



OCal System Plans, OCal System Plan Updates, and Notification of Changes

1. Purpose

This document provides instructions for registered certifying agents (certifiers) on OCal system plans (OSP). It may also help interested operations to understand how to comply with the OCal regulations with respect to OSPs. This instruction clarifies the continuing certification process and explains how a certified operation may notify its certifier of changes that may affect its compliance with the OCal regulations.

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

3 CCR § 10000. Definitions.

3 CCR § 10101. What must be certified.

3 CCR § 10104. Recordkeeping by certified operations.

3 CCR § 10201. OCal system plans.

3 CCR § 10500. General requirements for certification.

3 CCR § 10506. Continuation of certification.

3. Policy and Procedures

3.1. OCal System Plans

The OCal regulations require OSPs as part of all initial OCal Program certification applications. To maintain certification, an operator must provide its certifier with annual updates to its OSP and notify its certifier of any changes that may affect its compliance with the OCal regulations (see § 10506 and § 10500(g) of the OCal regulations). Certifiers must review OSPs, annual updates, and any reported changes to ensure that an operation can comply or is in compliance with the OCal regulations.

Certifiers should explain the OCal regulations so that operations can determine which types of changes could affect compliance and explain the procedures for notifying them of changes.

Certifiers should require that OSPs, annual updates, and notifications of changes contain sufficient information to determine whether an operation is in compliance with the OCal regulations.

Certifiers may not require additional information that does not relate to compliance with the OCal regulations.

OCal will use accreditation and registration renewal assessments to verify that certifiers are appropriately enforcing the OCal regulatory requirements for OSPs, annual updates, and notification of changes.

3.1.1. OCal System Plan Overview

To become certified, an operation must submit an application provided by the certifier, a complete OSP, and the certifier's fees for certification review(s) and inspection(s). Certifiers must publish these fees in their fee schedule, which they will make available to all applicants.

3.1.2. OCal System Plan Requirements

The OSP must address all requirements relevant to the operation identified in § 10200 - § 10210 of the OCal regulations. The OSP includes the following areas, as applicable to the operation:

- a. A description of practices and procedures to be performed and maintained, including the frequency with which they will be performed. For example:
 1. Practices to maintain or improve natural resources, including biodiversity;
 2. Procedures for notifying neighbors and road departments of OCal certification to prevent contamination of OCal cannabis and nonmanufactured cannabis products by prohibited substances;
 3. Tillage practices;
 4. Cultivation practices;
 5. Crop rotation practices;
 6. Pest management practices;
 7. Procedures for obtaining certified OCal seeds;
 8. Harvest and transportation practices including equipment cleanout to prevent contamination;
 9. Storage practices;
 10. Processing methods including equipment cleanout to prevent contamination; and/or
 11. Labeling procedures.

- b. Documentation of each substance to be used as an agricultural input.
1. The input's composition and source as well as the location(s) where and frequency with which it will be used.
 2. Documentation of the commercial availability of some organic or OCal inputs, as per OCal regulations. For example, if a cannabis producer plants non-OCal seeds, then the producer must show evidence that an equivalent certified OCal seed variety was not available.
 3. The OSP must show that substances approved for specific restricted uses were employed in accordance with restrictions found in the National List of Allowed and Prohibited Substances, 7 Code of Federal Regulations (CFR) § 205.601 – § 205.606.
 4. The operation must show that it attempted to use adequate preventive practices before using approved pest control substances.
 5. Production inputs may include:
 - A. Soil amendments, including compost and manure;
 - B. Crop production aids;
 - C. Pest control inputs;
 - D. Seeds;
 - E. Planting stock; and/or
 - F. Post-harvest materials.
- c. A description of the monitoring practices and procedures, including the frequency with which they will be performed. An operation must monitor its activities to ensure that its practices are effective. The results of monitoring should help the operation identify areas that need improvement. This helps operations maintain OCal integrity and maintain or improve natural resources.

Monitoring methods may include:

1. Soil testing (e.g., testing for organic matter content);
 2. Monitoring soil moisture or water quality;
 3. Product quality testing;
 4. Residue testing;
 5. Monitoring crop quality; and
 6. Pest monitoring.
- d. A description of the recordkeeping system implemented to comply with § 10104 of the OCal regulations.

- e. A description of the management practices and physical barriers established to prevent contact of certified OCal operations and products with prohibited substances. Operations that produce or handle both certified organic/OCal and nonorganic/non-OCal cannabis and nonmanufactured cannabis must provide a description of practices and barriers to prevent commingling of these products.

Management practices and physical barriers may include:

1. Buffer zones to prevent contamination;
 2. Establishment of a physical barrier (e.g., a row of trees) to prevent drift of prohibited substances;
 3. Notification of neighbors and road departments; and
 4. Procedures for identifying OCal cannabis and nonmanufactured cannabis products during harvest, post-harvest processing and distribution.
- f. A description of practices implemented to maintain or improve the natural resources of the operation, including soil, water, wetlands, woodlands, and wildlife, and respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity. For more information regarding OSP documentation of natural resources and biodiversity conservation, see OCal 5020, Natural Resources and Biodiversity Conservation.

3.2. Other Items In An Operation's OCal Certification Application

- a. Applicable fees charged by the certifier.
- b. Additional information deemed necessary by the certifier to demonstrate compliance with the regulations. This may include:
 1. Name(s) of previous certifier(s) and years applied;
 2. Results of previous applications for certification;
 3. Copies of all prior Notices of Noncompliance or other adverse actions;
 4. Copies of all denials of certification;
 5. A description and evidence of actions taken to correct any noncompliances; and/or
 6. Other information deemed necessary by the certifier.

3.3. OCal System Plan Annual Updates

Each year, the operation must submit to its certifier:

- a. Certification and inspection fees;
- b. Updated contact information;
- c. Any changes that the operation made during the previous year;
- d. Any changes that are planned for the upcoming year;
- e. An update on the correction of any previously identified noncompliances; and
- f. Other information deemed necessary by the certifier to demonstrate compliance with the OCal regulations.

If the operation does not submit an annual update to its certifier, then it is in violation of § 10506 of the OCal regulations. There are many ways to comply with this requirement. Certifiers may request simple written statements, modified checklists, or supplemental forms to document activities. A simple written statement may allow for easier compliance reviews if there are few changes. Certifiers are to ensure OCal integrity by obtaining enough information to verify compliance with the OCal regulations, while being careful to set sensible limits on paperwork. Any required paperwork and documentation should be necessary and relevant to the applicable OCal regulations.

The annual update adds new information to the existing OSP. Its length and complexity will vary based on the type of operation. It does not require resubmission of the entire OSP or of any information that has not changed. Since operations are continuously certified until surrendered, suspended, or revoked, the annual update is not considered a new application for certification. Nonetheless, the update is a required and integral step in the continuation of certification process.

3.4. Notification of Changes

The operation is to notify its certifier prior to making any changes to its OSP that may affect its compliance with the OCal regulations. It must demonstrate compliance with the OCal regulations but does not need to report any changes that do not affect its compliance. Some examples of situations that would require notification to the certifier include:

- a. Application of a prohibited substance to any field, production unit, product or site involved in OCal production or handling, regardless of whether it was a direct

application or drift from a neighboring area, and regardless of whether or not it was intentional. The operation must notify the certifier immediately of any such events.

- b. Addition of acreage, a new field, production facility, to OCal production.
 - 1. If the operation plans to add a new field, facility, or unique production equipment to its certification, then the certifier will conduct an additional inspection before issuing an updated certificate.
 - 2. If the operation sells, labels, or represents products from fields or facilities as OCal that have not been inspected and that are not included on the certificate, then the operation is in violation of § 10101(a) of the OCal regulations.
- c. Removal of a field or portion thereof from OCal production.
- d. Development of a new retail label for the operation's OCal cannabis or nonmanufactured cannabis products.
 - 1. Any new retail labels developed for the operation's OCal cannabis or nonmanufactured cannabis products must be approved by the certifier before being used.
- e. New processing of OCal cannabis or nonmanufactured cannabis products not already specified in the OSP.
- f. Any change in the operation's practice, input, or procedure that may affect compliance with the OCal regulations.
 - 1. An operation should consult its certifier prior to using any new input in order to ensure that the material complies with the OCal regulations. The use of an unapproved material may be considered an application of a prohibited substance, which would remove the operation's land from certification for three years.

The operation may notify its certifier of changes verbally and in writing.

3.5. Receipt of Changes

The certifier should document all notifications so that the information may be reviewed and verified as part of the annual certification process. If necessary, the certifier may require the operation to submit additional documentation at the time of notification. Alternatively, the operation may submit documentation with the next annual update. The certifier will determine whether and when documentation is required on a case-by-case basis.

Certifiers should clearly communicate their procedures for notification of changes to applicants and certified operations. The OCal Program will review the available evidence during accreditation or registration renewal assessments to ensure that the certifier has established appropriate requirements for being notified of changes. If the OCal Program finds that a certifier failed to enforce these requirements, or that a certifier required notification of changes that were not relevant to the regulations, the OCal Program may issue a Notice of Noncompliance to the certifier.

Certifiers may not advise operations on how to overcome barriers to certification (see OCal 2614, Technical Assistance).

If a change could affect compliance, the certifier should:

- a. Inform the operation of the impact on compliance;
- b. Determine if the change requires submission of records/documentation;
- c. Determine if the change impacts the operation's certification status (i.e., in the case of the application of a prohibited substance); and
- d. Update the operation's file with the new information and issue an adverse action if necessary.

3.6. Certification Resources

The OCal Program handbook provides resources on production standards, sample OSP templates, and certification procedures.

4. References

OCal Program Handbook

OCal 2602. Recordkeeping for Certifying Agents and Certified Operations.

OCal 2614. Technical Assistance.

OCal 5020. Natural Resources and Biodiversity Conservation.