

Stellar Certification Services, Inc. Policy Manual

1. Authority for Operation of Stellar Certification Services, Inc.

1.1 Legal Status

Stellar Certification Services, Inc., incorporated in New Hampshire in 2002, provides organic certification services to farmers and handlers in the United States in compliance with the requirements of the USDA National Organic Program Rule, CFR 205. SCS offers verification of EU Equivalency for products entering the EU, Canadian Organic Equivalency for products entering the Canada, Swiss Equivalency for products entering Switzerland, as well as Export Arrangement verification for products entering Japan, Taiwan, and Korea.

Stellar Certification Services, Inc. is a non-profit, non-tax exempt corporation. SCS reincorporated in the state of Oregon in 2014.

Stellar Certification Services, Inc. was established to provide certification services only and is not a membership-based organization.

1.2 Accreditation Status

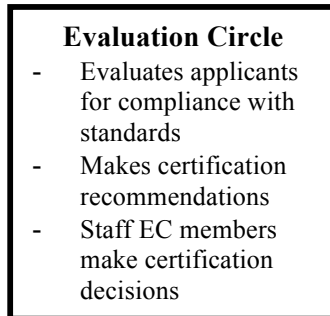
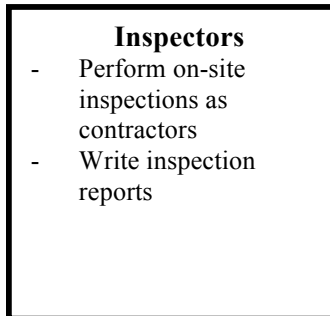
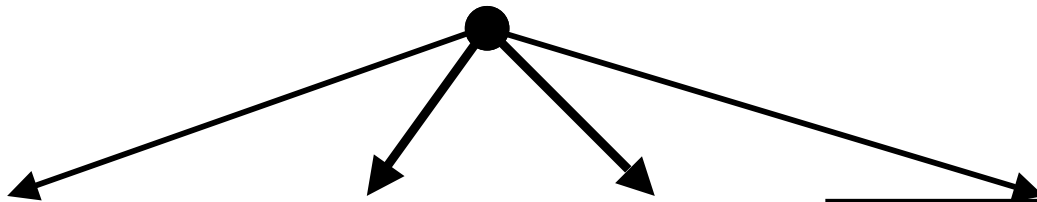
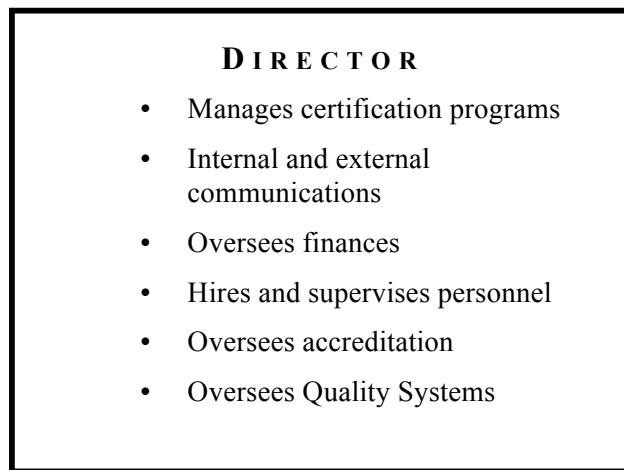
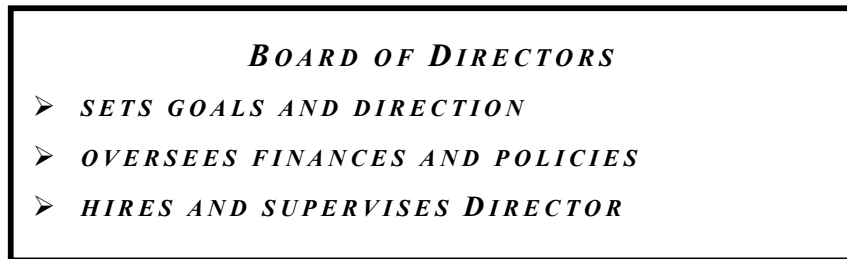
Stellar Certification Services, Inc. is accredited by the USDA for NOP.

1.3 Organizational Chart

The Organizational Chart appears on the following page.

Stellar Certification Services, Inc.

Organizational Chart



1.4 Authority of the Board of Directors

The Board of Directors of Stellar Certification Services, Inc. has all powers to control and manage Stellar Certification Services, Inc. activities, as stated in the By Laws.

1.5 Authority of Management

The Board of Directors of Stellar Certification Services, Inc. contracts with the Director of Certification to oversee the day-to-day operation of the Certification Program. The Director of Certification hires and contracts with additional support personnel as needed.

1.6 Authority of Committees

The office staff is responsible for the certification decisions.

1.7 Organization Confidentiality Policy

Members of the Board of Directors, the Director of Certification, Evaluation Circle members, sub-contractors, employees and inspectors maintain strict confidentiality with respect to the clients certified by Stellar Certification Services, Inc. No business-related information pertaining to clients obtained during the certification process, other than what is allowed by NOP regulations, is disclosed to third parties (with the exception of the Secretary of the USDA or the applicable State officials or their authorized representatives) unless permitted in writing by the certified producer or handler. An annual declaration adhering to this policy is required of the Board of Directors, staff, and any subcontractors.

When confidential information is required by law to be disclosed by Stellar Certification Services the involved party will be informed of the information provided.

1.8 Organization Conflict of Interest Policy

All personnel involved in the Stellar Certification Services, Inc. certification program disclose their business interests. They are not involved in work, discussion, and decisions in all stages of the certification process and the monitoring of certified production or handling operations where there would be conflict, within the 12-month period prior to the application for certification.

In addition, personnel involved in the Stellar Certification Services, Inc. program may not accept payment, gifts, or favors of any kind, other than prescribed fees, from any operation inspected.

If it is found that a conflict of interest has occurred during the certification process, the process will be put on hold until the conflict is resolved and will be taken up again at a point prior to the point where the conflict developed. If it is determined within 12 months of certifying the operation that any person participating in the certification process has or had a conflict of interest involving the applicant, the application for certification will be referred to another certifier and the costs of recertification will be reimbursed to the operation.

Stellar Certification Services, Inc. does not give advice or provide consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification. Stellar Certification Services, Inc. also ensures that the certification decision is made by a person different from those who conducted the on-site inspection.

All persons who review applications for certification, perform on-site inspections, review certification documents, evaluate qualifications for certification, make recommendations concerning certification, or make certification decisions update conflict of interest annually.

1.9 Organization Complaint and Dispute Policy

Complaints and disputes may encompass criticisms of either an operator certified by Stellar Certification Services, Inc., or the Stellar Certification Services, Inc. program as a whole. Stellar Certification Services, Inc. as well as operators certified Stellar Certification Services, Inc. must address complaints received.

1.9.1 Policy for Stellar Certification Services, Inc.

1.9.1.1 Stellar Certification Services, Inc. will track complaints related to operations certified by Stellar Certification Services, Inc. Copies of written complaints concerning certified operations will be placed in the operator's file and in the Complaint File.

1.9.1.2 Stellar Certification Services, Inc. will maintain records of complaints regarding the operation of the Stellar Certification Services, Inc. Program. Stellar Certification Services, Inc. will acknowledge the complaint and note any action taken and the effectiveness of the action.

Copies of all correspondence pertaining to a complaint will be filed in the Complaint File.

1.10 Non-discrimination Policy

Any operation (farm or handler) marketing organic product may apply for certification through Stellar Certification Services, Inc. SCS will not exclude from participation in or deny the benefits of the National Organic Program to any person due to discrimination because of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status.

No form of discrimination will be practiced in receiving and reviewing applications, although the review may result in refusal of the application of any farm or handler that fails to meet the criteria or make a serious commitment to organic practices.

1.11 Stellar Certification Services, Inc. Program Administration

1.11.1 The Board of Directors

1.11.1.1 The Role of the Board of Directors

The Board of Directors has all powers to control and manage Stellar Certification Services, Inc., with the exception of granting certification.

The Board of Directors sets policies and standards for Stellar Certification Services, Inc.

Duties of the Board of Directors include the following. These duties may be delegated to qualified staff.

1.11.1.1.1 Meet as a board a minimum of 1 time annually, either in person or by phone conference.

- 1.11.1.1.2 Generate a vision for the direction of SCS and implement that vision into reality
- 1.11.1.1.3 Approve standards, policies, and procedures.
- 1.11.1.1.4 Recruit new board members / replacement members to the board who represent the diverse needs of the clientele SCS serves.
- 1.11.1.1.5 Give time and thought to the mission and activities of SCS in between board meetings, take on specific tasks as needed
- 1.11.1.1.6 Annually review and evaluate the certification programs, the Director, and the board's performance.
- 1.11.1.1.7 Oversee general financial conditions and take corrective action when needed
- 1.11.1.1.8 Solve problems.
- 1.11.1.1.9 Board members agree to and sign confidentiality statements, declaration of interests, and update their resumes annually.
- 1.11.1.1.10 Oversee maintenance of records, policies, procedures and a quality system to meet the requirements of third party accreditation, including the review of internal audits and accreditation assessments.
- 1.11.1.1.11 Conduct board internal performance review to include items 1-10 + pre-meeting preparation, completion of assigned tasks, review of officer's responsibilities (ref.: bylaws)

1.11.1.2 Composition of the Board of Directors

The Board of Directors shall be comprised of a minimum of three members. The Board of Directors annually elects the officers of the corporation.

1.11.1.3 Qualifications of Board of Directors Members

Members of the Board of Directors should reflect knowledge of the organic industry or bring other qualifications to the organization. Experience or training in the area of organic food and agriculture is preferred.

1.11.1.4 Responsibilities Associated with Board of Directors Membership

Members of the Board of Directors are expected to participate in the meetings of the Board. This involves travel and volunteering the time to travel to, attend and return from the board meeting, as well as pre-meeting preparation.

The Board of Directors members must adhere to the Confidentiality Policy contained in section 1.7 of the Stellar Certification Services, Inc. Policy Manual.

The Board of Directors must adhere to the Conflict of Interest Policy contained in section 1.8 of the Stellar Certification Services, Inc. Policy Manual.

1.11.1.5 Selection of Board of Directors Members

Members of the Board of Directors are elected by a majority of the Directors.

1.11.1.6 Length of Term of Board of Directors

Each director shall preferably serve a minimum of one three-year term, and is eligible to serve an unlimited number of consecutive terms or until a successor is elected and qualified. Directors may be elected at any time of year.

1.11.1.7 Board of Directors Meetings

The Board of Directors holds at least one annual meeting. Additional meetings may also be held.

At any meeting of the Board of Directors, a majority of the Directors then in office shall constitute a quorum.

The meeting is conducted according to Robert's Rules of Order. Minutes are recorded of the meetings.

1.11.2 The Evaluation Circle

1.11.2.1 The Role of the Evaluation Circle

To serve as a review body for purposes of making certification recommendations on applications for certification, including for growers, processors, manufacturers, handlers, brokers, distributors, retailers, etc.

1.11.2.2 Composition of the Evaluation Circle

The Evaluation Circle is made up of individuals with experience, knowledge, and interest. The circle of evaluators may include some that conduct inspection visits as long as the evaluator for a given operation is different from the inspector who conducted the on-site visit. For any given review, evaluator(s) are chosen in a manner to ensure that the evaluator does not have a conflict of interest with the operation under review.

1.10.2.3 Qualifications of Evaluation Circle Members

Evaluation Circle members must fulfill at least two of the three requirements listed below:

- a) formal education in the area in which the evaluation applies
- b) adequate training to the applicable standards and regulations
- c) adequate work or other experience in the applicable area of evaluation

Other skills required include:

- familiarity and understanding of NOP and other applicable standards
- willingness to learn and stay current with NOP and other standards
- ability to produce detailed and timely EC reports

1.11.24 Responsibilities Associated with Evaluation Circle Membership

1.11.2.4.1 Participation

Each Evaluation Circle member is expected to complete the compliance review of the assigned files.

1.11.2.4.2 Confidentiality

The Evaluation Circle members must adhere to the Confidentiality Policy contained in section 1.7 of the Stellar Certification Services, Inc. Policy Manual.

1.11.2.4.3 Declaration of Interests

The Evaluation Circle must adhere to the Conflict of Interest Policy contained in section 1.8 of the Stellar Certification Services, Inc. Policy Manual.

1.11.2.4.4 Documentation Required

All Evaluation Circle members must declare their business affiliations and update this information annually. All Evaluation Circle members must sign a confidentiality statement annually. Evaluation Circle members will update resumes when applicable.

1.11.2.5 Selection of Evaluation Circle Members

The Director of Certification of Stellar Certification Services, Inc. appoints the members of the Evaluation Circle.

1.11.2.6 Length of Term

There is no limit to the length of time an Evaluation Circle Member may serve, provided satisfactory performance evaluations.

1.11.2.7 Training

Members of the Evaluation Circle are provided with copies of the Certification Standards and needed forms for their decision making. They are sent necessary communications from the office staff. This is logged appropriately.

1.11.2.8 Performance Evaluation of Evaluation Circle Members

The Evaluation Circle members are reviewed by the Director of Certification on the basis of timeliness of response and quality of comments in the work of reviewing and making decisions on applicants for certification. Quality of comment is the most important aspect in determining a person's value in this role. An evaluator's comments must reveal a thorough review of the site visit report and a complete understanding of the standards against which the operation is judged. Timeliness of the evaluator's response plays a secondary role but is important. Members whose performance is deemed unsatisfactory as

judged by the evaluator's annual performance review shall not be asked to participate in further reviews.

1.11.2.9 Education of Evaluation Circle Members Regarding Changes in Policy & Procedures

The Evaluation Circle members are provided with an updated version of the Certification Standards, when applicable, or are sent to the USDA website for NOP Standards guidance. The Evaluation Circle has open access to office personnel for questions, the office provides regular updates, changes or information that is needed for the performance of their duties. The Evaluation Committee receives copies of communications that are sent to operators for the purpose of informing licensees about certification issues.

1.11.3 Office Staff

The Director of Certification is responsible for conducting the day-to-day work of the Stellar Certification Services, Inc. program.

1.11.4 Inspectors

The inspector should have experience in some branch of organic agriculture, either as a practitioner or in some other capacity such as inspector for another certification program, or equivalent experience. Inspectors must meet at least two of the three requirements below:

- a) formal education in the area in which the inspection applies
- b) adequate training to the standards and regulations to which the inspection applies
- c) adequate work or other experience in the area in which the inspection applies

All beginning inspectors are expected to complete the Independent Organic Inspectors Association basic training in crops, livestock, and/or processing, or the equivalent training provided elsewhere and approved by SCS.

2. The Certification Process

Certification under Stellar Certification Services, Inc. is an annual process. Application and an on-site visit by an inspector are required annually for farms and processors/handlers.

2.1 Certification Scopes

Stellar Certification Services, Inc. operates a certification program that certifies:

- crops
- wild harvest crops
- livestock
- handling, including traders and distributors

2.2 Certification Standards

The National Organic Program Standards are the basis for certification of the above types of production. These standards are based upon the Organic Foods Production Act and the Rules established the United States Department of Agriculture. Applicants for Stellar Certification

Services, Inc. certification are expected to comply with these Standards, or to Canadian equivalency, which may be requested.

2.3 Documentation Requirements

2.3.1 Land History

A complete declaration is required, to the best of the applicant's knowledge, concerning the previous history of the land, the condition of the soil, and any environmental considerations (proximity to major roads, industrial areas, power lines, superfund sites, etc.). If land has recently been purchased, an affidavit from the former owner is required giving information on chemical and fertilizer usage with the name of the material and date of usage. Stellar Certification Services, Inc. may request residue tests for agricultural chemicals and/or investigation of other environmental influences. Attachments to the farm application include three-year field histories with input records, and a farm map representing all fields.

2.3.2 Record Keeping

2.3.2.1 Farm Record Keeping

Adequate records must be kept concerning all aspects of farm operations. All records are to be made available to the inspector and/or Stellar Certification Services, Inc. office upon request. Audit trail records will be reviewed at the time of annual inspection. Records may include, but are not limited to the following examples:

Field records	<ul style="list-style-type: none"> ➤ All materials applied, date and rate of application, name and source of all inputs, acreage and type of crops to which inputs are applied. ➤ GMO status of seeds, inoculants, and plant protection materials.
Harvest records	<ul style="list-style-type: none"> ➤ Records of the harvest, segregation, and sale of non-organic buffer crops and of non-organic Transition crops. ➤ Records of all harvested crops, bin storage location if applicable, sales records. ➤ Sales records should have a lot number such as a date or other code and be traceable to the field of origin. ➤ Invoices and BOLs should include certification status of the product. ➤ Equipment cleaning records if applicable
Livestock	<ul style="list-style-type: none"> ➤ Date purchased, source, weight and age at acquisition. ➤ Amount of feed and supplementation purchased including certificates and feed tags ➤ Medications: vaccinations, illness/injury treatments including medicament labels ➤ Production records ➤ Date, ID number, age, and certification status at time of slaughter or sale of animals ➤ Records as required for implementation of the Pasture Rule
Inputs	<ul style="list-style-type: none"> ➤ Manure – type, amount, source, quality ➤ Other fertility – type, brand name, amount, source, ingredients ➤ Seed – type, amount, source, classification as OG, conventional, treated, untreated, GMO status ➤ Plant protection materials, GMO status. Maintain all labels for

	the annual visit.
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2.3.2.2 Processor and Handler Record Keeping

Adequate records must be kept concerning all aspects of processing and handling operations. All records are to be made available to the inspector and/or Stellar Certification Services, Inc. office upon request. Audit trail records will be reviewed at the time of annual inspection. Records may include, but are not limited to the following examples:

Products	<ul style="list-style-type: none"> ➤ Individual Product Profiles for all products ➤ Process Flow for all products ➤ Non-GMO ingredient verification ➤ Off-site storage facility information ➤ Current certificates for all OG ingredients
Sanitation	<ul style="list-style-type: none"> ➤ MSDS for sanitation products used ➤ Sanitation logs
Pest Control	<ul style="list-style-type: none"> ➤ MSDS for all pest control materials used ➤ Pest Control logs ➤ Trap maps
Sales records	<ul style="list-style-type: none"> ➤ Purchase orders ➤ Invoices ➤ Lot numbers

2.3.3 Records for Shipping Certificates

There are basic documents needed as a basis for issuing Shipping Certificates and trading domestically and internationally. Listed below are general documents requested to establish an audit trail from field to customer.

From Growers

1. Harvest records by field and totals for the harvest year
2. The amount of product that is delivered for processing with lot number and crop year. Processor must be inspected prior to receiving certified products.

From Processors or Exporters

1. Purchase order to the grower if processor is buying product.
2. Delivery ticket, either a scale ticket or warehouse receipt
3. When needed, an inventory-tracking document to keep a record of inventory received and inventory shipped out.
4. The outcome of processing (units, date, wt, lot number). Document goods into and out of processing. Note: processing may not happen to all inventory at the same time.

This processing outcome document will be the basis of total product inventory offered for sale.

5. Invoices for each sale/shipment with lot number, date, weight, crop year. Inventory sheet is updated after each sale.

6. Bill of Lading should include lot number, quantity, date and the notation of 'certified organic' if that is the case.
7. Shipping units, boxes, crates, and bags may be prominently marked 'certified organic'. This will alert truckers, dock hands, others, to the importance of care in handling.
8. If shipping is via container, request container loading on deck; otherwise, try to obtain a statement from the shipping company that the ship will not be fumigated while at sea.
9. All containers or trucks used for transport must be inspected for cleanliness and this should be documented with a 'clean truck affidavit' and signed. The document should verify physical cleanliness, lack of odor and physical damage, no mixed cargo of prohibited materials and certified materials.
10. If shipping is by rail, same conditions apply. Confirm clean rail car, confirm no fumigation.
11. Some common markings must tie the documents together, either lot number, sales number, or some other designation.
12. If export agent is reloading or storing goods, the agent and warehouse may need to be inspected.

2.4 Farm Certification Process

2.4.1 Initial Step

The grower requests the Farm Certification Packet, which includes the application forms, Program Manual, Step by Step process of certification, application instructions and fee schedule. The NOP website is referred to as the most current information on the NOP rule. A hard copy will be provided if requested.

Upon completion, the application forms are returned to the office with the application fee. Any on-farm or grower-contracted processing must be noted, as there is an additional application and fee for gathering information about these activities. See Fee Schedule.

2.4.2 Office Review

After receipt of the application and fees, the SCS office will review the application for completeness. A letter will be sent acknowledging receipt of application materials, noting information that is still needed or will need to be collected by the inspector. A cost estimate is made based on the Fee Schedule. SCS will then assign an inspector to conduct the on-site visit of the operation. Applicants are contacted by the inspector to set a date.

The inspector will conduct an inspection and submit a report to the certification office. Additional information pertaining to the inspection process can be found in section 3.

2.4.3 Certification Determination

The office will send applicants a copy of the inspection report along with the results of any tests done on samples collected by the inspector.

The inspector's report will be sent to a member of the Evaluation Circle to review and make a certification recommendation. A recommendation is submitted to SCS. A qualified staff member will make a certification decision. The office will notify the applicant of the decision and forward a list of requirements that need to be met. The applicant is required to acknowledge this Checklist Evaluation Review (CER) and to sign off on acceptance of the requirements. Based on review of the information, the applicant may submit additional written explanations and comments, if desired.

Upon certification approval and applicant's agreement to requirements, the SCS office sends Terms of Agreement to establish a formal relationship. The applicant receives a copy of the contract, which is signed by the office and the applicant. One copy stays with the applicant along with a Certificate. One is filed in the office. The applicant is now certified. By accepting certification, the operator gives the certifier the right to make unannounced visits to the certified operation and to have access to records and facilities in order to verify procedures and materials.

Applicants have the right to withdraw application up to the point that SCS issues a decision. The request must be in writing. The application fee will not be refunded and the applicant will be billed for any outstanding inspection costs. See Fee Schedule

2.4.4 Annual Information Update

At the beginning of every year, renewal applications are sent to the operator. The operator fills out the information, makes any updates to the OSP applications, and returns all documents with the renewal fee. The annual inspection visit will be scheduled. If fees and information update are not complete within 90 days following the annual renewal date, SCS will begin initiate the noncompliance procedures.

The farm is then visited during the growing season by an inspector, following the same procedure as in the year of application. An updated certificate will be sent to the operator.

The operator has the right to withdraw the renewal prior to our issuing a notice of proposed suspension or revocation, or to appeal an adverse decision. During appeal or mediation, the operator's certification remains in effect. If certification is surrendered, suspended or revoked, sales of product represented as organic must cease.

2.5 Handler Certification Process

2.5.1 Initial Step

The owner of the product which is going to be processed/handled sends for the Processing Certification Packet, which includes the Program Manual, application forms, Step by Step process of certification, application instructions and fee schedule. The NOP website is referred to as the most current information on the NOP rule. A hard copy will be provided if requested.

Upon completion, the application form is returned to the office with the application fee. Any co-processors must be noted, as there is an additional application and fee for gathering information about these activities. See Fee Schedule.

2.5.2 Office Review

After receipt of the application and fees, the SCS office will review the application for completeness. A letter will be sent acknowledging receipt of application materials, noting information that is still needed or will need to be collected by the inspector. A cost estimate is made based on the Fee Schedule. SCS will then assign an inspector to conduct the on-site visit of the facility. Applicants are contacted by the inspector to set a date.

The inspector will conduct an inspection and submit a report to the certification office. Additional information pertaining to the inspection process can be found in section 3.

2.5.3 Certification Determination

The office will send applicants a copy of the inspection report about the operation along with the results of any tests done on samples collected by the inspector.

The inspector's report will be sent to a member of the Evaluation Circle to review and make a certification recommendation. A recommendation is submitted to SCS. A qualified staff member will make a certification decision. The office will notify the applicant of the decision and forward a list of requirements, along with a copy of the inspection report. The applicant is required to acknowledge the Checklist Evaluation Review (CER) and to sign off on acceptance of the requirements. Based on review of the information, applicant may submit additional explanations and comments, if desired.

Upon certification approval and applicant's agreement to requirements, the SCS office sends Terms of Agreement to establish a formal relationship. The applicant receives a copy of the contract which is signed by the office and the applicant. One copy stays with the applicant along with a Certificate. One is filed in the office. The applicant is now certified. By accepting certification, the handler gives the certifier the right to make unannounced visits to the certified operation and to have access to records and facilities in order to verify procedures and materials.

The applicant has the right to withdraw the application up to the point of issuance of a decision. The request must be in writing. The application fee will not be refunded and the applicant will be billed for any outstanding inspection costs. See Fee Schedule.

2.5.4 Annual Information Update

At the beginning of every year, renewal applications are sent to the operator. The operator fills out the information, updates the Organic Handling Plan (OHP) and related documents, signs the contract and returns all documents with the renewal fee. The annual inspection visit will be scheduled. If fees and information update are not complete within 90 days following the annual renewal date, SCS will begin suspension and so notify the operator.

The facility is then visited by an inspector, following the same procedure as in the year of application. A copy of the contract signed by the office will be sent to the operator with the updated certificate.

The operator has the right to withdraw the renewal prior to SCS issuing a decision of impending suspension or revocation, or to appeal an adverse decision. During appeal or mediation, the operator's certification remains in effect. If certification is suspended or revoked, sales of certified product must cease.

2.6 Trader Certification Process

SCS has set forth some procedures for the certification of traders who trade organic products domestically and/or internationally.

2.6.1 Initial Step: Upon initial contact, SCS sends the potential trading company the Trader Application, Program Manual, Trader Step by Step certification procedures, application instructions and Fee Schedule. The NOP website is referred to as the most current information on the NOP rule. A hard copy will be provided if requested. The application is submitted to Stellar along with the Application Fee.

2.6.2 Office Review Audit: After receipt of the application and fees, the SCS office will review the application for completeness. A letter will be sent acknowledging receipt of application materials, noting information that is still needed or will need to be collected by the inspector. A cost estimate is made based on the Fee Schedule. SCS will then assign an inspector to conduct the on-site visit of the facility. Applicants are contacted by the inspector to set a date.

The inspector will conduct an inspection and submit a report to the certification office. Additional information pertaining to the inspection process can be found in section 3.

2.6.3 Co-processors and Private Label Processing: Material handling (such as handling of ingredients, packaging etc.) related to all product labeled as “100% organic”, “organic”, or “made from organic ingredients” under Stellar Certification Services NOP accredited organic certification must hold a current NOP organic certification at the time of co-processing.

Furthermore it must be verified that such contracted co-processing is conducted within the scope the facility’s organic certification at the time of processing. To verify this, SCS may request verification from the co-processor that this is the case, in written form and/or through an on-site visit.

If the facility does not hold current, valid NOP accredited organic certification then the Stellar Organic Handling Plan (OHP) document must be submitted and the facility visited to verify that the co-processing of the SCS product is done in compliance with the National Organic Program rule.

2.6.4 Certification Decision: The Stellar office conveys this decision by CER to the applicant and sends a copy of the review. The applicant returns a signed copy of the CER acknowledging any issues noted and how they will be responded to. If certification has been approved, the office sends the Terms of Agreement to establish a formal certification relationship. The trader receives a copy, along with a Certificate. The trading company is now certified.

2.6.5 Annual Information Update: At the beginning of every year, renewal forms are sent to the trader to be filled out, signed, and returned with the renewal fee. Once again the certification process occurs. Upon successful continual of certification, an updated certificate is sent.

2.6.6 After October 21, 2002, all products entering the U.S. market must be certified by a USDA accredited certifier.

2.7 Amending Certification to Cover New Products

A operator wishing to amend the scope of an existing certification writes to the certification office giving details in support of the request. The certification office will decide what additional information is needed if any. A revisit to the facility may be required.

2.8 Terms of Certification

Once certified, a production or handling operation's organic certification continues in effect until surrendered by the organic operation or suspended or revoked by Stellar Certification Services, Inc., or the USDA AMS Administrator.

2.9 Sourcing Agricultural Inputs and Ingredients for Processed Products

When management practices are insufficient to prevent or control pests and diseases, a biological or botanical substance or a substance included on the National List of synthetic substances allowed for use in organic crop production, Section 205.601 through 205.607, may be used by operations certified Stellar Certification Services, Inc.

Ingredients used in processed products must be produced in accordance with NOP Standards. Nonagricultural (non-organic) substances and non-organically produced agricultural products must be used according to Sections 205.605 and 205.606 of the Stellar Certification Services, Inc. Certification Standards.

Operations certified to standards other than the NOP must meet material requirements for those regulations.

2.10 Procedures for Document Review

Stellar Certification Services, Inc. is accredited by the USDA and will accept the certification decisions of other USDA accredited certification programs.

2.11 Monitoring Continued Compliance

Monitoring of continued compliance with the National Organic Program Standards is done through follow-up contact with applicants to verify conditions or requirements have been addressed, unannounced visits to verify compliance, the annual information update and annual inspection.

2.12 Residue Testing

Residue testing may be conducted either in the event of suspected contamination or commingling, or as part of a random sampling program.

Pursuant to Section 205.670, SCS requirements for sampling and residue testing are as follows:

2.12.1 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 USDA AMS Administrator, the applicable State organic program's governing State official, and/or Stellar Certification Services, Inc.

2.12.2 The USDA AMS Administrator, applicable State organic program's governing State official, or Stellar Certification Services may require pre-harvest or post-harvest 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 State organic program's governing State official at their own expense, or the Stellar Certification Services Program at Stellar's expense.

- 2.12.3 The pre-harvest or post-harvest tissue test sample collection pursuant to paragraph (b) of this section must be performed by an inspector representing the USDA AMS Administrator, applicable State organic program's governing State official, or Stellar Certification Services. Sample integrity must be maintained throughout the chain of custody, and residue testing must be performed by a laboratory that meets the requirements set forth in NOP 2610.
- 2.12.4 Results of all analyses and tests performed under this section:
 - 2.12.4.1 Will be available to the inspected operation
 - 2.12.4.2 Will be maintained on file for review by the Administrator;
 - 2.12.4.3 Will be available for public access, unless the testing is part of an ongoing compliance investigation.
 - 2.12.4.4 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, Stellar Certification Services will promptly report such data to the Federal health agency whose regulatory tolerance or action level has been exceeded.

2.13 Emergency Pest or Disease Treatment by a Federal or State Program

As per 205.672 of the NOP Final Rule, when a prohibited substance is applied to a certified operation due to a Federal or State emergency pest treatment program and the certified operation otherwise meets the requirements of this rule, the certification status of the operation shall not be affected as a result of the application of the prohibited substance, provided that any harvested crop or plant to be harvested that has contact with a prohibited substance as a result of this emergency treatment program cannot be sold, labeled, or represented as organically produced, and any livestock that are treated with a prohibited substance applied as a result of the emergency program or product derived from such livestock cannot be represented as organically produced, except that milk or milk products may be sold or represented as organically produced after 12 months following the last date that the animal was treated with the prohibited substance, and the offspring of breeder stock treated with a prohibited substance may be considered organic if the breeder stock was not in the last third of gestation on the date said stock was treated with the prohibited substance.

2.14 Product Exported to Japan

2.14.1 Requirements for export of US Organic Raw and Processed Agricultural Products to Japan

Stellar Certification Services (SCS) assesses product based on the MAFF Export Arrangement between USDA and Japan.

- 1) U.S organic products certified to NOP standards may be exported to Japan.
- 2) Products exported to Japan must be accompanied by an export certificate (TM-11). A TM-11 will be issued by SCS based on information provided by the farm or processor.
- 3) The product must be imported by a JAS certified importer. The JAS certified importer can affix a label on the product or invoice and sell it as JAS.

2.14.2 Procedure for completion of TM -11 Export certificates for export to Japan.

Stellar Certification Services will issue and sign the official TM-11 certificate. The information entered will be based on specific information on the exported lot(s) as provided by the producer or manufacturer. SCS will request that the entity proposing to export report on the following information:

1. Country of destination
2. Name and address of the final producer or handler of the product as applicable. For producers or handlers with multiple locations, the address will be the common or corporate address.
3. Name and address of port of embarkation.
4. Name and address of the individual or business in Japan to which the product is to be transferred, assigned or delivered.
5. Total net weight of shipment.
6. Total number of air or vessel containers to be covered by the export certificate.
7. Name of the raw product or packaged products. For raw products the name will be the common name of the product, e.g. rice, apples etc. For processed products the name will be the name shown on the principle display panel.
8. The lot number(s) assigned to the product by the final producer or handler of the product.
9. The marked net weight(s) of the lot(s) assigned to the product by the final producer or handler.
10. The number of packages contained under the lot numbers listed in #8.
11. The flight number, vessel name or number, or container number as applicable for the products covered by the export certificate.

At the time of formal issuance and signing SCS will assign a unique identification number to each certificate assigned. This identification number will begin with an acronym designating the accredited certifying agent and a country code for the specific export arrangement.

Stellar Certification Services will maintain a paper based and /or electronic control log that records and tracks the disposition of each export certificate including those issued, voided or destroyed.

Stellar Certification Services will designate a staff person and back up staff person to authorize the issuance of the TM-11 export certificate and attest to its authenticity by affixing his/her signature to the certificate.

2.15 Products exported to Taiwan

2.15.1 Requirements for export of US Organic Raw and Processed Agricultural Products to Taiwan

Stellar Certification Services (SCS) approves organic products for export to Taiwan based on the MAFF Export Arrangement between USDA and Taiwan.

U.S organic products certified to NOP standards may be exported to Taiwan as long as they are eligible to carry the USDA seal.

Products exported to Taiwan must be accompanied by an export certificate (TM-11). A TM-11 will be issued by SCS based on information provided by the farm or processor.

2.15.2 Procedure for completion of TM -11 Export certificates for export to Taiwan.

Stellar Certification Services will issue and sign the official TM-11 certificate. The information entered will be based on specific information on the exported lot(s) as provided by the producer or manufacturer. SCS will request that the entity proposing to export report on the following information:

1. Country of destination
2. Name and address of the final producer or handler of the product as applicable. For producers or handlers with multiple locations, the address will be the common or corporate address.
3. Name and address of port of embarkation.
4. Name and address of the individual or business in Taiwan to which the product is to be transferred, assigned or delivered.
5. Total net weight of shipment.
6. Total number of air or vessel containers to be covered by the export certificate.
7. Name of the raw product or packaged products. For raw products the name will be the common name of the product, e.g. rice, apples etc. For processed products the name will be the name shown on the principle display panel.
8. The lot number(s) assigned to the product by the final producer or handler of the product.
9. The marked net weight(s) of the lot(s) assigned to the product by the final producer or handler.
10. The number of packages contained under the lot numbers listed in #8.
11. The flight number, vessel name or number, or container number as applicable for the products covered by the export certificate.

At the time of formal issuance and signing SCS will assign a unique identification number to each certificate assigned. This identification number will begin with an acronym designating the accredited certifying agent and a country code for the specific export arrangement.

The remarks section of the TM-11 form for export to Taiwan will make the following compliance statements:

For Processed Products and Crops:

"Organic agricultural products and organic processed products, accompanied by this certificate, were produced or processed using zero prohibited substances."

For Livestock and meat products:

"Organic livestock products, accompanied by this certificate, were managed and produced without the use of systemic pain killers or analgesics, including the use of Lidocaine or Procaine."

Stellar Certification Services will maintain a paper based and /or electronic control log that records and tracks the disposition of each export certificate including those issued, voided or destroyed.

Stellar Certification Services will designate a staff person and back up staff person to authorize the issuance of the TM-11 export certificate and attest to its authenticity by affixing his/her signature to the certificate.

2.16 Export to and Import From the European Union

As of June 1, 2012, the US/EU Organic Equivalency Arrangement allows organic product to be traded between the United States and the European Union.

To **export product to the EU**, USDA certified organic product must meet the following requirements:

1. Organic apples, pears, and ingredients from organic apples and pears must be produced without antibiotics. Antibiotics may not be used for at least 3 years prior to the harvest of the organic apple or pear.
2. Products must travel with an EU import certificate (Certificate of Inspection) that has been completed by an NOP-accredited certifying agent.
3. Products must be either produced or have had final processing or packaging occur within the U.S.

Labeling requirements apply.

Wine: Organic wine and wine “made with organic grapes” may be exported to the EU under the arrangement if it meets the following criteria:

1. Contains 100 percent organic grapes and organic ingredients. Non-organic substances not allowed under 7 CFR 205.605 are prohibited.
2. Have been produced only using the winemaking practices and substances detailed in the EU organic regulations.

To **import product from the EU**,

In addition to the certification to the EU organic regulations, all products traded under the organic trade partnership must meet the following requirements:

1. Livestock must be produced without antibiotics.
2. Products must travel with a National Organic Program (NOP) import certificate that is completed by an EU-authorized body.
3. Products must be either produced or have had final processing or packaging occur within the EU.

Aquatic animals are excluded from the arrangement and may not be imported as organic into the U.S.

Labeling and wine requirements apply.

2.17 Canadian Organic Regime (COR) Equivalency

As of June 30, 2009, products to be sold or marketed in Canada as organic must, in addition to the requirements of NOP certification, meet the following requirements:

- 1) Agricultural products produced with the use of sodium nitrate shall not be sold or marketed as organic in Canada.
- 2) Agricultural products produced by hydroponic or aeroponic production methods shall not be sold or marketed as organic in Canada.
- 3) Agricultural products derived from livestock must be produced according to livestock stocking rates as set out in CAN/CGSB-32.310-2006 (amended October 2008).

All products must be accompanied by documentation stating the following:

“Certified in compliance with the terms of the US-Canada Organic Equivalency Arrangement”.

2.18 Import from and Export to Korea

As of July 1, 2014, processed organic products certified in Korea or in the U.S. may be sold as organic in either country.

To **export product to Korea**, qualifying products certified to the USDA organic standards that:

1. Are “processed products” as they are defined by the Korean Food Code.
2. Contain at least 95 percent organic ingredients.
3. Have their final processing (as defined in the Korean Food Code) occur in the United States.
4. Don’t contain apples and pears produced with the use of antibiotics.

Korea’s laws only allow organic equivalency arrangements to cover processed products. Other products, such as fresh cherries or broccoli, need to be certified to the Korean organic standards.

All U.S. organic shipments exported to Korea under this arrangement must be accompanied by the NAQS Import Certificate of Organic Processed Foods. Labeling requirements apply.

To **import product from Korea**, qualifying products certified to the USDA organic standards that:

1. Are “processed products” as they are defined by the Korean Food Code.
2. Contain at least 95 percent organic ingredients.
3. Have their final processing (as defined in the Korean Food Code) occur in Korea.
4. Don’t contain livestock products produced with the use of antibiotics.

Other products, such as fresh produce, need to be certified to the USDA organic standards.

All Korean exports under this arrangement must be accompanied by the NOP Import Certificate.

2.19 Import from and Export to Switzerland

As of July 10, 2015, certified organic products of the United States and Switzerland can be represented as organic in each other’s market.

To **export product to Switzerland**, all organic products traded under the arrangement must:

1. Be certified organic to U.S. Department of Agriculture (USDA), USDA organic regulations, at Title 7, Part 205 of the U.S. Code of Federal Regulations; and
2. Be either grown in the United States, produced in the United States, or be a product for which final processing or packaging has occurred in the United States; and
3. For any wine product, be produced and labeled according to the Switzerland Federal Department of Economic Affairs, Education and Research (EAER) Ordinances on Organic Farming and the Labeling of Organically Produced Products and Foodstuffs (910.18) and Organic Farming of 22 September 1997 (910.181) and its regulations.

All U.S. organic shipments exported to Switzerland under this arrangement must be accompanied by a Swiss import certificate. Labeling and wine restrictions apply.

To **import product from Switzerland**, all products under the arrangement must:

1. Be certified organic to the Switzerland Federal Department of Economic Affairs, Education and Research (EAER) Ordinances on Organic Farming and the Labelling of Organically Produced Products and Foodstuffs (910.18) and Organic Farming of 22 September 1997 (910.181) and its regulations (“Swiss Organic Ordinances”);
2. Be either grown in Switzerland, produced in Switzerland, or be a product for which final processing or packaging has occurred in Switzerland;
3. For any wine product, be produced and labeled according to the USDA organic regulations; and
4. For livestock products or any ingredients used in such products, be derived from animals not treated with antibiotics.

All U.S. shipments imported from Switzerland must be accompanied by a U.S. National Organic Program (NOP) Import Certificate. Labeling and wine restrictions apply.

3. The On-Site Visit and Evaluation Process

3.1 Scheduling

All regularly scheduled inspections must be conducted when an authorized representative of the operation, who is knowledgeable about the operation, is present and at a time when land, facilities, and activities that demonstrate the operation's compliance with or capability to comply with the Standards. The inspector will contact the operator directly to set a mutually acceptable time for the inspection.

3.2 Inspection Fees

Information pertaining to inspection fees is found in the Fee Schedule.

3.3 Farm Inspection Process

The inspector receives a document packet from SCS office which includes the application checklist review, Organic System Plan, any attachments, map, previous year's report and certification conditions (previous CER). The inspector reads the packet and notes any situations to flag.

The inspector calls the operator to arrange a convenient visit date.

The inspector will conduct a site inspection to verify the information on the OSP and obtain any additional information and documents needed.

The inspector may collect samples of the product(s) to assess whether prohibited substances are present. If the inspector does take samples, he/she will give the operator a receipt for the samples. Testing will be provided without cost and the operator will be notified of the results.

To conclude the visit, the inspector will conduct an exit interview with an authorized representative of the operation who is knowledgeable about the operation to confirm the accuracy and completeness of the observations and information gathered during the inspection visit, including possible areas of non-compliance.

The inspector may remind applicant that the inspector only gathers information and does not make the decision on certification. A decision will come later from the SCS office.

The inspection report is written and, along with the billing, is sent to the SCS office with any attachments such as labels of inputs, farm labels, maps.

The report format will include electronic or handwritten copies of the Inspection Report/NOP Assessment Recommendation cover sheet and typed/initialed copies of all current application materials. Information obtained by the inspector will be entered onto all documents in blue ink/type in order to verify activities represented in the Organic System Plan. The cover sheet will note crops and products to be certified, potential non-compliances, an audit trail and the exit interview.

3.4 Handling Inspection Process

The inspector receives a document packet from the SCS office which includes the application checklist review, Organic Handling Plan, layout, previous year's report and certification conditions (previous CER, if applicable). The inspector reads the packet and notes any situations to flag.

The inspector calls the operator/applicant to arrange a convenient visit time.

The inspector walks through the facility, inside and outside, gathering information on all aspects of the operation, using as guidance the outline of the processor checklist and processor inspection report form. The inspector performs a records audit, and gathers sample documents.

To conclude the visit, the inspector will conduct an exit interview with an authorized representative of the operation who is knowledgeable about the operation to confirm the accuracy and completeness of the observations and information gathered during the inspection, including possible areas of non-compliance.

The inspector may remind applicant that the inspector only gathers information and does not make the decision on certification. A decision will come later from the SCS office.

The inspection report is written and, along with the billing, is sent to the SCS office with any attachments such as labels of processing aids or facility diagrams.

The report format will include an electronic or handwritten copy of the Inspection Report/NOP Assessment Recommendation cover sheet and initialed/typed copies of all current application materials. Information obtained by the inspector will be entered onto all documents in blue ink/type in order to verify activities represented in the Organic Handling Plan. The cover sheet will note processes and products to be certified, potential non-compliances, an audit trail and the exit interview.

3.5 Unannounced Inspection Visits

To comply with USDA National Organic Program requirements, Stellar Certification Services, Inc. is required to conduct random unannounced inspection visits as part of monitoring compliance.

The Certification Program will cover the costs of these inspections. Applicants will not be billed for the unannounced inspection.

4. Financial Information

4.1 Funding Sources

The funding for the operation of Stellar Certification Services, Inc. is obtained from fees paid by clients for certification services.

4.2 Fees for Certification Services

A description of all certification fees can be found in the SCS Fee Schedule.

4.3 Financial Responsibilities

Stellar Certification Services, Inc. carries professional liability insurance.

5. Labeling Rights

Upon certification, the operator may label products in compliance with the NOP regulations, and may use certification language as follows: 'certified organic by Stellar Certification Services'. This statement must appear below the information identifying the final producer or distributor of the product.

Any off-farm packager or processor buying product from the grower and wishing to use Stellar Certification Services, Inc. certification language must enter into a separate contract with Stellar Certification Services, Inc.. It is the Grower's responsibility to notify packagers and processors of this prior to sale and to notify Stellar Certification Services, Inc.

Once certified, operators may use the USDA logo on qualified products. The use is optional.

Labels on products destined for export under any US equivalency or other trade arrangements must meet labeling standards under those agreements. All labels must be approved by SCS prior to printing and labeling product as organic.

Surveillance

When the opportunity arises, office staff, board members, and evaluators/inspectors will have the responsibility to randomly check certified products in retail establishments, on the internet, in advertisements, and on the premises of the operator to determine that the product correctly represents its certification status and to report to office personnel any suspected aberrations. This surveillance may come about as a result of a normal or unannounced inspection visit, website search, or during personal shopping for food products. Websites are routinely reviewed for product claims during the application review.

- A product surveillance search is conducted and information sent to the SCS office.
- Office staff reviews the information submitted and determines whether or not corrective action is needed.
- If corrective action is needed, the producer will be contacted and the nature of the issue needing correction will be stated. A time period for correction will be given.
- If the producer satisfactorily corrects the problem in the time frame given, SCS will send a notice that corrective action has been completed.
- If the producer unsatisfactorily corrects the problem within the given time frame, SCS will issue a notice noting that further action is needed and set a new time frame.
- If the producer does not correct the problem within the time frame, or continues to do so unsatisfactorily, a non-compliance will be issued.

6. Rights and Responsibilities

6.1 For Certified Operations

6.1.1 Complying with the Requirements of Stellar Certification Services, Inc.

All applicants for certification or certified operations must agree that they will comply with the requirements of the Stellar Certification Services, Inc. Certification Program. Terms of Agreement are required to be signed by all applicants for certification prior to becoming certified.

6.1.2 Cooperating with the Certification Process

All applicants for certification or certified operations must agree to cooperate with the requirements of the certification process including:

- providing documentation for review by the inspector
- participating in the inspection
- make products available for residue testing
- resolution of complaints received by the operator relating to compliance with standards
- immediate notification of Stellar Certification Services, Inc. office in relation to any application, including drift, of a prohibited substance to any field, production unit, site, facility, livestock, or product that is part of an operation
- notification of Stellar Certification Services, Inc. of changes in the certified operation or any portion of the certified operation that may affect its compliance with the Stellar Certification Services, Inc. Certification Standards
- maintenance of all records applicable to the certified operation for not less than 5 years
- allow authorized representatives of the Secretary, the applicable State organic program's governing State official and Stellar Certification Services, Inc. access to such records during normal business hours for review and copying to determine compliance

6.1.3 Making Appropriate Certification Claims

Operations certified by Stellar Certification Services, Inc. may only make certification claims which accurately reflect the type of certification granted.

6.1.4 Protect the Certifier from Disrepute

Operations certified by Stellar Certification Services, Inc. may only use their certification in a manner that does not harm Stellar Certification Services, Inc. and does not make unauthorized or misleading certification claims.

6.1.5 Discontinue use of Certification Claims

Operations must discontinue the use of the certification claims upon suspension, revocation, or cancellation of certification and must return any certification documents required by Stellar Certification Services, Inc..

6.1.6 Limit the Certification Claim

Operations certified by Stellar Certification Services, Inc. may only use their certification claims to indicate that products are in compliance with the Standards of Stellar Certification Services, Inc..

6.1.7 Protect the use of the Certification Claim

Operations certified by Stellar Certification Services, Inc. must do its best to ensure that its certificate or evaluation/inspection report is not used in a misleading manner.

6.1.8 Use the Certification Claim Correctly in Advertising and Marketing

Operations certified by Stellar Certification Services, Inc. must comply with Section 5 of the Stellar Certification Services, Inc. Policy Manual, Labeling Rights.

6.1.9 Adhere to the Stellar Certification Services, Inc. Complaint Policy

Operations certified by Stellar Certification Services, Inc. must comply with Section 1.9 of the Stellar Certification Services, Inc. Policy Manual regarding complaints received about their products' compliance with Stellar Certification Services, Inc. Certification Standards.

6.2 For Stellar Certification Services, Inc.

6.2.1 Public Access to Information

6.2.1.1 Once an applicant is certified the name of the business, address and phone number is available to the general public. This information is our annual listing of certified operations as supplied to USDA on Jan. 2 of each year.

6.2.1.2 The general public may submit a written request for the following information:

6.2.1.2.1 a copy of a client's Certification Certificate

6.2.1.2.2 the results of laboratory analyses for residues of pesticides and other prohibited substances

6.2.1.2.3 other business information, as permitted in writing by the producer or handler

6.2.1.3 If information other than noted above is requested the person is told to contact the producer or handler for this information.

6.2.1.4 Upon request by the authorized representatives of the USDA Secretary or the State Organic Program, all client records are available for inspection and copying during normal business hours.

6.2.2 Confidential Business Information

Stellar Certification Services, Inc. will maintain strict confidentiality with respect to its clients and not disclose to third parties, except as noted in 6.2.1.4 above, any business related information concerning the client obtained while conducting the certification process.

7. Non-Compliance Issues

7.1 Notification of Non-compliance

When an inspection, review, or investigation of an applicant for certification or a certified operation reveals any noncompliance with Standards, a written notification of noncompliance shall be sent to the applicant / certified operation. Such notification shall provide:

- 7.1.1 description of each noncompliance; and
- 7.1.2 the facts upon which the notification of noncompliance is based; and
- 7.1.3 the date by which the applicant / certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

7.2 Resolution of Non-compliance

When an applicant for certification or a certified operation demonstrates that each noncompliance has been resolved, a Notice of Resolution will be sent to the operator.

7.3 Proposed Suspension or Revocation of Certification

- 7.3.1 When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the Stellar Certification Services office shall send the certified operation a written notification of proposed suspension or revocation. The suspension or revocation of certification shall apply to either the entire operation or a portion of the operation, as applicable to the noncompliance.
- 7.3.2 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.
- 7.3.3 The notification of proposed suspension or revocation of certification shall state:
 - The reasons for the proposed suspension or revocation;
 - The proposed effective date of such suspension or revocation;
 - The impact of a suspension or revocation on future eligibility for certification;
 - The right to request mediation according to Section 9 or to file an appeal according to Section 205.681 of the Stellar Certification Services Standards.

7.3.4 Willful Violations

Notwithstanding section 7.2 of this section, if the Evaluation Circle has reason to believe that a certified operation has willfully violated these Standards, Stellar Certification Services Program shall send the certified operation a notification of proposed revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.

7.4 Suspension or Revocation of Certification

- 7.4.1 If the certified operation fails to:
 - correct the noncompliance
 - resolve the issue through rebuttal or mediation, or
 - file an appeal of the proposed suspension or revocation of certification

the Stellar Certification Services office shall send the certified operation a written notification of suspension or revocation of certification for all or a part of the operation.

- 7.4.2 Stellar Certification Services shall not send a notification of suspension or revocation to a certified operation that has requested mediation according to Section 8.1 or filed an appeal pursuant to § 205.681 of the Stellar Certification Services, while final resolution of either is pending.

7.5 Denial of Certification

- 7.5.1 When the Evaluation Circle has reason to believe, based on a review of the information in the application and the inspection report, that a new applicant for certification is not able to comply or is not in compliance with the Stellar Certification Services Certification Standards, SCS will provide a written notification of noncompliance to the applicant. When correction of a noncompliance is not possible, a notification of noncompliance and a notification of denial of certification may be combined in one notification.
- 7.5.2 The notification of noncompliance shall provide:
- 7.5.2.1 A description of each noncompliance.
 - 7.5.2.2 The facts upon which the notification of noncompliance is based.
 - 7.5.2.3 The date by which the applicant must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.
- 7.5.3 Upon receipt of such notification of noncompliance, the applicant may:
- 7.5.3.1 Correct non-compliances and submit a description of the corrective actions taken with supporting documentation to the SCS office.
 - 7.5.3.2 Correct non-compliances and submit a new application to another certifying agent: Provided, That, the applicant must include a complete application, the notification of non-compliance received from the first certifying agent, and a description of the corrective actions taken with supporting documentation; or
 - 7.5.3.3 Submit written information to rebut the non-compliance described in the notification of non-compliance.
- 7.5.4 After issuance of a notification of non-compliance, Stellar Certification Services, Inc. will:
- 7.5.4.1 Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal, conduct an on-site inspection if necessary, and
 - 7.5.4.1.1 When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue the applicant an approval of certification, or
 - 7.5.4.1.2 When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, issue the applicant a written notice of denial of certification.
 - 7.5.4.2 Issue a written notice of denial of certification to an applicant who fails to respond to the notification of non-compliance.
 - 7.5.4.3 Provide notice of approval or denial to the Administrator.

- 7.5.5 A notice of denial of certification must state the reason(s) for denial and the applicant's right to:
- 7.5.5.1 Reapply for certification either to Stellar Certification Services, Inc. or according to Section 7.6.6
 - 7.5.5.2 Request mediation according to Section 8.1
 - 7.5.5.3 File an appeal of the denial of certification According to Section 205.681 of the Stellar Certification Services, Inc. Certification Standards.
- 7.5.6 An applicant for certification who has received a written notification of non-compliance or a written notice of denial of certification may apply for certification again at any time with any certifying agent. When such applicant submits a new application to a certifying agent other than the agent who issued the notification of non-compliance or notice of denial of certification, the applicant for certification must include a copy of the notification of non-compliance or notice of denial of certification and a description of the actions taken, with supporting documentation, to correct the non-compliances noted in the notification of non-compliance.
- 7.5.7 If Stellar Certification Services, Inc. receives a new application for certification, which includes a notification of non-compliance or a notice of denial of certification, the application will be treated as a new application and begin a new application process.
- 7.5.8 Notwithstanding paragraph 7.6.1 of this section, if Stellar Certification Services, Inc. has reason to believe that an applicant for certification has willfully made a false statement or otherwise purposefully misrepresented the applicant's operation or its compliance with the certification requirements pursuant to this part, Stellar Certification Services, Inc. may deny certification pursuant to paragraph 7.6.4.1.2 of this section without first issuing a notification of non-compliance.

7.6 Notification to Applicants / Certified Operations

Each notification of non-compliance, rejection of mediation, noncompliance resolution, proposed denial, suspension or revocation, and denial, suspension or revocation issued will be sent to the recipient's place of business. Every effort will be made to ensure receipt.

7.7 Notification of USDA AMS Administrator

Stellar Certification Services will submit to the Administrator or the representative to whom authority has been delegated to act in the stead of the Administrator, a copy of any notice of denial of certification, notice of noncompliance, notice of noncompliance resolution, notice of proposed suspension or revocation, and notice of suspension or revocation simultaneously with its issuance; also a list on January 2 of each year including the name, address, and telephone number of each operation granted certification during the preceding year.

Stellar Certification Services, Inc. will submit annually on or before the anniversary date of the notification of accreditation a complete and accurate update of information in all application categories including but not limited to company location, area of operation, personnel, policies and procedure, information supporting any changes being requested in the area of accreditation, measures implemented to satisfy any conditions of the Administrator, results of the most recent performance evaluation and program review, and fees for service.

8. Appeals Process

After October 21, 2002, an applicant / certified operator may request mediation or appeal a denial or suspension / revocation of certification by Stellar Certification Services, Inc. to the USDA

Administrator or State Organic Program, as specified in section 205.681 of the NOS. Appeals from organic certification decisions will be sent to the NOP Administrator or State Organic Program, as applicable.

9. Mediation Procedures

Producers must submit the request for mediation in writing to Stellar by the date stated in the applicable notice. The request must state their reason for requesting mediation.

If the request is received within the allowed timeframe, the request will be evaluated for acceptance using criteria stated below.

Stellar will accept mediation when:

- The violation is correctable;
- Mediation is appropriate for the reason stated in the request;
- A quicker resolution of the dispute is needed;
- Communication between the parties is poor in either quantity or quality and the process structure and negotiation expertise provided by a mediator is needed.

Stellar will not accept mediation when:

- The violation is not correctable;
- One or more parties refuses to participate in good faith in the process; or
- One or more persons essential to a resolution cannot be brought into the process;
- The purpose is to determine fault.

For formal mediation to commence, the following must be agreed upon:

- A qualified mediator
- The date, time, and location and/or method of the mediation session
- All fees will be the responsibility of the producer requesting mediation

Upon conclusion of the mediation session:

- An agreement must be reached within 30 days of the conclusion of mediation
- Any settlement reached must comply with OFPA and NOP regulations
- Stellar may submit the proposed settlement to the NOP for review. The NOP may reject the settlement if it does not comply with regulations.

If the request for mediation is denied by Stellar, the rejection will be made in writing. The operator will be notified of their right to file an appeal within 30 days.

If mediation is successful, a Settlement Agreement may be signed, including the following points:

- All terms must comply with OFPA and NOP regulations
- The terms must identify the party responsible for implementing the agreement, the activities required of the responsible party, the outcome that must be achieved, the time frame of which activities must be completed, and all other specific terms.
- The Agreement must state the consequences for the responsible party not abiding by the terms of the Agreement
- The date on which the Agreement takes effect
- Valid signatures of both the Stellar representative and the responsible party for the producer

If mediation is not successful, Stellar will notify the operator of their additional rights per the Notice of Denial or Notice of Proposed Suspension.