

Quality Certification Services (QCS)  
Since 1989

# Organic Certification Guidance Handbook



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**1.0 Introduction**

Quality Certification Services (QCS) provides an impartial third party certification of organic production and handling methods. QCS is the certification program of Florida Certified Organic Growers and Consumers, Inc (FOG). FOG is a not-for-profit grassroots membership organization committed to environmentally sound production of food and the preservation of natural resources, and the improvement of soil quality and health through organic and sustainable farming practices. As written by an organic grower, our organization believes that the foundation of organic farming is “stewardship of the land, long-term relationships with soil organisms, animals and our fellow human beings.”

Certification by QCS is administered in a non-discriminatory manner. Certification is available to all applicants who operate according to the National Organic Standards and QCS’s policies regardless of size, financial condition, past certification or number of certificates issued. Certification is granted based solely on compliance related to the certification being considered. QCS staff may direct applicants to resources on organic production and handling, and may answer questions regarding how standards are interpreted or applied, but are not allowed to give advice or offer consultancy services to certification applicants or certified operations for overcoming identified barriers to certification.

Quality control of the certification process is outlined in the Quality Manual, an internal document. QCS offers organic certification for crops, livestock, wild cropping, processing, and handling. QCS organic certification consists of a written application by the applicant, inspection by a competent inspector, and thorough review of all applicant information. Certification must be renewed annually by the certified entity in order to remain in effect.

QCS is a not-for-profit certification program developed in response to the changing marketplace requirements and the regulatory nature of organic certification. QCS supports the work of not-for-profit organizations through financial donations. Donations will be given to not-for-profit organizations working on issues of importance to certified entities. QCS meets State requirements for operating an organic certification program as required. QCS is ISO (International Organization for Standardization) Guide 65 accredited. ISO 65 specifies requirements to ensure that certification bodies operate third-party certification systems in a consistent and reliable manner. The accreditation will help ensure that QCS certified products have access to global markets. Certified entities are notified of any changes in the authority under which QCS operates. Certified entities also are informed of QCS’s accreditation, certification or compliance with other organizations

This handbook is designed to outline QCS policies related to organic certification and to serve as a guidance document for the National Organic Standards. It is meant to serve as a resource for those wishing to understand and incorporate organic practices into their own farm/handling plan. Revisions may be necessary as recommendations developed by the National Organic Standards Board (NOSB) are implemented by the United States Department of Agriculture affecting the National Organic Program. As an active member of the Organic Trade Association’s Organic Certifier’s Council (OTA’s OCC), QCS operates in accordance with industry guidelines as they are implemented. This guidance handbook is compliant with the USDA National Organic Program requirements and is based on

existing policies and standards, NOSB proceedings, AOS, and other certification organizations' materials. Certified entities are notified of any changes in certification standards.

## **1.1 Basis of Certification**

When applicable, the United States Department of Agriculture (USDA) National Organic Program (NOP) is the basis of this organic certification program. Organic certification is not a declaration of quality, food safety, or an absolute residue free guarantee, but is a verification process of determining that foods said to be organic are in compliance with a certifying organization's standards. QCS certification may only be granted, maintained, extended, suspended or withdrawn by QCS in accordance with the National Organic Standards.

## **1.2 Principles of Organic Production and Handling\***

- a) Organic agriculture is based on holistic production management systems which promote and enhance agro-ecosystem health, including biodiversity, biological cycles, and soil biological activity. Organic agriculture emphasizes the use of management practices in preference to the use of off-farm inputs, taking into account that conditions require locally adapted systems. These goals are met, where possible, through the use of cultural, biological, and mechanical methods, as opposed to using synthetic materials, to fulfill specific functions within the system.
- b) Organically produced products are identified under specific and precise standards of production based on the use of ecologically sound production practices, which are intrinsic to the identification and labeling of organic products.
- c) Organic certification is a system of institutionalized trust that allows consumers to identify and reward those who meet organic standards. This requires an informed effort on the part of the producer or handler, and careful vigilance with consistent, transparent decision making on the part of the certification agent.
- d) Organic production systems strive to achieve agro-ecosystems that are ecologically, socially, and economically sustainable.
- e) Organic standards require that each certified organic entity operator must complete and submit for approval by a Certification Coordinator, an Organic Plan detailing the management of an organic crop, livestock, wild harvest, processing, or handling operation. The Organic Plan outlines the management system that will be used by the operation to comply with the organic standards. See section 3.3 for details on the Organic Plan requirements.
- f) An organic production system is designed to:
  - 1) Maximize biological activity in the soil;
  - 2) Maintain long-term soil fertility;
  - 3) Minimize soil erosion;
  - 4) Maintain or enhance the genetic and biological diversity of the production system and its surroundings;
  - 5) Provide livestock with optimal living conditions for health and well being;

- 6) Utilize renewable resources in bioregionally based agricultural systems;
  - 7) Recycle materials of plant and animal origin in order to return nutrients to the land, thus minimizing the use of non-renewable resources;
  - 8) Promote the environmentally responsible use of soil, water, and air, and minimize agricultural pollution; and
  - 9) Become established on an existing farm or field through a period of conversion, designed to allow the agricultural system to adapt to organic production methods and materials.
- g) Organic handling practices are based on the following principles:
- 1) Organic processors and handlers must implement organic good manufacturing and handling practices in order to maintain the integrity of organic products through all stages of processing, transport, and storage;
  - 2) Organic products must not be commingled with non-organic products, except when combining organic and non-organic ingredients in a finished product containing less than 100% organic ingredients;
  - 3) Organic products must not come in contact with prohibited materials;
  - 4) Proper records must be kept to verify that the integrity of organic products is protected;
  - 5) Organic products should be handled with emphasis on careful processing methods with a goal of maintaining the integrity and quality of the products; and
  - 6) Ecologically sound management practices should be a goal of organic handling operations. Efforts should be made to reduce packaging, use recycled materials, and reduce solid, liquid, and airborne emissions produced by handling operations.
- h) Organic production and handling operations must comply with all applicable local, state, and federal laws and address food safety concerns adequately.
- i) Organic certification, production, and handling systems serve to educate consumers regarding the source, quality, and content of organic foods and products. Product labels must be truthful regarding product name and contents.
- j) Genetically engineered/modified organisms (GEO/GMO's) or products produced by or through the use of such organisms, are not compatible with the principles of organic production (either growing, manufacturing, or processing) and are not permitted under these standards.
- k) Organic standards do not allow the use of synthetic materials such as synthetic fertilizers, pesticides, and genetically engineered organisms, except those listed in the QCS National Organic Standards but cannot ensure that organic products are completely free of such residues or contaminants, due to background levels of environmental pollutants.

\* Adapted from The Organic Trade Association's American Organic Standards Final Version October 20, 1999.

### 1.3 Definitions

**Act:** refers to the Organic Foods Production Act of 1990 as amended.

**Action level:** The limit at or above which the Food and Drug Administration will take legal action against a product to remove it from the market. Action levels are based on unavailability of the poisonous or deleterious substances and do not represent permissible levels of contamination where it is avoidable.

**Administrator:** The Administrator for the Agricultural Marketing Service, United States Department of Agriculture, or the representative to whom authority has been delegated to act in the stead of the Administrator.

**Audit trail:** Documentation that is sufficient to determine the source, transfer of ownership, and transportation of any agricultural product labeled as "100 percent organic," the organic ingredients of any agricultural product labeled as "organic" or "made with organic (specified ingredients)" or the organic ingredients of any agricultural product containing less than 70 percent organic ingredients identified as organic in an ingredients statement.

**Biologics:** All viruses, serums, toxins, and analogous products of natural or synthetic origin, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, and the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment, or prevention of diseases of animals.

**Buffer zone:** An area located between a certified production operation or portion of a production operation and an adjacent land area that is not maintained under organic management. A buffer zone must be sufficient in size or other features (e.g., windbreaks or a diversion ditch) to prevent the possibility of unintended contact by prohibited substances applied to adjacent land areas with an area that is part of a certified operation.

**Certified Organic (Crops/Livestock/Processed Products/Wild Crops):** Designation granted to a production or handling operation by QCS that the operation is in compliance with the National Organic Program regulations, which are reflected in this manual.

**Commercially available:** The ability to obtain a production input in an appropriate form, quality, or quantity to fulfill an essential function in a system of organic production or handling, as determined by QCS in the course of reviewing the organic plan.

**Compost:** The product of a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil. Compost must be produced through a process that combines plant and animal materials with an initial C:N ratio of between 25:1 and 40:1. Producers using an in-vessel or static aerated pile system must maintain the composting materials at a temperature between 131F and 170F for 3 days. Producers using a windrow system must maintain the composting materials at a temperature between 131 F and 170 F for 15 days, during which time, the materials must be turned a minimum of five times. The National Organic Standards Board has issued a recommendation on the definition of compost. QCS will issue an update on compost standards as they are adopted by the National Organic program. Please contact QCS with any questions or concerns regarding compost issues.

**Crop rotation:** The practice of alternating the annual crops grown on a specific field in a planned pattern or sequence in successive crop years so that crops of the same species or family are not grown repeatedly without interruption on the same field. Perennial cropping systems employ

means such as alley cropping, intercropping, and hedgerows to introduce biological diversity in lieu of crop rotation.

**Cultural methods:** Methods used to enhance crop health and prevent weed, pest, or disease problems without the use of substances; examples include the selection of appropriate varieties and planting sites; proper timing and density of plantings; irrigation; and extending a growing season by manipulating the microclimate with green houses, cold frames, or wind breaks.

**Excluded methods:** A variety of methods used to genetically modify organisms or influence their growth and development by means that are not possible under natural conditions or processes and are not considered compatible with organic production. Such methods include cell fusion, microencapsulation and macroencapsulation, and recombinant DNA technology (including gene deletion, gene doubling, introducing a foreign gene, and changing the positions of genes when achieved by recombinant DNA technology). Such methods do not include the use of traditional breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture.

**Feed additive:** A substance added to feed in micro quantities to fulfill a specific nutritional need; i.e., essential nutrients in the form of amino acids, vitamins, and minerals.

**Handler:** Any person engaged in the business of handling agricultural products, including producers who handle crops or livestock of their own production, except such term shall not include final retailers of agricultural products that do not process agricultural products.

**Hydroponics:** Production of crops without soil. All nutrients are supplied via water and growth media are used solely for water retention and crop stabilization.

**Inert ingredient:** Any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) other than an active ingredient which is intentionally included in any pesticide product (40 CFR 152.3(m)).

**Ingredients statement:** The list of ingredients contained in a product shown in their common and usual names in the descending order of predominance.

**Nonconformances:** Aspects of an applicant's operation which are not in compliance with the National Organic Program as outlined in this manual. Nonconformances may be minor or major. A minor nonconformance is not considered to jeopardize the organic integrity of a product or ingredient and is correctable. A major nonconformance jeopardizes or has jeopardized the organic integrity of an operation or its products.

**Organic system plan:** A plan of management of an organic production or handling operation that has been agreed to by the producer or handler and QCS and that includes written plans concerning all aspects of agricultural production or handling as described in these standards as they reflect the National Organic Program regulations.

**Packers:** A produce packer is a processor that receives raw agricultural products and packs the products for shipping. A produce packer may also store products and apply allowed postharvest materials. A packer must be certified as an organic handler.

**Principal display panel:** That part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale.

**Processing aid:** (a) substance that is added to a food during the processing of such food but is removed in some manner from the food before it is packaged in its finished form; (b) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; and (c) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at insignificant levels and does not have any technical or functional effect in that food.

**Processors:** A processor cooks, bakes, heats, dries, mixes, grinds, churns, separates, extracts, cuts, ferments, eviscerates, preserves, dehydrates, freezes, otherwise manufactures, packages, cans, jars, or otherwise encloses food in a container.

**Secretary:** The Secretary of Agriculture or the representative to whom authority has been delegated to act in the stead of the Administrator.

**Transitional:** A marketing label used for products that meet all of the requirements for certification under these standards excepting the passage of the 3 year period during which no prohibited substances and providing at least 1 year has elapsed since the last application of any prohibited materials to the land and further providing any crop, such as oranges or pineapples being in production more than 12 months, marketing with the word “transitional,” should not be subjected to any synthetic chemical/pesticide application of any kind even if application occurred more than 1 year prior to harvest.

**Wild Crop:** Any plant or portion of a plant that is collected or harvested from a site that is not maintained under cultivation or other agricultural management.

## **1.4 Applicability, Exclusions, Exemptions and Additional Requirements**

### **1.4.1 Applicability**

Each production or handling operation (or portion of such an operation) that produces or handles crops, livestock, livestock products or other agricultural products that are intended to be sold, labeled or represented as “100% organic”, “organic”, or “made with organic (specified ingredients or food groups)” must be produced in accordance with these regulations and certified organic. As soon as the National Organic Program is fully implemented (Fall 2002) the exemptions outlined in section 1.4.2 will apply.

Any production or handling operation or specified portion of a production or handling operation that has been already certified by QCS shall be deemed to be certified under these regulations until the operations’ next anniversary date of certification. Such recognition shall only be available to those operations certified within 18 months of April 29, 2001.

Any operation that knowingly sells or labels a product as organic, except in accordance with these regulations, shall be subject to a civil penalty of not more than \$10,000 per violation.

Any operator that makes a false statement under the Act to the Secretary, a governing state official or an accredited certifying agent shall be subject to the provisions of section 1001 of title 18, United States Code.

### **1.4.2 Exemptions and Exclusions**

The following exemptions and exclusions will apply when the NOP is fully implemented. However, some state organic programs may have additional requirements. See section 1.4.4 (b) (2) for more information.

### Operations which:

- a) gross \$5000 or less in organic sales annually are exempt from certification, and are not required to submit an organic plan but must comply with the practice standards outlined in the National Organic Standards. Such products may not display the USDA seal or any other certification seal, must not be represented as certified organic product or ingredient, and may not be represented or identified as organic in products processed by a third party.
- b) are retail food establishments that handle organically produced agricultural products but do not process them are exempt from certification requirements;
- c) are a handling operation that only handle agricultural products containing less than 70% organic ingredients by total weight (excluding salt and water) are exempted from certification but must prevent the co-mingling of organic products with prohibited materials (see section 7.5), and must not use or display any USDA seal or seal or mark of any certifying agency, and must not be identified as certified organic. These operations may identify organic contents of products by using the word organic in the ingredient statement to describe the organic ingredient, and may display the percentage of organic ingredients on the product's display panel.
- d) Handling operations which sell only 100 % organic, organic, or made with organic products and receive or acquire products are already packaged or otherwise enclosed in a container and are not otherwise processed or removed from original packaging while under the control of the operation are excluded from certification except for regulation regarding prevention of contact and co-mingling with prohibited materials (see section 7.5)

#### **1.4.3 Requirements for exempt and excluded operations.**

- a) All products produced by exempt and excluded operations are subject to labeling requirements specified in section 2.4.1 and product composition rules and calculations of section 2.4.2 and 2.4.3 of this manual.
- b) All exempt operations must maintain records sufficient to prove that ingredients identified as organic were organically produced and handled and verify.
- c) These records must be kept for no fewer than three years beyond their creation and the operations must allow the Secretary and the Secretary's representatives and state organic program's governing State official access to these records for inspection and copying during normal business hours to determine compliance with the National Organic Program.

#### **1.4.4 Special Certifications**

- a) **Grower Groups:** The National Organic Program has asked for guidance on this issue and the National Organic Standards Board is currently working on recommendations regarding the certification of grower groups. When the NOSB recommendations are implemented, they will supercede the policy as written in this guidance document.

QCS defines group certification as the certification of a group of growers who meet the following criteria:

- The crops and farming practices of the producers must be uniform and reflect a consistent process or methodology, using the same inputs.
- The group must be managed as a legal entity under one central administration that is uniform and consistent.
- Participation in the group is limited to producers who sell all of their organic production through the group.
- Producers who are certified as part of a grower group do not possess individual certificates. Rather, the grower group is certified as a unit.
- Grower groups must establish and implement an internal control system (quality system), with supervision and documentation of production practices and inputs used at each producer's operation to insure compliance with the USDA's National Organic Standard.
- Grower groups must ensure that all members understand the US National Organic Standard and how it applies to their specific operations.
- Grower groups must utilize centralized processing, distribution, and marketing facilities and systems.

QCS will develop specialized inspection plans for projects that meet the needs of individual groups which fall under this definition. For each grower group it certifies, a QCS must document its method for determining the number of growers to be inspected. This determination must include consideration of:

- The number of operations participating in the grower group;
- The size of the average operation in the grower group;
- The degree of uniformity between the group's operations;
- The complexity of the group's production system(s); and
- The management structure of the group's internal control system.

Typically, 25% to 33% of fields would be inspected annually.

#### a1) Application of Grower Groups

Grower groups are often very complex. They may include hundreds if not thousands of producers. These types of operations do not easily fit normal inspection. Therefore, much supplemental data is necessary in addition to normal certification documents.

The following is a list of information that the grower groups must supply to QCS prior to an inspection:

- General map indicating the general region of the production zone.
- A more detailed map indicating the location of each of the communities to be inspected.
- Grower lists by community, listing producers, producer codes or numbers, amount of land area under production by each producer, crops, estimated yields, and past production history. Many grower groups maintain individual producer records such as parcel maps and grower agreements which are generally reviewed at the time of inspection.
- Application and Organic system plan
- Name of contact persons with phone numbers, both home and work. It is important to have access to at least two contacts in case the primary contact person cannot be reached.
- A description of the project to understand how it is organized. A previous inspection report should be provided for certification updates.

- Handling plans, questionnaires/applications, if there is any processing. (Many grower groups operate processing and/or storage facilities.)
- Information on final sales and distribution. This is important to determine if any off-site export or storage facilities need to be inspected.
- In the case of certification updates, the inspector should be provided with the past certification letter with all conditions for certification clearly stated. As indicated, the past inspection report can be extremely valuable, and should be reviewed.

a2) Review internal control documents

Upon arrival at the inspection locale, the inspector shall meet with the management to plan the inspection itinerary. The inspector should clearly understand the organizational management of the project prior to heading out into the field. Inspectors will need documentation of the internal control system to properly verify local oversight efforts, education programs, product flow, and production practices. This information can help the inspector choose where to focus during the inspection site visits.

a3) Select the sites to visit

The inspector must make sure that they have the freedom to select any part of the project for inspection. Grower group manager's do not "direct" the inspection. QCS encourages inspectors to make adequate attempts to visit remote producers to best assess the system.

a4) Interview grower group members

Once the inspection begins, the recommend process is to follow the product flow starting with the production sites, followed by primary processing, final processing, packaging, storage, and distribution. When visiting the producers, in addition to observing production practices and organic control points specific to the operation, the inspector must verify aspects critical to the overall project. Producers shall be interviewed directly about not only about their farms, but also about other projects in the programs to determine how well the producer understands what organic farming and certification means. Interviews with producers shall include direct questions, such as, "When was the last time you used agro-chemicals?" "Have chemicals such as urea or Roundup or other brand name products common to the area been used?" Producers must clearly understand what substances are prohibited. The individual farm integrity usually reflects the producer's understanding of organic certification, which is directly linked to the project's overall educational and oversight efforts.

a5) Understand local issues

It is critical for QCS to understand the local culture, traditions, and common inputs. QCS may invite a local inspector to accompany the inspection. A local inspector can help build trust with producers and help QCS understand local issues. Such cooperative arrangements can help empower indigenous inspectors.

a6) Office audit

Once all aspects of the project have been inspected, a final visit to the project office will likely be required for an audit. The audit of the entire project is best done at the end of the inspection, when the inspector has a more thorough understanding of the entire operation. Additionally, it will most likely be necessary to verify different pieces of information gathered during the field inspection.

a7) Exit interview

An exit interview with the project management is necessary in order to answer remaining questions. This gives the inspector a last chance to secure missing information, obtain required signatures, clarifying confusing, inconsistent, or inaccurate information, and communicate issues of concern.

a8) The Internal Control System and Organic Control Points (OCPs)

Assess the internal control system

The most critical component of both the grower group inspection and the grower group inspection report is the assessment of the internal control system. (A grower group inspection is in fact an evaluation of the internal control system.) The report shall address the steps taken by the internal control system to enforce compliance with organic standards.

- Have the operators been provided copies of the standards in a language or format they understand?
- Does the internal control system use individual inspection reports to assess operator compliance? If not, how is compliance assessment documented?
- How often do official representatives of the control system visit each operation?
- What kinds of documents are generated to verify these visits?
- Are new operators inspected prior to being added to the GG?
- Have all grower group members signed a contract stating that they will comply with the organic standards and permit annual inspections?
- Are operators provided assistance to comply with the standards?
- What happens when non-compliance is suspected or detected?
- Are there records of the actions taken when non-compliance has been investigated?
- Does the control system have an official "sanctions" policy? If so, submit a copy with your report.

a9) Report inconsistencies

It is important to clearly describe the consistency of the project from producer to producer. As indicated, different certifying agents may have different requirements for grower group inspections. Some may require spreadsheets with information on each producer; others may require site visit sheets signed by the farmer at the farm; others require inspecting only a percentage of the total number of producers. If QCS finds prohibited practices and are only inspecting 20% of the operations, it is a good bet that QCS has only found 1/5 of the problems. Removal of the individual producer is not necessarily the final answer. The situation may be an indication that the project is not providing proper oversight. Internal records should match inspector and QCS findings. QCS findings such as inconsistencies and unresolved issues will be recorded in the inspection report, and the final certification decision letter. In addition to the findings, QCS shall report on the Organic Critical Control Points, which are points of the overall operation, where loss of organic integrity may occur. QCS shall report the preventative steps taken to protect organic products, and identify deficiencies where organic control points are not sufficiently addressed. The following is a list of examples of **organic control points** encountered during grower group inspections:

- Unclear registers of grower group members.
- Unclear or inadequate maps.

- Inclusion of new fields or new producers with no conversion or documentation.
- Use of synthetic fertilizers - A producer may think that because he or she uses no herbicides or pesticides, the operation is organic.
- Use of used agrochemical bags or containers for harvested products.
- Contamination during storage or transport, e.g.: boats with gas and water in bilge, or storage under the house with gas and paint on top of product.
- Insufficient buffers or non-separation from other crops that have chemicals e.g.: cacao inter-planted with plantain, with urea used to fertilize the plantain.
- Inclusion of crops from neighbors or relatives who are not on the producer list.
- Intentional chemical use. "I only used a little bit."
- Shared use of backpack sprayers which are also used for applying prohibited materials.
- Unclear internal purchase and transaction records within the grower group.

a10) Processing by grower groups

Finally, grower group reports may include process inspection reports for all of the processes performed by the grower group. QCS must ensure that the grower group has submitted a handling system plan, as applicable, and QCS must approve the plan, along with conduct an inspection and final review.

**b) Additional Market Requirements:**

- 1) For Export: Producers wishing to export certified organic product must obtain the standards of the importing country in order that QCS can verify products' compliance with those standards.
- 2) Additional State requirements: Those states with State Organic Programs may have additional requirements for operations located with those states and will require that operations are certified compliant with their state's standards. Please contact your state program's organic agent to determine if your state has additional certification requirements so that QCS can verify compliance with additional state requirements.
- 3) Additional Marketing Label Claims: Producers may have products certified to standards in addition to organic standards in order to carry an additional marketing label. Examples of upcoming label claims included regional food systems and social stewardship standards. Please contact the office for more information.
- 4) Transitional Status: Products that meet the requirements under the definition of transitional organic may be marketed using the words "transitional."
- 5) Hormone and Antibiotic Free Status (Livestock): All animals slaughtered and sold or labeled as hormone and antibiotic free shall be raised in accordance with all provisions for organic labeling with the exception that the producer need not feed such animals organically produced feed, nor maintain pasture under requirements for organic certification.

## 1.5 Reciprocity

QCS certified entities must obtain a valid organic certificate on all ingredients or inputs (for example organic feed for livestock or ingredients in a multi-ingredient finished product) intended for use in their organic operation and not certified by QCS. Certificates from USDA (ISO65 or NOP) accredited certification agencies will be accepted. Please contact our office if you have any questions.

## 2.0 Procedures and Policies

### 2.1 Certification Procedures

QCS will accept all production or handling applications that fall within its areas of accreditation and certify all qualified applicants to the extent of its administrative capacity to do so without regard to size or membership in any association or group.

#### 2.1.1 Application Review Procedures

a) An initial certification packet is supplied to any applicant upon receipt of the \$25.00 packet fee. The packet includes a complete application, the Certification Handbook and an Organic Materials Review Institute (OMRI) List. Application materials are available on the QCS website.

b) One copy and the original, completed application and signed affidavit must be sent to the QCS office, and accompanied by a check for the appropriate application fee (**NOTE: if the copy of the application is not received, a copying fee may be applied**). Please keep an additional copy of the application for your files. There is an approximate two to three month turnaround time for applications. The exact time will vary depending on the completeness of the application as well as the availability of the inspector. Each application is reviewed by a Certification Coordinator to ensure its completeness prior to inspection. Applications will also be reviewed to determine whether applicant appears to comply or may be able to comply with the Act and the standards. Applicants will be notified of the receipt of their application and will be advised of any measures that may be necessary to complete the application. Key items include signed application, signed affidavit, farm/ facility maps, individual product profiles and attachments.

At this time, the certification staff will verify that an applicant who has previously applied to another certification agency and received a notification of noncompliance or denial or certification has submitted documentation to support the correction of any noncompliances identified by the notification of noncompliance or denial of certification.

c) Certification applicants must answer all questions on the certification application(s) that apply to their operations requested for certification. All applicants must provide:

1) The name of the person completing the application, the applicant's business name, address and telephone number, and when the applicant is a corporation, the name, address and telephone number of the person authorized to act on the applicant's behalf.

- 2) The names(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.
- 3) An organic production or handling system plan as described in section 3.3.
- 4) Any other information necessary to determine compliance with the National Organic Standards.

d) Unsigned or incomplete applications may be returned to the applicant, and an applicable postage and handling fee, not to exceed \$15.00, may be required for application resubmission. If the Certification Coordinator finds the operation to be out of compliance, the applicant will be notified of nonconformances and given the opportunity to document corrective action. If documentation of corrective action is not received within 60 days the certification file will be considered inactive and certification staff will begin procedures to deny or suspend certification.

The applicant may withdraw his or her application at any time. An applicant must inform the office in writing of his or her decision to withdraw an application. An applicant who withdraws his or her application shall be liable for the costs of services provided up to the time of application withdrawal. An applicant that voluntarily withdraws from the certification process prior to the issuance of a notice of noncompliance will not be issued a notice of noncompliance. Likewise, an applicant that voluntarily withdraws his or her application prior to being issued a denial of certification will not be issued such notice.

e) Once the completed application and supporting materials have been reviewed and approved, an initial inspection will be scheduled to verify the information provided in the application. This process will occur within a reasonable timeframe, except that the initial inspection may be delayed for up to 6 months to comply with the requirement that the operation be inspected when compliance or capacity to comply can be observed. The QCS office will send a copy of the application to the inspector along with any special instructions from the office.

### **2.1.2 Inspections**

- a) An initial on-site inspection shall be conducted for each operation requested for certification, in accordance with paragraphs (f) and (g) of this section. The on-site inspection shall be conducted annually thereafter to determine whether certification of the operation should continue. QCS may conduct additional on-site inspections (either announced or unannounced) of applicants for certification and certified operations to determine compliance with the National Organic Standards or any other applicable standard (for export products). The Administrator or State organic program's governing official may require QCS to perform additional inspections (announced or unannounced) for the purpose of determining compliance with the National Organic Standards.
- b) Before performing an actual on-site inspection, the inspector is directed (as appropriate) to review: (1) the application; (2) IOIA inspection instructions and ethics;

(3) prescribed materials applicable to the applicant's operation; (4) additional specific instructions and requirements as directed by QCS; (5) National Organic Standards.

c) All on-site inspections must be conducted when an authorized representative of the operation who is knowledgeable about the operation is present and at a time when the land and/or facilities demonstrate the operation's compliance with or capability to comply with the National Organic Standards. These requirements do not apply to unannounced on-site inspections.

d) The inspector must have no affiliation or business relationship with any applicant being evaluated. For additional information on conflict of interest see section 2.7. Inspectors are considered independent contractors and must be paid for by the applicant. Inspection fees must be payable to QCS and are due within 30 days of posting of the invoice.

e) During the on-site inspection, the inspector will inspect each production unit, facility, and site that produces or handles organic products and that is included in the request for certification. Applicants must allow the inspector to have complete access to the production and handling operation, including non-certified production and handling areas, structures and offices.

f) During the inspection, the inspector will verify the following information:

1) The operations' compliance or capability to comply with the National Organic Standards, or other additional market or regulatory requirements as applicable.

2) The information provided in the application, including that the organic system plan 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 utilized in an operation requested for certification. QCS may instruct the inspector to collect and have tested samples of soil, water, waste, seeds, plant tissue, and plant, animal and processed products to verify compliance.

g) The inspector will conduct an exit interview with an authorized agent of the operation in order to confirm the accuracy and completeness of the inspection observations and the information gathered during the inspection. At this time the inspector will notify the applicant of any additional information needed or of anything that appears to be out of compliance with the National Organic Standards. The inspector will provide the applicant with a receipt for any samples taken during the inspection.

### **2.1.3 Granting and Denial of Certification**

a) Once the on-site inspection report has been received, QCS certification staff will review the report as well as the results of any soil, tissue or product tests, and any additional information requested or supplied from the applicant within a reasonable time frame. The decision to certify an operation may not be made by

the same person that conducts the on-site inspection. QCS will provide the results of any tests for samples taken by the inspector as well as a copy of the on-site inspection report to the applicant.

- b) If the organic system plan and all procedures and activities of the applicant's operation are in compliance with the requirements of the National Organic Standards, and QCS determines that the applicant has been and is able to operate in accordance with the organic system plan, then certification will be granted. The certification may include requirements for the correction of minor noncompliances. These minor noncompliances must be verifiable within a 60-day time period as a condition of continued certification.
- c) When certification is granted, QCS will issue a certificate of organic operation that will specify at a minimum:
  - 1) The name and address of the certified operation
  - 2) The effective date of certification/ annual renewal date
  - 3) The categories of organic operation (e.g. crops, handling, livestock etc.)
  - 4) QCS's name, address and telephone number
  - 5) Additional descriptive information (100% organic, made with organic, product description)
- d) Once certified, an operation's organic certification continues in effect until surrendered by that operation, or suspended or revoked by QCS, the State organic program's governing official, or the USDA NOP administrator. Certification must be renewed annually (see section 2.2).
- e) If QCS believes that an applicant for certification is not able to comply or has not complied with the requirements of the National Organic Standards, QCS 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. The notification of noncompliance shall provide:
  - 1) A description of each noncompliance;
  - 2) The facts upon which the notification of noncompliance is based; and
  - 3) The date by which the applicant must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.
- f) 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 QCS;
  - 2) Correct noncompliances and submit a new application to another certifying agent: Provided, That, the applicant must include a complete application, the

notification of noncompliance received from QCS, and a description of the corrective actions taken with supporting documentation; or

3) Submit written information to QCS to rebut the noncompliance described in the notification of noncompliance.

g) After issuance of a notification of noncompliance, QCS will:

1) Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal, conduct an on-site inspection if necessary, and

2) When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue the applicant an approval of certification pursuant to 2.1.3 (b), (c), and (d); or

3) When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, issue the applicant a written notice of denial of certification.

4) Issue a written notice of denial of certification to an applicant who fails to respond to the notification of noncompliance.

5) Provide notice of approval or denial to the Administrator.

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

1) Reapply for certification pursuant to section 2.1 and paragraph (i) of this section.

2) Request mediation pursuant to 2.6.4 or, if applicable, pursuant to a State organic program; or

3) File an appeal of the denial of certification pursuant to 2.6.5 or, if applicable, pursuant to a State organic program.

i) 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 2.1 and this paragraph. When such applicant submits a new application to QCS, 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.

j) QCS will treat any application that includes a notification of noncompliance or a notice of denial of certification as a new application and begin a new application process pursuant to section 2.1.

k) Notwithstanding paragraph (e) of this section, if QCS 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 this part, QCS may deny certification pursuant to paragraph (g)(1)(ii) of this section without first issuing a notification of noncompliance.

l) Applicants who have applied to other certifying agents and received any notification of noncompliance must disclose all and any notifications to QCS at the time of application and provide the information outlined in paragraph (i) of this section.

m) QCS will notify the Administrator of the USDA NOP of the approval or denial of certification.

## **2.2 Renewals, Additions/Reductions and Withdraws**

### **2.2.1 Continuation of certification**

a) To continue certification, a certified operation must annually pay the certification fees and submit the following information, as applicable, to QCS:

1) An updated organic production or handling system plan that includes:

i) 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

ii) Any additions or deletions to the previous year's organic system plan, intended to be undertaken in the coming year, detailed pursuant to section 3.0 of this manual;

2) Any additions to or deletions from the information regarding the name of the person completing the application for certification, the applicant's business name, address and telephone number and when the applicant is a corporation, the name address and number of the person authorized to act on the applicant's behalf;

3) An update on the correction of minor noncompliances previously identified by QCS as requiring correction for continued certification; and

4) Other information as deemed necessary by QCS to determine compliance with the National Organic Standards.

b) Following the receipt of the information in part (a) of this section, QCS shall within a reasonable time arrange and conduct an on-site inspection of the certified operation pursuant section 2.1.2 of this manual. In the event that it is impossible for QCS to conduct the annual on-site inspection following receipt of the certified operation's annual update of information, QCS 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, is conducted within the first 6 months following the certified operation's scheduled date of annual update.

c) If QCS has reason to believe, based on the on-site inspection and a review of the information specified in section 2.1.1 and 2.1.2 of this manual, that a certified operation is not complying with the requirements of OFPA as outlined in this handbook, QCS shall provide a written notification of noncompliance to the operation in accordance with section 2.1.3(e) of this manual.

d) If QCS determines that the certified operation is complying with the National Organic Standards, and that any of the information specified on the certificate of organic operation has changed, QCS will issue an updated certificate of organic operation.

e) Certified operations may withdraw certification at any time. Requests for withdraw must be submitted in writing. All fees must be paid for all relevant services offered up to the point of withdraw.

### **2.3 QCS Application Flow Chart**



## 2.4 Labeling and Product Composition

### 2.4.1 Use of the term, "organic."

- a) The term, "organic," may only be used on labels and in labeling of raw or processed agricultural products, including ingredients, that have been produced and handled in accordance with the regulations in this part. The term, "organic," may not be used in a product name to modify a nonorganic ingredient in the product.
- b) Products for export, produced and certified to foreign national organic standards or foreign contract buyer requirements, may be labeled in accordance with the organic labeling requirements of the receiving country or contract buyer: Provided, That, the shipping containers and shipping documents meet the labeling requirements specified in 2.4.8.
- c) Products produced in a foreign country and exported for sale in the United States must be certified and labeled pursuant to section 2.4.
- d) Livestock feeds produced in accordance with the requirements of this part must be labeled in accordance with the requirements of 2.4.7.

### 2.4.2 Product composition

- a) Products sold, labeled, or represented as "100 percent organic." A raw or processed agricultural product sold, labeled, or represented as "100 percent organic" must contain (by weight or fluid volume, excluding water and salt) 100 percent organically produced ingredients. If labeled as organically produced, such product must be labeled pursuant to 2.4.4.
- b) Products sold, labeled, or represented as "organic." A raw or processed agricultural product sold, labeled, or represented as "organic" must contain (by weight or fluid volume, excluding water and salt) not less than 95 percent organically produced raw or processed agricultural products. Any remaining product ingredients must be organically produced, unless not commercially available in organic form, or must be nonagricultural substances or nonorganically produced agricultural products produced consistent with the National List. If labeled as organically produced, such product must be labeled pursuant to 2.4.4.
- c) Products sold, labeled, or represented as "made with organic (specified ingredients or food group(s))." Multiingredient agricultural product sold, labeled, or represented as "made with organic (specified ingredients or food group(s))" must contain (by weight or fluid volume, excluding water and salt) at least 70 percent organically produced ingredients which are produced and handled pursuant to requirements in section 3 of this part. No ingredients may be produced using prohibited practices specified in paragraphs (1), (2), and (3) of part (f) of this section. Nonorganic ingredients may be produced without regard to paragraphs (4), (5), (6), and (7) of part (f) of this section. If labeled as containing organically produced ingredients or food groups, such product must be labeled pursuant to section 2.4.5.
- d) Products with less than 70 percent organically produced ingredients. The organic ingredients in multiingredient agricultural product containing less than 70 percent

organically produced ingredients (by weight or fluid volume, excluding water and salt) must be produced and handled pursuant to requirements in section 3 of this part. The nonorganic ingredients may be produced and handled without regard to the requirements of this section. Multiingredient agricultural product containing less than 70 percent organically produced ingredients may represent the organic nature of the product only as provided in 2.4.6.

e) Livestock feed:

- 1) A raw or processed livestock feed product sold, labeled, or represented as "100 percent organic" must contain (by weight or fluid volume, excluding water and salt) not less than 100 percent organically produced raw or processed agricultural product.
- 2) A raw or processed livestock feed product sold, labeled, or represented as "organic" must be produced in conformance with section 6.2.

f) All products labeled as "100 percent organic" or "organic" and all ingredients identified as "organic" in the ingredient statement of any product must not:

- 1) Be produced using excluded methods, pursuant to 3.2(e);
- 2) Be produced using sewage sludge, pursuant to 3.2(g);
- 3) Be processed using ionizing radiation, pursuant to 3.2 (f);
- 4) Be processed using processing aids not approved on the National List of Allowed and Prohibited Substances: Except, That, products labeled as "100 percent organic," if processed, must be processed using organically produced processing aids;
- 5) Contain sulfites, nitrates, or nitrites added during the production or handling process, Except, That, wine containing added sulfites may be labeled "made with organic grapes";
- 6) Be produced using nonorganic ingredients when organic ingredients are available; or
- 7) Include organic and nonorganic forms of the same ingredient.

### **2.4.3 Calculating the percentage of organically produced ingredients.**

a) The percentage of all organically produced ingredients in an agricultural product sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))," or that include organic ingredients must be calculated by:

- 1) Dividing the total net weight (excluding water and salt) of combined organic ingredients at formulation by the total weight (excluding water and salt) of the finished product.

2) Dividing the fluid volume of all organic ingredients (excluding water and salt) by the fluid volume of the finished product (excluding water and salt) if the product and ingredients are liquid. If the liquid product is identified on the principal display panel or information panel as being reconstituted from concentrates, the calculation should be made on the basis of single-strength concentrations of the ingredients and finished product.

3) For products containing organically produced ingredients in both solid and liquid form, dividing the combined weight of the solid ingredients and the weight of the liquid ingredients (excluding water and salt) by the total weight (excluding water and salt) of the finished product.

b) The percentage of all organically produced ingredients in an agricultural product must be rounded down to the nearest whole number.

c) The percentage must be determined by the handler who affixes the label on the consumer package and verified by QCS. The handler may use information provided by the certified operation in determining the percentage.

#### **2.4.4 Packaged products labeled "100 percent organic" or "organic."**

a) Agricultural products in packages described in section 2.4.2 (a) and (b) may display, on the principal display panel, information panel, and any other panel of the package and on any labeling or market information concerning the product, the following:

1) The term, "100 percent organic" or "organic," as applicable, to modify the name of the product;

2) For products labeled "organic," the percentage of organic ingredients in the product; (The size of the percentage statement must not exceed one-half the size of the largest type size on the panel on which the statement is displayed and must appear in its entirety in the same type size, style, and color without highlighting.)

3) The term, "organic," to identify the organic ingredients in multiingredient products labeled "100 percent organic";

4) The USDA seal; and/or

5) The seal, logo, or other identifying mark of QCS, and any other certifying agent which certified production or handling operations producing raw organic product or organic ingredients used in the finished product: Provided, That, the handler producing the finished product maintain records, pursuant to this part, verifying organic certification of the operations producing such ingredients, and: Provided further, That, such seals or marks are not individually displayed more prominently than the USDA seal.

b) Agricultural products in packages described in 2.4.2 (a) and (b) must:

1) For products labeled "organic," identify each organic ingredient in the ingredient statement with the word, "organic," or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced. Water or salt included as ingredients cannot be identified as organic.

2) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "Certified organic by...," or similar phrase, identify QCS as the certifying agent that certified the handler of the finished product and may display the business address, Internet address, or telephone number of QCS in such label.

#### **2.4.5 Packaged products labeled "made with organic (specified ingredients or food group(s))."**

a) Agricultural products in packages described in 2.4.2(c) may display on the principal display panel, information panel, and any other panel and on any labeling or market information concerning the product:

1) The statement:

i) "Made with organic (specified ingredients)": provided that the statement does not list more than three organically produced ingredients; or

ii) "Made with organic (specified food groups)": Provided, That, the statement does not list more than three of the following food groups: beans, fish, fruits, grains, herbs, meats, nuts, oils, poultry, seeds, spices, sweeteners, and vegetables or processed milk products; and, Provided Further, That, all ingredients of each listed food group in the product must be organically produced; and

iii) Which appears in letters that do not exceed one-half the size of the largest type size on the panel and which appears in its entirety in the same type size, style, and color without highlighting.

2) The percentage of organic ingredients in the product. The size of the percentage statement must not exceed one-half the size of the largest type size on the panel on which the statement is displayed and must appear in its entirety in the same type size, style, and color without highlighting.

3) The seal, logo, or other identifying mark of QCS.

b) Agricultural products in packages described in 2.4.2 (c) must:

1) In the ingredient statement, identify each organic ingredient with the word, "organic," or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced. Water or salt included as ingredients cannot be identified as organic.

2) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "Certified organic by...", or similar phrase, identify QCS as the certifier that certified the handler of the finished product. The business address, Internet address, or telephone number of QCS may be included in such label.

c) Agricultural products in packages described in 2.4.2 (c) must not display the USDA seal.

#### **2.4.6 Multiingredient packaged products with less than 70 percent organically produced ingredients.**

a) An agricultural product with less than 70 percent organically produced ingredients may only identify the organic content of the product by:

1) Identifying each organically produced ingredient in the ingredient statement with the word, "organic," or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is organically produced, and

2) If the organically produced ingredients are identified in the ingredient statement, displaying the product's percentage of organic contents on the information panel.

b) Agricultural products with less than 70 percent organically produced ingredients must not display:

1) The USDA seal; and

2) Any certifying agent seal, logo, or other identifying mark which represents organic certification of a product or product ingredients.

#### **2.4.7 Labeling of livestock feed.**

a) Livestock feed products described in 2.4.2 (e) (1) and (2) may display on any package panel the following terms:

1) The statement, "100 percent organic" or "organic," as applicable, to modify the name of the feed product;

2) The USDA seal;

3) The seal, logo, or other identifying mark of QCS, provided that such seals or marks are not displayed more prominently than the USDA seal;

4) The word, "organic," or an asterisk or other reference mark which is defined on the package to identify ingredients that are organically produced. Water or salt included as ingredients cannot be identified as organic.

b) Livestock feed products described in 2.4.2 (e) (1) and (2) must:

1) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "Certified organic

by...," or similar phrase, display the name of QCS. The business address, Internet address, or telephone number of QCS may be included in such label.

2) Comply with other Federal agency or State feed labeling requirements as applicable.

**2.4.8 Labeling of nonretail containers used for only shipping or storage of raw or processed agricultural products labeled as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))."**

a) Nonretail containers used only to ship or store raw or processed agricultural product labeled as containing organic ingredients may display the following terms or marks:

- 1) The name and contact information of QCS;
- 2) Identification of the product as organic;
- 3) Special handling instructions needed to maintain the organic integrity of the product;
- 4) The USDA seal;
- 5) The seal, logo, or other identifying mark of QCS.

b) Nonretail containers used to ship or store raw or processed agricultural product labeled as containing organic ingredients must display the production lot number of the product if applicable.

c) Shipping containers of domestically produced product labeled as organic intended for export to international markets may be labeled in accordance with any shipping container labeling requirements of the foreign country of destination or the container labeling specifications of a foreign contract buyer: Provided, That, the shipping containers and shipping documents accompanying such organic products are clearly marked "For Export Only" and: Provided further, That, proof of such container marking and export must be maintained by the handler in accordance with record-keeping requirements for exempt and excluded operations under 1.4.2.

**2.4.9 Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as "100 percent organic" or "organic."**

a) Agricultural products in other than packaged form may use the term, "100 percent organic" or "organic," as applicable, to modify the name of the product in retail display, labeling, and display containers: provided that the term, "organic," is used to identify the organic ingredients listed in the ingredient statement.

b) If the product is prepared in a certified facility, the retail display, labeling, and display containers may use:

- 1) The USDA seal; and/or
- 2) The seal, logo, or other identifying mark of QCS: provided that, such seals or marks are not individually displayed more prominently than the USDA seal.

**2.4.10 Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as "made with organic (specified ingredients or food group(s))."**

a) Agricultural products in other than packaged form containing between 70 and 95 percent organically produced ingredients may use the phrase, "made with organic (specified ingredients or food group(s))," to modify the name of the product in retail display, labeling, and display containers.

1) Such statement must not list more than three organic ingredients or food groups, and

2) In any such display of the product's ingredient statement, the organic ingredients are identified as "organic."

b) If prepared in a certified facility, such agricultural products labeled as "made with organic (specified ingredients or food group(s))" in retail displays, display containers, and market information may display the QCS seal, logo, or other identifying mark.

**2.5 Use of Seals and Logos**

**2.5.1 USDA Seal.**

a) The USDA seal described in paragraph (b) of this section may be used only for raw or processed agricultural products described in paragraphs (a), (b), (e)(1), and (e)(2) of 2.4.2.

b) The USDA seal must replicate the form and design of the example in figure 1 and must be printed legibly and conspicuously:

1) On a white background with a brown outer circle and with the term, "USDA," in green overlaying a white upper semicircle and with the term, "organic," in white overlaying the green lower half circle; or

2) On a white or transparent background with black outer circle and black "USDA" on a white or transparent upper half of the circle with a contrasting white or transparent "organic" on the black lower half circle.

3) The green or black lower half circle may have four light lines running from left to right and disappearing at the point on the right horizon to resemble a cultivated field.



Figure 1 USDA Logo



Figure 2 QCS Logo

### 2.5.2 QCS Logo

The QCS logo/name can only be used for marketing organic products produced/handled by entities in good standing in accordance with the provisions of the National Organic Standards. Certified entities will receive numbered certificates of certification embossed with the official QCS logo.

#### a) Appearance of QCS Logo

All organic products certified by QCS and produced and sold under the National Organic Standards may be identified by the official QCS logo. Logos may appear:

- 1) Where practical, on the individual product (such as with watermelons, cantaloupes).
- 2) On the individual marketed packaging unit (such as blueberry, strawberry containers, bagged products, juice cartons, and jars.)
- 3) Where sold in bulk, the display may be identified with the QCS logo.

#### b) Certification Logo

Entities certified by QCS may choose to use the FOG logo in accordance with the rules for logo uses in section 2.4.

#### c) Third Party Sales and/or Advertisements

In sales or advertisements by a third party such as a retail market or restaurant:

Although only a certified entity has the right to use the logo or name that permission extends to signs and advertisements used to promote QCS certified products for sale by third parties. The Certified Party must make sure the following conditions are met:

- 1) Any sign that displays the logo or name must be specific to an item or a group of items that is QCS certified.
- 2) Any advertisement used by a third party may only use the logo or name in such a way as to clearly refer to items that are QCS certified and only to those items.

#### d) Enforcement

Any use of the QCS logo and certificates other than as stipulated above is considered fraudulent and subject to the penalty provisions of the National Organic Standards and to the full extent of any applicable civil or criminal laws governing fraud. See section 2.6.

## **2.6 Investigations and Noncompliances**

### **2.6.1 Investigation of certified operations**

- a) QCS may investigate complaints of noncompliance with this handbook concerning production and handling operations certified as organic by QCS. QCS must notify the USDA NOP Program Manager of all compliance proceedings and actions taken pursuant to this part.
- b) A State organic program's governing State official may investigate complaints of noncompliance with this handbook concerning organic production or handling operations operating in the State.

### **2.6.2 Compliance Procedures**

- a) The National Organic Program's Program Manager, on behalf of the Secretary, may inspect and review certified production and handling operations and accredited certifying agents for compliance with the Act or regulations in this part.
- b) The Program Manager may initiate suspension or revocation proceedings against a certified operation:
  - 1) If the Program Manager has reason to believe that a certified operation has violated or is not in compliance with the Act or regulations in this part; or
  - 2) When QCS or a State organic program's governing State official fails to take appropriate action to enforce the Act or regulations in this part.
- c) The Program Manager may initiate suspension or revocation of QCS's accreditation if QCS fails to meet, conduct, or maintain accreditation requirements pursuant to the Act or this part.
- d) Each notification of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, and suspension or revocation issued pursuant to 2.1.3, 2.6.3 and 2.6.4 and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.

### **2.6.3 Noncompliance Procedure for certified operations**

- a) Notification. When an inspection, review, or investigation of a certified operation by QCS or a State organic program's governing State official reveals any noncompliance with this handbook, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide:
  - 1) A description of each noncompliance;
  - 2) The facts upon which the notification of noncompliance is based; and

3) 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.

b) Resolution. When a certified operation demonstrates that each noncompliance has been resolved, QCS, as applicable, shall send the certified operation a written notification of noncompliance resolution.

c) Proposed suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within 60 days, QCS 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 2.6.4 or to file an appeal pursuant to 2.6.5.

d) Willful violations. Notwithstanding paragraph (a) of this section, if QCS has reason to believe that a certified operation has willfully violated the National Organic Standards; QCS 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.

e) Suspension or revocation.

- 1) If the certified operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, QCS shall send the certified operation a written notification of suspension or revocation.
- 2) QCS must not send a notification of suspension or revocation to a certified operation that has requested mediation pursuant to 2.6.4 or filed an appeal pursuant to 2.6.5, while final resolution of either is pending.

f) Eligibility.

- 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 regulations outlined in this handbook.

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.

g) Violations of Act. In addition to suspension or revocation, any certified operation that:

1) Knowingly sells or labels a product as organic, except in accordance with the Organic Foods Production Act (OFPA) as reflected in this handbook, shall be subject to a civil penalty of not more than \$10,000 per violation.

2) Makes a false statement under OFPA to the Secretary, a State organic program's governing State official, or QCS shall be subject to the provisions of section 1001 of title 18, United States Code.

#### **2.6.4 Mediation.**

Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by QCS. Mediation shall be requested in writing to QCS. If QCS rejects the request for mediation, QCS shall provide written notification to the applicant for certification or certified operation. The written notification shall advise the applicant for certification or certified operation of the right to request an appeal, pursuant to 2.6.5, within 30 days of the date of the written notification of rejection of the request for mediation. If mediation is accepted by QCS, a qualified mediator mutually agreed upon by the parties to the mediation shall conduct such mediation. If a State organic program is in effect, the mediation procedures established in the State organic program, as approved by the Secretary, will be followed. The parties to the mediation shall have no more than 30 days to reach an agreement following a mediation session. If mediation is unsuccessful, the applicant for certification or certified operation shall have 30 days from termination of mediation to appeal QCS's decision pursuant to 2.6.5 (f). Any agreement reached during or as a result of the mediation process shall be in compliance with the National Organic Standards. The Secretary may review any mediated agreement for conformity to the standards and may reject any agreement or provision not in conformance with the standards.

#### **2.6.5 Appeals**

a) Persons subject to the Act 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.

b) Persons subject to the Act who believe that they are adversely affected by a noncompliance decision of a State organic program may appeal such decision to the

State organic program's governing State official who will initiate handling of the appeal pursuant to appeal procedures approved by the Secretary.

c) Persons subject to the Act who believe that they are adversely affected by a noncompliance decision of QCS may appeal such decision to the Administrator, Except, That, when the person is subject to an approved State organic program, the appeal must be made to the State organic program.

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

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

f) Certification appeals. An applicant for certification may appeal QCS's notice of denial of certification, and a certified operation may appeal QCS'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.

1) If the Administrator or State organic program sustains a certification applicant's or certified operation's appeal of QCS'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 QCS.

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.

## **2.7 Conflict of Interest Statement**

In order to prevent a conflict of interest from occurring all staff, Certification/Standards Committee members, board members, inspectors and all other contractors must fill out a disclosure statement. This disclosure statement reveals financial and other interests in entities that might benefit from or be harmed by the decisions of QCS, its staff, or the Certification/Standards Committee. Employees, inspectors, contractors and other personnel are not permitted to accept payment, gifts or favors of any kind, other than prescribe fees, form any business inspected

## **2.8 Confidentiality**

All staff, Board of Directors, Certification/Standards Committee members, inspectors and all other contractors are required to sign a confidentiality agreement with QCS stating that they will not disclose any confidential information.

## **2.9 Certification Fees**

### **2.9.1 Fee Structure**

Fees are evaluated periodically and are subject to change. See Certification Fee Structure for appropriate fees. Membership for certified entities is included in certification. First time applicants must purchase a certification Packet for \$25.00. If an applicant withdraws their application before the inspector has been assigned, the applicant will be refunded half of the certification fee. If an applicant withdraws their application after the inspector has been assigned, the applicant will not be eligible for a refund. Applicants who are eligible for a refund must direct a written request to the office for the refund.

### **2.9.2 Certification Assessments**

Assessments provide for an equal contribution from certified parties for implementation of QCS operations. As of December 1999 the assessment rate is 0.50%. Assessments are collected biannually. Please see the QCS Fee Schedule to calculate assessment fees and contact QCS staff with any questions on the current published fee structure. A late fee of \$25.00 will be imposed on overdue assessments. Recertification will be denied to any certified applicant whose assessment payments remain unpaid. A sales statement signed by the certified member covering the assessment period showing gross sales must accompany each payment. QCS reserves the right to audit a certified entity's records.

### **2.9.3 Transaction Certificates**

Transaction Certificates are available to certified entities exporting certified organic products. Transaction Certificates cost \$25.00 each. Any additional administrative costs (i.e. international phone calls) may be charged to the appropriate party.

### **2.9.4 Additional Charges**

Additional administrative fees may be charged for copying, international calls or postage, international transaction certificates, and any other expense incurred for individual entities. Operations requesting the additional service will be charged for the actual cost of reproducing and sending information and international calls as well as an hourly rate for staff time at \$40 per hour for completed work.

### **2.9.5 Collection Policy**

Certification fees are due upon receipt of the complete application. Inspection fees are due within 30 days of the invoice being posted. Checks must be made payable to QCS. The inspection fee may be given to the inspector to turn in with the report or may be sent to the QCS office. An inspection fee deposit may be required in some cases, for example international inspections. Certificates will not be issued until all fees have been paid or other arrangements have been made.

## **2.10 Suggested Program Revisions**

For the purpose of efficient administration and enforcement of the National Organic Standards, the Certification Coordinator(s) are granted the authority to implement rules and interpret the provisions contained herein, while maintaining consistency with the outlined principles of organic production.

The Certification/Standards Committee is granted the authority by the Certification Program Board to amend, delete, or add to provisions of the standards in accordance with the National Organic Program.

Any interested party may make suggestions via the “Suggested Program Revision Form” found on the last page of this manual. This form may also be obtained from the QCS office. Receipt of the form will be acknowledged by the QCS office. Submitted forms will be reviewed by the Certification/Standards Committee. The Committee will review the suggestions and discuss with certification staff any changes which may be suggested. The Committee will make a decision within 60 days of receipt of the form. All certified entities and other parties of interest will be notified of any changes in standards.

Suggestions for changes to the National Organic Program (NOP) and/or petitions for inclusion of materials on the National List must be directed to the National Organic Standards Board (NOSB) and adopted by the NOP. Please contact them directly. For more information see FR 205.607

Petitions to change accepted industry standards (the American Organic Standards of the Organic Trade Association (OTA)) should be directed to the OTA at ([www.ota.com](http://www.ota.com), (413)774-7511, [info@ota.com](mailto:info@ota.com)).

## **2.11 Temporary Variances**

a) Temporary variances from the requirements in section 4.0 through 4.8, sections 5.0 through 5.9, and sections 6.0 through 6.5 and sections 7.0 through 7.5 may be established by the Administrator for the following reasons:

- 1) Natural disasters declared by the Secretary;
- 2) Damage caused by drought, wind, flood, excessive moisture, hail, tornado, earthquake, fire, or other business interruption; and
- 3) Practices used for the purpose of conducting research or trials of techniques, varieties, or ingredients used in organic production or handling.

b) A State organic program's governing State official or QCS may recommend in writing to the Administrator that a temporary variance from a standard set forth in section 3.0 of this part for organic production or handling operations be established: provided that such variance is based on one or more of the reasons listed in paragraph (a) of this section.

c) The Administrator will provide written notification to QCS upon establishment of a temporary variance applicable to the QCS's certified production or handling operations and specify the period of time it shall remain in effect, subject to extension as the Administrator deems necessary.

d) QCS, upon notification from the Administrator of the establishment of a temporary variance, must notify each certified production or handling operation to which the temporary variance applies.

e) Temporary variances will not be granted for any practice, material, or procedure prohibited under section 3.2.

## **2.12 Public Information**

Information routinely made available to the public includes:

- a) Certificates issued during the current and preceding 3 years.
- b) A list of producers and handlers including the name of each operation, the type of operation, products produced and the effective date of certification during the current and 3 preceding calendar years.
- c) The results of laboratory analyses for residues of pesticides and other prohibited substances conducted during the current and 3 preceding calendar years.
- d) Other business information as provided in writing by the producer or handler.
- e) A copy of the procedures to be used for sampling and residue testing.

See section 2.9.4 for fees charged for this service.

## **3.0 Organic Production and Handling Requirements**

The requirements of this section apply equally to all producers and handlers of organic food and are in addition to the specific requirements of sections 4, 5, and 6. Production practices implemented in accordance with these requirements and those in sections 4, 5 and 6 must maintain or improve the natural resources of the operations, including soil and water quality.

Applicants must notify QCS concerning any application, including drift, of a prohibited substance, to any field, production unit, site, facility, livestock, or product that is part of an operation and change in a certified operation or any portion of a certified operation that may affect its compliance with the Act and the regulations in this handbook.

### **3.1 Recordkeeping by certified operations**

a) A certified operation must maintain records concerning the production, harvesting, and handling of agricultural products that are or that are intended to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))."

b) Such records must:

- 1) Be adapted to the particular business that the certified operation is conducting;
- 2) Fully disclose all activities and transactions of the certified operation in sufficient detail as to be readily understood and audited;
- 3) Be maintained for not less than 5 years beyond their creation; and
- 4) Be sufficient to demonstrate compliance with the Act and the regulations in this part and must include:
  - i) Inputs: purchase receipts, check registers, application records and names and addresses of personnel who applied substances (including dates, rates and methods of application to fields or agricultural products or production areas).

- ii) Harvest/production records.
- iii) Sales records: sales slips.
- iv) Records of restricted substances and practices used.
- v) Certification records, including past certifications.
- vi) Complaints regarding a product's compliance with requirements of certification.

Audit trail records need to be detailed enough to trace all raw material/inputs from the supplier. Keep a copy of all applications and other materials regarding certification. It will help in filling out future applications as well as allowing you to respond to QCS questions. Records are to be made available at any time during business hours on request, to a certification inspector, a Certification Coordinator or designated investigator.

A producer or handler who produces or handles both organically and conventionally must keep all records of organic operations separate from records relating to other operations. These records are required as part of the organic production and handling system plan and must be sufficient to document audit trail and separation of all certified products from non-organic products.

Complaints must be addressed by the certified entity with appropriate action in respect to any deficiencies found in certified products. The applicant must document actions taken and documentation must be available for review.

- c) The certified operation must make such records available for inspection and copying during normal business hours by authorized representatives of the Secretary, the applicable State program's governing State official, and QCS.

### **3.2 Allowed and prohibited substances, methods, and ingredients in organic production and handling.**

To be sold or labeled as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))," the product must be produced and handled without the use of:

- a) Synthetic substances and ingredients, except as provided in the QCS National Organic Standards;
- b) Nonsynthetic substances prohibited in the QCS National Organic Standards;
- c) Nonagricultural substances used in or on processed products, except as otherwise provided in the QCS National Organic Standards;
- d) Nonorganic agricultural substances used in or on processed products, except as otherwise provided in the QCS National Organic Standards;
- e) Excluded methods, except for vaccines, Provided, That, the vaccines are approved in accordance with National Organic Program;
- f) Ionizing radiation, as described in Food and Drug Administration regulation, 21 CFR 179.26; and

- g) Sewage sludge.

### **3.3 Organic Production and Handling System Plan**

a) The producer or handler of a production or handling operation, except as exempt or excluded under 1.4.2, intending to sell, label, or represent agricultural products as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" must develop and submit an organic production or handling system plan that is agreed to by the producer or handler and QCS. An organic system plan must meet the requirements set forth in this section for organic production or handling. An organic production or handling system plan must include:

- 1) A description of practices and procedures to be performed and maintained, including the frequency with which they will be performed;
- 2) A list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable;
- 3) A description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented;
- 4) A description of the recordkeeping system implemented
- 5) A description of the management practices and physical barriers established to prevent commingling of organic and nonorganic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances; and
- 6) Affidavit: A statement that the operation complies with the Act as described in this handbook and that the information provided to QCS is accurate, true, and complete.
- 7) Additional information deemed necessary by QCS to evaluate compliance with the regulations.

b) A producer may substitute a plan prepared to meet the requirements of another Federal, State, or local government regulatory program for the organic system plan: Provided, That, the submitted plan meets all the requirements of this subpart.

c) The certification application is designed to serve as the organic system plan.

## **4.0 Farm Requirements**

### **4.1 Land requirements.**

Any field or farm parcel from which harvested crops are intended to be sold, labeled, or represented as "organic," must:

- a) Have been managed in accordance with the National Organic Standards;
- b) Have had no prohibited substances, as listed in section 3.2, applied to it for a period of 3 years immediately preceding harvest of the crop; and
- c) Have distinct, defined boundaries and buffer zones such as runoff diversions or physical barriers to prevent the unintended application of a prohibited substance to the crop or contact with a prohibited substance applied to adjoining land that is not under organic management.

#### **4.2 Soil fertility and crop nutrient management practice standard.**

- a) The producer must select and implement tillage and cultivation practices that maintain or improve the physical, chemical, and biological condition of soil and minimize soil erosion.
- b) The producer must manage crop nutrients and soil fertility through rotations, cover crops, and the application of plant and animal materials when appropriate.
- c) The producer must manage plant and animal materials to maintain or improve soil organic matter content in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances. Animal and plant materials include:
  - 1) Raw animal manure, which must be composted unless it is:
    - i) Applied to land used for a crop not intended for human consumption;
    - ii) Incorporated into the soil not less than 120 days prior to the harvest of a product whose edible portion has direct contact with the soil surface or soil particles; or
    - iii) Incorporated into the soil not less than 90 days prior to the harvest of a product whose edible portion does not have direct contact with the soil surface or soil particles;
  - 2) Composted plant and animal materials produced through a process that
    - i) established an initial C:N ratio of between 25:1 and 40:1; and
    - ii) maintained a temperature of between 131 F and 170 F for 3 days using an in-vessel or static aerated pile system; or
    - iii) maintained a temperature of between 131 F and 170 F for 15 days using a windrow composting system, during which period, the materials must be turned a minimum of five times.
  - 3) Uncomposted plant materials.
- d) A producer may manage crop nutrients and soil fertility to maintain or improve soil organic matter content in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances by applying:

- 1) A crop nutrient or soil amendment included on the National List of synthetic substances allowed for use in organic crop production;
- 2) A mined substance of low solubility;
- 3) A mined substance of high solubility, Provided, That, the substance is used in compliance with the conditions established on the National List of nonsynthetic materials prohibited for crop production;
- 4) Ash obtained from the burning of a plant or animal material, except as prohibited in paragraph (e) of this section: Provided, That, the material burned has not been treated or combined with a prohibited substance or the ash is not included on the National List of nonsynthetic substances prohibited for use in organic crop production; and
- 5) A plant or animal material that has been chemically altered by a manufacturing process: Provided, That, the material is included on the National List of synthetic substances allowed for use in organic crop production.

e) The producer must not use:

- 1) Any fertilizer or composted plant and animal material that contain a synthetic substance not included on the National List of synthetic substances allowed for use in organic crop production;
- 2) Sewage sludge (biosolids) as defined in 40 CFR Part 503; and
- 3) Burning as a means of disposal for crop residues produced on the operation: Except, That, burning may be used to suppress the spread of disease or to stimulate seed germination.

#### **4.3 Seeds and planting stock practice standard.**

a) The producer must use organically grown seeds, annual seedlings, and planting stock: Except, That,

- 1) Nonorganically produced, untreated seeds and planting stock may be used to produce an organic crop when an equivalent organically produced variety is not commercially available, Except, That, organically produced seed must be used for the production of edible sprouts;
- 2) Nonorganically produced seeds and planting stock that have been treated with a substance included on the National List of synthetic substances allowed for use in organic crop production may be used to produce an organic crop when an equivalent organically produced or untreated variety is not commercially available;
- 3) Nonorganically produced annual seedlings may be used to produce an organic crop when a temporary variance has been granted in accordance with 2.11 (a)(2);

4) Nonorganically produced planting stock to be used to produce a perennial crop may be sold, labeled, or represented as organically produced only after the planting stock has been maintained under a system of organic management for a period of no less than 1 year; and

5) Seeds, annual seedlings, and planting stock treated with prohibited substances may be used to produce an organic crop when the application of the materials is a requirement of Federal or State phytosanitary regulations.

#### **4.4 Crop rotation practice standard.**

The producer must implement a crop rotation including but not limited to sod, cover crops, green manure crops, and catch crops that provide the following functions that are applicable to the operation:

- a) Maintain or improve soil organic matter content;
- b) Provide for pest management in annual and perennial crops;
- c) Manage deficient or excess plant nutrients; and
- d) Provide erosion control.

#### **4.5 Crop pest, weed, and disease management practice standard.**

a) The producer must use management practices to prevent crop pests, weeds, and diseases including but not limited to

- 1) Crop rotation and soil and crop nutrient management practices, as provided for in section 4.2 and 4.4;
- 2) Sanitation measures to remove disease vectors, weed seeds, and habitat for pest organisms; and
- 3) Cultural practices that enhance crop health, including selection of plant species and varieties with regard to suitability to site-specific conditions and resistance to prevalent pests, weeds, and diseases.

b) Pest problems may be controlled through mechanical or physical methods including but not limited to:

- 1) Augmentation or introduction of predators or parasites of the pest species;
- 2) Development of habitat for natural enemies of pests;
- 3) Nonsynthetic controls such as lures, traps, and repellents.

c) Weed problems may be controlled through:

- 1) Mulching with fully biodegradable materials;
- 2) Mowing;
- 3) Livestock grazing;

- 4) Hand weeding and mechanical cultivation;
  - 5) Flame, heat, or electrical means; or
  - 6) Plastic or other synthetic mulches: Provided, That, they are removed from the field at the end of the growing or harvest season.
- d) Disease problems may be controlled through:
- 1) Management practices which suppress the spread of disease organisms; or
  - 2) Application of nonsynthetic biological, botanical, or mineral inputs.
- e) When the practices provided for in paragraphs (a) through (d) of this section are insufficient to prevent or control crop pests, weeds, and diseases, a biological or botanical substance or a substance included on the National List of synthetic substances allowed for use in organic crop production may be applied to prevent, suppress, or control pests, weeds, or diseases: Provided, That, the conditions for using the substance are documented in the organic system plan.
- f) The producer must not use lumber treated with arsenate or other prohibited materials for new installations or replacement purposes in contact with soil or livestock.

#### **4.6 On-Farm Packing/Processing**

Operations that have on-farm packing/processing may be required to fill out an additional packing/processing application to provide the inspector and Certification Coordinator with pertinent information. The need for separate certification of an on-farm processing facilities is determined by the Certification Coordinator on a case-by-case basis. If products other than those produced on farm are packed/processed in the facility the applicant is required to certify both the farm operation and the packing/processing operation.

#### **4.7 Materials List**

The list of generic synthetic materials allowed and natural and synthetic materials prohibited in organic crop production can be found in the QCS National Organic Program standards. QCS must ensure that all materials are compliant to the QCS National Organic Program standards. The OMRI listing can be used as a resource of brand name products acceptable for use in organic production; however, QCS must first review the materials in accordance to the QCS National Organic Program standards and approve prior to application or usage of those materials.

### **5.0 Special Area Guidance**

All practices listed in the organic production and processing standards apply to specialty production.

#### **5.1 Mushrooms (Shiitake)**

##### **5.1.1 Logs/Sawdust**

Harvested trees may not have been previously treated with any prohibited substance as outlined in 3.2 within the previous three years.

Sawdust should be derived from wood harvested in chemically untreated woodlands. If the origin of the logs cannot be determined, sawdust should come from sawmills that debark the logs before sawing. The sawmill must not use fungicides or insecticides on logs used for Shiitake spawn substrate.

Dowel pins must come from a manufacturer that does not use prohibited materials as defined in section 3.2 to treat lumber used for dowels. Styrofoam plugs are allowed but burning of Styrofoam plugs for disposal is prohibited.

### **5.1.2 Spawn**

Organically produced spawn must be used when commercially available. If documented as unavailable, non-organic spawn may be used, provided that prohibited materials are not applied during spawn production. The source of spawn (seed) must be listed on the application where it asks for seed source. Spawn, where possible, should be inspected and guaranteed to be viable and free from contamination.

### **5.1.3 Supplements**

If outside supplements are to be used, plant derived sources (cottonseed hulls, soybean meal, etc.) must come from an organic source. Synthetic or petroleum based supplements are prohibited. Mineral buffers may be used.

### **5.1.4 Diseased Logs**

Diseased mushroom logs should be burned or moved to an acceptable disposal area.

### **5.1.5 Waxes and Log-End Coatings**

#### a) Allowed:

- 1) Beeswax.
- 2) FDA approved cheese wax.
- 3) Food grade paraffin wax.

#### b) Prohibited:

- 1) Synthetic fungicides.
- 2) Petroleum based tree coatings.
- 3) Copper naphthenate.
- 4) Oil based paint.

### **5.1.6 Soak Tanks**

#### a) Prohibited:

- 1) Aluminum soak tanks (they become a host to bacteria).

## **5.2 Wild Crop (Wild Crafting)**

### **5.2.1 Collection Area**

The designated collection area from which a wild crop intended to be sold, labeled or represented as organic must be documented to be free from the application of prohibited

materials as outlined in section 3.2 for three years prior to collection. If a collection area has a past history of chemical use, residue testing may be required for certification.

### **5.2.2 Organic Plan**

The organic plan should address continued management of the area as well as address how harvest will be done in a manner that sustains the growth and production of the wild crop and the surrounding ecosystem.

### **5.2.3 Harvest**

The harvest of wild plants as organic is allowed if the above criteria are met. The harvest of an abandoned citrus grove that is not under organic management or a neglected tuber field would not be permitted.

## **5.3 Abandoned Groves Policy**

Groves that have been abandoned do not qualify as organic. To become organic, a grove must be under an organic management plan.

## **5.4 Greenhouses**

**All standards for crop production apply to greenhouse production.**

### **5.4.1 Temperature**

Sterilization of greenhouse soils at temperatures higher than 180 (is prohibited unless approved on a case by case basis.

### **5.4.2 Light**

Artificial and natural light sources may be used.

### **5.4.3 Pressure Treated Lumber**

Pressure treated lumber with copper-chromium arsenate (CCA) is prohibited for use in greenhouse production.

### **5.4.4 Materials, Potting Mixes, and Applied Substances**

Certified organic operations must use potting mixes that do not contain any prohibited substances. Organic growers are encouraged to produce their own potting mixes. Potting mixes may not include synthetic materials other than those listed the QCS National Organic Standards

a) Allowed:

- 1) Herbal sprays.
- 2) Fish emulsion.
- 3) Manure teas.
- 4) Fiber containers with no prohibited materials.
- 5) Potting mixes from approved components.
- 6) Peat moss (use respirator when mixing or handling).
- 7) Hydrogen peroxide.

## **5.5 Hydroponics**

Water, media, and seeds used in organic hydroponic production must meet all aspects of the National Organic Standards. All nutrients for a hydroponic system should come from natural sources. Growth media must be free from contaminants.

a) Allowed:

1) Water which meets or exceeds government regulations: i.e. potable water. In some cases potable water may need additional filtering, depending on levels of unwanted compounds.

2) Strained biodynamic teas used as an organic nitrogen source.

3) Pest and phytosanitary management must stress preventative measures, such as thorough cleaning of containers and chambers.

b) Prohibited:

1) Rockwool is prohibited because of the use of phenol resins during manufacturing used to reduce surface tension and because of problems with disposal.

2) Synthetic acids are prohibited, including use as a pH corrector.

c) Water tests. The following water tests must be performed for each hydroponic operation:

1) Basic (Cations).

2) Anions (NO<sub>3</sub>).

3) Lead Analysis (Pb).

4) Ammonia (NH<sub>4</sub>-N).

d) Municipal water use. Copies of municipal water analysis must be submitted with the application, if applicable.

e) Crops marketed which are produced hydroponically must include labeling showing the crop was “hydroponically produced.”

## 5.6 Sprouts

Organic sprouts must be grown with organic seed. No prohibited substances may be applied. Seed treated with chlorine must be washed with fresh water that meets government regulations before sprouting, i.e. potable water. In some cases potable water may need additional filtering, depending on levels of unwanted compounds. Light sources may be artificial or natural. Processing must conform to NOS crop standards and NOP organic handler requirements (Section 7.0).

## 5.7 Honey

QCS is currently developing a guidance document for apiculture. Please contact the QCS office for more information.

## 5.8 Fiber Standards

a) Harvesting

1) Harvest aids. A producer shall use:

i) seasonal weather conditions such as frost and freeze; and/or

ii) upon approval by QCS, use other materials listed in the QCS

National Organic Standards or other prescribed methods.

iii) A producer may use soaps, detergents or natural plant or vegetable-based oils as a harvest aid for spindle picking methods.

## 2) Equipment

i) Cotton harvesting equipment, module units or containers compressing or holding cotton fiber, and module trucks or trailers shall be physically or mechanically cleaned to remove any lint or trash from previous harvesting.

ii) An on-site inspection of all harvest equipment and/or authorization by QCS shall be completed prior to harvest

## b) Handling

1) Modules or containers of certified cotton shall be segregated in an area specified on each farm site by QCS. QCS shall be notified prior to relocation of any module or container of certified cotton.

2) Modules or containers of cotton fiber shall be segregated in an area specified for each processing site by the department or an organic certifying agent. QCS shall be notified prior to relocation or processing of certified cotton.

3) Bale units of processed cotton fiber or containers or units of by-products shall be segregated in an area specified by QCS at each certified processing facility (gin) and/or each certified distributing (warehouse) location.

4) Distributor (warehouse) locations shall be inspected and/or audited for records of certified bale units or by-products by QCS prior to shipment.

## c) Ginning (processing).

1) Ginning may include module feeding, suction feeding, conveying, drying, pre-cleaning, ginning, lint cleaning, baling and bagging, bale conveying, mote conveying, pressing and bagging, gin trash conveying and storage, and seed conveying and storage.

2) Module feeding and/or suction feeding systems and initial conveyors must be cleaned physically or mechanically to remove any lint or trash prior to loading or feeding modules or container units of certified cotton into the ginning system.

3) Each stage of ginning shall ensure segregation and prevention from contamination.

4) At least one bale of compressed fiber or any additional volume or units determined by QCS shall be segregated during processing of organic and/or transitional cotton. Each segregated bale or unit shall be audited and recorded as follows:

i) the first segregated bale or unit of organic and/or transitional cotton

processed after conventional cotton shall not be certified as organic or transitional;

- ii) the first segregated bale or unit of transitional cotton processed after organic cotton shall be sold as transitional;
- iii) the first segregated bale or unit of organic cotton processed after transitional cotton shall be certified as transitional; or
- iv) gin trash, burrs, motes, and seeds which are segregated and prevented from contamination during each stage of ginning may be certified as organic or transitional consistent with the certification of the raw cotton from which they were derived.

5) Allowed cotton fiber processing aids include:

- i) water or other humidity control methods to enhance processing;
- ii) enzymes as a topical treatment to enhance processing due to excessive sugar or honeydew content; or
- iii) natural vegetable or plant oils or waxes as a topical treatment to enhance processing due to excessive sugar or honeydew content or processing of weathered cotton.
- iv) A processor (ginner) shall not use synthetic textile oils, synthetic waxes, or silicone based surfactants.

## 5.9 Materials List

The list of generic synthetic materials allowed and natural and synthetic materials prohibited in organic crop production can be found in the QCS National Organic Program standards. QCS must ensure that all materials are compliant to the QCS National Organic Program standards. The OMRI listing can be used as a resource of brand name products acceptable for use in organic production; however, QCS must first review the materials in accordance to the QCS National Organic Program standards and approve prior to application or usage of those materials.

## 6.0 Livestock Production and Animal Husbandry Requirements

The livestock standards emphasize stress reduction and good nutrition to maximize animal health. Livestock producers must complete an organic plan that is reviewed annually during the recertification process. For certification purposes, the production of livestock and animal products is regulated by production units. All federal, state, and local sanitation requirements must be observed by livestock, dairy, and egg producers.

## 6.1 Origin of livestock

a) Livestock products that are to be sold, labeled, or represented as organic must be from livestock under continuous organic management from the last third of gestation or hatching: Except, That,

1) Poultry. Poultry or edible poultry products must be from poultry that has been under continuous organic management beginning no later than the second day of life;

2) Dairy animals. Milk or milk products must be from animals that have been under continuous organic management beginning no later than 1 year prior to the production of the milk or milk products that are to be sold, labeled, or represented as organic, Except, That, when an entire, distinct herd is converted to organic production, the producer may:

i) For the first 9 months of the year, provide a minimum of 80-percent feed that is either organic or raised from land included in the organic system plan and managed in compliance with organic crop requirements; and

ii) Provide feed in compliance with section 6.2 for the final 3 months.

iii) Once an entire, distinct herd has been converted to organic production, all dairy animals shall be under organic management from the last third of gestation.

3) Breeder stock. Livestock used as breeder stock may be brought from a nonorganic operation onto an organic operation at any time: Provided, That, if such livestock are gestating and the offspring are to be raised as organic livestock, the breeder stock must be brought onto the facility no later than the last third of gestation.

b) The following are prohibited:

1) Livestock or edible livestock products that are removed from an organic operation and subsequently managed on a nonorganic operation may not be sold, labeled, or represented as organically produced.

2) Breeder or dairy stock that has not been under continuous organic management since the last third of gestation may not be sold, labeled, or represented as organic slaughter stock.

c) The producer of an organic livestock operation must maintain records sufficient to preserve the identity of all organically managed animals and edible and nonedible animal products produced on the operation.

## 6.2 Livestock feed

a) The producer of an organic livestock operation must provide livestock with a total feed ration composed of agricultural products, including pasture and forage, that are certified organically produced and, if applicable, organically handled: except that

nonsynthetic substances and synthetic substances allowed under NOP may be used as feed additives and supplements.

b) The producer of an organic operation **must not**:

- 1) Use animal drugs, including hormones, to promote growth;
- 2) Provide feed supplements or additives in amounts above those needed for adequate nutrition and health maintenance for the species at its specific stage of life;
- 3) Feed plastic pellets for roughage;
- 4) Feed formulas containing urea or manure;
- 5) Feed mammalian or poultry slaughter by-products to mammals or poultry; or
- 6) Use feed, feed additives, and feed supplements in violation of the Federal Food, Drug, and Cosmetic Act.

### **6.3 Livestock health care practice standard**

a) The producer must establish and maintain preventive livestock health care practices, including:

- 1) Selection of species and types of livestock with regard to suitability for site-specific conditions and resistance to prevalent diseases and parasites;
- 2) Provision of a feed ration sufficient to meet nutritional requirements, including vitamins, minerals, protein and/or amino acids, fatty acids, energy sources, and fiber (ruminants);
- 3) Establishment of appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites;
- 4) Provision of conditions which allow for exercise, freedom of movement, and reduction of stress appropriate to the species;
- 5) Performance of physical alterations as needed to promote the animal's welfare and in a manner that minimizes pain and stress; and
- 6) Administration of vaccines and other veterinary biologics.

(b) When preventive practices and veterinary biologics are inadequate to prevent sickness, a producer may administer synthetic medications: Provided, That, such medications are allowed under NOP. Parasiticides allowed under NOP may be used on:

- 1) Breeder stock, when used prior to the last third of gestation but not during lactation for progeny that are to be sold, labeled, or represented as organically produced; and

2) Dairy stock, when used a minimum of 90 days prior to the production of milk or milk products that are to be sold, labeled, or represented as organic.

c) The producer of an organic livestock operation must not:

1) Sell, label, or represent as organic any animal or edible product derived from any animal treated with antibiotics, any substance that contains a synthetic substance not allowed under NOP, or any substance that contains a nonsynthetic substance prohibited in NOP.

2) Administer any animal drug, other than vaccinations, in the absence of illness;

3) Administer hormones for growth promotion;

4) Administer synthetic parasiticides on a routine basis;

5) Administer synthetic parasiticides to slaughter stock;

6) Administer animal drugs in violation of the Federal Food, Drug, and Cosmetic Act; or

7) Withhold medical treatment from a sick animal in an effort to preserve its organic status. All appropriate medications must be used to restore an animal to health when methods acceptable to organic production fail. Livestock treated with a prohibited substance must be clearly identified and shall not be sold, labeled, or represented as organically produced.

#### **6.4 Livestock living conditions**

a) The producer of an organic livestock operation must establish and maintain livestock living conditions which accommodate the health and natural behavior of animals, including:

1) Access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate, and the environment;

2) Access to pasture for ruminants;

3) Appropriate clean, dry bedding. If the bedding is typically consumed by the animal species, it must comply with the feed requirements of Section 6.2;

4) Shelter designed to allow for:

i) Natural maintenance, comfort behaviors, and opportunity to exercise;

ii) Temperature level, ventilation, and air circulation suitable to the species; and

iii) Reduction of potential for livestock injury;

b) The producer of an organic livestock operation may provide temporary confinement for an animal because of:

- 1) Inclement weather;
- 2) The animal's stage of production;
- 3) Conditions under which the health, safety, or well being of the animal could be jeopardized; or
- 4) Risk to soil or water quality.

c) The producer of an organic livestock operation must manage manure in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, heavy metals, or pathogenic organisms and optimizes recycling of nutrients.

## 6.5 Materials List

The list of generic synthetic materials allowed and natural and synthetic materials prohibited in organic crop production can be found in the QCS National Organic Program standards. QCS must ensure that all materials are compliant to the QCS National Organic Program standards. The OMRI listing can be used as a resource of brand name products acceptable for use in organic production; however, QCS must first review the materials in accordance to the QCS National Organic Program standards and approve prior to application or usage of those materials..

## 7.0 Organic Handling Requirements

### 7.1 Allowed and prohibited substances, methods, and ingredients in organic handling

Nonagricultural substances listed in the QCS National Organic Standards and nonorganically produced agricultural products allowed in the QCS National Organic Standards may be used:

- a) In or on a processed agricultural product intended to be sold, labeled or represented as “made with organic (specified food groups)”
- b) In or on a processed agricultural product intended to be sold labeled or represented as “organic”, if not commercially available in organic form.

7.1.2 The handler must not use in or on agricultural products intended to be sold, labeled or represented as “100% organic”, “organic”, or “made with organic” or in any ingredients labeled as organic

- a) Practices prohibited in Section 3.2
- b) A volatile synthetic solvent or other synthetic solvent or processing aid not allowed under the QCS National Organic Standards. Nonorganic ingredients in “made with organic” are not subject to this requirement.

### 7.2 Flow Chart

A schematic flow chart showing the movement of organic food during handling and processing must be provided. Identify equipment, machines, and storage areas used in handling and processing in the flow chart.

### **7.3 Documentation**

Documentation must be provided to address potential critical control points. Critical control points are scenarios where contamination of organic food is possible or likely, including:

- a) Co-mingling certified organic food with non-organic food;
- b) Containers and packaging;
- c) Sanitizers, boiler chemicals, processing aids, and prohibited substances;
- d) Transportation and storage;
- e) Pest control substances;
- f) Food spoilage microorganisms; and
- g) Prohibited handling and processing procedures.

The producer must document how contamination and product purity and integrity are kept. If the product containers are not adequately protected, then a list of all individuals or businesses that sell, transport, or store the products of the organic handling operation but do not hold legal title must be kept and made available to the certifier. These individuals and businesses must be informed in writing of the requirements of proper handling of organic products. A copy of this letter should be provided in the application. Each of these individuals or businesses may sign on the bill of lading or other appropriate document that they do not open, mix combine or otherwise transform the organic products and that the organic integrity of the products is not compromised while in their custody.

### **7.4 Facility and Pest Management Practice Standard**

Proper sanitation must provide for the exterior and interior facilities, processing and packaging equipment, and employee hygiene.

- a) The producer or handler of an organic facility must use management practices to prevent pests, including but not limited to:
  - 1) Removal of pest habitat, food sources, and breeding areas;
  - 2) Prevention of access to handling facilities; and
  - 3) Management of environmental factors, such as temperature, light, humidity, atmosphere, and air circulation, to prevent pest reproduction.
- b) Pests may be controlled through:
  - 1) Mechanical or physical controls including but not limited to traps, light, or sound; or
  - 2) Lures and repellents using nonsynthetic or synthetic substances consistent with the National List.

- c) If the practices provided for in paragraphs (a) and (b) of this section are not effective to prevent or control pests, a nonsynthetic or synthetic substance consistent with the National List may be applied.
- d) If the practices provided for in paragraphs (a), (b), and (c) of this section are not effective to prevent or control facility pests, a synthetic substance not on the National List may be applied, Provided, That, the handler and certifying agent agree on the substance, method of application, and measures to be taken to prevent contact of the organically produced products or ingredients with the substance used.
- e) The handler of an organic handling operation who applies a nonsynthetic or synthetic substance to prevent or control pests must update the operation's organic handling plan to reflect the use of such substances and methods of application. The updated organic plan must include a list of all measures taken to prevent contact of the organically produced products or ingredients with the substance used.
- f) Notwithstanding the practices provided for in paragraphs (a), (b), (c), and (d) of this section, a handler may otherwise use substances to prevent or control pests as required by Federal, State, or local laws and regulations, provided that measures are taken to prevent contact of the organically produced products or ingredients with the substance used.

### **7.5 Commingling and contact with prohibited substance prevention practice standard.**

- a) The handler of an organic handling operation must implement measures necessary to prevent the commingling of organic and nonorganic products and protect organic products from contact with prohibited substances.
- b) The following are prohibited for use in the handling of any organically produced agricultural product or ingredient labeled in accordance with section 2.4 of this manual:
  - 1) Packaging materials, and storage containers, or bins that contain a synthetic fungicide, preservative, or fumigant;
  - 2) The use or reuse of any bag or container that has been in contact with any substance in such a manner as to compromise the organic integrity of any organically produced product or ingredient placed in those containers, unless such reusable bag or container has been thoroughly cleaned and poses no risk of contact of the organically produced product or ingredient with the substance used.

## **8.0 Materials List**

### 8.1 Sourcing and Using Materials

The National List of Allowed and Prohibited Substances as found in section 205.600 of 7 CFR Part 205 can be located in the QCS National Organic Standards. The Organic Material Review

Institute (OMRI) List can be a guide to the National List and materials. The OMRI list is included in the initial certification packet. All certified entities may reference the OMRI list for information on generic materials for use in organic production. For information on brand name materials for use in organic production see the OMRI webpage at [www.omri.org](http://www.omri.org). **It is the responsibility of the applicant or certified entity to ensure that they are using materials compliant with the National List for organic production.** The applicant is responsible for gathering all documentation to ensure that the material is appropriate for organic production. Please contact QCS for further information. Labels for all materials used in organic production must be on file with QCS before use.

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## **8.2 Amending the National List**

- (a) Any person may petition the National Organic Standard Board for the purpose of having a substance evaluated by the Board for recommendation to the Secretary for inclusion on or deletion from the National List in accordance with the Act.
- (b) A person petitioning for amendment of the National List should request a copy of the petition procedures from the USDA at the following address: Program Manager, USDA/AMS/TMP/NOP, Room 2945, South Building, P.O. Box 96456, Washington, DC 20090-6456.
- (c) Petitions to amend the list should be submitted to the same address
- (d) Criteria for evaluating allowed and prohibited materials is outlined in the NOP Final Rule Section 205.600.

## **9.0 Inspection and Testing, Exclusion from Sale and Emergency Pest or Disease Treatment**

### **9.1 Inspection and testing of agricultural products to be sold as organic**

- (a) All agricultural products that are to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" must be made accessible by certified organic production or handling operations for examination by the Administrator, the applicable State organic program's governing State official, or QCS.
- (b) The Administrator, applicable State organic program's governing State official, or QCS may require preharvest or postharvest testing of any agricultural input used or agricultural product to be sold, labeled, or represented as "100 percent organic,"

"organic," or "made with organic (specified ingredients or food group(s))" when there is reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using excluded methods. Such tests must be conducted by the applicable State organic program's governing State official or QCS at the official's or certifying agent's own expense.

(c) The preharvest or postharvest tissue test sample collection pursuant to paragraph (b) of this section must be performed by an inspector representing the Administrator, applicable State organic program's governing State official, or certifying agent. Sample integrity must be maintained throughout the chain of custody, and residue testing must be performed in an accredited laboratory. Chemical analysis must be made in accordance with the methods described in the most current edition of the Official Methods of Analysis of the AOAC International or other current applicable validated methodology determining the presence of contaminants in agricultural products.

(d) Results of all analyses and tests performed under this section:

(1) 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

(2) Will be available for public access, unless the testing is part of an ongoing compliance investigation.

(e) If test results indicate a specific agricultural product contains pesticide residues or environmental contaminants that exceed the Food and Drug Administration's or the Environmental Protection Agency's regulatory tolerances, QCS must promptly report such data to the Federal health agency whose regulatory tolerance or action level has been exceeded.

## 9.2 Residue Testing

Soil, water, or vegetative residue samples may be required when:

a) In the judgment of a Certification Coordinator, there is reason to suspect non-compliance by a certified entity with the provisions of the National Organic Standards or known environmental data indicates applicant is located in an area of high chemical or environmental contamination.

b) Information is received of exposure of certified production units to prohibited materials through indirect means such as spray drift, or use of contaminated inputs or in response to written complaints.

c) Positive residue sample results for a grower member are received or to follow up on positive residue testing results from Federal, State, or local government testing.

The cost of required residue sampling shall be borne by QCS or appropriate regulatory agency, unless otherwise indicated.

Within the recognized boundaries of analytical limitations, QCS may require—as described above—the following tests:

a) Soil sample testing for macronutrients, micronutrients, and agronomic conditions.

- b) Soil sample testing for chlorinated hydrocarbon pesticide, organophosphate, nitrate and PCB residuals.
- c) Raw commodity sample testing for pesticide residues
- d) Processed product sample testing for pesticide residues.
- e) Tissue tests.
- f) GMO tests.

In addition to these routine tests, QCS may require additional selective testing when circumstances and/or conditions deem such action to be appropriate. Most often these tests are selected from the broad range of either EPA mandated testing procedures for hazardous waste chemicals and heavy metals; or from Health Department procedures for the identification of pathogens and other health hazards.

### **9.3 Costs of Testing**

In the event that QCS requires testing for a regulatory compliance purpose, the cost of the testing will be borne by QCS.

### **9.4 Exclusions from Sale**

The levels of any detected pesticides must not exceed 5% of the Environmental Protection Agency (EPA) tolerances or FDA action levels if the product in question is to be labeled as organic. In States with lower residue tolerances, those tolerances will be used in determining whether a product can be sold as organic. Products with residues of prohibited substances in prohibited amounts (such as from unintentional contamination) cannot be sold or labeled or represented as organic. The Administrator, the applicable State organic program's governing State official or QCS may conduct an investigation of the certified operation to determine the cause of the prohibited substance. Any person who knowingly violates the 1990 Organic Foods Production Act (OFPA) can be fined up to \$10,000. A person who is adversely affected by an action of a Federal or state official or a certifying organization may appeal the action. QCS may monitor for compliance by on-site inspections, announced or unannounced, and by requiring residue testing with the cost to be paid by QCS or other regulatory agency. If the Certification Coordinator finds just cause, certification can be revoked (See Section 2.6). State regulatory officials may investigate complaints and/or violations of the law through residue testing or any other appropriate investigation. QCS will release any requested information to agricultural regulatory officials.

### **9.5 Emergency Pest or Disease Treatment**

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 requirements of this part, the certification status of the operation shall not be affected as a result of the application of the prohibited substance: Provided, That:

- (a) Any harvested crop or plant part to be harvested that has contact with a prohibited substance applied as the result of a Federal or State emergency pest or disease treatment program cannot be sold, labeled, or represented as organically produced; and

(b) Any livestock that are treated with a prohibited substance applied as the result of a Federal or State emergency pest or disease treatment program or product derived from such treated livestock cannot be sold, labeled, or represented as organically produced: Except, That:

- (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.

## 10.0 Suggested Revision Form

Name:

Designation:    Consumer    Farmer            Handler            Processor

Operation's Name, if applicable:

Phone Number:

**Suggested Standard Revision** (please include the section number(s) to which the suggested revision(s) applies and explain the suggested revision(s) thoroughly).

This form will be directed to the Certification/Standards Committee for review. The party submitting a suggested change will receive a notice of receipt from the QCS office.