

Pennsylvania Certified Organic

Certification Manual

***Ensuring the Integrity of Organic
Products in the Marketplace***

**Pennsylvania Certified Organic
106 School Street, Suite 201
Spring Mills, PA 16875
P: (814) 422-0251
F: (814) 422-0255
pco@paorganic.org www.paorganic.org**

CONTENTS

PART 1. Overview of Organic certification and PCO	3
Section 1.01 What does “certified organic” mean?.....	3
Section 1.02 About Pennsylvania Certified Organic	3
Section 1.03 Services we do not provide.....	5
Section 1.04 Contacting PCO	5
PART 2. DONATIONS	5
PART 3. APPLICATION DUE DATES	6
Section 3.01 New and continuing applications	6
Section 3.02 Late applications and extensions.....	6
PART 4. STEPS TO ORGANIC CERTIFICATION	7
PART 5. CERTIFICATION POLICIES & PROCEDURES	8
Section 5.01 General conditions for certification	8
Section 5.02 Initial certification application process	8
Section 5.03 Continuation of certification	11
Section 5.04 Categorization of Violations.....	14
Section 5.05 Suspension vs. Revocation of certification	14
Section 5.06 Communications with National Organic Program regarding noncompliances	15
Section 5.07 Surrender of organic certification	16
Section 5.08 Termination of organic certification.....	16
Section 5.09 Review by certification committee	16
Section 5.10 Extensions and revisions to certification.....	17
Section 5.11 Rebuttals, Mediation and Appeals.....	18
PART 6. INSPECTION AND TESTING	21
Section 6.01 On-site inspections	21
Section 6.02 Scheduling inspections.....	22
Section 6.03 Verification of information during inspection	21
Section 6.04 Exit interview.....	22
Section 6.05 Documents provided to the inspected operation	22
Section 6.06 Inspection report	22
Section 6.07 Confidentiality during inspections.....	23
Section 6.08 Unannounced Inspections	22
Section 6.09 Investigation of certified operations	23
Section 6.10 Inspection and testing of agricultural product.....	24
Section 6.11 Exclusion from organic sale	24
PART 7. LABELING.....	25
Section 7.01 General requirements	25
Section 7.02 Use of PCO name and logo	25
Section 7.03 PCO private labeling policy	25
Section 7.04 Use of all other certification logos, seals and marks.....	26
PART 8. CERTIFYING AGENTS.....	26
Section 8.01 Certifying agents accredited by the National Organic Program.....	28
Section 8.02 Certifying agents not accredited by the USDA	27

PART 9. REQUIREMENTS For EXPORT OF U.S ORGANIC RAW AND PROCESSED AGRICULTURAL PRODUCTS.....	27
Section 9.01 EU-US Determination of Equivalency.....	29
Section 9.02 Canada-US Determination of Equivalency	28
Section 9.03 Japan-US Determination of Equivalency	29
Section 9.04 Korea-US Determination of Equivalency	30
Section 9.05 Export arrangements and export certificates	31
Section 9.06 Transaction Certificates for Other Foreign Countries.....	33
PART 10. CERTIFICATION OF GROUP OPERATIONS	32
Section 10.01 Eligibility of Group Operations.....	34
Section 10.02 Internal Control System Requirements.....	35
Section 10.03 Inspection by PCO of Group Operations.....	37
PART 11. HOW TO PROPOSE CHANGES TO STANDARDS POLICIES & PROCEDURES.....	37
PART 12. NON-DISCRIMINATION POLICY	37
PART 13. CONFIDENTIALITY	37
PART 14. CONFLICT OF INTEREST	38
PART 15. COMPLAINTS AND DISPUTES.....	39
PART 16. Organizational summary and PERSONNEL—who does what?	39
Section 16.01 Membership.....	39
Section 16.02 Advisory and Managing Boards	39
Section 16.03 Key Personnel.....	40
Section 16.04 Committees	41
Appendix 1: Excerpts from regulations used to determine Canada-US Equivalency.	43

PART 1. OVERVIEW OF ORGANIC CERTIFICATION AND PCO

Section 1.01 What does “certified organic” mean?

Organic farming is nothing new. Farmers have been using compost to improve soil fertility, rotating crops, combating pests naturally, and grazing animals on pasture for about as long as there have been farmers. What’s new is USDA organic certification.

Responding to the public’s cry for a uniform definition of “organic,” Congress passed in 1990 the U.S. Organic Foods Production Act (OFPA), which ordered the U.S. Department of Agriculture (USDA) to set certification standards. The USDA has laid out its organic requirements in the National Organic Program regulations (7 CFR Part 205), which also provide some exceptions and exemptions. These standards, which were fully implemented in October 2002, require that any operation that produces, processes or handles organic agricultural product be certified in order to market its products as “organic.” Certification must be obtained through a USDA-accredited certifying body (like PCO).

To become certified, an organic producer, processor or handler must develop, implement and maintain an Organic System Plan. That’s where PCO comes in. We provide the information and forms that help guide producers, processors or handlers in developing an Organic System Plan.

Once PCO approves an organic system plan, PCO will send a qualified organic inspector to perform an onsite evaluation of the organic operation. Then, based on our review of the Organic System Plan, inspection report and related documents, PCO determines whether the operation meets the requirements of organic certification. Once certified, an Organic System Plan update and inspection is required annually to continue certification.

Organic certification is not a guarantee of quality or purity of the product. Rather, it is evidence of the operation’s adherence to a prescribed system of agriculture and food production that involves the building and enhancing of the soil naturally, protection of the environment, humane treatment of animals, and avoidance of toxic synthetic substances.

Section 1.02 About Pennsylvania Certified Organic

PCO is a USDA-accredited organic certifying agency that educates and certifies growers, processors and handlers of organic crops, wild crops, livestock and livestock products.

Our mission is:

To ensure the integrity of organic products and provide education, inspection, and certification services that meet the needs of our members, PCO provides services to operations per the goals below:

PCO will strive to:

- Maintain an organic certification program to educate growers, processors and handlers on the requirements for producing organic agricultural products in accordance with applicable organic laws;
- Provide annual independent third-party inspections of growers, processors and handlers of organic agricultural products;
- Develop, sponsor and support educational activities for growers, producers and consumers that promote learning, understanding and awareness of organic agriculture;
- Provide support relevant to organic certification through referrals to volunteer mentors and/or other nonprofit educational and research organizations or resources;
- Certify organic growers, processors, and handlers, meeting the standards and requirements of PCO and applicable laws.

(a) History of PCO Certification Program

In 1985, a group of organic farmers in the Lancaster County area formed a Pennsylvania chapter of the Organic Crop Improvement Association (OCIA). The Pennsylvania chapter performed certification services for its members for about 15 years. In 1997, believing that a Pennsylvania-based organization would better serve the needs of our state's organic community, some chapter members incorporated as a non-profit organization named Pennsylvania Certified Organic. PCO started out with 27 members and by the end of that first year had certified 54 crops and livestock farms. In 1998 the organization expanded to include dairy. Over the years, PCO has added certification services for processing, handling, distribution, brokering, mushrooms, maple products, poultry and more. In 2004, PCO certified about 315 operations based in Pennsylvania. That same year it decided to offer certification services to operations in approved states, including Ohio, New York, New Jersey, Maryland, Delaware, and West Virginia. PCO later added North Carolina, Virginia and Washington D.C to this list of regions served. In 2007, PCO's office relocated into the Old Gregg School in Spring Mills. By the end of 2009, PCO certified over 500 operations. PCO has since expanded its certification services to meet the needs of members in all regions and currently certifies over 1200 operations.

(b) National Organic Program regulations and PCO Policies

PCO certifies operations in accordance with the USDA National Organic Program (NOP) regulations¹, a set of rules for the production, handling, and labeling of organic agricultural products in the United States. The NOP also maintains a handbook of additional guidance and instructions for those who own, manage, or certify organic operations to assist in complying with the regulations. In cases where the organic regulations are not straightforward or could be applied differently by individual certifiers, PCO develops policies to implement the regulations under advisement of the PCO Standards Committee. See Part 10 of this manual for information on submitting policy proposals to amend PCO policy.

¹ 7 CFR Part 205

(c) Finances

The financial affairs of the organization are managed by the executive director in consultation with the treasurer, finance committee and advisory board.

(d) Legal structure

PCO is organized as a Pennsylvania not-for-profit corporation and is tax-exempt under section 501(c)(3) of the Internal Revenue Code. PCO is an independent organization and has no subsidiaries.

Section 1.03 Services we do not provide

- We do not provide consultation on overcoming identified barriers to certification as prohibited by 7 CFR §205.501(a)(11)iv.
- We do not provide individual counseling or consultation on organic production.
- We do not provide referrals to commercial providers of products or services.
- We do not engage in buying, selling, brokering or marketing of products.
- We do not release confidential information as described in §205.501(a)(10).

Section 1.04 Contacting PCO

PCO invites comments and questions on organic topics from consumers, growers and anyone interested in organic agriculture. We also encourage you to become involved! PCO is a grass roots organization. Our committees are made up of volunteers bringing their diverse backgrounds, expertise and ideas together to help PCO work for the organic producers of our region.

All inquiries should be directed to the PCO office:

Pennsylvania Certified Organic
106 School Street, Suite 201
Spring Mills, PA 16875

Phone: (814) 422-0251

Fax: (814) 422-0255

Email: pco@paorganic.org

Website: www.paorganic.org

PART 2. DONATIONS

PCO is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. Donations made to PCO are tax exempt for the person or organization making the donation. Be sure to ask for a receipt if you plan to claim your donation as tax-exempt. PCO employees, inspectors, contractors and volunteers are not allowed to accept payments, gifts or favors of any kind from inspected parties. PCO may accept voluntary labor. This prohibition is required by 7 CFR §205.501(11) and is in effect for the period extending 12 months before and after the date of application for

certification. Therefore, if you plan to apply for certification within a year, you should refrain from making any donation of goods or money to PCO. In the event a donation is made in violation of this policy, PCO should return the donated funds, item or its equivalent; or refer the applicant to another certifier; or use other corrective action as may be permitted by the USDA.²

PART 3. APPLICATION DUE DATES

Section 3.01 New and continuing applications

New applications for certification are accepted at any time and will be processed immediately. However, the length of time between application and certification depends on several factors, including the time of year, the completeness of the application, and the inspector's schedule in the producer's area. All on-site inspections must take place when the operation's production practices and compliance with the regulations can be observed (for instance, a crops applicant cannot be inspected when land is covered in snow). For these reasons, **first-time applicants should plan to submit applications at least 6 months prior to the date they hope to sell organic product.**

For continuation of certification, the certified operation must submit an annual update and fee each year **by the due date** in order to prevent a lapse in certification. PCO will send a notification and annual update forms to clients prior to the annual due date.

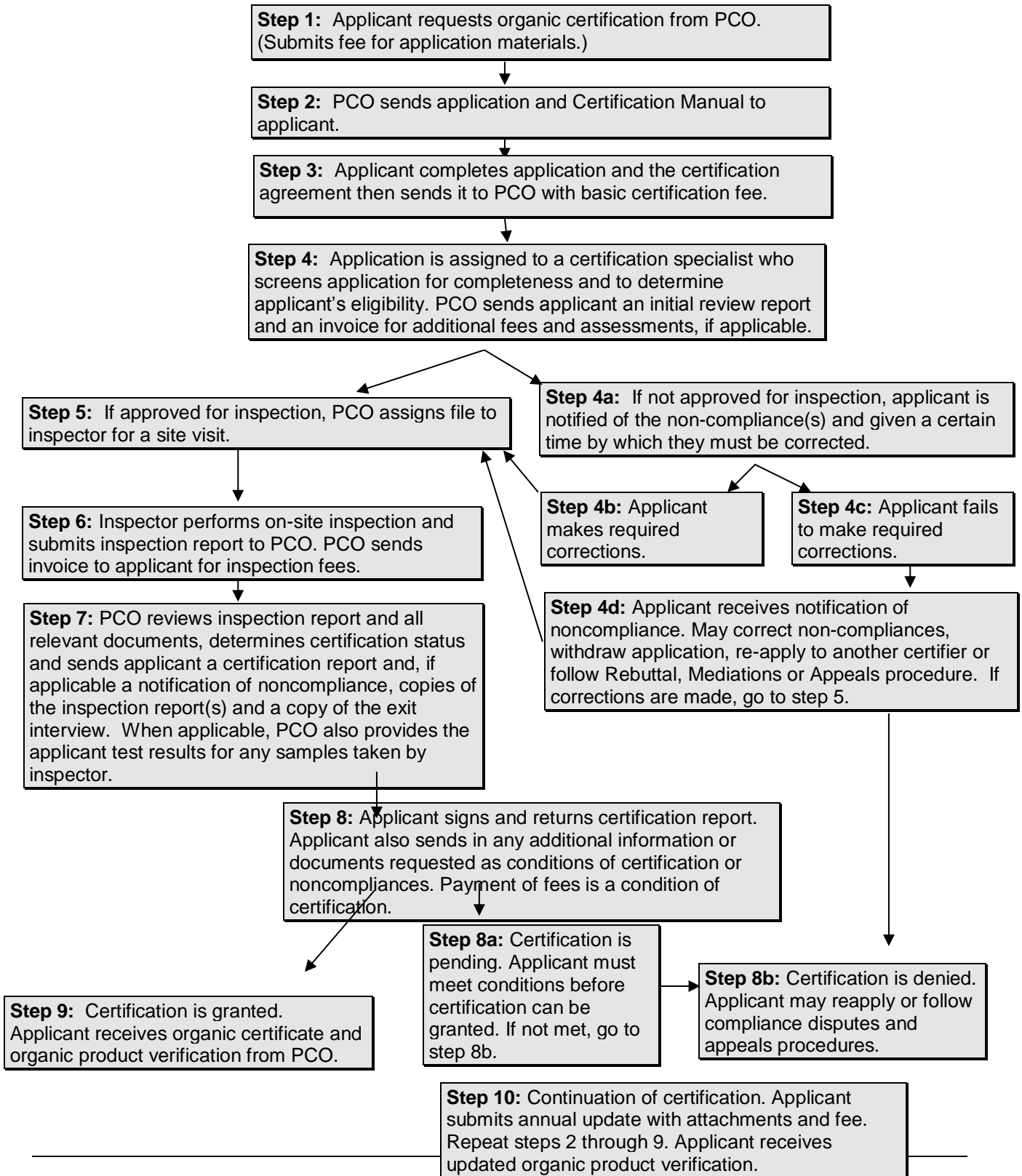
Section 3.02 Late applications and extensions

When applications arrive late, it is often difficult to schedule the inspections once the inspectors have started their rounds. Late applications cause unnecessary work for staff and inspectors and greatly decrease the efficiency of the certification process, as well as increase the cost to clients. **WE ENCOURAGE YOU TO MAKE EVERY EFFORT TO SUBMIT YOUR APPLICATION MATERIALS ON TIME!**

Applications for continued certification submitted after the due date may be accepted at PCO's discretion with the appropriate late fees.

² 7 CFR §205.501(a)(11)(iii) Accreditation of certifying agents; General requirements for accreditation

PART 4. STEPS TO ORGANIC CERTIFICATION



PART 5. CERTIFICATION POLICIES & PROCEDURES

Section 5.01 General conditions for certification

In order to be certified by PCO, an applicant shall meet all applicable requirements of the USDA's National Organic Program regulations as set forth in 7 CFR Part 205. A person seeking to receive or maintain organic certification must agree to the terms of the Certification Agreement.³

(a) Fees

Operators must pay applicable certification fees annually as outlined on PCO's Certification Fees, which is available by contacting the PCO office or on our website, www.paorganic.org.

Section 5.02 Initial certification application process

First-time applicants shall request application materials from the PCO office. Application packets include: the PCO Certification Manual containing certification policies and procedures, the NOP Standards Manual, the PCO and OMRI materials lists, and the appropriate Organic System Plan for the type of certification applied for. The applicant must return the completed Organic System Plan and supporting documents to the PCO office with the required fee for certification. Application packets are also available online at: www.paorganic.org/certification.htm.

(a) Application for initial certification

A person seeking certification of a production or handling operation must submit an application for certification to PCO. The application must include the following information:⁴

1. An organic production or handling system plan, as required in § 205.201;
2. 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(s) authorized to act on the applicant's behalf;
3. 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
4. Other information necessary to determine compliance with the Act and the National Organic Program regulations.

(b) Review of application for initial certification

Applications received in the PCO office are reviewed by the certification staff for completeness and proper enclosures, including fees. Incomplete applications will either be returned or the applicant will be notified with a request to submit the additional materials. The certification staff reads each application and makes a preliminary evaluation of the producer's compliance with or ability to comply with organic standards. The applicant is notified in writing of the results of the initial review.

³ 7 CFR § 205.400 General requirements for certification

⁴ 7 CFR § 205.401 Application for certification

An application may be rejected. If so, the applicant will be notified in writing of the reasons.

Upon acceptance of an application for initial certification, PCO must:⁵

1. Review the application to ensure completeness pursuant to § 205.401;
2. Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of 7 CFR Part 205, subpart C;
3. Verify that an applicant who previously applied to another certifying agent and received a notification of noncompliance or denial of certification has submitted documentation to support the correction of any noncompliances identified in the notification of noncompliance or denial of certification as required in § 205.405(e); and
4. Schedule an on-site inspection of the operation to determine whether the applicant qualifies for certification if the review of application materials reveals that the production or handling operation may be in compliance with the applicable requirements of 7 CFR Part 205, subpart C;
5. Notify the applicant of the results of the initial review, an estimate of the total cost of certification and name of the inspector assigned. Applicants who object to the inspector must notify PCO within 10 days of receipt of the notice or prior to inspection if the inspection is to take place within 10 days.

Following the on-site inspection, PCO shall within a reasonable time:

1. Provide the applicant with a copy of the on-site inspection report, as approved by PCO, for any on-site inspection performed; and
2. Provide the applicant with a copy of the test results for any samples taken by an inspector.

(c) Granting initial certification⁶

Within a reasonable time after completion of the initial on-site inspection, PCO will review the on-site inspection report, the results of any analyses for substances conducted, and any additional information requested from or supplied by the applicant. If PCO determines that the Organic System Plan and all procedures and activities of the applicant's operation are in compliance with PCO policies and procedures and that the applicant is able to conduct operations in accordance with the plan, PCO shall grant certification. The certification may include requirements for the correction of conditions and/or minor noncompliances within a specified time period as conditions of certification.

1. PCO will issue a certification report to the applicant to sign and return to PCO. The certification report contains notification of certification status, conditions, if any, and dates by which corrective actions must be made.
2. PCO may also issue a notification of noncompliance when the applicant is not in compliance with the National Organic Program regulations, if applicable. The notification of noncompliance shall provide:
 1. A description of each noncompliance;
 2. The facts upon which the notification of noncompliance is based;
 3. Whether an additional inspection or further testing may be required; and
 4. The date by which the applicant must rebut or correct each noncompliance and submit supporting documentation of each correction when correction is possible.

⁵ 7 CFR § 205.402 Review of application

⁶ 7 CFR § 205.404 Granting certification

3. PCO will issue a certificate of organic operation and organic product verification which specifies the:
 - Name and address of the certified operation;
 - Effective date of certification;
 - Categories of organic operation, including crops, wild crops, livestock, or processed products produced by the certified operation; and
 - PCO's name, address, and telephone number.
4. Once certified, a production or handling operation's organic certification continues in effect until surrendered by the organic operation or suspended or revoked by the certifying agent, the State organic program's governing State official, or the Administrator.

(d) Denial of certification for initial application⁷

When PCO has reason to believe, based on a review of the information specified in §205.402 or §205.404, that an applicant for certification is not able to comply or is not in compliance with the National Organic Program regulations, PCO must provide 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:

1. A description of each noncompliance;
2. The facts upon which the notification of noncompliance is based;
3. Whether an additional inspection or further testing may be required; and
4. The date by which the applicant must rebut or correct each noncompliance and submit supporting documentation of each correction when correction is possible.

Upon receipt of such notification of noncompliance, the applicant may:

1. Correct noncompliances and submit a description of the corrective actions taken with supporting documentation to PCO;
2. Correct noncompliances and submit a new application to another certifying agent: *Provided*, That, the applicant includes a complete application, the notification of noncompliance received from PCO, and a description of the corrective actions taken with supporting documentation; or
3. Submit written information to PCO to rebut the noncompliance described in the notification of noncompliance.

After issuance of a notification of noncompliance, PCO must:

1. Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal, conduct an on-site inspection if necessary, and
 - a) When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue the applicant an approval of certification pursuant to §205.404; or
 - b) 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.
2. Issue a written notice of denial of certification to an applicant who fails to respond to the notification of noncompliance.
3. Provide notice of approval or denial to the Administrator, pursuant to §205.501(a)(14).

⁷ 7 CFR § 205.405 Denial of certification

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

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

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 any certifying agent in accordance with §§ 205.401 and 205.405(e). When such applicant submits a new application to a certifying agent other than PCO, 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.

When PCO receives a new application for certification, which includes a notification of noncompliance or a notice of denial of certification, PCO must treat the application as a new application and begin a new application process pursuant to §205.402.

Notwithstanding §205.405(a), if PCO 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 pursuant to 7 CFR Part 205, PCO may deny certification pursuant to §205.405(c)(1)(ii) without first issuing a notification of noncompliance.

(e) Withdrawal of application for initial certification⁸

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

Refundable Fees:

- Notice of withdrawal received prior to the completion of the initial review: One half of all fees paid up to the date of withdrawal, excluding the application fee.
- Notice of withdrawal received after the completion of the initial review: No refund.
- Application fee is non-refundable, at any time.

Section 5.03 Continuation of certification

(a) Continuation of certification procedure

To continue certification, a certified operation must annually pay the certification fees and submit

⁸ 7 CFR § 205.402(c)

the following information, as applicable, to PCO:⁹

1. An updated organic production or handling system plan that includes a summary statement, supported by documentation, detailing any deviations from, changes to, modifications to, or other amendments made to the previous year's Organic System Plan during the previous year; and any additions or deletions to the previous year's Organic System Plan, intended to be undertaken in the coming year, detailed pursuant to §205.200 (Please note: Every five years, PCO requires a full Organic System Plan);
2. Any additions to or deletions from the information required pursuant to §205.401(b);
3. An update on the correction of minor noncompliances previously identified by PCO as requiring correction for continued certification; and
4. Other information as deemed necessary by PCO to determine compliance with the Act and the National Organic Program regulations.

Following receipt of the information required by §205.406(a), PCO shall notify the applicant of the results of the initial review, an estimate of the total cost of certification and the name of the inspector assigned. Applicants who object to the inspector must notify PCO within 10 days of receipt of the notice or prior to inspection if the inspection is to take place within 10 days. PCO will, within a reasonable time, arrange and conduct an on-site inspection of the certified operation pursuant to §205.403: *Except, That*, when it is impossible for PCO to conduct the annual on-site inspection following receipt of the certified operation's annual update of information, PCO may allow continuation of certification and issue an updated certificate of organic operation on the basis of the information submitted and the most recent on-site inspection conducted during the previous 12 months: *Provided, That*, the annual on-site inspection, required pursuant to § 205.403, is conducted within the first 6 months following the certified operation's scheduled date of annual update.

(b) Granting continued certification

If PCO determines that the certified operation is complying with the Act and the National Organic Program regulations, PCO informs the producer of the continued certification by issuing a certification report, a letter, and an updated organic product verification. If any of the information specified on the certificate of organic operation has changed (for instance, categories in which producer is certified), PCO must issue an updated certificate of organic operation pursuant to §205.404(b). Continued certification may be granted with conditions and/or minor noncompliances, in which case the certification report specifies these conditions to be corrected and gives a date by which they must be corrected. If the conditions are not met by deadlines, non-compliance proceedings may be initiated.

(c) Notification of non-compliance

If PCO has reason to believe, based on the on-site inspection and a review of the information specified in §205.404, that a certified operation is not complying with the requirements of the Act and the National Organic Program regulations, PCO shall provide a written notification of noncompliance to the operation in accordance with §205.662.

Such notification shall provide:¹⁰

⁹ 7 CFR § 205.406 Continuation of certification

¹⁰ 7 CFR § 205.662(a) Noncompliance procedure for certified operations; Notification.

1. A description of each noncompliance;
2. The facts upon which the notification of noncompliance is based;
3. Whether an additional inspection or further testing may be required; and
4. 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.

(d) Resolution¹¹

When a certified operation demonstrates that each noncompliance has been resolved, PCO or the State organic program's governing State official, as applicable, shall send the certified operation a written notification of noncompliance resolution. Continued certification is granted and if necessary, an updated certificate is issued.

(e) Proposed suspension or revocation¹²

When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, PCO or the State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state:

1. The reasons for the proposed suspension or revocation;
2. The proposed effective date of such suspension or revocation;
3. The impact of a suspension or revocation on future eligibility for certification; and
4. The right to request mediation pursuant to §205.663 or to file an appeal pursuant to §205.681.

(f) Willful violations¹³

Notwithstanding §205.662(a), if PCO or the State organic program's governing State official has reason to believe that a certified operation has willfully violated the Act or National Organic Program regulations, PCO or the State organic program's governing State official, 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.

(g) Suspension or revocation¹⁴

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, PCO or the State organic program's governing State official shall send the certified operation a written notification of suspension or revocation. A certifying agent or State organic program's governing State official must not send a notification of suspension or revocation to a certified operation that has requested mediation pursuant to §205.663 or filed an appeal pursuant to §205.681, while final

¹¹ 7 CFR § 205.662(b) Noncompliance procedure for certified operations; Resolution.

¹² 7 CFR § 205.662(c) Noncompliance procedure for certified operations; Proposed suspension or revocation.

¹³ 7 CFR § 205.662(d) Noncompliance procedure for certified operations; Willful violations.

¹⁴ 7 CFR § 205.662(e) Noncompliance procedure for certified operations; Suspension or revocation.

resolution of either is pending. A certified operation whose certification is suspended or revoked must not sell, label or represent product as “organic” or “organically produced” and must discontinue use of the PCO logo and/or the USDA seal during the period of suspension or revocation.

(h) Eligibility for certification after suspension or revocation¹⁵

1. A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations in this part.
2. A certified operation or a person responsibly connected with an operation whose certification has been revoked will be ineligible to receive certification for a period of 5 years following the date of such revocation, *Except*, that, the Secretary may, when in the best interest of the certification program, reduce or eliminate the period of ineligibility.

(i) Penalties for violations¹⁶

In addition to suspension or revocation, any certified operation that:

1. Knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than \$11,000 per violation.
2. Makes a false statement under the Act to the Secretary, a State organic program's governing State official, or a certifying agent shall be subject to the provisions of Section 1001 of Title 18, United States Code

Section 5.04 Categorization of Violations

Conditions of certification are requirements with which an operation must comply in order to maintain organic certification and to resolve minor non-violative issues. A condition of certification can become a noncompliance if not corrected in a timely fashion.

Minor noncompliances are those violations of the National Organic Program regulations that are correctable, do not affect the integrity of the organic system or the organic product and do not preclude the certification or continued certification of an otherwise qualified organic producer or handler. Timely correction of noncompliances is a condition of continued certification. Minor noncompliances can become major if not corrected in a timely fashion.

Major noncompliances are those which compromise the integrity of the organic system or the organic product and precludes the certification or continued certification of a producer or handler.

Section 5.05 Suspension vs. Revocation of certification

- **Suspension** is used when noncompliances are minor, inadvertent or may be corrected;
- **Revocation** is used when the noncompliances are major, deliberate, unable to be

¹⁵ 7 CFR § 205.662(f) Noncompliance procedure for certified operations; Eligibility.

¹⁶ 7 CFR§ 205.662(g) Noncompliance procedure for certified operations; Violations of Act.

corrected, or involve misrepresentation, criminal activity or fraud.

The certification staff will consider all the facts and take into account such mitigating factors as whether the operator was forthright and truthful in reporting the noncompliances, the volume of product involved, the number and severity of previous noncompliances, and the effects of the noncompliance on others. The certification director may request and consider the certification committee's recommendations before suspending or terminating certification.

(a) Notice of proposed suspension or revocation

When the client has failed to respond to or satisfactorily correct non-compliances, and all notices and reminders have been sent, PCO will make a determination of proposed suspension or revocation. A notification of proposed suspension or revocation will be sent via certified mail. If a notification of proposed suspension is used, the period of time for the suspension and the requirements for reinstatement will be included.

The client will have 30 days to respond in writing in one of the following ways:

1. Request mediation; or
2. File an appeal to the NOP Administrator.

If there is no response after 30 days, a notice of suspension or revocation will be sent to the client via certified mail. A copy will be sent to the NOP Administrator.

(b) Suspension of organic certification

When a noncompliance is minor, inadvertent, and can be corrected, PCO will send a notification of proposed suspension. The notification of proposed suspension will include the information required by §205.662(c). A period of time for the suspension will be given along with instructions the operation must follow in order to lift the suspension. If the operation fails to correct the noncompliance, resolve the issue through rebuttal or mediation, or file an appeal, a notice of suspension will be issued according to §205.662(e).

(c) Revocation of organic certification

When a noncompliance is major, deliberate, unable to be corrected, or involves intentional misrepresentation, criminal activity or fraud, PCO will send a notification of proposed revocation. The notification of proposed revocation will include the information required by §205.662(c). If the operation fails to correct the noncompliance, resolve the issue through rebuttal or mediation, or file an appeal, a notice of revocation will be issued according to §205.662(e).

Section 5.06 Communications with National Organic Program regarding noncompliances

PCO will submit to the NOP Administrator a copy of each of the following documents issued, simultaneously with its issuance:¹⁷

- Any notice of denial of certification issued pursuant to §205.405;

¹⁷ 7 CFR § 205.501(a)(15)(i) General requirements for accreditation.

- Notification of noncompliance(s);
- Notification of noncompliance correction(s);
- Notification of proposed suspension or revocation; and
- Notification of suspension or revocation sent pursuant to §205.662;
- Notification of rejection of mediation
- Notification of resolutions or reinstatement.

Section 5.07 Surrender of organic certification

Once an operation is certified, its certification continues until surrendered by the organic operation or suspended or revoked by the certifying agent, or the Administrator (§205.405).

An operation may voluntarily withdraw from the certification program by notifying PCO in writing at any time. A surrender of certification form is available from PCO. After voluntary withdrawal from the certification program, the operation is no longer authorized to sell certified organic products or use the PCO logo and/or USDA seal after the expiration date of its current organic product verification or the date it ceases to use organic practices, whichever is earliest. The operation may re-apply for certification at any time, by following the procedures for new applicants.

Depending on the time of withdrawal, a portion of fees paid may be refunded in accordance with PCO's fee policy.

Refundable Fees:

- Notice of surrender received prior to the completion of the initial review: One half of all fees paid up to the date of surrender, excluding the application fee.
- Notice of surrender received after the completion of the initial review: No refund.
- Application fee is non-refundable, at any time.

Section 5.08 Termination of organic certification

When an operation voluntarily surrenders its organic certification, PCO will send a letter confirming receipt of the notice of voluntary surrender and any refund due. The operation's organic certification will be terminated.

Section 5.09 Review by certification committee

The certification committee shall review:

1. Applications with which the certification staff has a conflict of interest;
2. Certification reports that contain major non-compliances, upon request by the certification director;
3. Certification files that involve a situation which requires discussion or decisions prior to determination of certification status, upon request by the certification director;
4. Applications from staff, board members, inspectors and immediate family members of any of these people; and
5. Suspensions and revocations.
6. Rebuttals to certification decisions made by the certification review team. (See PCO policy 5.11)

After reviewing the applications, reports or requests, the certification committee will make a recommendation to the PCO certification director. A copy of the committee's recommendation will be forwarded to the applicant, along with the relevant correspondence.

Section 5.10 Extensions and revisions to certification

If the certification process is not completed by the annual renewal date and the delay is not caused either directly or indirectly by the applicant, PCO will issue a new organic product verification prior to the expiration date of the current organic product verification. If the delay is caused by the applicant and is not the fault of PCO, the applicant may still receive a new organic product verification prior to the expiration date of the current organic product verification, but the applicant will be assessed a late fee.

If the applicant wishes to certify additional crops, livestock, products, facilities or acreage after the operation has had its annual inspection, additional information must be submitted to PCO along with the appropriate fee. PCO will notify the applicant of the status of the requested revision. The producer must not sell, label or represent any product as "organic" or "made with organic" until approved by PCO. A fee for a revised certificate or additional inspection will be charged. See Part 5: Certification Policies and Procedures. Additional information required varies by type of operation as follows:

(a) Processed products made in a certified organic facility

Submit a letter requesting the change, an explanation of the manufacturing process, the product profile, copies of organic certificates and GMO status for ingredients, and sample of label/packaging.

(b) Processed products made in a facility not inspected by an approved certifier

An additional inspection may be required. Send the same information listed above for processed products. In addition, include information about the new facility. PCO will then send processor a fee determination and application forms required.

(c) Crops

Submit type of crop, field number, planting and/or harvest date, plus reason it was not included in your Organic System Plan or update.

(d) Livestock

Submit type of livestock, quantity, certificate, date purchased, housing and pasture information. The certification director will determine whether an additional inspection is required.

(e) New acreage or location

Submit a letter with description and directions, map of acreage, adjoining land-use information, and prior land-use information. An additional inspection is required prior to harvest or use as pasture for organic livestock.

(f) Deleting acreage or type of certification

Submit a request in writing to delete acreage, location, products or livestock from your certification, as well as your reason for the request. PCO will make changes needed to your certificate and/or organic product verification and charge applicable fee.

Section 5.11 Rebuttals, Mediation and Appeals

If you disagree with a certification decision, you have several options for expressing your disagreement and seeking a reconsideration of your situation, depending on your stage in the certification process. The procedures for these options—(a) rebuttal, (b) request for mediation, or (c) appeal to the NOP—are detailed in this section.

PCO Document Received	Procedure to Use
If you have received this type of PCO document...	You may request reconsideration of certification decisions in the document through...
Notification of Noncompliance	Rebuttal
Denial of Certification	Mediation or Appeal
Notice of Proposed Suspension of Certification	Mediation or Appeal
Notice of Proposed Revocation of Certification	Mediation or Appeal

(a) Rebuttal Procedures

If you disagree with a certification decision communicated in a notification of noncompliance, you may write to us and let us know why. This is called a “rebuttal.” The National Organic Program regulations require that applicants for certification and certified clients who are issued notifications of noncompliance have the opportunity to rebut the decision. (7 CFR §205.405(b)(3) and §205.662(a) and (b)).

When PCO notifies a certified client or applicant of a noncompliance, the written notification establishes a date by which the certified operation must correct each noncompliance or rebut the noncompliance.

If the client disagrees with PCO’s decision, the rebuttal must be submitted in writing to PCO within the specified timeframe and must provide reasoning for why the applicant or client believes the condition or noncompliance to be invalid. Written rebuttals may be submitted in person, by mail, fax, or email. Include any supporting documents or relevant information.

PCO will reply to the client in writing confirming receipt of the rebuttal. Within 30 days of receipt of the rebuttal, the Certification Review Team will consider the rebuttal and reply to the client or applicant in writing. If the client or applicant disagrees with the Certification Review Team decision, he/she may request a review by the Certification Committee by sending a written request to PCO within 15 days, c/o Certification Committee Coordinator. The Certification Committee will review the request, make a decision, and communicate that decision in writing to the client or applicant within 30 days of receiving the request.

If the Certification Review Team and/or Certification Committee agrees with PCO's original decision on certification, the client will receive a written notice in response to the rebuttal that will give a deadline by which you may respond with corrective actions, request mediation or file an appeal. The stated deadline will allow the required 30 days for filing an appeal.

If the Certification Review Team and/or Certification Committee agrees wholly with your position (or agrees in part), the client will receive a letter informing him or her that the issue is considered resolved and that PCO may proceed with the certification process. (When the Certification Review Team and/or Certification Committee agrees only in part, you will also receive a notice as described in the previous paragraph for the part with which they disagree.)

PCO is not permitted to issue a Notification of Proposed Suspension or Revocation if the rebuttal is pending (in other words, if the time periods allowed for response have not passed, or if a certified operation has requested mediation pursuant to §205.663 or an appeal pursuant to §205.681).

(b) Mediation Procedures

When an applicant is denied certification or a certified client is sent a proposed suspension or revocation of certification, the applicant or certified client may request a review of PCO's decision through mediation (under §205.663). The request for mediation must be made in writing to PCO and must provide reasoning for why the client or applicant disagrees with the denial, suspension or revocation. Such a request must be received in the PCO office (along with any supporting documents or relevant information) within 15 days after the date on the Notice of Proposed Suspension or Revocation.

PCO may accept or reject the request for mediation. PCO will consider the applicant/client's reasoning when determining whether to accept mediation, as well as other factors such as whether the noncompliance was a noncorrectable noncompliance, a willful violation of the rule, or a financial dispute. PCO will notify the client of its decision within 30 days of receiving the request.

If PCO rejects the request for mediation, it will provide written notification that also advises the applicant or certified operation of its right to request an appeal with the State organic program (if applicable) or NOP (§205.681) within 30 days of the date of the written notification of rejection of request for mediation.

The decision to accept or reject a request for mediation is final.

If PCO accepts the request for mediation, the mediation will be conducted by a qualified mediator mutually agreed upon by PCO and the applicant or certified operation. The applicant or certified operation will assume all costs incurred by the mediation procedures.

The parties to the mediation shall have no more than 30 days to agree on a mediator and 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 the certifying agent's decision pursuant to §205.681.

Any agreement reached during or as a result of the mediation process must be in compliance with the Act and these regulations. The Secretary may review any mediated agreement for conformity

to the Act and these regulations and may reject any agreement or provision not in conformance with the Act or these regulations (§205.663).

(c) Appeals

An applicant for certification may appeal a certifying agent's notice of denial of certification, and a certified operation may appeal a certifying agent's notification of proposed suspension or revocation of certification to the Administrator, *Except*, That, when the applicant or certified operation is subject to an approved State organic program the appeal must be made to the State organic program which will carry out the appeal pursuant to the State organic program's appeal procedures approved by the Secretary.¹⁸

1. If the Administrator or State organic program sustains a certification applicant's or certified operation's appeal of a certifying agent's decision, the applicant will be issued organic 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 the affected certifying agent.
2. If the Administrator or State organic program denies an appeal, a formal administrative proceeding will be initiated to deny, suspend, or revoke the certification. Such proceeding shall be conducted pursuant to the U.S. Department of Agriculture's Uniform Rules of Practice or the State organic program's rules of procedure.

Filing period. An appeal of a noncompliance decision must be filed within the time period provided in the letter of notification or within 30 days from receipt of the notification, whichever occurs later. The appeal will be considered "filed" on the date received by the Administrator or by the State organic program. A decision to deny, suspend, or revoke certification will become final and non-appealable unless the decision is appealed in a timely manner.

Where and what to file.

1. Appeals to the Administrator must be filed in writing and addressed to Administrator.
2. Appeals to the State organic program must be filed in writing to the address and person identified in the letter of notification.
3. All appeals must include a copy of the adverse decision and a statement of the appellant's reasons for believing that the decision was not proper or made in accordance with applicable program regulations, policies, or procedures.

For information on resolving disputes that do not involve certification status, see Part 14: Complaints and Disputes.

¹⁸ 7 CFR §205.681 Appeals

PART 6. INSPECTION AND TESTING

Section 6.01 On-site inspections

1. PCO must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested. An on-site inspection shall be conducted annually thereafter for each certified operation that produces or handles organic products for the purpose of determining whether the certification of the operation should continue.¹⁹
2. PCO may conduct additional on-site inspections of applicants for certification and certified operations as required to determine compliance with the Act and 7 CFR Part 205.
3. The Administrator or State organic program's governing State official may require that additional inspections be performed by PCO for the purpose of determining compliance with the Act and 7 CFR Part 205.
4. Additional inspections may be announced or unannounced at the discretion of PCO or as required by the Administrator or State organic program's governing State official.

Section 6.02 Scheduling inspections

The initial on-site inspection must be conducted within a reasonable time following a determination that the applicant appears to comply or may be able to comply with the requirements of 7 CFR Part 205, subpart C: Except, That, the initial inspection may be delayed for up to 6 months to comply with the requirement that the inspection be conducted when the land, facilities, and activities that demonstrate compliance or capacity to comply can be observed.²⁰

All on-site inspection must be conducted when an authorized representative of the operation who is knowledgeable about the operation is present and at a time when land, facilities, and activities that demonstrate the operation's compliance with or capability to comply with the applicable provisions of 7 CR Part 205, subpart C can be observed, except that is requirement does not apply to unannounced on-site inspections.

Section 6.03 Verification of information during inspection

The purpose of the on-site inspection of an operation is to verify:

1. The operation's compliance or capability to comply with the Act and the regulations in 7 CFR Part 205;
2. That the information, including the organic production or handling system plan, provided in accordance with §205.401, §205.406 and §205.201, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation;
3. That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of PCO, may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples.

¹⁹ 7 CFR § 205.403(a) On-site inspections

²⁰ 7 CFR § 205.403(c) On-site inspections; Verification of information

Section 6.04 Exit interview

The inspector will conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern.²¹

Section 6.05 Documents provided to the inspected operation

At the time of inspection, the inspector shall provide the operation's authorized representative with a receipt for any samples taken by the inspector. There shall be no charge to the inspector for the samples taken. A copy of the on-site inspection report and any test results will be sent to the inspected operation by PCO.²²

Section 6.06 Inspection report

After the applicant's operation is inspected, the inspector forwards an inspection report to the PCO office for review. The inspector's job is to report on compliance with organic standards based on the application and his or her examination of the farm or processing facility and record-keeping system. The inspector does not make the decision on whether the applicant will be certified by PCO.

Section 6.07 Confidentiality during inspections

Inspectors must abide by the confidentiality policies and procedures described in Part 14: Confidentiality.

Section 6.08 Unannounced Inspections

PCO shall conduct unannounced inspection on an annual basis from a minimum of five percent of the operations it certifies. The operations selected for unannounced inspections each year will be distributed across all scopes and will be weighted based on the percent of operations that PCO certifies to that scope. PCO may conduct an unannounced inspection of an operation in the following situations which include but are not limited to:

- to investigate a complaint
- to investigate an identified risk to organic integrity (may include previous non-compliance issues, organic and non-organic handling, risk of contamination from adjoining land use, or complexity of operation)
- random
- when directed to do so by the Administrator
- any other situation deemed necessary to determine compliance

Unannounced inspection may be limited in scope, depth, and breadth, and may cover only certain

²¹ 7 CFR § 205.403(d) On-site inspections; Exit interview

²² 7 CFR § 205.403(e) On-site inspections; Documents to the inspected operation

aspects of the operation, such as specific fields, facilities, or products. PCO will provide instructions to the inspector regarding which portion(s) of the operation must be inspected during an unannounced inspection and inspector will complete inspection report based on instructions from PCO. If an authorized representative is present, and Exit Interview must be conducted. Residue testing may occur during an unannounced inspection and may count toward PCO's required number of samples, provided that the inspector reviews some aspects of the operation besides collecting samples. Unannounced inspections may fulfill the requirement for annual on-site inspections required by section 205.403 only if the inspector is able to conduct a full inspection of the operation as required by this section.

Advanced notice must not be given to the operation, except if there are extenuating circumstances, the inspector may notify the operation up to 4 hours prior to arriving on-site to ensure that appropriate representatives are present.

Inspectors may enter the operation's property with explicit permission of the operation. Inspectors must not trespass or break any laws.

Operators will be charged inspection fees according to the current fees schedule, for both announced and unannounced inspections. PCO may use discretion to determine cases when operator is not charged inspection fees, such as a brief and targeted unannounced inspection.

Section 6.09 Investigation of certified operations²³

PCO has the right and duty to investigate complaints of PCO-certified operations' noncompliance with the Act or regulations of 7 CFR Part 205. Likewise, a State official may investigate such complaints. Investigation may include unannounced inspections or testing.

Section 6.10 Inspection and testing of agricultural product

Certified organic production or handling operations must make accessible for examination by the Administrator, the applicable State organic program's governing State official, or the certifying agent 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))."²⁴

PCO shall conduct periodic residue testing of agricultural products on an annual basis from a minimum of five percent of the operations it certifies. PCO may require pre-harvest or post-harvest sampling to test for the presence of prohibited substance or use of excluded methods including but not limited to contamination by heavy metals, herbicides, pesticides, hydrocarbons, genetically modified organisms, hormones, and antibiotics. Samples may include the collection and testing of soil; water; waste; seeds; plant tissue; and processed product samples. Cost directly associated with sample collection and testing shall be covered by PCO.

²³ 7 CFR § 205.661(a) and (b) Investigation of certified operations

²⁴ 7 CFR § 205.670 Inspection and testing of agricultural products to be sold or labeled "organic"

PCO may conduct sample collection and residue testing on an operation in the following situations, which include but are not limited to:

- Random selection
- When directed to do so by the Administrator
- When it is suspected that a prohibited substance has been applied or has been produced using excluded methods
- To investigate a complaint, the practices of a certified operation or an applicant for certification
- To investigate an identified risk to organic integrity
- Any other situation deemed necessary to determine compliance

The certification program director will determine if and when residue testing is required and arrangements will be made for a qualified inspector to obtain a sample of materials in question and forward to a qualified 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.

Results of all analyses and tests performed under this section:

- 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 the applicable certifying party that requested testing; and
- Will be available for public access, unless the testing is part of an ongoing compliance investigation; and
- Will be provided to the certified operation.

If the 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, PCO must promptly report such data to the Federal health agency whose regulatory tolerance or action level has been exceeded.

Section 6.11 Exclusion from organic sale

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 the certifying agent may conduct an investigation of the certified operation to determine the cause of the prohibited substance.²⁵

When a prohibited substance is applied to a certified operation due to a Federal or State emergency pest or disease treatment program, and the certified operation otherwise meets the certification requirements, the certification status of the operation is not affected by the application

²⁵ 7 CFR § 205.671 Exclusion from organic sale

of the prohibited substance, but organic product that has had contact with the prohibited substance cannot be sold, labeled, or represented as organically produced. This applies to any harvested crop or plant part, as well as any livestock treated with a prohibited substance or product derived from such livestock. Exceptions to this prohibition include: 1) milk or milk products may be sold, labeled or represented as organically produced beginning 12 months following the last date that the dairy animal was treated with the prohibited substance and 2) the offspring of gestating mammalian breeder stock treated with a prohibited substance may be considered organic, provided that the breeder stock was not in the last third of gestation on the date that the breeder stock was treated with the prohibited substance.²⁶

PART 7. LABELING

Section 7.01 General requirements

Products labeled as “100 percent organic,” “organic” or “made with organic . . .” must identify the certifying agent on the label, preceded by the words “Certified organic by,” or similar phrase. For additional information regarding the labeling of organic products, please see National Organic Program regulations, subpart D.²⁷

Section 7.02 Use of PCO name and logo

All operations certified by PCO may use the PCO name and logo in advertising/marketing information and on packaging, with prior approval from the PCO office. Copies of labels must be included with the application and must be approved by PCO prior to use. Operations must discontinue the use of the PCO name and logo upon suspension, revocation or surrendering of certification.

Section 7.03 PCO private labeling policy

All companies using the Pennsylvania Certified Organic (or PCO) name or logo must be PCO certified. In certain limited situations, however, PCO may authorize a PCO-certified company to provide a private label service to a non-PCO-certified company, allowing the use of the PCO name or logo seal on a label representing the non-PCO-certified company’s brand.

A PCO-certified company seeking to enter into such an arrangement must initiate and be responsible for all aspects of the private label situation and will be held legally responsible for the private label entity and product of the private label entity, in matters regarding organic certification.

(a) Procedure for private label arrangement

A PCO-certified company must submit to PCO, in writing, an application for each private label

²⁶ 7 CFR § 205.672 Emergency pest or disease treatment

²⁷ §205.303(b)(2); 205.304(b)(2).

arrangement providing the following information:

- A clear statement of the details of the private label arrangement, including effective time period.
- Name of the private label company for which the private label arrangement is being requested.
- The name of the person or company legally responsible for the product (also must be identified on the label and on the organic product profile sheet).
- A list of the products that will carry the PCO name or logo under the private label arrangement and an organic product profile sheet for each, including labels for all products.
- Estimated quantity of the product that will carry the PCO name or logo under the private label arrangement.
- Name of the person in the PCO-certified company who will be responsible for all necessary communications and representations of the private label product.
- Explanation of the complete audit trail (including labels in compliance with all labeling standards) to be established and maintained by the PCO-certified company (the audit trail records will be reviewed annually by a PCO inspector).
- A statement attesting to the legal responsibility of the PCO-certified company for all activity involving the use of the PCO seal, product representation of the private company, and collection/payment of the fees for the private-label company signed by both companies.
- A statement from the private-label company permitting PCO to inspect their premises and records relevant to the PCO-certified product(s).

No product can be sold under the private label arrangement until the above information has been submitted to and approved by PCO in writing.

(b) Cost of private label arrangement

The PCO-certified processor will pay the usual certification fee and inspection costs for certification of their operation, plus an additional administrative fee for each private label arrangement request submitted to PCO.

Section 7.04 Use of all other certification logos, seals and marks

PCO operations may use the logo, seals and/or marks of the certification program they are certified to in accordance with the applicable standard.

PART 8. CERTIFYING AGENTS

Section 8.01 Certifying agents accredited by the National Organic Program

PCO-certified producers may purchase certified organic agricultural products for use in their

organic systems from producers who are certified either by PCO or another certifier that is accredited by the USDA. The list of NOP accredited certifiers is available at www.ams.usda.gov/nop.

Section 8.02 Certifying agents not accredited by the USDA

All products and ingredients labeled as “organic” must be certified by USDA-accredited certifying agents, or those accepted through equivalency arrangements. PCO must accept the certification decisions made by another certifying agent accredited or accepted by the USDA based solely on evidence of certification, such as presentation of a certificate.

PCO must perform due diligence on all certifications issued to ensure that certified operations comply with the National Organic Program regulations. If inspection reports and/or other certification documents originate from a non-accredited certifier, it is possible for PCO to accept such work, provided that compliance with all National Organic Standard requirements is documented and verified. In such instances, the non-accredited certifier would be a subcontractor, much the same as a subcontracted inspector. PCO will maintain records of the training and expertise of the subcontractor. A compliant Organic System Plan would need to be filed. All certification documents must verify compliance with the National Organic Program regulations. PCO will take full responsibility for all certification decisions.

Administrative fees would apply for conducting this service.

PART 9. REQUIREMENTS FOR EXPORT OF U.S ORGANIC RAW AND PROCESSED AGRICULTURAL PRODUCTS

PCO participates in several programs that relate to international organic sales. Several of PCO’s international affiliations allow PCO-certified producers to sell their organic products in other countries.

Section 9.01 EU-US Determination of Equivalency

The USDA and the European Union entered into an Equivalency Arrangement that became effective on June 1, 2012. Organic products certified in Europe or in the United States may be sold as organic in either region.

For retail products, labels or stickers must state the name of the US or EU certifying agent and may use the USDA organic seal or the EU organic logo. Exported products must meet the labeling requirements in the destination country. Wholesale products only require lots numbers.

For operators requesting to export raw and processed products to EU countries, the following items must be verified:

- Crops are not produced using antibiotics (streptomycin and tetracycline for fire blight control in apples and pears)

PCO must complete an EU import certificate for all each product to verify that the terms of the trade partnership were met.

Section 9.02 Canada-US Determination of Equivalency

The USDA and Canada Food Inspection Agency entered into an Equivalence Arrangement on June 17, 2009, the eve of Canada's implementation of the Canada Organic Product Regulation Standards. Under a determination of equivalence, producers and processors that are certified to the National Organic Program (NOP) standards by a U.S. Department of Agriculture accredited certifying agent do not have to become certified to the Canada Organic Product Regulation (COPR) standards in order for their products to be represented as organic in Canada. Likewise, Canadian organic products certified to COPR standards may be sold or labeled in the United States as organically produced. Both the USDA Organic seal and the Canada Organic Biologique logo may be used on certified products from both countries.

For operators requesting to export raw and processed products to Canada, the following items must be verified:

- Agricultural products produced with the use of sodium nitrate (Chilean nitrate) shall not be sold or marketed as organic in Canada.
- Agricultural products produced by hydroponic or aeroponic production methods shall not be sold or marketed as organic in Canada
- Agricultural products derived from animals (with the exception of ruminants) must be produced according to livestock stocking rates as set out in Part 6.8 of the COPR standards (See Appendix 1).

The following items must be reviewed in regards to labeling products to be exported to Canada:

- The COR program does not include the "100% Organic" category, therefore products labeled for Canadian export must not be labeled "100% Organic".
- Part 3, 21 of the Organic Products Regulations, 2009 (OPR) states, "Any claim or statement referred to in Part 3.24 and 25 of the COPR standards (See Appendix 1) shall appear on the label of an organic product in English and in French or in one of those languages if, in accordance with subsection Section B.01.012(3), (7) or (11) of the Canadian Food and Drug Regulations (See Appendix 1), the information that is required by those Regulations to be shown on the label of the food may be shown in that language only." Therefore all retail labels intended for Canadian export must be bilingual, except that name and place of business of the product manufacturer and common names listed in Section B.01.012(10) of the Canadian Food and Drug Regulations (See Appendix 1) are required to be in only one official language.

The Canadian Organic Office and NOP have agreed that the following statement should accompany products that are produced under the terms of the arrangement, "Certified in compliance with the terms of the US-Canada Organic Equivalency Arrangement." This statement is a requirement so that products crossing the borders are verified to meet the terms of the US-

Canada Equivalency and must appear on documentation travelling with the shipment. The attestation may be included on the organic certificate, a transaction certificate, statement on bill of lading, purchase order, or any other affirmative attestation. The operator may provide this attestation or may request that PCO does so.

Section 9.03 Japan-US Determination of Equivalency

The USDA and Japan entered into an Equivalency Arrangement that became effective on January 1, 2014. Under this arrangement, all certified organic products that are produced in the U.S. and Japan, or which have final processing, packaging, or labeling in the U.S. or Japan, may be sold as organic in either country. The arrangement covers plants (including fungi) and plant-based products (including processed foods of plant origin, such as grape juice or corn meal).

In order to access the Japan market, products certified to the USDA organic regulations must either be grown or produced in the U.S, or have had their final processing or packaging (including final labeling) in the U.S.

(a) Requirements for Plants and Plant-Based Products (JAS-eligible)

Products must comply with the Japanese Ministry of Agriculture, Forestry and Fisheries (MAFF) requirements for the use of the JAS seal and with applicable NOP requirements for use of the USDA seal:

- Organic products- Products certified as “organic” in the U.S. and meet the terms of the arrangement listed above may be sold as “organic” in Japan. Plants, including fungi, and plant-based processed product labels must include the JAS organic seal and may also include the USDA organic seal.
- 100% organic products- Japan does not have a labeling category for 100% organic products. Products meeting the terms of the arrangement listed above may be labeled “organic” in Japan. Plants, including fungi, and plant-based processed product labels must include the JAS organic seal and may also include the USDA organic seal.
- “Made with” organic products- Japan does not have a labeling category for “made with” organic products. Only products with 95% or more organic content may be labeled as organic in Japan.
- Uncertified organic products- Products that haven’t been certified organic may not be traded under this partnership.

A TM-11 export certificate is required to accompany these products exported to Japan.

(b) Requirements for Other Products (not JAS-eligible)

Products that are not covered by the Japan Agricultural Standards (e.g., meat, dairy, honey, textiles) must comply with USDA regulations, including labeling requirements for the use of the USDA organic seal.

These products may not use the JAS seal, but may display the USDA organic seal if compliant with USDA organic labeling requirements. These products may be labeled with the word “organic” in English or Japanese.

An export certificate is not required.

(c) Requirements for Alcohol

Alcohol products certified to the USDA organic standards may be exported to Japan. The alcoholic beverage may display the USDA organic seal if it is compliant with USDA organic labeling requirements.

These products must be accompanied by an export certificate (a TM-11 export certificate is sufficient) which contains the following information:

- Name of the certified alcoholic beverage
- Name and address of the certified organic farm or brewery
- Certificate number and date
- Name and address of operator
- Country of origin
- Name and address of the organic certifying agent

Section 9.04 Korea-US Determination of Equivalency

The USDA and Korea entered into an Equivalency Arrangement that became effective on July 1, 2014. Under this arrangement, processed organic products certified in Korea or in the U.S. may be sold as organic in either country. The arrangement covers products which:

- Are certified to the USDA or Korean organic regulations
- Are “processed products” as defined by the Korean Food Code
- *U.S. products*: do not contain apples or pears produced with the use of antibiotics
- *Korean products*: do not contain livestock products produced with the use of antibiotics

The arrangement allows both countries to check imported organic products to verify that residues of prohibited substances and methods aren’t present in the final product. If such residues are detected, the organic label may need to be removed.

Processed products certified as “organic” in the U.S. that meet the terms of the arrangement listed above may be sold as “organic” in Korea. These products must be labeled according to Korea’s Ministry of Agriculture, Food and Rural Affairs (MAFRA) organic labeling requirements, and may display the Korean and/or USDA organic seal. Additional guidance for organic labeling categories is provided below:

- Organic products — Products certified as “organic” in the U.S. and meet the terms of the arrangement listed above may be sold as “organic” in Korea. Products may include the Korean and/or USDA organic seal.

- 100 percent organic products — Korea doesn't have a labeling category for 100 percent organic products. Products meeting the terms of the arrangement listed above may be labeled "organic" and include the Korean and/or USDA organic seal.
- "Made with" organic products — Korea doesn't have a labeling category for "Made with" organic products. Products must contain 95 percent organic content. Additionally, products not covered under the arrangement cannot have individual organic ingredients identified as organic in the ingredient statement.

Products exported to Korea under the arrangement must be accompanied by an organic import certificate: NAQS Import Certificate of Organic Processed Foods. PCO-certified operators should inform PCO that they wish to ship products to Korea, and PCO will complete the form and return it to the operator for inclusion with their shipment of organic products.

Products that are not covered under the arrangement, such as fresh cherries or broccoli, need to be certified to the Korean organic standards.

Section 9.05 Switzerland-US Determination of Equivalency

The USDA and Switzerland entered into an Equivalency Arrangement that became effective on July 10, 2015. Under this arrangement, certified organic products of the United States and Switzerland can be represented as organic in either country.

All organic product traded under the arrangement must:

1. Be certified organic to U.S. Department of Agriculture (USDA) or Swiss organic regulations;
2. Have their final processing or packaging occur in the United States or Switzerland;
3. For Swiss products being imported to the United States, not contain livestock products or any ingredient used in such products, produced with the use of antibiotics.
4. For any wine product, be produced and labeled according to the Switzerland Federal Department of Economic Affairs, Education and Research (EAER) Ordinances on Organic Farming and the Labeling of Organically Produced Products and Foodstuffs (910.18) and Organic Farming of 22 September 1997 (910.181) and its regulations (Swiss Organic Ordinances).

Products being imported into either country must comply with the importing country's labeling requirements.

The accredited certifying agent of the certified operation exporting product under this arrangement, must complete an import certificate for all products traded under the arrangement. Certifying agents must provide the signed import certificate to the certified operation so that it may travel with the product.

Section 9.05 Export arrangements and export certificates

To facilitate overseas trade of organic agricultural products, the USDA has instituted export arrangements that establish foreign-government recognition of NOP-accredited certification programs. Export arrangement with certain countries may require the prohibition of certain practices or substances that are allowed under the NOP. The NOP's export arrangements provides official recognition that products certified organic by NOP-accredited certifying agencies and may be labeled or represented in the following countries as organic.

PCO has sought and received authorization from the USDA to issue export certificates for export to Taiwan.

Requirements for export of U.S. organic raw and processed agricultural products to Taiwan

Certified operators with product intended for shipment to Taiwan under NOP's export arrangements with Taiwan must be verified to comply with the following:

- Processed products and crops must have been processed and/or produced using zero prohibited substances.
- Livestock and/or livestock products must be managed and produced without the use of systemic pain killers or analgesics, including the use of Lidocaine or Procaine.
- TM-11 certificates issued for products exported to Taiwan can only be for products that can carry the USDA Organic Seal.

A client needing verification that his/her products meet the requirements of an export arrangement must first submit an application for verification to PCO. The application will describe each item for which additional verification is being sought. If the request is submitted after the certification or update process has been started or completed, the client may be required to undergo additional inspections or submit additional information in order to verify the requested items.

Once an operation has been verified to meet the requirements of an export arrangement, the client will be issued an export certificate by providing in writing the information required by the TM-11 Export Certificate (details available from the PCO office). Once all necessary information is obtained, PCO issues an export certificate, which then accompanies the product to its destination.

Section 9.06 Transaction Certificates for Other Foreign Countries

If required by a foreign country a client may request a transaction certificate from PCO.

Upon request PCO will issue a transaction certificate to our certified operators for product intended for shipment to foreign countries.

PART 10. CERTIFICATION OF GROUP OPERATIONS

Group operations (also called grower groups or multi-site operations) are operations with multiple production units, sites, or facilities that operate under a single organic system plan and are certified as one entity. The Organic Foods Production Act and the USDA National Organic Program authorize certification of groups operations based on their organic system plan, a strong internal control system, and other oversight provided by certifying agents.

The eligibility of an operation to apply for certification as a group shall be determined by PCO in accordance with the criteria in this part. Group operations must comply with all provisions within this manual.

For the purposes of this part, the following terms have been defined:

Production Unit: A group member is considered to be a “production unit” if the member collects products from other group members and/or performs any processing and/or handling activities, including post-harvest handling, on such products. A production unit can also be a collection of sub-units without being an additional physical location. Each production unit and its associated sub-units share common geographic proximity, production practices, and products. Production units are generally the headquarters or common regional handling or collection facility for its associated sub-units. Production units are the smallest measurement unit of the group operation that must be inspected by PCO every year. Example(s) of a production unit: A post-harvest washing and packaging facility for crops collected from many farms in the area.

Sub-Unit: A group member is considered to be a “sub-unit” if the member produces organic product and does not handle any product from any other group members. Sub-units are generally the individual farm or facility where organic products are grown or raised. A meaningful sample of sub-units are inspected by PCO annually. Example(s) of a sub-unit: A farm where crop is grown and sent off-site to the production unit for packaging.

Internal Control System: A written quality assurance system included in a master organic system plan that sets forth the practice standards, recordkeeping and audit trail requirements applicable at each production unit, facility or site and that identifies the internal verification methods used.

Group Member: A production unit or sub-unit within a group operation.

Section 10.1 Eligibility of Group Operations

- a. **Legal Status:** The group operation may be a cooperative, association, or similar legal entity and must comply with PCO policy for Legal Status of Certified Operations.
- b. **Organizational Structure:** The group must be managed under one central administration that is uniform and consistent.
- c. **Composition of Group:** Participation in the group is limited to those group members who market their organic production only through the group, unless the member is individually certified.
- d. **Production Practices of Group:**
 - i. The practices of the group operation must be uniform and reflect a consistent process or methodology (using same inputs/process).
 - ii. The group operation must utilize a centralized processing, distribution, marketing facilities and systems.
- e. **Production Practices of Group Members:** All members or sub-units within a production unit must, as applicable to the group, the geographic location, and the type(s) of product being produced:

- i. Produce the same type of product(s)
 - ii. Utilize consistent recordkeeping protocols. It is not acceptable that individual production units, sites, or facilities differ in their methodology of recordkeeping.
 - iii. Be unified by a shared training regimen
 - iv. Operate together under the same section of the group operation's organic system plan, including inputs used, fertility management and pest control practices, livestock feeding and health care practices, and record keeping and audit trail systems.
 - v. Share a common input supply
 - vi. Share common personnel responsible for managing operations, providing extension services, monitoring and enforcing the functioning of the Internal Control System
 - vii. Use a single post-harvest processing system
 - viii. Be located within geographic proximity, as defined by access to the same collection or post-harvest handling or processing facility, and/or common soils, water source, slope, topography or other physical features
- f. **Internal Control System:** Must have an establish Internal Control System (ICS) that meets PCO policy (see below).

Section 10.2 Internal Control System Requirements

- a. **Responsibilities:** The group operation must establish a written Internal Control System (ICS) that sets forth the practice standards, recordkeeping and audit trail requirements applicable at each production unit, facility or site and that identifies the internal verification methods used to ensure compliance with NOP regulations. The ICS must
- i. Maintain sufficient oversight to ensure that all members are consistently following the organic system plan.
 - ii. Ensure that all members understand the NOP regulations and how they apply to their specific operations.
 - iii. Conduct on-site surveillance inspections of 100% of group members annually
 - iv. Issue sanctions to group members that do not comply with the ICS procedures, the group's organic system plan and/or the organic regulations.
- b. **Personnel:** Qualified staff must administer the ICS within a group operation, and may include a director, internal inspectors, and an internal evaluation committee. ICS personnel should possess the following qualifications:
- i. Be fluent in the local language and dialect of the group members
 - ii. Possess the ability to read and write and report in the chosen ICS language

- iii. Be well versed in the NOP regulations, especially in the sections of the regulations that relate to the sub-units and members, sites or facilities that they review
- iv. Be familiar with the local agricultural production systems
- v. Be familiar with the principles and practice of organic agriculture
- vi. Be familiar with the principles and practices of organic post-harvest handling
- vii. Be able to demonstrate competence in internal control procedures and an understanding of the internal regulations

ICS personnel must mitigate potential conflicts of interest by receiving contractual (in writing) assurances that under no circumstance are they to be admonished in any way because they have detected and reported a noncompliance. ICS personnel must also disclose in writing any potential conflicts in advance of surveillance and review.

- c. **Documentation (Procedures Manual):** The ICS must be documented. All procedures used by ICS personnel to ensure compliance of the group must be submitted to PCO as parts of the group's organic system plan, continuously maintained and made available at inspection. The written ICS manual must describe the following:
 - i. **Responsibilities of group members**, including (but not limited to) the commitment to follow the terms of the organic system plan and comply with ICS policies and organic regulations, and agreement to allow on-site inspections by the ICS.
 - ii. **New member induction (including any new land/animal/facility)**, including (but not limited to) what documentation is required from the member and how the member is inspected, reviewed, and included in the group.
 - iii. **Surveillance procedures**, including (but not limited to) how inspections are conducted, documented, reported, and reviewed by ICS personnel.
 - iv. **Sanction procedures**, including (but not limited to) how noncompliance are documented, communicated to member, and the corresponding actions that may be taken resolve most common minor or major issues (e.g. inadequate recordkeeping, use of unapproved material).
 - v. **Communication with members**, including how ICS informs members of changes to the organic system plan and organic regulations and other policy information from PCO.
- d. **Recordkeeping:** ICS personnel must maintain appropriate records to demonstrate the ability of the ICS to operate as described in the its procedures, including at least:
 - i. List of members including their names, locations, and description of the production unit or sub-unit
 - ii. Organizational chart of ICS personnel with description of roles and responsibilities for each staff member
 - iii. Signed contractual agreements with each individual member

- iv. Surveillance inspection and review reports
 - v. Sanction notifications and corrective actions
 - vi. Record of trainings and attendance for group members and ICS personnel
- e. **Surveillance (Internal Inspections of Group Members):** ICS personnel must conduct annual on-site surveillance inspections of each individual member. Internal surveillance inspections must comply with verification requirements at 205.400(c) and must be performed at a time when the land, facilities, and activities that demonstrate compliance can be observed.
- i. Prior to initial application to PCO, the ICS must have inspected 100% of its members and found them be compliant or capable of complying with the requirements of the NOP.
 - ii. New operations entering the group after the group is certified must be inspected by the ICS and deemed to be in compliance prior to being included as a member in the group. Operations that found to not be compliant or not able to comply must not enter the group.
 - iii. ICS personnel must immediately notify PCO concerning new members, land, animals, or facilities have been added to the group
- f. **Sanctions (Internal Noncompliances of Group Members):** ICS personnel must administer a system of sanctions and corresponding corrective actions to be issued to members who do not comply with the group's organic system plan and applicable organic regulations.
- i. ICS personnel must immediately notify PCO concerning sanctions that have been issued to a member resulting in the removal of a member, land, animal, or facility from the group

Section 10.3 Inspection by PCO of Group Operations

PCO shall perform on-site inspections (including unannounced inspections) of the group operation in accordance with NOP regulations and PCO policies regarding on-site inspections.

- a. PCO shall annually perform an inspection of
 - The functioning of the Internal Control System,
 - Every production unit, and
 - A meaningful sample of sub-units within any given production unit according to sampling method described below, which shall include every new sub-unit that was added to the group since the last inspection and every high-risk sub-unit as determined by PCO. If any sub-unit within a production unit processes or consolidates product from more than one member, it must be considered a single production unit and must be inspected annually.

- b. **Sub-Unit Sample Composition:** PCO shall select sub-units to be inspected based on new entrants, risk assessment, random selection, and any other reason necessary to determine compliance. Risk factors include but are not limited to: length of time in the group; size of parcel; history of sanctions; addition of land or facilities.
- c. **Sub-Unit Sample Composition:** PCO shall select sub-units to be inspected based on new entrants, risk assessment, random selection, and any other reason necessary to determine compliance. Risk factors include but are not limited to: length of time in the group; size of parcel; history of sanctions; addition of land or facilities.

PART 11. HOW TO PROPOSE CHANGES TO STANDARDS POLICIES & PROCEDURES

PCO certifies operations in accordance with the National Organic Program regulations. Standards policies are policies that PCO uses to implement the regulations. Members, certified operations, committee members and staff may submit proposals for new standards policies or revisions to existing standards policies for consideration by the PCO Standards Committee, which then makes a recommendation to the members. The recommendations are presented to the members for discussion and vote at the annual meeting or a special standards meeting. Upon approval by the membership, PCO may incorporate the policy into the PCO certification program. Policy proposals must be submitted in writing to the standards committee chair or policy director.

PART 12. NON-DISCRIMINATION POLICY

PCO shall act effectively to assure it will:

- Provide services without bias toward race, creed, color, national origin, age, religion, ancestry, political beliefs, disability, veteran status, lifestyle, sex or sexual orientation, or marital or familial status. Services are provided without regard to membership in any organization, and are not contingent upon the number of certificates issued.
- Recruit, hire, and promote for all job classifications based only on the individual's qualifications for and interest in the position being filled without regard to race, creed, color, national origin, age, religion, ancestry, political beliefs, union membership, disability (in accordance with the American With Disabilities Act of 1990), veteran status, lifestyle, sex or sexual orientation, or marital or familial status.

PART 13. CONFIDENTIALITY

PCO maintains strict confidentiality with respect to its clients under the applicable organic certification program and does not disclose to third parties (with the exception of the Secretary or the applicable State organic program's governing State official or their authorized representatives) any business-related information concerning any client obtained while implementing the

regulations in 7 CFR Part 205, except as provided for in §205.504(b)(5).²⁸

PCO personnel, inspectors and volunteers must agree not to disclose confidential information about an applicant's operation.

The following information about an applicant or certified operation may be made available to the public upon request:²⁹

- Organic certificates or organic product verifications issued during the current and three preceding calendar years;
- The fact that a certificate or organic product verification cannot be provided because a certified operation is in noncompliance proceedings (but not the reason for the noncompliance);
- A list of certified producers and handlers whose operations PCO has certified, including for each the name of the operation, type(s) of operations, products produced, and the effective date of certification during the current and three preceding calendar years;
- The results of laboratory analyses for residues of pesticides and other prohibited materials conducted during the current and three preceding calendar years;
- Other business information as permitted in writing by the producer or handler.

PART 14. CONFLICT OF INTEREST

All persons who review applications for certification, perform onsite inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions, as well as all parties responsibly connected to PCO, are required to complete an annual conflict of interest disclosure report.³⁰

To more fully protect against conflict of interest in the management of the organization, the following procedures apply to the advisory board:

- No more than 50 percent of the advisory board members can be operators, or immediate family members of operators, certified by PCO during the time they are serving on the advisory board;
- During PCO's annual internal audit, the auditor will review the certification files of advisory board members or immediate family members of advisory board members to assure that no undue influence has occurred;
- The advisory board shall be made up of a balance of interests represented by the organization. A good faith effort shall be made to include at least one member in the following interest areas: crops/wild crops, livestock, process/retail, consumer/environmental, and science /research /education.
- Advisory board members who are certified by PCO or are immediate family members of PCO-certified operators may serve no more than 5 consecutive terms, but may be re-

²⁸ 7 CFR § 205.501(a)(10) General requirements for accreditation.

²⁹ 7 CFR § 205.504(b)(5) General requirements for accreditation.

³⁰ 7 CFR §205.501(a)(11)(v) General requirements for accreditation

- elected after a one-term hiatus; and
- Certification applications from advisory board members and immediate family members of advisory board members are subject to additional review and recommendation by the certification committee.

PART 15. COMPLAINTS AND DISPUTES

This policy applies to:

- Complaints and disputes by an applicant or other party pertaining to certification policies, procedures, or decisions, not filed as an appeal;
- Complaints regarding PCO-certified operations from third parties; and
- Disputes between PCO and another party that are not filed as a complaint or appeal.

Complaints and disputes must be in writing, signed and submitted. In the event that a complaint or dispute personally involves the executive director, the complaint or dispute will be submitted to the president of the advisory board. Anonymous complaints will not be accepted. The executive director or advisory board president may resolve the complaint or refer it to the managing board for recommendation or resolution. The decision to refer the complaint or dispute to the managing board is within the executive director's or president's discretion. All complaints, whether pending or resolved, shall be reported to the advisory and managing boards at their next regular meetings. A record of all complaint and dispute proceedings and resolutions is kept in the PCO office.

Procedures concerning appeals of denial, suspension or revocation of certification are described in Section 5.11 Appeals.

PART 16. ORGANIZATIONAL SUMMARY AND PERSONNEL—WHO DOES WHAT?

Section 16.01 Membership

PCO is a membership-based organization, although membership is not required for certification. We make every effort to involve members and certified operations as much as possible. Opportunities exist to provide input when standards policies are developed; to educate the public through PCO-sponsored events and PCO booths at other agricultural events; and to direct the organization by suggesting services PCO could provide to better serve organic producers in the region. The supporting and certified members elect the members of the advisory board and the managing board.

Section 16.02 Advisory and Managing Boards

The advisory board elects the officers of the organization. The managing board is made up of PCO

advisory board members who are not certified by PCO and do not have a conflict of interest prohibited by 7 CFR §205.501. The advisory board advises the managing board on all matters. The managing board approves the annual budget recommended by the advisory board. The managing board manages the affairs of the organization.

(a) Advisory Board

The PCO advisory board is elected by the members and contains a balance of interests with no single interest predominating in an effort to fairly and equitably represent the organization. No more than 50 percent of the advisory board members can be certified by PCO or have an immediate family member who is certified by PCO. Members serve one-year terms and may serve no more than five consecutive terms. The advisory board shall comprise at least three and no more than 15 members. (For more information about advisory board membership, see Part 13 Conflict of Interest.)

(b) Managing Board

The managing board manages the affairs of the organization and is elected by the members. Members of the managing board must be PCO advisory board members who do not have or have not held a commercial interest in a production or handling operation certified by PCO, including an immediate family interest or the provision of consulting services, within the 12-month period prior to participation as a member of the managing board. The managing board shall comprise at least three and not more than eight members.

Section 16.03 Key Personnel

(a) Executive Director

The managing board hires an executive director to oversee the daily business of the organization. The executive director:

- Maintains and supervises additional office staff as needed to perform these duties;
- Supervises implementation of policies and finances

(b) Certification Staff

The certification staff consists of the Certification Director, Certification Program Manager, Inspection Program Manager and several Certification Specialists. Each client is assigned to a specialist, who oversees that client's application and file and addresses the client's questions and concerns. Certification applications are reviewed by the certification staff for completeness and initial conformance with the National Organic Program regulations and, if approved, they are assigned to an inspector. PCO contracts with third-party independent organic inspectors and coordinates the inspection process. The inspector schedules and conducts inspections and submits inspection reports to PCO. Inspectors do not make certification decisions. The certification staff reviews the inspection report and all related information to render the final certification decision. The Certification Program Manager and Inspection Program Manager decide if laboratory testing is necessary and, if so, direct the inspector to take samples. Sample testing is conducted by an independent laboratory approved by PCO.

(c) Director of Operations

The Director of Operations oversees the day-to-day operation of the PCO office and manages the work of non-certification staff, including bookkeeping and hiring.

(d) Quality Systems and Information Technology (IT) Manager

The Quality Systems and IT Manager is responsible for the quality system and accreditations. The Quality Systems and IT Manager revises and publishes the Quality Manual; prepares and submits PCO's application for accreditation and annual report to the USDA and other accreditation bodies; and ensures the implementation of corrective actions for issues raised in PCO's annual internal audit.

Section 16.04 Committees

Committees include:

- Executive Committee
- Finance Committee
- Certification Committee
- Standards Committee
- Education & Outreach Committee

(a) Committee Formation

The managing board supervises volunteer committees to assist in the operation of the organization. With the exception of the executive committee (made up of the officers of the organization), chairpersons are appointed by the managing board and then charged with the duty of forming their respective committees. In so doing, they must strive to maintain a balance of interests by including as much diversity as possible among the agricultural community and the public.

(b) Balance of interests

Committee members are appointed by the committee chairperson, who is directed by the advisory board to include as much diversity as possible from among the agricultural community and the public in order to create a balance of interests, with no single interest predominating. Committees should be made up of about 50 to 60 percent farmers/producers and 40 to 50 percent non-producers. Each area of interest should be represented, including: crops, dairy, livestock, poultry, processing/handling, non-farmer/consumer, environmental, science/education.

(c) General Requirements

Committee members are volunteers and must abide by PCO confidentiality and conflict-of-interest policies, signing a volunteer agreement and conflict-of-interest disclosure form annually. All committees make only advisory reports to the boards or staff and do not make final decisions affecting certification, accreditation, personnel or financial matters. Committee members serve a term of one year, but may be re-appointed, with no limit of terms.

(d) Committee meetings

Committee meetings are usually scheduled by the committee chair three to six times per year, as needed. Meetings are held in various locations throughout the state and normally last from two to four hours. Meetings may be held by conference call. A quorum comprises three committee members (which may include the chair.) The chair appoints a committee member in attendance to record minutes of each meeting, whether by conference call or in person. The recorder of minutes submits the minutes to the chair for approval. Minutes of committee meetings are kept in the PCO office.

(e) Executive committee

The Executive Committee is a standing committee that consists of the president (advisory board chair), vice-president, secretary, treasurer, and executive director. The executive committee advises the executive director regarding the day-to-day business of PCO and nominates new board members, officers and committee chairs. The Executive Committee also makes recommendations to the advisory board regarding terms of employment of the executive director. Three members shall constitute a quorum. Meetings may be held by conference call and may be called at any time as needed by the executive director, chair or by three members of the committee.

(f) Finance committee

The finance committee is chaired by the advisory board treasurer. Its purpose is to identify and investigate sources of funds, recommend a dues schedule to the advisory board, prepare an annual budget, and oversee insurance and tax matters.

(g) Certification committee

The certification committee review files for new applicants and certified clients with which the certification staff has a conflict of interest, including those from staff, board members, inspectors and immediate family members of any people on this list. The certification committee makes recommendations to the PCO Certification Director on these matters and does not make certification decisions.

(h) Standards committee

The standards committee works with the staff to develop recommendations for new and revised certification policies and procedures. The committee makes recommendations for PCO members to vote on.

(i) Education & Outreach committee

The PCO Education and Outreach Committee assists PCO staff members in their efforts to create educational opportunities for growers, producers, and consumers that promote learning, understanding, and awareness of organic agriculture. The committee also works with PCO staff members to develop marketing materials for field days and meetings as well as website and social media.

APPENDIX 1: EXCERPTS FROM REGULATIONS USED TO DETERMINE CANADA-US EQUIVALENCY

Part 3 of the Canada Organic Products Regulations

24. LABELLING AND ADVERTISING REQUIREMENTS

(1) No person shall affix a label to a product, or make an advertisement for a product, that contains the words "organic", "organically grown", "organically raised", "organically produced" - or similar words, including abbreviations of, symbols for and phonetic renderings of those words - unless the product is

- (a) an organic product, other than an organic product that is a multi-ingredient product; or
- (b) a multi-ingredient product that is an organic product and that contains at least 95% organic contents.

(2) Despite subsection (1), a multi-ingredient product that is an organic product but contains less than 95% organic contents may be labelled or advertised with the words "organic ingredients" if those words

- (a) are immediately preceded with the percentage, rounded down to the nearest whole number, of the contents that are organic; and
- (b) are of the same size and prominence as the preceding words, numbers, signs or symbols that indicate the applicable percentage.

(3) Despite subsection (1), a list of ingredients on a label affixed to a multi-ingredient product that is not an organic product may indicate which of the ingredients are organic.

25. OTHER REQUIREMENTS

No person shall affix a label containing the words referred to in subsection 24(1) or (2) to an organic product unless the label also contains

- (a) the name of the certification body that has certified the product as organic;
- (b) in the case of a multi-ingredient product, the organic contents identified as organic in its list of ingredients; and
- (c) in the case of an imported product for which the agricultural product legend is used on the label, the statement "Product of" immediately preceding the name of the country of origin or the statement "Imported" in close proximity to the legend.

Part 6.8 of Canadian Organic Production Requirements: Livestock Living Conditions

6.8.11.9 The maximum indoor and outdoor densities for poultry are as follows:

Stocking Density	Layers	Broilers	Turkeys/Large birds
Indoors	6 birds/m ²	21 kg/m ²	26 kg/m ²
Outdoor runs	4 birds/m ²	21 kg/m ² *	17 kg/m ²

6.8.12.2 The minimum indoor and outdoor space requirements for rabbits are as follows:

	Indoor Space	Outdoor Runs and Pens
Young rabbits	0.3 m ² /head	2 m ² /head
Pregnant does	0.5 m ² /head	2 m ² /head
Does and offspring	0.7 m ² of floor space/ doe and offspring	2 m ² /head
Bucks	0.3 m ² /head	2 m ² /head

6.8.13.9 The minimum indoor and outdoor space requirements for sows and piglets are as follows:

	Indoor Space	Outdoor Runs and Pens
Sows and piglets (up to 40 days old) 7	7.5 m ² for each sow and litter	Not required

Section B.01.012 of the Canadian Food and Drug Regulations

(2) Subject to subsections (9), (10) and (11), all information required by these Regulations to be shown on the label of a food shall be shown in both official languages.

(3) Subject to subsections (4) to (6), subsection (2) does not apply to a local food or test market food if

- (a) it is sold in a local government unit in which one of the official languages is the mother tongue of less than 10 per cent of the total number of persons residing in the local government unit; and
- (b) the information required by these Regulations to be shown on the label of a food is shown in the official language that is the mother tongue of at least 10 per cent of the total number of persons residing in the local government unit.

(7) Subsection (2) does not apply to a specialty food if the information required by these Regulations to be shown on the label thereon is shown in one of the official languages.

(10) Subsection (2) does not apply to the following common names if the common name appears on the principal display panel in the following manner:

Scotch Whisky	Akvavit
Irish Whisky	Aquavit
Highland Whisky	Armagnac
Dry Gin	Marc
Bourbon	Grappa
Tennessee Whisky	Calvados
Tequila	Poire William
Mezcal	Crème de Bleuets

Rye Whisky	Curaçao Orange
Crème de Menthe	Liqueur de Fraise
Crème de Cacao	Mandarinette
Crème de Cassis	Prunelle de Bourgogne
Crème de Banane	Chartreuse
Triple Sec	Pastis
Anisette	Fior d'Alpe
Crème de Noyau	Strega
Brandy	Campari
Sake or Saki	Americano
Advocaat or Advokaat	Apricot Brandy Liqueur
Kirsch	Peach Brandy Liqueur
Slivovitz	Sloe Gin
Ouzo	Manhattan
Cherry Brandy Liqueur	Martini
Kummel	

(11) Subsection (2) does not apply to the label of a shipping container destined to a commercial or industrial enterprise or institution, if

- (a) the shipping container and its contents are not resold as a one unit prepackaged product to a consumer at the retail level; and
- (b) all information required by these Regulations to be shown on a label of a food is shown in one of the official languages.