

Unannounced Inspections

1. Purpose

This instruction provides best practices for registered certifying agents conducting unannounced inspections of certified operations.

2. OCal Regulations, Title 3 California Code of Regulations (3 CCR)

3 CCR § 10000. Definitions.

3 CCR § 10401. Requirements for accreditation.

3 CCR § 10408. Requirements for registration.

3 CCR § 10409. Registration.

3 CCR § 10410. Registration renewal and reporting.

3 CCR § 10500. General requirements for certification.

3 CCR § 10503. On-site inspections.

3 CCR § 10711. Inspection, testing, and reporting.

3. Policy

The OCal program encourages certifying agents to conduct unannounced inspections to ensure compliance across certified operations and gain consumer confidence. Unannounced inspections serve the dual purpose of giving the certifying agent the opportunity to observe the regular activities of an operation that has not been given time to prepare for an inspection, as provided in the annual monitoring inspections, and acting as a deterrent to violating OCal regulations.

If unannounced inspections are not possible due to State cannabis regulations or other extenuating circumstances, notice of up to 4 hours prior to the inspector arriving on-site may be given. The shorter the notice, the more likely the visit will fulfill the inspection's intended purposes.

Per OCal regulations, an operation's expected regular business hours are 8:00am – 5:00pm (Pacific Time), Monday through Friday, excluding holidays. A certified operation should inform

its certifying agent of its regular businesses hours if they are different than the expected regular business hours.

3.1. General

3.1.1. Certifying agents should conduct unannounced inspections of at least five (5) percent of their total certified operations per year. Certifying agents with fewer than 20 certified operations should conduct at least one (1) unannounced inspection per year.

3.1.2. Certifying agents should have a long-term plan for conducting unannounced inspections across geographic location and certification type.

3.1.3. Certifying agents should not accept applications for certification from locations where they are unable or unwilling to conduct unannounced inspections.

3.1.4. Operations may be chosen at random or due to specific criteria. The certifying agent should disclose to the operation the reason the operation was chosen for the unannounced inspection. Criteria for conducting an unannounced inspection of an operation may include, but is not limited to:

- a. Previous noncompliance issues.
- b. Complaints.
- c. OCal and non-OCal or non-organic production, especially of visually indistinguishable OCal and non-OCal cannabis.
- d. Risk of contamination from adjoining land use or commingling, or contamination during handling.
- e. Complexity of operation.

3.1.5. Unannounced inspections may be limited in scope, depth, and breadth, and may cover only certain aspects of the operation, such as parcels, facilities, products, etc. Certifying agents should direct the inspector to assess a specific area of the operation during an unannounced inspection.

3.1.6. An inspection report must be written by the inspector, sent to the client, reviewed by the certifying agent, and the results communicated to the clients pursuant to OCal regulations and the certifying agent's internal protocols.

3.1.7. Inspectors may conduct sampling during an unannounced inspection but the inspector must review aspects of the operation, in addition to collecting a sample, for the visit to be considered an unannounced inspection.

3.1.8. Certifying agents are responsible for providing adequate training for their inspectors to ensure that inspectors do not trespass or break any laws during unannounced inspections. Inspectors should not enter private property without explicit permission of the operation. Inspectors are advised to have adequate identification, such as a business card, and/or explanatory letter from the certifying agents, to demonstrate they are acting on behalf of the certifying agent.

3.1.9. If an operation refuses to allow an inspector access to any part of an operation during normal business hours, including the non-OCal portions of the operation, the operation is in violation of OCal regulations § 10503 and the certifying agent should promptly issue a Notice of Noncompliance to the operation.

3.1.10. Certifying agents are encouraged to have a written policy on unannounced inspection protocol and inspector access to certified facilities that includes expected hours of operation. This policy should be provided to all certified operations and inspectors.

3.1.11. Certifying agents may charge an operation for unannounced inspections as long as the fees are clearly disclosed to all certified operations. Fees charged must be filed with the department in accordance with OCal regulation § 10409 (b)(9).

4. Records

4.1. Certifying agents accredited by the department will maintain records according to OCal regulation § 10401(a)(9) and certifying agents accredited by the NOP will maintain records according to NOP regulation 7 CFR § 205.510(b).

4.2. Certified operations will maintain records according to OCal regulation § 10500(e).

5. References

National Organic Program Regulations, Title 7 Code of Federal Regulations (7 CFR part 205)

7 CFR § 205.510. Annual Report, Recordkeeping, and Renewal of Accreditation.