Agricultural Marketing Service, USDA

§ 205.401 Application for certification.

A person seeking certification of a production or handling operation under this subpart must submit an application for certification to a certifying agent. The application must include the following information:

(a) An organic production or handling system plan, as required in § 205.200;

(b) The name of the person completing the application; the applicant’s business name, address, and telephone number; and, when the applicant is a corporation, the name, address, and telephone number of the person authorized to act on the applicant’s behalf;

(c) The application must comply with all applicable organic standards and regulations, and must be supported by evidence of the applicant’s compliance with those standards and regulations.

§ 205.402 Certification of production or handling operations.

A person seeking certification of a production or handling operation under this subpart must:

(a) Submit the applicable fees charged by the certifying agent;

(b) Establish, implement, and update annually an organic production or handling system plan that is submitted to an accredited certifying agent as provided for in § 205.200;

(c) Permit on-site inspections with complete access to the production or handling operation, including noncertified production and handling areas, structures, and offices by the certifying agent as provided for in § 205.403;

(d) Maintain all records applicable to the organic operation for not less than 5 years beyond their creation and allow authorized representatives of the Secretary, the applicable State organic program’s governing State official, and the certifying agent access to such records during normal business hours for review and copying to determine compliance with the Act and the regulations in this part, as provided for in § 205.104;

(e) Submit the applicable fees charged by the certifying agent; and

(f) Immediately notify the certifying agent concerning any:

(1) Application, including drift, of a prohibited substance to any field, production unit, site, facility, livestock, or product that is part of an operation; and

(2) Change in a certified operation or any portion of a certified operation that may affect its compliance with the Act and the regulations in this part.

§ 205.403 Periodic inspections.

A certifying agent may conduct periodic inspections of a certified production or handling operation to ensure compliance with the Act and the regulations in this part.

§ 205.404 Cancellation of certification.

The Secretary or the certifying agent may cancel the certification of a production or handling operation if there is a failure to comply with the requirements of this part.

Figure 1

USDA ORGANIC

§§ 205.312–205.399 [Reserved]