

# Program Manual



**MIDWEST ORGANIC SERVICES ASSOCIATION**

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# MOSA Program Manual

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## **I. Introduction to Midwest Organic Services Association**

### **A. Welcome to MOSA!**

Midwest Organic Services Association (MOSA) is a non-profit, non-stock corporation registered in the state of Wisconsin offering a third-party certification program and verification services to producers and handlers of organic products. MOSA was incorporated on March 24<sup>th</sup>, 1999, to respond to the growing demand for organic certification. MOSA provides knowledgeable and professional certification services to a broad and diverse range of organic operators.

This manual outlines the standards and policies of MOSA's program for certification of organic farms and handling operations. Contact MOSA with questions or requests for further information.

### **B. Quality Policy**

Midwest Organic Services Association (MOSA) provides reliable and efficient verification and certification services to organic producers and handlers primarily in the Midwestern United States. MOSA's certification program is committed to maintaining a timely, courteous, accurate, transparent, and consistent approach throughout the program and on a day-to-day basis.

### **C. Scope of Certification Services**

MOSA offers organic certification services to all interested parties for the following types of operations:

- **Crop**, including general crops and specialty crops such as mushrooms, greenhouse, sprouts, and maple syrup;
- **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);
- **Livestock** (slaughter, dairy or other livestock products, including apiculture);
- **Handler**, including processor, on-farm processor, contract handler, contract feed mill, contract meat processor (this arrangement is limited to three years), retailer, distributor, restaurant, and private label arrangement.

### **D. Verification of Transition to Organic**

MOSA offers verification of transition to organic production for the purpose of enrollment in the Environmental Quality Incentives Program (EQIP) or other programs. Generally, individuals who apply for this service do not go through the entire certification process.

### **E. Additional Verifications**

MOSA offers the following additional verification services:

- USDA Grassfed for ruminant slaughter stock only;
- EU 834/2007;
- US-Canadian Equivalence Arrangement;
- US Export Arrangements.

General requirements are described in the Certification Program Policies section of this manual. Contact us for details on other possible additional verification services.

### **F. Non-Discrimination Policy**

MOSA administers its certification program in a non-discriminatory manner.

- MOSA's services are available to all applicants whose operations fall within the scope of MOSA's activities;

- MOSA does not deny participation in or benefits of the MOSA certification program to any person because of race, color, nationality, gender, religion, age, disability, political beliefs, sexual orientation, or family or marital status;
- MOSA confines its requirements, evaluations, and decisions on certification and verification to those matters specifically related to the type of certification or verification requested by the operator.

## **G. Confidentiality and Impartiality Policies**

### **Confidentiality**

MOSA ensures strict, confidential handling and appropriate use of all confidential and proprietary information and records. MOSA does not disclose confidential information, including the records obtained or generated in the course of certification activities except to federal and/or state Organic Program officials.

MOSA does NOT consider the following information to be confidential but renders it public:

- Certificates issued within the current and previous three calendar years;
- Products certified, effective date of certification and contact information for MOSA certified operations;
- The results of laboratory analyses for residues of prohibited substances conducted for the current and three previous calendar years, provided the results are not part of an ongoing compliance investigation;
- Other business information as specifically identified and permitted in writing by the operator.

All other information is considered confidential. If MOSA is required by law to release confidential or proprietary information or records, except to those engaged in MOSA's accreditation or financial audits, the affected person(s) or entities are informed of the release in writing.

### **Impartiality: Avoidance of Conflict of Interest**

MOSA prevents conflict of interest at all stages of its certification process to ensure that the review, inspection, and certification decisions are carried out in an impartial manner, free from influences or pressures potentially affecting the outcome of the certification decision. Conflict of interest is a direct commercial, financial, consulting, or family interest, within the 24-month period prior to applying for certification, between personnel and an operation requesting MOSA certification. We prevent conflict of interest in the certification process through the following procedures:

- All personnel and those who are responsibly connected to MOSA are required to comply with MOSA's conflict of interest policy and procedures, including submitting a written declaration of interest prior to beginning work for MOSA and at least annually thereafter;
- All MOSA-endorsed inspectors sign a declaration of interest for each inspection they perform for MOSA, affirming that they have no conflict of interest with the operation being inspected;
- MOSA ensures that any certification personnel who have a direct conflict of interest with an operation are excluded from work, discussions, and decisions related to that operation through all stages of the certification process;
- MOSA prohibits all personnel or representatives from accepting payment (other than the appropriate fees for MOSA services) or gifts or favors beyond customary courtesies, from any Associate or Applicant requesting certification;
- MOSA prohibits all personnel or representatives from providing consulting services or advice regarding overcoming identified barriers to certification to any Associate or Applicant requesting certification;
- MOSA ensures that the decision concerning the certification of an operation is made by a different person than the one who conducted the initial review and the on-site inspection.

## H. Accreditations

On April 29<sup>th</sup>, 2002, MOSA was among the first group of certifiers accredited by the USDA's National Organic Program (NOP). The NOP is the culmination of a 12-year federal rulemaking process, initiated by the Organic Foods Production Act (OFPA) of the 1990 Farm Bill. The OFPA mandated the creation of a unified set of production standards for the United States, a national materials list, and certification requirements. OFPA also called for regulatory oversight, through accreditation of state and private certification agencies such as MOSA. Mutual recognition of certification decisions made by NOP-accredited certifiers and access to international markets for certified products bearing the USDA organic seal are two of the main goals of the NOP.

MOSA has also obtained accreditation from the USDA for compliance with the International Organization for Standardization (ISO) Guide 65, providing additional oversight of MOSA's services and marketing opportunities for MOSA's clients. ISO Guide 65 accreditation is intended to ensure that certification bodies operate third-party certification systems in a consistent and reliable manner, thereby facilitating their acceptance on a national and international basis.

Although the definition of organic production has been widely debated in the past 25 years, the accepted NOP definition of organic production is as follows:

*A production system that is managed in accordance with the regulations of a USDA accredited certification agent, including the ability to respond to site-specific conditions by integrating cultural, biological and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.*

The National Organic Standards, including the National List (detailing materials that are allowed and prohibited for use), present the requirements for organic production and handling in the United States. MOSA-certified operations must follow all applicable National Organic Standards to obtain and maintain certification. MOSA informs Applicants and Associates of changes to the Standards or National List through *The Organic Cultivator* newsletter. When significant changes are made, MOSA sends updated paper or electronic versions of the Standards.

## I. Newsletter and Website

*The Organic Cultivator* is a newsletter published by the MOSA office and distributed to all MOSA Associates. It contains program updates and reminders, articles of interest, information on resources and events, and classified ads. Associates are encouraged to submit items to *The Organic Cultivator* that might benefit or be of interest to others.

MOSA maintains a website, [www.mosaorganic.org](http://www.mosaorganic.org), which contains a directory of MOSA Associates, current and past newsletters, classified ads, information about the certification process, links to the National Organic Standards and other resources, as well as forms available for download.

## J. Industry Affiliations

- MOSA is a member of the Organic Trade Association (OTA), the Accredited Certifiers Association (ACA), the Domestic Fair Trade Association (DFTA) and the International Federation of Organic Agriculture Movements (IFOAM);
- MOSA is a subscriber to and a supporter of the Organic Materials Review Institute (OMRI), a non-profit organization that provides professional review of both generic and brand name materials;
- MOSA works cooperatively with Midwest Organic & Sustainable Education Services (MOSES) and other organizations of comparable missions that support and promote organic agriculture.

## **II. Organizational Structure**

### **A. Associates**

MOSA's "Associates" are the individuals and business entities certified by MOSA. Associates must comply with the National Organic Standards and all other MOSA certification requirements described in this Program Manual in order to obtain and maintain MOSA certification.

### **B. Board of Directors**

The MOSA Board of Directors is comprised of experienced and qualified individuals from the organic community. Directors must not be MOSA Applicants or Associates. The Board is the highest governing authority within the organization and seeks to pursue the best interests of the organization through its oversight and decision-making responsibilities.

### **Nominating Committee**

The MOSA Nominating Committee is comprised of a minimum of one Board Member and one Associate. The Nominating Committee has the responsibility of recruiting and recommending qualified individuals to Associates for election to the Board. For more information concerning the composition, responsibilities, and activities of the Board of Directors and its Nominating Committee, refer to the MOSA Bylaws, available from the MOSA website or office.

### **C. Advisory Committee**

Stakeholder groups represented on this Committee include crop producers, livestock producers, handlers, consumers, and organic industry technical experts. The responsibility of the Advisory Committee is to harmonize the diverse interests of MOSA Associates during their review of proposals for change to MOSA's policies. The Advisory Committee's recommendations on policy changes are presented to the Board of Directors for approval.

### **D. Personnel**

#### **Management**

Oversight of MOSA's certification and administrative work is the responsibility of the Executive Director, in cooperation with the Management Team.

#### **Certification Department**

The Certification Department includes all staff responsible for the certification process.

#### **Administrative Department**

The Administrative Department includes all staff responsible for the organizational and office functions not related to certification decisions.

#### **Inspectors**

Staff inspectors and with independent inspectors perform on-site inspections of operations. Inspectors report their observations about an operation's compliance through Inspection Reports that are reviewed by Certification Specialists.

### **E. Administrative Services**

#### **Business Hours**

The MOSA office, located at 122 West Jefferson Street, Viroqua, Wisconsin, maintains regular business hours Monday through Friday, 8 a.m. – 5 p.m. During this time the office staff is available to receive questions, concerns and general inquiries regarding MOSA and organic certification. The office is closed on holidays and weekends.

### **Communication with MOSA**

Staff strives to respond to questions, concerns, and inquiries in a professional and timely manner:

- Mailing Address: PO Box 821, Viroqua, WI 54665
- Telephone: (608) 637-2526
- Fax machine: (608) 637-7032
- Email: [mosa@mosaorganic.org](mailto:mosa@mosaorganic.org)
- Website: [www.mosaorganic.org](http://www.mosaorganic.org)

### **F. Financial Structure**

The MOSA certification program is financially self-sustaining. MOSA Applicants and Associates pay certification, inspection and user fees. The Board of Directors determines fees annually and MOSA's financial statements are available from the office upon request. Refer to the Fee Schedule for details on fees for certification, inspection and user fees.

## **III. General Requirements**

Some operations may be exempt or excluded from the requirement to be certified. For a complete listing and explanation of all types of exempt and excluded operations, refer to National Organic Standards §205.101, *Exemptions and Exclusions from Certification*. Contact the office if you have any questions about whether your operation may be exempt or excluded.

Ingredients or livestock feed from exempt or excluded operations do not meet requirements for organic ingredients or feed used by certified operations. Livestock feed purchased for use during or after dairy transition or fed during the last third of gestation of livestock bearing slaughter offspring must be certified.

### **A. General Certification Requirements**

Any operator seeking MOSA certification must submit an application and provide all information necessary for MOSA to determine the operation's compliance with the National Organic Standards and MOSA certification requirements. Prior to selling, labeling or representing a product as "100% organic," "organic," or "made with organic ingredients," an operation must sign an Associate Licensing Agreement, return it to MOSA and must receive formal notice of certification from MOSA.

After initial certification, operators must update their certification information as outlined in this manual and must provide all information requested by MOSA to determine the operation's continued compliance with the National Organic Standards and MOSA certification requirements. All operations seeking to obtain or maintain certification with MOSA must meet the following general requirements:

- Comply with all applicable MOSA certification requirements, as outlined in this Program Manual;
- Agree to all rights and responsibilities as outlined in the MOSA Associate Licensing Agreement;
- Disclose any prior notification of noncompliance or a notification of denial of certification received from another certification agency. If such prior notification(s) have been received, the operator must submit documented evidence of corrections;
- Comply with all applicable organic production and handling regulations stated in the National Organic Standards, including the National List;
- Establish, implement and annually update an Organic System Plan;

- Permit annual on-site inspections, and others as needed, with complete access to production and/or handling areas, structures, offices (including non-certified production and handling areas, structures and offices) and all applicable records;
- Maintain all applicable organic records for not less than 5 years beyond their creation. Records must fully disclose all activities and transactions of the operation in sufficient detail as to be readily understood and audited. The operator must allow MOSA as well as authorized federal and/or state Organic Program officials access to such records during normal business hours for review and copying to determine compliance;
- Notify MOSA promptly concerning any significant changes to your operation; see the section on Reporting Changes in Certification Program Policies for examples of what are considered to be significant changes;
- Submit applicable fees by stated deadlines.

## **B. Organic System Plans**

The information provided to MOSA through forms and supporting documents makes up the **Organic System Plan**. It is important that operators keep copies of their documents. MOSA's Inspector visits the operation to verify that the Organic System Plan is accurate.

MOSA strongly recommends that Applicants submit their Organic System Plans on MOSA forms, as some information required by MOSA may not be adequately addressed by alternate documents. Additionally, the MOSA initial review, inspection and decision processes are based on the MOSA forms and operate most efficiently when those are used. However, in compliance with NOP regulations, MOSA does allow Applicants to submit their Organic System Plans in other formats, such as those designed to meet the requirements of another Federal, State, or local government regulatory program, provided that such forms and documents meet all the following requirements:

- A description of practices and procedures to be performed and maintained, including the frequency with which they will be performed;
- 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;
- A description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, in order to verify that the Organic System Plan is effectively implemented;
- A description of the record keeping system used to comply with MOSA's audit trail requirements;
- A description of the management practices and physical barriers established to prevent commingling of organic and non-organic products on a split operation and to prevent contact of organic production and handling operations and products with prohibited substances; and
- Additional information deemed necessary by MOSA.

## **C. Financial Requirements**

Certification and inspection fees are required annually and fees for services are due as billed. User fees are to be paid on the sale of products represented as certified organic and a user fee minimum may apply. Late payments may incur late fees. Refer to MOSA's Fee Schedule for details. The payment of fees is required by National Organic Standard 205.400(e) and noncompliance proceedings may be instituted if financial requirements are not met in a timely manner.

## IV. The Certification Process

**Application and Fees** You submit your annual Organic System Plan to MOSA. If fees are not included or paperwork is not complete, MOSA notifies you and your file may be put on hold until all items are received.

**Initial Review** A Certification Specialist or your Inspector reviews your Organic System Plan and notifies you of the results, including requests for any additional information needed and when such information must be addressed. If it appears that your organic plan is compliant with the certification requirements, your file moves on to inspection.

**Inspection** The inspector contacts you to schedule the inspection. Timing is based on inspector availability, your operation's location, seasonal observation needs of your operation, and your needs and availability. The inspector inspects your operation, completes an Inspection Report, and returns your certification file to MOSA.

### Operator Review

MOSA sends you a copy of the Inspection Report. You are encouraged to submit comments or corrections to MOSA within 7 days of receiving the Report.

**Notification of Decision** The reviewer sends notification of the decision and/or a request for further information. Determination may include conditions for continued certification. The notification will state a deadline by which additional information needs and/or conditions must be addressed.

### Certification Review and Decision

A Certification Specialist reviews your certification file and determines compliance. The reviewer may decide that additional information is needed before the certification decision can be made.

**Certification Completed** Upon successful completion of the certification process, MOSA sends you an organic certificate.

**Annual Update** To maintain certification you must update your organic plan information annually and as significant organic plan changes occur. MOSA sends update forms annually. Return them on time so inspectors can observe land, facilities and activities during an appropriate season to verify compliance.

## **V. Certification Details for New Applicants**

### **A. Application Packet**

Operations interested in certifying with MOSA are encouraged to obtain an application packet to begin the certification process. Go to the MOSA website, [www.mosaorganic.org](http://www.mosaorganic.org), or contact us by phone, fax, email or postal mail to request the appropriate application.

### **B. Deadlines for Submitting First-Time Applications**

First-time applications for certification are accepted throughout the year. However, applications must be received in time so Inspectors can observe land, facilities, and activities during an appropriate season to verify compliance. First-time Applicants are strongly encouraged to submit applications as early as possible. Fees will be assessed based on the year in which the operation is inspected and certified, should it differ from the year in which the application was received.

### **C. Length of the Certification Process**

Applicants should be aware that the certification process, from time of application through initial review, inspection, certification review and decision, to the point of notification, could require three to six months. A delay in an Applicant's response to an information request or in submitting required fees typically extends the certification process and can result in noncompliance notification.

### **D. Withdrawal from the Certification Process**

An Applicant may voluntarily withdraw the application from MOSA at any time during the certification process prior to the issuance of the certificate. Applicants choosing to withdraw are liable for any costs incurred up to the point of withdrawal (see the Fee Schedule for refund policy). If withdrawal from the certification process takes place prior to the issuance of a notification of noncompliance or denial, MOSA will not issue these notifications.

## **VI. The Inspection Process**

### **A. General Inspection Policy**

Once an Applicant's application materials have successfully passed the initial review, MOSA conducts an initial on-site inspection of the operation. Thereafter, MOSA conducts an on-site inspection annually as part of the process of updating certification.

### **B. Purpose of the Inspection**

The goal of the inspection is to verify compliance with the National Organic Standards and MOSA certification requirements and identify any points of noncompliance. The Inspector checks each facet of an operation and interviews the managers in order to verify the accuracy of the operation's Organic System Plan and supporting documents. The Inspector completes a written Inspection Report, which is sent to MOSA for use in the process of making the certification decision.

### **C. Inspector Endorsement**

MOSA Inspectors may be employees staff Inspectors or independent contractors. MOSA maintains responsibility for all subcontracted work.

While Inspectors can answer questions related directly to the Standards for organic production and handling, all questions regarding MOSA's policies, production and processing inputs or certification status should be directed to the MOSA office, not to an Inspector. Inspectors do not make certification decisions, recommendations on sanctions or final determinations about the certification status of the operations they inspect.

MOSA aims to contract with or employ qualified, capable, and professional Inspectors. To this end, we have a rigorous endorsement process, provide annual evaluations and feedback, and provide training to Inspectors.

Operators may not request a particular Inspector but they do have the right to object to having a particular Inspector. In such a case, the Inspection Manager will gather more information about the objection and will make an alternate inspection assignment if appropriate. An Inspector evaluation form is sent to the operator when MOSA sends the Inspection Report. MOSA encourages operators to provide us information about the inspection experience as we use this feedback to improve our inspection system and when evaluating our Inspectors. All feedback about the inspection process is confidential and may be submitted anonymously. Any questions about Inspectors may be directed to MOSA's Inspection Manager.

## **D. Scheduling the Inspection**

The Inspector contacts the operator by phone, mail, or email to schedule an inspection. Inspectors must schedule all announced inspections when an authorized, knowledgeable representative of the operation is present and at a time when it is possible to observe the land, facilities and activities needed to verify the operation's compliance with the National Organic Standards and MOSA certification requirements. The initial assignment of an operation's file to an Inspector may take up to 6 months in order for the inspection to be conducted at a time when land, facilities and activities can be observed to verify the capacity to comply.

## **E. Preparing for the Inspection**

### **The Organic System Plan**

The Inspector receives the operator's Organic System Plan as part of the operation's certification file and is required to verify the information submitted in the Plan, noting any changes or deviations. Therefore, an important part of the operator's preparation for inspection is getting ready to discuss details of the Plan with the Inspector and to address questions such as these during the inspection:

- Does the operator's Organic System Plan provide an accurate description of the operation? For example, do buffer zones and other measures taken to avoid contamination meet MOSA's requirements, and are field history and eligibility records accurate? For processing facilities, what are the organic control points and how are they monitored?
- What changes have been made since the Organic System Plan was last updated? Are any materials, facilities, or practices being used that were not noted in the Plan? Have some listed practices been discontinued?
- If applicable, how has the operator addressed previously identified noncompliances?

### **The Audit Trail**

The "audit trail" is the part of the operation's record keeping system that allows verification of organic production practices, purchases, and sales. Organic certification requires that operators fully disclose all activities and transactions of the operation in sufficient detail as to be readily understood and audited and that records must verify the integrity of organic products from production through harvest, storage, transport, processing, handling, and sales.

The audit trail also serves as a tool for monitoring the effectiveness of the operator's organic plan in meeting organic standards and verifying that the plan is being implemented. As such, the audit trail is a major focus during an inspection and all audit trail documentation must be current and available for the Inspector. Applicants must describe their audit trail systems or present plans for implementing audit trail systems in their Organic Plans and they must make all related records and information available to the Inspector.

It is important for operators to ensure that all records are well organized and easily accessible prior to the arrival of the Inspector. For tips on organizing the records needed to support an audit trail, refer to the additional information included in this Manual's appendices.

### **Land, Livestock, and Facilities**

During the inspection, the Inspector must be able to observe the land, facilities, and activities needed to verify the operation's compliance or capacity to comply with all applicable National Organic Standards and MOSA certification requirements. Operators must provide the Inspector with complete access to all production or processing/handling areas, structures, and offices.

Livestock operations must ensure that their animals are accessible for up-close observation by the Inspector.

Land, livestock and production or processing facilities used for conventional production must also be accessible to the Inspector.

## **F. Elements of the Inspection**

### **Documents Used in the Inspection Process**

Inspectors use the MOSA Inspection Report formats to customize interviews, assessments of the premises, and analysis of records.

After the inspection, the Inspector writes an Inspection Report and submits it to MOSA within 21 days of the site visit. The Inspection Report records the observations made by the Inspector at the time of the site visit regarding the operator's compliance or ability to comply with the National Organic Standards and MOSA certification requirements.

Each operation receives a copy of its Inspection Report within two weeks of MOSA's receipt of the Report. The operator has the right to submit comments about the Inspection Report to MOSA within 7 days of receiving the Report.

### **Inspecting the Premises**

An inspection of the premises of a farm or processing operation includes inspection of each production unit, field, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested. In the case of handling, equipment proposed for use must be in place and functional at the time of inspection.

Inspectors may also collect samples for the purpose of assessing whether there has been:

- Contamination by prohibited materials;
- Environmental pollution or the persistence of synthetic materials; and/or
- Fraud related to materials use or use of excluded methods.

### **Auditing the Operation's Records**

MOSA audits an operation's records during each annual inspection. For first-time Applicants, this portion of the inspection serves to assess the Applicant's ability to comply with record keeping requirements. The operator must allow the Inspector access to all of the operation's records.

An important part of the assessment of an operation's records is a check of the audit trail. To accomplish this, the Inspector determines whether records of purchases, sales, and inventory are accurate and up-to-date. In addition, the Inspector assesses records to see if they demonstrate that:

- Quantities and types of products sold correspond with those produced and/or purchased by the operator;
- Amounts and types of products purchased by the operation correspond with those used by the operation; and
- The record keeping system allows products to be traced back to their origin.

### **The Exit Interview**

The MOSA on-site inspection concludes with an “exit interview” between the authorized representative of the inspected operation and the MOSA Inspector. The purpose of this discussion is to confirm the accuracy and completeness of the information gathered during the inspection. The Inspector addresses the need for any additional information, as well as any issues of concern that have been identified during the inspection. The Inspector invites the operator to pose questions and to provide additional information about the topics that have been covered during the inspection. The Inspector may include additional issues in the Inspection Report as they may become evident while composing and writing the Report. All exit interview issues will be evaluated by Certification Specialists during the process of final review.

## **G. Additional Inspections**

### **The Need for Additional Inspections**

As deemed necessary, MOSA conducts on-site inspection(s) in addition to the annual inspection. Additional inspections may be required in cases where satisfactory assessment of compliance with the Standards and MOSA certification requirements cannot be determined without such assessment. Additional inspections may be used to:

- Implement routine surveillance activities for monitoring continued compliance of MOSA-certified operations;
- Investigate a complaint against an operation;
- Monitor an operation that has compliance issues that require on-site observation, including carrying out orders from an Organic Program official to gather more information via inspection about a suspected violation of organic standards.

### **Methods for Additional Inspections**

MOSA follows its usual inspection policy and procedures when conducting additional inspections, except that the scope of the inspection may focus on specific topics and the inspection may not cover all aspects of the operation. Also, additional inspections may be unannounced.

### **Cost of Additional Inspections**

Depending on the reason for conducting an additional inspection and the outcome of the inspection, the costs of an additional inspection are allocated either to MOSA or to the operation.

- MOSA is responsible for the costs of routine surveillance inspections unless, as a result of such inspection, MOSA determines that the operation has a major noncompliance, in which case the operator is billed for the inspection costs. Also, if the surveillance inspection is determined by MOSA to be sufficient enough in scope to replace the annual inspection, the operator is billed.
- If an additional inspection is required for investigation of a complaint, the cost of the additional inspection is the responsibility of the operator only if a major noncompliance is identified during the investigation. If a major noncompliance is not identified, MOSA bears all costs related to the additional inspection.
- The cost of an additional inspection that is called for as a condition of certification to monitor compliance is the responsibility of the operator, regardless of the outcome.

## **VII. Certification Communications**

As part of the review process of certification, Certification Specialists may communicate with the operator regarding the need for additional information in order to verify compliance, or to describe a

noncompliance identified during the review process. The following are descriptions of types of situations that can arise during the review process:

### **A. Additional Information Needed**

There may be a request for additional information that needs to be provided before a certification decision can be made.

### **B. Noncompliance Notifications**

A **notification of noncompliance** contains a description of each noncompliance, the facts upon which the noncompliance is based, the date by which the operator must rebut or correct the noncompliance issue (if correction is possible), and the need for further testing, evaluation and additional inspection, if applicable.

A **minor noncompliance** is a violation of the National Organic Standards that, on its own, does not jeopardize the effectiveness of the operation's Organic System Plan or the organic integrity of the product. The correction of minor noncompliances is necessary for continued certification. Verification that minor noncompliances have been corrected is an important part of the continuing certification and inspection process.

A **major noncompliance** is a violation of the National Organic Standards or MOSA policy which results in a serious failure in the operation's Organic System Plan and requires notification of the National Organic Program. The following are examples of major noncompliances:

- A violation resulting in the loss of organic integrity of a product proposed for certification;
- Willful misuse of MOSA's name, the certification claim, and/or the MOSA certification seal (fraud);
- Multiple minor noncompliances related to the same topic may be considered a major noncompliance;
- Failure to meet time requirements set for submission of information required to evaluate compliance may be considered a major noncompliance.

Operators who disagree with a noncompliance notification have the right to rebut, request mediation or file an appeal of the decision within the time period given in the notification.

### **C. Rebuttals to Noncompliances**

An operator who receives notification of noncompliance has the right to rebut the decision within the stated time period. MOSA may not issue a Notification of Proposed Suspension or Proposed Revocation if a rebuttal is pending. An Applicant may rebut MOSA's decision to deny certification and an Associate may rebut a decision to suspend or revoke its certification.

- A rebuttal must be submitted to the MOSA office in writing by the deadline stipulated and must outline in detail the nature of the disagreement with the certification decision.
- MOSA will review the rebuttal and notify the operator of the outcome within 30 days of MOSA's receipt of the rebuttal. If MOSA decides to uphold its decision, the related notification shall state a deadline by which the operator may request mediation or file an appeal of the decision. This stated deadline shall allow the required 30 days for filing an appeal.

### **D. Requesting Mediation**

An Applicant who receives a Notification of Denial of Certification or an Associate who receives a Notification of Proposed Suspension or Revocation of Certification from MOSA has the right to request mediation under National Organic Program regulation §205.663. MOSA may not issue a Notification of Suspension or Revocation if mediation is pending.

A request for mediation must be submitted to the MOSA office in writing by the deadline stipulated. MOSA has the right to reject a request for mediation and informs the Applicant or Associate in writing

whether or not this request has been accepted or rejected. If the request for mediation is rejected by MOSA, the operator retains the right to file an appeal with the National Organic Program within 30 days.

Mediation requests must include the mediation deposit. Mediation costs include fees charged by the mediator and administrative fees charged by MOSA. Administrative fees for mediation are based on time spent by each MOSA staff member working on the mediation process. All costs incurred by the mediation procedures are assumed by the operator requesting the mediation as listed in the Fee Schedule.

If MOSA accepts the request, mediation is conducted within 30 days of the date of the acceptance notification, at a time and place mutually agreed upon by MOSA and the operator. Mediation is to be conducted by a qualified mediator who has adequate understanding of the subject of the dispute. The mediator is to be mutually agreed upon by both MOSA and the operator.

MOSA and the operator have a maximum of 30 days following the mediation session to reach an agreement. In conclusion of the mediation process, as outlined and facilitated by the chosen mediator, the mediator may emphasize points of agreement and identify areas of disagreement for more discussion. The mediator may suggest ideas for resolution, but has no authority to impose a solution on MOSA or the operator. If both parties agree to a resolution, the points of the settlement are written down and signed by the two parties and the mediator. MOSA sends written documentation to the operator outlining the agreement and issues any applicable certification documents. Any agreement reached during or as a result of the mediation process must be in compliance with the National Organic Program regulations and MOSA certification requirements.

If mediation is undertaken and an agreement is not reached, MOSA notifies the operator in writing of his/her right to file an appeal within 30 days with the National Organic Program.

## **E. Requesting an Appeal**

An Applicant who receives a Notification of Denial of Certification or an Associate who receives a Notification of Proposed Suspension or Revocation from MOSA has the right to file an appeal with the Administrator within the time period provided in the notification or within 30 days from receipt of the notification, whichever occurs later.

Appeals are considered to be filed on the date they are received by the Administrator. Decisions become final if they are not appealed within the given time frame. MOSA may not issue a Notification of Suspension or Revocation if an appeal is pending. All appeals shall be reviewed, heard, and decided by persons not involved with the decision being appealed. Appeals filed with the National Organic Program must be submitted in writing and addressed to

Administrator – USDA – AMS  
c/o NOP Appeals Staff  
STOP 0203 Room 302-Annex  
1400 Independence Ave. SW  
Washington, DC 20250-0203

MOSA requests that operators notify MOSA of their intent to appeal and submit a copy of their written appeal to the MOSA office at the time of filing the appeal with the National Organic Program.

If the federal or state authority agrees with the operator's appeal, MOSA issues all required certification documents, as applicable. If the appeal is denied, a formal administrative proceeding is initiated to deny, suspend or revoke the operator's certification, pursuant to the U.S. Department of Agriculture's Uniform Rules of Practice.

## **F. Notification of Denial**

If an *Applicant* fails to correct a major noncompliance through rebuttal or additional information provided within the given time period, does not file a request for mediation or appeal, or if the major noncompliance is deemed willful or uncorrectable, MOSA sends a **notification of denial**.

If MOSA 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 National Organic Standards and/or MOSA certification requirements, MOSA may deny certification without first issuing a notification of major noncompliance.

An *Applicant* who has received a noncompliance notification or a notice of denial of certification may apply for certification again at any time. If a certification application is submitted to a certifying agent other than MOSA, the application must include a copy of the noncompliance notification or notice of denial of certification and evidence demonstrating correction of each noncompliance issue.

## **G. Notification of Suspension or Revocation**

If an *Associate* fails to correct a major noncompliance through rebuttal or additional information provided within the given time period, does not file a request for mediation or appeal of the proposed suspension or revocation of certification, or if the major noncompliance is deemed willful or uncorrectable, MOSA sends a **notification of suspension or revocation**.

An *Associate* whose certification has been suspended may at any time, unless otherwise stated in the suspension notification, submit a request to the US Secretary of Agriculture for reinstatement of 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 Organic Foods Production Act and the National Organic Program regulations.

An *Associate* or 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 revocation. However, the US Secretary of Agriculture, when in the best interest of the certification program, may reduce or eliminate the period of ineligibility.

## **H. Violations of the Organic Foods Production Act**

In addition to suspension or revocation, any operation that knowingly sells or labels a product as organic, except in accordance with the Organic Foods Production Act, shall be subject to a civil penalty of not more than \$11,000 per violation. Also, any operation that makes a false statement under the Act to a federal and/or state Organic Program official shall be subject to the provisions of section 1001 of title 18, United States Code. Enforcement falls under the jurisdiction of the USDA.

# **VIII. Certification Update and Changes to Certification**

## **A. Update Packets**

Current Associates annually receive an update packet with the following items:

- Organic System Plan(s) and supplementary forms for the type(s) of certification granted the previous year, to be completed and returned to MOSA;
- National Organic Standards, including the National List of Allowed and Prohibited Substances, if updated from the previous year;
- MOSA Program Manual, if updated since the previous year;
- An invoice for fees and MOSA's Fee Schedule.

## **B. Deadlines for Producers**

Applications for updating producer certification must be received by May 1<sup>st</sup>. MOSA will accept update applications after this date, but they are subject to late fees.

Producers who do not submit update applications by May 1<sup>st</sup> or who do not inform MOSA of their intent to surrender MOSA certification will be subject to major noncompliance proceedings.

### **C. Deadlines for Handlers**

Applications for updating handler certification must be received at least 90 days prior to the anniversary of the effective date of their certification. MOSA will accept update applications after this date, but they are subject to late fees.

Handlers that do not submit update applications by their deadlines or inform MOSA of intent to surrender MOSA certification will be subject to major noncompliance proceedings.

### **D. Surrender of Certification**

An Associate may surrender MOSA certification at any time. However, once a certification file has been reviewed and a certification decision made, MOSA must issue any resulting noncompliance notification. Upon surrender of certification, the terms and agreements of the Associate Licensing Agreement are terminated and the Associate must immediately cease all certification claims using MOSA's name and/or seal. Associates are liable for any costs incurred up to the point of surrender in accordance with the Fee Schedule.

### **E. Extending Certification**

All Associates must update their certification information annually, by the specified deadline. Normally, Associates who choose not to update certification with MOSA must formally surrender their MOSA certification or be subject to procedures to suspend certification. However, an Associate may request a one-time extension of MOSA certification beyond the update deadline if either of the following conditions applies:

#### **Transferring from MOSA to another Certification Agency**

Associates that intend to continue to produce or sell products as organic must maintain their MOSA certification until certification has been granted by the new certification agency. Requests to MOSA for an extension during transfer of certification should be in writing and include a statement from the accredited certifier to which the Associate is transferring, verifying that:

- The Associate has submitted an appropriate and complete application for certification;
- If MOSA has identified a noncompliance in the Associate's operation and has not issued a letter of resolution confirming correction of the noncompliance, the other certifier must confirm that the Associate has disclosed these noncompliances during the process of applying for certification to their agency;
- The certifier is able to process the certification for the products the Associate has requested for certification.

#### **Accommodating Sales of Inventory**

Associates may request a one-time extension of MOSA certification beyond their operation's update deadline in order to allow for sales of the remaining inventory of certified product. Requests for extension must be in writing and must include:

- A description of the product(s) to be sold;
- How the product has been stored and organic integrity maintained;
- When the sale of the product will be completed.

A Certification Specialist reviews the extension request. A decision to grant extension and the length of extension varies with situational needs and most-recent inspection date. Extensions are generally less than 6 months.

Associates who are granted an extension must continue to pay all applicable user fees to MOSA during the extension period. MOSA may require additional organic plan update information or an additional inspection during the extension period if necessary to verify compliance.

## **F. Adding New Products or Handling**

When an Associate wishes to add new products or handling *beyond* those currently certified, sufficient information must be provided so MOSA can verify that the new products or handling activities comply with all applicable National Organic Standards and MOSA certification requirements. The Associate must submit supporting documentation demonstrating compliance. Documentation must sufficiently describe the products to be added, and any related changes to the operation.

A Certification Specialist reviews this new information and a certification decision is made. Additional information, such as an updated Organic System Plan and/or an additional inspection may be required in order to complete the certification decision process.

No additional fees will be charged if the review for the added product or handling coincides with the scheduling of the annual certification update process. MOSA's fee for adding new products or handling activities to the certificate outside of the regular annual review process is an hourly administrative fee. MOSA bills the Associate for all work done by MOSA staff and Inspectors in processing and reviewing the request.

If certification is granted for the additional product or handling activity, MOSA sends appropriately revised certification documents.

## **G. Removing Products or Handling from the Certificate**

When there are changes in an operation such that products listed on the certificate are no longer eligible to be certified, Associates must notify MOSA of these changes. We will issue amended certification documents to show the reduction of the operation's certified products or handling activities.

## **IX. Certification Program Policies**

### **A. Commercial Availability Policy**

"Commercially available" means 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 MOSA in the course of reviewing the Organic System Plan.

### **Seeds and Planting Stock**

Applicants and Associates must provide evidence of due diligence in sourcing organic inputs in order for MOSA to approve the operator's use of the non-organic input.

MOSA Applicants and Associates must use organically grown seeds, annual seedlings and planting stock to obtain and maintain MOSA certification, with only the following exceptions:

- Non-organic untreated seeds and planting stock may be used to produce an organic crop when an equivalent organic variety is not commercially available, except that organically produced seed must be used for the production of edible sprouts;
- Non-organic seed and planting stock that have been treated with an approved synthetic substance included on the National List may be used to produce an organic crop when an equivalent organic or untreated variety is not commercially available;
- Non-organic seed and planting stock that have been treated with an approved synthetic substance included on the National List may be used during the operation's transition to organic production;
- Non-organically produced annual seedlings may be used to produce an organic crop when a temporary variance has been granted in accordance with §205.290(a)(2) of the National Organic Program regulations;
- Non-organically 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;

- 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.

### **Ingredients in Processed Products**

For all processed products labeled or represented as "organic," MOSA Applicants and Associates must use the organic form of an ingredient. Exceptions may be allowed for ingredients as specifically listed in National Organic Standard §205.606, if the operator provides adequate documentation to verify the product is not commercially available in organic form. Additionally, handlers must not include organic and non-organic forms of the same ingredient in a product labeled as "100 percent organic," "organic," or in ingredients identified as organic in a product's ingredient statement. For more details on product composition requirements, refer to National Organic Standard §205.301.

### **B. Evaluation of Materials Used in Organic**

Materials used in the organic production of crops and livestock as well as those used in processing and handling organic products, must be allowed for use by the NOP's National List of Allowed and Prohibited Substances. Certification may be jeopardized by the use of products of indeterminate or incorrectly determined status. Therefore, the status of each material must be determined prior to the use of the material. If a material contains multiple ingredients, the status of each ingredient, including inert ingredients and processing aids, must be determined. If ingredients are not disclosed, MOSA considers the material prohibited.

Products and materials are reviewed based on the National List as:

- **Allowed:** materials and/or practices which may be used for the production of organic crops, livestock and processed/handled products, including regulated materials and/or practices with annotated restrictions;
- **Prohibited:** a substance or practice which is not allowed to be used in organic production or handling.

Operators should note that Inspectors are not authorized to make determinations on the status of materials.

MOSA accepts product status as outlined in Organic Materials Review Institute and Washington State Department of Agriculture lists. Product use must be described in the Organic System Plan and must be compliant with the National Organic Standards.

### **C. Amending the National List**

Any person may petition the National Organic Standards Board for the purpose of having a substance evaluated by the Board for recommendation for inclusion on or deletion from the National List. A person petitioning for amendment to the National List should request a copy of the petition procedures from the USDA. Requests for petition procedures and submissions must be directed to:

Program Manager  
USDA/AMS/TMP/NOP  
1400 Independence Ave., SW  
Room 4008-So., Ag Stop 0268  
Washington, DC 20250

### **D. Residue Testing Policy and Exclusion from Organic Sale**

MOSA may require residue testing when there is reason to believe any of the following conditions exist:

- Contamination by off-farm materials or genetically engineered organisms;
- Environmental pollution or persistence of synthetic materials in soil or water;

- Processing of agricultural products occurs in a facility or with equipment in which prohibited substances are used;
- Fraud related to materials use/use of genetically engineered organisms.

Associates and Applicants consent to the use of a subcontracted laboratory to conduct residue tests as part of their certification agreement with MOSA. Results of residue testing are shared with the operator and the National Organic Program and will be available for public access, unless the testing is part of an ongoing compliance investigation.

If a residue test detects a prohibited substance at levels that are greater than 5% of the Environmental Protection Agency's tolerance level, the agricultural product must not be sold, labeled or represented as organically produced. Organic officials may conduct an investigation of the certified operation to determine the cause of the prohibited substance.

### **E. Emergency Pest or Disease Treatment**

When a prohibited substance is applied to a certified operation as a result of a Federal or State mandated emergency pest or disease treatment program, the certification status of the operator will not be affected, provided that:

- Any harvested crop or plant part that has contact with the prohibited substance cannot be represented as organic in any way;
- Any livestock that was treated with a prohibited substance or its products cannot be represented as organic in any way, except that milk products from treated animals may be sold, labeled or represented as organically produced after a 12 month withdrawal period; and
- 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.

### **F. Compliance with State Organic Programs**

Although MOSA does not certify in states that have State Organic Programs at this time, MOSA fully implements all provisions of the NOP regulation that may require MOSA to interact with a State Organic Program such as compliance actions, testing, additional inspections, supplying information about certified parties, etc.

### **G. Variances to the National Organic Standards**

Only the USDA may grant temporary variances to the National Organic Standards. However, at the requests of the operations they certify, State Organic Programs and accredited certifying agents may recommend temporary variances for consideration by the Administrator. Temporary variances may only be granted by the National Organic Program to certain production and handling standards, specifically §§205.203-205.207, 205.236-205.240, and 205.270-205.272. Temporary variances will not be granted for any practice, materials or procedure described under §205.105. In addition, temporary variances will only be granted for the following reasons:

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

Operators wishing to suggest a variance for recommendation by MOSA to the Administrator must submit the following information in writing to the MOSA office:

- The variance that is suggested, including applicable Standards;
- The reasons for suggesting the variance and how the variance is justified by one of the three reasons allowed by the National Organic Program, as listed above;

- Documentation supporting the need for the variance.

MOSA considers all complete variance suggestions from operators and decides whether or not to recommend the variance to the Administrator. MOSA provides written notification of the decision to the operator who submitted the variance suggestion.

In the event that the USDA grants a temporary variance to certification standards or policies, MOSA will notify all operators potentially affected by the variance. Such a notification may be accomplished through a special mailing to operators and/or through information published in MOSA's newsletter. MOSA will also post information about the variance on its website. The information provided to operators will include a description of the variance and the length of time it is to be in effect.

## **H. The Transaction Certificate (TC) System**

The organic certificate is proof of MOSA's certification of the operation's production or handling of the products listed on the certificate. MOSA also can provide Transaction Certificates (TCs), which provide buyers with additional assurance of certification for individual sales or shipments of product. In addition, TCs document in-depth sales information for use by buyers, sellers, and other certification agencies.

MOSA provides a blank Transaction Certificate Authorization (TCA) form and a sheet explaining the use of the TC System; this form is available on the website as well. A MOSA Associate wishing to have a Transaction Certificate (TC) issued to a buyer must submit a completed TCA to the MOSA office for review. If review verifies that TCA information is consistent with information in the certification file, MOSA sends a TC to the Associate and the buyer.

## **I. Additional Verifications**

In cases where a buyer asks for verification of requirements not covered by the National Organic Standards, MOSA will assess compliance in order to provide such verification. Operators wishing to have verification of additional production or handling requirements should indicate this on their applications, describing each item for which they need additional verification. Additional fees as outlined in the Fee Schedule apply. MOSA strongly encourages that such requests be submitted with the annual Organic System Plan information, so that evaluation can occur during all stages of the certification process. Operators who make requests after submitting the annual Organic System Plan documents may have to provide additional information or undergo an additional inspection in order for MOSA to verify compliance with the requirements.

The National Organic Program has several types of country to country arrangements to facilitate trade and ensure a consistent supply of organic products for the U.S. Markets. Export Arrangements are agreements between the U.S. and a foreign country that allow U.S. organic products to be sold as organic in the receiving country, provided specific requirements are met. Equivalence agreements between two countries allow products produced and certified to either country's organic standards to be sold as organic in both countries.

Producers and handlers wanting to market organic crops or processed products in the European Union may obtain the necessary verification from MOSA. MOSA provides application forms for EU verification and a guidance document that explains EU organic certification requirements.

Upon request, MOSA is also able to verify compliance with the US-Canadian Equivalence Arrangement for all products destined for organic sales in Canada. MOSA also provides verification of compliance with the additional requirements of US Export Arrangements. Contact MOSA staff for a description of these requirements.

Producers of organic ruminant slaughter stock who wish to market as "USDA Grassfed" may do so if MOSA is able to verify that the USDA Grass (forage) Fed standard is met. This standard can be found on the MOSA website or may be requested from the MOSA office.

## **J. Private Label Policy**

In most cases, companies using the MOSA logo, a MOSA certificate, or the claim “certified organic by MOSA” (or similar statement), must be MOSA-certified. However, through a Private Label Arrangement, MOSA may authorize use of MOSA’s logo, certificate, or name by an operation that is not MOSA-certified, but only for the operation’s marketing of product that was produced by a MOSA-certified operation. Typically, handling activities conducted by an operation distributing a private label product are excluded from mandatory certification by National Organic Standard §205.101.

Private Label Arrangements must be authorized by MOSA prior to the use of MOSA’s logo, certificate, or name on a private label product. To initiate a Private Label Arrangement, a MOSA Associate must submit completed forms and fees as described in the Fee Schedule.

## **K. Reporting Significant Changes in an Operation**

In the event of significant changes to an operation – either one that is certified or one that is in the process of initial certification – MOSA needs to be informed about the changes. MOSA considers significant changes to be:

- Significant expansion or reduction in the number of acres farmed, the types or amounts of crops grown, or the number of animals managed;
- Addition or withdrawal of processes and/or products from certification;
- Application, including drift, of a prohibited substance to any field, production unit, site, facility, livestock, or product;
- Change in any portion of the operation that may affect its compliance with the National Organic Standards and/or MOSA certification requirements thereby require a change to the MOSA certificate, including but not limited to a change in product specifications, to the ownership of the operation, or of the person responsible for implementation of the Organic System Plan.

If your operation experiences significant changes, you must provide a detailed description of the changes, including relevant dates, to MOSA and withhold sale of affected products pending review by MOSA. You may be required to complete new documents in order for MOSA to reevaluate the operation and the changes to the Organic System Plan.

Based on the information provided by the operator, MOSA will determine whether an additional inspection is required. Once a certification decision has been made on the changes to the operation, MOSA notifies the operator of the decision, including approval or denial of the organic sale of any products produced under the changed procedures.

## **X. The Rights and Responsibilities of Certification**

### **A. The Associate Licensing Agreement**

The rights and responsibilities of both MOSA and its Associates are fully documented in the Associate Licensing Agreement (ALA). Completing the agreement is a precondition for MOSA certification.

The ALA, after being signed and dated by both the Applicant and by MOSA, establishes a contractual agreement. The signed ALA is binding for the duration of the Associate’s MOSA certification. If MOSA revises the text of the agreement both the Associate and MOSA must sign and date a copy of the revised version within a timeframe set by MOSA in order for the operation’s certification to remain in effect.

The following information is a general discussion of the rights and responsibilities detailed in the ALA. Refer to a copy of the Agreement for complete information on this topic.

## **B. Rights and Responsibilities of Associates and Applicants**

### **Rights**

MOSA Applicants and Associates have the right to:

- Service from MOSA that is fully compliant with the National Organic Program regulations, the MOSA Bylaws and Program Manual;
- Use of the MOSA certification mark and logo to identify their MOSA-certified products;
- Protection of confidential business information by MOSA;
- Participate in the process for amending or developing the Policies and Bylaws;
- Submit nominations to the Nominating Committee for available positions on the Board of Directors;
- Timely notification of changes to the National Organic Standards or MOSA certification requirements.

### **Responsibilities**

MOSA Applicants and Associates have the responsibility to:

- Comply with the certification program, as outlined in the current National Organic Program regulations and MOSA Program Manual;
- Cooperate with the certification process by providing access to records as well as all information required for inspection including but not limited to land, facilities, and equipment;
- Pay all fees associated with certification within stated timelines, as outlined in the Program Manual;
- Only make certification claims that accurately reflect the type(s) of MOSA certification(s) granted;
- Ensure that certification claims are used in a manner that does not harm MOSA or make any unauthorized or misleading claims;
- Discontinue the use of all certification claims and return any documents required by MOSA, upon surrender or notification of suspension or revocation of MOSA certification;
- Use certification claims only to indicate that the operator's products are in compliance with MOSA's program;
- Refrain from assigning, transferring, allowing, or otherwise sublicensing the MOSA logo or name for use by any subsidiary organization not certified by MOSA, unless a MOSA-approved Private Label Arrangement is in force;
- Cooperate and assist in ascertaining the facts if it is reported that their products bearing the MOSA logo and name are not in compliance with the certification program, as outlined in the National Organic Standards and MOSA Program Manual;
- Indemnify MOSA against liability arising from the sales and use of the Associate's product(s) including reasonable fees and costs attending to any claims and/or lawsuits due to acts and omissions by the Associate relative to the terms and conditions of the Associate Licensing Agreement.
- Immediately cease all use of MOSA's logo and/or name upon termination or expiration of the operation's Associate Licensing Agreement.

## **C. Rights and Responsibilities of MOSA**

### **Rights**

MOSA has the right to:

- Publish identifying information about certified operations in its directory;

- Inspect all operations that apply for certification or continuation of certification on at least an annual basis;
- Amend its fees associated with certification at its sole discretion upon 30 days written notice to the Associate and provided that the fee changes have been filed with the National Organic Program;
- Conduct activities for continuing oversight of certified operations, including but not limited to residue testing, additional announced and unannounced inspections, and marketplace surveillance.

## **Responsibilities**

MOSA has the responsibility to:

- Fully comply with its Quality System, as described in the MOSA Bylaws, and the Quality, Program, and Administrative Procedures Manuals;
- Provide Applicants and Associates (annually, unless no revisions are made) with a current Program Manual, National Organic Standards (including the National List of allowed and prohibited products) and any other information or documents required for use by the operator;
- Provide any Applicant or Associate with further information on or explanation of specific certification processes or services related to their operation;
- Provide any Applicant or Associate information requested about the MOSA certification program, unless the information is classified as confidential;
- Refrain, without the Associate's prior authorization in writing, from voluntarily disclosing to third parties the Associate's confidential information;
- Monitor the Associate's adherence to the certification program, as outlined in the current National Organic Standards and MOSA Program Manual;
- Solicit input on policy and Bylaws amendments and additions;
- Maintain all functions and responsibilities necessary to obtain and retain accreditation with the USDA's National Organic Program;
- Maintain responsibility for all subcontracted work.

## **XI. Disputes and Complaints**

### **A. Disputes**

The most common disputes are related to financial matters. Financial disagreements may arise through discrepancies in the financial records kept by operators and MOSA. Operators should bring such instances to the attention of the Accounts Manager.

- Operators must be prepared to verify their payments to MOSA by presenting a copy of the cancelled check or record of credit card payment. Upon receipt of such verification MOSA corrects its records of the operator's account;
- If items remain unpaid, the operation's certification application is put on hold.
- Continuing disputes as to charges for services may be resolved with the Executive Director.

### **B. Complaints Submitted to MOSA**

MOSA has authority to act upon complaints received about Applicants or Associates if the complaint is related to compliance with the National Organic Standards, verification to other certification standards, or compliance with MOSA policies. Complaints about the organic integrity of MOSA Applicants' or Associates' operations are to be directed to the Executive Director.

MOSA also will investigate complaints about personnel or contracted parties if the complaint falls within the following areas of MOSA responsibility: disregard for MOSA's policies or operating procedures, arbitrary judgments, unprofessional or unethical behavior, financial mismanagement,

discrimination, deficiencies in the administering of services, violation of conflict of interest policy or procedure, or breach of confidentiality. Complaints about employees or contracted parties are to be made to the Executive Director. Complaints about Inspectors are to be directed to the Inspection Manager. The President of the Board is to receive complaints about the Executive Director and MOSA Board Members.

If you wish to make a formal complaint, it must be in writing and must provide:

- A complete explanation of the complaint including dates and names of those involved;
- Supporting evidence;
- The name, contact information and signature of the complainant.

Details of the formal complaint handling procedure will be provided upon receipt of formal complaints or as requested.

MOSA will also accept and consider verbal or anonymous complaints and all information provided is taken into consideration for either surveillance activities or for improvement in MOSA operations.

### **C. Complaints Received by Associates**

MOSA requires Associates to record all complaints that are directed to their operations related to the compliance of their products with the relevant standards as required by ISO Guide 65 accreditation. An operation's complaint log must include:

- A description of the complaint;
- When it was received; and
- How it was handled.

The complaint log must be made available at the time of inspection. MOSA provides a sample complaint log as part of the record-keeping forms it supplies to operators.

## **XII. Amending Bylaws and Policies**

MOSA encourages the participation of Associates and the organic community as a whole in the improvement and development of the MOSA program. The process of proposing amendments to Bylaws and policies is therefore open to participation by all interested parties. Bylaws are available on our website and upon request from the office and policies are as described in this manual. Changes to the MOSA program must be in compliance with the National Organic Program and ISO Guide 65.

### **A. Amending Bylaws**

#### **Submission Requirements**

All proposals for amendment of Bylaws must be submitted in writing and received postmarked by the end of the first full business week in December.

- Mail to MOSA, PO Box 821, Viroqua, WI 54665
- Email to [mosa@mosaorganic.org](mailto:mosa@mosaorganic.org)
- Fax to (608) 637-7032.

#### **Review and Approval Process for Bylaws**

The Quality Manager compiles proposals of amendments into a final list and submits the list for distribution with notice of the Annual Meeting. MOSA sends the notice to Associates at least 20 and not more than 40 days before the date of the Annual Meeting. MOSA also posts the list on its website to facilitate access to the information by all interested parties. Voting on amendments to the Bylaws is conducted according to the procedures outlined in the MOSA Bylaws, Article 10.

## Notification of Changes

MOSA notifies Applicants and Associates of all approved changes to its Bylaws and their implementation dates through a mailing or via the newsletter.

## B. Amending Policies

### Submission Requirements

Proposals for amendments of MOSA's policies described in this Program Manual must be postmarked by November 1<sup>st</sup>. Exceptions to this schedule may be considered for amendments necessary for maintenance of MOSA's accreditations.

- Mail to MOSA, PO Box 821, Viroqua, WI 54665
- Email to [mosa@mosaorganic.org](mailto:mosa@mosaorganic.org)
- Fax to (608) 637-7032.

### Review and Approval Process for Policies

MOSA will process submissions that are postmarked before November 1<sup>st</sup> for review by the Advisory Committee. For the list of proposals for amendments slated for review by the Committee, contact the office after the end of the first full business week in November or check the website.

The Advisory Committee members review the proposals for policy amendments independently and then discuss them collectively in order to identify those to be recommended by the Committee to the Board of Directors for approval. Proposals may require editing, redrafting, or conceptual development by the Advisory Committee prior to being passed along to the Board. The Committee must finalize its recommendation to the Board by the end of the first full business week in December. For a copy of the Advisory Committee's recommendation to the Board regarding submitted proposals, contact the office after the end of the first full business week in December.

The Board of Directors has access to all the proposals originally reviewed by the Advisory Committee as well as the Committee's recommendations on policy changes. The Board evaluates this information, and may propose further editing, amendment, or clarification of the proposals. The Board reaches a final decision regarding the policy amendments by the end of the fourth full business week in December.

MOSA encourages Associates and interested parties to participate in the amendment process not only by submitting proposals, but also during the review and approval process through contacting members of the Advisory Committee and Board of Directors to discuss the amendments under review.

## Notification of Changes

MOSA notifies Applicants and Associates of all approved changes to its policies and their implementation through a mailing or via the newsletter.

## C. Requirements for Submitting Proposed Amendments

Persons submitting proposed amendments for MOSA's policies or Bylaws must supply the following information in order for their ideas to be included in the revision process:

- **Contact Information**

Name

Mailing Address

Other Contact Information (telephone number, fax number, email address)

Date

- **Statement of Proposed Amendment**

New Bylaw or policy — When submitting a proposal for a new Bylaw or policy, include the complete text that you propose for addition. Provide your suggestion for the proposed

placement of the new text, including the document, page, or section where you think it should be placed.

Changes to existing Bylaw or policy — When submitting a change to an existing Bylaw or policy, write out MOSA's current text and utilize ~~strikethrough~~ to reflect deletion and **bold** text or underline to reflect additions. Note the section or page of the document where the text occurs.

- **Purpose:** Provide a description of the purpose of the proposed amendment and a succinct summary of the argument(s) in support of the change.
- **Alternatives:** List alternatives to the proposed amendment. Describe the other options and discuss why the proposed amendment is preferable to these alternatives.
- **History:** Describe the history, if any, behind the development, existence, and application of the current policies or Bylaws related to the topic of the proposed amendment.
- **Research:** List and briefly describe any relevant research regarding the proposed amendment. Attach research documents that provide background information and more detail.

## D. Voting and Reporting on Results

MOSA allows Associates to vote by mail or in person at the Annual Meeting on both the election of Board members and other matters which are slated for voting at a meeting of Associates. MOSA announces the results of votes at the Annual Meeting and also through the newsletter

## XIII. Definitions

The following terms are defined as they are used in this manual. For more definitions, see the National Organic Standards.

**Administrator** – the Administrator of 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.

**appeal** – a process whereby an operator can request that the National Organic Program reconsider a certification decision made by MOSA.

**Applicant** – a producer or handler of agricultural products applying for initial certification with MOSA.

**Associate** – a producer or handler certified by MOSA.

**audit trail** –documentation sufficient to determine the source, transfer of ownership, transportation, and protection of integrity of organic products and/or ingredients, from production through harvest, storage, transport, processing, handling, and sale.

**certificate** – an annual written assurance provided by MOSA verifying that a production or handling operation is in compliance with the standards for which certification is requested.

**certification** – the annual procedure by which a certification agent gives written assurance that a clearly identified production or handling system has been methodically assessed and conforms to organic standards.

**contract meat processor** – a meat processing operation that is certified only to provide services for a specific MOSA-certified livestock producer. This arrangement is limited to three years.

**contract handler** – a person or entity that provides a handling service for a primary operator.

**denial** – the refusal by MOSA to grant initial certification to an Applicant due to major noncompliance(s).

**distributor** – a handler that purchases product under its own name, usually from a shipper, processor, or another distributor. Distributors may or may not take physical possession of the merchandise. A distributor is required to be certified as a processor if they substantially transform, process, repackage, or re-label organic products.

**handle** – to sell, process, package or store agricultural products.

**handler** – a person or entity who engages in the business of handling food or feed products.

**loss of organic integrity** – contamination of an organic product by commingling with a non-organic product or by contact with prohibited substances.

**major noncompliance** – a violation of the National Organic Standards or MOSA policies resulting in a serious failure in the operation's Organic System Plan.

**minor noncompliance** – a violation of the National Organic Standards that, on its own, does not jeopardize the effectiveness of the operation's Organic System Plan or the organic integrity of the product.

**on-farm processing** – processing and/or handling of crop or livestock products by the farm operation on which these products were grown or produced.

**operator** – a person who owns, directs, or manages a production or handling enterprise.

**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 the certifying agent and that includes written plans concerning all aspects of agricultural production or handling as called for by the National Organic Standards.

**processing** – cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, extracting, slaughtering, cutting, fermenting, distilling, eviscerating, preserving, dehydrating, freezing, chilling, or otherwise manufacturing and includes the packaging, canning, jarring, or otherwise enclosing of food in a container.

**processor** – a person or entity who engages in the business of processing food or feed products.

**producer** – a person or entity who engages in the business of growing or producing food, feed, fiber crops, livestock and other agricultural-based consumer products.

**revocation** – the termination by MOSA of an Associate's certification resulting in the loss of the ability of the Associate to market products as "organic," and/or as certified by MOSA.

**surrender** – the voluntary termination by an Associate of his/her own certification resulting in the loss of the Associate's ability to market products as "organic," and/or as certified by MOSA.

**suspension** – the action taken by MOSA resulting in an Associate's temporary loss of the ability to market products as certified by MOSA.

**withdrawal** – an Applicant's purposeful termination of the certification process prior to the issuance of the MOSA certificate.

## **XIV. Appendices**

### **A. Inspection Guide for Producers**

Please make every effort to be available for your inspector's schedule. In order to keep your travel costs down, inspectors must also schedule other nearby producers during the same day or in the same trip.

The inspector will verify the accuracy of your organic farm plan, look at your fields, crops, equipment and storage and verify that your record keeping system is complete. Inspectors report on your operation and identify issues of concern. Areas of concern are those that can have potential for contamination or commingling, like buffer areas, split production, or equipment also used in conventional farming.

If you are prepared, well organized and have a fairly straight-forward operation, your inspection should take 2-4 hours. Allow more time for your first inspection, or if you have a complex operation (livestock, split production, or distant fields or facilities).

#### **CROP PRODUCERS:**

- Be prepared to update the inspector regarding any changes to fields, maps, current crop plan, seeds, fertility, pest or disease control inputs. Have available total acreages and projected yields for each crop. If you received an Initial Review Letter, see if further information is needed for the inspection.
- Records your inspector will want to look at:
  - Receipts for all seeds used and a tag or bag for each variety.
  - Tags or documentation for seed inoculants.
  - Organic Seed Search form if non-organic seed was purchased, documentation of untreated and non-GMO status for non-organic seed.
  - Receipts for all other crop inputs—fertilizers; pest, disease and weed control products; soil mixes.
  - Product labels and ingredients statements for inputs not previously approved by MOSA.
  - Field activity records documenting field work from planting through harvest for each field.
  - Equipment, storage and truck cleaning records.
  - Storage inventory records.
  - Harvest and sales records—the inspector will audit TCs and sales from the previous year.
  - National Organic Standards and MOSA Program Manual.
  - Complaint log.

#### **LIVESTOCK PRODUCERS:**

- If there are changes in what livestock you have on your operation since your livestock application was submitted, have updated information available.
- Your inspector will observe your animals, living areas and pasture. They will look at the following records:
  - Feed rations and records for each type of livestock you are certifying.
  - Receipts and certification documentation for all purchased feed and supplements.
  - Updated individual herd health records for dairy animals, herd health records or flock records for slaughter or egg operations.
  - Certification documentation for purchased livestock. Receipts for all livestock inputs. Livestock inputs include everything except feed that goes into or onto your organic livestock.
  - Pasturing & confinement records.

## **B. Recordkeeping Requirements for Producers**

Your audit trail refers to the records you keep that can trace a certified product from seed to market shelf. Creating and maintaining these records is required for certification. All records are to be maintained for 5 years and available at the time of your inspection.

### **MAPS OF LAND AND CROP STORAGE OR LIVESTOCK FACILITIES**

Maps can be hand drawn or “official” (FSA/NRCS). Field maps need to have field numbers, acreages, boundaries, and adjoining land use clearly labeled. Indicate all areas that will require a buffer with a colored pencil or highlighter. Have maps for all fields under your management including conventional or transitional fields, both rented and owned. A separate map is preferred showing all facilities for crop/feed storage and livestock areas (both indoors and outdoors), but this may be indicated on the field maps if it can be clearly understood.

### **FIELD HISTORIES/PRIOR LAND USE DECLARATIONS**

You need to have information in your file for the past three years’ inputs on land you’re requesting for certification. If you’re a new Applicant and have managed the land for the past 3 years, you need to complete the Three Year Field History form. A Current Year Field Plan is needed. Conventional and transitional fields should be listed on all field documents. If you’re requesting certification for crops grown on land that has not been under your management for 3 years and the land was certified by another agency or no seeds were planted or off-farm inputs applied, a Prior Land Use Declaration may be used to describe the past 3 years of field histories. Pastures must be included on field histories.

### **FIELD ACTIVITY LOG**

Field activity logs will vary depending on the type of operation you are managing. Logs should include all field activities with dates (plowing, soil preparation, planting and cultivation), application of inputs such as fertilizers, foliar feedings, pesticides, manure (with dates and rates); harvests and amounts harvested; and general observations on crops. Calendars, daily planners, notebooks or computers all work – whatever you prefer to keep the necessary information.

### **BUFFER MANAGEMENT RECORDS**

If you harvest in a buffer zone, you need to keep a record of when, amount and what you do with the buffer harvest. This can be done as part of a Field Activity Log or by using the Non-organic Crop Usage form. If no prohibited applications are currently used on the cropped, pastured, or residential land adjacent to your organic cropland or pasture, and your neighbor signs a Verification of Adjoining Land Use form, no buffer is needed.

### **CROPS/INPUTS**

A crop input is anything besides seeds, on-farm manure, or compost that is applied to land or crop, whether as fertilizer, inoculants, potting mix, foliar applications, lime or other minerals, or any product used on stored crops or feed. You need to provide MOSA with a Crop Input Inventory listing all products used. List the exact brand name and manufacturer’s name for each input listed on your input inventory. If a product has not been approved by MOSA, ingredients information needs to be provided prior to use. For fertilizers, we need an ingredients list, not analysis. Have all purchase records for inputs available at inspection. Keep a copy of your Crop Input Inventory for your records, updating as necessary.

**CLEANING DOCUMENTATION**

If any equipment or storage is used for both organic and non-organic crops, you need to record how, when and who cleaned or purged before organic use or storage. This documentation must be completed for any buffer harvests and transportation of organic feed or crops. Your Field Activity Log or Cleaning Log may be used.

**STORAGE DOCUMENTATION**

If you sell crops or feed your crops to livestock and also have conventional or transitional crops on the farm, a system must be used to identify the areas in which crops are stored on the farm and to keep track of quantities in storage. All bins, cribs, bunkers or other storage areas should have an identification (ID) number, letter or name, and be indicated on the farm maps and on the Organic System Plan. If many different crops are being stored in bins over the course of a season, the storage records should identify the field or fields from which the crops originated. A Bin Register form is provided in your packet for your use. If you only raise organic crops for your own organic livestock, you also need to have all storage areas identified on your facility maps. Your harvest records should be sufficient to document how much feed went into storage. Have a feed inventory available at inspection time.

**LOT NUMBER SYSTEM**

If you sell crops, you need a lot numbering system. Lot numbers assigned by you are used on your field or storage records, sales records and outgoing documents to maintain the tracking of your crop from seed to sale. The lot number should clearly identify the year of production, your initials, the last location of the crop (field # if sold directly from a field, or bin ID# if sold from a storage bin), the crop and the date it was shipped. If more than one load is shipped in a day, this could also be indicated. The lot number should be used on all weigh tickets, bills of lading, invoices and Transaction Certificates. Here is an example of a lot number which includes this information: 08-JD-5-C-1114-2

<b>08</b>	<b>JD</b>	<b>5</b>	<b>C</b>	<b>1114</b>	<b>2</b>
Year of Production	Producer Initials	Storage Bin or Field #	Crop = Corn	Shipped = Nov 14	Load #

**SALES RECORDS**

Sales records should include sales receipts, clean transportation verification, bills of lading (BOL) and Transaction Certificates. Receipts and BOL should include the date of transaction, your name or farm name and the type of crops sold. Be sure to distinguish between organic crops and non-organic crops. The receipt should also include the dollar amount for which the crop sold. You need to keep sales records for all crops grown in split production. This means you must keep sales records on conventional and transitional crops as well as the organic crop. The Audit Control Register form may be helpful in keeping these records.

**LIVESTOCK/LIVESTOCK PRODUCTS**

The records you keep must be able to trace an individual animal's lineage and verify everything that goes in or on that animal.

### **INDIVIDUAL HERD HEALTH RECORDS**

Individual herd health records must be established for each dairy animal that receives treatment. An index card or page in a notebook with corresponding animal ID (number, photo or name) can be used to record all lineage information, treatments, reproductive information, general comments, and ship or cull dates. These records are to be established at birth and kept for 5 years after the animal leaves the farm. Slaughter stock must have health records with reproductive information and specific treatments noted for individually identified animals or group treatment or events. Whole herd treatments such as vaccinations, physical alterations, and treatments given at the same stage of lactation or development can be recorded as whole herd health events.

### **POULTRY**

Poultry operations should maintain records of hatching dates and source of chicks, proof of organic certification for purchased birds, batch records with corresponding batch number, vaccination schedule, treatments, mortality, production records and dates of provision for outdoor access.

### **FEED RATION**

Record your overall rations and supplements and note when ration changes are made. Use seasonal feeding records to document pasture intake. Keep, and have available at inspection, all records of purchased feed.

### **LIVESTOCK PURCHASES**

Keep records of, and have available at inspection, any purchases of livestock for organic production. If you have split production of livestock or livestock products (such as both organically and conventionally raised slaughter animals of the same type), record any conventional purchases as well.

### **LIVESTOCK INPUTS**

A livestock input is anything, besides the feed you grow or purchase, that goes in or on your livestock. This includes feed supplements, minerals, additives or inoculants; pest treatments; wound treatments; health treatments or preventatives; or cleaning products. Provide MOSA with ingredients information for any product used. List the exact brand name and manufacturer's name for each input listed on your input inventory. If a product has not been approved by MOSA, ingredients information needs to be provided prior to use. Keep a copy of the Livestock Input Inventory for your records and keep it up-to-date.

### **LIVESTOCK SALES**

Keep all sales records for organic livestock and livestock products and have available for inspection. If you sell anything both organically and conventionally, keep records for both. When you sell an animal that was treated with a prohibited substance, keep records of these sales and remember to contact the office to report use.

## C. Inspection Guide for Handlers

Review this checklist to help you understand the process and organize your documentation for the inspector. If you're prepared, it will save you time and money!

Inspectors verify the accuracy of your processing/handling Organic System Plan. They look at product profiles and ingredients, processing product flow, quality control, sanitation system and materials, pest control operations and raw and finished product storage. They look at packaging, lot numbering and organic labeling. In addition, inspectors do a sample audit of your organic production and will also tour the production facilities.

Inspectors report on your operation and identify issues of concern. Areas of concern for inspectors are those that have potential for contamination or commingling in receiving, raw ingredient storage, sanitation, pest control, process scheduling and organic process production.

If you're well organized and have a fairly straightforward operation, plan on a 3 to 5 hour inspection. Personnel who are responsible for various aspects of the organic operation should be available on the day of inspection. Allow more time for your first inspection or if you have a complex operation (wide variety of organic products, complex procedures, distant facilities).

Review and outline changes to previously submitted forms and documents (maps, product profiles, ingredients, equipment and product flow descriptions). This includes changes in suppliers. Be prepared to update the inspector on such changes.

Have verification/documentation on how the previous year's conditions/requirements set by MOSA or any other organic certification agent have been addressed.

Be prepared to respond to any Initial Review letter items needing attention at inspection.

For Product Profiles: have labels, receipts, ingredient information, organic certification verification or affidavits for all inputs including organic ingredients, non-organic ingredients, non-agricultural ingredients, flavors and processing aids.

Have audit trail documentation accessible, showing how products are tracked from ingredient receiving through processing/handling, storage, product sale and shipping. Personnel that keep documentation at each stage of production need to be available to the inspector.

Have support documentation available: pest management, complaint, and employee training logs; quality assurance protocols and procedures; sales invoices; and composition and source information for pest control products, boiler chemicals, cleansers and sanitizers. Have verification of current organic certification for all certified organic ingredients and organic products received for further handling.

Have current verification to show compliance with any National List restrictions for any non-organic ingredients or processing aids. For example, non-organic agricultural ingredients used in organic products must be listed at National Organic Standards section 205.606, must be shown to be non-GMO, non-irradiated, and not produced using sewage sludge, and must be shown to be commercially unavailable in organic form.

If organic and non-organic products are handled in the same operation (parallel or split production), have records that show there is no commingling or contamination.

- Have current versions of the National Organic Standards and the MOSA Program Manual.
- Be prepared with the total dollar amounts of net sales (gross sales less cost of organic goods) made on MOSA-certified products or services (does not apply for first MOSA inspections).
- Have current or proposed retail and non-retail labels for all products making an organic claim.
- Have current licenses and/or permits as required by other regulatory authorities.

## D. Recordkeeping Requirements for Handlers

### AUDIT TRAIL

An audit trail refers to records that track a certified product from receiving ingredients to shipping finished product to the marketplace. Developing and maintaining these records is required for certification, and enables a faster inspection and file review, saving time and money. Read the following for tips on maintaining effective records, which must be maintained for 5 years and be available at inspection. The audit trail elements described below are not necessarily the only records you need; records must be adapted to your operation. Formats may differ, but records must demonstrate a complete and unbroken audit trail.

### LOT NUMBERING SYSTEM

All organic products must be traceable back to their origin. **Lot numbering systems** are commonly used to meet this requirement. Incoming product/ingredient lot numbers should be noted and linked to any new lot number you assign. Lot numbers are utilized in receiving, production, storage and sales records, and on outgoing retail products and shipping documents to maintain traceability of a product and its components throughout the entire process.

### INSPECTOR SAMPLE AUDIT

At your inspection, the inspector will conduct a sample audit to test your audit trail system. This sample audit could take different forms. A *trace-back* audit starts with a finished product and traces the audit trail back to the raw organic ingredients. A *trace-forward* audit does the reverse, with the inspector deciding what quantity of raw product to trace forward. A *balance in-balance out* audit will look at ingredients coming into the system and finished product going out of the system over a time period chosen by the inspector. Batch records may be compared to Organic Product Profiles submitted. Sample audits can be randomly selected from any organic production date and are not chosen prior to the inspection.

### INGREDIENTS DOCUMENTATION

The *Ingredients Monitoring Spreadsheet* helps you monitor current certification or other compliance verification for various ingredients, especially if you have a large number of ingredients to track.

#### Organic Ingredients

**Proof of current certification** for all organic ingredients is required. A copy of the supplier's annual organic certificate, a Transaction Certificate (TC), or a statement from the supplier's organic certifier must be kept on hand to verify organic status. The verification of current certification should clearly identify the ingredient by name.

#### Non-Organic Agricultural Ingredients

When non-organic *agricultural* ingredients are used in organic processing, **non-organic ingredient compliance documentation** must be obtained to verify the ingredients were not derived from genetically modified organisms (GMOs), produced using sewage sludge as a fertilizer, or treated with

ionizing radiation. MOSA's *Non-GMO Verification* form may be used for this purpose. Also, for products labeled "organic," any non-organic agricultural ingredients used must be on the National List at section 205.606, and an **organic ingredient search** must be conducted and documented to verify that organic ingredients were not commercially available.

### **Non-Agricultural Ingredients**

**Non-agricultural ingredient compliance documentation** must be obtained to verify ingredients' compliance with National Organic Standards annotations. Documentation requirements vary depending on the type of ingredient, so check the National List or the OMRI listing for specific compliance verifications needed.

### **OTHER AUDIT TRAIL RECORDS REQUIRED FOR CERTIFIED OPERATIONS**

**Purchase records:** The purchase dates and quantities of ingredients and processing aids used in your organic processing operation must be documented. Keep invoices, receipts, BOLs, contracts, and other purchase records.

**Receiving log:** A receiving summary log should list product lot numbers as well as receiving dates and quantities for all incoming ingredients.

**Production records:** Track the amounts and lot numbers for ingredients used in organic products and link specific ingredients to their final product. MOSA's Audit Control Summary Sheet may be used to track ingredients.

**Sales records:** These include sales invoices, BOLs, purchase orders, and/or TCs. Sales records should include date of transaction, product lot number, operation's name, type of product sold, and purchase price. Describe the product as "organic" on the BOL and invoice. To track net sales for calculating user fees, records must show gross organic sales (including fees charged for organic processing services), and your cost for certified organic ingredients used as inputs. You must keep sales records that show the inspector and reviewer that organic products are not commingled with the same conventional product you manufacture, and that conventional product is not sold as organic.

### **EQUIPMENT, STORAGE, AND TRANSPORT DOCUMENTATION**

Equipment cleaning before organic product contact occurs must be documented, especially if equipment is used for non-organic production. Sanitation logs may be used to document cleaning prior to organic production, or the *Cleaning Log* form may be used. Documentation of clean transportation, such as **clean truck affidavits** both for incoming ingredients and outgoing product, should be maintained. MOSA's *Off-Site Transportation Cleaning Affidavit* may be used for this purpose. If any transport units are used during the production process (such as tubs or carts) and are not dedicated for organic use, they must also be documented as clean.

**Storage inventory records** must be maintained and at minimum should include: storage unit identification for bulk raw product, product lot number, amount and date of incoming product, amount and date of outgoing product, the disposition or destination of the product, and current balance of product. If bulk storage units or silos are not dedicated organic, they must be cleaned before storing organic products, and cleaning needs to be documented on a **storage cleaning log or sanitation log** that indicates the date, storage unit ID, method of cleaning, and signature or initials of the person responsible for the cleaning.

## DOCUMENTATION OF MATERIALS USED IN ORGANIC PRODUCTION

Materials include pesticides, cleansers, boiler additives, or other products necessary for processing. **Materials records** used to verify compliance include all labels, receipts, and ingredient listings for these types of inputs. Labels or receipts should provide the supplier's name and contact information, and a complete ingredient listing. MOSA's *Handler Materials Inventory* form can be used to list these materials and how they're used. **Input usage logs** include sanitation and pest control logs in a form suited to your operation. They must contain complete information on application and use. **Monitoring records** should also be kept as part of the audit trail. Monitoring records include water tests and other product quality tests.

If cleaners/sanitizers will be in contact with organic product, they may contain only active ingredients that are allowed on the National List. Other cleaners and sanitizers may be used if you can document that these materials do not contact organic product or food contact surfaces, or that there is an intervening event sufficient to remove residues. Sufficient intervening events include rinsing or allowing the material to dry, followed by documented residue testing indicating no residues remain. Materials such as quaternary ammonia that leave a persistent residue are more problematic but may be allowed if you can verify, such as through residue testing, that these materials do not contaminate organic product.

For pest control, follow the steps outlined in National Organic Standards section 205.271. Preventive management practices must be used first. If those practices are shown to be ineffective, you may use materials that are allowed in the Standards. Use of pest control materials that are prohibited in the Standards are only allowed if you can document that preventive practices and allowed materials are insufficient to control pests, and if the use of such materials is part of your approved organic pest management plan .

## OTHER SUPPORTING DOCUMENTATION

Develop a **facility map** with all areas of the operation clearly labeled. Facility maps should identify all features of importance (such as equipment, receiving areas, storage locations). Be sure to show all areas under your management on the facility maps, including all conventional areas.

Develop a complete written description or schematic product **flow chart** that shows the movement of all organic products, from incoming/receiving through production to outgoing/shipping. Indicate where ingredients are added and/or processing aids are used. All equipment and storage areas must be identified. Organic Control Points (OCPs) should be noted on the processing flow chart. OCPs are points in a production system where the integrity of the organic product may be compromised if proper management is not in place. Examples include improper cleaning of equipment prior to running organic product, resulting in commingling with non-organic products left in the equipment, or use of a prohibited pesticide when organic product is present, resulting in contamination by a prohibited substance.

**Facility pest maps** should indicate the locations of all traps, bait stations, and other pesticide applications.

All operations certified by MOSA are required to keep a **complaint log**, even if no complaints are received. MOSA's *Complaint Log* form can be used for tracking complaints and how they were addressed.

## LABELING REQUIREMENTS

All organic product retail labels must be reviewed and approved by MOSA prior to use in the marketplace. Retail labels must include the statement "Certified organic by MOSA" or similar phrase, placed below or immediately next to the information identifying your company; and identify all organic ingredients in the ingredients statement with the word "organic" or with an asterisk or other reference mark and the word "organic." All non-retail labels must include the lot number. Other label elements are optional, provided they follow guidelines in the Standards, including specifics related to the category of product ("100% Organic," "Organic," or "Made with Organic...").