

**MOFGA CERTIFICATION SERVICES, LLC.**  
**Certification Process**  
**205.504(b)1&2**

Producers/Clients  
Steps

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**1. MCS provides access to certification information and the materials required for becoming or staying certified organic.**

Producers learn about organic marketing regulations and MOFGA's certification process. Producers gain access to the materials they need to apply for or continue organic certification by contacting MCS, visiting our website, or by attending in-person sessions.

MOFGA Certification Services, LLC (MCS) uses the following methods and media for communicating information about the National Organic Program Rule and how to become MOFGA certified organic: brochure, web pages, regular content in MOFGA's newspaper, email and electronic bulletins, newsletters to clients, and public meetings and presentations around the state and throughout the year. Application forms and our Practice Manual are updated and ready for the current year by the Maine Agricultural Trade Show in January. Printed application packets are available for a nominal fee. These materials are available on the web for free. Producers who have expressed interest in certification from interactions with staff throughout the year directly receive a letter explaining process in January. Staff sends those already certified a complete renewal packet automatically. Renewals are due approximately one month after client receives them.

**2. Producers apply for or renew organic certification.**

Producers send completed applications and renewals to the MCS office. Maple syrup and dairy renewals are due in February. Crop renewals are due in March. The deadline for submitting crop applications is June 30. Processors/handlers and some livestock operations apply year round. Renewal is timed to facilitate annual inspection.

Staff process fee payments and begin data entry. New applicants receive a letter explaining process. Staff reviews applications and renewals for completeness and initial eligibility. Staff contacts clients if there are missing elements. Staff sends a marketing update to already certified clients.

Certified clients who are adding new categories of production are processed as applicants for that production category.

**3. Certified clients are reminded early in the year to let MCS know in writing if their decision is to surrender their certificates.**

Certified clients either (1) renew on time; (2) communicate and seek acceptance of a delayed renewal plan from staff; (3) surrender in writing; or (4) do not renew and do not surrender in writing.

Staff makes contact with those who are currently certified but who have not renewed by the deadline. If warning letters and phone calls are ignored, staff generates non-compliance notices and the process of suspending certificates begins.

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**4. Organic farm/system plans are processed and reviewed in several stages.**

Producers comply with requests for missing paperwork, fees, etc.

Producers respond to questions about practices and products used.

Producers respond to marketing update.

Applicant paperwork is copied or scanned and sent to committees for their input on technical issues.

Staff performs a technical review of all system plans (applicants and renewals).

Renewals identified by staff as needing additional technical review are copied and sent to committees.

Most review work for organic farm plans takes place February through June. Many certified processor/handlers renew in September.

**5. MCS provides Maine organic producers and qualified cooperators with opportunities to participate in the certification process. We currently have seven organic producers, two university extension agents, and two Maine State Department of Agriculture staff volunteering on review committees. Our advisory council and board have similar compositions.**

Volunteer review committees are provided with organic system plans from applicants. Non-dairy farm review committee has an in-person meeting in May to discuss applications. Other production areas receive fewer applications and their respective committees meet as needed or use phone conferencing and email to communicate. Staff gives committees deadlines for providing input. Staff may assist committees in setting up meetings and conference calls.

Committees provide staff with additional questions or concerns about applicant organic system plans. These issues are pursued either by staff through further communication with clients or by inspectors.

**6. Inspections are conducted.**

Applicants have application inspections while already certified producers have their annual inspections. Producers schedule with the inspectors assigned to them. They organize their records and make sure all staff or family members uniquely knowledgeable about aspects of production are available for the visit.

Staff assigns inspectors. Assignments are made based on the inspector's qualifications, geography and conflicts of interest. Staff provides inspectors with questions and concerns.

New farm applicants with crops to sell are made a priority in our inspection line up.

Inspection may be delayed up to six months to

If concerns are significant, inspection may be

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comply with the requirement that the inspection be conducted when the land, facilities, and activities that demonstrate compliance or capacity to comply can be observed.

delayed until staff receives additional information. Occasionally, non-compliance notices are generated prior to inspection if requests for paperwork, fees, or other important information go unheeded. All non-compliance notices are copied to USDA NOP Compliance electronically.

Inspectors perform on-site inspections, which may include taking necessary samples, for which a receipt will be provided. Inspectors conduct exit interviews with authorized representatives. Following inspection, inspectors complete reports.

**7. MCS receives and reviews inspection reports from inspectors who are either MCS staff or hired by MCS to perform this work on a per assignment basis.**

If contacted by staff, clients may send in elements that were determined to be missing or needing additional clarification by the inspector.

Staff reviews inspection reports. Staff sends copies of inspection reports for applicants to review committees for additional comments. Staff may send other inspection reports to committees. Reviewers with conflicts of interest are excluded from participation. Staff may communicate further with clients in writing depending on the contents of the report.

Staff sends non-compliance notices to clients who are (1) not responding to information requests or (2) have compliance issues that may preclude certification or require suspension of current certificate.

**8. Certification for applicants is denied in instances when requests for information are repeatedly ignored or when the organic system plans and/or inspection reports reveal major non-compliances that cannot be corrected. Certification may also be denied for any purposeful misrepresentation of the applicant's operation or its compliance with the standards.**

Client receives a denial notice, which includes instructions on how to request mediation or appeal the decision.

Staff (director) in concert with the review committee makes decision to terminate the application. Staff (director) informs the entire board of proposed action. Staff (director) writes denial notice, which is copied to the USDA.

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**9. In most cases, a recommendation is made to the board president about whether or not to certify an application for certification in a particular production category.**

Staff gathers information from review committees and formulates a recommendation. Staff writes up recommendation, which include conditions for certification (if any) and a breakdown of committee members' votes (if available). Staff (director) sends recommendation to board president for final approval.

**10. MCS Board Director makes the final decision to certify.**

Applicant either receives certificate and related documents or applicant receives a denial notice with instruction on how to appeal. Applicants granted certification are expected to work on improving any minor compliance issues before the next inspection.

Applicants denied certification are informed that they may apply again with us or with another agent.

Board director sends staff director an email with the decision.

If certification is approved, staff generates certificate, product verification, and certification letter. These documents are sent, along with a copy of the inspection report (if not already sent), to the client.

If certification is denied, staff (director) writes denial notice, which is copied to the USDA.

**11. Already certified producers who are continuing certification receive inspection reports, letters and updated certified product lists.**

Depending on the letter, producers may need to send MCS additional information to address an issue identified during the inspection.

Producers receive updated certified product lists with expiration dates.

In the case of producers who are already certified, staff sends producers copies of their inspection reports with letters identifying compliance issues that need to be addressed by a deadline. Staff may send updated certificates and certified product lists at this time.

**12. Staff (director) is in charge of noncompliance proceedings leading to suspension or revocation of certificates and does so with review committee consultation.**

Producers have the option to try correcting the non-compliance during the proposed suspension phase.

Producers may request mediation or appeal an adverse decision.

If a major compliance issue is not corrected after the producer has received a non-compliance notice, staff (director) will follow-up with notices to either suspend or revoke certification. These notices are copied to the USDA and the MCS board.