



Technical Assistance Instruction

1. Purpose

This instruction is intended to clarify what technical assistance registered certifying agents and inspectors may provide to Ocal cultivators and distributors.

2. Scope

This instruction affects registered certifying agents and inspectors pursuant to the Ocal regulations.

3. Ocal Regulations, Title 3 California Code of Regulations (3 CCR)

3 CCR § 10000. Definitions.

3 CCR § 10401. Requirements for Accreditation.

4. Policy

Certifying agents and inspectors are required to provide sufficient information to applicants for certification and certified operations to enable them to comply with the applicable requirements of § 10401(a)(8) of the Ocal regulations. Certifying agents may provide technical assistance to applicants for certification and certified operations that helps them understand the Ocal Program requirements. Technical assistance includes:

- Providing information on the mission, goals, and objectives of the Ocal Program;
- Providing information on well-known alternatives for overcoming problems, which are available to everyone and not specific or proprietary to a single operation;
- Providing 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 Ocal Program Handbook, but ensuring the operation understands their responsibility for choosing cultivation and distribution methods that comply with the Ocal regulations.



Certifying agents must prevent conflicts of interest, either real or perceived, by not giving advice or providing consultancy services to applicants for certification and certified operations for overcoming identified barriers to certification (§ 10401(a)(12)(D) of the OCal regulations). Consultancy does not automatically occur every time a certifying agent provides an operation with information to overcome barriers to complying with the OCal regulations. Consultancy does occur, however, when a certifying agent:

- Does the work for an operation, or participates in any of the operation's activities or management;
- Gives specific advice or training to a single operation or small group of operations on the development and implementation of the management system, operational procedures, or competence of an operation;
- Prepares or produces an operation's manuals, handbooks, or procedures;
- Provides specific advice on a single operation's certification problems;
- Is involved in an operation's decision-making process **or participates in the design or manufacture of an operation's products or production methods;**
- Suggests that the certification process would be simpler, easier, or less expensive if specific activities were undertaken; or
- Suggests actual changes that would bring an operation into compliance.

Inspections are not consulting visits. Inspectors often discover new information or documentation during onsite inspections, however, and may provide technical assistance by:

- Asking and answering questions, collecting information, and explaining the OCal regulations;
- Requesting information that may be missing from the operation's OCal system plan (OSP), or accepting updates to the OSP during the onsite inspection prior to the exit interview (clarifying information may be received during the exit interview);
- 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 of OCal Program or the OCal Program Handbook, but ensuring the operation understands it is their responsibility to choose methods and materials that comply with the OCal 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.