
Oregon Tilth Certified Organic Procedures Manual



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PART I: INTRODUCTION TO OREGON TILTH AND THE OREGON TILTH CERTIFIED ORGANIC (OTCO) PROGRAM

A. WELCOME TO OREGON TILTH!

1. DESCRIPTION AND HISTORY OF TILTH

Oregon Tilth, Inc is a nonprofit organization that supports and promotes biologically sound and socially equitable agriculture through education, research, advocacy and product certification. Tilth has a history, beginning in 1973, as an agricultural organization which has cultivated a unique urban-rural outlook.

Oregon Tilth is probably best known for its development of an organic certification program which is detailed in this manual. Tilth also coordinates conferences, produces events in local communities, and makes presentations at conferences, educational workshops and trade shows. A bi-monthly magazine, *In Good Tilth*, keeps the public informed about the activities of Oregon Tilth as well as issues of interest to the community of organic producers, handlers, processors, and consumers. An Organic Education Center (OEC) has multiple farm sites where Oregon Tilth educates students, gardeners and consumers about organic growing methods. Oregon Tilth enjoys a 501(c)(3) tax-exempt charitable status.

Although many certified operators are active members of Oregon Tilth, membership is not required for OTCO certification.

2. PHILOSOPHY OF OREGON TILTH

Oregon Tilth advocates a holistic approach to agricultural production systems. Oregon Tilth encourages growers to create farm systems, which improve soils and require minimal intervention for pest control. Tilth favors the use of natural slow release fertilizers and compost, which emulate the natural processes of soil formation. Tilth stresses prevention of pest problems through the use of crop rotations, beneficial insects and field sanitation. However, when pest control is necessary, Tilth urges growers to use non-toxic methods, leaving the strictly limited pesticides, which are available to organic growers, to be used only when necessary to prevent crop loss.

In order to ensure the organic integrity of products from the farm to the table, Oregon Tilth also works with processors, handlers, and marketers of organic products. Organic standards for operations handling and processing organic products emphasize the importance of prevention of contamination and/or co-mingling with non-organic products throughout the handling process. Facility pest management methods must use the least toxic practices possible to successfully manage pests. Detailed records and audit trails provide the documentation necessary for verification of proper attention to critical control points.

B. OVERVIEW OF THE CERTIFICATION PROGRAM**1. PURPOSE OF THE CERTIFICATION PROGRAM**

The purpose of organic certification is to ensure that the agreed upon conventions of organic management systems are being practiced not only by growers, but also by all the people who handle and process organic food on its journey to the final consumer. To accomplish this, OTCO implements a system which combines strict production standards, verifiable third party inspections and legally binding contracts which protect the producers and buyers of organic products.

Organic certification verifies that operations have implemented organic production systems that comply with established standards. Organic certification is not a final product guarantee regarding absence of residual environmental contaminants.

OTCO is specifically designed as a certification service for:

- Commercial producers of organic crops and livestock,
- Organic apiaries,
- Wild harvest of organic crops
- Processors of organic foods,
- Handlers of organic foods such as packers, brokers, distributors, and wholesalers and
- Restaurants and Retailers
- Fiber and Textiles
- Personal Care Products

2. ADMINISTRATION OF THE PROGRAM**a) Office**

The main Oregon Tilth administrative office is located in Salem, Oregon and is open Monday through Friday, from 9 am to 5:00 pm Pacific Time. You may contact the office at the following address:

Oregon Tilth
260 SW Madison Ave. Ste 106
Corvallis OR 97333
Phone number: (503) 378-0690, Fax number: (541) 753-4924
E-mail: organic@tilth.org, Web site: www.tilth.org

There is a phone answering machine available when the office is closed. Staff clears messages each business day and returns calls as soon as possible. Oregon Tilth personnel work in several different locations, including regions outside of Oregon (i.e. Midwest, Latin America), where the certification program provides services to a considerable number of operators. By contacting the main administrative office, you will be directed to the appropriate personnel.

b) OTCO Personnel

The daily work of certification is managed by the Certification Director and implemented by certification staff, with additional support provided by administrative staff. OTCO sometimes hires inspectors on a contractual basis and uses other contract workers to work on specific projects. Whenever contract services are utilized during the certification process, OTCO retains final authority and responsibility for all certification decisions.

c) Financial Support for the Certification Program

The certification program is a self-sustaining program within Oregon Tilth that also lends financial support to Oregon Tilth's education, advocacy and research activities that further support and promote organic agriculture and food systems. The Certification Director, in consultation with the Executive Director and the Board of Directors as part of the annual budgeting process, determines the fees paid by applicants and certified operations requesting certification to ensure that all expenses of the program are paid in full during each fiscal year.

3. GROWER AND HANDLER MEETINGS

OTCO invites its certified operators to Grower and Handler Meetings. These meetings provide an opportunity for operators to network, learn about the certification program, and suggest changes needed in the certification program. To encourage maximum participation, OTCO holds operator meetings in multiple locations each year.

4. SCOPE OF CERTIFICATION SERVICES**a) Global certification services**

In response to the increasing market demand of organic products and quality certification services, Oregon Tilth offers certification to operators throughout the United States and internationally, within our administrative capacity to do so. Offering global certification services serves a twofold purpose. Assisting domestic producers and processors with access to foreign markets, such as Canada, the European Union and Japan. Assisting foreign producers with compliance and access to US organic markets, which can improve the economic viability of producers in developing countries via better market premiums.

b) Types of operations

Certification is available for *individual operations* as well as *multi-site operations with demonstrated internal control system* (a.k.a. cooperatives or grower groups). Application forms have been adapted to reflect the organic management structure of these different types of operations.

An *individual operation* is a sole proprietorship, corporation, partnership or similarly defined single company. A single certification may cover activities at multiple sites under the direct management of the applicant company.

A *multi-site operation with demonstrated internal control system* (a.k.a. cooperative or grower group) involves a centrally managed association of local growers producing similar crops using similar practices and marketing their products in common. The operation must be constituted as a legal entity in the

country where they operate. A single operation may cover numerous individual member farmers. Management must establish and maintain an internal control system including access to and education regarding organic standards. Management must also annually conduct a thorough standards compliance evaluation of each member and farm. OTCO inspects 100% of member farms prior to initial certification and a minimum of 25% of farms annually thereafter. The multi-site operation completes a single application, which describes, in addition to the standard information, details of their internal control system, and includes detailed grower lists and code numbers, if applicable. One certificate is issued with all individual members listed. All sales of certified product must be sold through the certified legal entity; individual growers cannot market certified product outside of the group.

Definition of "Demonstrated Internal Control System."

Groups wishing to apply as a Multi-site operation must have an internal control system which meets all the following criteria:

- An Internal Control System is defined as a written quality assurance system included in The Organic Management 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.
- The internal reviewers carry out at least one annual direct observation and review of each individual operator, including visits to all fields and facilities.
- The Internal Control System maintains appropriate documentation, including at least a description of the sub-units and the facilities, the production plans, materials used and rates of application, harvest records, the contractual arrangement with each individual member and internal inspection reports.
- The Internal Control System must include the application of sanctions to individual members who do not comply with the organization's Organic System Plan, the OFPA or the NOP Regulations, and/or other applicable standards.
- Internal control staff must inform Oregon Tilth of the irregularities and minor non-compliances found during internal audits. It must communicate back to the source of the minor non-compliance the corrective actions imposed, with agreed time for completion.
- The Internal Control System must provide for the suspension or exclusion of members or subunits who are found to have major non-compliances, including a plan for corrective action that must be implemented before the member or subunit can be readmitted. Internal control staff must inform Oregon Tilth of all such actions, and a member who willfully or fraudulently violates the NOP should not be permitted to rejoin the group until Oregon Tilth approves the measures taken to ensure that the violation is not repeated.

Minimum Criteria for Internal Control System Personnel.

A project's Internal Control System staff auditors must meet the following criteria:

- Be fluent in the local language and dialect of the group members
- Possess the ability to read and write and report in the chosen ICS language
- Be well versed in the National Organic Program, as well as other applicable standards, especially in the sections of the regulation that relate to the subunits and members, sites or facilities that they review
- Be familiar with the local agricultural production systems.
- Be familiar with the principles and practice of organic agriculture
- Be familiar with the principles and practices of organic handling
- Be able to demonstrate competence in internal control procedures and an understanding of the internal regulations
- In order to mitigate the potential for non-compliances to go unreported, the Internal Control System personnel must receive contractual (in-writing) assurances that under no circumstances are they to be admonished in any way because they have detected and reported a noncompliance.

Multi-site operations that cannot adequately demonstrate compliance with the above criteria to the satisfaction of OTCO staff must apply as individual growers.

c) Categories and classes of certification

OTCO provides certification services for operations in crop, livestock and handling production. Within each of these broad categories, OTCO has established classes of certification to address the unique attributes and activities of each during the certification process. A single operation may be certified under more than one category and class of certification, depending on the scope of their activities.

CROP PRODUCTION

Class T Transitional

Transitional agricultural products fall outside the scope of the USDA National Organic Program. Transitional standards are based upon the Organic Foods Production Act of 1990 and the applicable production and handling standards established by the USDA National Organic Program under 7 CFR Part 205, *except* transitional products lack compliance with §205.202(b). Applicable sections of the USDA National Organic Program Final Rule that apply to Class T products include:

Subpart B Recordkeeping requirements and certain allowed and prohibited practices are located in Subpart B. Recordkeeping requirements are also described in Subpart E, subsection 205.400.

Subpart C General production standards including farm management plans, soil fertility and pest management practice standards, and seed and planting stock standards are presented in subsections 205.200-206. Post harvest handling requirements are described in subsections 205.270-272. *Please note that the land requirement for Transitional certification is 1 year free of prohibited substances instead of 3 years for organic product, as established in 205.202 (b).*

Subpart G Synthetic substances which are allowed for use in transitional crop production are listed in subsection 205.601. Nonsynthetic materials which are prohibited for use in transitional crop production are listed in subsection 205.602. Post harvest materials are defined in subsection 205.605.

Because transitional products lack compliance with §205.202(b), they must not be labeled, sold, or represented using the word “organic.”

Class O Organically Grown. Covers farms producing agricultural and horticultural crops.

Class OW Organic Wild-Crop Harvest. Covers the sustainable harvest of wild crops growing in a designated area that has been free of prohibited materials for at least 3 years.

LIVESTOCK PRODUCTION

Class OLP Organically Grown Livestock and Poultry. Covers farms producing animal products such as meat, eggs and milk.

Class OA Organic Apiculture. Covers production, packing and processing of bee products.

HANDLING OPERATIONS

Class OP Organic Food Processing. Covers the production of processed organic foods by processors and co-packers.

Class OH Organic Handlers. Covers businesses participating in the distribution chain for organic foods such as packers, brokers, wholesalers and distributors.

- Class OM Organic Marketer. Covers the formulation and marketing of organic products which are processed or co-packed at other facilities.
- Class OR Organic Retail Stores and Restaurants. Covers retail stores and restaurants which sell organic products to the consumer, either as fresh produce, packaged goods, or ready-to-eat meals.
- Class OFT Organic Fibers and Textiles. Covers the processing and handling of fiber and textile products under the Global Organic Textile Standards.
- Class OPC Organic Personal Care. Covers the processing and handling of personal care products under the NSF/ANSI 305 Standards.

d) Organic certification standards

The OTCO Program offers assessment for compliance and/or equivalence with several different organic certification standards. Some certification standards are established and enforced via government regulations, such as the USDA National Organic Program (NOP) standards (7 CFR Part 205), the European Organic Program (EEC 834/07) [assessed through the ACB EU Equivalence Standard], and the Canadian Organic Regime (COR)(CAN/CGSB 32.310). Other organic standards are established by industry working groups, such as the Global Organic Textile Standards (GOTS) and the NSF/ANSI 305 Personal Care Products Containing Organic Ingredients.

Depending on the standards, different types of products (i.e. food, fiber, or cosmetic/personal care) are required and/or eligible for compliance assessment.

Oregon Tilth currently offers the specific scopes outlined below with the specific standard:

- USDA NOP: Producer (including for fiber), wild crop, livestock, apiculture, handling (including marketer, handler and processing), retail and restaurant, multi site operations (including groups with demonstrated Internal Controls)
- EU 889/2008, 834/2007 via ACB EU Equivalence Standard: Producer, Handler
- GOTS: Fiber, textile
- Canadian Organic Regime (COR): Producer (including fiber), handler (including marketer, handler, processor), wild crop, livestock, apiculture.
- NSF/ANSI 305: Processors and handlers of personal care products, cosmetics, oral care and personal hygiene products.

5. ACCREDITATION

In November 1999, OTCO was evaluated and certified by the USDA Agricultural Marketing Service for compliance with the International Organization for Standardization

(ISO) Guide 65: General requirements for bodies operating product certification systems. The process involved a rigorous examination of OTCO's quality systems and certification procedures, inspection of office files and procedures, assessment of personnel qualifications and observation of on-site inspections of certified farmers and processors. Annual audits, including on-site visits of the OTCO office and certified operations, are part of maintaining ongoing accreditation.

ISO-65 accreditation allows easier entry of OTCO certified products into international markets and establishes a strong basis for reciprocity with other certification agents. It also serves as a tool to demonstrate the OTCO program's competency and expertise when offering certification services to voluntary organic standards, such as the Global Organic Textile Standards and the NSF/ANSI 305 Standard.

On April 29, 2002, OTCO was granted accreditation by the USDA National Organic Program (NOP) for organic certification of crop, livestock, wild crop and handling operations. OTCO's accreditation means that production and handling operations certified by OTCO are deemed to be certified in accordance with the NOP provisions.

On July 6, 2009, OTCO was granted accreditation by the Canadian Food Inspection Agency [CFIA] for organic certification of crop, livestock, wild crop and handling [processing B3.5.8] operations. OTCO's accreditation means that production and handling operations certified by OTCO are deemed to be certified in accordance with the CFIA provisions.

6. ENFORCEMENT

The OTCO Program enjoys a positive reputation because it has created and maintained a high-quality certification program which safeguards both the food production and food delivery systems. *However, no rules or laws can strengthen the program more than the commitment of the operators of the OTCO-certified businesses to follow the production standards with care and honesty.*

OTCO investigates all written reports of violation of its standards. When the organic standards are established by government regulations, they provide the legal structures necessary to carry out enforcement activities.

PART II: PROCEDURES

A. PROCEDURES FOR CERTIFYING ORGANIC OPERATIONS

1. REQUESTING A CERTIFICATION PACKET

First time applicants should contact the OTCO office to request a certification packet for the type of certification needed for their enterprise(s) or visit the website, www.tilth.org to download the applicable packet. The certification packet includes the following documents:

- *OTCO Procedures Manual*
- *OTCO Fee Schedule*
- The applicable organic standard(s) for which compliance assessment is being requested
- The appropriate application form(s) – Organic System Plan (OSP).
- The OTCO contract for certification services.

All of the above documents are available electronically from the Oregon Tilth web site (www.tilth.org).

2. APPLYING FOR CERTIFICATION

Begin assessing the eligibility of your operation by reading the applicable organic standard(s), the certification procedures, Organic System Plan(s) [OSP], and comparing your records and practices to the certification requirements.

Then fill out the OSP(s) completely. Provide as much detail as possible when completing the OSP. Be sure to keep a copy of the OSP for your records.

The operation receives the “Organic Certification Contract and Trademark Use Agreement” in their initial certification packet. This document summarizes the terms and conditions of organic certification with OTCO. The Operator must sign and return the “Organic Certification Contract and Trademark Use Agreement” to the OTCO office along with their application.

A complete application will contain the following three components: 1) the completed OSP; 2) a signed contract for certification services and 3) initial payment towards certification services being requested. Please refer to the *OTCO Fee Schedule* for information regarding certification fees.

OTCO will accept all production and handling applications that fall within the scope of its certification program to the extent of its administrative capacity to do so without regard to size or membership in any association or group, race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status.

3. INITIAL REVIEW OF THE ORGANIC SYSTEM PLAN (OSP)

Once your OSP, contract and payment have arrived at the OTCO office, the staff reviews it for completeness and compliance or ability to comply with the standard(s) for which you are requesting compliance assessment. OTCO will communicate the initial findings of the OSP review to applicants in a reasonable amount of time. This correspondence also provides a cost estimate for certification services. The OSP must be completed in full and reviewed before an inspection can be scheduled. An additional fee will be charged for any OSP which must be returned for completion.

4. THE ON-SITE INSPECTION**a) Scheduled Inspections**

OTCO will 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 will be conducted annually thereafter for each certified operation for the purpose of determining whether the certification of the operation should continue.

For NSF/ANSI 305 certification OTCO may determine that an inspection is not necessary in order to determine compliance with the standard. If the operation requesting certification under NSF/ANSI 305 holds another valid OTCO certification under a different standard, OTCO may or may not require an additional inspection prior to the additional certification to this standard. All new operations that do not hold a current OTCO certification will undergo a full inspection prior to being certified.

All scheduled inspections 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 compliance or capacity to comply can be observed. If necessary, the initial inspection or the annual on-site inspection of operations continuing certification may be delayed for up to 6 months to ensure the inspection is conducted at such a time.

However, when the interval between two regular inspections has exceeded twelve months subsequent inspections will restore the parity between the number of calendar years and the number of regular inspections.

Inspectors must be granted complete access to the production and/or handling operation, including non-certified production areas, structures, and documentation associated with non-organic production. OTCO uses the following procedure for conducting on-site inspections:

- 1) OTCO assigns an inspector whose training and experience matches the operation's activities.
- 2) The inspector reviews the operation's certification file.

- 3) The inspector contacts the operation to make an appointment for the inspection and to review any preliminary questions concerning the operation.
- 4) The inspector travels to the operation to conduct the inspection documenting:
 - a) the operation's compliance or capability to comply with the standards and applicable requirements.
 - b) the accuracy of information provided in the OSP and the practices used or to be used by the operator
 - c) that prohibited substances have not been and are not being applied within organic operations. Collection and testing of soil, water, waste, seeds, plant or animal tissue and processed product may be undertaken at OTCO's or the inspector's discretion.
- 5) The inspector will typically observe production records, production fields and facilities, equipment, materials and property perimeters.
- 6) The inspector conducts an exit interview with the authorized representative of the operation to confirm the accuracy and completeness of observations and information gathered during the inspection. The inspector will also address the need for any additional information as well as any issues of concern or potential noncompliance.

For operators certified under the Canadian Organic Regime (COR), the annual site inspection is determined according to the following parameters concerning both timing of inspection and access to operations:

- 1) In cases of agricultural operations, the inspection must take place during the production season. This period begins as soon as all operations subject to inspection (seeding, tapping, etc.) begin and ends with the packaging or placing in containers for storage of products to be certified. The inspection, including document review, shall include non-organic units where there is reason to suspect undeclared split production of similar products, and in any situation revealing high risk of cross-contamination.
- 2) Where agricultural producers carry out split production, inspections must allow visual determination of what is being planted in all cultivated fields within the production unit.
- 3) The inspection must cover the entire agricultural production system being managed by the farm operation, even if only part of the operation is targeted by the certification application. The land, premises and equipment not included in the certification application must be identified and inspected, and must at a minimum include the following: crop areas or harvesting zones; harvest storage locations; preparation, processing and packaging sites; application dates for phytosanitary products; and administrative follow-up.
- 4) In cases involving processing and handling operations, inspections may be carried out any time during the year. However, when both certifiable and non-certifiable products are manufactured at the same facility, the inspection must be carried out at time when the organic products that are targeted for certification are being processed.

b) Objecting to the use of a Particular Inspector

If a certification applicant or certified operator objects to the assignment of a particular inspector to evaluate their operation, the applicant may submit their objections, in writing, to the Program Manager. The Program Manager may reassign the inspection.

c) Additional Inspections

OTCO may conduct additional inspections of new applicants and/or certified operations to determine compliance with the standards. Additional inspections may be announced or unannounced at the discretion of OTCO or as required.

Additional inspections may be required for new applicants to verify compliance prior to granting certification. The purpose of an additional inspection is to check for any changes in the organic production/handling system plan of the operation since the initial inspection and to verify the operation's compliance with the standards.

Certified operations are subject to unannounced inspections. No additional fees are assessed for unannounced inspections.

For operators certified under the Canadian Organic Regime (COR); Each year, OTCO will perform unannounced inspections representing 3% of primary producers (crop and livestock operations) and 5% of other clients certified for products made in Canada.

OTCO chooses the operations to receive unannounced inspections using the following criteria:

- Random choice by the Certification Director,
- Soil residue tests indicating a likelihood of contamination through uptake of pesticide residues,
- Production of crops which are known to concentrate soil pesticide residues,
- Operations with requirements for the correction of minor noncompliances identified as conditions of continuing certification,
- Staff or inspector recommendation for unannounced inspection
- Complaint received by Oregon Tilth regarding operation's compliance

d) The Inspector's Report

Each inspection culminates in an inspection report. The report summarizes the operation's organic system plan and practices and evaluates them for compliance with organic standards. Each report includes a list of all points of concern and potential noncompliance found by the inspector.

e) Documents Provided to Inspected Operations

At the conclusion of the inspection, the inspector will issue the Inspected Operator an Exit Interview Form summarizing the Inspector's observations and

signed by both the Inspector and the operator. A copy of this form will become part of the inspection report. In addition the inspector will provide a copy of the chain of custody sheet for any samples taken during the course of the inspection. A copy of the inspection report and any test results will be sent to the inspected operation within a reasonable amount of time.

f) Use of Subcontractors

Oregon Tilth may decide to subcontract work related to certification (e.g. testing and/or inspection) to an external body or person. Oregon Tilth shall take full responsibility for such subcontracted work, including confidentiality, and maintain its responsibility for granting, maintaining, suspending or revoking certification. By applying for certification with Oregon Tilth, applicants consent to the use of subcontractors during the certification process.

5. THE DECISION MAKING PROCESS

a) The Role of OTCO Reviewers

Upon receipt of all necessary documentation, a qualified and designated OTCO Reviewer creates a summary of the operation based on a review of the Organic System Plan (OSP), inspection report, test results and any additional applicable information. This review process will determine if the organic system plan and all procedures and activities of the organic operation are in compliance with the standards and that the operator is able to conduct operations in accordance with the plan. The summary concludes with a decision concerning granting or continuing certification of the operation.

The certification decision may identify points of noncompliance including a timeframe within which the applicant must describe corrective actions. The decision may require the applicant to notify OTCO, in writing, of plans for corrective/preventive actions and the timeframe(s) within which these actions will be made prior to granting certification. If the proposed corrective action is sufficient to qualify for certification, then the certification process continues.

b) Noncompliances with the Standards

In order to encourage producers in achieving full compliance with organic standards, the certification decision may grant or continue certification when there are noncompliances that require corrective action to bring the operation into full compliance. An operation is given the opportunity to resolve noncompliances via corrective action only if the noncompliances do not:

- Compromise health or safety of workers,
- Compromise the organic integrity of the product
- Result in excessive contamination of product (in excess of 5% of EPA tolerance level, or the actual FDA action level), or
- Involve intentional violation of organic standards.

When an operation that has been granted certification, the staff may include reminders in the approval letter identifying any potential issues, which may impact ongoing compliance with the standards.

6. WITHDRAWAL OF APPLICATION

An applicant may withdraw his/her application at any time. An applicant who withdraws his/her application shall be liable for the costs of services provided up to the time of withdrawal of its application. Please refer to the *OTCO Fee Schedule* for details.

An applicant that voluntarily withdrew his/her application prior to the certification decision will not be issued a notice of noncompliance or a certification denial.

7. ACKNOWLEDGMENT OF CERTIFICATION

The operation is sent a certificate after completion of the decision process. The certificate identifies the name of the certified operation, their address, the scope of certification, the validity period and the applicable standards to which compliance was evaluated. All currently certified operations, as well as the type of products they produce, are listed on the Oregon Tilth web site (www.tilth.org).

8. CONTINUATION OF CERTIFICATION

To maintain and continue certification, a certified operation must annually pay the certification fees and submit certification changes on the organic system plan. Information included on the OSP submitted to OTCO must include:

- An update on any changes in the operator's farm/business name, principal responsible person, contact person, and contact information including address and phone number.
- An update on the organic system plan which provides information, supported by documentation, describing any deviations from, changes or modifications to, or other amendments made to the previous year's Organic System plan (OSP);
- Any additions or deletions to the previous year's OSP intended to be undertaken in the coming year;
- An update on the correction of any noncompliances previously identified by OTCO as requiring correction for continued certification;
- Other information as deemed necessary by OTCO to determine compliance with organic standards.

9. PRODUCT ADJUSTMENT

When a certified operator begins a new venture and wants to add items to those listed on the current certificate, the operator must contact the certification office and submit relevant information, with supporting documentation to the OTCO office. OTCO conducts a review of the product adjustment request and supporting documentation to determine the extent of the changes to the current production system needed to produce the new product (i.e. new fields/facilities, equipment, agricultural/processing inputs). If the changes to the system are minimal, consistent with existing practices described in the organic system plan and are clearly within organic standards, OTCO issues an amended certificate to the operator. If the changes are extensive or are not sufficiently described, OTCO may require an inspection of the new production and/or handling system before adding the product to the certificate.

B. PROCEDURES REGARDING CONFIDENTIAL INFORMATION

All records sent to OTCO are maintained in secure files. Only authorized accreditation authorities, including state and federal officials, and appropriate certification and administrative staff have access to these files.

OTCO requires that personnel who have access to confidential information sign a “Confidentiality/Non-disclosure Agreement” which prohibits them from releasing confidential information (except as described below). This applies to all certification and administrative staff as well as any other Oregon Tilth program personnel, inspectors, and committee members including the Board of Directors.

Confidential information includes, but is not limited to discoveries, ideas, designs, drawings, specifications, techniques, models, data, documentation of programs, processes, know-how, customer lists, marketing plans, and financial and technical information.

1. RELEASING INFORMATION

a) Public Information

OTCO may release the following information to the public without written permission from certified operations:

- Certification certificates issued during the current and three preceding calendar years;
- A list of certified operators, including the name and address of operations, type(s) of operations, products produced, and the validity period 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.

If more information is needed, OTCO usually refers the inquiry to the published standards and directly to the certified operation. OTCO will release additional information only with the written permission of the certified operation.

OTCO reserves the right to release information on individual operations as required by local, state, or federal law and to accreditation authorities.

b) Requests for Research Data

The certification staff may provide researchers with summaries or statistics based on OTCO files, but may not release confidential information concerning individual operations without explicit permission to do so from the certified operation.

C. ENFORCEMENT, ADVERSE ACTION AND DUE PROCESS

The marketplace acceptance and success of third-party certification programs strongly depends on the consumers' confidence in the authenticity and integrity underlying certified product label claims. To this end, OTCO implements quality certification services that ensure compliance prior to granting certification and monitors continued compliance of certified operations.

After an applicant operation has been inspected and assessed for compliance with the organic standards, it is either approved for certification or denied due to non-compliance. If it is approved, the applicant receives a certificate. Certified operations submit annual changes to their organic system plan, are inspected annually, and are subject to unannounced inspections.

OTCO's enforcement procedures occur in various contexts and include the ability to take adverse action against noncompliant operations to protect consumer confidence in the organic certification process. Enforcement procedures also include measures to ensure due process protects the rights of certification applicants and certified operators by providing an opportunity to respond to noncompliance findings prior to adverse action taken by OTCO. This combination of adverse action and due process ensures the certification process remains strict but fair.

1. ENFORCEMENT**a) Legal Structures Supporting Enforcement**

Support for enforcing many of the organic standards to which OTCO offers certification services are provided by federal and/or regional governments via regulations passed by law-making bodies. These laws often provide penalties, including fines, for violations of the standards set forth in regulation, such as fraudulent mislabeling of organic products. To assist with successful implementation of standards supported by government regulation, OTCO maintains active relationships with both federal and regional government bodies, as applicable.

b) Denial of Certification

When OTCO has reason to believe, based on information specified in the application form and/or the inspection report, that an applicant for certification is not able to comply or is not in compliance with the organic standards, OTCO will 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.

In response to such notifications, applicants may 1) provide a description of corrective action, when correction is possible; 2) respond by rebutting the noncompliance; or 3) withdraw their application, with the option of re-applying for certification with any certification agent upon correction of identified noncompliances.

When applicants receive a notification of denial, they are provided with the option of requesting mediation or appealing the decision.

c) Noncompliance Issues for Certified Operations

When an inspection, review, or investigation of a certified operation by OTCO reveals any noncompliance with organic standards, a written notification of noncompliance will be sent to the certified operation. The notification will provide:

- A description of each noncompliance
- The facts upon which the notification of noncompliance is based
- When correction of the noncompliance is possible, the date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction.

When a certified operation demonstrates that each noncompliance has been adequately addressed, OTCO will send the certified operation written notification that the noncompliance is resolved. If a partial or incomplete response is received Oregon Tilth will send the operation a letter notifying them of pending conditions that require a response.

When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, OTCO will send the certified operation a written notification of proposed suspension or revocation of certification. Certified operations notified of proposed suspension or revocation are provided with the option of requesting mediation or appealing the decision.

If the certified operation fails to confirm correction of the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, then OTCO will send the certified operation a written notification of suspension or revocation. The notification will describe the effect of a suspension or revocation on future eligibility for certification. OTCO will not send a notification of suspension or revocation to a certified operation that has filed an appeal while final resolution is pending.

d) OTCO's Response To Allegations of Violations of Standards

OTCO may receive information or complaints about suspected violations of standards from consumers, inspectors, farmers, distributors, brokers, government officials, or any other interested party. Details about the suspected problem must be submitted in writing before OTCO will begin a formal investigation. Following evaluation, the informant is provided a courtesy letter confirming resolution. As required under applicable organic regulations and/or standards, OTCO notifies the appropriate oversight authorities of all compliance proceedings and actions taken that result from a formal investigation.

e) Marketplace Logo Monitoring

OTCO periodically surveys retail arenas to monitor use of the OTCO name and logo in the marketplace and evaluate product label claims for conformance with labeling provisions established in applicable organic standards and provisions in the OTCO Organic Certification Contract and Trademark Use Agreement. Findings of logo monitoring activities are reviewed by OTCO staff to verify the validity of marketplace claims. Any discrepancies will be reported to the Certification Director concurrent with a notification to the operator.

f) Residue Testing of Certified Organic Products

All certified products that are sold, labeled or represented as organic or any other labeling category under the standards, must be made accessible by certified organic production and handling operations for examination by OTCO, or any governing official with regulatory authority associated with the applicable organic standards.

OTCO, or other governing officials, may require preharvest or postharvest testing of any agricultural input used or agricultural product to be sold, labeled, or represented as organic under the standard when there is reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using genetically engineered organisms. Where the use of products not authorized for organic production is suspected with regard to organic products approved for EU certification according to EC 834/2007 and EC 889/2008, testing shall be conducted. Such tests must be conducted by appropriately designated representatives for OTCO or governing officials at the official's or OTCO's own expense.

g) Reporting and Investigating Residue Test Results

If test results indicate a specific agricultural product contains pesticide residues or environmental contaminants that exceed the FDA, EPA or other regulatory tolerances, OTCO will promptly report such data to the Federal health agency and comparable international authorities whose regulatory tolerance or action level has been exceeded.

1) Exclusion from organic sale under the USDA NOP

When residue testing detects prohibited substances at levels above 5 percent of the EPA tolerance level, or the actual FDA action level, the agricultural product must not be sold, labeled or represented as organically produced. OTCO, the State organic program's governing State official, or the USDA may conduct an investigation of the certified operation to determine the cause of the prohibited substance's presence.

2. PROCEDURES RELATING TO MEDIATION

Any dispute with respect to denial of certification or proposed suspension or revocation may be mediated at the request of the applicant for certification or certified operation. The request must be submitted in writing to OTCO. OTCO may accept or reject requests for mediation. If OTCO rejects the request for mediation, OTCO will provide written

notification to the applicant for certification or certified operation, advising the applicant or certified operation of the right to request an appeal. If OTCO accepts the request for mediation, such mediation will be conducted by a qualified mediator mutually agreed upon by the parties to the mediation. The parties will have 30 days to reach an agreement following a mediation session. If mediation is unsuccessful, the applicant or certified operation will have 30 days from termination of mediation to request an appeal. Any agreement reached during mediation must be in compliance with applicable organic standards.

3. PROCEDURES RELATING TO APPEALS

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

a) Appeals under the National Organic Program

Under the National Organic Program, appeals of certification decisions to deny, suspend or revoke must be made to the state organic program or, in the absence of a state program, directly to the USDA.

Persons who believe they are adversely affected by a noncompliance decision of the National Organic Program's Program Manager may appeal such decision to the Administrator for the Agricultural Marketing Service (AMS) of the USDA within 30 days from the receipt of the notification.

Appeals to the State organic program must be filed in writing to the address and person identified in the letter of notification. 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.

b) Appeals to the Adjudication Committee

Any operation participating in an Oregon Tilth certification program outside the scope of the National Organic Program may request that the Adjudication Committee (AC) reconsider a decision made by OTCO staff. The appeal must be made no later than 30 days after receipt of the certification decision. The appeal must be submitted to the certification office by certified letter and must contain:

- Relevant background information on the case,
- OTCO's actions and rulings on the case,
- Reasons to change OTCO's position,
- Evidence to support the appellant's assertions and
- A suggested resolution to the problem.

Appellants are strongly encouraged to submit complete information when making an appeal. Submission of new information after the initial appeal may delay scheduling of the adjudication meeting. In order to prevent spurious appeals and to help offset the cost of adjudication proceedings, the appellant must submit a fee of \$100 with the appeal.

4. PROCEDURES APPLICABLE TO THE ADJUDICATION PROCESS

The OTCO adjudication process is designed to provide any operation participating in an Oregon Tilth certification program outside the scope of the National Organic Program with the opportunity to have a certification decision reconsidered when the operator believes the decision was not made in accordance with the applicable standards and/or procedures. The adjudication process encourages detailed discussions of the case and endeavors to reach a decision at the conclusion of the process that is both equitable and clearly defensible.

a). Adjudication Procedures

The steps of the adjudication process are summarized in the diagram below.

SUMMARY OF THE ADJUDICATION PROCESS

