

New Hampshire

Department of Agriculture,
Markets & Food

Shawn N. Jasper, Commissioner

August 4, 2022

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord New Hampshire 03301

REQUESTED ACTION

Authorize the Department of Agriculture, Markets and Food, Division of Regulatory Services (Certifying Agent) to enter into a cooperative agreement with the United States Department of Agriculture (USDA), (VC#177729) Washington, DC 20250, in an amount not to exceed \$20,000 for the USDA, Agricultural Marketing Service (AMS), 54-72 month Renewal Audit (see attached NOP 2000, December 8, 2015, Table 1 – Audit Cycle). Effective upon Governor and Council approval through September 30, 2022, 100% Other Funds.

Funding to support this request is available in the following account in State Fiscal Year 2023:

02-18-18-181010-26050000 Product – Scale Testing Fund

State Fiscal Year	Class/Account	Class Title	Total Amount
FY 23	020-500254	Current Expenses	\$20,000

EXPLANATION

The New Hampshire Department of Agriculture, Markets and Food (DAMF), Division of Regulatory Services (DRS) is accredited by the USDA as a Certifying Agent, representing the USDA's National Organic Program (NOP). Via this cooperative agreement, the DRS is authorized to ensure that agricultural plant, animal, food or fiber commodities are marked, branded, or labeled in accordance with the requirements set forth in and authorized via:

- The ORGANIC Foods Production Act of 1990, Public Law 101-624,
- The United States Department of Agriculture's National ORGANIC Program, Final Rule, 7 CFR part 205, and
- New Hampshire RSA 426:6-b [II] – Certification [first effective on June 17, 1986].

The NHDAMF was first authorized in 1986 to enter into this cooperative agreement with the USDA and has continuously maintained the agreement, paying the renewal costs as required per the regulatory requirements and audit scheduling provided herein. To maintain accreditation as a USDA Certifying Agent, the DRS must pay for third party annual reviews and USDA 24-36

month and 54-72 month audits to verify that the DRS has sufficient expertise in organic production and the ability to comply with the USDA organic regulations. The DRS is also responsive for the cost for the USDA audit team to assess key DRS activities and certification files and to conduct witness inspections and operational visits (see attached NOP 2000).

A detailed description of the costs and activities performed, as it relates to the estimated \$20,000 cost to the DRS, can be reviewed via the attached NOP 2000 – Accreditation Policies and Procedures as well as the attached January 6, 2022 USDA - Audit Plan and Cost Estimate. The cost for this USDA 54-72 month Renewal Audit is the responsibility of the Certifying Agent per 7 CFR 205.501(a)(17), "...governmental entity accredited as a certifying agent...must; (17) "Pay and submit fees to AMS in accordance with § 205.640" (see attached 7 CFR 205.640 – Fees and other charges for accreditation).

The USDA has provided an Audit Plan and Cost Estimate with a grand total of \$14,574.72 (attached). The DRS has budgeted an additional \$5,425.28 to cover any unexpected or increased costs.

Sincerely

Shawn N. Jasper
Commissioner



Enclosed:

1. NOP 2000 – Accreditation Policies and Procedures, December 8, 2015
2. January 6, 2022 USDA – Audit Plan and Cost Estimate
3. 7 CFR 205.501 – General requirements for accreditation
4. 7 CFR 205.640 – Fees and other charges for accreditation



Instruction

Accreditation Policies and Procedures

Links Update: September 12, 2018

1. Purpose and Scope

This instruction provides general policies and procedures for organizations seeking accreditation to the U.S. Department of Agriculture (USDA) organic regulations, which are administered by the National Organic Program (NOP). Organizations that are accredited are called accredited certifying agents, or certifiers. The NOP Accreditation and International Activities Division applies policies and procedures to determine and maintain certifier accreditation. This instruction applies to U.S. and foreign organizations who wish to obtain, maintain, or renew accreditation.

2. Responsibilities

2.1 AMS Administrator

The AMS Administrator is responsible for executing the USDA organic regulations and making final appeals decisions affecting certifiers and certified operations located in States without established State Organic Programs.

2.2 NOP Deputy Administrator

The NOP Deputy Administrator is responsible for accrediting and assessing certifiers, providing guidance and training to certifiers, and reinstating suspended accreditations. The Deputy Administrator may assign specific tasks related to these activities to qualified NOP personnel, but retains final responsibility for their proper execution.

2.3 Accreditation and International Activities (AIA) Division

The AIA Division is responsible for administering the NOP's accreditation activities. These activities include, but are not limited to:

- a. Determining, planning and managing audits of certifiers and applicants for accreditation;
- b. Directing Accreditation Committee activities pursuant to NOP 2012 Accreditation Committee Instruction;
- c. Recommending accreditation, suspension, or revocation of certifiers to the NOP Deputy Administrator;
- d. Notifying applicants for certification of accreditation decisions; and
- e. Making publicly available all certifiers' current accreditation statuses.

The AIA Division Director may delegate specific tasks related to these activities to qualified NOP personnel, other AMS Programs, or qualified State or private organizations, but retains final responsibility for their proper execution.



2.4 Accreditation Committee

The Accreditation Committee reviews new and renewal accreditation applications as well as other select decisions, including, but not limited to, corrective actions, scope expansion or reduction, and proposed suspensions and revocations. The Accreditation Committee prepares recommendations to the NOP Deputy Administrator for final accreditation decisions.

The Accreditation Committee is comprised of NOP personnel who have experience with applying the USDA organic regulations, agricultural production and processing practices, and/or evaluating audit-based certification programs.

2.5 Auditors

Auditors conduct accreditation audits under the direction of the AIA Division Director. Auditor responsibilities include:

- a. Planning, conducting and reporting the results of pre-onsite quality manual audits (desk audits);
- b. Planning, conducting, and reporting the results of pre-decisional, mid-term, and renewal audits, and notifying applicants for accreditation in advance of the names of the audit team members, to allow any certifier to object to the appointment of any team member;
- c. Providing audit estimates based on published hourly user fees and travel expenses for accreditation-related services provided by the NOP; and
- d. Other duties as determined appropriate by the AIA Division.

2.6 Certifiers

Certifiers are responsible for:

- a. Meeting the applicable requirements of the USDA organic regulations;
- b. Providing access to information, documents, and records as necessary for the audit and maintenance of accreditation;
- c. Providing access to documents that provide insight into a certifier's level of independence and impartiality from its related bodies, where applicable;
- d. Arranging witness and/or review audits and operational visits of certified operations or applicants as requested by the NOP or authorized auditors; and
- e. Attending required NOP trainings.

3. Accreditation Process

This section outlines the accreditation procedures for applicants for accreditation and certifiers that certify organic operations pursuant to the USDA organic regulations.



3.1 Eligibility

Accreditation services are available regardless of the number of certifications to be issued by an applicant for accreditation. Accreditation is not conditioned on the number of certifications issued, agency size, or membership in any association.

a. Nondiscrimination

USDA prohibits discrimination on the bases of race, color, religion, sex, age, national origin, marital status, sexual orientation, familial status, disability, limited English proficiency, or because all or a part of an individual's income is derived from a public assistance program. Persons with disabilities who require alternative means for communication of program information (Braille, large print, audio tape, etc.) should contact USDA's TARGET Center at (202) 720-2600 or (844) 433-2774 (toll-free nationwide). To file a complaint of discrimination, write to USDA, Director, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Mail Stop 0115, Washington, DC 20250, or call (202) 720-3808. USDA is an equal opportunity service provider and employer.

b. Travel restrictions

NOP accreditation is not available to certifiers that are based only in or conduct key activities in areas where the U.S. Department of State has issued travel warnings, travel alerts, or other restrictions that could affect the health, safety, or security of Federal employees. Applicants for accreditation that are affected by such warnings, alerts, or restrictions will be denied consideration and have their applications and fees returned.

If an audit of a certifier cannot be conducted as required by the regulations due to U.S. Department of State travel warnings, travel alerts, or other restrictions, the NOP may suspend the certifier's accreditation until conditions change and/or restrictions are lifted. The NOP will explore alternative methods for conducting audits but if no viable alternatives exist, accreditation will be suspended.

c. Accreditation Audit Cycle of Certifiers

Table 1 below illustrates the type and frequency of AIA Division accreditation audits during the five-year accreditation cycle. Actual timeframes during which the audits occur may differ based on the certifier's previous audit. Renewal audits are conducted as close as possible to the five-year accreditation anniversary date.



Table 1 – Audit Cycle

Application Stage		Initial 5-Year Cycle	Subsequent 5-Year Cycles
0-3 months: Documentation adequacy review	3-9 months: Pre-decisional audit	0-24 months: Initial audit	24-36 months: Mid-term audit
		54-72 months: Renewal audit	54-72 months: Renewal audit

4. Accreditation Applications

Initial accreditation applicants and certifiers seeking accreditation renewal must submit an application package to the AIA Division according to procedures described below.

4.1 Application Package

The application package must be submitted in English, and must include:

- All supporting documents and procedures required by 7 C.F.R. §§ 205.503-505¹, and fees required by 7 C.F.R. § 205.640;
- A signed copy of TM-10CG Application for Accreditation;
- A signed copy of LPS-109 Application for Service; and
- A \$500 application fee in the form of a check or money order made payable to “AMS.”
Contact the NOP for submission of electronic payments.

Submit the application package to AIAInbox@ams.usda.gov.

Contact the NOP for instructions on submitting electronic documents to an approved USDA cloud computing system.

If the application cannot be submitted electronically, it may be submitted to:

USDA, AMS, National Organic Program
AIA Division
1400 Independence Avenue, SW
Room 2642-South, Mail Stop 0268
Washington, DC 20250
Phone: (202) 720-3252
Email: AIAInBox@usda.gov

¹ Section 205.503(e) includes countries where operations are certified through cooperative agreements and inspections are contracted with other certifiers.



4.2 Renewal Application Planning

Certifiers must renew their accreditation or surrender their certificate of accreditation pursuant to § 205.510 of the regulations. Certifiers must apply to renew their accreditations one year to six months prior to the anniversary date of their accreditation period, or risk a lapse in their accreditation.

4.3 Processing Applications

The AIA Division reviews all initial and renewal applications to determine whether all the required information was submitted, and whether the applicant is affected by any of the travel restrictions described in Section 3.1 above. The NOP will notify the applicant whether the application is accepted or denied. If it is accepted, it will be referred to auditors to conduct a document adequacy review.

4.4 Accepted Applications

The objective of the documentation adequacy review is to evaluate the applicant or certifier's documented quality manual's compliance with the Organic Foods Production Act of 1990, as amended (OFPA), the USDA organic regulations, the National Organic Program Handbook, and any other identified requirements. The review is conducted before an onsite audit. Its scope is based on the scope of each audit.

The documentation adequacy review for initial and renewal applications is conducted as follows:

- a. The AIA Division Director selects and assigns auditors to conduct the review. The auditors may request additional information from the applicant. The applicant must respond to an auditor's request for additional information within the designated timeframe. All auditor requests must be adequately addressed for the applicant to be further considered for accreditation.
 - i. If the applicant does not respond, or submits inadequate information, the auditor will notify the AIA Division Director that they are unable to complete the review due to insufficient information. The AIA Division will then send the applicant a Notice of Denial of Accreditation, citing 7 C.F.R. § 205.502 as the reason, and stating that the review has been discontinued due to insufficient or inadequate information.
 - ii. For initial applicants, the auditor will complete the review and submit a report for review within 90 days of receipt of the application package. The AIA Division Director will review the report for content and clarity, and will contact the auditor for clarifications if necessary. Based on the results of the review, a pre-decisional onsite audit, or renewal audit, as applicable, will be scheduled. Or, denial of accreditation will be issued.
 - iii. For renewal applicants, the auditor will schedule an onsite audit and present all findings to the renewal applicant at the completion of the onsite audit.

Auditors must report findings in the appropriate sections of NOP 2005 Accreditation Assessment Checklist.



5. Types of Onsite Accreditation Audits

5.1 Pre-decisional Audit

- a. A pre-decisional audit is conducted within six months of completion of the document adequacy review to determine if the applicant is capable of complying with the OFPA and USDA organic regulations.
- b. The audit team reviews key activities, conducts witness and review audits, interviews certification personnel, and reviews certification files.
- c. This audit is conducted in accordance with the procedures described in this instruction.
- d. Accreditation may be granted as a result of the pre-decisional audit. If granted, AMS will issue the accreditation certificate at this time.

5.2 Initial Audit

- a. After accreditation is granted, an initial audit is conducted to determine if the certifier is complying with the audit criteria and has the competence required by the audit criteria scope. The initial audit also verifies the implementation and effectiveness of any corrective actions. It includes a review of the certifier's key activities, witness audits, review audits, certification personnel interviews, and certification file reviews.
- b. The initial audit is conducted within two years of the date of accreditation during the initial five-year accreditation cycle (see Table 1).

5.3 Mid-term Audit

- a. At the mid-term audit, the audit team reviews the certifier's key activities, verifies the implementation and effectiveness of corrective actions, conducts witness audits and review audits, interviews certification personnel, reviews certification files, and conducts any other activity as directed by the AIA Division.
- b. A mid-term audit is normally conducted between 24 and 36 months from the date of accreditation or accreditation renewal.
- c. This audit is conducted in accordance with the procedures described in this instruction.

5.4 Renewal Audit

- a. The renewal audit is conducted to determine if the certifier is complying with the regulations, to verify the implementation and effectiveness of any corrective actions taken, and to determine whether the certifier has maintained the competence required by the regulations.
- b. The renewal audit is conducted between 6 months before and 12 months after the anniversary date of the certifier's accreditation.
- c. This audit is conducted in accordance with the procedures described in this instruction.



5.5 Audit Planning Guide

The Audit Planning Guide in Table 2 may be used as a tool to estimate the number of days to complete an audit. The presence of additional auditors may decrease the audit time.

Table 2 – Audit Planning Guide

Standard Duration (days)			Total
Pre-Onsite	2		
Onsite	2		
Witness inspection and/or review audits	1		
Time Increase Factors			
Number of countries with certified operations	1	additional countries	
	+ 0 days	+ 1 day per country	
Number of certified operations	< 100	100-1000	> 1000
	+ 0 days	+ 1 day	+ 2 days
TOTAL DAYS			
Number of auditors	1	1 -2	2

Example:

Certifier has:

- 4 countries where certified operations are located
- 1,500 operations

Audit Planning Guide- Example

Standard Duration (days)				Total
Pre-Onsite	2			2
Onsite	2			2
Witness audit and/or review audits	1			1
Time Increase Factors				
Number of countries with certified operations	1	additional countries		4
	+ 0 days	+ 1 day per country		
Number of certified operations	< 100	100-1000	> 1000	2
	+ 0 days	+ 1 day	+ 2 days	
TOTAL DAYS				11

Example:

Certifier has:

- 1 country where certified operations are located
- 75 operations



Audit Planning Guide- Example

Standard Duration (days)			Total
Pre-Onsite	2		2
Onsite	2		2
Witness audit and/or review audits	1		1
Time Increase Factors			
Number of countries with certified operations	1	additional countries	0
	+ 0 days	+ 1 day per country	
Number of certified operations	< 100	100-1000	0
	+ 0 days	+ 1 day	
		> 1000	
		+ 2 days	
TOTAL DAYS			5

6. Onsite Audits

The objective of the onsite audit is to verify that the certifier has sufficient expertise in organic production and handling, and has the ability to comply with the USDA organic regulations. The audit team assesses a combination of office locations/sites with key activities and certification files, and conducts witness inspections or operational visits to make this determination.

6.1 Pre-onsite review

Planning and preparing for the onsite audit can improve the efficiency of the audit. Numerous items can be reviewed prior to the onsite audit, including:

- Quality Manual;
- Policy and Procedure Manual;
- Annual Reports;
- Previous audit report; and
- Certification files (at least one file should be selected onsite).

6.2 Onsite Audit Process

Onsite audits include activities described in 7 C.F.R. § 205.508. The audit team consists of a lead auditor and may include additional auditors or technical experts as determined by the scope of the audit. Employees and technical experts who have provided consultancy services or were employed by the certifier within two years of the audit may not participate in the audit.

Onsite audits are conducted in accordance with clause 6 of "ISO/IEC 19011: 2011 Guidelines for auditing management systems," clause 7 of "ISO/IEC 17011: 2004 Conformity assessment—General requirements for accreditation bodies accrediting conformity assessment bodies," these accreditation policies and procedures, and other applicable documents.



6.3 Onsite Review

If the certifier operates satellite offices in addition to its main office, then all of its offices are assessed to ensure that sufficient objective information is collected to verify that the certifier's program quality manual system and NOP certification requirements are effectively implemented and requirements are met.

- a. The audit team assesses the certifier at the location(s) where it performs key activities. Key activities include, but are not limited to:
 - i. Policy formulation;
 - ii. Process and/or procedural development;
 - iii. Contract review;
 - iv. Application review;
 - v. Inspection planning;
 - vi. Review, approval, and decision-making on the results of inspections;
 - vii. Adverse action decisions;
 - viii. Material, ingredient, and input review, approval and decision-making; and
 - ix. Label review, approval, and decision-making.
- b. Pre-decisional Audits
 - i. The audit team visits all offices where key activities under the scope of the accreditation are performed.
- c. Mid-term and Renewal Audits
 - i. The audit team visits the certifier's main office during each onsite audit.
 - ii. The audit team also selects other offices to visit based on the certifier's total number of offices.
 - iii. All of the certifier's offices are assessed during the five-year accreditation cycle.

7. Witness and Review Audits

Witness and review audits are typically part of a larger onsite audit of the certifier. These can also be conducted independently of onsite accreditation audits. Examples include inspections to support complaint investigations, corrective action verifications, or those directed by the AIA Division Director.

Witness and review audits are selected based on the number of certified operations per scope and the geographical areas of operation. For certifiers with satellite offices, a witness inspection or a review audit will ultimately be conducted at each office. For certifiers with broad geographic reach, audits will be conducted at representative sites across that area. If a certifier certifies grower groups, at least one grower group must be selected as a witness or review audit within the five-year accreditation cycle.



7.1 Witness Audits

Witness audits assess the performance of the certifier and the inspector(s) in verifying an operation's compliance with the regulations, and determine whether the operation's Organic System Plan (OSP) accurately reflects its practices. Specifically, a witness inspection ascertains whether the inspector(s) conducted the activities required by 7 C.F.R. §§ 205.403(c)-(e).

- a. A witness audit of an operation must be an actual inspection, not a demonstration.
- b. One operation may be selected to witness audit multiple scopes of accreditation.
- c. A representative of the operation must be present at all times during the witness inspection.
- d. In addition to practices and procedures, the audit team should assess whether the inspector reviewed the operation's corrective actions for any previously cited noncompliances.
- e. Except for brief introductions, the audit team should refrain from asking questions or making comments during a witness audit. Questions or comments from the operation are to be directed toward the inspector or certifier's representative.
- f. The audit team may choose to leave a witness audit before the inspection is complete if sufficient information has been collected.
- g. The audit team must complete the NOP 2005-4 Witness Audit Checklist when conducting a witness audit.

7.2 Review Audits

Review audits assess a certifier's ability to fully comply with and implement an NOP certification program, assess the certifier's oversight of the operation, and determine whether the operation's compliance with the regulations observed during the review audit matches the findings in the inspection report.

- a. A review audit is not a witness audit. Rather, it is a broadly-scoped visit by the NOP audit team with the operator to assess the certifier's certification and oversight of the operation.
- b. Auditors lead the review audit, conducting interviews with the operation's representatives and other relevant persons.
- c. Auditors should conduct a brief introductory meeting describing the purpose of the review audit, and a brief exit meeting with the operator to thank them for their participation. Auditors are to conduct a separate exit interview with the certifier to discuss the auditors' findings.
- d. Auditors may use the review audit to investigate issues identified during the pre-onsite review or the onsite audit.
- e. The audit team may interview the operation's personnel to ask about the certifier's oversight activities.



- f. When possible, auditors should assess whether the operation has implemented corrective actions for noncompliances identified by the certifier, and how the certifier oversees the corrective action process.
- g. Auditors can follow up with the certifier to clarify review audit events.
- h. The audit team must complete NOP 2005-6 Audit Checklist – Review Audit when conducting a review audit.

8. Certification File Review

The audit team conducts full and partial certification file reviews. This process should be started before the onsite audit. All of the following items will be reviewed for full file reviews; for partial reviews, the audit team will determine which item(s) to review based on findings identified during the audit:

- a. File documentation (e.g., signed contracts, updated OSPs, inspection reports, decision sheets, label approvals, copies of certificates, and other correspondence) is complete and up to date;
- b. Reports include sufficient information needed to make a certification decision, and decisions made by the certifier are appropriate with the evaluation of the certified operations' OSPs, as applicable, and inspection reports;
- c. The certifier has monitored the implementation of all necessary corrective actions that it requested from each certified operation; and
- d. The certifier is operating in accordance with relevant audit criteria, such as using appropriate personnel in the certification process, label compliance, handling of adverse actions, etc.

8.1 Certification File Review Requirements

- Pre-decisional Audit Certification File Review

Certification files are selected for the purpose of verifying the applicant's ability to comply with its quality manual procedures, as required by §§ 205.503 and 205.504 of the regulations.

- Initial or Renewal Audit Certification File Review

The audit team selects certification files for review based on:

- i. The scopes of certification conducted by the certifier (if the certifier certifies grower groups at least one complete grower group file should be reviewed during the pre-decisional review, initial, mid-term and renewal audits.);
- ii. The geographic area(s) where the certifier certifies operations;
- iii. Files the AIA Division Director requests for review; and
- iv. A number of files, based on the number of certified operations, as outlined in Table 3.



Table 3 – Initial or Renewal Audit Certification File Review

Number of certified operations	Number of files to be reviewed
100 or less	Between 7 and 10, 6 of which must be full reviews
101 - 240	11 or 12, 10 of which must be full reviews
241 - 400	Between 13 and 15, 10 of which must be full reviews
401 - 1000	Between 16 and 20, 10 of which must be full reviews
More than 1000	Between 21 and 25, 10 of which must be full reviews

- **Mid-Term Audit Certification File Review**

The audit team selects certification files for review based on:

- The scopes of certification conducted by the certifier;
- The geographic area(s) where the certifier certifies operations;
- Files the AIA Division Director requests for review; and
- A number of files, based on the number of certified operations, as outlined in Table 4.

Table 4 – Mid-term Audit Certification File Review

Number of certified operations	Number of files to be reviewed
100 or less	Between 5 and 7, 5 of which must be full reviews
101 - 240	Between 8 and 10, 6 of which must be full reviews
241 -400	11 or 12, 6 of which must be full reviews
401 - 1000	Between 13 and 15, 6 of which must be full reviews
More than 1000	Between 16 and 20, 6 of which must be full reviews

9. Audit Reports

Within 30 days of completing the audit, the audit team must prepare and submit to the AIA Division Director a detailed report of the audit using the audit report template. The report must provide information on General Agency Information, Personnel, Certification Process, Administrative Procedures, Fee Structure, Witness Inspections, and Findings, including the status of the effectiveness and implementation of corrective actions for previously cited noncompliances.

9.1 Review and Approval of Audit Reports

The AIA Division Director reviews and approves the audit report and ensures the certifier receives a copy.



- a. If the audit report identifies noncompliances, a Notice of Noncompliance is issued to the certifier requesting proposed corrective actions within 30 days of receiving the Notice.
- b. If no noncompliances are identified, then reports associated with pre-decisional or renewal audits are forwarded to the Accreditation Committee. For Mid-term audits, a Notice of Continued Accreditation is issued to the certifier.

10. Corrective Action Review

- a. The certifier is responsible for submitting sufficient corrective actions within designated timeframes when requested by the AIA Division.
- b. The AIA Division reviews the certifier's proposed corrective actions and determines whether the noncompliances were adequately addressed. A corrective action report is prepared and a copy is provided to the certifier.
 - i. Corrective action reports associated with initial or mid-term audits result in appropriate notices being issued.
 - ii. Corrective action reports associated with pre-decisional and renewal audits are sent to the Accreditation Committee.
- c. It is necessary to periodically conduct an onsite compliance audit to verify the implementation and effectiveness of corrective actions.
- d. The NOP Deputy Administrator is responsible for either granting or denying accreditation, and may propose adverse actions for any unresolved noncompliances.

11. Accreditation Committee Review

The Accreditation Committee reviews new and renewal accreditation applications as well as other select decisions, including scope expansion and reduction, and proposed suspensions and revocations. The Accreditation Committee prepares recommendations to the NOP Deputy Administrator for final accreditation decisions.

12. Accreditation Decision

The NOP Deputy Administrator either grants or denies accreditation. Decisions are based on the Deputy Administrator's review of the information submitted in accordance with 7 C.F.R. § 205.506(a)(3), the audit report, the Accreditation Committee's recommendation, and any other relevant supporting documentation.

- a. Initial accreditation is granted for a period of five years from the date accreditation is approved.
- b. An unexpired accreditation is renewed for a period of five years from the end date of the previous accreditation term.

The AIA Division notifies the certifier of the decision and issues the appropriate notice.



13. Publication of Accreditation Status

Upon initial accreditation or any change in a certifier's accreditation status, the AIA Division updates and makes publicly available the accreditation status on the NOP Web site at <http://www.ams.usda.gov/nop>. This includes:

- a. The name and address of the accredited certifier;
- b. The date of granting accreditation;
- c. Scopes of accreditation;
- d. The certificate of accreditation,
- e. The most recent audit report; and,
- f. Areas of operation (states and countries).

14. Submission of Information

Certifiers must submit the following to the AIA Division:

- a. Changes to policies, procedures, and operating protocols, pursuant to 7 C.F.R. § 205.510(a);
- b. Relevant notices, as required by 7 C.F.R. § 205.501(a)(15)(i); and
- c. A current list of certified operations as of January 2 of each calendar year, pursuant to 7 C.F.R. § 205.501(a)(15)(ii).

15. Changing the Scope of Accreditation

Certifiers may request to add or remove scopes of accreditation at any time by submitting a new application to the AIA Division.

15.1 Extending the Scope of Accreditation

Certifiers must submit a new application that covers the added scope. A quality manual review is conducted and a pre-decisional onsite audit must be conducted prior to extending the scope. The pre-decisional onsite audit may be conducted independently or in conjunction with a mid-term, renewal, or other audit, as deemed appropriate by the AIA Division Director.

15.2 Reducing the Scope of Accreditation

- a. The AIA Division reviews the request and prepares a report for review by the NOP Deputy Administrator.
- b. Once approved, the certifier's certificate of accreditation, list of certified operations, and any other relevant information, is updated to reflect its reduction in scope.

16. Cessation of Certification Activities

A certifier whose accreditation is surrendered, suspended or revoked must adhere to the requirements described in 7 C.F.R. § 205.665.



16.1 Suspending or Revoking Accreditation

When a certifier fails to comply with the regulatory requirements for accreditation, the NOP Deputy Administrator follows the noncompliance procedures described in 7 C.F.R. § 205.665.

16.2 Proposed Suspension or Revocation (7 C.F.R. § 205.665(c))

When a rebuttal is unsuccessful or correction of a noncompliance is not completed within the prescribed time period, the NOP Deputy Administrator shall send a written notification of proposed suspension or revocation of accreditation to the certifier. The notification of proposed suspension or revocation shall state whether the certifier's accreditation or specified areas of accreditation are to be suspended or revoked. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation may be combined in one notification.

16.3 Contents of the Notification of Proposed Suspension or Revocation

The proposed suspension or revocation of accreditation will state:

- a. The reasons for the proposed suspension or revocation;
- b. The proposed effective date of the suspension or revocation;
- c. The impact of a suspension or revocation on future eligibility for accreditation; and
- d. The right to file an appeal pursuant to 7 C.F.R. § 205.681.

16.4 Willful Violations

If the NOP Deputy Administrator has reason to believe that a certifier has willfully violated the OFPA or USDA organic regulations, the NOP Deputy Administrator will send a written notice of suspension or revocation of accreditation to the certifier.

16.5 Suspension or Revocation

When the certifier fails to file an appeal of the proposed suspension or revocation of accreditation, the NOP Deputy Administrator will send a written notice of suspension or revocation of accreditation to the certifier.

16.6 Surrendering Accreditation

Certifiers who no longer wish to maintain their NOP accreditation must surrender their accreditation by submitting a written notification to the AIA Division Director.

Certifiers who discontinue certification services without notifying the NOP and do not surrender their certificate of accreditation or provide the NOP with records of their certification activities will be issued a Notice of Noncompliance and Proposed Revocation for failure to comply with 7 C.F.R. § 205.505.



16.7 Cessation of Certification Activities – Certification Clients

A certifier whose accreditation is suspended, revoked or surrendered must cease all certification activities in each scope and area of accreditation for which its accreditation is suspended, revoked or surrendered. Additionally, it must transfer its clients to USDA and make available any records concerning its certification activities that were suspended, revoked or surrendered.

The NOP will work closely with certifiers before the suspension, revocation, or surrender date to ensure that the certifier's clients have either found new certifiers or are in the process of surrendering their certification. Certification clients that do not respond will be issued the proper notices of noncompliance, proposed suspension, and suspension.

17. Appeals

Persons, as described in §§ 205.680 and 205.681 of the regulations, may appeal an adverse action such as a denial of certification or Notice of Proposed Suspension or Revocation to the AMS Administrator. Appeals must be filed in writing within 30 days of receipt of the Notice, and in accordance with the requirements described in §§ 205.680 and 205.681. They must be addressed to:

USDA AMS NOP
c/o NOP Appeals Team
1400 Independence Avenue, SW
Room 2642-South, Stop 0268
Washington, DC 20250

Appeals may also be submitted electronically to: NOPAppeals@ams.usda.gov

18. Complaints

a. Complaints Regarding AIA Accreditation Activities and Certifiers

Any person or organization may submit a formal complaint to the AIA Division regarding the NOP's accreditation activities or an accredited certifier. By definition, a complaint is any expression of dissatisfaction, other than the appeal of an accreditation decision. Complaints regarding violations of the OFPA or USDA organic regulations by certifiers should be submitted to the Compliance & Enforcement Division.

To be accepted by AIA as a formal complaint, the complaint must:

- Be in writing;
- State that it is a complaint;
- Be submitted in English;
- Be specific and include appropriate objective evidence to substantiate any claim of dissatisfaction with the NOP's accreditation activities and/or a certifier; and



- e. Be submitted within 90 days of the date the facts giving rise to the complaint became known to the complainant.

Complaints should be submitted by email to AIA.Inbox@usda.gov, or by mail to the address in Section 4.1 of this Instruction.

Upon receipt of the complaint, AIA will review the complaint to determine whether it meets the above criteria. If it does not, the complainant will be notified in writing, within 10 days of receipt, that the complaint has not been accepted along with the reasons why. If the complainant is informed that their complaint has not been accepted, the complainant may revise the complaint or provide additional information, and resubmit it.

Upon acceptance by AIA as a formal complaint, AIA will ensure that the complaint is addressed in a timely manner. The NOP will notify the complainant once the complaint has been resolved. The written notification may include an explanation of how the complaint was addressed and the actions taken to resolve the issues.

19. Accreditation Fees

Accreditation fees are assessed pursuant to 7 C.F.R. §§ 205.640, 205.641, and 62.300, and 62.301, as appropriate.

20. Contact Information

For more information regarding NOP accreditation policies and procedures contact:

Director, Accreditation and International Activities Division
USDA, AMS, NOP
1400 Independence Avenue, SW
Room 2642-South, Stop 0268
Washington, DC 20250
Phone: (202) 720-3252
Fax: (202) 205-7808
Email: AIAInBox@ams.usda.gov

21. References

USDA Organic Regulations (7 CFR Part 205)

7 C.F.R. § 205.2 Terms Defined

Person. An individual, partnership, corporation, association, cooperative, or other entity.

7 C.F.R. § 205.403 On-site inspections.

7 C.F.R. § 205.503 Applicant information.



- 7 C.F.R. § 205.505 Statement of agreement.
- 7 C.F.R. § 205.508 Site evaluations.
- 7 C.F.R. § 205.510 Annual report, recordkeeping, and renewal of accreditation.
- 7 C.F.R. § 205.640 Fees and other charges for accreditation.
- 7 C.F.R. § 205.641 Payment of fees and other charges.
- 7 C.F.R. § 205.665 Noncompliance procedure for certifying agents.
- 7 C.F.R. § 205.680 General.
- 7 C.F.R. § 205.681 Appeals.

NOSB Recommendations

November 2008 Meeting, Final NOSB Recommendation on Certifying Operations with Multiple Production Units, Sites, and Facilities under the National Organic Program.

Other Laws, Regulations and Standards

- 7 C.F.R. § 62.300 Fees and other costs for service.
- 7 C.F.R. § 62.301 Payment of fees and other charges.

International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) 17011 – Conformity Audit – General requirements for accreditation bodies accrediting conformity assessment bodies: 2004

ISO 19011:2002, Guidelines for quality and/or environmental management systems auditing

NOP Program Handbook: Guidance and Instructions for Accredited Certifying Agents and Certified Operations

- NOP 2005 NOP Accreditation Assessment Checklist
- NOP 2005-4 Witness Inspection Checklist
- NOP 2005-6 Audit Checklist – Review Audit
- NOP 2012 Accreditation Committee Procedure
- NOP 4001 Complaint Handling Procedures

Other References:

- Form TM-10CG - Application for Accreditation
- Form LPS-109 - Application for Service



Attachment A

Instructions for Completing TM-10CG Application for Accreditation

Form TM-10CG must be included in the accreditation application package for both initial and renewal applications. While the TM-10CG does not need to be submitted with annual updates, certifiers must notify the AIA Division in writing any time information submitted on this form changes due to business relocations, personnel changes, or other events.

Except where noted, all applications must include the following basic business information:

- a. Under "Business Name, Mailing Address, and Primary Office Location," print or type the name of the accreditation applicant, and the applicant's primary office location and address (include both mailing and physical addresses, if different).
- b. Under "Name of person responsible for day-to-day operations" and "Title of person responsible for day-to-day operations," enter the name and title of the primary contact person responsible for the applicant's day-to-day operations.
- c. Under "Tax ID," enter the applicant's tax identification number.
- d. Under "Telephone Number" and "Fax Number," enter the telephone and facsimile numbers of the primary office location or of the primary contact person.
- e. Under "E-Mail address," enter the applicant or primary contact person's email address.
- f. Enter the estimated number of operations the applicant plans to certify annually for each area of operation (crops, livestock, wild crop, and handling).
- g. Check the type of entity applying for accreditation (e.g., Government, For-profit Business, Not For Profit Business, or Other).
- h. After reading the affirmation statements, print or type the name and title of the person signing the form, and sign and date the form.



Attachment B

Instructions for Completing LPS-109 Application for Service

Form LPS-109 must be included in the accreditation application package for both initial and renewal applications. It provides the USDA Livestock, Poultry and Seed Program, which conducts documentation adequacy reviews as directed by NOP, with the authority to charge for its services. While the LPS-109 form does not need to be submitted with annual updates, certifiers must notify the AIA Division in writing any time the billing address or the responsible party for the certification body changes.

To complete Form LPS-109:

- a. Under "Name of Applicant" and "Billing Address," enter the name and address of the person to whom accreditation billing information should be sent. This may be a street address or a post office box number.
- b. Under "Physical Address of Service Location," print or type the street address where the certifier's office is located. Onsite audits will be conducted at this location. Do not use a post office box number. If the certifier maintains more than one office, this information should be included in another part of the application package.
- c. Under "Tax ID Number" print or type the applicant's tax identification number.
- d. Under "Telephone Number," print or type the phone number of the applicant or representative who signs the form.
- e. Under "Email Address," print or type the email address of the applicant or representative who signs the form.
- f. Under "Grading Services," "Type of Service Required," check the box next to "Other" and print or type "Organic Accreditation." Under "Verification Services," "Type of Service Required," check the box next to "Other" and print or type "Certifying Agent."
- g. Leave the box labeled "Legal Status" blank. This information is collected elsewhere.
- h. Leave the box labeled "Financial Interest in Product" blank. This information is not applicable to NOP accreditation.
- i. Print the form, and under "Signature of Applicant or Representative," sign the completed form. Enter the date under "Date."
- j. Under "Print or Type Name of Signee," print or type the name of the person who signed the form.



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Quality Assessment Division
1400 Independence Avenue SW, Stop 0258
Washington, DC 20250

QAD 1215 Form
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Audit Plan and Cost Estimate

Company Information	
Company Name:	New Hampshire Department of Agriculture, Markets & Food (NHDAMF)
Est. No.:	FMMI No. 3224706
Street Address:	25 Capitol Street
City, State, Zip:	Concord, NH 03301
Contact:	Mr. Allen Wyman
Phone:	603-271-7761
Email:	allen.g.wyman@agr.nh.gov
Program:	National Organic Program
Comments:	NOP-31-22 Renewal Audit

Audit Objectives
To verify continuing compliance with the USDA organic regulations, 7 CFR Part 205, as amended, and NOP Policy requirements (NOP Handbook). To conduct a Pre-decisional Audit.

Audit Scope
The organization's quality manual including personnel, processes, procedures, facilities, and related records; to conduct Witness and Review Audits.

Audit Criteria & Reference Documents
7 CFR Part 205 National Organic Program, Final Rule, dated December 21, 2000, as amended. NOP Policy requirements (NOP Handbook) NOP 2000, General Accreditation Policies and Procedures



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Audit Plan and Cost Estimate

Audit Team and Responsibilities		
<i>Auditor</i>	<i>Title</i>	<i>Responsibility</i>
Stephen Nix	Team Leader	Responsible for all audit activities
Lars Crail	Observer	Observe audit activities

Audit Schedule				
<i>Date</i>	<i>Time</i>	<i>Activity</i>	<i>Location</i>	<i>Auditor</i>
<i>See attached NOP-31-22 NHDAMF Renewal Audit Itinerary</i>				



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Audit Plan and Cost Estimate

Cost Estimate ^{1/}				
<i>Audit Time:</i>	<i>Auditor 1:</i>	<i>Auditor 2:</i>	<i>Rate:</i>	<i>Amount:</i>
Onsite Audit (hours)				
Travel	8.0	0.0	\$ 150.00	\$ 1,200.00
Pre-Audit	20.0	0.0	\$ 150.00	\$ 3,000.00
Audit	40.0	0.0	\$ 150.00	\$ 6,000.00
Post-Audit	8.0	0.0	\$ 150.00	\$ 1,200.00
Overtime	6.0	0.0	\$ 222.00	\$ 1,332.00
Holiday	0.0	0.0	\$ 231.00	\$ -
Desk Audit Only (hours)	0.0	0.0	\$ 150.00	\$ -
<i>Per Diem:</i>	<i>Auditor 1:</i>	<i>Auditor 2:</i>	<i>Rate:</i>	<i>Amount:</i>
Per Diem Days	6.0	0.0	n/a	6.0
Lodging	\$ 666.00	\$ -	\$ 111.00	\$ 666.00
M&IE	\$ 352.00	\$ -	\$ 64.00	\$ 352.00
<i>Associated Costs:</i>	<i>Auditor 1:</i>	<i>Auditor 2:</i>	<i>Cost:</i>	<i>Amount:</i>
Airfare	\$ 600.00	\$ -	\$ 600.00	\$ 600.00
Local Transportation	\$ 50.00	\$ -	\$ 50.00	\$ 50.00
Room Tax	\$ 60.00	\$ -	\$ 60.00	\$ 60.00
Rental Car	\$ 500.00	\$ -	\$ 500.00	\$ 500.00
Parking	\$ 96.00	\$ -	\$ 96.00	\$ 96.00
POV Miles	32.0	0.0	\$ 0.585	\$ 18.72
Administrative	0.0	0.0	\$ 150.00	\$ -
Miscellaneous	\$ -	\$ -	\$ -	\$ -
Credit	n/a	n/a	\$ (500.00)	\$ (500.00)
GRAND TOTAL2/				\$ 14,574.72



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Audit Plan and Cost Estimate

I have reviewed the audit plan and cost estimate; and agree to them. I realize that the actual audit and cost may differ from this document. Additionally, I realize that audit costs associated with a corrective action audit are not included in this estimate.

Shawn N. Jasper

Shawn N. Jasper

6/3/22

Client (Auditee) Name

Client (Audited) Signature

Date

Stephen Nix

Digitally signed by
Stephen Nix
Date: 2022.05.19
18:08:41 -04'00'

Lead Auditor Signature

Date

1/ "Double click" the cost estimate table to activate the embedded Excel spreadsheet. Once your calculations are complete, click off of the table and save the document. Do not apply any formatting when in spreadsheet mode.

2/ Clients are billed monthly for service. Account Statements for service are issued by the National Finance Center at the end of each month. Payment is due by the 25th of the month following the date of the invoice; a 15% interest charge is assessed for delinquent balances. It is QAD policy to provide service on a Cash on Delivery (COD) basis to clients who have a history of non and/or late payments. For all COD accounts, payment must be received in advance of service.

7 CFR § 205.501 - General requirements for accreditation.

§ 205.501 General requirements for accreditation.

(a) A private or governmental entity accredited as a certifying agent under this subpart must:

(1) Have sufficient expertise in organic production or handling techniques to fully comply with and implement the terms and conditions of the organic certification program established under the Act and the regulations in this part;

(2) Demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart;

(3) Carry out the provisions of the Act and the regulations in this part, including the provisions of §§ 205.402 through 205.406 and § 205.670;

(4) Use a sufficient number of adequately trained personnel, including inspectors and certification review personnel, to comply with and implement the organic certification program established under the Act and the regulations in subpart E of this part;

(5) Ensure that its responsibly connected persons, employees, and contractors with inspection, analysis, and decision-making responsibilities have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned.

(6) Conduct an annual performance evaluation of 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 and implement measures to correct any deficiencies in certification services;

(7) Have an annual program review of its certification activities conducted by the certifying agent's staff, an outside auditor, or a consultant who has expertise to conduct such reviews and implement measures to correct any noncompliances with the Act and the regulations in this part that are identified in the evaluation;

(8) Provide sufficient information to persons seeking certification to enable them to comply with the applicable requirements of the Act and the regulations in this part;

(9) Maintain all records pursuant to § 205.510(b) and make all such records available for inspection and copying during normal business hours by authorized representatives of the Secretary and the applicable State organic program's governing State official;

(10) Maintain strict confidentiality with respect to its clients under the applicable organic certification program and not disclose to third parties (with the exception of the Secretary or the applicable State organic program's governing State official or their authorized representatives) any business-related information concerning any client obtained while implementing the regulations in this part, except as provided for in § 205.504(b)(5);

(11) Prevent conflicts of interest by:

(i) Not certifying a production or handling operation if the certifying agent or a responsibly connected party of such certifying agent has or has held a commercial interest in the production or handling operation, including an immediate family interest or the provision of consulting services, within the 12-month period prior to the application for certification;

(ii) Excluding any person, including contractors, with conflicts of interest from work, discussions, and decisions in all stages of the certification process and the monitoring of certified production or handling operations for all entities in which such person has or has held a commercial interest, including an immediate family interest or the provision of consulting services, within the 12-month period prior to the application for certification;

(iii) Not permitting any employee, inspector, contractor, or other personnel to accept payment, gifts, or favors of any kind, other than prescribed fees, from any business inspected: *Except, That, a certifying agent that is a not-for-profit organization with an Internal Revenue Code tax exemption or, in the case of a foreign certifying agent, a comparable recognition of not-for-profit status from its government, may accept voluntary labor from certified operations;*

(iv) Not giving advice or providing consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification;

(v) Requiring 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 and all parties responsibly connected to the certifying agent to complete an annual conflict of interest disclosure report; and

(vi) Ensuring that the decision to certify an operation is made by a person different from those who conducted the review of documents and on-site inspection.

(12)

(i) Reconsider a certified operation's application for certification and, if necessary, perform a new on-site inspection when it is determined, within 12 months of certifying the operation, that any person participating in the certification process and covered under § 205.501(a)(11)(ii) has or had a conflict of interest involving the applicant. All costs associated with a reconsideration of application, including onsite inspection costs, shall be borne by the certifying agent.

(ii) Refer a certified operation to a different accredited certifying agent for recertification and reimburse the operation for the cost of the recertification when it is determined that any person covered under § 205.501(a)(11)(i) at the time of certification of the applicant had a conflict of interest involving the applicant.

(13) Accept the certification decisions made by another certifying agent accredited or accepted by USDA pursuant to § 205.500;

(14) Refrain from making false or misleading claims about its accreditation status, the USDA accreditation program for certifying agents, or the nature or qualities of products labeled as organically produced;

(15) Submit to the Administrator a copy of:

(i) Any notice of denial of certification issued pursuant to § 205.405, notification of noncompliance, notification of noncompliance correction, notification of proposed suspension or revocation, and notification of suspension or revocation sent pursuant to § 205.662 simultaneously with its issuance; and

(ii) A list, on January 2 of each year, including the name, address, and telephone number of each operation granted certification during the preceding year;

(16) Charge applicants for certification and certified production and handling operations only those fees and charges for certification activities that it has filed with the Administrator;

(17) Pay and submit fees to AMS in accordance with § 205.640;

(18) Provide the inspector, prior to each on-site inspection, with previous on-site inspection reports and notify the inspector of its decision regarding certification of the production or handling operation site inspected by the inspector and of any requirements for the correction of minor noncompliances;

(19) Accept all production or handling applications that fall within its area(s) of accreditation and certify all qualified applicants, to the extent of its administrative capacity to do so without regard to size or membership in any association or group; and

(20) Demonstrate its ability to comply with a State's organic program to certify organic production or handling operations within the State.

(21) Comply with, implement, and carry out any other terms and conditions determined by the Administrator to be necessary.

(b) A private or governmental entity accredited as a certifying agent under this subpart may establish a seal, logo, or other identifying mark to be used by production and handling operations certified by the certifying agent to indicate affiliation with the certifying agent: *Provided, That*, the certifying agent:

(1) Does not require use of its seal, logo, or other identifying mark on any product sold, labeled, or represented as organically produced as a condition of certification and

(2) Does not require compliance with any production or handling practices other than those provided for in the Act and the regulations in this part as a condition of use of its identifying mark: *Provided, That*, certifying agents certifying production or handling operations within a State with more restrictive requirements, approved by the Secretary, shall require compliance with such requirements as a condition of use of their identifying mark by such operations.

(c) A private entity accredited as a certifying agent must:

(1) Hold the Secretary harmless for any failure on the part of the certifying agent to carry out the provisions of the Act and the regulations in this part;

(2) Furnish reasonable security, in an amount and according to such terms as the Administrator may by regulation prescribe, for the purpose of protecting the rights of production and handling operations certified by such certifying agent under the Act and the regulations in this part; and

(3) Transfer to the Administrator and make available to any applicable State organic program's governing State official all records or copies of records concerning the person's certification activities in the event that the certifying agent dissolves or loses its accreditation; *Provided, That,* such transfer shall not apply to a merger, sale, or other transfer of ownership of a certifying agent.

(d) No private or governmental entity accredited as a certifying agent under this subpart shall 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.

§ 205.640 Fees and other charges for accreditation.

Fees and other charges equal as nearly as may be to the cost of the accreditation services rendered under the regulations, including initial accreditation, review of annual reports, and renewal of accreditation, shall be assessed and collected from applicants for initial accreditation and accredited certifying agents submitting annual reports or seeking renewal of accreditation in accordance with the following provisions:

(a) Fees-for-service.

(1) Except as otherwise provided in this section, fees-for-service shall be based on the time required to render the service provided calculated to the nearest 15-minute period, including the review of applications and accompanying documents and information, evaluator travel, the conduct of on-site evaluations, review of annual reports and updated documents and information, and the time required to prepare reports and any other documents in connection with the performance of service. The hourly rate shall be the same as that charged by the Agricultural Marketing Service, through its Quality Systems Certification Program, to certification bodies requesting conformity assessment to the International Organization for Standardization "General Requirements for Bodies Operating Product Certification Systems" (ISO Guide 65).

(2) Applicants for initial accreditation and accredited certifying agents submitting annual reports or seeking renewal of accreditation during the first 18 months following the effective date of subpart F of this part shall receive service without incurring an hourly charge for service.

(3) Applicants for initial accreditation and renewal of accreditation must pay at the time of application, effective 18 months following February 20, 2001, a nonrefundable fee of \$500.00 which shall be applied to the applicant's fees-for-service account.

(b) Travel charges. When service is requested at a place so distant from the evaluator's headquarters that a total of one-half hour or more is required for the evaluator(s) to travel to such place and back to the headquarters or at a place of prior assignment on circuitous routing requiring a total of one-half hour or more to travel to the next place of assignment on the circuitous routing, the charge for such service shall include a mileage charge administratively determined by the U.S. Department of Agriculture and travel tolls, if applicable, or such travel prorated among all the applicants and certifying agents furnished the service involved on an equitable basis or, when the travel is made by public transportation (including hired vehicles), a fee equal to the actual cost thereof. Travel charges shall become effective for all applicants for initial accreditation and accredited certifying agents on February 20, 2001. The applicant or certifying agent will not be charged a new mileage rate without notification before the service is rendered.

(c) ***Per diem charges.*** When service is requested at a place away from the evaluator's headquarters, the fee for such service shall include a per diem charge if the employee(s) performing the service is paid per diem in accordance with existing travel regulations. Per diem charges to applicants and certifying agents will cover the same period of time for which the evaluator(s) receives per diem reimbursement. The per diem rate will be administratively determined by the U.S. Department of Agriculture. Per diem charges shall become effective for all applicants for initial accreditation and accredited certifying agents on February 20, 2001. The applicant or certifying agent will not be charged a new per diem rate without notification before the service is rendered.

(d) ***Other costs.*** When costs, other than costs specified in paragraphs (a), (b), and (c) of this section, are associated with providing the services, the applicant or certifying agent will be charged for these costs. Such costs include but are not limited to equipment rental, photocopying, delivery, facsimile, telephone, or translation charges incurred in association with accreditation services. The amount of the costs charged will be determined administratively by the U.S. Department of Agriculture. Such costs shall become effective for all applicants for initial accreditation and accredited certifying agents on February 20, 2001.