

NOP ORGANIC PROGRAM CERTIFICATION MANUAL

v.070710



**OIA North America
2603 NW 13th St. #228 Gainesville FL 32609
Phone: (352)336-5700/ Fax: (866)325-8261
www.oianorth.com**

NOP ORGANIC PROGRAM CERTIFICATION MANUAL

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OIA NORTH AMERICA NOP ORGANIC PROGRAM CERTIFICATION MANUAL (OIA NOP ORGANIC P.C.M.)

v. 070710

CERTIFICATION PROGRAM NAME:

USDA NOP ORGANIC

CERTIFICATION PROGRAM STANDARD:

USDA NATIONAL ORGANIC PROGRAM FINAL RULE

INTRODUCTION:

Overview of the Quality System Generally

Each certification program operated by OIA North America is governed by a Quality System which is comprised of four parts: 1.) The OIA North America Omnibus Certification Quality Manual: Describes the quality system provisions derived from ISO Guide 65 which apply to each and every certification program operated by OIA North America. 2.) OIA North America Standard: The applicable standard for the certification program which describes the mandatory provisions which OIA North America must comply with in order to offer certification under the standard and applicants for certification must comply with in order to obtain and maintain certification under the applicable standard. 3.) OIA North America Program Certification Manual: The specific policies and procedures used by OIA North America to operate the certification program and which OIA North America and applicants for certification must comply with under the applicable standard. 4.) OIA North America Program Document Binder:

The formal official documents that OIA North America has approved for use in the certification program and over which OIA North America exercises use and revision control.

Overview of the OIA North America NOP Organic Certification Program Quality System

The NOP Organic Certification Program operated by OIA North America is governed by a Quality System comprised of four parts: 1) The OIA North America Omnibus Certification Quality Manual: This manual describes the quality system provisions derived from ISO Guide 65 which apply to this certification program. This manual is a part of the quality system for this certification program but it is not unique to this program; in fact the Omnibus Certification Quality Manual applies to each and every certification program operated by OIA North America. 2) The OIA North America NOP Organic Standard: This standard describes the mandatory provisions which OIA North America must comply with in order to offer certification under the standard AND which applicants for certification under this program must comply with in order to obtain and maintain certification from OIA North America. A description of the authors of the standard, the source of authority for the standard and the accrediting body for the standard (if any) can be found in either the standard itself or in the Certification Manual for this program. 3.) The OIA North America NOP Organic Program Certification Manual: The specific policies and procedures used by OIA North America to operate the certification program and which OIA North America and applicants for certification must comply with under the applicable standard. 4.) The OIA North America NOP Organic Official Document Binder: The formal official documents that OIA North America has approved for use in the certification program and over which OIA North America exercises use and revision control. This portion of the Quality System has been reduced to both printed form and a controlled electronic format.

Overview of the OIA North America NOP Organic Program Certification Manual

This manual describes the policies and procedures whereby OIA North America operates this certification program. It describes the rights and responsibilities of applicants, OIA North America, and other parties as applicable under the standard. Unless otherwise noted the provisions of this manual are binding on applicants and OIA North America; however, the provisions must be interpreted within the context of the entire quality system, accreditation requirements, the standard itself, and applicable regulations and laws. Staff, independent contractors, and applicants for certification and certified operations have an independent duty to understand the provisions of this manual and to comply with its directives. OIA North America has an affirmative duty to ensure that its provisions are followed by OIA North America applicants for certification, certified operations, staff, and independent contractors associated with the certification program. OIA North America makes this manual freely available to the public. An electronic copy of this manual is available at no charge to any of the above parties, and a permanent reference copy is available during regular business hours at the OIA North America office. It should be freely consulted as necessary to ensure compliance with the certification standard of this program. This manual is comprised of three main sections: A) General Information: Describes general information particular to this program, including definitions used in the manual, the scope of certification under the standard, the source of the standard and any regulatory authorities or accrediting bodies which maintain control or influence over accreditation to provide certification under the standard, the provisions of the standard itself, or interpretations and implementation of the program, among other information. B) Certification Program Policies and Procedures: Describes the policies and procedures which must be followed by OIA North America, staff and contractors, as well as applicants and currently certified operation in order to maintain compliance with the standard.

Any questions about the certification procedures as described in this manual should be directed to the Chief Executive Officer or OIA North America or the Technical Director of the specific certification program.

OIA North America encourages all interested parties to make suggestions on how the certification program, its policies and procedures, and this manual can be improved. Such comments or suggestions can be submitted in writing in any reasonable fashion but should include the following subject line: “Subject: NOP Organic Certification Program Suggestion.”

Please include contact information so that we can speak with you about how your suggestion can best be implemented or the circumstances giving rise to the suggestion.

SECTION A: GENERAL INFORMATION

1. Citation

This manual should be cited as “OIA North America NOP Organic Program Certification Manual” which may be abbreviated as “OIA NOP P.C.M.” References and citations to this manual should include the section and paragraph number (e.g. OIA NOP P.C.M. (A)(1).

2. Origins of the Standard

The OIA North America NOP Organic Program is derives its authority from the Organic Foods Production Act of 1990 and the rules and regulations promulgated by the USDA National Organic Program (NOP) as contained in the Code of Federal Regulations, and known colloquially as the National Organic Program Final Rule (hereinafter “the standard.”) The standard is the foundational component of the OIA North America Quality System for this program, and a copy of the standard can be obtained from OIA North America at no charge in electronic form by contacting OIA North America.

3. Accreditation Authority

OIA North America obtains its authority to conduct certification activities under the standard from the United States Department of Agriculture’s AMS National Organic Program, from which it has obtained accreditation. In addition to complying with the provisions of the standard, OIA North America reports regularly to the USDA NOP about

changes in the program, noncompliance actions undertaken, and about operations certified. OIA North America must submit annual program updates and submit to regular accreditation audits in order to maintain its accreditation.

4. Authority for Implementing Changes in Standard

The National Organic Standard Board (NOSB) is the organization tasked with developing policy and standard changes and refinements and presenting them to the NOP for rule making. The NOSB also advises the NOP on compliance, policy, and standard issues. However, the sole authority for rule making resides with the USDA NOP and no guidance issued by the NOSB has regulatory authority unless and until it has been approved by and adopted by the USDA NOP and published in the Code of Federal Regulations. Accordingly, the authority to create, modify and interpret the standard resides solely with the USDA NOP.

5. Regulatory Authority and Enforcement

The USDA NOP derives its regulatory authority to create, implement, modify, and enforce the standard from the Organic Foods Production Act of 1990.

6. Official Copy of Standard

The official standard is contained in the Code of Federal Regulations, 7 CFR 205, and its periodic amendments, and can be accessed through the NOP website at www.ams.usda.gov/nop.

SECTION B: CERTIFICATION PROGRAM POLICIES AND PROCEDURES

1. SCOPE AND APPLICABILITY OF THIS SECTION

The policies and procedures described herein apply to OIA North America, its personnel (including employees, volunteers/interns, and contractors), applicants for certification, and operations already certified by OIA North America under the standard. In any apparent conflict between this manual and the standard, the standard controls.

2. GENERAL PROGRAM PROVISIONS

a. Commitment to Non-Discrimination

OIA North America shall not discriminate against any applicant, certified operation, employee, contractor or person on the basis of race, religion, national origin, sexual orientation, gender, political affiliation, industry segment, scale, age, or any basis except compliance with the standard and OIA's policies and procedures, and ability and willingness to comply with the applicable standard and the procedures and policies described in this manual.

b. Open Access to Services

OIA North America shall make its certification services available to all applicants whose activities fall within the scope of the standard. There shall not be undue financial or other conditions and the only basis for OIA North America denying access to any applicant to OIA North America's services under this program shall be that the applicant does not fall within the scope of the standard, or the applicant does not appear to have the ability or willingness to comply with the standard, or in fact does not comply with the standard.

c. Criteria for Certification Decisions

The criteria against which applicants shall be evaluated and reviewed for certification shall be those outlined in the standard. The procedures for conducting the evaluation and review shall be those outlined in the standard and in this manual.

d. Scope of Matters Considered in Certification

OIA North America shall confine its requirements, evaluation and decisions on certification to those matters specifically and intrinsically related to the scope of the certification being considered.

e. OIA North America Prohibited from Certain Activities

In order to ensure impartiality, objectivity, and integrity of the certification program, OIA North America is prohibited from engaging in:

- 1) The supply, design, or marketing of products of the type certified under this program;
- 2) Providing consulting services or advice to applicants on how to overcome identified barriers to certification; and,
- 3) The provision of any product or service which would compromise the confidentiality, objectivity or impartiality of its certification process and decisions.

However, nothing in this section shall be interpreted as prohibiting OIA North America from publishing or otherwise providing information and guidance on the standard, how to comply with the standard, addressing frequently asked questions or frequently encountered issues in certification so long as the information and guidance provided is addressed to the public at large, all applicants, or is not otherwise individually tailored and addressed to a specific applicant attempting overcome an identified barrier to certification.

3. IMPARTIALITY AND PREVENTION OF CONFLICTS OF INTEREST AND UNDUE INFLUENCE

OIA North America shall operate this certification program in an impartial manner, ensuring that the organization, inspectors, reviewers, staff and independent contractors conducting activities related to the certification program are free of prohibited conflicts of interests or undue influence that may affect certification activities and ensuring that all parties significantly concerned in the development of policies and principles regarding the functioning of the certification program may be able to participate in the process of developing and modifying the program.

a. Prevention of Conflicts of Interest

OIA North America shall prevent conflicts of interest in the operation of the certification program by:

- 1.) Not certifying an operation if OIA North America or a party responsibly connected to OIA North America has held a commercial interest in the operation, including an immediate family interest or the provision of consulting services, within the 12-month period prior to the application for certification;
- 2.) Excluding any person, including contractors, with conflicts of interest from work, discussions, and decisions in all stages of the certification process and the monitoring of certified operations for all entities in which such person has or has held a commercial interest, including an immediate family interest or the provision of consulting services, within the 12-month period prior to the application for certification;
- 3.) Not permitting any employee, inspector, contractor, or other personnel to accept payment, gifts, or favors of any kind, other than prescribed fees, from any applicant or operation inspected or reviewed or evaluated for certification under the program;
- 4.) Not giving advice or providing consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification;
- 5.) Requiring all persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning

certification, or make certification decisions and all parties responsibly connected to OIA North America to complete an annual conflict of interest disclosure report;

6.) Ensuring that the decision to certify an operation is made by a person different from those who conducted the review of documents and on-site inspection;

7.) Reconsider a certified operation's application for certification and, if necessary, perform a new on-site inspection when it is determined, within 12 months of certifying the operation, that any person participating in the certification process has or had a conflict of interest involving the applicant. All costs associated with a reconsideration of application, including onsite inspection costs, shall be borne by OIA North America; and,

(8.) Referring a certified operation to a different accredited certifying agent for recertification and reimburse the operation for the costs of certification when it is determined that at the time of certification a person responsibly connected to OIA North America had a conflict of interest involving the applicant.

b. Mandatory Disclosure of Potential Conflicts of Interest

All persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions for OIA North America in relation to this certification program, and all parties responsibly connected to OIA North America must file annually with OIA North America a conflict of interest disclosure report identifying any business interests, including business interests of immediate family members, within the scope of certification under any certification program operated by OIA North America that cause a conflict of interest. OIA North America shall designate a specific official form which must be used for this purpose.

c. Procedure for Recusal Due to Potential Conflict of Interest

(1) Recusal for Parties Responsibly Connected to OIA North America

All parties responsibly connected to OIA North America have an affirmative and ongoing duty to make accurate disclosures of potential conflicts of interest arising in relation to the activities of OIA North America's certification program. Additionally, such parties have an ongoing and affirmative duty to update their conflict of interest disclosure report whenever they realize, or should realize, that an undisclosed business interest or business relationship may represent a conflict of interest with OIA North America's certification activities. If a responsibly connected party learns that a business interest or relationship which the party listed or should have listed on their conflict of interest disclosure has or is about to apply for certification with the certification program, the party shall immediately notify the Chief Executive Officer of OIA North America or his designee, and shall complete an OIA North America Notice of Recusal form, and file it with OIA North America. Thereafter, unless the conflict of interest is rebutted through further investigation, OIA North America shall recuse itself from further consideration of the applicant under this program and shall refer the operation to another certifying agent for certification or, if already certified, proceed as appropriate under *OIA NOP P.C.M. B(3)(a)(8)*.

(2) "Responsibly Connected" Defined

Any person or party who is a partner, officer, director, holder, manager, or owner of 10 percent or more the voting stock of OIA North America is considered “responsibly connected” to OIA North America.

(3) Recusal on the Part of OIA North America Employees and Contractors

All OIA North America employs and contractors involved in the certification program have an affirmative and ongoing duty to make accurate disclosures of potential conflicts of interest arising in relation to the activities of OIA North America’s certification program. Additionally, such parties have an ongoing and affirmative duty to update their conflict of interest disclosure report whenever they realize, or should realize, that an undisclosed business interest or business relationship may represent a conflict of interest with OIA North America’s certification activities. If an employee or contractor learns that a business interest or relationship which the party listed or should have listed on their conflict of interest disclosure has or is about to apply for certification with the certification program, the party shall immediately notify the Chief Executive Officer of OIA North America or his designee, and shall complete an OIA North America Notice of Recusal form, and file it with OIA North America. Thereafter, unless the conflict of interest is rebutted through further investigation, the employee or contractor shall be recused from any involvement in the certification process for the applicant, including discussing, reviewing, or evaluating the file in any manner. If certification has already been granted to the applicant, and the employee or contractor was involved in the process, OIA North America shall proceed as provided for in *OIA NOP P.C.M. B(3)(a)(7)*.

d. Conflict of Interest Defined

OIA North America defines a Conflict of Interest as a situation in which, because of other activities or relationships with other persons or organizations, a person or organization is unable or potentially unable to render an impartial evaluation, inspection, review or decision regarding a an applicant for certification or an issue relating to a certified operation, or the person or organization’s objectivity in performing certification activities is or might be otherwise compromised. Examples of situations which OIA North America deems a Conflict of Interest which must be disclosed and dealt with according to the procedures in this section includes but is not necessarily limited to:

- 1) A business relationship with an operation or a person responsibly connected to an operation who is applying for certification or is currently certified (including an immediate family member who has such a relationship);
- 2) A financial or controlling interest in an operation who is applying for certification or is currently certified (including an immediate family member with such an interest);
- 3) Current or previous employment, including as a subcontractor, with a person or operation who is applying for certification or is currently certified (including an immediate family member with such an interest);
- 4) Having previously provided consulting services to the operation, within the last 12 months, on how to overcome specific identified barriers to certification that are individual to that operation (including an immediate family member who has done so) (but not including having provided general information on certification or commonly encountered problems when such information was provided to a group or the public.)

- 5) OIA North America having a parent or subsidiary relationship with an organization or operation who is applying for certification or is currently certified; and,
- 6) Being responsibly connected to any operation for whom the operation applying for certification or is currently certified is a direct competitor given the geographic scope, the product or services being certified, or other factors of either operation.

e. Balance of Interest Provisions

OIA North America shall actively solicit the participation and suggestions of all parties significantly concerned in the development and improvement of the certification program by:

- 1.) Ensuring that if any committees are established to advise, review, or provide other services to the certification program, it shall ensure that any such committees meaningfully represent the interests of operations certified under the program, operations within the scope of the certification offered who are not certified under the program, consumers who represent the ultimate beneficiary of compliance with the standard, regulatory bodies or not for profit organizations which are related directly or indirectly to the scope of the certification offered, and technical experts who are experienced in the disciplines related to the scope of the certification offered, ensuring that members of such committees, once appointed, are subject to a semi-annual vote by the other members to retain their position on the committee, that the committees shall operate in accordance with Roberts Rules of Order, and that no single interest group predominates;
- 2.) Where significant, non-trivial changes to formal policies and procedures are anticipated, and not mandated by law, accreditation authorities, regulatory bodies, or the author of the standard, providing notice to the public at large and applicants for certification of "Proposed Policy or Procedure Changes" at least 30 days in advance of the effective date of the proposed changes so that comments and suggestions regarding the proposed changes may be communicated to OIA North America. OIA North America shall include in the notice clear directions on how interested parties may submit comments or suggestions. OIA North America shall give reasonable consideration to any submitted comments or suggestions prior to formulating and publishing the final policy or procedure change and shall adjust such policy or procedure as OIA North America reasonably necessary to accommodate the comments or suggestions. OIA North America shall, in conjunction with the publishing the final policy or procedure address the most prominent or relevant of the suggestions or comments received. In no case shall OIA North America be obligated to act on a suggestion or comment which if implemented would result in a weakening of the standard, compliance, or the financial ability of OIA North America to fulfill its obligation to maintain a quality certification program under the standard.
- 3.) OIA North America shall feature prominently in its publications and on any official website information on how interested parties may submit suggestions or comments on the operation of the certification program, how it might be improved, and how interested parties may obtain information on the standard, the policies and procedures governing the operation of the program and operations granted certification by the program.

4.) No less than once every two years the program will arrange for an independent third party to conduct an audit of the certification program. The purpose of the audit shall be to evaluate the effectiveness of the program in ensuring compliance with the standard, the effectiveness of the implementation of the quality system, and the impartiality of the operations of the program. For the purposes of this provision, an accreditation audit conducted by the accrediting body for the standard, or its delegate, may fulfill this provision, except that if the audit does not address the impartiality of the operations of the program are not addressed, this aspect may be audited and evaluated by a third party contracted by OIA North America and not affiliated with the accrediting body. In any case, the audit findings shall disclose in writing any nonconformities or points of improvement noted and shall be provided to the Chief Executive Officer and the Board of Directors. The Chief Executive Officer shall provide a written response to any nonconformities and points of improvement which shall consist either of a rebuttal to the nonconformity or proposed remedial actions. The Chief Executive Officer shall document any remedial actions implemented to correct a nonconformity not successfully rebutted.

5.) OIA North America shall implement the following procedures to address complaints by applicants or other parties:

- a.) Complaints alleging noncompliance with the standard on the part of applicants who have applied for or received certification by OIA North America under this program shall be investigated when the complaint is: a) in writing, b) identifies the party making the complaint, c) appears to be supported by credible objective evidence of noncompliance, d) identifies the party who is alleged to be noncompliant, e) reasonably identifies the alleged noncompliance, and f) provides contact information for the person making the complaint so that further information may be obtained as necessary from the person making the complaint.
- b.) Complaints that do not fulfill the above criteria may be forwarded to the appropriate regulatory body or compliance authority, may be investigated at the discretion of OIA North America, or may be filed for future reference and possible later action as determined by OIA North America on a case by case basis.
- c.) When the effective investigation of a complaint that fulfills the criteria in paragraph (a) of this would require resources or expertise which exceeds those available to OIA North America, or when OIA North America deems it reasonably prudent to do so, OIA North America may forward the complaint to the relevant regulatory body, compliance authority, or law enforcement officials.
- d.) Complaints about the operation of this certification program, including complaints about certification decisions made, policies or procedures adopted, implemented or applied, or the action or inaction of any OIA North America employee or contractor, should be made directly to the Chief Executive Officer of OIA North America. The Chief Executive Officer shall personally document each such complaint made, shall investigate any such complaint, shall document the findings of any such investigation and shall, within the limits of the confidentiality provisions provided for in *OIA NOP P.C.M. B(7)*, communicate back to the complainant about any findings, including any remedial, corrective, or disciplinary actions implemented as a result of the investigation. The Chief Executive Officer shall undertake and document any remedial, corrective, or disciplinary actions deemed, after due investigation, necessary to maintain a quality certification program and compliance with the standard.

e.) Any complaint which alleges a condition which would threaten the health of the public or of any person shall be immediately reported to the appropriate law enforcement agency or governmental regulatory body.

f.) Complaints from applicants or certified operations which are intended to rebut or take issue with a decision made by OIA North America to deny, suspend, or revoke certification or to issue a formal noncompliance constitute an appeal or dispute of an OIA North America certification decision and must be handled in accordance with the Appeal and Dispute Resolution provisions described in *OIA NOP P.C.M. B(6)*.

4. RESPONSIBILITY, RIGHTS, AND DUTIES OF PARTIES

a. OIA North America

OIA North America has the responsibility to comply with all laws and regulations which apply to the scope of its activities, as well as to comply with the standard, the Quality Manual, and the procedures and policies included in this Certification Manual, as well as the terms of any contract entered into with an applicant for certification, a certified operation, a contractor, or accrediting body.

OIA North America has the duty to ensure that all applicants for certification, all certified operations, the staff of this certification program, and all subcontractors employed by the certification program comply with the standard, the Quality Manual, the procedures and policies included in this certification manual, as well as any terms of any contract entered into with an applicant for certification, a certified operation, a contractor, or accrediting body whose activities fall within the scope of said documents, standard, or the provisions therein.

OIA North America has, in addition to all rights provided by law or regulation, all of the rights provided by the standard, the Quality Manual, the Certification Manual as well as the terms of any contract entered into with an applicant for certification, a certified operation, a contractor, or accrediting body, including but not limited to the right to enforce these rights through the procedures provided for in the Certification Manual, the Quality Manual, the standard, and any contract entered into with any party, as well as through legal process including injunctive relief and any other remedies provided for by law, regulation, or contract.

b. Chief Executive Officer of OIA North America

The Chief Executive Officer of OIA North America (hereinafter CEO), has the responsibility to comply with all laws and regulations which apply to the scope of its activities, as well as to comply with the standard, the Quality Manual, and the procedures and policies included in this Certification Manual, as well as the terms of any contract entered into with an applicant for certification, a certified operation, a contractor, or accrediting body.

The CEO has the duty to ensure that all applicants for certification, all certified operations, the staff of this certification program, and all subcontractors employed by the certification program comply with the standard, the Quality Manual, the procedures and policies included in this certification manual, as well as any terms of any contract entered into with an applicant for certification, a certified

operation, a contractor, or accrediting body whose activities fall within the scope of said documents, standard, or the provisions therein.

Additionally, the CEO has the overall responsibility for the operation of the certification program, including, but not limited to:

- 1.) Performance of testing, inspection, evaluation and certification under this program,
- 2.) Formulation of policy matters relating to the operation of the certification program,
- 3.) Decisions on certification,
- 4.) Supervision of the implementation of formulated policies,
- 5.) Supervision of the finances of the certification program,
- 6.) Delegation of authority to committees or individuals as required to undertake defined activities on behalf of the certification program and OIA North America,
- 7.) Technical basis for granting certification,
- 8.) Ensuring that the activities of related bodies and programs do not affect the confidentiality, objectivity, and impartiality of the program's certifications,
- 9.) Maintaining documentation which shall be available during regular business hours demonstrating that OIA North America is a legal entity,
- 10.) Maintaining adequate arrangements to cover liabilities arising from the program's operations,
- 11.) Maintaining the financial stability and resources required for the operation of the certification program,
- 12.) Employing a sufficient number of personnel having the necessary education, training, technical knowledge and experience for performing certification functions relating to the type, range, and volume of work performed,
- 13.) Documenting the existence of OIA North America's rights and responsibilities relevant to its certification activities through the creation of a certification contract to be executed between applicants and OIA North America,
- 14.) Maintaining and verifying the effectiveness of the Quality System and its implementation to ensure a quality certification program,
- 15.) Ensure that each decision on certification is taken by a person different from those who carried out the initial review and the onsite evaluation or audit/inspection.

However, the CEO Executive Officer may delegate the authority for any of the operational aspects of the program, including, but not limited to those listed in this section, to employees or independent contractors of the certification program so long as the Chief Executive Officer ensures their compliance with the standard, the Quality Manual, and the Certification Manual and all contracts, except that in no case shall the CEO delegate the authority for decisions relating to granting, maintaining, extending, suspending, revoking or withdrawing certification to any person who is not an employee of OIA North America and for whose decisions OIA North America remains responsible.

The CEO has the authority to exercise on OIA North America's behalf, any right it is itself entitled to.

c.) Applicants for Certification and Certified Operations

Applicants for certification and operations certified by OIA North America (hereinafter Clients), have a responsibility to read, know, and understand the standard, the policies and procedures of the certification program as contained in the Quality Manual and the Certification Manual, as well as the terms and provisions of any contract the Client enters into with OIA North America. Clients have a responsibility to inquire about any provision therein which they do not understand and to continue to inquire until they do understand. Clients have an independent and affirmative responsibility to seek out and apply information about changes in the standard, and the policies and procedures of the certification program. Clients have the responsibility to comply with the standard, the Quality Manual, and the procedures and policies included in this Certification Manual, as well as the terms of any contract entered into with OIA North America.

Clients have a duty to ensure that they remain knowledgeable about the standard and the policies and procedures of the certification program and their periodic amendment and that their operations remain compliant at all times with the standard and the policies and procedures of the certification program. Clients have an independent, affirmative, and ongoing duty to inform OIA North America of incidents, events, and changes in operations which may affect compliance with the standard or the certification program's policies and procedures. Clients have a duty to inform OIA North America immediately of any noncompliant product which has entered the stream of commerce or any situation which would represent a failure of the client's compliance program or system which has been certified by OIA North America. Clients have a duty to ensure that their operations and staff comply with the standard, the Quality Manual, the procedures and policies included in this certification manual, as well as any terms of any contract entered into with OIA North America.

Clients have the right to have OIA North America comply with the standard, the Quality Manual, the procedures and policies included in this certification manual, and their periodic amendment as well as any terms of any contract OIA North America enters into with the client; however nothing in this provision shall be construed as preventing OIA North America from changing the policies and procedures contained in the Quality Manual or this manual, with reasonable notice to the client.

d.) Staff and Subcontractors of OIA North America

Staff and subcontractors of OIA North America (hereinafter employees) have the responsibility to comply with all laws and regulations which apply to the scope of their activities, as well as to comply with the standard, the Quality Manual, and the procedures and policies included in this Certification Manual, as well as the terms of any contract entered into with the employee or contractor, an applicant for certification, a certified operation, a contractor, or accrediting body. Additionally, employees have the responsibility to read, know, and understand the standard, the Quality Manual, and this Certification Manual, and their periodic amendments. Employees have the responsibility for seeking out and complying with guidance and directives from OIA North America on how to interpret and apply the standard, and the provisions of the Quality Manual, the Certification Manual, and the terms and provisions of any contract entered into by OIA North America which applies to the employees' job duties. Employees have the responsibility of ensuring that clients, fellow employees, and applicants comply with all relevant portions of the standard, the Quality Manual, the Certification Manual, and all applicable contract terms and to report any deviations thereof.

Employees have a duty to ensure that they remain knowledgeable about the standard and the policies and procedures of the certification program and their periodic amendment and that they and clients remain compliant at all times with the standard and the policies and procedures of the certification program. Employees have a duty to know and comply with the conflict of interest provisions and the confidentiality provisions of this certification program manual, the Quality Manual, the standard, and any agreement entered into with OIA North America.

Employees have the right to have the certification program comply with the standard, the Quality Manual, the procedures and policies included in this certification manual, and their periodic amendment as well as any terms of any contract OIA North America enters into with a client or employee; however nothing in this provision shall be construed as preventing OIA North America from changing the policies and procedures contained in the Quality Manual or this manual, with reasonable notice to the employee.

5. THE CERTIFICATION PROCESS

The following describes the administrative procedures governing the certification process.

a. Requests for Information About Certification:

Parties interested in obtaining certification may request information about certification by completing a certification information request form which may be made available in paper or electronic form or by requesting information through email, mail, or by verbal request. Upon receipt of the form, certification program staff provides the requesting party paper copies, electronic copies, or electronic access to, at a minimum, the following information:

- 1.) A copy of the Certification Manual, the Quality Manual, and the program standard;
- 2.) A copy of the most current fee schedule and information on how the party can calculate an estimate of the costs of certification;
- 3.) A copy of the certification contract;
- 4.) A guidance document, promotional brochures, or other information developed by the program to assist applicants in understanding the standard and the certification procedures; and,
- 5.) A copy of the appropriate application for certification relevant to the operation type.
 - i. The certification application shall be structured so that the application, when completed fully discloses the organic compliance plan for the operation;
 - ii. The certification application shall require disclosure of the name of the person completing the application; the applicant's business name, address, and telephone number; and, when the applicant is a corporation, the name, address, and telephone number of the person authorized to act on the applicant's behalf;
 - iii. The certification application shall require disclosure of the name(s) of any organic certifying agent(s) to which application has previously been made; the year(s) of application; the outcome of the application(s) submission, including, when available, a copy of any notification of noncompliance or denial of certification issued to the applicant for certification; and a description of the actions taken by

- the applicant to correct the noncompliances noted in the notification of noncompliance, including evidence of such correction; and
- iv. The certification application shall require disclosure of other information necessary to determine compliance with the standard.

The program may, upon the discretion of the Technical Director, charge a reasonable fee for providing the information and may select the format in which the information is provided.

A copy of all certification information requests shall be maintained in electronic or paper form, and may be compiled into a database at the discretion of the Technical Director.

b. Applications for Certification

Interested parties commence the certification process by Completing the certification application and submitting all the requested support documents to OIA North America.

c. Receipt of Application and Administrative Review

Upon receipt of an application for certification, the program staff shall immediately conduct an administrative review of the application to ensure that:

- 1.) The appropriate application has been submitted based upon the operation type and the certification requested;
- 2.) The application has been completely filled out;
- 3.) The application, the contract and other forms and information has been signed by an authorized representative of the applicant;
- 4.) All documents requested in the application have been submitted; and,
- 5.) The appropriate fees have been submitted. OIA North America reserves the right to demand full payment of all fees prior to commencing the certification process.

The administrative review may be conducted by any program staff member familiar with the administrative requirements. The Technical Director may, at his discretion, create an Administrative Review Form, designed to guide and document the administrative review; however, any form so created shall be an official program form which shall be subject to revision and usage control as defined in this manual. The person conducting the administrative review shall document in a memo that shall be copied to the applicant any administrative deficiencies in the application and forms submitted and shall then forward the file to a program reviewer for the initial compliance review. If no deficiencies are found, the administrative reviewer shall send a memo to the applicant acknowledging the receipt of the application and informing the applicant that the application has been forwarded for the initial compliance review. All documents, correspondence, and memos generated pursuant to the administrative review shall become a part of the certification file for the applicant.

d. Initial Compliance Review

Subject to the conflict of interest provisions of the certification manual, the applicant's file is assigned by the Technical Director to a Program Reviewer to conduct the Initial Compliance Review.

1.) Upon receipt of the file, the Program Reviewer shall immediately:

- i.) Review the identity of the applicant to ensure that there is no known conflict of interest requiring the reviewer or OIA North America to recuse itself from reviewing the application for certification. If no potential conflict of interest is apparent, the reviewer need take no specific action to document this; however, if a potential conflict of interest is identified, the reviewer shall take no action on the file until the conflict of interest has been addressed according to the conflict of interest provisions of the Certification Manual. Any potential conflict of interest and its ultimate resolution or actions taken under the conflict of interest provisions of the Quality System or the standard shall be documented in the client file.
- ii.) Review any administrative deficiencies identified by the administrative reviewer and determine if such deficiencies warrant placing a hold on further review until the deficiency is corrected or if the deficiency can be corrected during the remainder of the review process. If the file is to be placed in a Hold Pending Applicant Action, the Reviewer shall memorialize this fact in a memo and a letter to the applicant. The applicant will then have 45 days to correct the deficiency, withdraw the file, or have a Notice of Noncompliance or Notice of Proposed Denial of Certification issued. If the Reviewer finds that the deficiency can be corrected during the regular review process or if the administrative review identified no deficiencies, the Reviewer may continue under this section.
- iii.) Review whether the applicant has ever been denied certification, or had certification revoked or suspended as disclosed in the application. If the applicant has previously had certification revoked, suspended, or denied, or has any pending noncompliance issued by OIA North America, or any other accredited certifier under the standard, the Reviewer must take all reasonable steps to ensure that the applicant is not currently prohibited from certification by OIA North America under the standard or the Quality System. The Reviewer must request any additional documentation necessary from the applicant or any other party necessary to reasonably demonstrate that the previous noncompliance, revocation, or suspension has been resolved. In the case of the applicant having previously been denied certification, the Reviewer shall determine if the basis of the previous denial has been adequately addressed by the applicant. Any identified issues under this paragraph, must be documented in the file and correspondence with the applicant. All documentation and correspondence under this paragraph must be documented in the certification file for the applicant. If the file is to be placed in a Hold Pending Applicant Action, the Reviewer shall memorialize this fact in a memo and a letter to the applicant. The applicant will then have 45 days to correct the deficiency, withdraw the file, or have a Notice of Noncompliance or Notice of Proposed Denial of Certification issued.

2.) Once the Reviewer has complied with paragraph (1) of this subsection, the Reviewer may commence the formal initial compliance review. The application shall be reviewed to ensure that the application complies with the following criteria:

- i.) The applicant demonstrates a knowledge and understanding of the standard and appropriate provisions of the Quality System;
- ii) The applicant appears to comply with the standard, or to have the ability to comply with the standard; and,
- iii) The application does not reveal any noncompliance with the standard that is a per se violation of the standard that cannot be corrected.

If the Reviewer finds that the applicant appears to comply with the above criteria, the Reviewer shall approve the applicant for an onsite inspection. If the Reviewer is unable to make a determination of whether or not the applicant appears to comply or has the ability to comply, the Reviewer shall make a determination of whether or not the Review could be completed upon submission of appropriate documentation or information from the applicant. If so, the Reviewer shall issue a memo to the file and a letter to the client describing what information or documentation is necessary to complete the review. The applicant's file is then placed in a Hold Pending Applicant Action. The applicant will then have 45 days to correct the deficiency, withdraw the file, or have a Notice of Noncompliance or Notice of Proposed Denial of Certification issued. If the applicant provides the requested information, the Initial Compliance Review recommences. If at any time the Reviewer determines that the applicant exhibits facial noncompliance with the standard and does not appear able to comply with the standard, the Reviewer shall issue a Notice of Proposed Denial of Certification or a Notice of Noncompliance. Thereafter, the file will be dealt with according to the Noncompliance procedures, or the Denial of Certification procedures, as applicable. Upon the form approving the applicant for inspection, the Reviewer may issue special instructions for the inspector to pay particular attention to certain aspects of the applicant's operation which may carry risks for noncompliance or where further information or documentation would assist in making the final compliance decision. The Reviewer shall send the applicant a letter or other notification that the file has been approved for inspection and disclosing the review findings.

3.) OIA North America shall conduct all initial compliance reviews within a reasonable time after receiving the application for certification or renewal of certification. OIA North America will strive to complete initial compliance reviews within 30 days of receiving the application.

e. Onsite Inspection

Upon approval from the Reviewer conducting the Initial Compliance Review, the OIA staffer tasked with responsibility for assigning inspectors, and in compliance with the procedure provided for in the Certification Manual, assigns an inspector from the OIA North America list of approved inspectors. The inspector shall be assigned as soon as possible after approval from the Reviewer. This inspector may be an OIA staff member listed on the list, or an independent contractor. Once the inspector accepts the assignment OIA North America sends the inspector a copy of the complete applicant file including all previous memos regarding deficiencies (if any), correspondence between the applicant and OIA, and a copy of the Initial Compliance Review approval form with special instructions (if any.) Copies of the previous year inspection report is also sent to the inspector (if applicable.) The client is notified in writing of the inspection assignment. The inspection shall take place within 30 days of the inspection assignment unless good cause is shown why the inspection cannot take place within that time frame. In no case shall an inspection take place later than six months after submission of an application for operations applying for fist time certification, or twelve months after the last inspection for applicants who are renewing certification. In such cases, every effort will be made to ensure that the inspection takes place prior to the 12 month anniversary of the last inspection. In special circumstances, as determined by the Technical Director, this deadline may be extended by up to 90 days unless prohibited or extended by the standard.

The onsite inspection shall be conducted in accordance with the standard and the provisions of this Quality System relevant to onsite inspections and inspector conduct. At a minimum, the inspector is expected to:

- 1.) Review the identity of the applicant to ensure that there is no known conflict of interest requiring the inspector to recuse his or herself from conducting the inspection. If no potential conflict of interest is apparent, the inspector need take no specific action to document this; however, if a potential conflict of interest is identified the inspector must inform the Technical Director, comply with *OIA NOP P.C.M. B(3)*, refuse to conduct the inspection, and return all documents related to the applicant to OIA North America. Additionally, the inspector shall ensure that he was not the person who conducted the Initial Compliance Review of the applicant's file;
- 2.) Contact the applicant at the earliest possible time to arrange a mutually agreeable time for the inspection when all appropriate staff, records, and access to areas shall be available;
- 3.) Review and be currently familiar with the applicant's file as disclosed by OIA North America, the special instructions (if any) provided by the Initial Compliance Reviewer, the Quality System and standard for the certification sought;
- 4.) Ensure that the inspection is conducted when an authorized representative of the operation who is knowledgeable about the operation is present, and when the land, facilities, and activities that demonstrate the operation's compliance with or capability to comply with the applicable provisions of the standard can be observed, except that this requirement does not apply to unannounced on-site inspections.
- 5.) At the commencement of the inspection, conduct an opening interview with the applicant disclosing the purpose of the inspection, the standard under which the inspection is to be conducted, the products covered by the inspection, and identifying (if known) the specific data that the inspector will be requesting to conduct any mass balance, traceability, or record keeping system verification during the audit. This opening interview shall be documented in a formal form developed by OIA North America which is subject to revision and use controls,
- 6.) Inspect , review, and observe the operation and its documentation and records to determine if the materials, documents, and application submitted to OIA North America by the applicant accurately reflects the activities, procedures, and practices taking place at the operation;
- 7.) Inspect, review, interview staff, and observe the operation and its documentation and records to determine if the operation complies with the standard and OIA North America policies, procedures, and Quality System or has the capability of complying;
- 8.) Ensure that prohibited substances are not being applied to the operation or coming into contact with products to be certified or organic ingredients to be used in products to be certified;
- 9.) Observe every geographical and spatial location of the operation covered under the scope of the certification;

- 10.) Document the inspection process through taking notes of observations, completion of any OIA North America forms created to facilitate or document the inspection, and where necessary to demonstrate compliance or noncompliance with the standard collect copies of forms and records and take photographs or samples;
- 11.) Where required by the standard, suggested by OIA North America, or where the inspector's own risk analysis of the operation's compliance with the standard or the Quality System identifies a weakness in the operation's ability to comply with the standard, conduct a mass balance of incoming ingredients and outgoing product, perform a traceability audit, or audit any documents the proper maintenance of which is necessary to comply with the standard;
- 12.) Observe and report on the sufficiency of the operation's recordkeeping system, policies, procedures, and activities to maintain and disclose compliance with the standard;
- 13.) At the conclusion of the inspection, conduct a closing interview with the applicant disclosing any potential noncompliances indentified during the inspection and giving the applicant an opportunity to refute the finding or provide additional information regarding the finding, providing the applicant with a receipt for any samples collected during the inspection, and informing the applicant that the inspection process is one of observation and reporting and that the inspector does not grant or deny certification, and that the official determination of whether or not a noncompliance exists and what the effect of that noncompliance (if any) is on the applicant's ability to be certified shall be made solely by OIA North America during the final review;
- 14.) Submit a written report to OIA North America disclosing:
 - i.) The date, time and location the inspection was conducted,
 - ii.) The parties present during the inspection, and those interviewed,
 - iii.) The geographical and spatial areas visited and observed during the inspection,
 - iv.) Whether or not the materials, documents, and application submitted to OIA North America accurately reflect the activities, procedures, and practices taking place at the operation, and what observations and documentation support the inspectors findings in this regard,
 - v.) Whether or not the operation appears to comply with the standard and OIA North America's policies, procedures, and Quality System, and what observations and documentation support the inspectors findings in this regard,
 - vi.) The inspector's analysis of the operations risk of noncompliance with the standard and OIA North

America's policies, procedures and Quality System, and what observations and documentation support the inspectors findings in this regard,

- vii.) The results of any mass balance, traceability audit, or document or records audit conducted, the data, documentation or other information upon which the audit was based, the reason the audit was undertaken, and what the results of the audit appear to reveal about the applicant's ability to comply with the standard and the risk of noncompliance with the standard,
 - viii.) The inspector's observations of the operation's recordkeeping system, and other policies, procedures and practices and its sufficiency to maintain and disclose compliance with the standard,
 - ix.) Any documents, records, photographs, and samples collected, created, or obtained during the inspection and the purpose of their collection,
 - x.) Documentation of the opening and closing interview and any sample receipts provided to the applicant,
 - xi.) How the inspector addressed any special instructions provided by the Initial Compliance Reviewer,
 - xii.) Any other information relevant to making a compliance determination under the standard or OIA North America's policies, procedures, and Quality System.
- 15.) If the certification program has designated a specific format or an official form to be used for the inspection process or report, the inspector shall use that form or format.
- 16.) Inspectors shall timely submit all written reports and samples to OIA North America along with an additional copy of the report for the applicant. Upon receipt of the inspection report, OIA North America shall notify the applicant that the report has been received and provide a copy to the applicant. The inspector shall either return all documents and information regarding the applicant provided by OIA North America or shall destroy such documents by shredding, and shall so notify OIA North America.
- 17.) OIA North America shall 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.

f. Final Compliance Review

1.) General Procedures and Criteria for Review:

Within a reasonable time after receipt of the inspection report, the Technical Director shall assign a qualified staff member to conduct the Final Compliance Review, which shall commence immediately. The Final Compliance Review may not be conducted by a Reviewer who conducted the Initial Compliance Review or who conducted the on-site inspection. The Final Compliance Review must be conducted by a Reviewer who was not involved in the Initial Compliance Review or on-site inspection. The Final Compliance Reviewer reviews the Initial Compliance Review correspondence and documentation, the onsite inspection report, and any other relevant information and makes the following preliminary determinations:

- i.) Was the Initial Compliance Review incorrect in determining that the applicant appeared to comply or appeared to have the ability to comply with the regulations;
- ii.) Does inspector report any findings or observations that, if correct, reveal a noncompliance with the standard that is a per se violation of the standard that cannot be corrected; and,
- iii.) Based upon all available evidence obtained in the review and inspection process does the applicant's operation:
 - a) Evidence an understanding of the standard;
 - b) Appear to be governed by a systematic plan intended to ensure compliance with the standard;
 - c) Appear to have effectively implemented the plan;
 - d) Appear to be committed to maintaining compliance with the plan and appear capable of doing so;
 - e) Appear to free of unreasonable risks to the integrity of the plan or compliance with the applicable standard;
 - f.) Appear to be free of the use of prohibited substances and contact between prohibited substances and products to be certified or ingredients to be used in products to be certified; and,
 - g.) in fact, comply with the standard.

If the reviewer is unable to make any of the listed determinations, but believes that such a determination could be made if further information or documentation was provided, the Reviewer will place the file on a Hold Pending Further Applicant Action. If the file is to be placed in a Hold Pending Applicant Action, the Reviewer shall memorialize this fact in a memo and a letter to the applicant. The applicant will then have 45 days to correct the deficiency, withdraw the file, or have a Notice of Noncompliance or Notice of

Proposed Denial of Certification issued. If the applicant provides the requested information, the Final Compliance Review recommences. If at any time the Reviewer determines that the applicant does not comply with the standard and reasonably appears to not have the ability to comply with the standard, or that there is a per se violation of the standard that cannot be corrected, the Reviewer shall issue a Notice of Proposed Denial of Certification or a Notice of Noncompliance. Thereafter, the file will be dealt with according to the Noncompliance procedures, or the Denial of Certification procedures as provided for in *OIA NOP P.C.M (B)(5)(f)(6) or B(6)*, as applicable.

2.) Final Reviewer Findings and Nonconformity Analysis

The Final Reviewer must document the evaluation and findings for each of the review criteria listed in paragraph 1 of this subsection. An unfavorable finding for any of the criteria of review will require the Reviewer to conduct a nonconformity analysis. A nonconformity analysis is the process by which the Reviewer determines the significance of the unfavorable finding within the overall context of the applicant's systematic plan and the applicable standard. Primarily, the Reviewer shall focus on classifying the unfavorable finding in terms of the severity of the noncompliance: Major, Minor, or Critical.

- i. **Major Noncompliances:** The reviewer shall classify any unfavorable finding for the review criteria as a major noncompliance when the reviewer concludes:
 - a.) The unfavorable finding is based upon facts or observations which indicate a total breakdown of the applicant's systematic plan for complying with the standard;
 - b.) The unfavorable finding is based upon facts or observations which indicate there is a total lack of a systematic plan for complying with the standard;
 - c.) The unfavorable finding is based upon facts or observations which indicate that a product which is not compliant with the standard has been shipped or it is probable that a product which is not compliant with the standard may be shipped;
 - d.) The unfavorable finding is based upon facts or observations which indicate that it is probable that the system will fail to provide the particular type of integrity that the standard was created to ensure; or,
 - e.) The unfavorable finding, when evaluated in light of the operation's previous noncompliances,(including a failure to correct previous minor noncompliances or their recurrence), the context of other unfavorable findings for other criteria in the instant review, or in the context of having multiple facts or observations supporting the unfavorable finding, indicates a weakness in, a failure of, or a lack of a systematic plan for complying with the standard; or,
 - f.) The client or applicant has failed to pay appropriate fees in a timely fashion, failed to cooperate with compliance activities, or the reasonable compliance related directives or requests of OIA North America including deadlines to apply for renewal or submit to inspection.
- ii. **Minor Noncompliances:** The reviewer shall classify any unfavorable findings for the review criteria as a minor noncompliance when the reviewer concludes:
 - a.) The unfavorable finding is based upon facts or observations indicate that the fact or observation is an isolated event which in the context of the applicant's systematic plan

constitutes a non-systemic breakdown that did not and is not likely to result in the shipment of a product which not compliant with the standard,

b.) The unfavorable finding is based upon facts or observations indicate that the fact or observation is an isolated event which in the context of the applicant's systematic plan constitutes a non-systemic breakdown that did not and is not likely to result in the system failing to provide the particular type of integrity that the standard was created to ensure,

c.) The unfavorable finding is based upon facts or observations which indicate that the nonconformity is based on a deficiency in recordkeeping, documentation, or procedure which does not threaten the particular type of integrity that the standard was created to ensure.

- iii. Critical Noncompliances: The reviewer shall classify any unfavorable findings for the review criteria as a critical noncompliance when the reviewer concludes the unfavorable finding is based upon facts or observations which indicate that the applicant has committed a per se violation of the standard which has compromised specific type of integrity that the standard was created to ensure, or has compromised the ability of the system to ensure the specific type of integrity that the system was created to ensure, and the nonconformity cannot be corrected, or that the operation has willfully made a misstatement to OIA North America, or through willful noncompliance or grossly negligent behavior caused products which lack the integrity of the type the standard was created to ensure to enter the stream of commerce.

3.) Final Reviewer Decision on Certification, Noncompliances, and Corrective Actions

The Final Reviewer shall proceed to make a certification decision based upon the Nonconformity Analysis, as follows:

- i.) When the Nonconformity Analysis results in any of the applicant's unfavorable review findings being classified as a Critical Noncompliance, the Reviewer must deny certification, or if already certified, must be issued a Notice of Proposed Revocation or Suspension in accordance with *OIA NOP P.C.M (B)(5)(f)(6)* or *B(6)*, as applicable.
- ii.) Copies of any test results from samples obtained by the inspector shall be provided to the operation.
- iii.) When the Nonconformity Analysis results in any of the applicant's unfavorable review findings being classified as a Major Noncompliance, the Reviewer must, if the applicant is already certified, issue a Notice of Noncompliance or a Proposed Notice of Suspension or Revocation in accordance with *OIA NOP P.C.M (B)(5)(f)(6)* or *B(6)*, as applicable.
- iv.) If the applicant is not currently certified, the Reviewer shall issue a Notice of Proposed Denial of Certification based upon the preliminary final review findings. Should the applicant attempt to rebut, correct, or take corrective action, the Reviewer may, if convinced that the original decision was incorrect or based upon incorrect information or reasoning, amend the findings or the nonconformity analysis. Additionally, the Reviewer must consider the corrective actions submitted by the applicant and revisit the Final Review findings, the nonconformity analysis, and the certification decision in light of the corrective action submitted or proposed by the applicant. Copies of any test results from samples obtained by the inspector shall be provided to the operation with any Notice of Proposed Denial of Certification, Notice of Noncompliance or Proposed Suspension or Revocation.
- v.) When the Nonconformity Analysis results in all of the applicant's unfavorable review findings being classified as Minor Noncompliances, the Reviewer may grant certification to the applicant,

or, if the operation is already certified, extend or maintain certification, as applicable under the standard; however, for any operation whose final review findings resulted in an unfavorable finding classified as a Minor Noncompliance, the Final Reviewer must issue, contemporaneously with the certification decision, a Notice of Corrective Actions Required, disclosing the Minor Noncompliances, citing to the applicable section of the standard, and providing the applicant 45 days to demonstrate corrective action, or to rebut the finding, or the nonconformity analysis. Any applicant who fails to demonstrate corrective action or to successfully rebut the finding or the nonconformity analysis within 45 days shall be issued a Notice of Noncompliance in accordance with *OIA NOP P.C.M B(6)*.

- vi.) Should the applicant attempt to rebut, correct, or take corrective action, the Reviewer may, if convinced that the original decision was incorrect or based upon incorrect information or reasoning, amend the findings or the nonconformity analysis.
- vii.) When there are no unfavorable review findings the Reviewer must grant certification to the applicant, or if the operation is already certified, extend or maintain certification, as applicable under the standard.

1.) Documentation of Final Review

The final review process shall be fully documented, and the certification program shall develop official forms whose use and revision shall be controlled, which, at a minimum consist of the following:

- 1.) Final Review Findings Form,
- 2.) Nonconformity Analysis Form,
- 3.) Certification Decision Form,
- 4.) Notice of Corrective Actions Needed Form.

These forms may be in developed, used, and maintained in electronic or paper form, so long as paper copies of completed forms are stored in the applicant's file upon completion.

2.) Administrative Procedure Upon Issuance of Decision to Grant Certification

Once the Final Reviewer has made a final decision to grant or continue certification, the following procedure shall be followed:

- i.) The applicant's information shall be entered into the certified entities database maintained by the program.
- ii.) The program shall issue a certificate which shall display, at a minimum:
 - a. The name and address of the certified operation;
 - b. The effective date of certification;
 - c. Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation;
 - d. The name, address, and telephone number of the certifying agent; and,
 - e. The sentence: "Certification, once granted, remains in effect until suspended, surrendered or revoked."
- iii.) The certificate shall be accompanied by a Certification Detail form which shall display, at a minimum:

- a. Identify the standard, accrediting body, or other authority for the issuance of the certificate, or the authority for the standard,
- b. Identify OIA North America and provide contact information for OIA North America,
- c. Contain a short preamble describing the nature of the certification and the process,
- d. Describe the products or services covered by the certification,
- e. List the date the operation was last subject to a compliance review,
- f. List the date the operation is next subject to a compliance review,
- g. Contains any other information that is required by the applicable standard.

A copy of the certificate and the certificate detail shall be maintained by OIA North America in the applicant's file.

- iv.) The program shall mail to the applicant the original certificate, the certification detail form (if applicable), copies of the Final Review Findings Form, the Nonconformity Analysis Form, the Final Review Decision Form, a copy of the inspection report, and the Notice of Corrective Actions Needed Form (if applicable.) A copy of any test results for samples obtained by the inspector shall also be mailed to the operation. Copies of the same shall be mailed to the inspector who conducted the onsite inspection.
- v.) The deadlines for the applicant submitting corrective actions, submitting the next renewal application, and the deadline for the next onsite inspection shall all be entered into a tickler system designed to notify OIA North America of the approach and passage of the deadlines.
- vi.) Each Final Reviewer is responsible for ensuring that applicants, to whom the Reviewer issued a Notice of Corrective Actions Needed, respond in an appropriate and timely way to the Notice of Corrective Actions Needed, and to take appropriate action if the applicant does not.
- vii.) The program shall notify each applicant of the deadlines for submitting the next renewal application at 120 days, 90 days, 60 days, and 30 days prior to the deadline. Any operation not submitting a renewal application prior to the one year anniversary each year of the date on which the original certificate was issued, shall be issued a Notice of Noncompliance.
- viii.) Certification, once granted remains in effect until suspended, surrendered or revoked pursuant to the standard.

6. Noncompliance and Denial of Certification Procedures in Review Period

(i) When OIA North America has reason to believe, based on the Initial Compliance Review or the Final Compliance Review, that an applicant for certification is not able to comply or is not in compliance with the requirements of the standard, the Reviewer must issue a written notification of noncompliance to the applicant. When correction of a noncompliance is not possible, a notification of noncompliance and a notification of denial of certification may be combined in one notification. The notification of noncompliance shall provide:

- a. A description of each noncompliance;
- b. The facts upon which the notification of noncompliance is based; and

- c. The date by which the applicant must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

(ii) Upon receipt of such notification of noncompliance, the applicant may:

- a. Correct noncompliances and submit a description of the corrective actions taken with supporting documentation to OIA North America;
- 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 OIA North America, and a description of the corrective actions taken with supporting documentation; or
- c. Submit written information to OIA North America to rebut the noncompliance described in the notification of noncompliance.

(iii.) After issuance of a notification of noncompliance, the Reviewer issuing the notice must:

- a. Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal, conduct an on-site inspection if necessary, and
 - 1. When the noncompliance was issued at the conclusion of the Final Compliance Review, and the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue a resolution of noncompliance and a certification decision granting the applicant certification;
 - 2. When the noncompliance was issued prior to the Final Compliance Review, and the corrective action or rebuttal is sufficient to resolve the noncompliance, the Reviewer shall issue a resolution of noncompliance and approve the file for moving to the next step of the certification process; or,
 - 3. When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, issue the applicant a written notice of denial of certification.
- b. Issue a written notice of denial of certification to an applicant who fails to respond to the notification of noncompliance.
- c. Provide notice of approval or denial to the Administrator, pursuant to §205.501(a)(14) of the standard.

(iv.) A notice of denial of certification must state the reason(s) for denial and the applicant's right to:

- a. Reapply for certification pursuant to §§205.401 and 205.405(e) of the standard;
- b. Request mediation pursuant to §205.663 of the standard or, if applicable, pursuant to a State organic program; or
- c. File an appeal of the denial of certification pursuant to §205.681 of the standard or, if applicable, pursuant to a State organic program.

(v.) An applicant for certification who has received a written notification of noncompliance or a written notice of denial of certification may apply for certification again at any time with OIA North America or any certifying agent, in accordance with §§205.401 and 205.405(e) of the standard. When such applicant submits a new application to a certifying agent other than OIA North America, the applicant for certification must include a copy of the notification of noncompliance or notice of denial of certification and a description of the actions taken, with supporting documentation, to correct the noncompliances noted in the notification of noncompliance.

(vi.) If OIA North America receives an application for certification, which includes a notification of noncompliance or a notice of denial of certification issued by another certifying agent, it shall treat the application as a new application and begin a new application process as described in this manual.

(vii.) Notwithstanding any other provision in this manual or the standard, if OIA North America has reason to believe that an applicant for certification has willfully made a false statement or otherwise purposefully misrepresented the applicant's operation or its compliance with the certification requirements as provided in the standard, OIA North America may deny certification without first issuing a notification of noncompliance.

g. Procedure for Corrective Actions or Further Documentation Received During Certification Process

When an applicant provides documentation of corrective actions, or additional information or documentation to aid in making a determination or in response to a Notice of Noncompliance, Proposed Suspension or Revocation, or Proposed Denial of Certification, etc., the Reviewer shall resume the certification process at the most reasonable stage of the certification process. Earlier steps of the certification process should not be repeated unless necessary to review or verify compliance.

h. Reducing the Scope of Certification in the Final Certification Decision

Whenever, as a result of the review process the Final Compliance Reviewer determines that portions of the operation comply with the standard and could be certified, and a portion of the operation does not comply and cannot be certified, where possible the Final Reviewer should issue a final certification decision which certifies the reduced scope of operations which do comply with the standard. For example, if the applicant has requested certification for three products, and two of the products comply and one does not, the Final Reviewer should simultaneously issue a Final Decision which denies certification to the one product but grants certification to the compliant products. Accordingly, in addition to the certificate for the compliant products or operations, the Reviewer would also issue a denial of certification for the noncompliant product.

i. Annual Renewal of Certification Required and Process For Renewal

Clients who have been granted certification by OIA North America under the program must renew their certification annually. No later than the one year anniversary of certification being granted, clients must submit a renewal application, an update on the corrective actions previously undertaken to address minor noncompliances, and any other requested documents, as well as the appropriate fees, and must execute a new certification contract. A failure to do so will result in a Notice of Noncompliance being issued which will thereafter be governed by the noncompliance provisions provided for in *OIA NOP P.C.M. (B)(6)*.

The purpose of the annual renewal process is to ensure that the operation has not made any unannounced changes to their operations which threaten compliance with the standard and the Quality System, such as changes in formulation, the manufacturing process, or other aspects of the operation. At the Technical Director's discretion, the application forms for renewals may be identical to that submitted by first time applicants for certification or may be a form specifically created for renewing clients, so long as the form is adequate to address any changes that may have occurred in the previous year and to ensure compliance with the standard.

The procedure for reviewing renewal applications and renewing clients however shall be identical to the certification process undertaken for new clients as described in *OIA NOP P.C.M. (B)(5)*, except that OIA North America shall send the required information and forms for renewal without the operation having to request them.

OIA North America shall provide reminders of the approaching deadline to submit renewal applications, fees, and new certification contracts at 120 days prior to the deadline, 90 days prior to the deadline, 60 days prior to the deadline, and 30 days prior to the deadline. Renewal applications and forms will be sent 90 days prior to the deadline for renewing.

j. Client Requests to Expand the Scope of Certification Outside of the Annual Renewal Process

Clients may request to expand the scope of their certification outside of the annual renewal process in order to add products, locations, or otherwise expand the scope of certification. The Technical Director shall ensure that appropriate formal documents to do so are created. A separate fee shall be charged for expanding the scope of certification outside of the normal annual renewal process. Requests to add products shall be accompanied by all appropriate documentation necessary to assess compliance under the standard. Requests to add locations will require an additional onsite inspection before any additional locations or space may be added to the scope of the certification. The Technical Director has the discretion to determine what additional information, documentation or onsite inspections are required in order to assess compliance of expansions to the scope of certification and before such expanded certification is granted. In all other aspects, a review of a request to expand or increase the scope of certification shall follow the certification procedure described in this section.

k. Event and Information Driven Compliance Reviews Outside of the Annual Renewal Process

Clients have a duty to report any changes in their operations that may affect compliance with the standard and with the Quality System. Additionally, clients have a duty to report any events or incidents which would lead a reasonable person to question whether the integrity of the operations or the compliance of products has been compromised. Client reports, as well as complaints by third parties, information arising from surveillance activities or in other manners, can cause the Technical Director to initiate a compliance review of all or a portion of the client's operations. If such a review is commenced, it shall be handled by the Technical Director. The Technical Director shall inform the client in writing that the client has been selected for an interim compliance review, and shall inform the client of the scope of the review and what the client must do to cooperate with the review, except that, at the discretion of the Technical Director the client may not be informed until after an unannounced inspection is conducted by a competent party selected by the Technical Director. Any determination that the client has a noncompliance and the effects of that noncompliance on certification must be made according to the Final Review procedures described in xxxxxx.

Clients have an affirmative duty to cooperate and comply with any interim compliance review initiated by OIA North America, including providing free access to facilities, records, personnel, and products, including during an unannounced inspection. A failure to cooperate and provide free access as needed to determine compliance can result in OIA North America issuing a Notice of Noncompliance, Proposed Suspension, or Proposed Revocation, as determined by the Technical Director.

I. Surveillance Activities

OIA North America conducts surveillance of products, processes, and locations under the scope of the certification issued by OIA North America. This may consist of observing product in the market or the stream of commerce, unannounced on-site inspections, and other activities. The purpose of surveillance activities is to ensure that the standard and OIA North America's policies and procedures as provided for in the Quality System and the certification contract are being complied with. Records of all compliance activities undertaken by OIA North America are maintained by the Technical Director. Clients subject to surveillance activities shall be informed in writing of the surveillance and any findings thereof within 45 days after the surveillance activity was undertaken. When surveillance activities form the basis for further compliance review or noncompliance actions, the client shall be informed of the surveillance activity within 20 days of the surveillance activity and given a chance to respond to any findings thereof.

j. Onsite Inspections

1. All operations certified by OIA North America shall be subject to an onsite inspection prior to conducting the final compliance review for operations applying for initial certification.
2. Certified operations shall be subject to an onsite inspection no less than once every twelve months. Every effort will be made to ensure that the inspection takes place prior to the 12 month deadline after the last inspection. In special circumstances, as determined by the Technical Director, this deadline may be extended by up to 90 days unless prohibited or extended by the standard. Such inspections shall take place after an initial compliance review of the operation's annual renewal application.
3. When a certified operation submits a request to expand the scope of certification to include new facilities, lands, locations, or fields, an onsite inspection shall be conducted prior to expanding the scope of certification to include the facilities, lands, locations, or fields.
4. When a certified operation submits a request to expand the scope of certification to include new products, processes, or equipment, the Technical Director may, in his or her discretion, require an onsite inspection prior to expanding the scope of certification to include the new products, processes, or equipment.
5. All certified operations may be subject to surveillance inspections at the discretion of the Technical Director, the Administrator of the USDA NOP, or the governing official of any USDA NOP approved state program. Such inspections may be announced or unannounced.

k. Withdrawing Application, Surrendering Certification

1. A certified operation who has no formal notices of noncompliance, proposed suspension, or proposed revocation pending, and who has no outstanding financial obligation to OIA North America may surrender their organic certificate and withdraw from certification at any time, by:
 - a.) Informing OIA North America in writing that the operation is withdrawing from certification,

- b.) Indicating in writing that the operation will no longer use the certification marks or phrases of OIA North America, nor the name of OIA North America in relation to its products, locations, or services,
- c.) Indicating in writing that the operation will no longer represent its products, services, or locations as certified by OIA North America,
- d.) Returning the originals of any certificates previously issued by OIA North America to the operation and agreeing to destroy any copies maintained by the operation.

2. A certified operation that has a notice of noncompliance, proposed suspension, or proposed revocation pending may only withdraw from certification upon the discretion of the Technical Director. If the Technical Director allows the operation to withdraw from certification, the operation must comply with the procedure for surrender or certification described previously in paragraph 1 of this subsection.

3. An operation that has applied for certification and who has no outstanding financial obligations to OIA North America may withdraw their application for certification at any time, by informing OIA North America in writing that the operation is withdrawing 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.

4. An operation that surrenders its certificate or withdraws from certification or consideration for certification shall not be entitled to any refund of certification or other fees previously paid to OIA North America.

I. Inspection and Testing, Reporting, and Exclusion from Sale

1. All agricultural products that are to be sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must be made accessible by certified organic production or handling operations for examination by the Administrator, the applicable State organic program's governing State official, or OIA North America.
2. The Administrator, applicable State organic program's governing State official, or OIA North America may require preharvest 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. Such tests must be conducted by the applicable State organic program's governing State official or OIA North America at the official's or OIA North America's own expense.
3. The preharvest or postharvest tissue test sample collection pursuant to paragraph (2) of this section must be performed by an inspector representing the Administrator, applicable State organic program's governing State official, or OIA North America. Sample integrity must be maintained throughout the chain of custody, and residue testing must be performed in an accredited laboratory. 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 determining the presence of contaminants in agricultural products.

4. Results of all analyses and tests performed under this section:
 - a. Must be promptly provided to the Administrator; Except, That, where a State organic program exists, all test results and analyses shall be provided to the State organic program's governing State official by OIA North America; and
 - b. Will be available for public access, unless the testing is part of an ongoing compliance investigation.
5. If test results indicate a specific agricultural product contains pesticide residues or environmental contaminants that exceed the Food and Drug Administration's or the Environmental Protection Agency's regulatory tolerances, OIA North America must promptly report such data to the Federal health agency whose regulatory tolerance or action level has been exceeded.
6. When residue testing detects prohibited substances at levels that are greater than 5 percent of the Environmental Protection Agency's tolerance for the specific residue detected or unavoidable residual environmental contamination, the agricultural product must not be sold, labeled, or represented as organically produced. The Administrator, the applicable State organic program's governing State official, or OIA North America may conduct an investigation of the certified operation to determine the cause of the prohibited substance.

6. INVESTIGATIONS, NONCOMPLIANCE, APPEALS AND MEDIATION

Each notification of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, and suspension or revocation issued pursuant to this Certification Manual and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.

A. Noncompliance Procedure for Certified Operations

- 1.) Notification. When an inspection, review, or investigation of a certified operation by OIA North America reveals any noncompliance with the standard, the Quality System, or the certification contract, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide:
 - i.) A description of each noncompliance;
 - ii.) The facts upon which the notification of noncompliance is based; and
 - iii.) The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.
- 2.) Resolution. When a certified operation demonstrates that each noncompliance has been resolved, OIA North America, as applicable, shall send the certified operation a written notification of noncompliance resolution.
- 3.) Proposed suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within 60 days, OIA North America 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. The notification of proposed suspension or revocation of certification shall state:

- i.) The reasons for the proposed suspension or revocation;
- ii.) The proposed effective date of such suspension or revocation;
- iii.) The impact of a suspension or revocation on future eligibility for certification; and
- iv.) The right to request mediation pursuant to xxx or to file an appeal pursuant to xxx.

4.) Willful violations. Notwithstanding any provision of this Certification Manual, if OIA North America has reason to believe that a certified operation has willfully violated the standard, the Quality System or the certification contract, OIA North America 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.

5.) Suspension or revocation.

i.) 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, OIA North America shall send the certified operation a written notification of suspension or revocation.

ii.) OIA North America must not send a notification of suspension or revocation to a certified operation that has requested mediation pursuant to OIA NOP P.C.M. (B)(6)(b) or filed an appeal pursuant to OIA NOP P.C.M. (B)(6)(c), while final resolution of either is pending.

6.) Eligibility.

i.) 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 administrator of the standard 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 standard, the Quality System, and the certification contract.

ii.) 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 administrator of the standard may, when in the best interest of the certification program, reduce or eliminate the period of ineligibility.

7.) Other Legal Ramifications.

In addition to suspension or revocation, any certified operation that violates the standard, the Quality System, or the certification contract may be subject to other legal actions depending on

the nature of the violation. Such further legal action may include civil penalties imposed by law, actions for damages, including punitive damages, injunctive relief, and other causes of action including civil and criminal penalties.

B. Mediation

Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by OIA North America. Mediation shall be requested in writing to OIA North America. If OIA North America rejects the request for mediation, OIA North America shall provide written notification to the applicant for certification or certified operation. The written notification shall advise the applicant for certification or certified operation of the right to request an appeal, pursuant to *OIA NOP P.C.M.(B)(6)(c)* within 30 days of the date of the written notification of rejection of the request for mediation. If mediation is accepted by OIA North America, a qualified mediator mutually agreed upon by the parties to the mediation shall conduct such 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 applicant for certification or certified operation shall have 30 days from termination of mediation to appeal OIA North America's decision pursuant to *OIA NOP P.C.M.(B)(6)(c)*. Any agreement reached during or as a result of the mediation process shall be in compliance with the standard. The administrator for the standard may review any mediated agreement for conformity to the standard and may reject any agreement or provision not in conformance with the standard.

C. Appeals

i.) Certified operations and applicants who believe they are adversely affected by a noncompliance decision of the OIA North America may appeal such decision to the administrator of the standard.

ii.) All written communications between parties involved in appeal proceedings must be sent to the recipient's place of business by a delivery service which provides dated return receipts.

iii.) All appeals shall be reviewed, heard, and decided by persons not involved with the decision being appealed.

iv.) Certification appeals. An applicant for certification may appeal OIA North America's notice of denial of certification, and a certified operation may appeal OIA North America's notification of proposed suspension or revocation of certification to the administrator of the standard. If the administrator sustains a certification applicant's or certified operation's appeal of OIA North America's decision, the applicant will be issued certification, or a certified operation will continue its certification, as applicable to the operation. The act of sustaining the appeal shall not be an adverse action subject to appeal by OIA North America.

viii.) If the administrator denies an appeal, the suspension or revocation shall issue.

D. Complaints

i.) Clients and applicants for certification must:

a. Keep a record of all complaints made known to the applicant relating to a product's compliance with requirements of the relevant standard and to make these records available to the certification program when requested;

- b. Take appropriate action with respect to such complaints and any deficiencies found in products or services that affect compliance with the requirements for certification; and,
- c. Document the actions taken.

ii.) OIA North America shall implement the following procedures to address complaints by applicants or other parties:

- a. Complaints alleging noncompliance with the standard on the part of applicants who have applied for or received certification by OIA North America under this program shall be investigated when the complaint is: 1) in writing, 2) identifies the party making the complaint, 3) appears to be supported by credible objective evidence of noncompliance, 4) identifies the party who is alleged to be noncompliant, 5) reasonably identifies the alleged noncompliance, and , 6) provides contact information for the person making the complaint so that further information may be obtained as necessary from the person making the complaint.
- b. Complaints that do not fulfill the above criteria may be forwarded to the appropriate regulatory body or compliance authority, may be investigated at the discretion of OIA North America, or may be filed for future reference and possible later action as determined by OIA North America on a case by case basis.
- c. When the effective investigation of a complaint that fulfills the criteria in this subsection paragraph would require resources or expertise which exceeds those available to OIA North America, or when OIA North America deems it reasonably prudent to do so, OIA North America may forward the complaint to the relevant regulatory body, compliance authority, or law enforcement officials.
- d. Complaints about the operation of this certification program, including complaints about certification decisions made, policies or procedures adopted, implemented or applied, or the action or inaction of any OIA North America employee or contractor, should be made directly to the Chief Executive Officer of OIA North America. The Chief Executive Officer shall personally document each such complaint made, shall investigate any such complaint, shall document the findings of any such investigation and shall communicate back to the complainant about any findings, including any remedial, corrective, or disciplinary actions implemented as a result of the investigation, except that such communications may be limited by the confidentiality provisions of the standard. The Chief Executive Officer shall undertake and document any remedial, corrective, or disciplinary actions deemed, after due investigation, necessary to maintain a quality certification program and compliance with the standard.
- e. Any complaint which alleges a condition which would threaten the health of the public or of any person shall be immediately reported to the appropriate law enforcement agency or governmental regulatory body.
- f. Complaints from applicants which are intended to rebut or take issue with a decision made by OIA North America to deny, suspend, or revoke certification or to issue a formal noncompliance constitute an appeal or dispute of an OIA North America certification decision and must be handled in accordance with the appropriate provisions governing appeals and mediation.

7. CONFIDENTIALITY

a. Confidentiality of Client and Application Information

Except as provided for in this manual, the standard, and any applicable laws and regulations, all information provided by the applicant to OIA North America in conjunction with seeking certification under the standard, shall be considered confidential and shall not be released to any party except as provided for in this manual.

b. Publicly Available Information

Information about a client which is deemed publicly available information includes information about whether a client is currently certified or is currently under consideration for certification, contact information for an operation, and any information which is or would be listed on a certificate or certification detail issued by the certification program, or other information specifically described in this manual. Publicly available information, as defined in this manual, related to a client or applicant's file, may be released to any person requesting such information, so long as the information is requested in writing, either via fax, postal mail, or email, wherein the person identifies themselves, and agrees to pay any document copying charges which apply. OIA North America shall provide any documents released according to this provision for free up to the first two documents so provided; thereafter the requester must pay a service and copying charge of \$1.50 per page requested and pay any postage necessary to mail the documents. Document requests which are non-routine, may, at the discretion of the program staff, be subject to a research or staff time fee of \$50 per hour of staff time necessary to fulfill the document request. All fees for document copying, postage, and staff time necessary to fulfill the request shall be paid prior to the release of the documents; however, the Chief Executive Officer or his designee may waive this requirement at his own discretion. Repeated or excessive requests may be treated as non-routine at the discretion of the Chief Executive Officer or his designee.

Publicly available information as defined in this Certification Manual includes the following:

- i. Information about operations currently certified or certified within the last 36 months, including the name of the operation, the type of operation, products certified, and the effective date of certification.
- ii. The certificate issued to any currently certified applicants or any certificate issued within the previous 36 months.
- iii. Whether or not the applicant is currently certified or was certified in the past.
- iv. If the applicant was previously certified, whether the certificate was revoked, suspended, or surrendered.
- v. The products and facilities that the applicant currently has certified.
- vi. Contact information for any currently certified operations.
- vii. The results of any test results for prohibited substances conducted by OIA North America in the past 36 months.

c. Client and Applicant Access to Information and Records Kept by Certification Program

Clients and applicants shall designate who from their organization are to be considered “secured users” who shall be granted free access to certification related documents and information submitted by the applicant or client and retained by OIA North America which are related to the applicant’s certification with the program and which were issued within the past 36 months. The Quality System Manager shall create a form for all applicants to use to authorize and revoke the “secured users” designation. Any document or information request related to confidential applicant information, as defined in this manual, must come from a person on the applicant’s “secured users” form. Certification Program staff shall be responsible for ensuring that no confidential applicant information is released without verifying that the request comes from someone designated by the applicant as a current “secured user”. The applicant has the responsibility to ensure that the “secured user” designation maintained by OIA North America remains current and accurate and of informing, in writing of any change in such designations. “Secured users” may be issued a username and password which may be used to verify the identity of the “secured user” prior to providing access to any of the applicant’s confidential information. OIA North America shall use reasonable efforts to verify the authenticity of the “secured user’s” identity when a document request is made. Repeated or excessive requests may be treated as non-routine and subject to the copying charge, staff time, and postage provisions of public information requests, at the discretion of the Chief Executive Officer or his designee.

d. Release of Client or Applicant Information Related to Legal Activities

Formal requests for applicant’s confidential information received from law enforcement, regulatory bodies, and courts, pursuant to an apparently valid invocation of authority arising from law, the standard, regulation, or contract, shall be honored; however, the applicant shall be informed of the request prior to complying with the request so as to have reasonable opportunity to challenge the request, unless the information request is accompanied by a facially valid directive to not inform the client or applicant.

e. Certain OIA North America Initiated Disclosures of Client or Applicant Information

Information, including what would otherwise be considered confidential applicant information, may be released by OIA North America, without notice to the applicant, as follows:

- i. Where explicitly or implicitly required in the standard, or as a condition of obtaining or maintaining OIA North America’s accreditation to certify to the standard, or to comply with a condition of the Quality System;
- ii. Where, in the reasonable judgment of the Chief Executive Officer, such information is necessary to prevent physical, psychological, or significant economic damage to the applicant, any party or the public; and,
- iii. Where, OIA North America has reasonable grounds to believe that fraud, or any other crime, is being committed by the applicant or a third party, including a willful misstatement made to OIA North America or other parties within the scope of certification, or where the operation is persisting in willful noncompliance of the standard.

f. Applicant or Client Requests for Disclosures to Third Parties

Applicants or clients may request that information, including confidential information or documents related to their own operations be released to any party. However, such request

must come in writing, from a “secured user” and contain the signature of the “secured user” or other reasonable verification of identity, and describe with particularity the information to be released, the party to whom the information may be released, and any restrictions on the information to be released or the manner in which the information is to be released. The Chief Executive Officer or his designee has the discretion to require payment of staff time, document copying and service charges, as provided for in this manual for any information release made under this paragraph. The Quality System Manager may develop a formal form to be used by the applicant to authorize such requests.

8. DOCUMENT CONTROL AND RECORD RETENTION

a. Creation and Maintenance of Documents and Information, Generally

The certification program shall document program activities such that accreditation and certification activities, including certification and noncompliance and surveillance activities, the basis therefore and the results thereof are fully disclosed in the records of OIA North America. Such records shall be maintained for no less than 10 years. This shall include client correspondence, information submitted by applicants and clients, complaints, forms developed and approved for use under the Quality System, and employment, subcontracting, and policy revisions. Such records shall be available during regular business hours for inspection and copying by the Secretary of the United States Department of Agriculture and his or her authorized representatives and any applicable governing official of a state organic program.

b. Creation, Retention, and Control of Formal Program Documents

Formal documents to be used regularly by the certification program staff, applicants, and clients shall be subject to these version control provisions. Examples, models, and guidance documents created as informational aids may not necessarily be considered formal documents. The Quality System Manager has the responsibility and authority to determine what documents constitute formal documents which shall be subject to version and release control. No formal program document may be released for general use until it has been approved by the Quality System Manager. All formal documents shall be maintained in a program “document binder” which contains all of the formal program documents currently approved for use. The “document binder” may be maintained in electronic or physical form, but must be available to program staff during regular business hours. Staff must refer to the document binder to ensure that they are using the most current formally approved document. Only the Quality System Manager may approve a document to be placed in the document binder. The Quality System manager shall maintain within the document binder a list of all of the approved documents, the date approved, the version number and the document number and name. Staff must use the most recently approved version of any formal document. The Quality System Manager shall ensure that any document that has been revised must have the original pre-revision document retired and removed from the document binder; however, all retired documents shall be retained in a document binder archive maintained for retired documents. The certification program shall make documents available to clients, applicants, and the public as needed to conduct certification activities.

c. Authority, Duties, and Responsibilities of Quality System Manager

Quality System Manager: The Quality System Manager has the responsibility for ensuring that the Quality System is effective in attaining the Quality Objectives as defined in this manual, and complies with all provisions of the standard, accreditation requirements, ISO Guide 65, and any other applicable laws, regulations, or contracts. The Quality System Manager is responsible for creating, reviewing, and approving all formal certification program documents and maintaining the program document binder as described in this manual and the Quality System. The Quality System Manager is responsible for ensuring that the Technical Director and the OIA North America staff, applicants, and contractors remain compliant with the Quality System. The Quality System Manager shall be granted the authority to ensure that these responsibilities may be effectively carried out. The Quality System Manager shall be responsible for arranging and scheduling all internal audits and management reviews required by the Quality System and the standard. The Quality Manager shall have at all times, direct access to the Chief Executive Officer and shall report to the Chief Executive Officer regarding issues relating to Quality.

9. QUALITY SYSTEM

a. Commitment to Quality

OIA North America and the certification program are committed to operating a quality certification program which inspires confidence in the certifications issued by the program.

b. Quality Defined

The Chief Executive Officer of OIA North America defines quality as the characteristics and capacity necessary to provide consistent, reliable, accountable, and transparent verification of compliance with standard in order to facilitate honest market conversations between standard setting bodies, applicants, and the public at large in a manner that is socially and economically sustainable.

c. Quality Objectives

The Quality Objectives of OIA North America are:

1. Provide timely, efficient, impartial, and consistent services to applicants applying for or attempting to maintain certification under the standard.
2. Provide consistent, reliable, impartial and transparent implementation and review of the standard for which certification is sought.
3. Attract, retain, and invest in people who are life-long learners who take pride in their work and in increasing their technical, human, and intellectual capital in the service of others.
4. Serve standard setting bodies by providing consistent, impartial implementation of the standard and employing no criteria except that contained within the standard.
5. Recognize that standard setting bodies, applicants, the public at large, and OIA North America itself, all represent stakeholders in the quality of the certification work conducted by OIA North America.

d. Chief Executive Officer Responsible for Quality

The Chief Executive Officer has the authority and responsibility for ensuring the operation of a quality certification program which achieves the Quality Objectives of North America. The Chief Executive Officer may delegate the authority for quality initiatives, enforcement, and review, and hold such delegates responsible for such, but ultimately the Chief Executive Officer is responsible for ensuring the operation of a quality certification program wherein the Quality Objectives are achieved and a Quality System is created and implemented at all levels of the organization.

e. Quality System Defined and Described

The Quality System is the written policies, procedures, and documents which OIA North America has created and implemented to achieve the Quality Objectives. The Quality System consists of the OIA North America Omnibus Quality Manual, the certification program's Certification Manual, the standard, and the document binder which contains all of the formal documents officially approved for use in the program.

f. Quality System Manager

The Quality System Manager is responsible for ensuring that the Technical Director and the OIA North America staff, applicants, and contractors remain compliant with the Quality System. The Quality System Manager shall be granted the authority to ensure that these responsibilities may be effectively carried out. The Quality System Manager shall be responsible for arranging and scheduling all internal audits and management reviews required by the Quality System and the standard. The Quality Manager shall have at all times, direct access to the Chief Executive Officer and shall report to the Chief Executive Officer regarding issues relating to Quality. Additionally, the Quality System Manager is responsible for approving, maintaining, and controlling all formal documents used in the program, as described in *OIA NOP P.C.M.(B)(8)*.

g. Duties, Responsibilities, and Authority of Staff and Subcontractors for Quality System Compliance

- i. OIA North America Staff: OIA North America staff have the duty to know, understand, and comply with the Quality System and to ensure that contractors, applicants, clients and fellow staff members comply with the Quality System. OIA North America staff shall have the authority to ensure that applicants and clients comply with the Quality System. The Technical Director shall have the authority and responsibility to ensure that staff, applicants, clients, and contractors comply with the Quality System. The Quality System Manager shall have the authority and responsibility to ensure that the Technical Director, staff, applicants, clients, and contractors comply with the Quality System.
- ii. Independent Contractors: OIA North America contractors have the duty to know, understand, and comply with the Quality System. Contractors have the responsibility and authority to report any noncompliance with the Quality System on the part of applicants, OIA North America staff, or other contractors to the Quality System Manager and the Technical Director.

h. Internal Audits

In order to ensure that the certification program is operating efficiently and in compliance with the standard, ISO 65 guidelines, and the Quality System, an internal audit shall be performed annually. The internal audit is an integral part of the management review. A qualified member of the Board of

Directors or a qualified outside third party conducts an annual internal audit to ensure that the certification program is operating in conformance with ISO 65 guidelines, the standard and the Quality System.

The auditor selected must inform the certification program staff of an upcoming audit. The auditor randomly selects files to evaluate, interviews the certification program staff, and speaks with applicants if deemed necessary. Conflict of interest and exertion of undue influence issues are part of the internal audit. The result of the internal audit is documented and sent to the Quality System Manager, Technical Director, the Board of Directors, and the CEO within 30 days of the audit. The Technical Director, Quality System Manager, and the CEO will jointly review the audit summary and will make a plan for changes (if needed) and preventative actions to be submitted to the BOD. The Technical Director, Chief Executive Officer, and the Quality System Manager, will implement the approved changes in the system. The audit summary is filed in the OIA NORTH AMERICA office. Corrective action is expected to begin immediately and to be completed in a timely fashion.

The auditor shall specifically address in the audit any features or practices observed, including a failure to comply with the Quality System, which represent a realistic potential risk of noncompliance with the Quality System, the standard, or ISO Guide 65. The auditor shall also suggest appropriate preventative actions which should be taken to reduce or eliminate this risk. The audit report will identify these suggested preventative actions specifically and under the heading: "Suggested Preventative Actions".

If the auditor concludes that the certification process has been compromised, he or she will document this in the internal audit report and specifically listing the issues that have to be addressed and corrected in order to comply with the standard, ISO 65 guidelines and the Quality System. If during the internal audit a decision of certification is in doubt, the Technical Director or the Chief Executive Officer reviews the case. The applicant or client must be informed if their certification status is up for review. If it is found that the applicant was correctly given certification, the applicant is informed and no further action will be taken. If problems are found, conditions for certification must be defined. The applicant is informed of any new noncompliance of certification and given an appropriate amount of time to deal with any issues. All interactions between OIA NORTH AMERICA staff, internal audit team, and applicants and clients are documented and filed.

i. Management Reviews

Each year a management review of the certification program is on the agenda of the last quarterly meeting of the OIA North America Board of Directors (BOD). The BOD reviews the Quality System, the results of the internal audit, noncompliances and suggested preventative actions, as well as the suggested preventative actions, corrective changes or actions implemented by the program as a result of the audit. The BOD evaluates the overall certification program. The BOD then outlines in official meeting minutes any modifications to the certification program suggested. The Quality Manager and the CEO must consider these suggested modifications and report back to the BOD on whether or not the suggestions are, in the opinion of the CEO and the Quality System Manager, consistent with the Quality Objectives. The BOD may, by a majority vote, overrule the opinion of the CEO and the Quality System Manager and order the CEO to implement the BOD's suggested modifications. The CEO shall report in writing on the modifications to the Quality System implemented at the suggestion or direction of the BOD.

10. RECRUITMENT AND SELECTION OF CERTIFICATION PROGRAM STAFF AND MONITORING OF PERFORMANCE

a. Basis of Selecting Employees

OIA North America shall recruit and select employees on the basis of their ability to effectively and competently carry out the duties of the position for which the employee is hired. Employees may demonstrate competence through a combination of training, experience, or education. OIA North America shall give particular preference to the employment of persons who, in addition to demonstrating competence to carry out the duties for position, also demonstrate an interest in and the motivation to pursue life-long learning, developing and increasing their own intellectual capital, personal integrity, service to others, and a commitment to team work and collaboration. Where an applicant for a position appears to be able to attain the necessary competence with training provided by OIA North America on the job, the program may, in its discretion, employ the person contingent on the person completing an in-house on the job training program and demonstrating competence.

b. Career Development

OIA North America, shall, where economically and operationally feasible, provide opportunities for personal, intellectual, and career development through training opportunities, formal education, and allowing employees to undertake new responsibilities and projects commiserate with the employee's aptitude and interests.

c. Annual Quality System, Standard, and Technical Training

The Quality System Manager shall provide annual training to program staff on the use of the Quality System and how employees may increase the effectiveness of the implementation of the Quality System. The Technical Director shall provide at least annual training on the standard and technical issues relating to operation of the certification program.

d. In Service Training for New Hires

The Technical Director and the Quality System Manager shall develop and implement appropriate new hire training in order to assist that new employees know and understand the Quality System and the standard and how to effectively interpret and apply the provisions thereof. The Technical Director shall develop a program of on-the-job training in order to allow new hires to "shadow" experience staff and to work tentatively under their guidance and supervision until such time as the Technical Director believes that the person can operate with greater independence in the role or position for which the person was hired.

e. Mandatory Affirmations Required of All Employees

All employees shall, prior to engaging in work under the certification program, certify and affirm that they have read, understand, and agree to comply with the conflict of interest and confidentiality provisions of the Quality System and the standard. Additionally, the employee shall agree to comply with all provisions of the Quality System and the standard. This affirmation shall be updated annually. Additionally, employees shall annually report any training, education, or other actions undertaken by the employee in the last year to increase or maintain competency.

f. At Will Employment

Every employee of OIA North America is an at-will employee, who serves at the pleasure of the Chief Executive Officer. An employee may be terminated at any time without notice and without a showing of cause, except where prohibited by law, a contract executed with OIA North America, or if the cause of the termination is for a reason prohibited by law.

g. Annual Performance Evaluations

At least annually, each employee shall be evaluated by OIA North America. The Chief Executive Officer's performance is evaluated by the Board of Directors. The Quality System Manager and the Technical Director are evaluated by the Chief Executive Officer, in consultation with each party and the person so evaluated. The Technical Director, in consultation with the Chief Executive Officer and the Quality System Manager shall evaluate each employee of the program. The Technical Director, in consultation with employees shall evaluate each contractor. Evaluation criteria shall be compliant with this Quality System, and additional criteria established by the evaluating parties. Evaluation criteria shall be reduced to writing and the evaluation shall be reduced to writing and filed in the employee's file. The evaluation shall be shared with the employee and the employee shall have the right to respond in writing. Any response shall also be filed in the employee's file. The Technical Director, the Quality System Manager, and the Chief Executive Officer shall establish corrective actions to address any deficiencies in employee and contractor performance and shall ensure that such actions are effectively implemented in order to eliminate identified deficiencies that effect or may effect compliance with the standard or the effectiveness of the Quality System or certification services offered by OIA North America.

h. Job Descriptions and Organizational Chart of Authority

The Technical Director shall develop job descriptions for each position created within the certification program outlining the roles, duties, responsibility and authority for each position, as well as the minimum education, training, and experience necessary for the job. Those job descriptions shall be available as an attachment to the Certification Manual. Additionally, the Technical Director shall create an organizational chart of authority clearly illustrating the lines of authority and the organization of the program. This chart shall be available as an attachment to the Certification Manual.

11. USE OF INDEPENDENT CONTRACTORS

a. Independent Contractors, Generally

Where the use of independent contractors to perform work related to certification activities advances the Quality Objectives and is compliant with the Quality System and the standard, and where applicants and clients have approved the use of independent contractors, the certification program may use subcontractors to perform certification related work, EXCEPT THAT in no case may the program delegate the authority or responsibility to decide whether to grant, extend, or deny, revoke, or suspend certification.

b. Approval of Independent Contractors, Maintenance of Roster

The Technical Director shall approve each independent contractor that is eligible for receiving work from the certification program. OIA North America shall recruit and select contractors on the basis of their ability to effectively and competently carry out the type and scope of work contemplated.

Contractors may demonstrate competence through a combination of training, experience, or education. The Technical Director shall determine if a contractor applicant demonstrates the competence necessary for the work contemplated. The Technical Director shall maintain a roster of each contractor approved to be assigned work from the program with a description of the contractor's competency and the scope and type of work the contractor is eligible to receive. A copy of the current roster shall be available as an attachment to this Certification Manual.

c. Annual Contractor Training

The Technical Director and the Quality System Manager shall annually provide training to contractors in the effective use of the Quality System and the standard and technical aspects of the subject matter of certification. Completion of this training shall be mandatory. The training may be provided in person or via a distance learning arrangement such as telephonic seminar, web-based training, or correspondence type training materials. Documentation of the training materials, attendance, performance and evaluation shall be maintained.

d. Mandatory Contractor Certifications and Affirmations

All contractors shall, prior to engaging in work under the certification program, certify and affirm that they have read, understand, and agree to comply with the conflict of interest and confidentiality provisions of the Quality System and the standard. Additionally, the contractor shall agree to comply with all provisions of the Quality System and the standard. This affirmation shall be updated annually. Additionally, contractors shall annually report any training, education, or other actions undertaken by the employee in the last year to increase or maintain competency. The contractor shall also annually and as needed otherwise update their conflict of interest disclosure. No contractor shall be eligible to receive work assignments unless the contractor has signed an independent contractor agreement which is currently in effect at the time of the work assignment. Contractors shall execute new contractor agreements annually. At a minimum, the agreement shall provide:

- i) That OIA North America takes full responsibility for the subcontracted work and maintains its responsibility for granting, maintaining, extending, suspending, revoking, or withdrawing certification under the program; and,
- ii) That the subcontractor has read and understands the standard, the Quality System, the conflict of interest provisions, and the confidentiality provisions and agrees to abide by them.

e. Eligibility for Work Is At-Will

The fact that a contractor is listed on the roster of eligible contractors does not confer a right to have work assigned and consequently is no guarantee that any work will be assigned. Work is assigned, except to the extent provided for in the Quality System or the standard, solely at the discretion of the Technical Director. A contractor may be removed from the roster of eligible contractors at any time for any reason or no reason at all, at the sole discretion of the Technical Director.

f. Annual Performance Evaluations

At least annually, each contractor shall be evaluated by the program staff. The Technical Director, in consultation with employees shall evaluate each contractor. Evaluation criteria shall be compliant with

this Quality System, and additional criteria established by the evaluating parties. Evaluation criteria shall be reduced to writing and the evaluation shall be reduced to writing and filed in the contractor's file. The evaluation shall be shared with the contractor and the contractor shall have the right to respond in writing. Any response shall also be filed in the contractor's file.

12. PUBLICATIONS AND INFORMATION AVAILABLE UPON REQUEST

The program shall make available either in paper form or via an internet accessible site the following information, which shall be updated at regular intervals and available on request:

- a. Information about the authority under which the certification program operates;
- b. A documented statement of its product certification program(s) including its rules and procedures for granting, maintaining, extending, and suspending and withdrawing certification;
- c. Information about the evaluation procedures and certification process related to each certification program;
- d. A description of the means by which the organization obtains financial support and general information on the fees charged to applicants and to certified operations;
- e. A description of the rights and duties of applicants and certified operations, including requirements, restrictions or limitations on the use of the certification body's logo and on the ways of referring to the certification granted;
- f. Information about the procedures for handling complaints, appeals, and disputes;
- g. A directory of certified products and their suppliers, or a directory of certified operations.

13. USE OF PROGRAM MARKS, LOGOS, CERTIFICATES AND CERTIFICATION PHRASES

The use of OIA North America and the certification program name, marks, logos, certificates and certification phrases (hereinafter "indicia of certification") is governed by the certification contract. At a minimum the contract shall provide:

- a.) The indicia of certification is inherently distinctive and has acquired distinctiveness within the geography, market, and subject matter areas within the scope of the certification program's activities;
- b.) OIA North America owns the indicia of certification, and may grant a limited license for the use of the indicia of certification to operations which OIA North America grants certification for the length of the certification;
- c.) The license for the use of the indicia of certification, if granted, is revoked upon revocation, suspension, or withdrawal from certification;
- d.) Regardless of the length of use by parties other than OIA North America, no rights in the use of the indicia of certification is ever acquired by any party, except as granted conditionally in relation to certification and the certification contract;
- e.) The misuse, misrepresentation, and the making of incorrect statements or implications about the meaning, scope, and ownership of the indicia of certification or the certification program, or the standard in any form can be grounds for revocation of certification and termination of the certification contract;

- f.) If certification is revoked, suspended or withdrawn, the operation will no longer use the indicia of certification nor the name of OIA North America in relation to its products, locations, or services,
- g.) If certification is revoked, suspended, or withdrawn, operation will no longer represent its products, services, or locations as certified by OIA North America,
- h.) If certification is revoked, suspended, or withdrawn, an operation shall return the originals of any certificates previously issued by OIA North America to the operation and the operation shall destroy any copies of the indicia of certification, including advertising, promotional, and packaging materials using the indicia or certification.

14. ADDITIONAL USDA ACCREDITATION PROVISIONS

a. OIA North America shall accept the certification decisions made by another certifying agent accredited or accepted by USDA pursuant to §205.500 of the standard.

b. OIA North America shall refrain from making 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.

c. OIA North America shall submit to the Administrator a copy of:

(i) Any notice of denial of certification issued pursuant to §205.405 of the standard, notification of noncompliance, notification of noncompliance correction, notification of proposed suspension or revocation, and notification of suspension or revocation sent pursuant to §205.662 simultaneously with its issuance; and

(ii) A list, on January 2 of each year, including the name, address, and telephone number of each operation granted certification during the preceding year.

d. OIA North America shall charge applicants for certification and certified production and handling operations only those fees and charges for certification activities that it has filed with the Administrator.

e. OIA North America shall pay and submit fees to AMS in accordance with §205.640 of the standard.

f. OIA North America shall accept all production or handling applications that fall within its area(s) of accreditation and certify all qualified applicants, to the extent of its administrative capacity to do so without regard to size or membership in any association or group.

g. OIA North America shall demonstrate its ability to comply with a State's organic program to certify organic production or handling operations within the State, as applicable.

- h. OIA North America shall Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.
- i. OIA North America shall not require use of its seal, logo, or other identifying mark on any product sold, labeled, or represented as organically produced as a condition of certification.
- j. OIA North America shall not require any operation certified under this program or applying for certification under this program to comply with any production or handling practices other than those provided for in the Act and the standard as a condition of use of its certification mark, phrases or logo, except that if OIA North America certifies production or handling operations within a State with more restrictive requirements, approved by the Secretary, shall require compliance with such requirements as a condition of use of the OIA North America certification mark, phrases or logo by such operations.
- k. OIA North America shall hold the Secretary harmless for any failure on the part of OIA North America to carry out the provisions of the Act and the standard.
- l. OIA North America shall furnish reasonable security, in an amount and according to such terms as the Administrator may by regulation prescribe, for the purpose of protecting the rights of production and handling operations certified by OIA North America under the Act and the standard.
- m. OIA North America shall transfer to the Administrator and make available to any applicable State organic program's governing State official all records or copies of records concerning the person's certification activities in the event that the certifying agent dissolves or loses its accreditation; Provided, That, such transfer shall not apply to a merger, sale, or other transfer of ownership of OIA North America or its certification program. .
- n. OIA North America shall not exclude from participation in or deny the benefits of the National Organic Program to any person due to discrimination because of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status.

