



# Program Manual



We promote organic integrity  
through practical, reliable, and friendly  
certification services.

## Program Manual

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# PART 1: INTRODUCTION

## A. Welcome to MOSA!

MOSA Certified Organic was founded in 1999, three years before the National Organic Standards were developed. When the standards were implemented in 2002, MOSA was among the very first USDA accredited agencies in the nation.

MOSA is a non-profit, Wisconsin-registered non-stock corporation offering a third-party certification program and verification services to producers and handlers of organic products. We provide informed and professional certification services to a diverse range of organic clients throughout the United States. Our staff and board are knowledgeable and experienced. MOSA is headquartered in Viroqua, WI.

MOSA is a well known and well respected certification agency. We are a strong voice in the organic industry and we work in cooperative partnership with the Accredited Certifiers Association (ACA), the National Organic Program (NOP), the National Organic Standards Board (NOSB), Organic Materials Review Institute (OMRI), and other prominent industry stakeholders.

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

## B. Our Mission, Vision, and Values

**Our mission** is to promote organic integrity through practical, reliable and friendly certification services.

**Our vision** is a thriving organic world.

**We value service:** outstanding customer service and MOSA's leadership within the organic community are vital tenets of our work. **We value relationships:** human connections and ethical interactions. **We value quality:** we believe that integrity, professionalism, and practicality lead to sound certification decisions. **We value optimism:** organic offers viable solutions to urgent global challenges; a thriving organic world must have balance: socio-economic justice, ecological sustainability, and the interdependent well-being of individuals, communities, and ecosystems.

## C. Categories of Certification Services

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

**Crop:** Field crops, fruit, vegetables, herbs, specialty crops such as mushrooms, sprouts, maple syrup, hydroponic and greenhouse production, pasture, cover crops, and woods used for organic production.

**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:** Ruminant animals, swine, or poultry for slaughter or for the production of milk, eggs, fiber, feed, or other agricultural-based consumer products.

**Handler:** Processors and handlers, on-farm processors or producer/handlers, contract feed mills, contract slaughter facilities, retailers, brokers, distributors, restaurants, and co-packers.

We recognize that many operations have diversified activities. These may require additional forms or different fees for certification. MOSA will determine which categories of certification and Organic System Plan forms best enable a sound and practical certification process.

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

MOSA offers verification of transition to organic production for the purpose of enrollment in programs such as the Environmental Quality Incentives Program (EQIP). Those who request this verification service may not need to go through all steps of the typical certification process.

## **E. Additional Verification Services**

MOSA offers verification of compliance for all US organic trade agreements: Canada, the EU, Japan, Korea, Switzerland, Taiwan, India, Israel and New Zealand. For a full description of all USDA organic trade arrangements visit the USDA Organic International Trade Partners page at: <https://www.ams.usda.gov/services/organic-certification/international-trade>.

MOSA also offers Grass-Fed Certification for meat and dairy products through Organic Plus Trust, Inc. (OPT), a third party verification program with accreditation managed by Earth Claims, LLC. Contact MOSA for more information.

## **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 categories of our certification services and to the extent of our administrative capacities;
- 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 client.

## **G. Confidentiality, Impartiality and Technical Assistance Policies**

### **Confidentiality**

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

As required by the National Organic Standards, we make the following information available to any member of the 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 permitted in writing by the client.

All other client information is considered confidential, including information about the client obtained from sources other than the client (ex: from a complaint investigation or from regulators).

If we are 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 the 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 immediate family interest, within the 12-month period prior to applying for certification, between MOSA personnel and a MOSA client or applicant. 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 submit a written declaration of conflict of interest prior to beginning work for MOSA and at least annually thereafter;
- All MOSA-endorsed inspectors sign a declaration of conflict 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 client or applicant requesting certification;
- MOSA ensures that the onsite inspector does not conduct a final review of documents or make a certification decision for an operation they inspected during the previous 12 months.

Additionally, we prohibit all personnel from giving advice or providing consulting services to applicants and clients, including assistance with overcoming identified barriers to certification. Consultancy does not automatically occur every time we provide an operation with information on complying with the regulations. However, MOSA may not:

- Do the work for an operation, or participate in any of the operation's activities or management;
- Give specific advice or training to a single operation or small group of operations, in the development and implementation of the management system, operational procedures, or competence of an operation;
- Prepare or produce an operation's manuals, handbooks, or procedures;
- Provide specific advice on a single operation's certification problems;
- Be involved in an operation's decision-making process or participate in the design or manufacture of an operation's products or production methods;
- Suggest that the certification process would be simpler, easier, or less expensive if specific activities were undertaken; or
- Suggest actual changes that would bring an operation into compliance.

If it is determined, within 12 months of certifying an operation, that any person participating in the certification decision process has or had a conflict of interest involving the operation, then MOSA will reconsider the application for certification and, if necessary, perform a new on-site inspection and/or refer the operation to a different accredited certifying agent for recertification. In such cases, all costs associated with a reconsideration of application, including onsite inspection costs, shall be borne by MOSA.

## **Technical Assistance**

MOSA must provide sufficient information to enable applicants and clients to comply with the applicable requirements of the Organic Foods Production Act (OFPA) and the National Organic Standards. MOSA may provide appropriate technical assistance to applicants and clients. This assistance includes:

- Information on the mission, goals, and objectives of the National Organic Program (NOP);
- Information on well-known alternatives for overcoming problems, which are available to everyone and not specific or proprietary to a single operation;



- Educational information, such as in-house publications, conferences, workshops, informational meetings, and webinars, for which participation is voluntary and open to the general public; and
- Suggesting alternatives that are in accordance with published decisions or the NOP Program Handbook, but ensuring the operation understands their responsibility for choosing production and handling methods and ensuring the methods comply with the regulations.

Additional technical assistance limitations are described in The Inspection Process section of this manual.

## H. Accreditations

On April 29, 2002, MOSA was among the first group of certifiers accredited by the USDA's National Organic Program. The implementation of the NOP regulations followed 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. The OFPA also called for regulatory oversight, through accreditation of state and private certification agencies such as MOSA. Implementation of the NOP regulations resulted in mutual recognition of certification decisions made by NOP-accredited certifiers, and eased access to international markets for organic products certified under the NOP.

Although the definition of organic production has been widely debated, 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. We inform applicants and clients of changes to the Standards or National List through *The Organic Cultivator* newsletter. When significant changes are made, we will send updated paper or electronic versions of these documents.

The current National Organic Standards are available electronically through the Electronic Code of Federal Regulations. Additional standards instruction, guidance, and policy memos are available in the National Organic Program Handbook. These and other resources are available through the National Organic Program website: <http://www.ams.usda.gov/AMSv1.0/nop>.

## I. Newsletter and Website

*The Organic Cultivator* is a newsletter published by MOSA and distributed to all of our clients. MOSA uses the newsletter to notify clients of program and standards updates and reminders, articles of interest, information on resources and events, and classified ads. We strongly encourage clients to read the newsletter carefully, and we welcome suggestions for *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 clients, current and past newsletters, classified ads, information about the certification process, links to the National Organic Standards and other resources, including certification forms. The website also provides access to MyMOSA, our online system that allows MOSA clients to securely and conveniently complete and maintain their certification paperwork over the internet.

## **J. Industry Affiliations**

- MOSA is a member of the Organic Trade Association (OTA) and the Accredited Certifiers Association (ACA);
- 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.

## **PART 2: ORGANIZATIONAL STRUCTURE**

### **A. Clients**

MOSA's Clients are the individuals and business entities certified by MOSA. Clients must comply with the National Organic Standards and MOSA's Terms and Conditions Agreement (MTCA) in order to obtain and maintain MOSA certification.

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

MOSA's Board of Directors is comprised of experienced and qualified individuals who support the organic movement and MOSA's mission. Directors may not be MOSA applicants or clients unless they are also certified by another Accredited Certification Agent (i.e dual certification). The Board assures and maintains MOSA's governance by supporting basic objectives, broad policies, and strategic plans in conjunction with MOSA staff.

### **C. Staff**

Oversight of MOSA's certification and administrative work is the responsibility of the Executive Director, in cooperation with the Management Team. Management Team staff oversee farm certification, handler certification, inspections, compliance, accounts, outreach, office administration, and information technology.

MOSA is organized into departments that each primarily deal with a specific area of activity, which are: Administrative, Certification, Finance, Outreach/Communications, Inspection, and Information Technology.

Our Certification staff are responsible for making decisions regarding clients' certification status. Our Administrative staff are responsible for the organizational and office functions not primarily related to certification decisions. And our Inspection staff are responsible for managing the inspection process and include staff inspectors and independent/contract inspectors who perform on-site inspections.

### **D. Administrative Services**

#### **Business Hours**

MOSA's office, located at 122 West Jefferson Street, Viroqua, Wisconsin, maintains regular business hours Monday through Friday, 8:30 a.m.-4:30 p.m.; contact the office with questions, concerns, and general inquiries regarding MOSA and organic certification. Our availability is limited on Thursdays due to essential meetings and trainings for staff, although in-person assistance is available by appointment. Messages will be returned promptly. The office is closed on weekends and holidays.

#### **Communication with MOSA**

MOSA staff will 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: (608) 637-7032

- Email: [mosa@mosaorganic.org](mailto:mosa@mosaorganic.org)
- Website: [www.mosaorganic.org](http://www.mosaorganic.org)

## **E. Financial Structure**

Our certification program is financially self-sustaining through fees paid by MOSA applicants and clients. The Board of Directors approves MOSA's fee schedule. MOSA is a 501(c)(5) non-profit and annual financial statements are available upon request.

## **PART 3: GENERAL REQUIREMENTS**

### **A. Who Needs to be Certified**

Individual operations that produce, handle, or process organic products must be certified, unless they are exempt or excluded from a certification requirement, as described below. We may only identify one "person" (defined in the National Organic Standards as an individual, partnership, corporation, association, cooperative, or other entity) on each organic certificate. Typically, an operation named on a certificate is a single legal entity, an individual farm or business. A single certified operation may include additional facilities that are managed under a lease agreement. As a part of an application for certification, clients must provide legal status details, and names of persons that are responsibly connected with the operation to be certified.

We recognize that certified operations commonly contract with other businesses for goods and services. Such contracts may be allowed if they do not involve the production or handling of organic products not explicitly subject to inspection as described in the National Organic Standards. An uncertified operation may not produce or process, on its own land or premises, organic products on behalf of a certified operation.

With attention to the above, in some cases, MOSA may allow a certified operation to include production facilities that are managed under contract with the primary certified operation (sub-units). The certified operation must have documented control of each sub-unit manager and must maintain responsibility for the certification requirements and Organic System Plan as it applies to each facility. The sub-units must each be similar in overall operation so that a unified and cohesive Organic System Plan can adequately describe organic management practices, and so records are easily auditable. For each sub-unit, the certified operation must provide the name of the manager, contact information, a contract/lease agreement, adequate documentation to describe individual site differences such as maps and field histories, and other information needed to verify compliance. This type of group certification may enable a practical approach to certification and may save some certification fees. Each sub-unit must be inspected prior to being added to the certificate, and must be inspected annually. Sub-unit managers may not independently sell, label or represent products as organic unless they are also independently certified.

Some operations may be exempt or excluded from the requirement to be certified. For a complete description of all types of exempt and excluded operations, refer to National Organic Standards §205.101, *Exemptions and exclusions from certification*. Products from uncertified exempt operations cannot be used by certified operations as organic ingredients or organic feed. The same restriction applies to products that are processed on uncertified excluded operations.

Contact MOSA if you have any questions about what products and activities need to be certified.

### **B. General Certification Requirements**

Any client seeking certification must submit an application and provide all information necessary for MOSA to determine the operation's compliance with the National Organic Standards. Prior to selling,

labeling or representing a product as “100 percent organic,” “organic,” or “made with organic ingredients,” an operation must complete the MOSA Terms and Conditions Agreement and must receive a formal notice of certification from MOSA.

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

- Comply with all applicable organic production and handling regulations stated in the National Organic Standards, including the National List;
- Agree to all rights and responsibilities as outlined in the MOSA Terms and Conditions Agreement;
- Disclose any prior notice of noncompliance or a notice of denial of certification received from another certification agency. If such prior notice(s) has been received, the client must submit documented evidence of corrections;
- Establish, implement and annually update an Organic System Plan;
- Keep and maintain a current copy of their Organic System Plan as required by the NOP;
- Permit annual on-site inspections, and other inspections 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 five 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 client 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 without delay concerning any significant changes to the operation. This manual’s section on Reporting Changes in the Certification Program Policies gives examples of what are considered to be significant changes;
- Submit applicable fees by stated deadlines.

## **C. Organic System Plans**

The Organic System Plan is an individualized management plan for an organic production or handling operation, addressing all aspects of agricultural production or handling as required by the National Organic Standards. The Organic System Plan includes information provided to MOSA through forms and supporting documents. MOSA provides different base Organic System Plan forms (questionnaires) for different types of operations, such as farms, livestock, handling, and addendum forms for special types of production/handling. We may informally refer to these as the Organic System Plan (or OSP) forms. However, the full OSP includes additional documents which may vary from one operation to the next. It is important that clients keep copies of their documents. Our inspectors visit operations to verify that the Organic System Plan is accurate.

In addition to the base OSP forms, MOSA also provides various forms to assist recordkeeping and describing other parts of the organic operation. These include documents for showing field histories, audit control, equipment cleaning, input inventories, livestock lists, verification of compliance, and more. Contact our office or visit our website for details.

All MOSA certified operations are given access to the free online certification management tool, MyMOSA. This offers an innovative and easy method to manage organic certification. With a MyMOSA account, operations can:

- Download current certificates;
- View inspection reports;

- Track and respond to compliance requests;
- Review the OSP(s);
- Manage and make payments;
- Manage authorized contacts;
- View correspondence with MOSA.

We strongly recommend that applicants submit their Organic System Plan using MOSA forms or through MyMOSA. Some information required by us may not be adequately addressed by alternative documents. Additionally, the MOSA initial review, inspection and final review processes are based on our documents and operate most efficiently when those are used. However, in compliance with NOP regulations, we may allow applicants to submit their Organic System Plan in other formats, such as those designed to meet the requirements of another federal, state, or local government regulatory program. Organic System Plan forms and documents must provide:

- 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 recordkeeping 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 nonorganic 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.

## **D. Financial Requirements**

Certification and inspection fees are required annually and fees for additional services are due as billed. Late payments may incur late fees. Refer to MOSA's Fee Schedule(s) for details. The payment of fees is required by National Organic Standards §205.400(e). Noncompliance proceedings are instituted if financial requirements are not met in a timely manner.

# **PART 4: CERTIFICATION CONSIDERATIONS FOR NEW APPLICANTS**

## **A. Application Packet**

To begin the certification process, applicants should either create a MyMOSA online account or call the MOSA office to obtain an application packet. To create an online account, simply go to the MOSA website, [www.mosaorganic.org](http://www.mosaorganic.org), and click on the MyMOSA link.

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

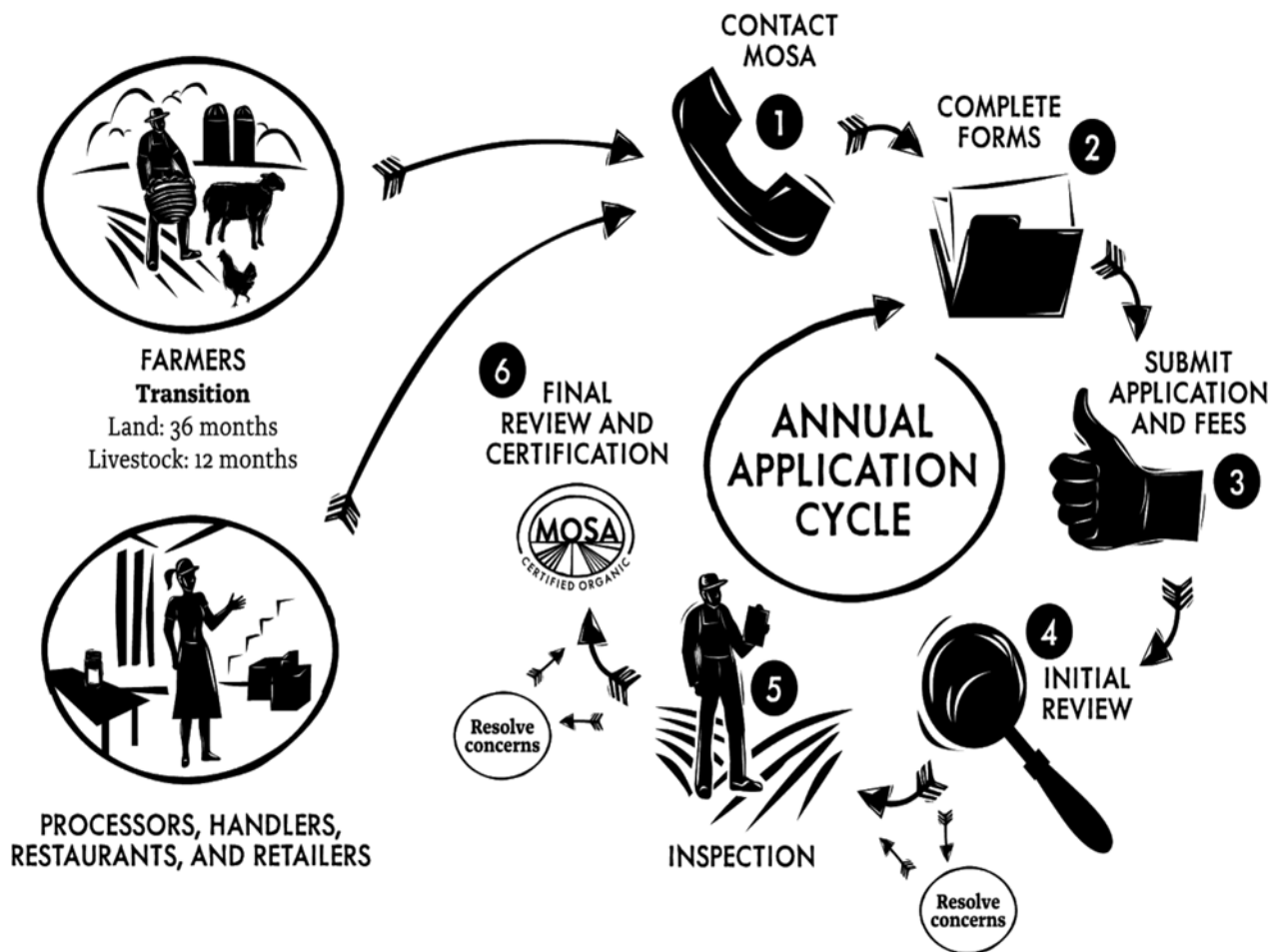
First-time applications for certification are accepted throughout the year. However, applications must be received in time so inspectors can observe land, facilities, and activities during an appropriate season to verify compliance. First-time applicants are strongly encouraged to submit applications as early as possible. Fees may 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. 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).An applicant may

indicate intention to withdraw from the certification process in writing or verbally to any representative of MOSA. We will send written confirmation of withdrawal upon receipt.

## PART 5: THE CERTIFICATION PROCESS



## **PART 6: ANNUAL INITIAL REVIEW**

The purpose of the Initial Review is to ensure that the information submitted is sufficient for Inspection and Final Review, and to identify any apparent issues of compliance.

Once an application is received, an Initial Review is conducted by a member of our Certification team. During the first year of certification, the Initial Review process includes an in-depth review of the entire application including all Organic System Plan forms, supplemental client forms, and crop, livestock, or handler inputs proposed for use. Thereafter, the Initial Review is focussed on reviewing changes to the operation such as new products, land, etc. requested for certification, or new inputs or labels requested for review.

If sufficient information is on file and apparent compliance with the National Organic Standards has been verified, an “Initial Review Notification” letter is sent and the application is forwarded to the Inspection Department.

If additional information is needed prior to inspection, a “More Information Needed” letter is sent by the reviewer. Once sufficient information has been received, an “Initial Review Resolution” letter is sent and the file moves on to inspection.

## **PART 7: INSPECTIONS**

### **A. Annual Inspections**

Once an applicant's application materials have successfully passed the Initial Review, we conduct an initial on-site inspection of the operation. Thereafter, we conduct an on-site inspection as part of the annual certification update process.

The purpose of the inspection is to assess compliance with the National Organic Standards, verify that the Organic System Plan accurately reflects the operation's activities, and to ensure that prohibited substances have not been applied.

### **B. Inspector Endorsement**

Our inspectors may be MOSA staff inspectors or independent contractors. MOSA maintains responsibility for all subcontracted work.

While inspectors can answer questions related directly to the National Organic Standards for organic production and handling, all questions regarding MOSA's policies, production and processing inputs, or certification status should be directed to MOSA staff, 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.

We aim to contract with and employ qualified, capable, and professional inspectors. To this end, we have a rigorous endorsement process, provide training, and provide annual evaluations and feedback to inspectors.

Our program does not allow for clients to choose their own inspector but if a client objects to a particular inspector, the Inspection Manager will gather more information and may reassign the inspector. We use inspector feedback to improve our system and to evaluate inspectors. All feedback about the inspection process is confidential and may be submitted anonymously. Any questions about inspectors may be directed to the Inspection Manager.



## **C. Scheduling the Inspection**

The inspector contacts the client by phone, mail, or email to schedule an inspection at a time when it is possible to observe the operation, including all land, facilities, and activities needed to verify compliance with the National Organic Standards. An authorized, knowledgeable representative of the operation must be present. The initial assignment of an operation to an inspector may take up to six months in order for the inspection to be conducted when land, facilities and activities that show capacity to meet the Standards can be observed. Cancellation within one week of a scheduled inspection time may result in additional fees.

## **D. Preparing for the Inspection**

### **The Organic System Plan**

The inspector receives the operation's certification file and is required to verify the information submitted in the Organic System Plan documents, noting any changes or deviations. Therefore, an important part of the client'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 Organic System Plan provide an accurate description of the operation? For example, do described measures taken to maintain organic integrity meet MOSA's requirements, and are records sufficient and accurate? What are the organic integrity concerns, 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 client addressed previously identified noncompliances or conditions for continued certification?

Inspection preparation also includes assessment of biosecurity concerns. Inspectors will assess concerns related to the type of production or handling on the operation, and will take appropriate biosecurity precautions. Applicants and clients are encouraged to provide information on special concerns as a part of their Organic System Plan, and/or when the inspection is scheduled.

### **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 clients 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 client'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. All audit trail documentation must be current and available for the Inspector. Operators must describe their audit trail system and they must make all related records, including sales information, available to the inspector. It is important for clients to ensure that all records are well organized and easily accessible prior to the arrival of the inspector.

### **Land, Facilities, and Activities**

The inspector must review each production unit, facility or site where the operation produces or handles organic products. 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. Operators must provide the inspector with complete access to all production or processing/handling areas, structures, and offices. Nonorganic/conventional land, livestock and

production or processing facilities and records must also be accessible to the inspector. Livestock operations must ensure that their animals are accessible for up-close observation by the inspector. For processing/handling facilities, equipment proposed for use must be in place and functional at the time of inspection.

## **E. The Inspection Process**

### **Opening Meeting**

An opening meeting may include discussion of the inspection plan and the inspector's role. This is an opportunity to review expectations and answer any preliminary client questions.

### **Inspecting the Premises**

An inspection of the premises of a farm or processing operation includes inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested. Inspection may also include nonorganic or conventional parts of the operation. 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**

An operation's records are audited during each annual inspection. For applicants, this portion of the inspection serves to assess your ability to comply with recordkeeping requirements. Clients 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 client;
- Amounts and types of products purchased by the operation correspond with those used by the operation; and
- The recordkeeping system allows products to be traced back to their origin.

### **New Information Obtained at Inspection**

Inspectors often discover new information or documentation during onsite inspections. The inspector may accept additional Organic System Plan updates during the inspection up until the start of the exit interview, and should provide any new information received onsite to MOSA. If the OSP is updated during the inspection, documentation on the change should be maintained by MOSA and the client. If significant OSP changes are needed, this will be noted in the inspection report and may be noted as a compliance concern.

Inspections are not consulting visits, but inspectors may provide technical assistance by:

- Asking and answering questions, collecting information, and explaining the regulations;
- Requesting information that may be missing from the OSP, or accepting updates to the OSP, as described above.
- Capturing information provided by the operation, but not making suggestions that would bring the operation into compliance;
- Providing information on well-known alternatives for overcoming problems, provided that they are available to everyone and are not specific or proprietary to a single operation; or

- Suggesting alternatives that are in accordance with published decisions or the NOP program handbook, but ensuring the operation understands their responsibility for choosing production and handling methods and ensuring the methods comply with the regulations.

Inspectors may not:

- Provide advice on how a specific operation can overcome barriers to certification;
- Suggest that the certification process would be simpler, easier, or less expensive if specific activities were undertaken; or
- Suggest actual changes to an operation's system or OSP that would bring an operation into compliance.

## **The Exit Interview**

The on-site inspection concludes with an exit interview between an authorized representative of the inspected operation and the inspector. This confirms 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 client to pose questions and to provide additional information about the topics that have been covered during the inspection.

## **The Inspection Report**

After the inspection, the inspector completes the inspection report and typically submits it to MOSA within two weeks of the site visit. Inspectors use a standardized report format based on the type(s) of Organic System Plan form(s) completed. The inspection report records the observations made by the inspector at the time of the site visit regarding the client's compliance or ability to comply with the National Organic Standards. MOSA certification staff use the report and Organic System Plan documents to make the certification decision. All exit interview issues will be evaluated during the process of final review.

## **F. 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 cannot be determined without an additional inspection. Additional inspections may be used to:

- Monitor continued compliance of MOSA-certified operations through surveillance;
- Investigate a complaint against an operation;
- Monitor an operation that has compliance issues that require on-site observation, including carrying out orders from a National Organic Program official to gather more information via inspection about a suspected violation of organic standards;
- Observe the operation at different times of the year to evaluate compliance;
- Enable addition of new products, practices, production areas, or facilities to a current certificate.

### **Methods for Additional Inspections**

We follow our 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. Additional inspections may be announced or unannounced depending on the type of and reason for the additional inspection. National Organic Program instruction 2609 requires that MOSA conduct unannounced inspection on a minimum of five percent of our clients annually.

## **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 client.

MOSA is responsible for the costs of routine surveillance inspections unless, as a result of such inspection, we determine that the operation has a noncompliance, in which case the client is billed for the inspection costs. If a surveillance inspection is determined by MOSA to be sufficiently thorough to serve as the annual inspection, the client is billed.

If an additional inspection is required for investigation of a complaint, the cost of the additional inspection is the responsibility of the client only if a noncompliance is identified during the investigation. If a noncompliance is not identified, MOSA bears all costs related to the additional inspection.

The client is responsible for the cost of an additional inspection that is necessary to monitor compliance, regardless of the outcome. Such additional inspections may be required for, but are not limited to, these circumstances: verification of corrective actions, observations of specific production stages, assessing issues related to a history of noncompliance, assessing compliance of Organic System Plan changes such as new products, practices, production areas or facilities, or other reasons deemed necessary by MOSA.

## **PART 8: FINAL REVIEW PROCESS AND GRANTING CERTIFICATION**

### **A. Client Review**

Copies of inspection reports are sent to clients within two weeks of MOSA's receiving the reports from inspectors. Operators may provide feedback to MOSA on the content of the inspection report. If feedback is provided, it is taken into consideration during the Final Review process.

### **B. Annual Final Review**

The purpose of the Final Review is to determine whether the practices documented in the Organic System Plan and verified during the on-site inspection are compliant with the National Organic Program requirements.

Once the inspection report is received, a Final Review is conducted by a member of our Certification team. The final Review process includes an in-depth review of all aspects of the operation, including the inspection reports, all Organic System Plan forms, supplementary documents, labels, a re-review of all crop, livestock, or handling inputs currently in use, and a review of any new inputs proposed for use. Through this process, the reviewer determines whether or not the operation is in compliance with the National Organic Standards.

### **C. Granting Certification**

If sufficient information is on file and compliance has been verified, certification is granted. A Certification Determination Letter is sent and an Organic Certificate and Certified Organic Products and Services (COPS) form are issued. The Organic Certificate includes the name and physical address of the certified operation, a description of the certification categories, a list of certified products, an effective date, an issue date, and the signature of the reviewer.

Once your operation is certified, the certification remains in effect until surrendered, suspended, or revoked. Certificates are updated with a new issue date following each review cycle. This issue date will vary from year to year depending on the timing of inspections and the annual review, and will also change if additional review cycles cause changes to the certificate. Certificates do not expire. However, in order to maintain certification, an annual update application, inspection, and review are required.

If additional information is needed in order to verify compliance, a Pre-Decision Requirements letter is sent by the reviewer outlining what information needs to be provided. Once sufficient information has been received and compliance has been verified, a Resolution Certification Determination Letter is sent, along with an Organic Certificate and a Certified Organic Products and Services (COPS) form.

In the event that any compliance issues are identified, a Notice of Noncompliance or Adverse Action letter (Notice of Proposed Suspension, Notice of Proposed Revocation, or Denial of Certification letter) as applicable, is sent to the client. MOSA is also required to send copies of all Notices of Noncompliance or Adverse Action letters to the National Organic Program. All Noncompliances and Adverse Actions must be resolved before certification can be granted.

## **D. Additional Final Review**

As necessary, MOSA conducts Final Reviews in addition to the annual Final Review. Additional Final Reviews may be necessary to assess:

- Information obtained during an unannounced, surveillance, or marketplace inspection;
- Review residue test results;
- Review significant Organic System Plan changes that occur outside of the annual review cycle, such as the addition of new land, new product, service, or facility.

The Additional Final Review process mirrors the annual Final Review process, except there may not be an inspection report on file.

# **PART 9: INTERPRETING CERTIFICATION COMMUNICATIONS**

Certification related communication with clients is generally in writing. During the certification review process, MOSA may send a letter regarding additional information needed to determine compliance, or to describe issues identified during a review process. The following are descriptions of types of decisions that can arise during reviews.

## **A. Additional Information Needed**

MOSA may request additional information that needs to be provided before a certification decision can be made. Typically, this communication will include a response deadline. Such information may include, but is not limited to, clarification on practices or inspection report observations, or a request for required documents that were not available at the time of the inspection.

## **B. Conditions for Continued Certification**

Granting or continuation of certification may include conditions for continued certification. Certification conditions are minor issues such as noncompliant practices or minor recordkeeping inconsistencies that do not indicate a systemic failure in Organic System Plan design or implementation, and that can be easily corrected without a need for a corrective action plan. These must be addressed within the time period specified in the communication identifying the conditions.

## **C. Reminders**

Certification communications may also include reminders. Reminders are used when no violations of the National Organic Standards (NOS) have been identified and no systemic failure of the OSP has been identified, but information needs to be communicated with the client to enable them to understand and comply with the regulations.

## **D. Noncompliance Notifications**

A noncompliance is a correctable violation of the National Organic Standards. Noncompliances do not indicate a systemic failure of Organic System Plan design or implementation, but are significant enough

in nature or scope that they require a corrective action plan to ensure or verify compliance, before a new certificate can be issued. Noncompliances and related subsequent communications require a notification to the National Organic Program. A notice of noncompliance contains a description of each noncompliance, the facts upon which the noncompliance is based, and the date by which the client must respond in writing with a rebuttal or with proposed corrective actions, typically within 30 days of the date of the noncompliance notice. MOSA will evaluate responses to determine compliance and will either grant or continue certification, or, if responses are not adequate, proceed with a denial of certification for new applicants, or a proposed suspension or proposed revocation of certification for certified clients.

The following are examples of 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 issues related to the same topic may be considered a noncompliance;
- Failure to meet time requirements set for submission of fees, or information required to evaluate compliance.

## **E. Adverse Actions**

A Denial of Certification or a Proposed Suspension of Certification may be issued for a failure to resolve, successfully or within the prescribed time period, a previously issued noncompliance. A Denial or a Proposed Suspension may also be issued for a systemic failure of Organic System Plan design or implementation that demonstrates an inability to comply with the regulations, or for an accidental or unwillful application of a prohibited substance to land.

A Denial of Certification or Proposed Revocation of Certification may be issued for deliberate or willful violations of the regulations, for falsification or concealment of records, for refusal to provide access to part of an operation for inspection, or for refusal to provide access to applicable records. Adverse actions and related subsequent communications require notification of the National Organic Program.

## **F. Mediation**

A client who receives a Notice of Denial of Certification, a Notice of Proposed Suspension, or a Notice of Proposed Revocation of Certification has the right to request mediation under National Organic Program regulation §205.663. MOSA may not issue a Notice of Suspension or Revocation if mediation is pending.

A request for mediation must be submitted to MOSA in writing by the deadline stipulated. A mediation request may include additional information that might be considered at the mediation meeting, such as proposed corrective actions, or additional information that was not considered prior to issuance of the Denial or Proposed Suspension or Proposed Revocation notice. Mediation requests must include the mediation deposit, as described in the fee schedule. Mediation costs include fees charged by the mediator (if applicable), 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 client requesting the mediation.

MOSA has the right to reject a request for mediation. MOSA's decision to accept or reject mediation will include, but not necessarily be limited to, consideration of the following information: presence of new information that may change the certification decision, ability of MOSA and the client to cooperate, perceived likelihood of reaching a satisfactory correction or settlement agreement, perceived likelihood that mediation will produce a quicker or more satisfactory outcome than other options, and ability of the client to pay mediation costs. MOSA informs the client in writing whether or not the mediation request

has been accepted or rejected. If the request for mediation is rejected by MOSA, the client retains the right to file an appeal with the National Organic Program within 30 days.

If MOSA accepts the request, mediation is conducted at a time and place mutually agreed upon by MOSA and the client. Mediation may be conducted in person, by phone, or by other electronic means of communication. Mediation may be informal, or may be a more formal process conducted by a qualified mediator, mutually agreed upon by both MOSA and the client, who has an adequate understanding of the subject of the dispute. Mediation may occur over one or more sessions.

MOSA and the client have a maximum of 30 days following the final mediation session to reach a settlement agreement. In some cases where less formal mediation is practical, such as to resolve unaddressed minor issues, a settlement agreement may be offered in conjunction with a mediation acceptance letter. In such cases, the client may accept the settlement agreement, ask questions or propose changes to the agreement, or may request more formal mediation. In conclusion of a formal mediation process, 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 client. Whether mediation is formal or informal, if MOSA and the client both agree to a resolution, the points of the settlement are documented and signed by both parties. MOSA sends written documentation to the client outlining the settlement 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.

Typically, the terms of settlement agreements will include actions to be performed by both parties. Settlement agreements may prescribe corrective actions with aggressive timeframes, additional residue testing or other monitoring requirements, reduced suspension periods, requirements for additional inspections, or other criteria as agreed upon by both parties.

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

## **G. Appeals**

An applicant who receives a Notice of Denial of Certification or a client who receives a Notice of Proposed Suspension or Revocation from MOSA has the right to file an appeal with the Administrator within the time period provided in the notice or within 30 days from receipt of the notice, 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 Notice 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 at USDA – AMS  
NOP Appeals Team  
1400 Independence Ave. SW  
Room 2648-So., Stop 0268  
Washington, DC 20250-0268

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

If the federal or state authority agrees with the client'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 client's certification, pursuant to the U.S. Department of Agriculture's Uniform Rules of Practice.

## **H. Notice of Denial**

If an applicant fails to correct a noncompliance, either through rebuttal or with additional information provided within the given time period, then MOSA sends a Notice of Denial.

If MOSA has reason to believe that an applicant has willfully made a false statement or otherwise purposefully misrepresented the applicant's operation or its compliance with the National Organic Standards, MOSA may deny certification without first issuing a notice of noncompliance.

An applicant who has received a noncompliance notice 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 notice or notice of Denial of Certification and evidence to demonstrate correction of each noncompliance issue.

## **I. Notice of Suspension or Revocation**

If a client fails to correct a 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, then MOSA sends a Notice of Suspension or Revocation.

When certification for an operation or portion of an operation is suspended or revoked, no products affected by the suspension or revocation may be sold as organic, unless and until reinstatement is granted. Products produced or handled prior to reinstatement will not be eligible to be sold as organic following reinstatement.

As a part of the reinstatement review, MOSA will schedule a full onsite inspection to verify the operation's compliance with the USDA organic regulations, provided that the Organic System Plan is complete and apparently in compliance. Onsite inspections should occur within a three-month period of the National Organic Program receiving a reinstatement request. Any deviations from this procedure must be justified and approved by the National Organic Program.

A client whose certification has been suspended may at any time, unless otherwise stated in the suspension notice, 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.

A client or person responsibly connected with an operation whose certification has been revoked will be ineligible to receive certification for a period of five 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.

## **J. 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. 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.



## **PART 10: CERTIFICATION UPDATE AND CHANGES TO CERTIFICATION**

### **A. Annual Updates**

Currently certified clients annually receive an update packet with certification update forms, an invoice for fees, and MOSA's Fee Schedule. At this time MOSA may also issue updates to this Program Manual or the National Organic Standards, if these have significant changes.

The update forms enable the client to provide necessary annual updates, including:

- A summary statement, supported by documentation, detailing any deviations from, changes to, modifications to, or other amendments made to the Organic System Plan during the previous year; and
- Any additions or deletions to the Organic System Plan, intended to be undertaken in the coming year;
- Any additions to or deletions from the information required in National Organic Standards §205.401(b);
- An update on the correction of certification conditions previously identified as requiring correction for continued certification; and
- Other information as deemed necessary by MOSA to determine compliance.

### **B. Deadlines for Updating**

Once your operation is certified, the certification remains in effect until surrendered, suspended, or revoked. Certificates do not expire. However, in order to maintain certification, an annual update application, inspection, and review are required. Applications for updating certification must be received by April 1. Update applications accepted after this date are subject to late fees. See MOSA's fee schedule for details.

Clients who do not submit update applications by April 1, or those that do not inform MOSA of their intent to surrender MOSA certification, will be subject to late fees and/or noncompliance proceedings.

### **C. Surrender of Certification**

A client may surrender certification at any time. Upon surrender of certification, MOSA's Terms and Conditions Agreement is terminated and the client must immediately cease all certification claims using MOSA's name and/or seal.

Clients may want to continue certification for a limited time in order to accommodate sales of inventory or transfer of certification to another accredited certification agency. In such circumstances, please contact MOSA as soon as possible to discuss arrangements. Instruction regarding Responsibilities of Certified Operations Changing Certifying Agents (NOP 2604) may be found in the National Organic Program Handbook. MOSA may require Organic System Plan updates or inspections to verify continued compliance until the chosen date for surrender of certification.

Additional fees related to maintaining certification until the time of surrender may apply. Clients are liable for all fees in accordance with MOSA's Fee Schedule.

### **D. Adding New Products or Handling Activities**

When a client wishes to add new products or handling *beyond* those currently certified, sufficient information must be provided so we can verify that the new products or handling activities comply with all applicable National Organic Standards. The client must submit supporting documentation

demonstrating compliance. Documentation must sufficiently describe the products to be added, and any related changes to the operation, and an additional inspection may be required.

Certification staff review 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. Additional requirements on reporting changes to the Organic System Plan are described in the following section of this manual, Certification Program Policies.

Adding new products or handling activities to the certificate outside of the regular annual review process is subject to an hourly administrative fee, and additional inspection fee if an inspection is required. We bill the client for all work done by MOSA staff and inspectors in processing and reviewing the request. Administrative fees for review and documentation related to added products or handling may be waived if the review coincides with the normal scheduling of the annual certification update process.

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

## **E. 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, clients must notify us of these changes. We will issue amended certification documents to show the reduction of the operation's certified products or handling activities.

# **PART 11: 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.

## **Seeds, Seedlings, and Planting Stock**

MOSA clients and new applicants must demonstrate their efforts to source organic seeds and planting stock in order for MOSA to approve the use of nonorganic seed and planting stock. The National Organic Program production requirements are as follows:

- Edible Sprouts (for human consumption or organic livestock feed): Without exception, all sprout seed must be certified organic;
- Annual Seedlings (transplants): Unless a temporary variance has been granted by the NOP, all annual seedlings must be certified organic;
- Seed (crops, cover crops, plow downs, and microgreens): Seed must be organic if commercially available. Before nonorganic seed may be used, an organic search must be performed. Nonorganic seed must be untreated and non-GMO;
- Planting Stock (annual and perennial): Before nonorganic planting stock may be used, an organic search must be performed. All nonorganic planting stock must be untreated post-harvest for the immediate harvest of an organic crop, and must be managed organically for a minimum of 12 months before the planting stock itself may be sold as organic.
- Treatments: All seed treatments and inoculants must be reviewed by MOSA for compliance with the National Organic Standards and approved before use.
- Phytosanitary Regulations: Seeds, annual seedlings, or planting stock treated with prohibited substances required for compliance with Federal or State phytosanitary regulations may be used in organic production. Documentation of the phytosanitary requirements is required.

## Ingredients in Processed Products

For ingredients in all processed products sold, labeled or represented as "organic," clients 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 client provides adequate documentation to verify the product is not commercially available in organic form. Additionally, handlers must not include organic and nonorganic forms of the same ingredient in a product sold, labeled, or represented 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 Standards §205.301.

## B. Organic Search Policy

**Producers:** A minimum of three sources that carry organic seed or planting stock must be consulted before nonorganic seed or planting stock may be purchased. Use the Organic Search - Producer form to document your attempts to source organic varieties, and provide an explanation (form, quality, quantity, or variety preference) for sourcing nonorganic varieties. Note that if an organic search is performed by your seed dealer, you are responsible for ensuring that the search meets these requirements. Alternatively, if you follow a standard operating procedure for purchasing organic seed and you source seed or planting stock from catalogs, have the catalogs you consulted (at least three companies that carry organic seed or planting stock) along with your reasons for purchasing nonorganic seed available at inspection.

**Handlers:** Nonorganically produced agricultural ingredients may be used in or on processed products labeled as "organic," only in accordance with any restrictions specified in sections 205.605 (flavors, yeast and silicon dioxide (rice hulls)) and 205.606 of the National Organic Standards, and can only be used if an equivalent organically produced ingredient is not commercially available in the appropriate form, quality, or quantity necessary to fulfill the essential function in an organic processing or handling system. A minimum of three sources *that carry similar organic ingredients* must be consulted before nonorganic ingredients may be purchased. Use the Organic Search - Handler form to document your attempts to source organic ingredients and provide an explanation for sourcing nonorganic ingredients.

## C. Evaluation of Materials Used in Organic

Materials used in the organic production of crops and livestock and those used in processing and handling organic products must be allowed for use by the National Organic Standards, including the National List of Allowed and Prohibited Substances. Certification may be jeopardized by the use of materials of undetermined or incorrectly determined status (allowed or prohibited). Therefore, the status of each material must be determined by MOSA 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 may consider the material to be prohibited.

Inputs/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 determined in Organic Materials Review Institute (OMRI), California Department of Food and Agriculture (CDFA) and Washington State Department of Agriculture (WSDA) lists. Material use must be described in and approved as a part of the Organic System Plan, and must be compliant with the National Organic Standards.

## **D. 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 or refer to [NOP 3011 - Procedure: National List Petition Guidelines](#). Requests for petition procedures and submissions must be directed to:

Program Manager  
USDA/AMS/TMP/NOP  
1400 Independence Ave., SW  
Room 2648-South, Stop 0268  
Washington, DC 20250

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

The National Organic Standards require all certifying agents to sample and conduct residue testing on an annual basis from a minimum of five percent of the operations that are certified. MOSA follows National Organic Program Handbook instructions for sampling procedures (NOP 2610), laboratory selection criteria (NOP 2611), and responding to results from pesticide residue testing (NOP 2613). MOSA will select operations for residue testing based on risk factors such as the size of the operation, quantity of the products produced, previous compliance issues, split operation, or other criteria deemed appropriate. We may also 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.

Residue sampling may include, as appropriate, swab testing or the collection and testing of soil, water, waste, seeds, plant tissue, plant products, animal products, and processed products. All agricultural products that are to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" must be made accessible by certified organic production or handling operations.

When sample collection is conducted, we will issue a receipt for samples taken. We conduct residue testing at our own expense. Operators consent to the use of a subcontracted laboratory to conduct residue tests. Results of residue testing are shared with the client.

Residue test results are made available for public access, unless the testing is part of an ongoing compliance investigation. Copies of test results provided to the public will not identify the source of the sample unless the request is for a single, specific operation. MOSA may charge a time-based administrative fee (as described in our fee schedule) for preparing documents for release to the public.

If a residue test detects a prohibited substance at levels that are greater than five percent of the Environmental Protection Agency's tolerance level, the client will be notified of this by MOSA, and the agricultural product must not be sold, labeled or represented as organically produced. MOSA is also responsible for reporting violations of EPA or FDA regulations to the proper authority. Violations include application of a pesticide which is prohibited by EPA (such as a pesticide without an EPA tolerance) or an allowed pesticide at levels exceeding regulatory tolerances. MOSA or other regulatory officials may conduct an investigation of the certified operation to determine the cause of the prohibited substance.

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

When a prohibited substance is applied to a certified operation as a part of a federal or state mandated emergency pest or disease treatment program, the certification status of the client will not be affected, provided that:

- Any harvested crop or plant part that has contact with the prohibited substance cannot be sold, labeled or represented as organically produced;
- Any livestock that are treated with a prohibited substance, or product derived from such treated livestock cannot be sold, labeled or represented as organically produced, 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.

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

When MOSA certifies operations in states that have State Organic Programs, we comply with all provisions of the NOP regulation that may require MOSA to interact with a State Organic Program such as compliance actions, testing, additional inspections, or supplying information about certified parties.

## **H. 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 Standard(s);
- The reasons for suggesting the variance and how the variance is due to one of the allowed reasons, as listed above;
- Documentation supporting the need for the variance.

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

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

## **I. Additional Verifications**

In cases where a buyer asks for verification of requirements not covered by the National Organic Standards, MOSA can assess compliance in order to provide such verification. Operators wishing to have verification of additional production or handling requirements should indicate this in their Organic System Plan, describing each item for which they need additional verification. Additional fees apply, as outlined in the Fee Schedule. MOSA strongly encourages that such requests be submitted with the application or annual Organic System Plan update, so appropriate evaluation can occur during all stages of the certification process. Operators who make requests after submitting the annual certification 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 other country. Equivalence agreements between the U.S. and other countries allow products produced and certified to either country's organic standards to be sold as organic in both countries. Both export and equivalence arrangements may require that specific requirements are addressed. For example, for products sold in Canada, labeling must be in compliance with the Canadian Organic Regulation.

MOSA offers verification of compliance for all US organic trade agreements: Canada, the EU, Japan, Korea, Switzerland, Taiwan, India, Israel and New Zealand. For a full description of all USDA organic trade arrangements visit the USDA Organic International Trade Partners page at: <https://www.ams.usda.gov/services/organic-certification/international-trade>.

MOSA also offers Grass-Fed Certification for meat and dairy products through Organic Plus Trust, Inc. (OPT), a third party verification program with accreditation managed by Earth Claims, LLC. Contact MOSA for more information..

Additional verifications typically rely on compliance with the National Organic Standards. Requirements for the additional verification that are already addressed by National Organic Standards compliance may be omitted from the additional verification review process. Upon client request, MOSA will provide explanation of any additional verification review requirements that are considered to be addressed by review of compliance with the National Organic Standards.

## **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 directly MOSA-certified. Such authorization is limited to the organic representation of private label operation's product that was described in the organic plan for the MOSA-certified operation.

Private Label Arrangements must be authorized by MOSA prior to the use of MOSA's logo, certificate, or name on a private label product. Typically, handling activities conducted by an operation distributing a private label product are excluded from mandatory certification by National Organic Standard §205.101. To initiate a Private Label Arrangement, a MOSA client must submit completed forms and fees as described in the Fee Schedule.

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

Applicants or clients must notify MOSA prior to making any changes to the Organic System Plan that may affect compliance with the regulations. Examples of situations for which MOSA must be notified include:

- Application, including drift and unintentional application, of a prohibited substance to any field, production unit, product, or site involved in organic production or handling. MOSA must be notified immediately of such application;
- Addition of acreage, a new field, product line, production facility, animal herd, or animal facility to organic production;
- Removal of a field or portion of a field from organic production;
- Development of a new retail label for organic products;
- New processing or handling of organic products not already described in the Organic System Plan;
- Any change in the operation's practice, input or procedure that may affect its compliance with the National Organic Standards, or which require a change to the MOSA certificate. Such changes may include but are not limited to: a change in product specifications or production method; to the legal, commercial, organizational status, or ownership of the operation; to the organization and management, or to the person responsible for implementation of the Organic System Plan.

Although MOSA may be verbally notified of changes, clients may be required to complete new documents in order for MOSA to reevaluate the operation and the changes to the Organic System Plan. When clients report changes that affect documents previously provided to MOSA, then MOSA staff may choose to revise the documents to reflect the new information, and to ensure that information may be readily reviewed and verified as part of the annual certification process. If your operation experiences significant changes, you must provide MOSA with a detailed description of the changes, including relevant dates, and must withhold sale of affected products pending review by MOSA. It is a violation of the National Organic Standards to sell, label or represent products from fields or facilities that have not been inspected and that are not included on the certificate.

When a client changes the location of their certified operation, or in cases of mergers, acquisitions, or other transfers of ownership of a certified operation, certification is not transferable. When there is a change in ownership, or a relocation of a certified operation, the client must apply for and receive new certification before products can be sold, labeled or represented as organic.

Based on the information provided, MOSA will determine whether an additional inspection is required. A new field, facility, production line, unique production equipment, animal herd, or animal facility must be inspected before the certificate can be updated. Once a certification decision has been made on the changes to the operation, MOSA notifies the client of the decision, including approval or denial of the organic sale of any products produced under the changed procedures.

## **PART 12: MOSA TERMS AND CONDITIONS AGREEMENT**

The rights and responsibilities of both MOSA and its clients are fully documented in the MOSA Terms and Conditions Agreement (MTCA). Completing the agreement is a precondition for MOSA certification.

The MTCA establishes a contractual agreement and is binding for the duration of the client's MOSA certification. If MOSA revises the MTCA clients will be informed at least 30 days prior to implementation via MOSA's newsletter, *The Organic Cultivator* and will then be bound by the new Terms and Conditions. If a client does not agree with the revised terms, s/he must contact MOSA within the timeframe specified in *The Organic Cultivator* to surrender their organic certification with MOSA.

Refer to the MTCA for further details; see appendix F.



## **PART 13: DISPUTES AND COMPLAINTS**

### **A. Disputes**

When financial disagreements arise, clients should bring such instances to the attention of the Finance Manager. Continuing disputes as to charges for services may be resolved with the Executive Director. For certification-related disputes, see Part 9 of this manual.

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

MOSA has authority to act upon complaints received about applicants or clients 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 clients' 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 or MOSA Board Members.

MOSA investigates all complaints relating to organic integrity or allegations of noncompliance to applicable standards in a timely and efficient manner. MOSA may receive complaints about suspected violations of standards from consumers, inspectors, farmers, distributors, brokers, government officials, or any other interested party. MOSA is committed to thoroughly investigating complaints

Complaints can be made by email, telephone, in writing, or in person. In order for an effective investigation, as much of the following should be provided by the complainant:

- A complete explanation of the situation, including dates, client names, witness names, addresses, locations, scopes, etc.
- Any background information that might help us to understand the situation more fully
- Supporting evidence, if available (receipts, photos, witness statements, etc.)
- How the alleged violation became known to the complainant

MOSA does not *require* the name or contact information of the complainant, but strongly recommends that it be provided so we can most effectively investigate if we have follow-up questions or need clarification. The thoroughness of the complaint investigation could be compromised if we have no way to contact the complainant. MOSA can not guarantee the anonymity of the complainant but will not reveal the name of the complainant to the client unless compelled by law. However, sometimes because of the information MOSA has when investigating the complaint, the client may be able to deduce who made the complaint.

When a complaint is received MOSA takes appropriate action, documents the action(s) taken and information received, and when the complaint is resolved, a documented resolution is made. MOSA notifies the appropriate oversight authorities of all compliance proceedings and actions taken that result from a formal investigation. If an operation refuses to cooperate in an investigation, MOSA may deem this sufficient cause for issuance of a noncompliance and potentially further adverse action.



## PART 14: DEFINITIONS

The following terms are defined as they are used in this manual and other documents provided by MOSA. 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 a client 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.

**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 official document issued annually by MOSA, certifying that a production or handling operation is in compliance with the National Organic Standards for products or services within a particular scope or scopes.

**certification** – the annual process by which a production or handling system is thoroughly evaluated for compliance with the National Organic Standards.

**certified operation** – a crop, livestock, wild-crop, or handling operation, that is certified to be in compliance with the National Organic Standards by an accredited certifier. Typically, an operation named on a certificate is an individual, partnership, corporation, association, cooperative, or other single legal entity, or an individual farm or business.

**client** – person or business which has contracted with MOSA for certification services.

**contract feed mill** – a feed processing operation that is certified to provide services only for a specific MOSA-certified livestock producer.

**contract slaughter facility/meat processor** – a livestock/meat processing operation that is certified to provide services only for a specific MOSA-certified livestock producer.

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

**denial** – the refusal by MOSA to grant initial certification to an applicant due to noncompliance issues.

**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.

**location** - a part of an organic operation which requires an on-site inspection to verify compliance with organic certification requirements. MOSA typically requires a separate certification and related certification and inspection fees for each location. However, this requirement may be waived for sites that are in close proximity or contiguous to other parts of the operation, and where personnel, procedures and audit trail documents are held in common. Certification/fees considerations include: inspection logistics, people responsible for the day-to-day management of each location, movement/process flow for organic products, shared records, consolidation of sales, and client preferences for separate certification.

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

**noncompliance** - a correctable violation of the National Organic Standards. Noncompliances do not indicate a systemic failure of Organic System Plan design or implementation, but are significant enough in nature or scope that they require a corrective action plan to ensure or verify compliance, before a new certificate can be issued.

**operator** - a producer or handler of agricultural products. A general term that may refer to MOSA clients, uncertified persons, or service providers.

**Organic Control Points (OCPs)** - points in a production system where the integrity of the organic product may be compromised if proper management is not in place.

**Organic System Plan (OSP)** – A plan of management of an organic production or handling operation addressing all aspects of agricultural production or handling as required by the National Organic Standards. The Organic System Plan includes information provided to MOSA through forms and supporting documents. MOSA provides different base Organic System Plan forms (questionnaires) for different types of operations, such as farms, livestock, handling, and addendum forms for special types of production/handling. We may informally refer to these as the Organic System Plan (or OSP) forms. However, the full OSP includes support documents which may vary from one operation to the next.

**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.

**producer/handler** – a person or entity who operates as a producer and is required by MOSA to complete additional Organic System Plan forms to describe their handling of products that they produce.

**revocation** – the termination by MOSA of a client's certification resulting in the loss of the ability of the client to sell, label or represent products as certified organic, typically for a minimum of five years.

**State Organic Program (SOP)** – A State program that meets the requirements of section 6506 of the Organic Foods Production Act, is approved by the Secretary of Agriculture, and is designed to ensure that a product sold or labeled as organically produced under the Organic Foods Production Act is produced and handled using organic methods.

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

**suspension** – the action taken by MOSA resulting in a client's loss of the ability to sell, label or represent products as certified by MOSA, unless and until certification reinstatement is granted by the USDA.

**voting members of MOSA** - all members of the Board of Directors and permanent staff of MOSA. This group votes in Board elections and on proposed bylaws changes.

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

## **PART 15: APPENDICES**

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

You are required to have your Organic System Plan on hand at all times; please have it available at inspection.

Please make every effort to be available for your scheduled inspection. In order to keep travel costs down, inspectors do their best to schedule inspections for other nearby certified producers during the same day or on the same trip. Be sure to communicate with MOSA or your inspector about any biosecurity concerns you have prior to the inspection.

The inspector will verify the accuracy of your organic farm plan, look at your fields, crops, equipment and storage areas, and verify that your recordkeeping system is complete. Inspectors report on your operation and identify areas at which they would like to look more closely to ensure compliance and organic integrity.

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

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.

Crop Producer: your inspector will want to look at the following records:

- Seed Table or equivalent list;
- Receipts for all seeds, annual seedlings, and planting stock;
- One tag or bag for each variety of seed or planting stock showing treated/untreated status;
- Proof of organic status as applicable for all seeds, seedlings, and planting stock;
- Organic Search-Producer form documenting your attempts to source organic seed or planting stock, or the catalogs that you consulted (at least three companies that carry organic seed or planting stock) along with your reasons for purchasing nonorganic seed;
- Tags or documentation for all seed or planting stock treatments or inoculants not previously approved by MOSA;
- For nonorganic seed or planting stock: untreated documentation and non-GMO statements for all crops with GMO potential;

- Receipts for all crop inputs: fertility products, pest, disease and weed control products, and planting media;
- Product labels and ingredient statements for all 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 sales records from the previous year;
- National Organic Standards and MOSA Program Manual.

If there are changes in what livestock you have on your operation since your livestock application was submitted, have updated information available. Be prepared to update your Livestock List. Your inspector will observe your animals, living areas and pasture.

Livestock Producer: your inspector will want to look at the following records:

- Purchase documentation for purchased livestock, including organic certificates for certified animals;
- Receipts and certification documentation for all purchased feed and supplements;
- Feed rations and records for each type of livestock you are certifying;
- Current individual herd health records for dairy animals or herd health records or flock records for slaughter or egg operations;
- Receipts for all livestock inputs;
- Sales records;
- Pasturing & confinement records.

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

### **Audit Trail**

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 five 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 include field numbers, acreages, and biodiversity features; buffers and adjoining land use must be clearly labeled. Have maps for all fields under your management including conventional or transitional fields, both rented and owned. A separate map showing all facilities for crop/feed storage and livestock areas (both indoors and outdoors) is preferred, but facilities may also be included on the field maps if they can be clearly understood.

### **Field Histories/Prior Land Use Declarations**

Three years of field history information, including seeds and inputs used, is required for all land requested for certification, including pastures, in-ground greenhouse production areas, maple woods, and wild-cropped areas. If you are a new applicant and have managed the land for the past three years, you need to complete a 3 Year Field History form to document your management. If you are requesting certification for land that has not been under your management for three years, a Prior Land Use Declaration form must be completed by the previous manager(s) to document their management.

### **Field Activity Log**

Field activity logs will vary depending on the type of operation you are managing. Records 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, storage and/or use of crops, and general observations on crops. Calendars, daily planners, notebooks or computers are acceptable – use whatever works best for you and can be easily audited by your inspector.

### **Buffer Management Records**

If you harvest in a buffer zone, you need to keep a record of the harvest date(s), amount(s) and what you do with the buffer harvest(s). This can be done as part of a Field activity log or by using the Nonorganic 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.

### **Seeds, Seedlings and Planting Stock**

List all seed, annual seedlings, and planting stock on the Seed Table form. Vegetable producers may compile this information in an alternative format if all information requested on the Seed Table form is included. Your records will also need to include proof of organic status as applicable, receipts for all seed, seedlings, and planting stock showing the quantity purchased, tags or bags showing variety and treated/untreated status, and ingredient information for all inoculants or treatments not previously approved by MOSA.

If nonorganic seed or planting stock is used, complete an Organic Search - Producer form or have the catalogs you consulted (at least three companies that carry organic seed or planting stock) along with your reasons for purchasing nonorganic seed available for your inspector to view. For all nonorganic seed and planting stock, untreated documentation, and non-GMO statements for all crops with GMO potential will also be verified by your inspector.

### **Crop Inputs**

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

### **Cleaning Documentation**

If any equipment or storage areas are used for both organic and nonorganic crops, you need to keep complete cleaning records. Records should include the date, the cleaning method used, and the name of the individual who performed the purge or cleaning prior to 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 form may be used.

### **Storage Documentation**

If you sell organic crops or feed your organic crops to livestock and also have conventional or transitional crops on the farm, a system for preventing commingling and contamination must be in place. All bins, cribs, bunkers and other storage areas must be clearly identified with an identification (ID) number, letter, or name, listed in the Farm Organic System Plan, and identified on farm maps. Storage areas used for both organic and nonorganic crops must be cleaned prior to organic use. If many different crops are being stored in bins over the course of a season, the storage records should identify the field(s) from which the crops originated. A Bin Inventory form is available for your use. If you only raise organic crops for your own organic livestock, you still 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 feed ration records 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, and invoices. Here is an example for lot number 19-JD-5-C-1114-2:

Year of Production	Producer Initials	Storage Bin or Field #	Crop	Shipped Date	Load #
2019	JD	5	Corn	Nov 14	2

### **Sales Records**

Sales records are verified annually during your inspection. Sales records should include the following for both organic and nonorganic product sold: type of product sold, quantity sold, organic status, sales date, sales amount, clean transport verification, and other documentation as applicable. The Audit Control form may be helpful in keeping these records.

## **C. Additional Recordkeeping Requirements for Livestock/Livestock Products**

Your livestock recordkeeping system must enable animal lineage to be tracked from birth to slaughter, including purchase information, mortality, shipping, and sales. Records must also encompass all aspects of your management system including health management, feeds and supplements, outdoor access, and temporary confinement. Records must be retained for five (5) years, even for animals that have died or were sold.

### **Animal Identification**

We require a list of the livestock (except poultry) requested for certification with your initial application and that list is updated annually thereafter at inspection. The list must include the animal identification (ID; name and/or number), date of birth, organic slaughter eligibility, and pertinent information such as purchase source.

### **Health Records**

Large animals must be individually identified and have individualized records of lineage and treatment. Individual health records must be established for each dairy animal that receives treatment. Herd health records should include animal ID (number, photo or name), lineage information, health treatments, reproductive information, general comments, and ship or cull dates. 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, rabbits, and other small animals are to be tracked by flock, litter, lots, or other applicable units when all individuals receive the same inputs and treatment. General flock, litter, or group health records must be maintained for these animals.

## **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 numbers, your vaccination schedule, treatments, mortality, production records, confinement records, and dates of provision for outdoor access.

## **Feed Rations**

Record your overall rations and feed supplements and note when ration changes are made. Receipts and proof of certification must be kept for all purchased feed. For ruminants, use the Livestock Winter & Summer Rations form to document seasonal rations and calculate pasture intake.

## **Livestock Purchases**

Keep records of any livestock purchases 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**

Livestock inputs include feed supplements, minerals, additives or inoculants, pest treatments, wound treatments, health treatments or preventatives, bedding materials, and cleaning products. You need to provide MOSA with a Livestock Input Inventory form listing all products used. Be sure to list the exact brand name and manufacturer's name for each input listed, as well as your intended use. If a product has not been approved by MOSA, ingredient information needs to be submitted for review prior to use. Have all purchase records for inputs available at inspection. Keep a copy of your Livestock Input Inventory form for your records, updating it as necessary.

## **Livestock Sales**

Keep complete sales records for organic livestock and livestock products and have them available for inspection. If you sell both organically and conventionally, keep complete records for both types of production. If you must treat an animal with a prohibited substance, contact MOSA immediately to report the treatment and keep records of the livestock sale.

## **D. Inspection Guide for Handlers**

You are required to have your Organic System Plan on hand at all times; please have it available at inspection.

Inspectors verify the accuracy of your Handling Organic System Plan. They look at product profiles and ingredients, processing product flow, quality control, sanitation system and materials, pest control operations, raw and finished product storage, 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 more complicated 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, nonorganic 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 at the inspection.
- Have support documentation available: pest management 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 nonorganic ingredients or processing aids.
- If organic and nonorganic 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 adjusted gross sales (gross sales less cost of organic goods) made on certified products or services.
- 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.

## **E. 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 retained for at least five 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 two sample audits to test your audit trail system. These sample audits take different forms. The trace-back or trace-forward audit starts with either incoming ingredients or finished product and traces the audit trail through the production process. The 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 by the inspector from any organic production date and are not chosen prior to the inspection.

## Ingredients Documentation

The Handler 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 or a statement of active status 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.

### Nonorganic Agricultural Ingredients

When nonorganic agricultural ingredients are used in organic processing, **nonorganic 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 Excluded and Prohibited Methods form may be used for this purpose. Also, for products labeled "organic," any nonorganic agricultural ingredients used must be on the National List at section 205.606, and be in compliance with any specific annotation(s) noted, and an organic search must be conducted and documented to verify that organic ingredients were not commercially available. MOSA's Organic Search - Handlers form may be used as a recordkeeping tool.

### 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, Bills of Lading (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, and/or purchase orders. 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 determining appropriate annual certification 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. Your sales will be verified annually.

### **Equipment, Storage, and Transport Documentation**

Equipment cleaning before organic product contact occurs must be documented, especially if equipment is used for nonorganic 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 Verification form 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 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 Input 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, coupled with documented residue testing indicating no residues remain. Materials that leave a persistent residue, such as quaternary ammonia compounds, may be prohibited for use in organic handling.

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 nonorganic 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.

### **Labeling Requirements and Other Organic Claims**

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 the information identifying your company; and (except for products making “100% organic” claims) must 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, if applicable. Other label elements are optional, provided they follow guidelines in the Standards, including specifics related to the product’s organic claim (“100 percent Organic,” “Organic,” or “Made with Organic...”).

Other organic claims, such as point of purchase displays, brochures, and websites, will also be reviewed by MOSA. These must comply with applicable standards and with the MOSA Terms and Conditions Agreement.

## **F. MOSA Terms and Conditions Agreement**

By signing these Terms and Conditions, you agree to abide by the National Organic Program rules and terms outlined in the MOSA Program Manual.

Midwest Organic Services Association, Inc., (MOSA) a Wisconsin non-stock, non-profit corporation having its principal administrative office at 122 West Jefferson Street, Viroqua, WI 54665, and a mailing address at PO Box 821, Viroqua, WI 54665.

This document merges all prior discussions and negotiations between us concerning such rights and obligations. Neither you, the MOSA client, nor MOSA shall be bound by any conditions, definitions, warranties, representations, or guarantees other than as expressly provided in these terms and conditions.

We both understand and agree that you are not authorized to act as an agent of MOSA and will not create any liability or obligation for MOSA in any way.

This contract shall remain in effect unless it is canceled by either party in accordance with the MOSA Program Manual or terminated by MOSA pursuant to Section F of this contract.

### **A. Certification Requirements**

1. I understand and agree to comply with certification requirements included in the MOSA Program Manual, MOSA Fee Schedule, the Organic Foods Production Act, the National

Organic Program regulations, and applicable requirements for requested additional verifications. I understand all of these are on the MOSA website at [www.mosaorganic.org](http://www.mosaorganic.org) or I can request a paper copy.

2. I understand that failure to comply with the MOSA certification requirements or giving false information may result in denial, suspension, or revocation of the certification of my operation and may result in civil penalties pursuant to federal guidelines.

## **B. Certification - Information Collection**

1. I affirm that all statements made in my Organic System Plan documents are true and correct, and I understand that acceptance of my Organic System Plan in no way implies granting or continuation of certification.
2. I understand that it is my responsibility to provide information to MOSA by the stated deadlines.
3. In addition to annual inspection requirements, I understand that my operation is subject to unannounced inspection and/or residue sampling at any time as deemed necessary to ensure compliance with MOSA's certification requirements.
4. I hereby agree to a release of information from suppliers or service providers, should such be necessary to verify compliance.

## **C. Fees for Services**

1. I agree to comply with MOSA's fee schedule and pay required fees by stated due dates in order to maintain certification. I understand that MOSA may amend the fee schedule at its sole discretion and will provide sufficient notice.
2. I agree to compensate MOSA for any and all reasonable expenses incurred by MOSA if MOSA determines by inspection or review of my Organic System Plan that I am in breach of the certification requirements.
3. I understand that the failure to pay such fees in a timely manner can result in noncompliance of certification requirements and is grounds for suspension of organic certification.
4. I understand that I shall be responsible for all of MOSA's costs of collection, including reasonable attorney's fees in the event that I do not properly pay the fees owed to MOSA.

## **D. Logo/Trademark and Grant of License**

1. I understand that MOSA grants my operation a non-exclusive license to use the MOSA logo and name for the limited purpose of promoting the availability of products that meet MOSA certification requirements.
2. I agree to use the MOSA logo and name only in accordance with this license from MOSA. I will not take any action which would be likely to injure or damage (a) the validity or enforceability of MOSA's rights or interest in the MOSA logo and name or (b) the goodwill or reputation and integrity of the MOSA logo and name.
3. I accept this license and the limitations described in the MOSA certification requirements and agree to make no other use of the MOSA logo and name.
4. I will not use any logo, design, emblem or description similar to the MOSA logo or to use any name or abbreviation similar to that of MOSA.
5. I will not alter MOSA's logo and will use MOSA's approved versions in black and white or in color.
6. I will not assign, transfer or otherwise sublicense the MOSA logo or name, or allow use by any subsidiary organization not inspected and certified by MOSA unless described in my Organic

System Plan and authorized by MOSA. If I become aware of any such unauthorized activity, I agree to notify MOSA immediately and to take any remedial measures deemed necessary by MOSA.

7. If my certification should be terminated, I agree to immediately cease all use of the MOSA logo and name. I understand that should certification be terminated, MOSA has the right to notify vendors, authorities, and others of any improper or unauthorized use of the MOSA logo and name, or any other improper or unauthorized reference to MOSA, when in the judgment of MOSA such notification is necessary in the interest of public safety, for MOSA's own protection and for the protection of the validity and integrity of the MOSA logo and name.

## **E. Guarantee and Indemnification**

1. I assume full and complete responsibility for all acts and omissions in my activities pertaining to my product(s), services, and use and representation of the MOSA logo and name.
2. I agree to indemnify MOSA against any liability arising from the sales and use of my product(s) or services, including reasonable attorney fees and costs attending to any claims and/or lawsuits due to my acts and omissions relative to the certification and licensing terms and conditions.

## **F. Termination for Breach**

1. I understand that MOSA, may terminate this contract at any time, upon providing me with written notice, if any of the following events of default shall have occurred and/or are continuing:
  - a. A failure to pay any fees for services;
  - b. A failure to comply with or perform any other provision of this contract;
  - c. Any acts or omissions by you in conducting your affairs pursuant to this contract, which MOSA determines, in its sole discretion, are likely to impair the integrity or reputation of the MOSA logo and name and/or the MOSA certification requirements;
  - d. If you shall be adjudicated insolvent, or in any action or proceeding shall file any petition or answer seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future Federal or state statute or law, or shall seek or consent to or acquiesce in the appointment of any trustee, receiver or liquidator of your business;
2. I understand that I may terminate this contract at any time, upon providing MOSA with appropriate notice. This shall result in the immediate termination of my organic certification. See the MOSA Program Manual and Fee Schedule for additional information.

## **G. Privacy Policy**

1. I understand that by providing MOSA with my information, I accept that:
  - a. MOSA does not collect any personal information except that which is knowingly and specifically supplied.
  - b. We will not sell or provide your information to any other organization for sales purposes unless permission is specifically granted by you. MOSA is required by NOP to make available to the public the following information:
    - i. Certificates issued within the current and previous three calendar years;
    - ii. Products certified, the effective date of certification and contact information for MOSA certified operations;

- iii. 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;
  - iv. Other business information as specifically identified and permitted in writing by the operator.
- c. Credit Card Information provided through MOSA's online payment systems are encrypted for security. External Links on website: The MOSA website(s) provides many links to other websites. This is a service we provide; the operation of these websites is beyond our control. MOSA does not endorse or accept responsibility for their content or privacy policies, nor for their collection and use of information.

## **H. Authorization**

1. The undersigned hereby certifies that the undersigned has the proper authority to sign on behalf of the operation agreeing to these terms and conditions set forth in this contract.
2. I understand submitting this form electronically and affirming agreement with these terms and conditions has the same legal effect and can be enforced in the same way as a written signature.
3. If I am submitting this form electronically, I agree that applicable annual certification update information, certification letters, certification documents, general communications, newsletters, guidance documents, and financial communications may be sent to me in an electronic format, unless I specifically request these to be sent via postal delivery.
4. MOSA may revise the terms and conditions of this contract from time to time. MOSA will provide you with thirty (30) days notice of any such changes. Changes will be published in MOSA's newsletter, The Cultivator. In the event that you no longer wish to be covered under the revised terms and conditions of the agreement, you will need to advise MOSA in writing of your decision not to comply with the revised terms. Otherwise, the revised terms and conditions will then become in effect between the parties.
5. In the event that the legal entity that holds the MOSA Certification no longer exists, MOSA requires notice of such change to the entity. A change in legal entity includes:
  - a. When a sole proprietor sells his/her business or dies. The party who takes over such business becomes the new owner and requires a new certification.
  - b. A partnership that dissolves requires a new certification for any new owner as the former partnership no longer exists.
  - c. The change in ownership of a corporation or LLC does not require a new certification as long as the previously certified corporation/LLC continues to exist and does business with MOSA.

*You are required to save a copy of this document, your Organic System Plan(s), and all other documents and forms you provide to MOSA for your records.*