

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE**  
California State Organic Program



**Quality Systems Manual**

*Abridged Version 1.1A, May 20, 2010*

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## CONTENTS

<b>0</b>	<b>Introduction</b>
0.1	Letter of Introduction (forthcoming)
0.2	Executive Summary (forthcoming)
0.3	Chapter Summary (forthcoming)
<b>1</b>	<b>Organic Registration</b>
1.1.1	General Responsibilities
1.1.2	Section Summary
1.2	New Organic Registrations
1.2.1	Policy
1.2.2	Scope
1.2.3	Procedures
1.3	Amended Registrations
1.3.1	Policy
1.3.2	Scope
1.3.3	Procedures
1.4	Renewal of Registrations
1.4.1	Policy
1.4.2	Scope
1.4.3	Procedures
1.5	Accredited Certifying Agency Registrations
1.5.1	Policy
1.5.2	Scope
1.5.3	Procedures
1.6	Notification Procedures
1.6.1	Denied New Registration Procedures
1.6.2	Denied Amendment Procedures
1.6.3	Denied Renewal Procedures
1.6.4	Proposed Suspension Procedures
1.6.5	Suspension Notice Procedures
1.7	Appendix
<b>2</b>	<b>Enforcement, Due Process, and Sampling</b>
2.1.1	General Introduction
2.1.2	Section Summary
2.2	Sample Collection and Residue Analysis
2.2.1	Policy
2.2.2	Scope
2.2.3	Sample Matrix Methodology
2.2.4	Procedures
2.3	Spot Inspection Program
2.3.1	Policy
2.3.2	Scope
2.3.3	Spot Inspection Matrix
2.3.4	Procedures

2.4	Investigations
2.4.1	Policy
2.4.2	Scope
2.4.3	Procedures
2.5	Training of County Staff
2.5.1	Policy
2.5.2	Scope
2.5.3	Procedures
2.6	Complaint Process
2.6.1	Policy
2.6.2	Scope
2.6.3	Procedures
2.7	Compliance Process
2.7.1	Policy
2.7.2	Scope
2.7.3	Procedures
2.8	Appeals
2.8.1	Policy
2.8.2	Scope
2.8.3	Procedures
2.9	Mediation
2.9.1	Policy
2.9.2	Scope
2.9.3	Procedures
2.10	Appendix
<b>3</b>	<b>Administration</b>
3.1	Overview
3.2	California Organic Products Advisory Committee
3.2.1	Policy
3.2.2	Scope
3.2.3	COPAC Appointment Procedures
3.6	Document and Record Control
3.6.1	General
3.6.2	Document Control
3.6.3	Document Changes and Modification
3.6.4	Control of Records
3.6.5	Obsolete Documents
3.6.6	Quality Manual Modification
3.6.7	Uncontrolled Copies
3.7	Appendix



## **CHAPTER 1: ORGANIC REGISTRATION**

### **1.1.1 General Responsibilities**

The California State Organic Program (SOP) shall implement and maintain a quality registration process for individuals and entities required to register with the California Department of Food and Agriculture (CDFA) pursuant to the California Organic Products Act of 2003 (COPA).

All SOP employees responsible for organic registration activities shall be made aware of this Quality Systems Manual (QSM) and the responsibilities placed upon them. Implementation shall occur at all levels and shall be maintained in accordance with the COPA and the National Organic Program (NOP).

SOP employees shall conduct all registration activities under conditions and by using techniques that are conducive to a high degree of reliability and professionalism. It is SOP's policy to provide the highest quality registration process attainable to organic registrants through continuous improvement of the quality system. Quality in services is a constant focus and effort.

### **1.1.2 Section Summary**

California state law mandates that the organic registration process commence at the county level. The sections included in this abridged chapter describe the policies, scope, and procedures for registering, renewing, and amending registration with the SOP. In addition, this chapter includes the policies, scope, and procedures for denying organic registration and issuing proposed suspension notices as well as suspension notices.

Section 1.2: New Organic Registrations, describes the policy, scope, and procedures for registering with the SOP as a new registrant. A flow chart outlining the new registration process is included at the end of Section 1.2. Section 1.3: Amended Registrations, details the policy, scope, and procedures for amending organic registrations. A flow chart outlining the procedures for amending organic registrations is included at the end of Section 1.3. Section 1.4: Renewal of Registrations, outlines the policy, scope, and procedures for annually renewing organic registrations. A flow chart outlining the procedures for organic renewals is included at the end of Section 1.4. Section 1.5: Accredited Certifying Agency Registrations, outlines the policy, scope, and procedures for accredited certifying agents annually registering with the SOP. Section 1.6: Notification Procedures, describes SOP's policies and procedures for denying new organic registrations, amendments, and renewals. In addition, Section 1.6 illustrates the procedures for issuing proposed suspensions and suspension notices. Section 1.7: Appendix, includes copies of all forms referenced in this chapter.

## **1.2 NEW ORGANIC REGISTRATIONS**

### **1.2.1 Policy**

Food and Agricultural Code (FAC) §46013.1(a), identified as part of COPA, states that every person engaged in this state in the production or handling of raw agricultural products sold as organic, and retailers that are engaged in the production of products sold as organic, and retailers that are engaged in the processing, as defined by the NOP, of products sold as organic, shall register with the agricultural commissioner in the county of principal operation prior to the first sale of the product. All processors of organic agriculturally derived products that are not required to be registered as outlined in FAC §46013.1(b) must register with the CDFA Secretary. Each registrant must annually renew the registration unless no longer engaged in activities requiring registration. Each registrant shall provide a complete copy of its registration to the county agricultural commissioner in any county in which the registrant operates.

FAC §46013.1(b) requires every person engaged in this state in the processing or handling of processed products pursuant to Health and Safety Code (HSC) §110460, and pet food pursuant to FAC §18653, and cosmetics pursuant to HSC §111795, including processors of alcohol beverages, fish and seafood, to register with the State Director of Health Services.

FAC §46013.1(c) establishes that registration pursuant to this section shall be on a form either provided by the Secretary or approved by the Secretary and shall be valid for a period of one calendar year from the date of validation by the Secretary or county agricultural commissioner of the completed registration form.

### **1.2.2 Scope**

New applications are required for all organic producers, handlers, wholesalers, commission merchants, brokers, and retailers required by law to register with the SOP. Registration forms are available in hard copy at the applicant's county agricultural commissioner's office and electronically on CDFA's website in Adobe PDF format at: <http://www.cdfa.ca.gov/is/i & c/organic.html>. Section 1.6.1 of this QSM details the procedures for handling incomplete and denied new registrations. The following abridged section details the procedures for registering with the SOP as a new registrant.

### **1.2.3 Procedures**

Organic applicants must provide a complete copy of their organic registration to the county agricultural commissioner in their county of principal operation, defined as the county where primary operations are conducted. Individuals desiring to register as organic may access organic registration forms on CDFA's website at: <http://www.cdfa.ca.gov/is/i & c/organic.html> or contact their county of principal operation to obtain a registration packet.

All new organic registrants must complete an Organic Registration Form (ORG 100-RF) (Attachment 1.1), Public Information Form (ORG 100-PIF) (Attachment 1.2), and include

payment at the time of registration. The Organic Fee Schedule Chart (Attachment 1.8) is provided in Section 1.7: Appendix and is used to determine applicable fees.

Farming operations producing fruits, nuts, and/or vegetables, livestock, dairy, poultry, and/or eggs also must complete Site Profile (ORG 100-SP) (Attachment 1.3), Substance List (ORG 100-SL) (Attachment 1.4), and Production Record of Sales (ORG 100-PR) (Attachment 1.5) forms. If operating in additional counties, the new registrant must complete an Additional County of Operation (ORG 100-AC) (Attachment 1.6) form.

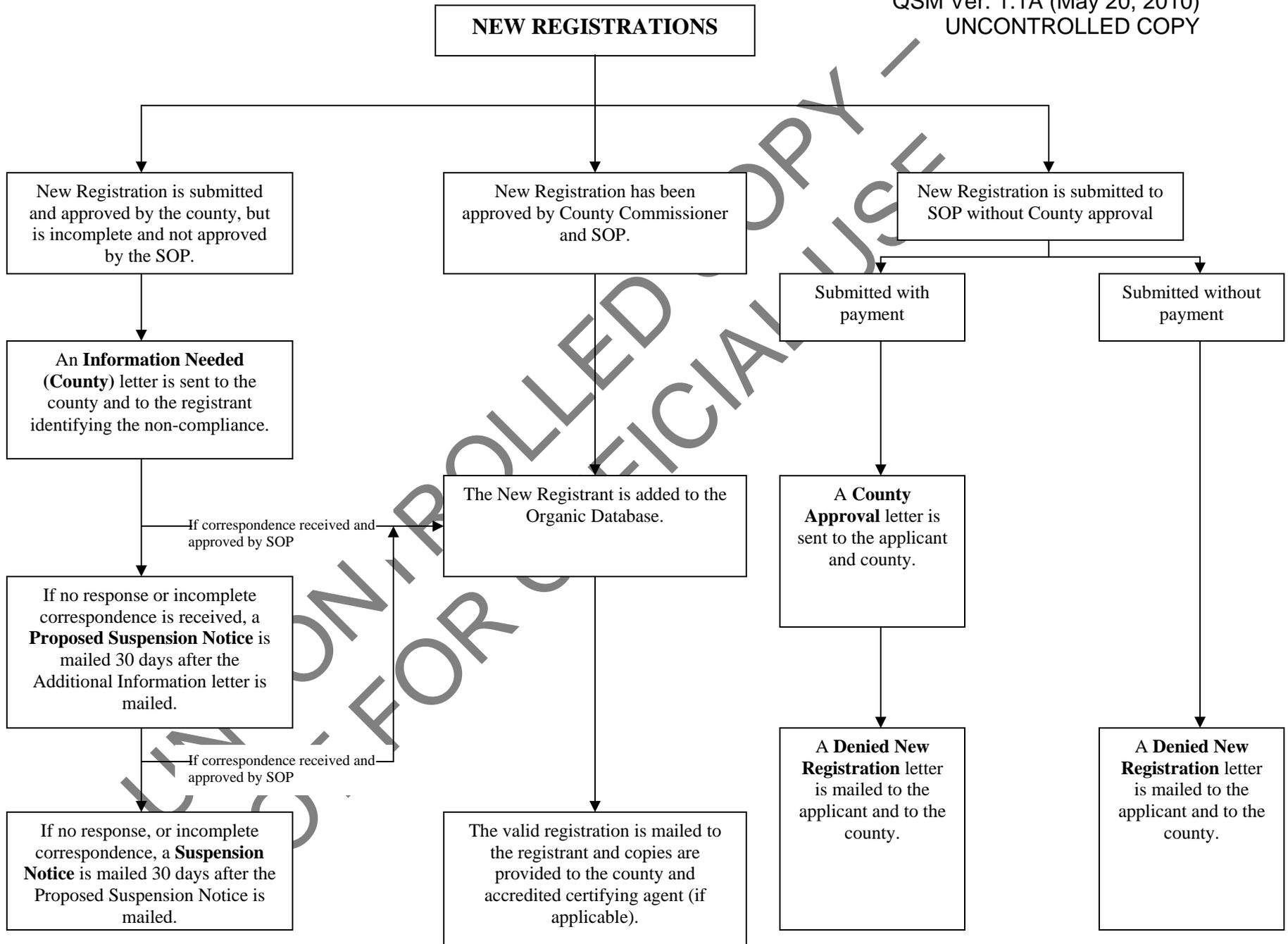
Commission merchants, brokers, and wholesalers that provide storage and take title or possession of product, must also complete Substance List (ORG 100-SL) and Production Record (ORG 100-PR) forms.

Commission merchants, brokers, and wholesalers who do not take possession or title of product and do not provide storage of product are required to provide the name and county registration number of the entity for whom they sell product on the Production Record (ORG 100-PR) form.

Retailers that process raw and ready to eat products, re-pack, and/or re-label organic products must also complete a Substance List Form (ORG 100-SL).

The following steps detail the initial procedures for applicants registering as organic.

1. The applicant will complete all necessary forms based on the operation type and file the application with their county agricultural commissioner. Instructions for completing necessary forms are included on the New/Amended Registration Cover Sheet (Attachment 1.12) and on each individual form.
2. The county agricultural commissioner will ensure that the application is complete and the information provided is accurate.
3. If the application is incomplete or unacceptable, the county agricultural commissioner will provide instruction to ensure proper completion.
4. Once approved, the county agricultural commissioner will send the application with the appropriate fee to CDFA's Cashier Office.



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### **1.3 AMENDED REGISTRATIONS**

#### **1.3.1 Policy**

Food and Agricultural Code (FAC) §46013.1(a), identified as part of the COPA, states that every person engaged in this state in the production or handling of raw agricultural products sold as organic, and retailers that are engaged in the production of products sold as organic, and retailers that are engaged in the processing, as defined by the NOP, of products sold as organic, shall register with the county agricultural commissioner in the county of principal operation prior to the first sale of the product. All processors of organic agriculturally derived products that are not required to be registered as outlined in FAC §46013.1(b) must register with the CDFA Secretary. Each registrant must annually renew the registration unless no longer engaged in activities requiring registration. Each registrant shall provide a complete copy of its registration to the county agricultural commissioner in any county in which the registrant operates.

FAC §46013.1(b) requires every person engaged in this state in the processing or handling of processed products pursuant to Health and Safety Code (HSC) §110460, and pet food pursuant to FAC §18653, and cosmetics pursuant to HSC §111795, including processors of alcohol beverages, fish and seafood, to register with the State Director of Health Services.

FAC §46013.1(c) establishes that registration pursuant to this section shall be on a form either provided by the Secretary or approved by the Secretary and shall be valid for a period of one calendar year from the date of validation by the Secretary or county agricultural commissioner of the completed registration form.

#### **1.3.2 Scope**

An amendment is a method of ensuring that an organic registration is current and accurate. The registrant must file an amended organic registration if a location or acreage has been added to their existing organic registration. Minor changes as defined on the Renewal Form (ORG 100-RNF) (Attachment 1.10) do not require an amendment to the registration. Section 1.6.2: Denied Amendment Procedures of the Quality Systems Manual details the procedures for handling incomplete and denied amendments.

#### **1.3.3 Procedures**

When a registrant has added a location or acreage to their existing organic registration, an amended application must be submitted to the county agricultural commissioner of principal operation within fourteen (14) days. Individuals desiring to amend their organic registration may access organic registration forms on CDFA's website at <http://www.cdfa.ca.gov/is/i & c/organic.html> or contact their county of principal operation to obtain a registration packet.

All registrants amending their organic registration must complete an Organic Registration Form (ORG 100-RF) (Attachment 1.1) and Public Information Form (ORG 100-PIF) (Attachment 1.2).

Farming operations producing fruits, nuts, and/or vegetables, livestock, dairy, poultry, and/or eggs must also complete Site Profile (ORG 100-SP) (Attachment 1.3), Substance List (ORG 100-SL) (Attachment 1.4), and Production Record of Sales (ORG 100-PR) (Attachment 1.5) forms. If operating in additional counties, the registrant must complete an Additional County of Operation (ORG 100-AC) (Attachment 1.6) form.

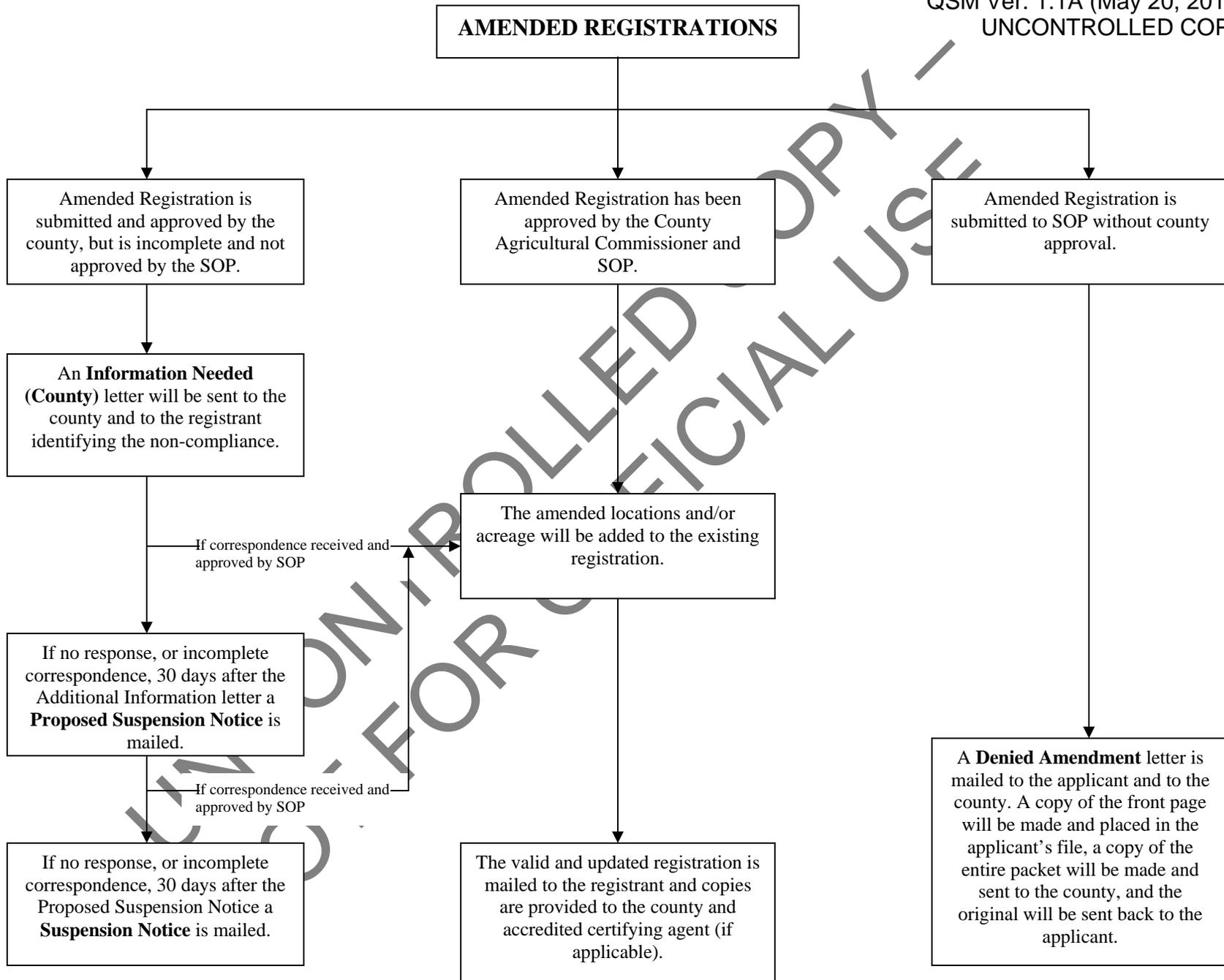
Commission merchants, brokers, and wholesalers that provide storage and take title or possession of product, must also complete Substance List (ORG 100-SL) and Production Record (ORG 100-PR) forms.

Commission merchants, brokers, and wholesalers who do not take possession or title of product and do not provide storage of product are required to provide the name and county registration number of the entity for whom they sell product on the Production Record (ORG 100-PR) form.

Retailers that process raw and ready to eat products, re-pack, and/or re-label organic products must also complete a Substance List Form (ORG 100-SL).

The following steps detail the initial procedures for amending an organic registration.

1. The organic registrant must complete an Organic Registration Form (ORG 100-RF) and ensure that the "Amended Registration Box" is checked.
2. The registrant must complete all necessary forms based upon operation type.
3. The county agricultural commissioner will ensure that the amended registration application is complete and the information provided is accurate.
4. If the amendment results in a registration fee schedule increase, payment must be submitted to the county agricultural commissioner (see Attachment 1.8 Organic Fee Schedule Chart in Section 1.7: Appendix).
5. If the amendment results in the addition of parcels, crops, livestock, and/or organic processed products, the registrant must submit proof of the addition from their certifier (if the registrant is certified organic).
6. If the application is incomplete, the county agricultural commissioner will provide instructions for appropriate resolution.
7. Once approved, the county agricultural commissioner will send the application for amended registration directly to the SOP when payment is not applicable.
8. If payment is included with an organic registrant's application for amended registration, the county agricultural commissioner will forward the application to CDFA's Cashier Office.



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## **1.4 RENEWAL OF REGISTRATIONS**

### **1.4.1 Policy**

Food and Agricultural Code (FAC) §46013.1(a), identified as part of COPA, states, in part, that each registrant must annually renew their registration unless no longer engaged in activities requiring registration. Each registrant shall provide a complete copy of its registration to the county agricultural commissioner in any county in which the registrant operates.

FAC §46013.1(c) establishes that registration pursuant to this section shall be on a form either provided by the Secretary or approved by the Secretary and shall be valid for a period of one calendar year from the date of validation by the Secretary or county agricultural commissioner of the completed registration form.

### **1.4.2 Scope**

California statute requires organic registrants to annually renew their organic registration. Registrants are required to pay applicable renewal fees as required by law. Renewals also provide an opportunity for organic registrants to update their registration information. Organic renewals are due and payable on the expiration date assigned by the originating county. Section 1.6.3: Denied Renewal Procedures of the Quality Systems Manual details the procedures for handling incomplete, delinquent, and denied organic renewals.

### **1.4.3 Procedures**

SOP will ensure that a renewal packet is mailed to the registrant no later than 45 days prior to the registrant's date of expiration. The following steps detail the initial procedures for completing an organic renewal.

1. Upon receipt from the SOP, the registrant must complete the Organic Renewal Registration Form (ORG 100-RNF) (Attachment 1.10), Organic Producers/Handlers/Processors Application and Registration (Attachment 1.13), and Substance List (Attachment 1.3) and return the forms along with a renewal fee made out to CDFA Cashier's Office. Detailed instructions for completing organic renewals are provided on the Cover Sheet for Renewal Registration (Attachment 1.9).
2. If a new site or additional acreage to an existing site has been added, the registrant must submit those additions to the county agricultural commissioner with whom the original registration was filed. Refer to Section 1.3 for additional information related to amended registrations.



## **1.5 ACCREDITED CERTIFYING AGENCY (ACA) REGISTRATIONS**

### **1.5.1 Policy**

Food and Agricultural Code (FAC) §46014.1(a) requires any certification organization that certifies product in the State of California sold as organic to register with the Secretary and shall thereafter annually renew the registration, unless the organization is no longer engaged in activities requiring the registration. Registration shall be on a form provided by the Secretary and shall include a copy of accreditation by the USDA or proof of application, if applicable.

FAC §46014.1(b) mandates each certification organization to pay an annual registration fee of twenty-five dollars (\$25) for each client they have certified in this state up to a maximum of two hundred and fifty dollars (\$250). Any registration submitted by a certification organization shall be made available to the public for inspection and copying. The Secretary may audit the organization's certification procedures and records at any time, but any records of the certification organization not otherwise required to be disclosed shall be kept confidential by the Secretary.

### **1.5.2 Scope**

This abridged section outlines SOP's procedures for renewing certification organizations that certify product in the State of California sold as organic.

### **1.5.3 Procedures**

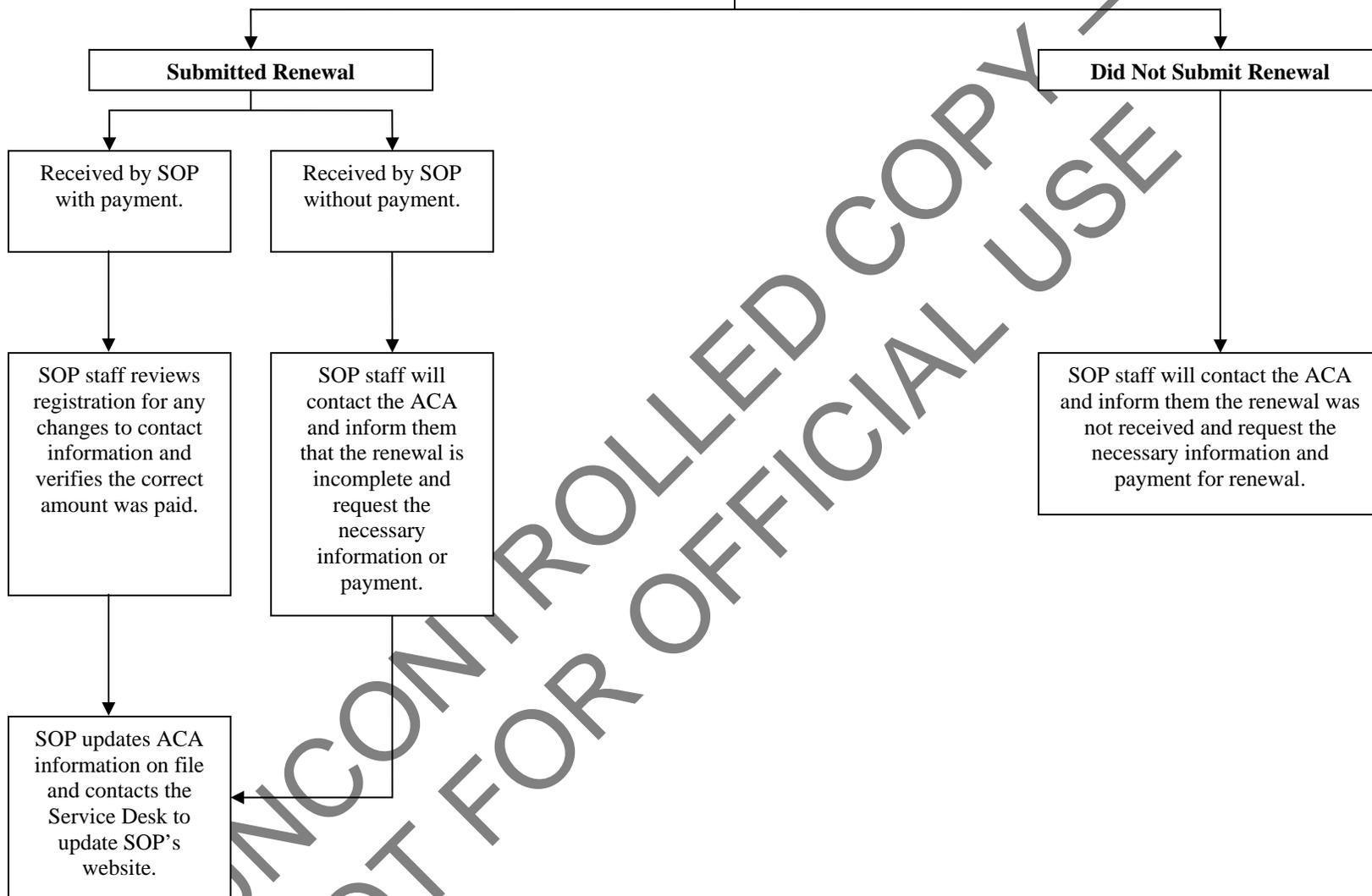
If an Accredited Certifying Agency (ACA) is certifying in the State of California and is not registered with the State, the SOP will send a Non-Registered ACA Letter (Attachment 1.24) to the ACA requesting an application for registration.

ACAs are required to register with the SOP annually. ACA renewal registrations are due on January 1<sup>st</sup> of each year and the ACA Renewal Letter (Attachment 1.25) is mailed two months prior (by November 1<sup>st</sup> of each year).

In the event that an ACA has not submitted a renewal by January 1<sup>st</sup>, the SOP Registration Lead shall contact the ACA and inform them that a renewal was not received and request the necessary information and payment to renew their registration.

**Accredited Certification Agencies  
(ACA)**

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## **1.6 NOTIFICATION PROCEDURES**

### **1.6.1 Denied New Registration Procedures**

If a new registration is sent directly to the SOP without county approval, SOP may deny the new registration and return the application to the applicant. When a payment is received through a Report of Collections (RC), the new registrant must be added to the database as a temporary registrant by the SOP.

The SOP will not deny the new application without first notifying the applicant and county that additional information is necessary for compliance. A New Registration Bypassed County Letter (see Attachment 1.15) is mailed to the registrant, requesting information necessary to meet the registration requirements. Failure to submit the requested material within 30 days of the date of the New Registration Bypassed County Letter (Attachment 1.15) will result in a denial of organic registration.

Applications mailed to CDFA's Cashier Office and received through a RC must be added as a temporary registrant in the database. A temporary number is issued as a placeholder for the applicant in the database. Registration numbers consist of county codes (Ex. 34 for Sacramento) followed by four additional numbers generated by the county (Ex. 34-xxxx). To ensure the temporary number will not be used by the county, five additional numbers using 9000x are used (i.e., 34-90001).

When a new application without payment is mailed directly to the SOP, the application is denied and the original application is returned. The Program Lead will issue a Denied New Registration Letter and forward a copy of the application to the principal county of operation if payment is not received.

### **1.6.2 Denied Amendment Procedures**

If an applicant submits the amendment with a renewal, the amendment will be received through a Report of Collections (RC). Once received by the SOP, the renewal and amendment must be reviewed separately. If at least one cover form (ORG 100-RNF or ORG 100-RF) is complete, SOP will accept as sufficient information for both the amendment and renewal.

If the applicant sends their amendment directly to the SOP without first submitting the packet to their county, the SOP will return the application to the applicant and forward a copy to the county. The applicant will receive a Denied Amendment Letter (Attachment 1.17) with an attached Amendment Checklist (Attachment 1.18), a courtesy copy will be forwarded to the county, and Denied Amendment Procedures will apply.

When an amendment is incomplete, but approved by the county, an Additional Information Needed (County) Letter (Attachment 1.19) is sent to the county and to the applicant, and procedures for the Additional Information Needed letter will apply. If there are no responses to the Additional Information Needed letter, the suspension process will begin. SOP will issue an Additional Information Needed letter under the following circumstances:

- The county or applicant has not signed the application.
- A “Crop Substance List” is not included.
- The “Site History” is not included, or the person in control of the location thirty-six (36) months prior to organic harvest has not submitted documentation.
- In circumstances when the applicant is not the legal owner, a letter from the legal owner granting permission is not included.
- The physical address of a location grown or received from with a break down of acreage for each commodity is not provided.
- The surrounding land usage, precise location, dimensions of facility/farm, and/or distinct field numbers are not included on the map.

The applicant will receive a Proposed Suspension Notice (Attachment 1.21) thirty (30) days after the “Additional Information Letter.” If the applicant fails to respond within thirty (30) days of the Proposed Suspension Notice, the applicant will receive a Suspension Notice (Attachment 1.22) and their account will be disabled.

### **1.6.3 Denied Renewal Procedures**

If an applicant submits the renewal with an amendment, both go through CDFA's Cashier Office and are received through a Report of Collections (RC). Once received, the renewal and amendment must be reviewed separately. If at least one of the cover forms (ORG 100-RNF or ORG 100-RF) are completed, the SOP will accept as sufficient information for both the amendment and renewal. SOP staff will review and enter the renewal information into the SOP database, but will not validate the registration until the Program Lead has approved the amended application.

When the renewal registration is incomplete, a Non-Compliance (Denied Renewal) Letter (Attachment 1.20) will be mailed to the registrant, and Non-Compliance (Denied Renewal) Procedures will apply. If there is no response to the Non-Compliance notice, the suspension process will begin (see Section 1.6.4).

If the registrant does not renew their organic registration, they are no longer a valid registrant. If the registrant does not renew within thirty (30) days after their expiration date, SOP will issue a letter informing the registrant of their invalid status. The registrant will be given notice that they are no longer registered, are in violation of state laws if they continue the sale of organic products, and their registration will be invalidated if they do not respond. If the applicant does not renew within sixty (60) days after their expiration date, their account will be closed and voided and a notice will be sent.

### **1.6.4 Proposed Suspension Procedures**

Food and Agricultural Code (FAC) §46013.2 (f) states, in part, that a registration is considered legal and valid until revoked, suspended, or until the expiration of the registration.

The suspension process begins when a registration has not been approved for non-compliance, and the registrant fails to respond or fully comply with a non-compliance notice issued. The Proposed Suspension Notice (Attachment 1.21) is a letter informing the registrant that a previous notice has been sent, but is unresolved, and if the registrant fails to respond within thirty (30) days, their Organic Registration is suspended.

Proposed suspension notices that are unresolved thirty (30) days from the date of the letter result in the suspension of organic registration. The registration is disabled in the SOP database, a Suspension Notice is mailed, and the registration is placed in the closed drawer.

If the non-compliance has been resolved, the changes are applied to their account in the SOP database, the registration is validated, and no additional letters are sent.

### **1.6.5 Suspension Notice Procedures**

Food and Agricultural Code (FAC) §46013.2(f) states that a registration is considered legal and valid until revoked, suspended, or until the expiration of the registration.

If a registrant fails to respond or fully comply with a non-compliance notice, and proposed suspension notice, the registration is suspended and the account disabled in the SOP database. The registration is no longer valid, and the registrant is issued a Suspension Notice (Attachment 1.22) defining their status, and any violation of state laws with the continuation of organic sales. SOP issues the letter via certified mail to ensure receipt by the registrant.

Applicants who wish to remove their suspension must file a New Registration Form ORG 100-RF with their county of principal operation.

## 1.7 APPENDIX

The appendix includes the following SOP forms, instructions, and notices:

- Attachment 1.1** Organic Registration Form (ORG 100-RF)
- Attachment 1.2** Organic Public Information Form (ORG 100-PIF)
- Attachment 1.3** Organic Substance List (ORG 100-SL)
- Attachment 1.4** Organic Site Profile (ORG 100-SP)
- Attachment 1.5** Organic Production Record (ORG 100-PR)
- Attachment 1.6** Organic Additional County of Operation (ORG 100-ACO)
- Attachment 1.7** CDFA Organic Registration Commodity Codes
- Attachment 1.8** Organic Fee Schedule Chart
- Attachment 1.9** Cover Sheet and Instructions for Renewal Registration
- Attachment 1.10** Organic Renewal Registration Form (ORG 100-RNF)
- Attachment 1.11** Registration for Certification Agents Form (ORG 100-ACA)
- Attachment 1.12** Cover Sheet for New/Amended Registration Forms
- Attachment 1.13** Producers/Handlers/Processors Application and Registration  
*(internal, not included)*
- Attachment 1.14** Renewal Cover Letter *(internal, not included)*
- Attachment 1.15** New Bypassed County w/Payment Letter *(internal, not included)*
- Attachment 1.16** Denied New Registration Letter (Notice of Noncompliance) *(internal, not included)*
- Attachment 1.17** Denied Amendment Letter *(internal, not included)*
- Attachment 1.18** Amendment Checklist *(internal, not included)*
- Attachment 1.19** Additional Information Needed (County) Letter *(internal, not included)*
- Attachment 1.20** Non-Compliance (Denied Renewal) Letter *(internal, not included)*
- Attachment 1.21** Non-Compliance Checklist *(internal, not included)*
- Attachment 1.22** Proposed Suspension Letter (Notice of Proposed Suspension)  
*(internal, not included)*
- Attachment 1.23** Suspension Notice Letter (Notice of Suspension) *(internal, not included)*
- Attachment 1.24** Non-Registered ACA Letter *(internal, not included)*
- Attachment 1.25** ACA Renewal Letter *(internal, not included)*



**California Department of Food and Agriculture  
Organic Registration Form**

1.	For Official Use Only – County Principal County: _____ Registration Number: _____	<b>Attachment 1.1</b>
2.	Accredited Certifying Agent(s) (if applicable): _____ Anticipated Certification Date: _____	

Return this application to the County Agricultural Commissioner for review and approval along with your registration payment made out to: CDFA Cashier. *All applicants for registration* must complete this form along with the Public Information Form (ORG 100-PIF). If you have any *changes to your operation* after the initial registration, resubmit the applicable forms and check the amendment box. Applicants *with sales, or anticipated sales, in excess of \$5,000 annually* must be certified by a United States Department of Agriculture (USDA) accredited certifying agent.

**This registration form is valid upon the approval of the county agricultural commissioner.** For operations with sales or anticipated sales in excess of \$5,000 annually, CDFA shall issue a certificate of registration once certification by a USDA accredited certifying agent has been acquired.

3. TYPE	<b>Indicate your application type</b>	
	<input type="checkbox"/> New Registration	<input type="checkbox"/> Amended Registration

4. ACTIVITY	<b>Check the activity/activities that apply to your operation</b>		
	<input type="checkbox"/> Farm Production	<input type="checkbox"/> Handler	<input type="checkbox"/> Wholesale
	<input type="checkbox"/> Commission Merchant, Broker	<input type="checkbox"/> Retailer	<input type="checkbox"/> Other:

5. COMPANY INFORMATION	Company Name				Company Principal		Title	
	Address							
	City			County		State		Zip Code
	Phone Number			Fax Number		Email Address		
	Website				Annual Sales <input type="checkbox"/> Less than \$5,000 <input type="checkbox"/> \$5,000 or More			
	Contact Person(s) (List primary contact, and any other contact that has permission to access your account information).							

6. ACKNOWLEDGEMENT	<b>Read and sign below</b>		
	I certify that the information associated with this registration is true and correct, to the best of my knowledge, and I agree to abide by the California Organic Products Act of 2003 and the National Organic Program regulations.		
	<b>Notice of Penalties: Penalty for knowingly making false statements or false entries, or attempts to secure money through fraudulent means, may include fines and/or incarceration and/or forfeiture of agriculture assistance funds under applicable Federal and State law.</b>		
	Registrant Signature _____	Print Name _____	Title _____ Date ____/____/____ month day year

<b>7. OFFICIAL USE ONLY</b>		
Amount Due \$	Expiration Date (1 <sup>st</sup> Day of the Month)	Date Approved
Name of Reviewer	Signature	<input type="checkbox"/> Application Packet Complete
<input type="checkbox"/> Registration Number Issued	<input type="checkbox"/> Substance List Attached	<input type="checkbox"/> Maps Attached
<input type="checkbox"/> Pesticide Use Report Reviewed		

(SEE REVERSE FOR INSTRUCTIONS)

## Instructions

1. FOR OFFICIAL USE ONLY

Leave this area blank. Staff from the County Agricultural Commissioner's Office completes this box.

2. ACCREDITED CERTIFYING AGENT

*If you are required to be certified, put the name of the USDA accredited certifying agent that has certified your operation or the USDA accredited certifying agent that is anticipated to certify your operation. (Registrants with sales, or anticipated sales, in excess of \$5,000 annually must obtain certification by a United States Department of Agriculture accredited certifying agent after registration).*

DATE

*If you are required to be certified, enter the anticipated date of certification. State Organic Program staff will use the anticipated date of certification to verify certification by an accredited certifying agent.*

3. TYPE

New Registration

Check this box if you are new to the organic industry and have not registered.

Amended Registration

Check this box if you are adding a site or acreage to your existing organic registration.

4. ACTIVITY

Mark the box(es) that describes your operation. They are defined as:

- "Farm Production" means the producer, or an entity that engages in the business of growing or producing food, feed, or fiber.
- "Handler" means any entity engaged in the business of handling agricultural products, but does not include final retailers of agricultural products that do not process agricultural products.
- "Wholesale" means an entity that sells to merchants, but do not sell to the consuming public
- "Commission Merchant, Broker" means an entity that arranges for sale of product for others. Usually do not take title or possession of product; however, may in some instances.
- "Retailer" means a store that further processes raw organic product(s) and sells to the consuming public.
- "Other" would be any company that does not fit into one of the categories above. Please indicate what type of operation you are.

5. COMPANY INFORMATION

Fill out all the requested information.

NOTE:

- "Company Name" If you are certified, use the same company name in which you received certification.
- "Company Principal" This should be the name of the person who owns or is the principal controller of your company.
- "Contact Person" Only those listed will have the ability to access information regarding your account.

6. ACKNOWLEDGEMENT

The company principal must sign, print their name and title, and date the application.

7. FOR OFFICIAL USE ONLY

Leave this area blank. Staff from the County Agricultural Commissioner's Office completes this box.



**California Department of Food and Agriculture  
Public Information Form**

CDFA Organic Program  
1220 N Street  
Sacramento, CA 95814  
Phone (916) 445-2180

Complete this page with all new registrations. Complete for amended and renewal applications if there are changes to any of the information below.

This document is used to release non-confidential information about operations in California that are marketing organic products, as required by California Food and Agriculture Code, Section 46013.1 (e).

Registrant's Name: \_\_\_\_\_

Registrant's Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The above listed company is anticipated to be certified organic by (if applicable):

\_\_\_\_\_

The above listed company is registered in the State of California as a producer, processor, or handler of the following products:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For more information about the California Organic Program, please call the number provided above.



## Instructions

1. **FOR OFFICIAL USE ONLY**  
Leave this area blank. Staff from the County Agricultural Commissioner's Office completes this box.
2. **COMPANY NAME:** Name of your company.  
**DATE:** Date in which you completed application.
3. **C, F, or L**  
C = Crop Substance. Indicate "C" for substances used in and around where organic products are being produced. You must list all substances applied for the previous 36 months prior to the planned harvest. List each site separately.  
F = Facility Substance. Indicate "F" to document substances used in and around where organic products are being stored or handled. If more than one facility, list each facility and substance(s) used. Note: When a contracted Pest Control company is used to control pests, the organic operation is still required to keep records and know what is being used in the facility.  
L = Livestock Substance. Indicate "L" for substances used in and around livestock. Note: If you are a dairy operation you may need to indicate "F" to show what you are using to clean equipment.
4. **DATE**  
Identify the date the material or substance was applied.
5. **SITE ID (APN)**  
Fill in the Tax Assessors Parcel Number (APN) of each site location. This number will be used as your Site ID throughout the registration process and must be consistent with "Site Identification" on Site Profile (ORG SP-100). For substances used on crops, indicate the Site ID where applied. For substances used in facilities, indicate the name or other identifier of the facility.
6. **MATERIAL/SUBSTANCE**  
Indicate the generic identity of the material or substance. For example: pest control, sanitizer, medical treatments, weed control, feed additives, fertilizer, compost, etc.
7. **SOURCE**  
Indicate the source, for example: store name, supply company name, pest control name, etc.
8. **BRAND NAME**  
Identify the brand name of the product used.
9. **RATE**  
Indicate the pounds or gallons used per acre, site, animal/flock, or other measurement that indicates rates of use. For example: six traps/site, or four gallons/acre.
10. **TOTAL**  
Indicate the total amount of product used either in weight, size and number of packages, or other such treatment identifiers.



## Instructions

### 1. FOR OFFICIAL USE ONLY

Leave this area blank. Staff from the County Agricultural Commissioner's Office completes this box.

### 2. COMPANY NAME: Name of your company.

DATE: Date in which you completed application.

### 3. SITE ID (APN)

Fill in the Tax Assessors Parcel Number (APN) of each site location. This number will be used as your Site ID throughout the registration process and should be written on the corresponding map.

### 4. LOCATION OF SITE (COUNTY)

Fill in the county where the organic operation is located.

### 5. CONTROL OF SITE

Indicate by a "Yes" or "No" if you have been in control of this site for the 36 months prior to the first organic harvest.

**(Note: If you have not been in control of this site you must provide documents which indicate who was in control and indicate what substances were used prior to your assuming control of the site).**

### 6. LEGAL OWNER OF SITE

Indicate by a "Yes" or "No" if you are the legal owner of this property.

**(Note: If you are not the legal owner then written documentation from the legal owner must be submitted indicating the owner has granted permission for this site to be registered as organic).**

### 7. MAP ATTACHED

There **must be a site map** of each *separate location* where organic products are being produced. Write the Site ID (APN) on each map.

Additionally, **clearly identify the lot IDs, or block within the site that are used for organic operation.** If the Site ID (APN) covers several blocks within the site, identify each block by a Lot ID. If the site is used for multiple purposes identify those areas used for organic activity by Lot ID. Example: B-1, B-2, etc.

Indicate on the map all adjacent land uses. (Example: open field, residential, pasture, conventional row crops, conventional tree crops, etc). Please also identify any of the following that may apply to the site itself; irrigation district, railroad tracks, power lines or poles, city road, county road, state roadway, interstate highway.

Greenhouse and production facilities need site map with dimensions. (Example: 475 ft. by 800 ft).

#### **You can attach any of the following maps:**

- The map that was submitted to your certification agent in your Organic Systems Plan
- Copy of the map submitted to your County for the Pesticide Use Report
- On-line satellite photograph (clearly mark the boundaries of your property)

### 8. TOTAL ORGANIC ACREAGE

Indicate only the total organic acreage of the site. Example: If the total site is 150 acres, but only 80 acres are to be registered organic, indicate "80" in this column.



## Instructions

1. **FOR OFFICIAL USE ONLY**  
Leave this area blank. Staff from the County Agricultural Commissioner's Office completes this box.
2. **COMPANY NAME:** Name of your company.  
**DATE:** Date in which you completed application.
3. **SITE ID (APN)**  
Fill in the Tax Assessors Parcel Number (APN) of each site location. This number will be used as your Site ID throughout the registration process and must be consistent with "Site ID" on the corresponding site map and Site Profile (ORG SP-100).
4. **LOT ID**  
If the Site ID (APN) covers several blocks within the site, identify each block by a Lot ID. If the site is used for multiple purposes identify those areas used for organic activity by Lot ID. Example: B-1, B-2, etc. This will correspond to the information provided on the site map attached to your Site Profile (ORG SP-100).
5. **COMMODITY CODE**  
Indicate the code from the Commodity Code Listing (ORG-CC) included in the registration packet. Separate beef and dairy cattle.
6. **COMMODITY NAME**  
Indicate the crop commodity, or the category of use for livestock, i.e. slaughter stock, dairy, eggs, etc. There must be a separate input for each product and/or commodity at each location. For example if you have one site where bean, peas, and carrots are grown, you would fill in three lines, one for each commodity.
7. **NAME AND CA REG # OF ENTITY FOR WHOM YOU SELL PRODUCT**  
This would be for commission merchants, and brokers that do not take possession of the product. Enter the names and registration numbers of those entities for whom you sell product.
8. **NAME OF YOUR PROCESSOR/PACKER**  
If applicable, enter the names of all companies that pack or process product for you.
9. **GROSS SALES**  
New registrants project sales for the 12 months following the date of registration. You will use the same 12-month accounting period each year. If there are no sales for a line item indicate zero in sales column with an explanation why there are no sales (i.e. young trees, no crop). Amended registrations project sales for the following months preceding the expiration of the current registration.
10. **P/H**  
If you produced the product indicate with a (P). If you purchased or handled the product indicate with a (H).
11. **ACRES**  
Indicate the acres harvested or to be harvested for specified commodity. If crops are rotated and the same ground yields twice, still put in the total for the specific crop. For example: Lot B-1 totals 10 acres. Crop one is planted on the ten acres during the first half of the year, and crop two is planted on the ten acres the second half of the year. Total yield is 20 acres. Indicate one line for Crop 1 – acres total "10. Indicate separate line for Crop 2 – acres total "10".
12. **LIVESTOCK UNITS**  
Indicate the number of livestock (if applicable).



## Instructions

### 1. FOR OFFICIAL USE ONLY

Leave this area blank. Staff from the County Agricultural Commissioner's Office completes this box.

2. COMPANY NAME: Name of your company.  
DATE: Date in which you completed application.

### 3. GENERAL INFORMATION

Fill in the information requested.

- "Company Name" - Fill in the name of your company.
- "Name of the County that issued the registration" - The county in which your primary operation is located.
- "Name of County where you are adding acreage" - The county where you are adding acreage, or your secondary county of operation.
- "Site Identification or APN associated with this amendment" – This applies to the specific site and/or operation that you are adding with this amendment.  
Note: APN = Tax Assessors Parcel Number

### 4. ACKNOWLEDGEMENT

The company principal must sign, print their name and title, and date the application.

### 5. FOR OFFICIAL USE ONLY

Leave this area blank. Staff from the County Agricultural Commissioner's Office completes this box.

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**CDFA ORGANIC REGISTRATION COMMODITY CODES** (Revised 5-2017) Attachment 1.7

**\*\*Producers, Handlers & Processors that report gross sales use the codes below\*\***

<b>BERRIES</b>		<b>ALLIUMS</b>		<b>SUCCULENT VEG/SWEET CORN</b>		<b>BEVERAGE CROPS</b>	
Others (not listed below)	1100	Others (not listed below)	2200	Others (not listed below)	3000	Others (not listed below)	4800
Blackberry	1101	Chives	2201	Asparagus	3001	Cocoa	4801
Blueberry	1102	Garlic	2202	Mushrooms	3002	Coffee	4802
Boysenberry	1103	Leeks	2203	Okra	3003	Tea (black,green,herb)	4803
Cranberry	1104	Onions	2204	Pricklypear/Cactus Pads	3004	<b>APIAN</b>	
Currant	1105	Shallots	2205	Sweet Corn	3005	Honey	5200
Olallieberry	1106	<b>BRASSICALS</b>		<b>UMBLES &amp; HERBS</b>		<b>LIVESTOCK-NON DAIRY</b>	
Raspberry	1107	Others (not listed below)	2300	Others (not listed below)	3100	Cattle	5301
Strawberry	1108	Arugula	2301	Basil	3101	Swine, pigs, hogs	5302
<b>CITRUS</b>		Broccoli	2302	Carrots	3102	Sheep, lambs	5303
Others (not listed below)	1200	Brussels Sprouts	2303	Celery/Celeriac	3103	Goats, kids	5304
Grapefruit	1201	Cabbage(head/savoy)	2304	Cilantro	3104	Ostrich	5305
Kumquat	1202	Cauliflower	2305	Fennel	3105	Livestock other	5310
Lemon	1203	Chinese Cabbage	2306	Mixed Herbs	3106	<b>LIVESTOCK-DAIRY</b>	
Lime	1204	Collards	2307	Parsley	3107	Others (not listed below)	5300
Orange	1205	Horseradish	2308	Parsnip	3108	Cattle - Dairy	5301
Tangelo	1206	Kale	2309	<b>FIBER CROPS</b>		Goats - Dairy	5302
Tangerines	1207	Kohlrabi	2310	Others (not listed below)	4100	Sheep - Dairy	5303
Manderines	1208	Misc. Leaf Vegetables	2311	Cotton	4101	<b>DAIRY PRODUCTS</b>	
<b>GRAPES</b>		Mustards	2312	Flax	4102	Milk - Fluid	5002
Others (not listed below)	1300	Radish/Daikon	2313	Ramie	4103	Milk - Wey	5003
Grapes - Juice	1301	Turnip	2314	Cover Crops	4104	<b>DAIRY PROCESSING</b>	
Raisin	1302	Watercrest	2315	<b>LEGUMES</b>		Cheese	5004
Grapes - Table	1303	<b>CHENOPODS</b>		Others (not listed below)	4200	Yogurt	5005
Grapes - Wine	1304	Others (not listed below)	2400	Alfafa	4201	Ice Cream	5006
<b>NUT CROPS</b>		Beets	2401	Beans (dried)	4202	Milk - Fluid	5007
Others (not listed below)	1400	Chard	2402	Clover	4203	Milk - Dry	5008
Almonds	1401	Spinach	2403	Peas	4204	Butter	5009
Cashew	1402	<b>COMPOSITES</b>		Soy Beans	4205	Milk - Processed	5010
Chestnut	1403	Others (not listed below)	2500	Vetch	4206	<b>LIVESTOCK -OTHER</b>	
Filbert (Hazelnut)	1404	Artichokes	2501	<b>GRAIN</b>		Meat - Processing	5304
Hickory Nut	1405	Burdock	2502	Others (not listed below)	4300	Animal Slaughter operation	5305
Macadamia Nut	1406	Cardoni	2503	Barley	4301	<b>POULTRY</b>	
Peanut	1407	Chicory	2504	Buck Wheat	4302	Others (not listed below)	5400
Pecan	1408	Endive	2505	Field Corn	4303	Chickens (meat)	5401
Pistachio	1409	Lettuce	2506	Oats	4304	Ducks	5402
Walnut	1410	Radicchio	2507	Popcorn	4305	Layer Hens	5403
<b>POMEFRUITS</b>		Salad Mix	2508	Rice	4306	Turkey	5404
Others (not listed below)	1500	Salsify	2509	Rye	4307	Geese	5410
Apple	1501	<b>CUCURBITS</b>		Rye Grass	4308	<b>POULTRY - OTHER</b>	
Asian Pear	1502	Others (not listed below)	2600	Sorghum	4309	Poultry - Processor	5405
Crabapple	1503	Cantaloupe	2601	Sudan Grass	4310	Poultry - Slaughter	5406
Pear	1504	Cucumber	2602	Wheat	4311	<b>FEED</b>	
Quince	1505	Gourds	2603	Wild Rice	4312	Feed - Poultry	5407
<b>STONE FRUITS</b>		Honeydew	2604	Mixed Ingredient Feed	4313	Feed - Livestock	5408
Others (not listed below)	1600	Squash (summer)	2605	<b>PASTURE &amp; RANGE LAND</b>		Feed Processed - All Others	5409
Apricot	1601	Squash (winter)	2606	Others (not listed below)	4400	<b>NURSERY &amp; FLOWERS</b>	
Cherry	1602	Watermelon	2607	Pasture	4401	Others (not listed below)	6000
Nectarine	1603	Pumpkin	2608	Range Land	4402	Cactus/Aloe Vera	6001
Peach	1604	<b>LEGUMES/SPROUTS</b>		Woodlot	4403	Christmas Trees	6002
Plum	1605	Others (not listed below)	2700	<b>SUGAR CROPS</b>		Edible Flowers	6003
Prune	1606	Beans (fresh market)	2701	Others (not listed below)	4500	Green House Grown	
Pluot	1607	Peas (fresh market)	2702	Cane	4501	Cut Flowers/Greens	6004
<b>SUBTROPICAL/TROPICAL</b>		Sprouts	2703	Sugar Beet	4502	Green House Grown	
Others (not listed below)	1700	<b>OTHER VEGETABLES</b>		<b>OIL CROPS</b>		Container Plants &	
Avocado	1701	Others (not listed below)	2800	Others (not listed below)	4600	Ornamentals	6005
Banana	1702	Jicama	2801	Canola	4601	Green House Grown	
Cherimoya	1703	Rhubarb	2802	Jojoba	4602	Vegetable/Transplants	6006
Coconut	1704	Sweet Potato	2803	Safflower	4603	Plants/Ornamentals	6007
Date	1705	Yams	2804	Sesame	4604	Outdoor Grown	
Fig	1706	<b>SOLANACEOUS CROPS</b>		Sunflower	4605	Cut Flowers or Greens	6008
Guava	1707	Others (not listed below)	2900	<b>SEED CROPS</b>		Outdoor Grown	
Jujube	1708	Eggplant	2901	Others (not listed below)	4700	Vegetable/Transplants	6009
Kiwi Fruit	1709	Peppers	2902	Grass	4701	Vines Canes & Other	
Loquat	1710	Potato	2903	Legume	4702	Progative Material	6010
Mango	1711	Tomatillo	2904	Sesame (confectionary)	4703	<b>FALLOW</b>	2000
Olive	1712	Tomato(canning/Processing)	2905	Sunflower (confectionary)	4704		
Papaya	1713	Tomato (fresh market)	2906	Vegetable -Seed	4705		
Passion Fruit	1714						
Persimmon	1715						
Pineapple	1716						
Pomegranate	1717						
Pricklypear	1718						

(SEE REVERSE SIDE)

## CDFA ORGANIC REGISTRATION COMMODITY CODES

**\*\*\*\*\* This list of codes is to be USED ONLY if your registration fees fall under one of the 1 through 9 categories as listed in the instruction under REGISTRATION FEES\*\*\*\*\***

Retailer	7000
Multi-Ingredient Product	7002 *See (2) of the Registration Fee's listed in the instructions
Wholesale -Takes Title:No Processing/Certification	7003 *See (3) of the Registration Fee's listed in the instructions
No Title - Packs,Repacks,Labels & Sorts	7004 *See (4) of the Registration Fee's listed in the instructions
No Title - Merchants & Brokers	7005 *See (5) of the Registration Fee's listed in the instructions
Custom Packing & Labeling	7008 *See (8) of the Registration Fee's listed in the instructions

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**California Department of Food and Agriculture**

**Organic Fee Schedule Chart  
Based on Gross Sales (of Organic Product)**

A registration form shall be accompanied by payment of a non-refundable registration fee by all entities engaged in organic activities. Fees are based on prior year sales. If no sales were made in the preceding year, fee is then based on expected sales (estimate) during the 12-calendar months following the date of registration. See How to Determine Organic Registration Fees below for exceptions and clarification.

Gross Sales	Registration Fee
\$ 0 – 4,999	\$ 25
\$ 5,000 – 10,000	\$ 50
\$ 10,001 – 25,000	\$ 75
\$ 25,001 – 50,000	\$ 100
\$ 50,001 – 100,000	\$ 175
\$ 100,001 – 250,000	\$ 300
\$ 250,001 – 500,000	\$ 450
\$ 500,001 – 1,000,000	\$ 750
\$ 1,000,001 – 2,500,000	\$ 1,000
\$ 2,500,001 – 5,000,000	\$ 1,500
\$ 5,000,001 – 15,000,000	\$ 2,000
\$ 15,000,001 – 25,000,000	\$ 2,500
\$ 25,000,001 – and above	\$ 3,000

**How to Determine Organic Registration Fees**

1. Any person/entity required to register whose registration fee would be less than seventy-five dollars shall pay an initial registration fee of seventy-five dollars (\$75). Thereafter the annual renewal fee will be based on the Organic Fee Schedule Chart. This applies to new registrants only.
2. Any person/entity selling a multi-ingredient product in which less than seventy percent (70%) of the ingredients are organic shall pay a fee of one hundred dollars (\$100), or one-half of the amount that would be due based on the Organic Fee Schedule Chart – whichever is more.
3. Producers that sell processed product shall pay fees based on the value of the raw product prior to being processed, and the value of any product sold as unprocessed.
4. Any person/entity that packs, repacks, labels, sorts, or otherwise handles any organic product that is outside the jurisdiction of the State Director of the California Department of Public Health and does not take title or manage the sale of the product, but provides only handling services for the organic product, shall register and pay one hundred dollars (\$100) per year.
5. Commission merchants or brokers that do not take possession or title of the product but arrange for the sale of the product shall register and pay one hundred dollars (\$100) per year. If you take title, the fee is based on sales of organic product.
6. A retail store engaged in the handling or processing of organic products shall register and pay a fee of one hundred dollars (\$100) for each store location that processes organic products on site. (i.e. In store deli making organic sandwiches or repacking and using store label on product).
7. Any person/entity that provides temporary storage or transportation for organic product and does not handle the raw unpackaged product is not required to register.

8. Any person/entity that hires any other person/entity for custom packing or labeling shall register and pay a fee based on the total sales of product custom packed for them (as outlined in number 3). In addition to the required registration information, the above person/entity must disclose, the names of all companies that pack and process for them.
9. Any person/entity required to register who fits the description of more than one of the persons/entities described above shall pay the greater of the multiple amounts.
10. Farm Production: Fee is based on gross sales of organic product. For producers that sell processed product(s), see number 3.

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## California Department of Food and Agriculture Cover Sheet and Instructions for Renewal Registration

### **California Food and Agriculture Code**

**Section 46013.1. (a)** Every person engaged in this state in the production or handling of raw agricultural products sold as organic, and retailers that are engaged in the production of products sold as organic, and retailers that are engaged in the processing, as defined by the NOP, of products sold as organic, shall register with the agricultural commissioner in the county of principal operation prior to the first sale of the product. All processors of organic agriculturally derived products that are not required to be registered as outlined in subdivision (b) must register with the secretary. Each registrant must annually renew the registration unless no longer engaged in the activities requiring the registration. Each registrant shall provide a complete copy of its registration to the county agricultural commissioner in any county in which the registrant operates.

**(b)** Every person engaged in this state in the processing or handling of processed products pursuant to Section 110460 of the Health and Safety Code, and pet food pursuant to Section 18653, and cosmetics pursuant to Section 111795 of the Health and Safety Code, including processors of alcoholic beverages, fish and seafood, shall register with the State Director of Health Services.

**Note:** Processing Defined: 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 food in a container. If your operation fits any of these descriptions you must register with California Department of Public Health.

**If you are no longer engaged in organic activities, as described above, you must report your status in writing to avoid further action.**

### I. APPLICANTS RESPONSIBILITY

Provide the most current complete information about your organic operation. It is the registrant's responsibility to ensure current and accurate information is on file with the State Organic Program at all times. Failure to complete the renewal accurately and completely may result in the renewal being returned for proper completion, thus delaying the validation of your registration.

#### A. COMPLETE THE FOLLOWING FORMS:

- Organic Renewal Registration Form (**ORG 100-RNF**)
- Substance List (**ORG 100-SL**). If your operation is not certified, fill this form out for any substances applied for the prior 12-month period.

#### B. REVIEW "ORGANIC PRODUCERS/HANDLERS/PROCESSORS APPLICATION AND REGISTRATION"

Review the information listed on the "Organic Producers/Handlers/Processors Application and Registration" that you received with your renewal packet. Verify that all information is correct. Cross out all incorrect information, and write in correct data. **Registrant must enter the gross sales for each commodity sold as organic** **NOTE:** See below for information regarding when an amendment is needed prior renewal being approved.

**If a new site, or additional acreage to an existing site, has been added since your last registration/renewal, you must submit an amendment with those additions through the County Agricultural Commissioner with whom original registration was filed.** You will need to complete and submit the following forms to your County Agricultural Commissioner's Office:

- Organic Registration Form (ORG 100-RF) – check "Amended Registration"
- Site Profile Form (ORG 100-SP)
- Production Record of Sales (ORG 100-PR)
- Substance List (ORG 100-SL)

- Public Information Form (ORG PIF)

1. CODE AND COMMODITY

Using the attached commodity list applicant must verify for correctness the commodity code and common name of **each individual commodity** making all necessary adjustments (i.e., 1605 - PLUM; - 2302 - BROCCOLI; etc.).

2. VARIETY OR BREED

Optional. Verify the specific variety or breed for correctness. Example: Commodity - plum, Variety - Santa Rosa.

If a Registrant grows several varieties of a commodity then "various" under variety or breed may be used (i.e., Lettuce - various).

3. LOCATION GROWN/RECEIVED FROM

Producers - Verify the address of the location where the commodity is grown. **A complete address must be shown for each location** (i.e., 1225 Bell St., Field #1, Sacramento; etc.)

Handlers, Processors, and/or Wholesale Distributors – Verify the names and registration numbers for whom you sell the product.

4. YEARLY GROSS SALES

**Registrant must enter the gross sales for each commodity** sold as organic. Use the twelve-month period that precedes the date of registration. If no sales were made in the preceding year, then enter a zero in the gross sales column for that commodity. (Example: Expiration date 3/1/04 = report sales for 3/1/03 thru 2/28/04).

Note: Accurate and specific gross sales figures must be entered. All gross sales information will be kept confidential.

5. CATEGORY

Registrant must verify the appropriate category(s) for correctness: P - Producer; H - Handler; PR - Processor.

Note: Registrant may be involved in more than one category. Commodities and gross sales for each category must be listed separately.

6. ACRES/UNITS

Producers verify for correctness the total **acreage for each commodity**. Acreage must be shown for each commodity. If the acreage is less than an acre then list the portion of ground the commodity covers (i.e., endives 1/4 acre or .25; radish 1/3 acre or .33; etc.). Units: Show number of animals if applicable. (Example: Cows 50, Chickens 300, Goats 25)

## II. REGISTRATION FEE

### A. FEE

A renewal registration form shall be accompanied by payment of a non-refundable registration fee by all entities engaged in organic activities. Fees are based on prior year sales. See Organic Fee Schedule Chart and information below for exceptions and clarification.

**Organic Fee Schedule Chart**

Gross Sales	Registration Fee
\$ 0 – 4,999	\$ 25
\$ 5,000 – 10,000	\$ 50
\$ 10,001 – 25,000	\$ 75
\$ 25,001 – 50,000	\$ 100
\$ 50,001 – 100,000	\$ 175
\$ 100,001 – 250,000	\$ 300
\$ 250,001 – 500,000	\$ 450
\$ 500,001 – 1,000,000	\$ 750
\$ 1,000,001 – 2,500,000	\$ 1,000
\$ 2,500,001 – 5,000,000	\$ 1,500
\$ 5,000,001 – 15,000,000	\$ 2,000
\$ 15,000,001 – 25,000,000	\$ 2,500
\$ 25,000,001 – and above	\$ 3,000

1. Any person/entity selling a multi-ingredient product in which less than seventy percent (70%) of the ingredients are organic shall pay a fee of one hundred dollars (\$100), or one-half of the amount that would be due based on the Organic Fee Schedule Chart – whichever is more.
2. Producers that sell processed product shall pay fees based on the value of the raw product prior to being processed, and the value of any product sold as unprocessed.
3. Any person/entity that packs, repacks, labels, sorts, or otherwise handles any organic product that is outside the jurisdiction of the State Director of the California Department of Public Health and does not take title or manage the sale of the product, but provides only handling services for the organic product, shall register and pay one hundred dollars (\$100) per year.
4. Commission merchants or brokers that do not take possession or title of the product but arrange for the sale of the product shall register and pay one hundred dollars (\$100) per year. If you take title, the fee is based on sales of organic product.
5. A retail store engaged in the handling or processing of organic products shall register and pay a fee of one hundred dollars (\$100) for each store location that processes organic products on site. (i.e. In store deli making organic sandwiches or repacking and using store label on product).
6. Any person/entity that provides temporary storage or transportation for organic product and does not handle the raw unpackaged product is not required to register.
7. Any person/entity that hires any other person/entity for custom packing or labeling shall register and pay a fee based on the total sales of product custom packed for them (as outlined in number 3 above). In addition to the required registration information, the above person/entity must disclose, the names of all companies that pack and process for them.
8. Any person/entity required to register who fits the description of more than one of the persons/entities described above shall pay the greater of the multiple amounts.
9. Farm Production: Fee is based on gross sales of organic product. For producers that sell processed product(s), see number 2.

**B. PAYMENT**

Make check payable to CASHIER - CDFA Organic Program, 41110. To ensure proper credit include your registration number on your check.

C. PENALTIES

**Fees are due upon date of renewal.** Any producer, handler, or processor that does not pay the fee within 10 days of the date on which the fee is due shall pay a penalty of 10 percent of the amount due plus a 1.5 percent, per month, compounded at the end of each subsequent month on the unpaid balance.

III. DISPOSITION OF THE REGISTRATION RENEWAL

Registrant must send the completed renewal Application, any additional documents, and their check for payment of the registration fee in the enclosed self-address envelope to CDFA.

IV. REGISTRATION RENEWAL REVIEW AND FINAL DISPOSITION

Upon receipt, CDFA will review the submitted registration renewal and attached documents and shall validate the registration providing that it is complete and in compliance with the State law. Upon validation, CDFA will mail an official valid registration to the registrant.

V. MAILING ADDRESS

Remitting for a registration:

CDFA - Organic Program 41110  
P. O. Box 942872  
Sacramento, CA 94271-2872

General Information:

CDFA - Organic Program  
1220 N Street  
Sacramento, CA 95814

Program Contacts:

Dave Carlson  
Agriculture Supervisor II: 916/445-2180, Ext: 3462

Paul Collins  
Agriculture Supervisor II: 916/445-2180, Ext: 3464

Scott Renteria  
Registration 916/ 445-2180, Ext: 3498



**California Department of Food and Agriculture  
Organic Renewal Registration Form**

1. Principal County: \_\_\_\_\_  
Registration Number: \_\_\_\_\_

2. Company Name: \_\_\_\_\_  
Certification Company: \_\_\_\_\_  
Certification Number: \_\_\_\_\_  
Date: \_\_\_\_\_

Complete this application along with the Organic Producers/Handlers/Processors Application and Registration, and Substance List (ORG 100-SL) (if applicable). Please return all applicable material to the State Organic Program for review and approval along with your renewal payment made out to CDFA Cashier.

**If a new site, or additional acreage to an existing site, has been added since your last registration/renewal, you must submit those additions through the County Agricultural Commissioner with whom original registration was filed.** You will need to complete and submit the following forms to your County Agricultural Commissioner's Office:

- Organic Registration Form (ORG 100-RF) – check "Amended Registration"
- Site Profile Form (ORG 100-SP) (each location)
- Production Record of Sales (ORG 100-PR)
- Substance List (ORG 100-SL)
- Public Information Form (ORG 100-PIF)

<b>3. TYPE</b>	<b>Indicate your application type</b>	
	<input type="checkbox"/> Renewal Registration (minor updates included)	<input type="checkbox"/> Renewal Registration (no changes to current information)
Name of Certifier (If applicable)		

<b>4. ACTIVITY</b>	<b>Check the activity/activities that apply to your operation</b>		
	<input type="checkbox"/> Farm Production	<input type="checkbox"/> Handler	<input type="checkbox"/> Wholesale
<input type="checkbox"/> Commission Merchant, Broker		<input type="checkbox"/> Retailer	<input type="checkbox"/> Other:

<b>5. COMPANY INFORMATION</b>	<b>Fill out information below</b>			
	Company Name		Company Principal	Title
	Address		Website	
	City	County	State	Zip Code
	Phone Number	Fax Number	Email Address	
	Contact Person(s) (List primary contact, and any other contact that has permission to access your account information).			

<b>6. ACKNOWLEDGMENT</b>	<b>Read and sign below</b>			
	I certify that the information associated with this registration is true and correct, to the best of my knowledge, and I agree to abide by the California Organic Products Act of 2003 and the National Organic Program regulations.			
	<b>Notice of Penalties: Penalty for knowingly making false statements or false entries, or attempts to secure money through fraudulent means, may include fines and/or incarceration and/or forfeiture of agriculture assistance funds under applicable Federal and State law.</b>			
Registrant Signature		Print Name	Title	Date ____/____/____ month day year

<b>7. For Official Use Only</b>		
Date Approved	Name of Reviewer	Signature
<input type="checkbox"/> Correct Fee Paid	<input type="checkbox"/> Renewal Application Complete	

(SEE REVERSE FOR INSTRUCTIONS)

## Instructions

1. **PRINCIPAL COUNTY:** Name of county in which registration was filed.  
**REGISTRATION NUMBER:** Number issued at time of registration.
2. **COMPANY NAME:** Name of your company.  
**CERTIFICATION COMPANY:** *If you are required to be certified* - put the name of the company that has certified your operation. (Registrants *with sales, or anticipated sales, in excess of \$5,000 annually* must be certified prior to registration and renewal).  
**CERTIFICATION NUMBER:** *If you are required to be certified* - put the certificate number you were issued by your certification agent. (Registrants *with sales, or anticipated sales, in excess of \$5,000 annually* must be certified prior to registration and renewal).  
**DATE:** Date in which you completed application.
3. **TYPE**  
**Renewal Registration (updates included)**  
Check this box if you have any changes that do not require an amendment through the County Agricultural Commissioner's Office (see second paragraph on front of form). Updates may include; but are not limited to, change in address, subtraction or addition of commodity, etc.  
  
**Renewal Registration (no changes to current information)**  
Check this box if you have reviewed your "Organic Producers/Handlers/Processors Application and Registration" and all the information is correct and no updates are needed.  
  
**Name of Certifier**  
Registrants *with sales, or anticipated sales, in excess of \$5,000 annually* must be certified prior to registration and renewal. If this applies to you, enter the name of the company that has certified your operation.
4. **ACTIVITY**  
Mark the box(es) that describes your operation. They are defined as:
  - "Farm Production" means the producer, or an entity that engages in the business of growing or producing food, feed, fiber, seeds, or horticulture.
  - "Handler" means any entity engaged in the business of handling agricultural products, but does not include final retailers of agricultural products that do not process agricultural products.
  - "Wholesale" means an entity that sells to merchants, but do not sell to the consuming public
  - "Commission Merchant, Broker" means an entity that arranges for sale of product for others. Usually do not take title or possession of product; however, may in some instances.
  - "Retailer" means a store that further processes raw organic product(s) and sells to the consuming public.
  - "Other" would be any company that does not fit into one of the categories above. Please indicate what type of operation you are.
5. **COMPANY INFORMATION**  
Fill out all the requested information.  
  
**NOTE:**
  - "Company Name" If you are certified, use the same company name in which you received certification.
  - "Company Principal" This should be the name of the person who owns or is the principal controller of your company.
  - "Contact Person" Only those listed will have the ability to access information regarding your account.
6. **ACKNOWLEDGMENT**  
The company principal must sign, print their name and title, and date the application.
7. **FOR OFFICIAL USE ONLY**  
Leave this area blank. This is completed by State Organic Program staff.



**California Department of Food and Agriculture  
 Registration for Certification Agents**

**California Food and Agriculture Code**

**Section 46014.1.** (a) Any certification organization that certifies product in this state sold as organic shall register with the secretary and shall thereafter annually renew the registration, unless the organization is no longer engaged in the activities requiring the registration. Registration shall be on a form provided by the secretary, shall include a copy of accreditation by the USDA or proof of application if applicable.

(b) Each certification organization shall pay to the secretary an annual registration fee of twenty-five dollars (\$25) for each client they have certified in this state up to a maximum of two hundred fifty dollars (\$250). Any registration submitted by a certification organization, shall be made available to the public for inspection and copying. The secretary may audit the organization's certification procedures and records at any time, but any records of the certification organization not otherwise required to be disclosed shall be kept confidential by the secretary.

Your registration expired on December 31 and your renewal is due on January 1. Annual registration is \$25 for each client you have certified in California with a maximum fee of \$250 for the year. Fees are due and payable by January 1, but are not considered late unless received after January 10. Should payment arrive after that date a 10% penalty will be assessed plus 1½% per month for each subsequent month on the unpaid balance.

Please print and fill out information below and check boxes that apply:

<input type="checkbox"/> New Registration		<input type="checkbox"/> Renewal Registration		<input type="checkbox"/> Contact Information Change	
Name of Organization:			Accreditation #		
Contact Person:					
Address:					
Phone Number:					
E-Mail Address:					
Website Address:					
<input type="checkbox"/> YES		I want this info posted to the CDFA organic program website.			
<input type="checkbox"/> NO		I do not want this info posted to the CDFA organic program website.			
Number of operations certified:				Internal use only Registration #	
Amount Paid: \$					

We agree to abide by the certifications standards set forth in the National Organic Program.

Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

If you should have a change of information anytime throughout the year, please contact the State Organic Program.

Make check payable to: CDFA, Organic Program. Mail application, payment, and copy of the organization's USDA accreditation to P.O. Box 942872, Sacramento, CA 94271-2872, Attn: Cashier.



## California Department of Food and Agriculture Cover Sheet for New/Amended Registration Forms

### **California Food and Agriculture Code**

**Section 46013.1. (a)** Every person engaged in this state in the production or handling of raw agricultural products sold as organic, and retailers that are engaged in the production of products sold as organic, and retailers that are engaged in the processing, as defined by the NOP, of products sold as organic, shall register with the agricultural commissioner in the county of principal operation prior to the first sale of the product. All processors of organic agriculturally derived products that are not required to be registered as outlined in subdivision (b) must register with the secretary. Each registrant must annually renew the registration unless no longer engaged in the activities requiring the registration. Each registrant shall provide a complete copy of its registration to the county agricultural commissioner in any county in which the registrant operates.

**(b)** Every person engaged in this state in the processing or handling of processed products pursuant to Section 110460 of the Health and Safety Code, and pet food pursuant to Section 18653, and cosmetics pursuant to Section 111795 of the Health and Safety Code, including processors of alcoholic beverages, fish and seafood, shall register with the State Director of Health Services.

**Note:** Processing Defined: 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 food in a container. If your operation fits any of these descriptions you must register with California Department of Public Health.

### **Forms to be Completed for New Organic Registrations:**

**All Operations** must complete Organic Registration Form (ORG 100-RF) and Public Information Form (ORG 100-PIF), as well as the following forms if you are a:

**Farming Operation of Fruits, Nuts, and Vegetables**, also complete Site Profile (ORG 100-SP), Substance List (ORG 100-SL), and Production Record of Sales (ORG 100-PR). If you have production in other counties complete Additional County of Operation (ORG 100-ACO).

**Farming Operation of Livestock, Dairy, Poultry, and Eggs**, also complete Substance List (ORG 100-SL), Site Profile (ORG 100-SP), and Production Record of Sales (ORG 100-PR). If you have production in other counties complete Additional County of Operation (ORG 100-ACO).

**Commission Merchant, Broker, and Wholesaler**, which do not take possession or title of product and do not provide storage of product are required to provide the name and county registration number of the entity for whom they sell product on the Production Record (ORG 100-PR) form.

**Commission Merchant, Broker, and Wholesaler**, that provide storage and take title or possession of product, also complete Substance List (ORG 100-SL), and Production Record of Sales (ORG-PR).

**Retailer that processes raw and ready to eat products (in store deli), re-pack, or re-label organic products**, also complete Substance List (ORG 100-SL).

Note: A separate Site Profile (ORG 100-SP) must be completed for each organic site.

### **Amended Registration:**

When any operation has a change to their registration (addition of new growing locations, change of ownership, addition of acreage, or change in type of operation) an amendment to your registration is required.

An amendment must be completed and submitted to the local county agricultural commissioner's office prior to the sale of any organic product from the amended registration. The amendment forms are the same as those in the registration packet and can be acquired at your local county agricultural office. Operations must complete forms that relate to the new activity.

If the new activity increases gross sales the fee chart must be used to determine if the operation is in a higher fee bracket. If it is determined that the operation is in a higher fee bracket the operation must pay the difference from the original fee paid.

Example: Original gross sales were fifty thousand dollars, fee paid was one hundred dollars. (\$50,000 in sales = \$100 fee). Operation added new acreage and expects to increase gross sales by ten thousand dollars for a total of sixty thousand dollars, moving the operation into a new fee bracket (\$60,000 in sales = \$175 fee). The operation would pay seventy-five dollars when submitting the amended registration to the county (\$175 new fee, minus \$100 original fee already paid = \$75 due).

### **Renewal of Registration:**

All operations that are registered with the State Organic Program (SOP) must annually renew their registration. (Every twelve months from the month and day the county approved your initial registration).

The SOP will send each operation a renewal packet two months prior to the registrant's renewal date. The registrant must review the registration and submit a fee based upon the type of operation and previous year's gross sales. Completed renewals are sent to the SOP. Late renewals start accruing a penalty ten days after the due date.

### **State Organic Program Registration Forms:**

Organic Registration Form (ORG 100-RF)  
Organic Renewal Registration Form (ORG 100-RNF)  
Public Information Form (ORG 100-PIF)  
Site Profile (ORG 100-SP)  
Substance List (ORG 100-SL)  
Production Record of Sales (ORG 100-PR)  
Additional County of Operation (ORG-ACO)



## **CHAPTER 2: ENFORCEMENT, DUE PROCESS AND SAMPLING**

### **2.1.1 General Responsibilities**

The California Department of Food and Agriculture's (CDFA's) California State Organic Program (SOP) is responsible for enforcement of the federal Organic Foods Production Act of 1990, the California Organic Products Act of 2003 (COPA), and National Organic Program regulations. These statutes and regulations protect consumers, producers, handlers, processors, and retailers by establishing standards under which fresh agricultural products and foods may be labeled and/or sold as "organic." Enforcement activities are coordinated with the United States Department of Agriculture (USDA,) California County Agricultural Commissioners (CACs), and Accredited Certifying Agents (ACAs).

### **2.1.2 Section Summary**

This abridged chapter outlines SOP's enforcement, due process, and sampling procedures. Section 2.2 outlines SOP's procedures for sample collection and residue analysis. Section 2.3 summarizes the Spot Inspection Program. Section 2.4 outlines the SOP's investigative procedures. Section 2.5 describes the mechanisms developed to provide training and resources for CAC staff. Section 2.6 outlines SOP's procedures for receiving, assigning, investigating, and resolving complaints involving noncompliance with federal and state organic statutes and regulations. Section 2.7 details SOP's compliance procedures. Finally, Section 2.8 outlines SOP's procedures for processing organic appeals.

## **2.2 SAMPLE COLLECTION AND RESIDUE ANALYSIS**

### **2.2.1 Policy**

Title 7, §205.670 of the Code of Federal Regulations establishes that:

(a) All agricultural products that are to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" must be made accessible by certified organic production or handling operations for examination by the Administrator, the applicable State organic program's governing State official, or the certifying agent.

(b) The Administrator, applicable state organic program's governing State official, or the certifying agent may require preharvest or postharvest testing of any agricultural input used or agricultural product to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))" when there is reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using excluded methods. Such tests must be conducted by the applicable State organic program's governing State official or the certifying agent at the official's or certifying agent's own expense.

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

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

(1) Must be promptly provided to the Administrator; *Except*, That, where a State organic program exists, all test results and analyses shall be provided to the State organic program's governing State official by the applicable certifying party that requested testing; and

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

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

### 2.2.2 Scope

This section outlines SOP's procedures for identifying, through targeted sampling, products that may not be in compliance with the NOP or COPA regulations and statutes. The findings and/or determinations of prohibited substances may cause the CDFA Secretary, CAC, District Attorney (DA), or California State Attorney General (AG) to bring action to enforce the COPA, the federal Organic Foods Production Act of 1990, and NOP regulations within their respective enforcement jurisdictions.

Products tested will include, but are not limited to, raw agricultural products and/or minimally processed agricultural products as defined by Health and Safety Code (HSC) §110875(a). The SOP or CAC will collect the samples for testing. The number of samples per year may vary, depending upon available funds. CACs may conduct sampling programs independent of the SOP. **CDFA is in the process of drafting regulations related to SOP's sampling program. Consequently, this section is included for informational purposes only and is subject to change.**

### 2.2.3 Sample Matrix Methodology

[This section is a placeholder and will be developed upon promulgation of regulations.]

### 2.2.4 Procedures

The SOP contracts with CACs for sample collection. Only counties with contracts will be permitted to collect samples. In addition, the SOP is authorized to collect samples independently. In the case of fertilizer, compost, and soil amendments, the SOP will utilize staff from CDFA's Fertilizing Materials Inspection Program (FMIP). California Department of Pesticide Regulation (CDPR) staff may also be used to collect samples at the discretion of the SOP. Samples may be taken to determine if an input contains prohibited substances, determine if a product has interacted with a prohibited substance, or if an excluded method was utilized. Market surveillance methods may also be utilized.

The SOP has adopted CDPR's sampling protocol for all organic products except organic soil amendments, compost, and fertilizers. The SOP has adopted sampling protocols from CDFA's FMIP for organic soil amendments, compost, and fertilizers. SOP will determine when a sample needs to be collected. For investigations, the investigating entity will notify SOP of the need to collect a sample for testing. The SOP will determine, based upon the information provided, if the need for collecting a sample is warranted. Samples will be collected using CDPR's sample collecting method outlined in Chapter III - Evidence Collection of CDPR's Pesticide Use Enforcement Program Standards Compendium, Volume 5, Investigation Procedures (see Attachment 2.2).

All samples will be submitted to CDFA's Center for Analytical Chemistry utilizing the Organic Produce Sample Analysis Report form (ORG-105) (see Attachment 2.3). The individual collecting the sample must include a completed copy of the previously mentioned form with the sample. The results of the sample will be sent directly to the SOP.

## 2.3 SPOT INSPECTION PROGRAM

### 2.3.1 Policy

Food and Agricultural Code (FAC) §46018.1 grants the CDFA Secretary and CACs the authority to conduct a program of Spot Inspections (SI). Pursuant to this authority, the SOP is in the processing of developing a SI Program to measure the organic industry's compliance with the California Organic Products Act of 2003 and Code of Federal Regulations Title 7, §205, pertaining to the NOP. **The information included in this section is for informational purposes only and will be expanded upon the promulgation of regulations.**

### 2.3.2 Scope

The SI Program is intended to measure, through inspections, compliance with the COPA and NOP Regulations. The SI Program will focus primarily on operations registered with the SOP that are exempt from certification, e.g., registrants reporting

gross sales below \$5,000, annually. However, certified operations are not exempt from the SI Program and will be subject to spot inspections.

Operations will be identified for an inspection based on the SI Matrix. Failure to demonstrate compliance may result in the issuance of a notice of a non-compliance, and if appropriate, an adverse action at the discretion of the CDFA Secretary, CAC, DA, and/or AG.

Organic operations subject to the SI Program include all producers or handlers of raw agricultural products, retailers engaged in the production and/or processing of products sold as organic, retailers that are engaged in the processing (as defined by NOP) of products sold as organic, certified farmers' markets selling organic products, and all processors of organic agriculturally derived products that are not required to register with the California Department of Public Health (CDPH). The SOP recognizes organic operations vary widely in their agricultural practices, processes, and compliance requirements. Therefore, the SOP has developed specific audit checklists for each type of organic operation.

The SOP will allocate a portion of the annual budget for the SI Program. Training will be provided to counties by the SOP prior to the implementation of the SI Program. All personnel performing inspections will be required to attend standardized training. In class training and shadow inspections may be utilized to evaluate expertise. In addition, the SOP will review spot inspections conducted by counties. **CDFA is in the process of developing regulations for the SOP's SI Program. Consequently, the information contained within this section is for informational purposes only and is subject to change.**

### 2.3.3 Spot Inspection Matrix

For the purpose of the SI Matrix, organic operations are defined as all producers or handlers of raw agricultural products, retailers engaged in the production and/or processing of organic products, and/or any operation not required to register with CDPH. Within these general operations are person(s) directly involved with the production and handling of organic agricultural products and include: 1. producers; 2. handlers; 3. retailers; 4. commission merchants or brokers; and 5. any other organic operation that may later be defined. Since each of these operations is defined differently, they must be evaluated separately to reflect those differences. The SOP has recognized and considered these differences in developing a SI Matrix for each operation.

Organic operations vary widely in their agricultural practices, processes, and production outputs, including but not limited to: size, scale, function, products, processing, handling, storage, harvesting, time of harvest, and return. To objectively identify which operations to inspect, these variables must be considered. This is accomplished by using a matrix to answer the important questions of "who, what, where, when, why, and how" spot inspections are conducted.

The SOP has identified three categories of organic operations that may be inspected under the SI Program. The categories include: 1. producers; 2. retailers; and 3. handlers. Each operation category has its own matrix that utilizes methodology for scoring selected criteria to identify operations that may be inspected under the SI Program.

[This section will be expanded upon the promulgation of regulations.]

#### **2.3.4 Procedures**

The SOP will assign spot inspections to CACs based upon historical information collected through registrations and complaint investigations. A matrix has been created to help identify, by county, the appropriate type and number of operations to be inspected. Inspections may be performed by the SOP in cases when a county contract does not exist or if a county is unable to meet expected goals because of a lack of resources or qualified inspectors to perform inspections.

Spot inspections have been divided into multiple categories and multiple checklists have been created for the specific type of operation to be inspected. Inspectors shall use a checklist created for the specific type of operation.

The SOP will notify each CAC at the beginning of the new contract of estimated inspections required to be performed for that contract year. Newly registered operations must be inspected within 12 calendar months of the date of registration. All other operations must be inspected within 12 months of assignment. Furthermore, CACs must complete 25 percent of assigned inspections quarterly.

The SOP will provide Inspection Checklists and Report of Inspection forms to each CAC. Upon completion of an inspection, the CAC will issue the Report of Inspection, provide a copy to the operation, and submit the original to the SOP for review. Counties that certify organic operations are prohibited from inspecting operations certified by another ACA.

All inspections should be scheduled to coincide with production periods or processing activities as is customary with the type of operation being inspected. The SOP or CAC will notify the certifier before a notice of non-compliance is issued to a certified operation. Coordination, training, and open lines of communication between the SOP, CACs, ACAs, and the NOP are necessary to achieve successful implementation of the SI Program.

##### *Unannounced Inspections*

The CAC or SOP will make every attempt to perform unannounced inspections when the operation's activities present the highest probability of contact with a responsible representative of the operation. When no responsible party is available, the inspector shall notify, in writing, the operation's responsible party and schedule an inspection identifying the date and time, and a reminder to make available records and documents

necessary for the inspection to be preformed within ten (10) days following written notification. The inspector will document the events and circumstances of the delay in the inspection and will attach this report to the following inspection.

### *Announced Inspections*

The CAC or SOP will notify, via telephone and/or letter, the operation of an impending inspection including a reminder to make available records and documents necessary for the inspection to be preformed within ten (10) days following written notification.

[Section 2.3.5 reserved for SI Checklist.]

## **2.4 INVESTIGATIONS**

### **2.4.1 Policy**

## **2.4 INVESTIGATIONS**

### **2.4.1 Policy**

Based upon the information obtained during the investigation, the investigator must only draw conclusions within their scope of expertise. **Investigators shall not make conclusions based on residue analysis information uncovered during the investigation.** This falls outside the scope of the investigator's expertise.

### **2.4.2 Scope**

The following section details the SOP's internal investigative procedures for writing investigative reports, maintaining investigation records, and suggested interview questions.

### **2.4.3 Procedures**

#### *Report Writing*

The investigation report is the definitive record of an investigation. It is an orderly account of the evidence obtained relevant to the investigation. It answers the questions of who, what, when, where, why and how. SOP's primary focus is to provide a logical and concise report that is well-written. The investigation report template is identified as Attachment 2.9.

Write reports in the first person and active voice. Keep sentences simple and direct. Use everyday language when possible. Try to think of vivid verbs to evoke the events described, but beware of emotionally loaded terms that could lead individuals to question the report's objectivity. The primary goal is to write reports that are complete and well organized. Reports should be concise and relevant.

Ensure readers find the information they need to reach their own conclusions from the logically ordered facts in the report. Identify all the areas of regulatory concern that are investigated. Document the evidence that supports any violations, but do not exclude

information that supports the individual or business being investigated. Remember CDFA/CAC and your supervisors use your reports to assess the need for enforcement action. If the investigator identifies violations, the report must identify those violations and supply information from which to gauge the degree or severity of violation.

The report should identify the source of all information and statements included in the report. When referring to people in the report, use the initial of their first name followed by their last name. Type the name in capital letters. For example, John Doe would be referred to as J. DOE. Handling names in the report this way will assist staff in removing the names to fulfill public disclosure of records requests.

#### *Standard Narrative Format*

To facilitate well-organized and informative investigative reports, the report must include the following standard narrative elements.

Summary: One paragraph summarizing the investigation.

Background Information: Pertinent background information related to the investigation.

Violations: List all violations of laws, regulations, and labeling found during the investigation, including violations that did not contribute directly to the investigation or allegations.

Witnesses: List of all witnesses involved in the investigation. The investigator must obtain the interviewees full contact information as well as the date, time, and location of the interview.

Investigation and Statements: The narrative portion of the investigation report details how the investigation occurred. Witness interview statements and summaries are included in this section. For each interview, state the date and time of the interview, who conducted the interview, how the investigator conducted the interview (i.e. in-person, over the telephone), where the investigator conducted the interview, the translator (if applicable), and if anyone else was present during the interview. Investigators must obtain the signatures of each interviewee.

Findings: Summarize the investigative findings supported by the evidence. Provide summary information identifying and supporting the elements of any violations found during the investigation.

Attachments: List of supporting evidence for the investigation, e.g., photographs, statements, residue analyses, etc.

### *General Information*

The face sheet is the first page of all reports. Use the space to indicate the total number of pages in the report excluding appended records or other supporting evidence.

State the name of the person within the investigating agency who is supervising the investigation. Do not use this line to record internal agency assignment of investigative duties. The purpose of this information is to document the official notification of the occurrence of the allegations and the beginning of the investigation.

### *Specific CDFA Records Policies*

The following sections outline specific CDFA policies the availability of records for inspection, or copying if requested. These policies reflect certain restrictions necessary to comply with the Information Privacy Act or an exemption under the Public Records Act.

### *Investigation Records*

Generally, CDFA will not release files on pending investigations to the public. These records may be released in specific cases where the public interest served by the release clearly outweighs the value to the operation of the agency in retaining it confidential. In addition, all records within a maintained file may become public documents, should be released upon request (notices of violation, permits, fumigation summaries, fire department incident reports, etc.). However, with certain statutory exceptions, if any document is released to one person, it must be released to any requestor (*Government Code sections 6254(f) and 6254.5*).

The right not to disclose certain items in the investigation files may continue even after the investigation is completed. There are portions of the file that must be protected, for example medical information or other information the disclosure of which would constitute an invasion of privacy and the identity of confidential informants. Staff analysis of the evidence and recommendations for action may also be withheld based on the deliberative process privilege. Communication between department attorneys concerning the evidence or the case is also protected. Once again, any document that is normally a public document cannot be withheld just because it has been made part of the investigative file. However, unless CDFA can identify a public benefit to non-disclosure that outweighs the benefit to disclosure, factual information contained in the file after the file has been closed and an action taken should be disclosed.

When the request is for records that involve several individuals and the requester has not named the persons, or does not know the identities of the persons (i.e., a request for all investigation reports for a certain time period), personal information (i.e., person's name, social security number, physical description, home address, and telephone number) will be removed before the records are released.

### *Complaints*

It is CDFA's position that under the balancing test required by the catchall exemption of the PRA, the public interest served by keeping the identity of a complainant from disclosure far outweighs the public's interest in disclosure. This position is supported by case law in California (*City of San Jose v. The Superior Court* (1999), 74 Cal. App. 4<sup>th</sup> 1008). The rationale used to protect the complainants in each of these cases is clearly applicable to the investigative setting. The identity of a person making a formal complaint is required to be protected unless the complainant specifically requests that it be released (*Labor Code Section 6309*).

Case law in California protects the name, address, and statements of a confidential informant (*Government Code section 6255*). There are several simple procedures that may be followed to protect the confidentiality of an individual who requests it or when it is otherwise required:

- Avoid including the name of the complainant in any investigative report.
- If reference to the complainant is necessary to the narrative, simply state "a complaint was received."
- The statements of the complainant can be included in the report without referencing the fact that he/she was the initial complainant.

### *Confidential Records*

The following documents are protected from disclosure and are not open to inspection by the public:

- Personnel files. Their disclosure may constitute an unwarranted invasion of personal privacy (*Government Code section 6254(c)*).
- Records of complaints. The name, address, and statements of a confidential informant are protected (*Government Code section 6254(f)*). See *Complaints* above for more information.
- Preliminary drafts, notes, or interagency or intra-agency memos which are not retained in the ordinary course of business, provided the public interest in withholding the records clearly outweighs the public interest in disclosure (*Government Code section 6254(a)*). If these records are retained, they are presumed to be "retained in the ordinary course of business," and are not protected from disclosure.
- Data designated as a trade secret, CDFA's legal staff will make the determination as to whether a particular document is a trade secret.
- Information acquired in confidence where the public interest served by not making the record public clearly outweighs the public interest in disclosure (*Evidence Code Section 1040(b)(2)* and *Government Code Sections 6254(f)* and *6255*). CDFA's legal staff will make the determination in these cases.

NOTE: Records that are protected from public disclosure may be released to other state agencies that agree to treat the material as confidential without losing their protected status.

Each CAC should develop a procedure for handling requests for release of records and have it reviewed by their county counsel. CDFA is not in a position to provide case specific legal advice to counties on this issue and only offers the previous information as an example of how CDFA handles requests for certain records.

### *Suggested Interview Questions*

#### *Employee*

Record the name of the interviewer as well as the date, time, and location. The address, telephone number, occupation, and experience credentials of the interviewee must also be recorded.

- Who is your employer? Who is your supervisor?
- How long have you been working for this company?
- What specifically are your duties with this company?
- Then begin to ask questions that are relative to the allegations and would provide evidence to prove the allegations.

#### *Employer*

Record the name of the interviewer, date, time, and location.

- Identify the person, company name, address, telephone number, and type of license or certificate.
- Who is responsible for the supervision of the employee(s)?

## **2.5 TRAINING OF COUNTY STAFF**

### **2.5.1 Policy**

FAC §46000(b) establishes that the CDFA Secretary and CACs under the supervision and direction of the secretary shall enforce regulations adopted by the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code and this act applicable to any person selling products as organic.

FAC §46008(a) provides that Article 14 (commencing with Section 43031) of Chapter 2 of the Food and Agricultural Code applies to any product that is represented as organically produced by any person who is not registered as required by this chapter or any product that is not in compliance with this chapter or the NOP.

FAC §46008(b) establishes that the CDFA Secretary, county agricultural commissioners, and the State Director of Health Services shall be considered enforcing officers for purposes of those provisions of law under their respective jurisdiction.

It is the policy of the SOP to provide state and county staff with uniform and comprehensive training of the policies, procedures, and regulations associated with COPA as well as the NOP. The SOP will develop training and reference materials for each function as identified by the program. SOP has developed a system of control and

accountability for training activities, information, and forms used by the state and county enforcement staff.

### **2.5.2 Scope**

This section describes the mechanisms required to provide training and resources for implementation and enforcement of SOP mandates. This includes periodic training classes for relevant county agricultural inspectors and regulators. Standardized forms and letters will be utilized to carry out the functions of the SOP.

### **2.5.3 Procedures**

The SOP will provide annual training as required and requested by counties contracting with the SOP (see Attachment 2.10). A schedule of training classes by region will be developed to accommodate CAC and SOP staff availability. Training will be provided annually and will be held in the beginning of March. Refresher classes or one-on-one county office training will be scheduled as needed.

Counties will be required to complete a training request form that identifies the areas of training needed and the number of staff that will be in attendance. For new inspector or refresher training, each county will identify a maximum of three (3) training periods of availability per year.

To allow for variation in scheduling, counties are required to identify at least three (3) days and no more than five (5) days of availability for training. The SOP Program Supervisor will collect the training requests from each county and create a scheduling calendar to identify and best accommodate each CAC. If a county fails to meet the deadline for submission of a training request, it will be accommodated based on available dates of the current calendar schedule. Additional training may be required outside the normal scheduling process and will be handled according to necessity and staff availability.

Evaluations of performance and comprehension will be performed by the SOP to promote self assurance of inspectors, uniformity, and demonstrate proficiency and competence for inspection activities. Annual certification of competence will be required and documented by the SOP. Validation of competence will be accomplished through a testing process.

Failure to meet minimum competency requirements will disqualify the inspector from performing inspection activities for the SOP and may be cause for termination of the county contract to conduct inspections.

All instructions, forms, and training material will be uniquely identified for document control purposes to ensure the information used is current and relevant.

The SOP will issue a controlled and numbered copy of the SOP Quality Systems Manual to each CAC along with an electronic version of the manual (including all forms,

letters, policies, procedures, examples, and training aids produced by the SOP) for training purposes. These controlled copies will be the only official copy of this information that may be used by SOP and CAC inspectors and investigators for conducting compliance and enforcement of the COPA. This manual does not preclude the CACs from performing activities of other state or local law enforcement activities associated with the Food and Agricultural Code. The CAC or his or her designee must sign an agreement for the manuals issued to their respective office. This will serve as confirmation of receipt of the manual and signify agreement to abide by the instructions and policies contained therein.

The training manual will contain an index, appendix of reference materials, organizational charts, responsibilities under the COPA, field training attendance reports, program audit reports, relevant letters and forms, and an inventory of updates. Updates to the manual will be issued by the SOP as necessary and will include an updated identifying number. Each update will be accompanied by an inventory receipt form which must be signed for by the CAC or his or her designee. A copy of the previously mentioned receipt must be included in the manual. The original inventory receipt must be returned to the SOP to ensure compliance.

## **2.6 COMPLAINT PROCESS**

### **2.6.1 Policy**

Food and Agricultural Code (FAC) §46016.1(a) establishes that any person may file a complaint with the secretary concerning suspected noncompliance with this act, as provided in Section 46000 or regulations adopted by the NOP.

FAC §46016.1(b) mandates that the secretary shall, to the extent funds are available, establish procedures for handling complaints, including provision of a written complaint form, and procedures for commencing an investigation within three working days after receiving a complaint regarding fresh food, and within seven working days for other products, and completing an investigation and reporting findings and enforcement action taken, if any, to the complainant within 60 days thereafter.

FAC §46016.1(c) provides that the secretary may establish minimum information requirements to determine the verifiability of a complaint, and may provide for rejection of a complaint that does not meet the requirements. The secretary shall provide written notice of the reasons for rejection to the person filing the complaint.

FAC §46016.1(d) establishes that the secretary shall carry out the functions and objectives of this act to the extent funds are available for those purposes.

FAC §46016.1(e) mandates that the complaint process in this state must also meet all the complaint process outlined in regulations adopted by the NOP.

## 2.6.2 Scope

This section details SOP's procedures for receiving, assigning, investigating, and resolving suspected noncompliance with COPA or NOP regulations and statutes. **This section details an abridged version of the SOP's internal investigative procedures and may not be applicable to county staff. Therefore, the information contained in this section is for informational purposes only.**

## 2.6.3 Procedures

### *Complaint Process*

Complaints received by the SOP are logged into the complaint database, issued an identification number, then forwarded to the SOP Program Supervisor for initial evaluation and analysis. The first step in analyzing the complaint is to ask the important questions of "who, what, where, when, how and why" as to facts provided in the complaint. Based upon this analysis, a decision is made as to whether enough information has been provided to determine that an alleged violation has occurred and an investigation is warranted. Regardless of the source of the complaint, the following procedures are used to handle and process complaints. In all cases, the complaint is documented on the Organic Food Complaint Form ORG 101 (see Attachment 2.11 and Attachment 2.12).

### *Acknowledgement of Complaints*

Within ten (10) days of receiving the initial complaint, a complainant will be issued a Complaint Receipt Letter (ORG-101 CRL) (see Attachment 2.13), unless the complaint is made anonymously.

### *Determining Complaint Validity*

Answering the following questions is the basis for determining whether a complaint is valid:

- Who are the person(s) or business, names, and or descriptions of those allegedly involved?
- What are the alleged violation(s) and are they described?
- When were the observations made, i.e., the date(s) and time(s)?
- Where was the event(s), i.e., location of event(s), physical location or address, Internet website, written article, and other media sources?
- How was the alleged violation observed, i.e., first or second hand, word of mouth, or read in a written article?
- Why do you believe this to be a violation of the COPA or NOP regulations?

### *Complaints Lacking Sufficient Information*

There are other considerations and questions to consider when evaluating and deciding complaint validity, that include:

- Incomplete information on whom or what is to be investigated.

- Are event timeframes reasonable when determining the validity of a complaint for use of prohibited substances?
- Does the complaint involve out-of-state activity?
- Does the complaint involve imported products?
- Does the complaint involve processed products, if so, what are they?

### *Outcomes and Actions*

After the initial complaint has been analyzed, a decision will be made to do one of the following:

- **Accept:** the complaint meets all SOP requirements and; 1) is assigned to the investigative entity; 2) SOP initially notifies the investigator by phone, email, or written communication upon this determination, and a letter of assignment is issued within three (3) days of the decision for investigation. The complainant must be notified in writing within ten (10) days of the decision, when deemed necessary.
- **Refer:** if the complaint is outside the jurisdiction of the SOP, it is forwarded to the proper agencies for response as described below:
  - Product(s) or operation(s) outside of California - refer to NOP.
  - Concerning NOP policy issues - refer to NOP.
  - Inputs not currently addressed by the COPA - refer to NOP.
  - Processed products as defined in the NOP - refer to CDPH (ORG 101-RE-CL) (see Attachment 2.31).
  - Fertilizers or soil amendments - refer to CDFA's FMIP.
  - Complaints against ACA's may be investigated, but will be referred to the NOP for action or investigation.
  - The complainant must be informed in writing within ten (10) days of receipt that the SOP will not be handling the complaint and which entity it has been referred to.
- **Dismiss:** If the complaint lacks information required for processing, the SOP will:
  - Notify the complainant by telephone or via mail and email (if appropriate) of any additional information needed.
  - If the complaint is dismissed for lack of information, the complainant is notified in writing within ten (10) days of the decision (ORG 101-LOI) (see Attachment 2.14).

### *Notification of Closure for Non-jurisdictional Complaints*

Notify the complainant (if appropriate) and the respondent (if it had notice of the complaint) if investigative staff will not proceed further with the complaint. The letter to the complainant (and respondent, if appropriate) should state that the complaint is being closed and explain the reason(s) for the decision (ORG 101-NJCL) (see Attachment 2.15).

### *Assigning Complaints for Investigation*

The SOP generally assigns complaints to a CAC under the following situations:

- Operations with annual gross sales less than \$5,000.
- Alleged violations involving pesticides.
- Alleged violations at non-certified operations, including non-certified operations in multiple counties.
- Alleged violations at non-certified retailers or handlers.
- Assignment is confirmed with letter ORG-101 CCAL (Attachment 2.16).

The SOP assigns complaints to ACAs under the following conditions:

- Practices of operations by certified producers.
- Alleged violations at a certified retailer or handler.
- Alleged violations of raw agricultural products involving certified operations.
- Assignment is confirmed with letter ORG-101 CAL (Attachment 2.17).

### *Other Considerations for Assignment*

Upon initial investigative findings, reassignment or referral may be warranted and further investigation may involve more than one entity. If the complaint is not clearly categorized, the SOP may conduct the initial investigation then assign or refer to the appropriate entity. In counties that have no contract with the SOP for enforcement activity, or lack the qualified staff, the SOP will handle the complaint. Counties that certify organic operations are prohibited from investigating operations that are certified by other ACAs.

### *Understood Stipulations*

- The SOP reserves the right to retain a complaint for investigation and resolution.
- The SOP reserves the right to conduct a preliminary investigation of violations and confer with the CAC, DA, and the AG.
- The SOP reserves the right to reassign a complaint to other agencies or entities as warranted.
- When a CAC or ACA investigation determines that adverse action is warranted, the SOP will be notified of the proposed action.

### *Referrals*

When the SOP refers a complaint, it will:

- Issue a letter of acknowledgement to the entity assigned the investigation.
- Consider the file suspended until such time that the SOP is notified in writing from the investigating entity that the case is resolved and closed.
- All logs will remain active until resolution is confirmed in writing.

The SOP may not pursue under the following circumstances:

- The complaint is without merit and/or cannot be considered grounded in fact.
- The complaint is a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same respondent or other respondents that repeatedly have been found factually or legally insubstantial by SOP.
- The same allegations and issues of the complaint have been addressed in a recently closed complaint or compliance review conducted.
- The complaint allegations are foreclosed by previous decisions by Federal courts, the USDA, CDFA, or agency policy determinations.
- The same complaint allegations have been filed with another Federal, State, or local agency, including due process proceedings, and it is anticipated that the agency will provide a comparable resolution process.
- The SOP determines that the allegation is moot and not supportive.
- The information received from the complainant does not provide sufficient detail to proceed. Where appropriate, SOP may use the information as the basis for targeting future compliance reviews or technical assistance activities.
- SOP determines that its ability to complete the investigation is being substantially impaired by the complainant's inability to cooperate.
- A complaint over which SOP otherwise has jurisdiction may be closed when SOP transfers or refers the complaint to another entity for investigation.

#### *Approaches to Complaint Resolution*

After completing the initial "intake" analysis of a complaint, it was determined that the complaint is complete, and it is decided that SOP will retain it for investigation/resolution, consideration must be given as to how to approach the case. When a noncompliance or violation has been identified that requires more than a minor corrective action, then a level of review of the facts and circumstances for resolution is required.

#### *Alternative Dispute Resolution*

Alternative Dispute Resolution (ADR) may consist of the use of a neutral third party or mediator to informally resolve a matter without completing a full investigation. Individuals are strongly encouraged to make use of ADR, if appropriate.

#### *Informal Resolution*

An Informal process is defined whereby the respondent is contacted by telephone, notified of the allegations, and if appropriate, provided technical assistance in resolving the complaint. Based upon the completed action or commitment, the case is closed with a letter of resolution notifying the respondent and complainant that the case will be reopened if the action is not taken as promised. The case is closed based upon the completed action or commitment, with a letter of resolution notifying the respondent and complainant that the case will be reopened if the action is not taken as promised. If the respondent agrees to information contained in the draft Resolution Agreement and the

Resolution Agreement is subsequently finalized, the case is closed based upon the signing of the Resolution Agreement. Informal resolution is appropriate under the following circumstances:

- The investigator is confident that corrective action has been taken. In this case, the investigator may close the complaint based upon the commitment. However, the investigator may request that their commitment include submission of some monitoring reports for a given time period.
- The respondent was unaware of the problem and needed assistance with compliance.
- The complaint does not raise complex allegations requiring investigation to identify other violations.

#### *Formal Mediation*

Formal Mediation is defined as an approach to resolution that may be considered in a variety of circumstances, either prior to, or following the issuance of findings. In mediation, the mediator attempts to assist the parties in mutually resolving their dispute. The SOP shall offer mediation, when warranted, as a form of dispute resolution to meet due process requirements. A list of qualified mediators will be available for hearing disputes of noncompliance issues. Engaging in mediation does not absolve the SOP of ensuring that a legally sufficient agreement is met. Rather, SOP is provided with a non-partisan third party who assists the complainant and respondent in resolving the dispute. Formal mediation is appropriate under the following circumstances:

- SOP appears to be approaching or has reached an impasse with the respondent, but it is not prepared to issue formal findings or proceed to enforcement.
- It is important to develop and/or maintain a constructive working relationship with the respondent, but this is unlikely without the intervention of a skilled third party to move beyond the impasse.

#### *Pre-Investigation Case Closure through ADR*

If a complaint is resolved without an investigation, the complaint resolution letter addressed to the complainant and respondent must contain:

- The basis for the closure.
- A brief statement of the allegations over which SOP has jurisdiction.
- A brief statement of SOP's jurisdiction over the respondent.
- An explanation of the basis for SOP's determination that the complaint has been resolved.
- A notation for the respondent as to when the first monitoring report will be due, if applicable.

#### *Standard Investigation Procedures*

Cases that do not appear to be appropriate for early ADR processing should be handled according to standard investigative procedures. SOP may still be able to resolve the complaint successfully prior to the issuance of formal findings. This will become evident

as the investigation proceeds. The following section discusses the steps involved in a complaint investigation.

### *Complaint Investigation*

If SOP proceeds with an investigation of complaint, the complainant and respondent must be notified with a formal letter mailed via certified mail. The notification letter to the complaint and respondent may contain:

- The basis for the complaint.
- A brief statement of the allegations.
- A brief statement of statutes and/or regulations which authorize the SOP to investigate the complaint.
- An indication of when the parties will be contacted.

SOP may consider the following options in complaints that raised limited (usually individual) allegations:

- Request a position statement from the respondent in response to the allegations. SOP would require the respondent to include with its response all appropriate policies, procedures, and documents relating to the complaint.
- Include in the notification letter an offer to engage in ADR to resolve the complaint.
- The request for an initial position statement can help determine how the SOP should approach a complaint because it provides information about the respondent's defense.

### *Planning for the Investigation*

Planning should precede complaint investigation and resolution, and the approach should be developed based on the nature and complexity of the issues involved. Regardless of whether an Investigative Plan (IP) is prepared, all case files should establish the specific allegations to be resolved and, if appropriate, the expected internal timeframes to be adhered to by the investigator or investigative team.

The extensiveness of an IP depends upon the complexity of the issues involved. Some investigations may require revisions to the IP, or a supplemental IP, after receipt of information from the respondent or after an onsite investigation is conducted.

The basic IP will help the investigator focus on the principal issues to be explored in the course of the investigation, as well as the sources of evidence available for resolution. An IP should include the following information:

- Identification of basis and issues.
- Identification of the applicable legal theories.
- Conclusions drawn from the analysis of the data or other evidence already gathered.
- Description of the documentary, testimonial, and statistical evidence required to complete the investigation and the best sources and means of obtaining each type of evidence.

- Anticipated sequence of case activities, including onsite visits, if necessary.
- Anticipated timeframes for obtaining and analyzing evidence, if appropriate.
- Statement of likely or enunciated respondent defenses and a description of the evidence required to test their validity.

A discussion of each of these aspects of the investigation follows. As a method of setting out information that is already known and that which is needed, the investigator may wish to use a “chart” format.

### *Jurisdictional Information*

Any jurisdictional questions should be resolved at the outset, prior to investigating the allegations. In effect, this means determining that a violation has been alleged in a timely fashion against SOP's respondent, giving the agency jurisdiction to investigate. There may be other agencies more appropriate to follow up on the complaint.

### *Case Closure*

When complaints are handled by CACs or ACAs at the SOP's request, all documents, evidence, and information of any type related to the case shall be turned over to the SOP, the case file is reviewed for completeness and resolution. The case shall be formally closed and a letter of closure shall be drafted and issued to all affected parties. The letter of closure outlines the who, what, when, where, how, and why of the original complaint as well as any subsequent finding found through the investigation, the resolution, actions taken, and outcomes, Reported on ORG-101 CCL (see Attachment 2.22).

Upon completion of a referred investigation, the investigating entity (e.g., CAC or ACA) shall provide the SOP with written confirmation of closure.

### *Instructions*

The instructions for completing the form ORG-101 (Attachment 2.11) are attached to the complaint form and are available at CDFA's Organic website, CAC offices, and SOP's office upon request. The address and methods for submitting the complaint are included in the instructions.

## **2.7 COMPLIANCE PROCESS**

### **2.7.1 Policy**

Title 7, §205.662 of the Code of Federal Regulations establishes the following noncompliance procedure for certified operations.

(a) Notification. When an inspection, review, or investigation of a certified operation by a certifying agent or a State organic program's governing State official reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide:

(1) A description of each noncompliance;

- (2) The facts upon which the notification of noncompliance is based; and
- (3) The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

(b) Resolution. When a certified operation demonstrates that each noncompliance has been resolved, the certifying agent or the State organic program's governing State official, as applicable, shall send the certified operation a written notification of noncompliance resolution.

(c) Proposed suspension or revocation. When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state:

- (1) The reasons for the proposed suspension or revocation;
- (2) The proposed effective date of such suspension or revocation;
- (3) The impact of a suspension or revocation on future eligibility for certification; and
- (4) The right to request mediation pursuant to §205.663 or to file an appeal pursuant to §205.681.

(d) Willful violations. Notwithstanding paragraph (a) of this section, if a certifying agent or State organic program's governing State official has reason to believe that a certified operation has willfully violated the Act or regulations in this part, the certifying agent or State organic program's governing State official shall send the certified operation a notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.

(e) Suspension or revocation. (1) If the certified operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, the certifying agent or State organic program's governing State official shall send the certified operation a written notification of suspension or revocation.

(2) A certifying agent or State organic program's governing State official must not send a notification of suspension or revocation to a certified operation that has requested mediation pursuant to §205.663 or filed an appeal pursuant to §205.681, while final resolution of either is pending.

(f) Eligibility. (1) A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and

corrective actions taken to comply with and remain in compliance with the Act and the regulations in this part.

(2) A certified operation or a person responsibly connected with an operation whose certification has been revoked will be ineligible to receive certification for a period of 5 years following the date of such revocation, Except, That, the Secretary may, when in the best interest of the certification program, reduce or eliminate the period of ineligibility.

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

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

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

Title 7, §205.668 of the Code of Federal Regulations establishes the following noncompliance procedures under State Organic Programs.

(a) A State organic program's governing State official must promptly notify the Secretary of commencement of any noncompliance proceeding against a certified operation and forward to the Secretary a copy of each notice issued.

(b) A noncompliance proceeding, brought by a State organic program's governing State official against a certified operation, shall be appealable pursuant to the appeal procedures of the State organic program. There shall be no subsequent rights of appeal to the Secretary. Final decisions of a State may be appealed to the United States District Court for the district in which such certified operation is located.

(c) A State organic program's governing State official may review and investigate complaints of noncompliance with the Act or regulations concerning accreditation of certifying agents operating in the State. When such review or investigation reveals any noncompliance, the State organic program's governing State official shall send a written report of noncompliance to the Program Manager. The report shall provide a description of each noncompliance and the facts upon which the noncompliance is based.

Title 7, §205.681 of the Code of Federal Regulations establishes the following procedures for appeals.

(a) Certification appeals. An applicant for certification may appeal a certifying agent's notice of denial of certification, and a certified operation may appeal a certifying agent's notification of proposed suspension or revocation of certification to the Administrator, except, that, when the applicant or certified operation is subject to an approved State organic program the appeal must be made to the State organic program which will carry out the appeal pursuant to the State organic program's appeal procedures approved by the Secretary.

(1) If the Administrator or State organic program sustains a certification applicant's or certified operation's appeal of a certifying agent's decision, the applicant will be issued organic certification, or a certified operation will continue its certification, as applicable to the operation. The act of sustaining the appeal shall not be an adverse action subject to appeal by the affected certifying agent.

(2) If the Administrator or State organic program denies an appeal, a formal administrative proceeding will be initiated to deny, suspend, or revoke the certification. Such proceeding shall be conducted pursuant to the U.S. Department of Agriculture's Uniform Rules of Practice or the State organic program's rules of procedure.

(b) Accreditation appeals. An applicant for accreditation and an accredited certifying agent may appeal the Program Manager's denial of accreditation or proposed suspension or revocation of accreditation to the Administrator.

(1) If the Administrator sustains an appeal, an applicant will be issued accreditation, or a certifying agent will continue its accreditation, as applicable to the operation.

(2) If the Administrator denies an appeal, a formal administrative proceeding to deny, suspend, or revoke the accreditation will be initiated. Such proceeding shall be conducted pursuant to the U.S. Department of Agriculture's Uniform Rules of Practice, 7 CFR part 1, Subpart H.

(c) Filing period. An appeal of a noncompliance decision must be filed within the time period provided in the letter of notification or within 30 days from receipt of the notification, whichever occurs later. The appeal will be considered "filed" on the date received by the Administrator or by the State organic program. A decision to deny, suspend, or revoke certification or accreditation will become final and nonappealable unless the decision is appealed in a timely manner.

(d) Where and what to file. (1) Appeals to the Administrator must be filed in writing and addressed to: Administrator, USDA, AMS, c/o NOP Appeals Staff, Stop 0203, Room 302-Annex, 1400 Independence Avenue, SW., Washington, DC 20250-0203.

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

(3) All appeals must include a copy of the adverse decision and a statement of the appellant's reasons for believing that the decision was not proper or made in accordance with applicable program regulations, policies, or procedures.

Title 3, §1391 of the California Code of Regulations establishes the procedures for appeal of denial, suspension or revocation of organic certification.

(a) A certification agent or the Secretary may propose denial, suspension or revocation of the organic certification of agricultural production and handling operations consistent with the provisions of Title 7, Code of Federal Regulations, Section 205.662.

(b) An applicant for certification may appeal a certification agent's or Secretary's notice of denial of certification, and a certified operation may appeal a certification agent's or Secretary's notification of the proposed suspension or revocation, to the Secretary

consistent with the provisions of Title 7, Code of Federal Regulations, Section 205.681.

(c) Upon receipt of the appeal, the Secretary will evaluate the proposal of the certification agent or Secretary to deny, suspend or revoke a certification in order to determine if there is sufficient evidence to proceed to initiate formal administrative action to do so.

(1) A decision by the Secretary to decline to initiate a formal administrative proceeding shall be deemed a granting of the appeal, and the Secretary shall communicate the decision in writing to the appellant and the certification agent.

(2) A decision by the Secretary to proceed to initiate a formal administrative proceeding shall be deemed a denial of the appeal, and the service of the accusation shall be construed as the communication of the denial to the appellant and the certification agent.

(d) Formal administrative proceedings shall be conducted in accordance with the provisions of Government Code, Section 11500 et seq.

## **2.7.2 Scope**

This abridged section details SOP and CAC procedures for issuing notices of noncompliance, proposed adverse actions, and adverse actions.

## **2.7.3 Procedures**

### **2.7.3.1 SOP Procedures for Issuing Notices of Noncompliance and Proposed Adverse Actions, and Adverse Actions**

Upon the determination of a violation of organic standards, SOP will utilize the most appropriate method to reconcile the noncompliance or take effective corrective action against the operation.

### **2.7.3.2 SOP and County Procedures for Issuing Notices of Noncompliance**

Upon the determination of a violation of organic standards, the SOP will utilize the most appropriate method to reconcile the noncompliance or take effective corrective action. To implement this, SOP and/or CAC staff will issue notices of noncompliance.

1. Determine whether the operation is in violation of NOP and/or state regulations or statutes. If it is believed that the operation is in violation of NOP regulations, confirm that the citations and the contents in the notice of noncompliance correlate with NOP regulations. In certain circumstances, California statutes and/or regulations may also be cited. If NOP citations are used, forward the draft notice to SOP for review and approval prior to issuing.
2. The SOP will confirm appropriate statutes and regulations are referenced. After review, the SOP Program Supervisor will internally route the draft notice. After internal CDFA approval, the SOP will forward the approved notice to the county.

3. Issue the notice, if the violation cites NOP regulations, then copies must be forwarded to the SOP. SOP will subsequently forward the notice to the NOP.
4. Include appropriate attachments or contents in the notice on how to reconcile the violation. The county will clear the notice and copy the SOP.
5. Upon receipt, the SOP will log the violation and file copies of the notice in the registrant's file.
6. Log the notice and await a response from the operation.
7. Upon receipt of response from the operation, compare the response to determine if appropriate action was taken to reconcile the violation(s). If the county has cleared the violation with the corrective action(s), document on all logs and file appropriately.
8. County staff must indicate clearance and write a response to the operation conveying that the violation has been cleared. Ensure that all entities originally copied are included in the response.
9. Enter a completion date on the database tracking system and file all correspondence in the registrant's file.

### **2.7.3.3 County Procedures for Issuing Proposed Adverse Actions (Suspensions, Revocations, and Civil Penalties)**

Upon a determination of a violation of organic standards, SOP will utilize the most appropriate method to reconcile the noncompliance or take effective correction action against the operation. To implement this, SOP or county staff will issue a notice of noncompliance, proposed adverse action, or adverse action.

1. Gather all evidence into a case file. Examine the evidence to determine if additional information is needed and ensure that all sources of evidence have been exhausted.
2. Discuss the merits of the evidence with the County Deputy Commissioner, Commissioner, or other appropriate supervisor. Discussions with SOP may be helpful to clarify statutes and regulations.
3. Consult appropriate statutes and regulations and draft the proposed action. The proposed action should provide a summary of the evidence and facts upon which the proposed action is based. Provide sufficient information to ensure that the operation has a clear understanding of the facts and/or merits of the proposed action.

4. Compare the draft with NOP regulations to assure that all elements are included with specific attention to the options for resolution (e.g., appeal, mediation request, etc.).
5. Forward the proposed action and case file to the SOP for review and approval. The SOP will route the proposed action internally and return the approved version to the county for dissemination.
6. Mail the proposed action via certified mail to the operation. Ensure that the SOP is copied. The SOP will copy the NOP and ACA.
7. Log the proposed action in the pending file and wait for a response from the operation.
8. If the notice is not appealed, file the final action in the operations hard file and mail the final decision and order via certified mail. Provide a courtesy copy to the SOP. The SOP will forward copies to the NOP and ACA.
9. If appealed, place the file in suspense and follow the appeal procedures (see Section 2.8 for information pertaining to the appeal process).

#### **2.7.3.4 Procedures for Issuing Noncompliance in the Field (Form 51-003)**

Upon the determination of a violation of organic standards, SOP will utilize the most appropriate method to bring the noncompliance into compliance or take effective corrective action against the operation. To implement this, SOP or county staff will issue notices of noncompliance or proposed adverse action.

1. Determine if a violation has occurred. Consult appropriate NOP and state statutes and regulations to determine which code sections to cite on the notice. If NOP regulations are cited, immediately forward a copy to the SOP which will subsequently forward a copy to the NOP.
2. Complete Form 51-003. Complete all sections of the form as needed, any lines left blank should have a straight line drawn through them. For correctable violations, clearly indicate at bottom of form what actions must be taken to correct the violation and indicate who to report the corrections to (see Attachment 2.23).
3. Obtain a signature from a representative of the operation. If the representative refuses to sign Form 51-003, indicate so on the signature line.
4. Provide a copy to the operation.
5. Provide carbon copies as indicated on the form. Ensure that a copy is forwarded to the SOP. The SOP will log the noncompliance and await correspondence indicating that the noncompliance has been resolved.

6. Place the form and any supporting documentation in a pending folder until notified by the operation that corrective action has been taken.
7. Confirm that corrective action was taken. Document what was done to confirm the corrective action was taken or implemented. Forward corrective action to the SOP upon receipt.
8. Clear the noncompliance. Make all entries into tracking systems to note clearance.
9. Prepare written notification to the operation that the violation has been cleared, forward a copy to the SOP.
10. If NOP standards were referenced in the noncompliance then NOP must be given copies of noncompliance and corrective actions taken. Upon receipt, the SOP will forward copies to the NOP. Make entries into all logs to indicate clearance of violation.

## **2.8 APPEALS**

### **2.8.1 Policy**

Title 7, §205.681 of the Code of Federal Regulations establishes the following procedures for appeals.

(a) Certification appeals. An applicant for certification may appeal a certifying agent's notice of denial of certification, and a certified operation may appeal a certifying agent's notification of proposed suspension or revocation of certification to the Administrator, except, that, when the applicant or certified operation is subject to an approved State organic program the appeal must be made to the State organic program which will carry out the appeal pursuant to the State organic program's appeal procedures approved by the Secretary.

(1) If the Administrator or State organic program sustains a certification applicant's or certified operation's appeal of a certifying agent's decision, the applicant will be issued organic certification, or a certified operation will continue its certification, as applicable to the operation. The act of sustaining the appeal shall not be an adverse action subject to appeal by the affected certifying agent.

(2) If the Administrator or State organic program denies an appeal, a formal administrative proceeding will be initiated to deny, suspend, or revoke the certification. Such proceeding shall be conducted pursuant to the U.S. Department of Agriculture's Uniform Rules of Practice or the State organic program's rules of procedure.

(b) Accreditation appeals. An applicant for accreditation and an accredited certifying agent may appeal the Program Manager's denial of accreditation or proposed suspension or revocation of accreditation to the Administrator.

(1) If the Administrator sustains an appeal, an applicant will be issued accreditation, or a certifying agent will continue its accreditation, as applicable to the operation.

(2) If the Administrator denies an appeal, a formal administrative proceeding to deny, suspend, or revoke the accreditation will be initiated. Such proceeding shall be conducted pursuant to the U.S. Department of Agriculture's Uniform Rules of Practice, 7 CFR part 1, Subpart H.

(c) Filing period. An appeal of a noncompliance decision must be filed within the time period provided in the letter of notification or within 30 days from receipt of the notification, whichever occurs later. The appeal will be considered "filed" on the date received by the Administrator or by the State organic program. A decision to deny, suspend, or revoke certification or accreditation will become final and nonappealable unless the decision is appealed in a timely manner.

(d) Where and what to file. (1) Appeals to the Administrator must be filed in writing and addressed to: Administrator, USDA, AMS, c/o NOP Appeals Staff, Stop 0203, Room 302-Annex, 1400 Independence Avenue, SW., Washington, DC 20250-0203.

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

(3) All appeals must include a copy of the adverse decision and a statement of the appellant's reasons for believing that the decision was not proper or made in accordance with applicable program regulations, policies, or procedures.

Title 3, §1391 of the California Code of Regulations establishes the procedures for appeal of denial, suspension or revocation of organic certification.

(a) A certification agent or the Secretary may propose denial, suspension or revocation of the organic certification of agricultural production and handling operations consistent with the provisions of Title 7, Code of Federal Regulations, Section 205.662.

(b) An applicant for certification may appeal a certification agent's or Secretary's notice of denial of certification, and a certified operation may appeal a certification agent's or Secretary's notification of the proposed suspension or revocation, to the Secretary consistent with the provisions of Title 7, Code of Federal Regulations, Section 205.681.

(c) Upon receipt of the appeal, the Secretary will evaluate the proposal of the certification agent or Secretary to deny, suspend or revoke a certification in order to determine if there is sufficient evidence to proceed to initiate formal administrative action to do so.

(1) A decision by the Secretary to decline to initiate a formal administrative proceeding shall be deemed a granting of the appeal, and the Secretary shall communicate the decision in writing to the appellant and the certification agent.

(2) A decision by the Secretary to proceed to initiate a formal administrative proceeding shall be deemed a denial of the appeal, and the service of the accusation shall be construed as the communication of the denial to the appellant and the certification agent.

(d) Formal administrative proceedings shall be conducted in accordance with the provisions of Government Code, Section 11500 et seq.

## 2.8.2 Scope

This section details SOP's procedures for handling appeals in a timely and efficient manner as outlined in the Code of Federal Regulations and the California Code of Regulations. **This section details SOP's appeals procedures and may not be applicable to county staff or the public. Therefore, the information contained in this section is for informational purposes only.**

## 2.8.3 Procedures

Copies of all correspondence shall be forwarded to SOP staff, CDFA's Legal Office, and USDA NOP staff. All correspondence to the certification agent and operation must be mailed with proof of receipt (e.g., US Certified Mail).

A complete file includes, but is not be limited to, the following: a copy of the proposed action, letters from both parties, copies of appropriate federal regulations cited in the notice of proposed action, all correspondence between the hearing officer and each party, clarifying statements from either or both the NOP and SOP on application of and implementation of appropriate sections of regulations, and copies of questions and answers from NOP's website (if applicable).

A discovery request is a request that is made by either party which requests a copy of the evidence that has been submitted to the hearing officer for consideration.

The following is an abridged version of the appeals process.

1. Upon the receipt of the appeal it is date stamped and routed to the SOP.
2. Within seven (7) days of receipt, the Hearing Officer shall mail a letter of acknowledgement and request for information to the operation and respective Certification Agent. The letter will notify each party they have 35 days to submit information related to the case.
3. Within thirty-five (35) calendar days, the ACA and appellant must submit supporting documents to the Hearing Officer.
4. Within fourteen (14) calendar days of the receipt of the information supplied by each party, the Hearing Officer must conduct an initial review to determine the need for additional information. If the initial review indicates the need for additional information, the Hearing Officer may request additional information. The Hearing Officer may indicate the date of response in the request.

5. If either party files a "Discovery Request" the hearing officer must stop the clock on required reviews. The Hearing Officer must provide the information requested within fourteen (14) days of the receipt of the discovery request. The cover letter attached to the information supplied must indicate a date (within 14 days of the receipt) by which additional information must be submitted or a notice which indicates no additional information will be submitted.
6. Within forty-five (45) calendar days of having a complete file, the Hearing Officer must review the appeal and forward a recommendation to the CDFA legal office. The Hearing Officer's recommendation may include but not be limited to the following: dismiss because of lack of evidence provided by the ACA, grant the appeal and order the ACA to withdraw the action, refer to another entity because of jurisdiction, or forward to the Department of Justice (DOJ) for formal proceedings.
7. If the appeal is to be forwarded to the DOJ for final resolution, it must be done so within twenty-one (21) calendar days from the date of the decision to forward to DOJ for resolution. Both parties must be notified that the appeal has been forwarded to the DOJ.

## **2.9 MEDIATION**

### **2.9.1 Policy**

As mandated, the California State Organic Program (SOP) has adopted the mediation policy of the National Organic Program as laid out in the Code of Federal Regulations, California Organic Products Act of 2003, and the California Code of Regulations. As an approved SOP, it is the responsibility of the state to provide dispute resolution.

### **2.9.2 Scope**

This section details the SOP's policies, scope, and procedures for mediation as mandated by the Code of Federal Regulations, the California Organic Products Act of 2003, and the California Code of Regulations.

### **2.9.3 Policy**

Title 7, Code of Federal Regulations § 205.663 Mediation.

Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent. If the certifying agent rejects the request for mediation, the certifying agent shall provide written notification to the applicant for certification or certified operation. The written notification shall advise the applicant for certification or certified operation of the right to request an appeal, pursuant to §205.681, within 30 days of the date of the written notification of rejection of the request for mediation. If mediation is accepted by the certifying agent, such mediation shall be conducted by a qualified mediator mutually agreed upon by the

parties to the mediation. If a State organic program is in effect, the mediation procedures established in the State organic program, as approved by the Secretary, will be followed. The parties to the mediation shall have no more than 30 days to reach an agreement following a mediation session. If mediation is unsuccessful, the applicant for certification or certified operation shall have 30 days from termination of mediation to appeal the certifying agent's decision pursuant to §205.681. Any agreement reached during or as a result of the mediation process shall be in compliance with the Act and the regulations in this part. The Secretary may review any mediated agreement for conformity to the Act and the regulations in this part and may reject any agreement or provision not in conformance with the Act or the regulations in this part.

Food and Agricultural Code §46016.5.

As provided for in regulations adopted by the NOP, the action proposed by a NOP accredited certifier against a client may be appealed to the secretary for mediation.

Title 3, California Code of Regulations §1391.1. Mediation of Denial, Suspension or Revocation of Organic Certification.

(a) If a certification agent proposes the denial, suspension or revocation of the organic certification of an agricultural production or handling operation, pursuant to 1391(a), they may voluntarily participate in mediation prior to the filing of a formal administrative proceeding by the Secretary. If they enter into mediation after the filing of an appeal with the Secretary, but before the commencement of a formal administrative proceeding, pursuant to 1391(c), they shall inform the Secretary of their decision to do so. Upon the conclusion of a mediation session, they have 30 days to reach a settlement agreement. Mediation process must be consistent with Title 7, Code of Federal Regulations, Section 205.663.

(1) Any settlement agreement shall be in compliance with the requirements of the State Organic Program.

(2) The parties shall submit any proposed settlement agreement to the Secretary for review.

(3) Upon receipt, the Secretary shall review proposed settlements for conformity with the requirements of the State Organic Program, and reject any agreement or provision that does not comply with the requirements of the Program. If the Secretary rejects a provision or provisions of the proposed settlement, the parties must affirmatively agree to accept the settlement in the form as approved by the Secretary.

(b) The Secretary may establish a list of qualified mediators, but the certification agent and the certified operation or applicant for certification may voluntarily agree upon the choice of a mediator that is not on the list.

(c) Compensation of the mediator, if other than the County Agricultural Commissioners or Secretary, and any other associated costs shall be the responsibility of the certification agent and the certified operation or applicant for certification. The mediator,

the certification agent and the certified operation or applicant for certification shall enter into a written agreement regarding compensation and costs before the commencement of mediation. County Agricultural Commissioners may be reimbursed for expenses incurred in conducting mediation by the Secretary as agreed to within the organic program contract or memorandum of understanding.

(d) Formal administrative proceedings shall be conducted in accordance with the provisions of Government Code, Section 11500 et seq.

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## 2.10 APPENDIX

The appendix includes the following SOP forms, instructions, and notices:

- Attachment 2.1** Sample Matrix Worksheets (*internal, not included*)
- Attachment 2.2** Pesticide Use Enforcement Program Standards Compendium, Volume 5, Investigation Procedures (*internal, not included*)
- Attachment 2.3** Organic Produce Sample Analysis Report form (ORG-105) (*internal, not included*)
- Attachment 2.4** Spot Inspection Program Matrix, Category: Fruits and Nuts (*internal, not included*)
- Attachment 2.5** Spot Inspection Program Matrix, Category: Vegetables and Herbs (*internal, not included*)
- Attachment 2.6** Spot Inspection Program Matrix, Category: Non-food Crops (*internal, not included*)
- Attachment 2.7** Spot Inspection Program Matrix, Category: Animal and Animal Products (*internal, not included*)
- Attachment 2.7a** Report of Inspection (ORG-104) (*internal, not included*)
- Attachment 2.8** SOP Production Regions (*internal, not included*)
- Attachment 2.9** Investigation Report Template (*internal, not included*)
- Attachment 2.10** Training Request/Confirmation (ORG-200 CTR) (*internal, not included*)
- Attachment 2.11** Organic Food Complaint Form (ORG-101)
- Attachment 2.12** Organic Complaint Form Instructions
- Attachment 2.13** Complaint Receipt Letter (ORG-101 CRL) (*internal, not included*)
- Attachment 2.14** Lack of Information Closure Letter (ORG-101 LOI) (*internal, not included*)
- Attachment 2.15** Notification of Closure for Non-jurisdictional Complaints (ORG-101 NJCL) (*internal, not included*)
- Attachment 2.16** County Complaint Assignment Letter (ORG-101 CCAL) (*internal, not included*)
- Attachment 2.17** Complaint Assignment Letter to ACA (ORG-101 ACA) (*internal, not included*)
- Attachment 2.18** Complaint Evaluation/Investigation Referral Report (ORG-101 CEIR) (*internal, not included*)
- Attachment 2.19** Complaint Case File Folder Tab Layout (*internal, not included*)
- Attachment 2.20** Complaint /Investigation File Contents Log (ORG-103 FCL) (*internal, not included*)
- Attachment 2.21** Investigation Action Summary (ORG-103 IAS) (*internal, not included*)
- Attachment 2.22** Complaint Closure Letter (ORG-101 CCL) (*internal, not included*)
- Attachment 2.23** Notification of Appeal (*internal, not included*)
- Attachment 2.24** Acknowledgement of Receipt of Appeal (*internal, not included*)
- Attachment 2.25** Case File Content and Activity Tracking (*internal, not included*)
- Attachment 2.26** Appeal Tracking Log (*internal, not included*)
- Attachment 2.27** Appeals: Request for Position (*internal, not included*)
- Attachment 2.28** Appeals: Request for Documentation (*internal, not included*)
- Attachment 2.29** Termination of Appeal Proceedings (*internal, not included*)

**Attachment 2.30** Appeals: Extension to Submit Supporting Documents (*internal, not included*)

**Attachment 2.31** Referral of Complaint to another State Agency (ORG-101 RE-CL) (*internal, not included*)

**Attachment 2.32** State Organic Program Enforcement and Due Process Activities Flow Charts

**Attachment 2.33** Sample Notice of Noncompliance (*internal, not included*)

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**California Department of Food and Agriculture**  
**Organic Food Complaint Form**  
 ORG 101 (Rev. 2/2009)

**1. Complainant information**

Name		
Address		
City	State	Zip Code
Daytime Phone	Mobile	
Home Phone	Email	
I confirm that all the information given is true and accurate to the best of my knowledge.		
Signature _____		Date _____

**2. Information regarding business of which you are complaining**

Name		Phone	
Address			
City	County	State	Zip Code

**3. Details of allegation(s)**

Location of incident(s)	Service(s) or Product(s)
Date(s)	Time(s)
Please list the name and type of the product or service	

**4. Complaint**

**5. FOR OFFICIAL USE ONLY**

Complaint referred to: (Department, Division, Bureau, Entity)			
Address:		City:	State:
Zip Code:	Telephone Number:	Tracking Number:	
Final Disposition and Reason:			
Signed:	Print Name:	Title:	Date:

(SEE REVERSE FOR INSTRUCTIONS)

## Instructions

Investigations for complaints that are under the jurisdiction of the California Department of Food and Agriculture will be initiated within three days of receipt. Complaints may be referred to the Department of Health Services if the matter is under their jurisdiction.

### 1. COMPLAINT INFORMATION

Please fill out your information. This will allow us to contact you regarding the complaint investigation and follow up with you if additional information is needed.

This form is subject to the California Public Records Act, GOVT. CODE §§ 6250 - 6276.48, partially stated as: "Records" include all communications related to public business "regardless of physical form or characteristics, including any writing, picture, sound, or symbol, whether paper... magnetic or other media." If you wish to remain anonymous, please leave this portion blank, and move to the section " 2. Information regarding business of which you are complaining".

### 2. INFORMATION REGARDING BUSINESS OF WHICH YOU ARE COMPLAINING

Please fill out all the information you know regarding the business and/or person of which your complaint is based.

### 3. DETAILS OF ALLEGATION(S)

Please fill in information regarding the details of the location and time of the incident.

If you need additional space to describe the details of the allegation(s), please attach a separate sheet.

### 4. COMPLAINT

Please describe your complaint in detail and give us any information that you believe will help in the investigation of your complaint. The more information that you can give will aid in the investigation process.

If you need additional space to describe the details of the complaint, please attach a separate sheet.

### 5. FOR OFFICIAL USE ONLY

Leave this area blank. This is completed by State Organic Program staff.

Call, fax, email, mail, or bring complaint to:

CDFA – Organic Program

Attn: David Carlson

1220 N Street, Sacramento CA 95814

Email: [dcarlson@cdfa.ca.gov](mailto:dcarlson@cdfa.ca.gov)

Phone: (916) 445-2180

Fax: (916) 445-2427

## **COMPLETING THE COMPLAINT FORM ORG-101**

The following describes the SOP complaint form and the information that must be provided by the complainant to accept or refer the complaint.

### **Section 1. Complainant Information**

- Name of complainant: (when divulged)
- Address: mailing and street if different. (P.O. box address should be avoided)
- City:
- State:
- Zip code:
- Contact phone: number, work, home, mobile (any one will be adequate)
- Signature: of requestor is optional
- Date: of complaint is essential

### **Section 2. Information regarding persons, operations of complaint**

- Name of respondent: (personal and or business as is appropriate to the facts)
- Phone numbers: if available
- Address: mailing and street if different. (P.O. box address should be avoided)
- City:
- County: county of incidences (may be more than one)
- State:
- Zip code:

### **Section 3. Details of allegations**

- Location of incidents: (physical location, address, cross streets, as descriptive as possible)
- Services or products: (what product or process is involved in the allegations)
- Dates of alleged violations
- Times: of alleged violation(s) (observations, occurrences, of events)

### **Section 4. Complaint**

- Detail description of who, what, when, where, how, and why of events, observations and any communication between complainant and respondent.

### **Section 5. For Official Use Only**

This sections is used by the SOP to initiate the investigation and track its progress

- Complaint referred to: (department, division, bureau, agency, entity)
- Address: (address of the referred entity)
- City, state, zip code, telephone number: (of referred entity)
- Tracking Number: (assigned by the SOP, based on a prescribed numbering system, the tracking number is a two (2) part number, the first part which will be at least two (2) digits, is based on the sequential number as received and noted in the database, the second part of the number is two digits (2) which represent the year the complaint is filed. (Example: 01-09 or 623-09)
- Final Disposition and Reason: (brief description of resolution, or reason for referral to another entity)
- Signed: (signature of the SOP program manager or his/her designee.
- Print Name: (printed name signatory)
- Title: (title of signatory)
- Date: (date signed)

### **Instructions**

The instructions for completing the form ORG-101 are attached to the complaint form and are available from the CDFA-Organic website, CAC, and SOP office upon request. The address and methods for submitting the complaint are included in the instructions.



## **CHAPTER 3: ADMINISTRATION**

### **3.1 OVERVIEW**

This abridged chapter details the California State Organic Program's (SOP) responsibilities related to the California Organic Products Advisory Committee (COPAC). Administered by the SOP Supervisor, Inspection and Compliance Branch Chief, and the Inspection Services Division Director, COPAC is statutorily mandated to advise the Secretary of the California Department of Food and Agriculture (CDFA) with respect to his or her duties under the California Organic Production Act of 2003 (COPA). **This abridged chapter concludes with an overview of the document and record control procedures for the Quality Systems Manual.**

### **3.2 CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE**

#### **3.2.1 Policy**

Food and Agricultural Code (FAC) §46003(a), identified as part of the COPA, requires the CDFA Secretary to establish an advisory committee, which shall be known as the California Organic Products Advisory Committee, for the purpose of advising the secretary with respect to his or her responsibilities under this act and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

FAC §46003(b) establishes that the advisory committee shall be comprised of 15 members. Each member may have an alternate. Six members and their alternates shall be producers, at least one of whom shall be a producer of meat, fowl, fish, dairy products, or eggs. Two members and their alternates shall be processors, one member shall be a wholesale distributor, two members shall be consumer representatives, one member shall be an environmental representative, two members shall be technical representatives with scientific credentials related to agricultural chemicals, toxicology, or food science, and one member shall be a retail representative. Alternates at large may be appointed to serve in the absence of any of the following categories: two alternates for producers, one alternate for processors, one alternate for consumer, and one alternate for technical representatives. Except for the consumer, environmental, and technical representatives, the members of the advisory committee and their alternates shall have derived a substantial portion of their business income, wages, or salary as a result of services they provide which directly result in the production, handling, processing, or retailing of products sold as organic for at least three years preceding their appointment to the advisory committee. The consumer and environmental representatives and their alternates shall not have a financial interest in the direct sales or marketing of the organic product industry and shall be members or employees of representatives of recognized nonprofit organizations whose principal purpose is the protection of consumer health or protection of the environment. The technical representatives and their alternates shall not have a financial interest in the production, handling, processing, or marketing of the organic products industry. The technical

representatives may be involved in organic research or technical review providing they have no financial benefit from results of the research project or technical review.

FAC §46003(c) provides that an alternate member shall serve at an advisory committee meeting only in the absence of, and shall have the same powers and duties as, the category whom he or she is representing as alternate, except for duties and powers as an officer of the committee. The number of alternates present who are not serving in the capacity of a member shall not be considered in determining a quorum.

FAC §46003(d) mandates that an alternate member may serve at an advisory committee subcommittee meeting only in the absence of, and shall have the same powers and duties as, the member whom he or she is designated as alternate, except for duties and powers as a subcommittee chairperson.

FAC §46003(e) establishes that members of the advisory committee and their alternates described in subdivision (b) shall be reimbursed for the reasonable expenses actually incurred in the performance of their duties, as determined by the advisory committee and approved by the secretary.

FAC §46003(f) provides that the CDFA Secretary or his or her representative, State Director of Health Services, or his or her representative, and a county agricultural commissioner may serve as ex officio members of the advisory committee.

### **3.2.2 Scope**

This abridged section details the procedures for administering the California Organic Products Advisory Committee (COPAC). Included within this section are the appointment procedures and meeting notification procedures.

### **3.2.3 COAPC Appointment Procedures**

Individuals interested in serving on COPAC should contact the SOP at (916) 445-2180 to request a list of vacant positions. Committee vacancies are published on CDFA's Press Release website as well as on the SOP website. In addition, vacancies are often published in industry magazines and periodicals. COPAC applicants are required to submit a prospective member questionnaire and a letter of recommendation from someone who is currently involved in the organic industry in an academic, consumer advocacy, or business setting. Upon receiving a copy of the prospective member questionnaire from the SOP, the applicant is encouraged to submit the questionnaire and letter of recommendation to: State Organic Program, 1220 N Street, Sacramento, CA 95814. Applicants are encouraged to review the statutory requirements outlined in FAC §46003 et seq. prior to submitting an application.

## **3.6 DOCUMENT AND RECORD CONTROL**

### **3.6.1 General**

SOP shall control all documents, records, and data related to the requirements of the NOP and California statutes and regulations.

### **3.6.2 Document Control**

The Branch Chief, SOP Program Supervisor, or an assigned designee shall review controlled documents issued for compliance. Controlled documents subject to review and approval include quality system documents created by the SOP, such as inspection handbooks, procedural instructions, and memorandums. This review shall ensure that pertinent issues of appropriate documents are available at all locations where operations essential to the effective functioning of the quality system are performed.

### **3.6.3 Document Changes and Modification**

A ledger shall be maintained for periodic updates issued by the SOP for each Quality Systems Manual. The form shall identify current revisions or amendments to documents. A ledger form shall be maintained for revisions to the Quality Systems Manual issued by the SOP. It is the County Agricultural Commissioner's (CAC's) and SOP Program Supervisor's responsibility to ensure that all documents, forms, and templates used are up to date and accurate.

### **3.6.4 Control of Records**

SOP shall identify, establish, and maintain documented procedures for identification, collection, indexing, accessing, filing, storage, maintenance, and disposition of all records relating to the provision of the SOP. Controlled copies of this Quality Systems Manual are issued by the SOP Program Supervisor to the USDA, Inspection Services Division Director, Branch Chief, and County Agricultural Commissioners.

All controlled copies are numbered or lettered and updated by the Branch Chief whenever changes are made. Recipients of controlled copies of the Quality Systems Manual shall be issued a list of amendments or modifications to the Quality Systems Manual as they occur. It is the responsibility of the SOP Program Supervisor to ensure that the most current Quality Systems Manual is issued and ensure that all SOP and CAC staff follow it. The SOP Program Supervisor maintains a list of the names, control numbers, and location of all controlled copies. Controlled copies shall be filed at SOP headquarters.

### **3.6.5 Obsolete Documents**

Obsolete documents, forms, and templates shall be destroyed, disposed of, and/or marked obsolete. Records of destroyed documents shall be maintained in the document control record file.

### **3.6.6 Quality Manual Modification**

The SOP Program Supervisor has the designated authority to modify or update the Quality Systems Manual. The Quality Systems Manual is reviewed annually and, if needed, updated. All changes made to the Quality Systems Manual shall become effective when signed and dated by the Branch Chief. The SOP Program Supervisor is responsible for maintaining and keeping the Quality Systems Manual up to date.

### **3.6.7 Uncontrolled Copies**

Uncontrolled copies of the Quality Systems Manual may be issued upon request. Uncontrolled copies are not updated unless requests are made.

### **3.7 APPENDIX**

This abridged appendix includes the following SOP forms, instructions, and notices:

**Attachment 3.2** COPAC Vacancy Announcement

**Attachment 3.3** Prospective Member Appointment Questionnaire

UNCONTROLLED COPY -  
NOT FOR OFFICIAL USE

## SECRETARY KAWAMURA ANNOUNCES VACANICES ON CALIFORNIA ORGANIC ADVISORY COMMITTEE

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SACRAMENTO, CA – The California Department of Food and Agriculture (CDFA) Secretary A.G. Kawamura is announcing ten vacancies on the California Organic Products Advisory Committee. Appointments will be three producer representatives, one environmental representative, two technical representatives, two alternate producer representatives, and one alternate consumer representative, and one alternate technical representative.

The California Organic Products Act of 2003 established the 15-member committee to advise the Secretary on current issues related to organic food production.

The environmental, technical, and consumer representatives must not have a financial interest in the direct sales or marketing of organic products.

Individuals interested in being considered for appointment as a member or alternate member should send a letter of consideration and include a letter of recommendation from the industry. Nominations will be accepted until the positions are filled. Nominations can be mailed to CDFA Organic Program, 1220 N Street, Sacramento, CA 95814 or emailed to [email address]. For additional information please contact Name at 916-445-2180.

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE  
CALIFORNIA ORGANIC PRODUCTS ADVISORY COMMITTEE**

**ATTACHMENT 3.3**

**PROSPECTIVE MEMBER APPOINTMENT QUESTIONNAIRE**

**PERSONAL INFORMATION**

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**PROFESSIONAL INFORMATION**

NAME OF COMPANY: \_\_\_\_\_

HOW LONG HAVE YOU PARTICIPATED IN THIS INDUSTRY? \_\_\_\_\_

PLEASE LIST NAMES AND DATES OF ANY INDUSTRY, TRADE, ASSOCIATIONS AND/OR PROGRAMS THAT YOU ARE AND/OR HAVE BEEN ASSOCIATED WITH: \_\_\_\_\_

\_\_\_\_\_

PLEASE LIST THE REASON(S) YOU WOULD LIKE TO SERVE ON THIS COMMITTEE: \_\_\_\_\_

\_\_\_\_\_

**ADDITIONAL INFORMATION**

PLEASE INDICATE WHICH MEMBER POSITION YOU ARE SEEKING TO FILL AND ANSWER THE ASSOCIATED QUESTIONS.

PRODUCER  
LIST THE COMMODITIES THAT YOU PRODUCE: \_\_\_\_\_

PRODUCTION ACREAGE: \_\_\_\_\_ LOCATION (CITY AND COUNTY): \_\_\_\_\_

PROCESSOR  
LIST THE COMMODITIES THAT YOU PROCESS: \_\_\_\_\_

CONSUMER MEMBER (OR)  
 ENVIRONMENTAL MEMBER  
DO YOU HAVE A FINANCIAL INTEREST IN THE DIRECT SALES OR MARKETING OF THE ORGANIC PRODUCT INDUSTRY?  YES  NO

IF YES, PLEASE EXPLAIN: \_\_\_\_\_

ARE YOU A MEMBER AND/OR EMPLOYEE OF A NONPROFIT ORGANIZATION WHO'S PRINCIPAL PURPOSE IS THE PROTECTION OF CONSUMER HEALTH OR THE PROTECTION OF THE ENVIRONMENT?  YES  NO

TECHNICAL REPRESENTATIVE  
DO YOU HAVE A FINANCIAL INTEREST IN THE DIRECT SALES OR MARKETING OF THE ORGANIC PRODUCT INDUSTRY?  YES  NO

IF YES, PLEASE EXPLAIN: \_\_\_\_\_

LIST YOUR SCIENTIFIC CREDENTIALS RELATED TO AGRICULTURAL CHEMICALS, TOXICOLOGY, OR FOOD SCIENCE: \_\_\_\_\_

WHOLESALE DISTRIBUTOR

RETAIL REPRESENTATIVE