations**
In addition to the compliance and enforcement actions described above, certifying agents are responsible for reporting violations of EPA and/or FDA regulations to the proper authority. Violations include application of a pesticide which is prohibited by EPA (such as a pesticide without an EPA tolerance) or an allowed pesticide at levels exceeding regulatory tolerances. Depending on the operation's location and the results of the certifying agent's assessment, the appropriate authority may include the EPA, FDA, State food safety program, or foreign health agency.

For operations within the United States, if the violation can be traced back to an application to a field, submit the violation, including its location and time, to the EPA by visiting http://www.epa.gov/tips. Reporting to EPA is indicated if the detected pesticide doesn't have an EPA tolerance established for the tested sample (meaning EPA doesn't permit that pesticide to be applied to organic or nonorganic varieties of the crop). If the detected pesticide has an EPA established tolerance for the tested sample, but too much of the pesticide was applied (i.e., exceeding labeled application rates). If the violation can't be traced to a direct, intentional application to a field or it is detected in the stream of commerce, submit the violation to the closest FDA district office: http://bit.ly/fda-office. For operations outside of the United States if the test results indicate a violation of foreign regulations, these findings should be reported to the appropriate local, State, or Federal foreign officials.

## 10. Conditions for Suspending or Revoking Certification

Certified operations that do not maintain current organic certification status may be issued a notice of noncompliance or proposed suspension or revocation by PJRFSI or the USDA.

If a certified operation applies for certification with a new certifying agent but does not maintain or surrender its prior certification, then the operation may be issued a notice of noncompliance or proposed suspension or revocation, also known as an adverse action notice, by PJRFSI. In such a case, the certified operation is still bound by the notice of noncompliance or proposed adverse actions of the prior certifying agent.

If PJRFSI issues a notice of suspension or revocation for any noncompliance to the USDA organic regulations, the certified operation must immediately cease the sale, labeling, and representation of products as organic. Reinstatement of suspended operations is granted by the USDA. Revoked operations are ineligible to receive certification for a period of 5 years.

When PJRFSI proposes to suspend or revoke an operation's certification, the operation has the right to request mediation. The mediation is a process for PJRFSI and the operator to reach a settlement agreement within 30 days of the notice for suspension or revocation and must comply with OFPA and the organic regulations. Once mediation is requested by the operator, PJRFSI will formally accept or reject. If PJRFSI rejects the mediation request, the operation has 30 days to appeal the initial adverse action. If mediation is attempted, but no agreement is reached, the operation has 30 days from the end of the mediation session to file an appeal of the initial adverse action.

An appeal can be submitted by a certified operation, an applicant for certification, an uncertified operation, or a suspended certified organic operation that has been adversely affected by an action. The appeal is submitted to the AMS Administrator within 30 days of receipt of the notification of the adverse action or within the timeframe specified in the notification. The appeal must be submitted to the AMS Administrator c/o the NOP Appeals Team and must include any accompanying documentation, the notice of the adverse action, and the reason for the decision not was warranted or made in accordance to the National Organic Program regulations.

Once an operation's certification has been suspended, only the NOP has the authority to approve its reinstatement. PJRFSI may not approve or deny certification of a suspended operation without the NOP's written approval. Suspended operations must complete a new application for certification with PJRFSI before requesting reinstatement in order to demonstrate compliance with the regulations.

The suspended operation can request reinstatement of its organic certification either directly to the NOP, which acts on behalf of the Secretary of Agriculture, or to PJRFSI, who will forward the request to the NOP. To request reinstatement, a suspended operation must submit a written request for reinstatement as described in **NOP 7 CFR 205.662(f)**. The reinstatement request must include evidence showing that all of the operation's noncompliances have been corrected, and should include copies of the original Notices of Noncompliance, Proposed Suspension, and Suspension, as well as a copy of the full onsite inspection report of the operation, conducted within the three months preceding the reinstatement request.

If the operation submits the reinstatement request to PJRFSI, PJRFSI will send the request to the NOP along with evidence from the certification process. When forwarding a request for reinstatement, the certifier's cover letter to the NOP must state whether the onsite inspection and review showed that the operation had corrected all previously cited noncompliances and was otherwise in full compliance with the regulations. If the operation's reinstatement request includes documented evidence of full compliance, then the NOP will approve reinstatement. If not, then the NOP will deny the reinstatement request, and the suspension will remain in effect.

If the NOP approves the reinstatement, it will notify the operation and PJRFSI that the operation's organic certification has been reinstated. The certifier will then issue a new organic certificate to the operation. The effective date of certification is the date the NOP reinstates the operation's organic certification.

Suspended operations may not sell, label or represent products as "100% organic," "organic," or "made with organic (specified ingredients or food group(s))." Agricultural products that are produced and/or handled prior to reinstatement may not be sold, labeled, or represented as "100% organic," "organic," or "made with organic (specified ingredients or food group(s))." This includes:

- crops harvested prior to reinstatement
- stored crops from previous harvests
- products processed prior to reinstatement
- products packaged or labeled prior to reinstatement

Any crops harvested, and products processed or packaged after reinstatement may be sold, labeled, or represented as "100% organic," "organic," or "made with organic (specified ingredients or food group(s))" as stated on the organic certificate issued to the operation.

The following steps are required for reinstatement consideration. The suspended operation must:

a) Correct all noncompliances, including those that led to the suspension, as well as any outstanding noncompliances subsequently identified by the certifier
b) Ensure that its organic system plan (OSP) is complete, that the OSP complies with the regulations, and that the OSP is being implemented
c) Contact PJRFSI and submit a new application for certification. If the new certifier is different from PJRFSI that issued the suspension, the operator must inform the new certifier of its suspended status and the reasons for the suspension
d) Pay all fees required by PJRFSI
e) Complete a full onsite inspection, during which the inspector will review all relevant aspects of the operation. The inspection is to be conducted pursuant to 7 C.F.R. § 205.403(a)(1).
f) Prepare a letter addressed to the Secretary of Agriculture, care of the NOP, requesting certification reinstatement. Send the letter either to PJRFSI, or directly to the NOP at:

USDA, AMS, National Organic Program
1400 Independence Avenue, SW
Room 2648, Stop 0268
Washington, DC 20250
Or AIAInBox@ams.usda.gov
Shipping services that require a telephone number may use (202) 720-3252.

g) Retain all documents related to the request for reinstatement for future inspection by PJRFSI and the NOP.

## 11. Adverse Actions Notification Procedure

When a notice of denial of certification, notification of noncompliance, notification of noncompliance correction, notification of proposed suspension or revocation, or notification of suspension or revocation is issued to an applicant or certified operation a copy is also sent to the USDA Administrator.

Notice of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, suspension or revocation, and any responses to such notification shall be issued in writing on PJRFSI letterhead to the recipient's place of business via a delivery service which provides dated return receipts.

## 12. Mediation

When PJRFSI issues a denial of certification or proposes to suspend or revoke an operation's certification, the operation has the right to request mediation in writing. The mediation is a process for PJRFSI and the operator to reach a settlement agreement within 30 days of the notice of denial of certification or for the notice for suspension or revocation and must comply with OFPA and the organic regulations. PJRFSI may accept or deny the request for mediation in writing. If PJRFSI rejects the request to mediation the written notification will advise the applicant or certified operation of the right to request an appeal, within 30 days of the date of the written notification of rejection of the request for mediation. If PJRFSI accepts the mediation request 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 mediation session. If mediation is attempted, but no agreement is reached, the operation has 30 days from the end of the mediation session to file an appeal of the initial adverse action.

### 13. Supplier Requirement to Notify PJRFSI of Special Situations

The Supplier is required to notify PJRFSI in writing and in a timely manner about any significant change(s), *actual or intended*, which include but are not limited to:

a. changes in legal or commercial status including changes in name
b. changes in ownership
c. changes in key managerial, decision-making, or technical staff
d. changes in the number of employees
e. changes in location and/or site address for the Supplier's operations
f. damage to the site, e.g., damage by fire or natural disaster such as a flood
g. changes to the physical building(s) and/or processing operations and equipment
h. changes to the scope of certification (including expansion or reduction) in terms of products, processes, and/or facilities

Certification and certificates issued to certified Operations are not transferable to new owners in cases of mergers, acquisitions, or other transfers of ownership of the certified Operation. When there is a change in ownership of a certified Operation, the certified Operation must apply for and receive new certification from a PJRFSI prior to selling, labeling, or representing products as organic.

PJRFSI reserves the right to conduct special inspections during the course of the certification period, and as needed in response to changes/incidents. Where such changes may affect the conformity of the product(s) and/or the Operation's OSP, PJRFSI's Food Safety Program Accreditation Manager or designee as appropriate determines whether the announced changes require further investigation and schedules a special inspection as necessary.

The Supplier must not promote products, processes, and/or facilities/sites which have not been covered in the scope of certification as inspected and approved by PJRFSI. Unauthorized promotion will result in the withdrawal of the Certificate.

Where Operation fails to notify PJRFSI of any of the above changes, PJRFSI may accordingly suspend or withdraw, as deemed appropriate, the Certificate and reserves the right to retroactively invalidate the Certificate effective as of the date the change occurred.

### 14. Organic Seal

When providing copies of any certification documents (certificates and inspection reports) to interested parties, Operations shall reproduce those documents in their entirety or otherwise seek permission in writing from PJRFSI. Operations shall comply with the NOP regulations and any additional requirements issued by PJRFSI regarding use of Organic seal and promotion of certification in Organic SOP-03org Procedure for Organic Labels, Labeling, and Market Information. The proprietary names and logos of NOP and PJRFSI shall not be used by the Operation in any manner which could be misconstrued or defamatory to the respective parties and/or parties' brands. Any misuse of these proprietary names or logos by a certified Operation or an Operation seeking certification shall be reported to the USDA and responded to with appropriate actions by PJRFSI.

### 15. Conditions for Change of Certifying Body (Transfers)

A certified Operation must either maintain certification or surrender their prior certification in writing. A certified Operation may elect to cease being a client of a certification body (Former Certifier) and to have PJRFSI, as a New Certifier. If the certified operation intends to continue to produce or sell products as organic, they must maintain their current certification until they have been granted certification by PJRFSI.

PJRFSI will accept the certification decision made by another certifying body accredited or accepted by USDA however the PJRFSI transfer procedure must be followed. Where a Certified Supplier elects to transfer its Certificate to PJRFSI, the certified Operation must complete and submit an application to PJRFSI. A complete application

includes completed and signed Client Questionnaire (FS-1org), a signed Organic Certification Agreement (FS-3org), PJRFSI's Terms & Conditions (FS-3tc), a completed and accepted Organic System Plan (FS-11), and a deposit payment. PJRFSI Food Safety Program Coordinator or designee will complete a F-144org Previous Organic Certification Transfer Checklist

Prior to granting certification, PJRFSI must conduct a NOP compliance review of the certified Operation's OSP and a full on-site inspection to verify compliance with the USDA organic regulations.

PJRFSI will request information regarding current certification status, including any outstanding notices of noncompliance, proposed adverse actions, or adverse actions. Certification may not proceed until outstanding noncompliances, proposed adverse actions, and adverse actions are resolved. If an operation is suspended, then eligibility for reinstatement must have been issued from the USDA.

The certified Operation must not use labels that do not correctly identify PJRFSI on the finished products. The certified Operation may not use up existing supplies of labels. New labels must be used immediately identifying PJRFSI.

For certified clients transfer from PJRFSI to a new certifying agent:
If a certified operation would like to transfer their certification from PJRFSI to a new certifying agent, they must compete and sign FS-125org Voluntary Surrender of National Organic Program Certification. If a certified operation applies for certification with a new certifying agent but does not maintain or surrender its prior certification, then the operation may be issued a notice of noncompliance or proposed suspension or revocation, also known as an adverse action notice, by PJRFSI. In such a case, the certified operation is still bound by the notice of noncompliance or proposed adverse actions of PJRFSI.

If PJRFSI issues a notice of suspension or revocation for any noncompliance to the USDA organic regulations, the certified operation must immediately cease the sale, labeling, and representation of products as organic. Reinstatement of suspended operations is granted by the USDA. Revoked operations are ineligible to receive certification for a period of 5 years.

Certified operations that do not maintain current organic certification status may be issued a notice of noncompliance or proposed suspension or revocation by PJRFSI or the USDA.

### 16. Disputes and Appeals

Disputes and appeals are handled in accordance with PJRFSI-1org, PJRFSI's Quality Manual which is available upon request.

### 17. Confidentiality

PJRFSI, including all inspectors, administrative staff, Executive Committee, Impartiality Committee, and any other employee or contractor, ensures that all records, data, and information received during the execution of an organic inspection remain confidential and the property of the Operation. Only with the Operation's written authorization will PJRFSI release inspection data to any entity other than USDA except when mandated by law, statute, or the regulations of accreditation bodies. In the event that disclosure of such information is required by law or statute, PJRFSI will disclose the information as required and inform the Certified Operation in writing of such disclosure in a timely fashion.