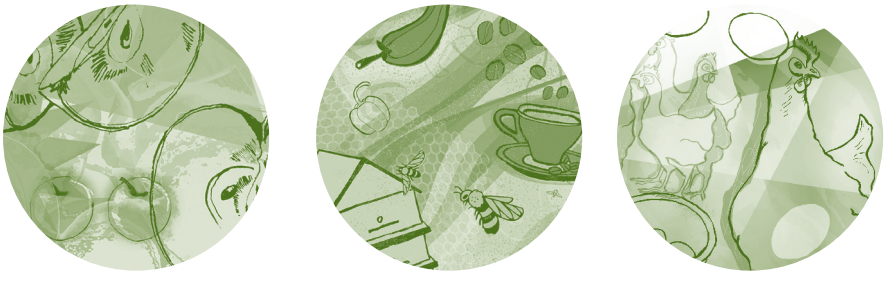
OMRI Policy Manual

POLICIES FOR THE REVIEW OF PRODUCTS INTENDED FOR USE IN CERTIFIED ORGANIC PRODUCTION OR PROCESSING



OMRI

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OMRI Policy Manual

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OMRI Quality Policy

OMRI provides professional, independent, and transparent review of materials and processes to determine their suitability for producing, processing, and handling organic food and fiber. The OMRI Review Program is committed to maintaining a timely, courteous, accurate, transparent, and consistent approach throughout the program and on a day-to-day basis.

OMRI's Mission

OMRI's mission is to support the growth and trust of the global organic community through expert, independent and transparent verification of input materials, and through education and technical assistance.

Part 1: About OMRI

1.1 Introduction to OMRI

The Organic Materials Review Institute (OMRI) is a 501(c)(3) nonprofit organization founded in 1997 by a group of organic certification agencies and industry representatives, to benefit the organic community and the general public. Its mission is to support the growth and trust of the global organic community through expert, independent and transparent verification of input materials, and through education and technical assistance.

1.2 The OMRI Policy Manual©

This *OMRI Policy Manual* outlines the requirements of the OMRI Review Program. The *OMRI Policy Manual* is intended for use and reference by OMRI applicants and suppliers of OMRI Listed® products, as well as by other interested parties. Applicants to the OMRI Review Program should use this manual in concert with the instructions provided in the application materials. This manual may be updated or revised (see §5). Please check the OMRI website at OMRI.org to ensure that you have the most current version, and contact the OMRI office at (541) 343-7600 or info@omri.org with questions or requests for further information. Additional information about OMRI review standards can also be found in the *OMRI Standards Manuals©,* in the application materials, and on the OMRI website. In addition to the *OMRI Policy Manual,* OMRI maintains an Administrative Procedures Manual for internal use that provides greater detail to policies and procedures outlined in the *OMRI Policy Manual.*

1.2.1 Contractual Agreement Between OMRI and OMRI Listed Suppliers and Applicants

The *OMRI Policy Manual* serves as a supplement to the contractual agreement between OMRI and OMRI Listed or applying suppliers. The contract is entered into when an applicant submits a signed Supplier Agreement, and is renewed annually with the supplier's renewal documentation. The Supplier Agreement and the *OMRI Policy Manual* bind the supplier to abide by OMRI policies as contained in the current and future versions of the *OMRI Policy Manual* and instructions.

1.3 Non-Discrimination Policy

OMRI administers its Review Program in a non-discriminatory manner. OMRI considers applications for review of any input product that falls within the classes described in the relevant OMRI standards, and does not discriminate against suppliers or applicants for any reason. For purposes of this paragraph, "non-discriminatory manner" means that OMRI does not deny participation in or benefits of the OMRI Review Program to any person because of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status, and does not deny service based on the number of products already listed or the size of the applying company.

OMRI has a zero tolerance policy for oppressive, racist or otherwise prejudiced behavior. All personnel, e.g., board members, employees, Review Panel members, Advisory Council members, and contractors of OMRI, are expected to adhere to this policy, and to treat others with dignity and respect at all times. In addition, suppliers and other customers who exhibit inappropriate contact may be refused services.

Inappropriate contact is defined as:

- Overt conduct or communication that constitutes bias or prejudice against a member of a protected class under federal or Oregon law;
- Harassing, abusive or demeaning remarks or actions made by an applicant or OMRI Listed supplier to OMRI personnel either orally or in writing;
- Attempts by an applicant or an OMRI Listed supplier to exert undue influence on any OMRI employee or agent by any means, including without limitation: communication by means not specifically authorized in the *OMRI Policy Manual;* direct contact with a Review Panel or Appeals Review Committee member relating to the review of a product; or giving or offering a gift to, or entering, or offering to enter, into a business transaction with an OMRI employee or agent (see "Impartiality and Conflict of Interest," *OMRI Policy Manual* §1.6.3);
- Comments or advances of suggestive or sexual nature.

1.4 OMRI's ISO/IEC 17065 Accreditation

In December 2007, OMRI was evaluated and accredited by the USDA for compliance with the International Organization for Standardization (ISO) Guide 65: General requirements for bodies operating product certification systems. In 2013, OMRI transitioned its accreditation to the ISO/IEC 17065 Standard: Conformity assessment – Requirement for bodies certifying products, processes and services.

The accreditation process involves a rigorous examination of

OMRI's quality system and certification procedures, inspection of files and procedures, assessment of personnel qualifications, and observation of on-site inspections of certified operators. Annual audits are part of maintaining ongoing accreditation. ISO/IEC 17065 accreditation is intended to ensure that review and certification bodies operate third-party review and certification systems in a consistent and reliable manner.

OMRI's ISO accreditation includes input material review to the USDA National Organic Program (NOP), Canada Organic Regime (COR) and the Mexico Organic Products Law (LPO) standards.

1.5 OMRI Organization

OMRI staff consists of management, the Review Program, administrative staff and technical support. OMRI is governed by a Board of Directors and otherwise supported by an Advisory Council, External Review Panels, contractors and subcontractors.

OMRI utilizes independent contractors and subcontracted inspection bodies and laboratories to conduct on-site inspections, conduct sample analysis or perform other duties or projects. Contractors perform specific duties as outlined in their contracts. OMRI requires that all contractors, including contracted and subcontracted inspectors, sign appropriate confidentiality statements and demonstrate qualifications and expertise appropriate to the tasks for which they are contracted.

1.6 Policies to Safeguard Confidentiality and Impartiality

In order to conduct accurate and thorough reviews, OMRI must access all pertinent information regarding each product. This includes the identity and source of every ingredient, and the manufacturing process for all ingredients and the final product. Because the manufacturer or a third party may consider some of this information to be proprietary, OMRI has developed policies and procedures for handling confidential business information.

All OMRI staff, contractors and other affiliated personnel are required to sign a Confidentiality Agreement, which is kept on file with OMRI. By signing this agreement, signatories agree to safeguard confidential information according to written procedures, and not to use this information for any purpose other than their work with OMRI. Only personnel who have signed a Confidentiality Agreement with OMRI are authorized to access confidential information.

1.6.1 Confidential Information

OMRI recognizes the importance of ensuring the confidentiality of information submitted during the course of a product review, and will not voluntarily disclose the supplier's confidential information without the supplier's prior written authorization. OMRI considers all information submitted to be confidential, with the exception of specific information referenced below.

1.6.1.1 Exclusions from Confidentiality

The following information that is necessary to identify the product and its OMRI Listed status may be disclosed to the public:

- company name and company code;
- product name and product code;
- public contact information;
- OMRI Listed status (including prohibited status);
- OMRI Listed Class, Generic Material Category, and any corresponding restriction(s) or footnote(s);
- OMRI Listed certificates;
- labels and other marketing materials, including sales invoices for products sold in bulk;
- information that is in the public domain and information made public by other means (e.g., Freedom of Information Act, disclosure by a producer, product patent, or publication in a scientific journal); and
- cumulative and summary data of the generic materials reviewed. OMRI compiles a cumulative list of ingredients it has reviewed in a way that does not link a given ingredient to any particular supplier, product or formulation. These lists are used to develop consistent criteria, provide clear guidelines for suppliers, and assist government agencies in developing policies.

If an OMRI Listed supplier or an applicant requests that any of the above information be treated as confidential, OMRI staff notifies them that OMRI's transparent review policy requires that all of this information be accessible to the public.

1.6.1.2 Confidentiality Exceptions

In addition to the above confidentiality exclusions, OMRI may disclose information under the following circumstances:

- OMRI may be compelled by a government body to publicly disclose confidential information by a subpoena, court order, administrative hearing or other public proceeding. OMRI will inform any applicant, or other party who has properly submitted confidential information to OMRI, of such required disclosure so that they have reasonable opportunity to seek judicial relief prior to OMRI's compliance with the order.
- OMRI may be required by the National Organic Program (NOP) or equivalent scheme owner to disclose confidential information to the scheme owner in the event that such information is requested to assist in evaluating and

determining whether regulations have been properly applied. OMRI will inform any applicant, or other party who has properly submitted confidential information to OMRI, of such request from the scheme owner so that they have reasonable opportunity to seek judicial relief prior to OMRI's compliance with the request.

- OMRI may be required to disclose confidential information to third-party accreditation auditors and accredited certification bodies in order to assist in accreditation activities and in evaluating and determining whether regulations have been properly applied. Prior to such disclosure, the party must sign a confidentiality agreement, which is kept on file with OMRI. By signing this agreement, the party agrees to safeguard confidential information according to written procedures, and not to use this information for any purpose other than their work with OMRI.
- OMRI may, as a service to clients and with their express agreement, provide confidential information to other regulatory bodies. Prior to such disclosure, the supplier must sign an agreement authorizing OMRI to disclose confidential information to the identified regulatory body.

1.6.2 Confidential Information Belonging to a Third Party

If information required by OMRI for a product review or continued product listing is considered to be the proprietary information belonging to a party other than the applicant or OMRI Listed supplier (such as the manufacturer of a particular ingredient in a multi-ingredient product), and that party does not wish to disclose the information to the applicant requesting OMRI listing, a contractual agreement to protect this information may be formed. This arrangement must be documented by a Third Party Agreement signed by OMRI, the applicant and the third party. Forms can be obtained on the OMRI website. Once a Third Party Agreement is formed, OMRI may receive information directly from the third party and will not disclose the information to the company requesting OMRI listing.

OMRI will not accept confidential information from a third party without a signed OMRI request and agreement on file, and payment of applicable fees. OMRI will not sign bilateral confidentiality agreements—other than an agreement supplied by OMRI—with any third party.

The applicant or OMRI Listed supplier is responsible for obtaining the third party's signature on the applicable forms, and for ensuring that all required information is provided to OMRI. Once the Third Party Agreement has been made, OMRI may contact the third party directly. If the third party is unwilling to provide needed information to OMRI, then the review may be forfeited. The OMRI Listed supplier may be required to provide OMRI with written documentation from the third party during the course of the renewal, verifying whether there has been any change to the information they provided.

1.6.3 Impartiality and Conflict of Interest

OMRI is committed to maintaining impartiality, objectivity, and independence in the review process. OMRI regularly assesses the risks to impartiality, including the potential for self-interest, self-review, advocacy, over-familiarity, intimidation and competition in order to ensure appropriate controls are in place to prevent commercial, financial, or other pressures from compromising its impartiality. OMRI makes good-faith efforts to prevent bias and conflicts of interest at all stages of the product review and listing process, in order to ensure that all decisions concerning product review and listing are made in an impartial manner.

OMRI personnel may not use access to information obtained through the product review process for their own private benefit or to further their own business interests, and may not make recommendations or participate in the decision-making process for any product or supplier in which they have a vested interest. All OMRI personnel are required to comply with OMRI's Conflict of Interest policy and to maintain a current Vested Interest Disclosure Statement on file with OMRI.

OMRI defines a "vested interest" as a direct commercial, financial, consulting or family interest in an OMRI Listed supplier, applicant, or potential applicant. Conflicts involving vested interest include, but are not limited to: production, distribution or sale of a specific product being reviewed or a competing product; gifts; and employment or business transactions within 24 months prior to or following the consideration by OMRI of any products of a supplier. Vested interest also includes, but is not limited to: direct ownership; investments; interests in leased or jointly owned real, capital, or personal property; consultation services for a fee; and with respect to non-publically traded companies: stock options, ownership of stock, ownership of any other form of equity interest, receipt of brokerage fees or commissions.

OMRI prevents bias in the review and listing process through the following procedures:

- OMRI ensures that any OMRI personnel who have a conflict of interest are excluded from work and decision-making in all stages of the review and listing process of any products produced or marketed by a company with which a conflict exists.
- OMRI prohibits all OMRI personnel and representatives from accepting payments, donations, gifts or favors (other than fees for OMRI services) from any OMRI Listed supplier or applicant, or from any other entity or person that could be construed as creating a conflict of interest or undue influence.

- OMRI prohibits all OMRI personnel from giving gifts or favors to any OMRI Listed supplier or applicant, or to any other entity or person that could be construed as creating a conflict of interest or undue influence.
- OMRI prohibits all OMRI personnel or representatives from providing consulting services to any OMRI Listed supplier or applicant regarding overcoming identified barriers to listing.
- With the few exceptions described in §§2.2.8 and 4.2, OMRI procedures require that all product status decisions are made by a Review Panel member.
- OMRI personnel who fail to give full disclosure on their vested interest disclosure statements are subject to discipline, up to and including immediate termination.
- Suppliers or applicants who make inapproparite contact with or otherwise attempt to exert undue influence on any OMRI employee or agent by any means may be refused service (see §§1.3, 2.2.6 and 2.11 for information about inapproparite contact and listing consequences.)

If a conflict of interest involving an OMRI decision maker existed within 24 months of a product status decision, OMRI conducts a new review and decision-making process for the product at no cost to the supplier.

1.7 Scope of the Program

OMRI Review Program services are available to all applicants whose products fall within the scope as defined below and within the corresponding *OMRI Standards Manual.* However, OMRI may decline to review products affected by policy or standards issues that are considered Beyond Resolution as described in §2.2.7. OMRI reviews input products and does not review devices, technologies or services. OMRI lists products according to use, and confines its review requirements, evaluations and decision making to those matters specifically related to the particular use for which a product has applied.

Products that OMRI determines to be suitable for use in organic production, processing and handling are assigned "Allowed" or "Allowed with Restrictions" status and listed in the appropriate list: the *OMRI Products List*© for NOP, the *OMRI Canada Products List*© for COR, or the *OMRI Mexico Products List*© for LPO. The lists represent OMRI's recommendations and opinions regarding the acceptability of using certain products in organic production, processing and handling. OMRI is not an organic certification agency and does not "certify" products as organic. OMRI may decline to review products that require organic certification or that are more appropriate for a certifier to review. If suppliers wish to pursue organic certification of their products, OMRI encourages them to contact a

OMRI lists products according to use, and confines its review requirements, evaluations and decision making to those matters specifically related to the particular use for which a product has applied.

USDA accredited certification agent, CFIA accredited certification body, or SENASICA approved certification body.

OMRI's role is advisory and educational, and OMRI makes no claim that its recommendations and opinions coincide with all applicable governmental or organizational standards. Interpretation of the laws governing organic production is the responsibility of the appropriate government agencies. OMRI is not responsible for the loss of certification, loss of organic status or other consequences for failure to comply with organic, legal or certification standards. Final decisions regarding the acceptability of input products reside with the individual organic certification agents. Producers, processors and handlers with questions about the acceptability of use, or any restrictions on use of a particular material, should contact their certification agents or enforcement officials for information.

OMRI is not responsible for loss of business due to a product's OMRI Listed status or the failure of a product to be OMRI Listed. OMRI assumes no liability or responsibility for delays in the product review process, delay or denial of organic certification to any third party who has used a material pending OMRI review, or for the subsequent denial or loss of organic certification of a third party that results from the use of a prohibited material.

1.8 Review Under USDA and Other Organic Standards

The USDA National Organic Program (NOP) regulations form the foundation of the OMRI standards for input products intended for use in certified organic production in accordance with these standards. The NOP regulations are administered by the USDA's National Organic Program and found at Title 7 CFR Part 205. OMRI may review products against additional standards that are described in more detail in the application materials.

The NOP regulations are available online at www.ecfr.gov, Title 7 Part 205. The most current version of 7 CFR Part 205 and the NOP Program Handbook are considered the foundation of OMRI's criteria for review to that standard. Other clarifications provided by the NOP may be incorporated into these standards by the revision methods explained in §5 of this manual. OMRI may submit comments and requests for clarification of the standards; however, OMRI does not petition or advocate for materials to be added to or removed from

the National Lists.

In addition to review under USDA National Organic Program regulations, OMRI reviews products under the Canada Organic Regime (COR) standards, which are based on the regulatory text CGSB 32.310 and CGSB 32.311. These regulations are administered by the Canadian Food Inspection Agency (CFIA), with the Standards Interpretation Committee (SIC) providing interpretive guidance. The current COR standards are published here:

- **32.310 Organic Production Systems General Principles and Management Standards**
  https://publications.gc.ca/site/eng/9.894375/publication.html
- **32.311 Organic Production Systems Permitted Substances List**
  https://publications.gc.ca/site/eng/9.894398/publication.html

OMRI also provides review to the Mexico Organic Products Law (LPO), including the Regulation of the Organic Products Law and the Guidelines for the Organic Operation of the Agricultural and Livestock Activities. These regulations are administered by the Mexican Secretariat of Agriculture and Rural Development (SADER) by means of the National Service of Health, Food Safety and Quality (SENASICA). The Law, Regulation, and Guidelines are published in Spanish and are available at http://dof.gob.mx.

OMRI does not verify any legal statuses outside the scope of NOP, COR and LPO, unless explicitly required by NOP, COR or SENASICA. OMRI recommends that product suppliers and users contact appropriate governing officials to determine which laws and regulations apply to specific products.

1.9 Financial Support

Review Program applicants and OMRI Listed suppliers pay supplier fees, product review fees, and renewal fees to cover the costs associated with the administration of the Review Program. See OMRI's website for a current fee schedule.

OMRI also collects fees for its subscription services, provides technical contract work for a fee, receives tax-deductible donations as a 501(c)(3) nonprofit organization, and may receive grant funding for educational projects.

Part 2: Product Review and Listing

2.1 Applying for Review

2.1.1 Pre-Application

Applicants must first create a company account on the OMRI website before applying for review. An internet connection and email address are required to access current application materials and to receive important notifications from OMRI about the review process.

Applications contain all information and materials needed to request review of a product. Applicants are instructed to submit all documentation and information required by the application along with full payment of all applicable fees.

2.1.2 Document Requirements

It is the applicant's responsibility to prove compliance with OMRI policies and standards. OMRI cannot assume compliance in the absence of proof. The applications are intended as tools for applicants to submit complete information. However, additional information may be requested at OMRI's discretion. The applications outline various documents and information that must accompany a product review application. Incomplete submissions result in delay of the product review and listing process. All applicants must complete the application forms that correspond to the intended use of the product. All forms must be completed in English, unless otherwise specified. All labels and review documents must be provided in their original language, along with an English translation if the original language is not English, unless otherwise specified. OMRI may translate Spanish language submissions as needed for review and decision-making purposes, and applicants may be charged an administrative fee for such services. Translations are performed at OMRI's discretion and are not guaranteed.

Review requirements are subject to change. OMRI reserves the right to make reasonable changes to OMRI application requirements as needed to ensure the thoroughness of the OMRI review process. OMRI invites comments and suggestions to develop requirements that protect the integrity of organic food and fiber (see §5).

2.1.2.1 Distinct Products

Each applying product must have a unique name. To ensure clarity in the organic sector, OMRI reserves the right to add additional identifiers to the product or company name for listing. All formulations sold under the applying product name must be submitted to OMRI. Identical products sold under more than one name are considered repackaged products (see §2.2.8).

2.1.2.2 Disclosure of Ingredients

OMRI requires applicants to disclose <u>all</u> ingredients and their sources to OMRI in order for products to be reviewed for listing. Ingredients not generally found on the product label must still be reviewed by OMRI. Examples include but are not limited to: inert ingredients in registered pesticides; excipients in animal medications, parasiticides, vaccines and supplements; and carriers, diluents, flowing agents, and other incidental ingredients in food processing additives. OMRI requires that all formula proportions and manufacturing processes be provided unless exemptions apply. See application materials for these exemptions. OMRI policies for handling confidential information are described in §1.6.

If a product contains another product as a component, all ingredients of that other product must be disclosed to OMRI (see §1.6.2). If the component is already an OMRI Listed product, source documentation may be sufficient.

All current and anticipated ingredient sources must be reported at the time of application, and the supplier must inform OMRI of any change to an ingredient or its source after listing.

Ingredients, sources and manufacturing processes of synthetic materials that are on the National List for NOP review, or on the Permitted Substances List for COR or LPO review, may not need to be reviewed unless additional information is required to determine the standard of identity or compliance of such materials.

2.1.2.3 Lab Analyses

Any laboratory analyses required by OMRI must be performed by an independent laboratory, not an in-house lab, a laboratory that is operated by a subsidiary of applicant organization, or an entity that has a controlling interest in both the applicant organization and the laboratory. The sample's chain of custody from the time and place where the sample was taken to its delivery to the lab conducting the analyses must be made available upon request. The lab report must provide methods of analysis along with units expressed. Analysis reports need to be labeled in a way that is consistent with the product name and representative of the final product as sold. OMRI prefers to receive the lab's original analysis report and reserves the right to request original reports.

OMRI requires that all laboratory analyses be from samples collected and analyzed within one year prior to application. OMRI reserves the right to reject any laboratory analysis report as unrepresentative of product currently in the channels of trade if it is mislabeled, altered, or out-of-date, or if it has a questionable chain of custody.

OMRI reserves the right to conduct site visits, request or collect additional samples, or require additional analyses at the supplier's expense. See §2.4.

2.2 The Review Process

The review process begins with the initial application review (see §2.2.2) and is completed when OMRI issues a final product status decision (see §2.2.5) or when the review process is terminated (see §2.2.6).

The process for products applying for review under more than one organic standard occurs independently for each standard, and all actions and decisions described in §2 of the *OMRI Policy Manual*© will be based on the specific organic standard.

2.2.1 Timeline

OMRI makes a good-faith effort to respond promptly to all requests for review; however, OMRI cannot guarantee the length of time it will take to review an application. A delay in submitting required information or fees to OMRI can result in a longer process. Applicants are encouraged to contact OMRI prior to submitting an application to verify that they have included all required documents and fees.

2.2.2 Initial Review of Applications

Soon after an application is received by OMRI, the applicant is sent an acknowledgment that the application has been received. If all required fees were not included with the application, the application is put on financial hold as described in §3.2. If the application does not meet minimum submission requirements, the applicant is informed that OMRI is unable to begin the review and is referred to the application resources on the OMRI website, and the application fee is refunded.

If the minimum submission requirements are fulfilled, but all required documents and information have not been provided as requested in the application, OMRI notifies the applicant of the missing information and provides a deadline for the receipt of needed materials. See §2.3 for information about deadlines and requesting extensions.

2.2.3 Product Evaluation

OMRI staff evaluates the product application to see if the information is complete and complies with the relevant standards. If the product evaluation process indicates that additional information is needed to make an accurate determination as to a product's compliance with the relevant standards, staff notifies the applicant of the additional information required with a deadline to receive the necessary documentation. When needed information would be most effectively gathered through an on-site inspection or analysis of a product sample collected from the stream of commerce, the process described in §2.4 is followed. When the file is complete, OMRI staff prepares a Findings of Fact report.

2.2.4 Decision-making Process

Staff provides the appropriate OMRI Review Panel with the Findings of Fact and supporting documentation needed to review each product that has applied for OMRI Listed status. Decisions are made by a Review Panel member or by a majority vote of the Review Panel. OMRI's External Review Panels consist of individuals appointed by the Board of Directors, while the Internal Review Panel is comprised of qualified staff members. The Review Panels use OMRI standards to evaluate products. If a Review Panel finds a file incomplete, they may assign an interim status subject to conditions, request more information, or terminate the review process (see §2.2.6). The Review Panel may also encounter an unresolved issue (see §2.2.7). Products with complete applications may be assigned one of the following statuses:

- **Allowed** – Found to be acceptable for use in organic production, handling or processing under the relevant OMRI standards.
- **Allowed with Restrictions** – Found to be acceptable for use in organic production, handling or processing with specific use restrictions defined in the relevant OMRI standards.
- **Prohibited** – Found to be noncompliant with the relevant OMRI standards.

Following a Review Panel meeting or other decision-making process, External Review Panel members are required to attest that they have destroyed all confidential documents they have received from OMRI in relation to the products considered (see §1.6.1).

2.2.5 Documentation and Communication of Decisions

OMRI seeks to notify applicants of their product's status within one week after the Review Panel has made its decision. If the product has been assigned an Allowed or Allowed with Restrictions status, the notification includes an OMRI Listed certificate and information about the OMRI Listed Seal Use Policy (see §2.6). Suppliers of such products undergo annual renewals (see §2.8). Notification letters to applicants whose products have been assigned an Allowed with Restrictions status also include text from the relevant OMRI standards describing the use restrictions that apply to their product.

Products assigned an Allowed or Allowed with Restrictions status are added to the appropriate *OMRI Products List*©.

2.2.6 Termination of the Review Process

A review may be terminated for any of the following reasons:

- prior to a decision being made as described at §2.2.4, a supplier may voluntarily withdraw their product application;
- failure to meet an information requirement deadline;
- failure to pay required fees or invoices;
- failure to demonstrate an understanding of OMRI application materials or standards;
- out-of-scope determination;
- inability to prove compliance with OMRI policies and standards;
- refusal of an inspection or product sampling;
- written notification from the NOP or equivalent scheme owner that the brand-name product or generic materials within the product are not compliant for use in organic production or processing;
- unresolved issues;
- misuse of the OMRI seal or name;
- inappropriate contact with OMRI personnel;
- company participation in illegal activities; or
- history of repeated noncompliances, investigations or for-cause inspections.

If a product review is terminated for any of the above reasons other than an unresolved or out-of-scope issue, the product application fee is forfeited. In all cases, the applicant is informed that the OMRI Listed seal and OMRI's name may not be used to identify or market the product in any context, including websites.

2.2.7 Unresolved Policy or Standards Questions

If a Review Panel has a question regarding interpretation of OMRI policies or standards, if they cannot reach an understanding of correct interpretation, or if they conclude that current OMRI policies or standards do not address the compliance of a particular product, then the product is assigned a temporary "Unresolved" status pending clarification. Clarification may be provided by the OMRI Management Team, the OMRI Advisory Council, the OMRI Board of Directors (see Glossary for definitions of groups), or the relevant scheme owner.

Questions about the relevant standards that arise out of unresolved product reviews may be presented to the OMRI Advisory Council (see glossary) for consideration. If the Advisory Council determines that the question can be resolved without the need to amend the *OMRI Policy Manual* or the relevant OMRI standards, they provide written guidance that clarifies the correct interpretation of current OMRI standards. The Advisory Council may also help OMRI staff to frame the question and possible interpretations to the relevant scheme owner. If the relevant scheme owner provides guidance that does not require the amendment of the *OMRI Policy Manual* or the relevant OMRI standards, staff communicates that guidance to the Review Panel. The Review Panel may accept this guidance and apply the recommended interpretation to the review, or reject the guidance and refer the matter to the OMRI Board of Directors.

Questions about OMRI policies not directly related to the criteria against which products are reviewed, and that arise out of unresolved product reviews, are presented to the OMRI Management Team for consideration. If the OMRI Management Team determines that the question can be resolved without the need to amend the *OMRI Policy Manual* or the relevant OMRI standards, they provide written guidance that clarifies the correct interpretation of current OMRI policy. The Review Panel may accept this guidance and apply the recommended interpretation to the review, or reject the guidance and refer the matter to the OMRI Board of Directors.

If the Advisory Council or OMRI Management Team determines that resolving the standards question will require amendment of the *OMRI Policy Manual* or the relevant OMRI standards, or that guidance from the appropriate scheme owner requires such amendment, the Advisory Council or OMRI Management Team prepares a standards recommendation for the Board of Directors. The Board may accept the recommendation, or reject the recommendation and adopt a different resolution of the standards question. Procedures for amending the *OMRI Policy Manual* and the relevant standards are described in §5.

OMRI strives to resolve policy and standards questions pertaining to pending new product applications within 275 days from the date that the Unresolved status is assigned by a Review Panel. The OMRI Board of Directors may determine that resolution of the issue requires amendment of the relevant OMRI standards or policies, and therefore must wait until the next scheduled revision of the relevant OMRI standards or policy manuals (see §5). Resolution may also be dependent on circumstances outside of OMRI's control (e.g., cases in which the relevant standards are unclear or incomplete, or in which a change to the relevant standards is pending).

If, after 275 days, OMRI is not able to make a determination as to the status of a product under review, OMRI terminates the review process and refunds the applicable fee(s). No OMRI status is assigned to such products.

Soon after an application is received by OMRI, the applicant is sent an acknowledgment that the application has been received.

If OMRI has been unable to resolve a particular policy or standards issue, that issue is considered "Beyond Resolution." OMRI notifies future applicants that it is not able to review products affected by this issue, and any OMRI Listed products affected by the issue undergo Limited Re-review as described in §2.10.1. If OMRI receives a new application for a product for which the review would require consideration of an issue determined to be currently "Beyond Resolution" OMRI sends the applicant a letter explaining that OMRI must decline the application and returns all applicable fees without assigning a product status.

A product with a temporary Unresolved status is reconsidered by a Review Panel after one of the following occurs:

- the OMRI Management Team, Advisory Council or Board of Directors issues a guidance that clarifies current OMRI policies or standards in regards to the unresolved issue;
- the OMRI Board of Directors revises the *OMRI Policy Manual* or the relevant OMRI standards as they relate to the unresolved issue (see §5); or
- the applicant takes action that brings the product into compliance with OMRI policies and standards, irrespective of the policy or standards question under consideration.

If, in OMRI's estimation, the applicant has taken actions to change the product, OMRI follows the procedures described in §2.9.

2.2.8 Repackaged Products

Repackaged products are OMRI Listed products that are repackaged and marketed under a different product or company name, either by the original OMRI Listed supplier or by another company, without modification to the original product. Suppliers applying for OMRI listing of repackaged products are subject to the same application, initial review and product evaluation procedures described in §§2.1 through 2.2.3 above. See the OMRI website for applicable review fees.

Based on staff review of application forms and documentation provided by the applicant, OMRI makes a determination as to whether such products qualify as repackaged products as described in this section. Products that qualify as repackaged products are assigned the same OMRI status as the original OMRI Listed product.

If the original OMRI Listed product is removed from an *OMRI Products List* for any reason, repackaged products associated with the delisted product are affected as described in §2.11.4.

Applicants and suppliers wishing to extend an information deadline must submit a written request to OMRI prior to the deadline.

2.3 Information Deadlines and Requesting an Extension

If OMRI staff or a Review Panel needs more information or documentation from an OMRI Listed supplier or applicant, the supplier or applicant is sent written notification stating exactly what is needed and the deadline by which OMRI must receive it. Such information may be faxed, emailed or mailed to OMRI on or before the deadline. OMRI suggests that such information be sent via certified mail or emailed with a copy saved.

Applicants and suppliers wishing to extend an information deadline must submit a written request to OMRI prior to the deadline. Failure to provide the required information or properly request an extension by the given deadline will result in termination of the product review and forfeiture of the review fee in the case of a newly applying product (see §2.2.6), and initiation of product delisting in the case of a product that is currently OMRI Listed (see §2.11).

Deadline extensions are granted at OMRI's discretion, and OMRI staff or a Review Panel may require additional information after evaluating the new information received. An applicant or an OMRI Listed supplier may appeal a review forfeiture or delisting decision using the process described in §4.2.

2.4 Site Inspections and Product Sampling

OMRI conducts site inspections and samples products collected on-site and from the stream of commerce. This ensures that OMRI has clear and complete information regarding all OMRI Listed products, and helps OMRI verify that suppliers of OMRI Listed products continue to conform to OMRI standards on an ongoing basis. Products are chosen for inspection or sampling when there is cause to collect such information, and also randomly to verify compliance. Third parties that supply ingredients for OMRI Listed products are also subject to the provisions of this section.

OMRI Listed suppliers are required to maintain records adapted to their particular business regarding the sources, receipt and use of ingredients. The manufacture, transfer and sale of all OMRI Listed products must be documented in sufficient detail as to be readily understood and audited. Records must be maintained for not less than five years beyond their creation, must be sufficient to demonstrate compliance with OMRI standards, and must be readily available during an inspection. OMRI Listed suppliers must make such records available for

inspection and copying by OMRI's authorized representatives during normal business hours.

2.4.1 Consent to Site Inspections

By signing the Supplier Agreement, applicants and suppliers agree to abide by all OMRI policies as contained in the *OMRI Policy Manual* and accompanying instructions. This includes consenting to inspection of the supplier's offices and facilities by OMRI inspectors. Site inspections may be announced or unannounced, at OMRI's discretion. OMRI arranges unannounced inspections when there is reason to believe this method might yield more valuable information for product reviewers and decision makers, or, as in the case of random surveillance inspections, to ensure that OMRI Listed suppliers consistently maintain OMRI-compliant practices.

Unannounced inspections are always scheduled during normal hours of facility operation. Access to facilities and information (see §2.4.2) at such times may not be unreasonably denied. Unannounced inspections do not require the presence of the individual authorized by the supplier as the review contact.

Announced inspections are scheduled by the inspector to meet the needs of both the inspector and the inspected party. Announced inspections require that the supplier's authorized review contact, or another individual designated by the review contact, be present and available during the inspection.

2.4.2 Access to Facilities and Information

The inspected supplier is expected to provide the inspector with full access to the operation, including:

- storage facilities for ingredients and finished products;
- manufacturing facilities;
- records of purchase and ingredient/feedstock delivery, production and sales;
- quality assurance/quality control data;
- laboratory results; and
- any other aspect of the supplier's operation that is identified in OMRI standards, policies or application materials.

The inspector collects the following information as it pertains to the purpose of the inspection:

- handwritten notes;
- recordings of conversations with the inspected party's authorized representative;
- photographs;
- photocopies of relevant documents such as invoices, lab results, permits, etc.; and
- samples of ingredients and samples of the final product.

The inspector notes any refusal to provide access to information. If such refusal prevents gathering of information deemed by OMRI as necessary to determine compliance with OMRI standards or policies, OMRI will forfeit the product application or initiate product delisting. False statements, material misrepresentations of fact, and other deceptive practices during an inspection may be used as grounds to delist all of the supplier's currently listed products.

2.4.3 Costs of Inspections and Sampling

Costs associated with inspections and sampling may be billed to the inspected party to cover:

- inspector fees,
- inspector travel and other expenses,
- sampling and other inspection-related supplies,
- sample shipping,
- lab analysis fees, and
- OMRI administrative expenses.

2.5 Product Misrepresentation

If OMRI has reason to believe that an applicant or an OMRI Listed supplier has misrepresented their product, its ingredients, the manufacturing process or intended uses in communications with OMRI, OMRI will conduct an investigation as described in §2.10.2. Such an investigation may lead to delisting of an OMRI Listed product as described in §2.11 or denial of OMRI Listed status for an applying product if the product is found to be noncompliant with OMRI standards. If a supplier is found in a court of law to have misrepresented their products, OMRI may delist all of that supplier's currently listed products. In this case, OMRI would not accept a new product application for one year after the final resolution of the investigation.

If OMRI suffers any loss or liability as a result of misrepresentation of a product by an OMRI Listed supplier or an applicant, OMRI reserves the right to take legal action against that OMRI Listed supplier or applicant.

2.6 Use of the OMRI Listed Certificate and Seal

2.6.1 OMRI Listed Certificates

OMRI Listed certificates are issued to suppliers of products that have successfully completed the OMRI product review process, and have been assigned an OMRI status of either Allowed or Allowed with Restrictions. Certificates are valid for 12-15 months (according to the quarterly renewal schedule) and must be renewed annually (see §2.8). Notwithstanding the annual renewals cycle, an OMRI certificate may be revoked at any time (see §2.11).

OMRI Listed certificates for products that have been delisted

are void. Suppliers of currently OMRI Listed products may display or reference only current, valid certificates for those products. Use of an expired, altered or voided certificate is a violation of OMRI policy.

2.6.2 The OMRI Listed Seal

The OMRI Listed seal (the Seal) is a registered trademark that OMRI provides in electronic form to suppliers of OMRI Listed products. Variation in or changes to the Seal are in violation of this policy. Suppliers with OMRI Listed products can log in to the OMRI.org website and visit www.omri.org/suppliers/seal to download the OMRI seal.

Authorization to use the OMRI seal is granted:

- to those companies whose names appear on the most current *OMRI Products List* (OPL), *OMRI Canada Products List*© (OCPL) or *OMRI Mexico Products List*© (OMPL) and on valid OMRI Listed certificates; and
- for use only with labels and formulations reviewed by OMRI for currently listed product names that appear on the most current *OMRI Products List, OMRI Canada Products List* or *OMRI Mexico Products List,* and on valid OMRI Listed certificates.

Authorization to use the Seal is extended to distributors of currently listed products, provided the OMRI-reviewed label is used, and both the product and company names appearing on the current *OMRI Products Lists* and on valid OMRI Listed certificates are also displayed.

Suppliers are prohibited from extending authorization to any other company to use the OMRI seals under any other circumstances, such as for OMRI Listed products that are private labeled or repackaged.

Authorization to use the OMRI Listed seal is immediately withdrawn upon:

- removal of the product or company name from the *OMRI Products Lists,* or
- any unreported changes to previously reviewed labels or formulations.

Each product marketed as a distinct product must obtain OMRI Listed status independent of any other product listing in order to use an OMRI seal or make OMRI Listed claims. Displaying the Seal in a way that could reasonably be thought to apply to a product that is not currently OMRI Listed is in violation of OMRI policy and trademark law. The product name and company name given on any product labels or in any advertising or promotional materials **must** match that which appears in the current *OMRI Products List, OMRI Canada Products List* or *OMRI Mexico Products List.* Private labels or repackages of OMRI Listed products require a separate application under OMRI's repackaged products policy (see §2.2.8) before the supplier may promote the product as OMRI Listed.

2.6.3 Referring to OMRI Listed Status

Because some words carry very particular meanings in the context of the organic industry, it is important that products that appear on the *OMRI Products List, OMRI Canada Products List* or *OMRI Mexico Products List* are referred to specifically as "OMRI Listed" or "listed by OMRI." Referring to an OMRI Listed product as "OMRI approved," "OMRI certified," "OMRI registered," or as anything other than "OMRI Listed" is inaccurate and in violation of OMRI policy. It is also misleading to present OMRI listing in a way that implies organic certification of any kind. OMRI Listed is a trademarked term and cannot be used in whole or part to modify a product or brand name. Any reference to a product's OMRI status that OMRI finds to be false or misleading is considered a violation of OMRI policy.

2.6.4 Third-Party OMRI Listed Claims and Ingredient Claims

It is ultimately the responsibility of the OMRI Listed supplier of record to see that use of the OMRI seal, OMRI logos and OMRI Listed claims in association with their product(s), including in promotional materials and on websites of distributors or other third parties, are in compliance with OMRI policy. OMRI Listed suppliers must be able to document a good-faith effort to police third-party use of the Seal in association with their products.

Product labels or promotional materials that state or suggest that the product contains OMRI Listed ingredients are in violation of OMRI policy. Even if such statements are true, they are not representative of the final product and therefore OMRI considers them to be misleading.

2.6.5 OMRI Listed Products Available

An OMRI Listed Products Available logo may be used by companies that produce, supply or distribute OMRI Listed products. The Products Available logo may be used on company websites, brochures, catalogs and other media that are not directly related to an OMRI Listed product. It is not a substitute for the OMRI seal.

2.6.6 Force of Agreement

By participating in the OMRI Review Program and agreeing to have their products listed by OMRI, suppliers agree to abide by and comply with OMRI policies. In accordance with

OMRI policy and trademark law, all parties who supply, market or distribute products for use in production, processing or handling of food or fiber are required to honor the integrity of the OMRI seal. If any OMRI Listed product is found to contain a prohibited material, the OMRI Listed supplier may be required by OMRI to recall all products containing the prohibited material. If any party is found to be in violation of the OMRI seal use policy, OMRI will require that party to take immediate corrective action. Such actions may include, but are not limited to:

- removal or modification of the OMRI seal on product labels, and in advertising and promotions (in print, electronic or broadcast media);
- removal or correction of references made to a product's OMRI status in the content of advertising or marketing materials;
- modification of a website or other media in order to clarify which specific products have OMRI Listed status;
- removal of the OMRI seal and claims from product labels, by either recalling the product or covering the Seal and unauthorized references to OMRI; and
- discontinued circulation of advertising, promotional materials, catalog listings, and all other media describing or promoting the product as OMRI Listed.

OMRI reserves the right to take legal action against a supplier or any other party for any unauthorized use of the trademarked OMRI seal, and to seek damages and reimbursement of attorney fees and costs incurred in bringing any civil action or arbitration to enforce its rights in licensing the OMRI seal. In addition to legal actions, OMRI reserves the right to forfeit a product review or remove a product from the appropriate *OMRI Products List* for violation of this policy.

2.7 Product Labeling

OMRI's goal is to provide clear information to organic certifiers, organic producers and organic handlers on the use of products and materials in their organic system plans. Labeling of products in a manner that potentially confuses these potential users is not consistent with this goal. OMRI will not list a product if it finds that the product's label provides false or misleading information to potential users. However, OMRI does not enforce label claims that are regulated by other agencies such as state fertilizer boards, the EPA, PMRA, COFEPRIS, or governmental or regulatory bodies other than NOP, COR and SENASICA. If labels and marketing materials for an OMRI Listed product contain or imply use instructions, at least one published use must be compliant with the OMRI Listed class/category for that product. For products listed in Processing Use Classes, "labels and marketing materials" refers to all product labeling, including technical specification sheets, which together must contain sufficient information for the user to comply with the relevant organic standard(s) and any use restrictions applied by OMRI.

The Products Available logo may be used on company websites, brochures, catalogs and other media that are not directly related to an OMRI Listed product.

OMRI requires that the product and company name shown on the label of an OMRI Listed product match the product and company name as published in the corresponding *OMRI Products List.* OMRI reserves the right to add additional qualifiers to product or company names in the product listing as necessary to ensure clarity in the organic sector. In some cases in which names on labels may be interpreted to vary, repackaged product applications may be required. Labels must also include some form of contact information for the OMRI Listed supplier (e.g., website, physical address, phone number). OMRI limits its use of the OMRI seal on labels, in advertising, and in other media as described in §2.6. To verify compliance, all labels for a product must be submitted to OMRI for review.

The OMRI website contains the latest versions of the *OMRI Products Lists* with information showing the uses for which the product was reviewed, the status assigned to the product, and any use restrictions that apply to the product according to OMRI standards and policies. This same information is provided to the supplier in OMRI's decision notification letter (see §2.2.5).

2.7.1 Use of the Term "Organic" on Product Labels

"Organic" is a regulated term that may only be used on labels of agricultural products that are produced and handled in accordance with the applicable regulations. OMRI listing is not equivalent to "organic" certification and OMRI cannot legally authorize the term "organic" on product labels. However, OMRI recognizes that the term "organic" may be used in some cases to identify and market input products that are compliant for use in organic production.

In order to provide truthful and accurate information, phrases such as "for organic use" and "for organic production" are preferred when the term "organic" is used on product labels. OMRI will not list products that use the phrases "certified organic," "USDA organic," "Canada organic," "Mexico organic," or that display the corresponding organic seal, unless the final product is itself certified organic to the applicable standard. Product labels that OMRI determines use the term "organic" in violation of the organic regulations are not permitted. See §2.6.3 for other acceptable and unacceptable claims.

2.8 Renewal of Listing

Suppliers must renew product and supplier listings and submit renewal fees to remain listed. OMRI sends renewal notifications to suppliers with OMRI Listed products. To renew, suppliers must submit a complete renewal along with the applicable fees (see the OMRI website for a current list of fees) and all other documentation requested in the renewal instructions. If the complete renewal, including fees and other requested documentation, is not received by the final deadline, the product(s) will be removed from the appropriate *OMRI Products List* (see §2.11).

2.9 Company and Product Changes

OMRI policies regarding company and product changes are intended to ensure that the *OMRI Products Lists* contain the most current and accurate information available, and to determine whether any change made to an OMRI Listed product will affect its OMRI status. OMRI Listed suppliers are responsible for notifying OMRI in writing at least 60 days prior to the release of any product affected by a change. Change notification forms are available on the OMRI website. Refer to the OMRI website for fees relevant to product or company changes.

2.9.1 Company or Product Ownership

OMRI listings are not automatically transferable. If an OMRI Listed company or product changes ownership, the new owners are responsible for notifying OMRI upon completion of the transaction. All appropriate forms and fees must be submitted to complete the change, and proof of the ownership change may be required. Contact the OMRI office for specific requirements. If a company or the right to produce a product is transferred, OMRI will make a good-faith effort to contact persons on the contact list from the seller to confirm the transfer.

The new owner must also submit information to show that the manufacturing process and the ingredients are the same as in the previous owner's product. If OMRI determines that a substantive change has been made to the product, the new owner is required to complete and submit a new product application and fee. In such cases, the product undergoes a new review process as described in §2.2. If the new owners fail to inform OMRI of changes in ownership within 60 days, OMRI may initiate delisting of the supplier's product(s) (see §2.11).

OMRI Listed suppliers are responsible for notifying OMRI in writing at least 60 days prior to release of any product affected by a change.

2.9.2 Company Name

If the company name changes (not an ownership change), this change must be reported to OMRI immediately. If a supplier wishes to market the same product under more than one company name, such products are considered repackaged products (see §2.2.8) and the supplier must submit a separate application and fee for each company name.

2.9.3 Product Name

Suppliers must report to OMRI any change to a product's name immediately. If a supplier wishes to market the same product under more than one name, such products are considered repackaged products (see §2.2.8) and the supplier must submit a separate application and fee for each product name.

2.9.4 Product Label

Suppliers must report to OMRI immediately any label change that is not strictly cosmetic. Cosmetic changes are changes in the appearance of a label, relating to its design or to the graphics on the label, and not to its content. Label changes that must be reported include any change to the product or company name, contact information, OMRI Listed seals or claims, the term "organic," organic seals or claims, ingredient statements or claims, nutrient values, guaranteed analysis, or use instructions. If a new label suggests a substantial change to a product's use or purpose, or makes new claims that are not substantiated by information in the OMRI file, the product may undergo a product change review.

2.9.5 Changes to Product Formulation or Manufacturing Process (Reformulation)

It is the responsibility of suppliers to notify OMRI at least 60 days prior to the release of any product affected by a change to allow sufficient time for OMRI to review the compliance of the change. Suppliers are required to submit all documentation regarding the new components with summary information about changes to the product and any necessary fees. Products that are released without OMRI verification of compliance are subject to possible delisting procedures as described in this manual and on the OMRI website. Ingredient suppliers who have entered into a Third Party Agreement are also subject to the provisions of this section. The OMRI change notification form provides specifics on the information and fees needed, based on the type of change. Formulation changes that must be reported include:

- **Addition or substitution of one or more ingredients** – An ingredient is added or one ingredient is substituted for another in the product formulation (e.g., kelp substituted for fishmeal).
- **Removal of ingredients** – An ingredient is removed from

the formulation, and no other ingredients are added.

- **Change to the manufacturing process** – The manufacturing process is altered in any way.
- **Change to ingredient proportions** – The formulation ingredient proportions change.
- **Addition or removal of alternate formulations** – Alternate formulations are variations of a product that are manufactured differently, contain different ingredients, or contain the same ingredients in different proportions, and that are marketed under the same product name. These include variations in water content. All formulations under a single product name must be submitted to OMRI.
- **Change of an ingredient supplier** – An ingredient supplier is added or removed from the company's list of approved suppliers (e.g., Kelp Brand X is substituted for Kelp Brand Y).
- **Changes made to ingredients within a product** – The formulation or manufacturing process for an ingredient changes.
- **Changes to the organic or GMO status of a product or ingredient** – The genetically engineered status or traits change, or the organic certification lapses.
- **Changes to organic process controls.** The organic process controls used to protect the integrity of high nitrogen liquid fertilizers change.

2.10 Monitoring Continued Compliance

OMRI reserves the right to reconsider the status of an OMRI Listed product at any time. OMRI monitors continued compliance through the renewal process, product changes, inspections, sampling, investigations, and through both limited and ongoing compliance re-reviews. Product re-reviews are conducted for the reasons and according to the process described in this section.

2.10.1 Limited Re-reviews

Limited re-reviews focus on verifying product compliance with one or more specific organic standards or policies. Limited re-reviews are conducted for the following reasons:

- **As the result of changes to or clarification of OMRI policies or standards** – The process for changing the *OMRI Policy Manual* and the *OMRI Generic Materials List* and *OMRI Standards Manuals* is described in §5.
- **In response to published guidance from an appropriate scheme owner** (National Organic Program, Canadian Food Inspection Agency, Standards Interpretation Committee, etc.)

Once the change or clarification has been published, OMRI staff researches product records to identify products that could be affected by the change or clarification. All such products undergo limited re-reviews to determine whether the policy or standards change or clarification will require a change to the product's OMRI status. Limited re-reviews are conducted according to the product evaluation and decision-making procedures for an initial product review described in §§2.2.3 and 2.2.4, with specific consideration of new information discovered through an investigation, and any changes or clarifications of OMRI policies or standards. OMRI seeks to notify suppliers of the final results of a limited re-review within one week of completing the re-review.

2.10.2 Investigations

OMRI may investigate any OMRI Listed product at any time for any reason.

Investigations of OMRI Listed products may include:

- documentation requests;
- expert consultations;
- product sampling;
- site inspection;
- use of the Freedom of Information Act or comparable statutes, to obtain information from government agencies in order to verify documentation submitted by the supplier of an OMRI Listed product; or
- other contacts with entities such as a third-party complainant, ingredient suppliers, or customers of a supplier under investigation to gather information.

Investigations that involve technical compliance are conducted according to the product evaluation and decision-making procedures described in §§2.2.3 and 2.2.4, with specific consideration of new information discovered through an investigation. Investigations that are limited to administrative compliance criteria also include specific consideration of new information discovered through an investigation and may require requests for additional information under deadline as described in §2.2.3.

2.10.3 Ongoing Compliance Reviews

OMRI Listed products undergo Ongoing Compliance reviews. Termination of the Ongoing Compliance review as defined under §2.2.6 results in forfeiture and delisting of the product. The assignment of an "Incomplete," "Unresolved" or "Conditional" status by a Review Panel does not delist a product under re-review.

2.11 Delisting of OMRI Listed Products

OMRI's policies for delisting of OMRI Listed products are designed to help ensure the integrity of the *OMRI Products Lists* and to provide fair and equitable service to all OMRI Listed suppliers and applicants. Suppliers are given advance notification of pending delisting. See §§2.3, 2.8 and 2.10. Scenarios that may lead to the delisting of an OMRI Listed product include, but are not limited to:

- **Written notification from the NOP or equivalent scheme owner** – Outside of formal published guidance or rule changes, the NOP or equivalent scheme owner may determine that a specific brand name product, generic material, or manufacturing process is not compliant for use in organic production or processing.
- **Voluntary withdrawal** – Prior to the re-review decision-making process described at §2.2.4, a supplier may voluntarily withdraw their product from its OMRI Listed status at any time for any reason. OMRI requires suppliers to provide notification in writing of their intent to withdraw a product. Upon receipt of a written voluntary withdrawal notification from a supplier, OMRI sends notice to the supplier informing them of their product's delisting date.
- **Failure to renew a product listing** – If a supplier fails to meet all renewal requirements as described in §2.8, OMRI removes the affected product from the corresponding OMRI Products List as of the listing expiration date.
- **Failure to provide required information** – If the supplier of an OMRI Listed product under re-review fails to provide all required information as requested by OMRI by the final deadline as described in §2.3, OMRI initiates delisting of the affected product.
- **Failure to notify OMRI of company or product changes** – If the supplier of an OMRI Listed product fails to inform OMRI of a change in the name, formulation or manufacturing process of an OMRI Listed product; or fails to inform OMRI of a change in company ownership as required in §2.9, and fails to follow the required procedures for submitting fees and documentation as specified in that section; OMRI may initiate delisting of the affected product(s).
- **Noncompliance with current OMRI standards or policies** – Section 2.10 describes the reasons and procedures for conducting investigations, and limited and full product re-reviews. If a Review Panel determines that an OMRI Listed product is not in compliance with current OMRI standards or policies based on a product re-review, OMRI initiates delisting of the affected product or requires corrective actions as appropriate.
- **Inability to prove compliance with OMRI policies and standards** – OMRI cannot assume compliance in the absence of proof. If a Review Panel determines that the supplier has not sufficiently demonstrated compliance within the deadlines available during the review, OMRI may initiate delisting of the affected product(s).
- **Failure to comply with corrective action plans** – If the Review Panel determines that corrective actions were not implemented or effective, OMRI may initiate delisting of the affected product(s).
- **Failure to cooperate with an investigation** – If the supplier of an OMRI Listed product fails to cooperate with any request made by OMRI as part of an investigation (see §2.10.2), including, but not limited to, failure to permit an inspection, OMRI initiates delisting of the product under investigation.
- **Company participation in illegal activities** – If the supplier of an OMRI Listed product is determined by OMRI to have participated in illegal activities (e.g., fraud, product misrepresentation as found in a court of law), OMRI may initiate delisting of all of the supplier's products.
- **History of repeated noncompliances, investigations or for-cause inspections** – If the supplier of an OMRI Listed product receives repeated noncompliances, investigations or for-cause inspections, OMRI may initiate delisting of the product(s) subject to the repeated actions.
- **Inappropriate contact with OMRI personnel** – If OMRI determines that the supplier of an OMRI Listed product has made inappropriate contact with OMRI personnel, OMRI may initiate delisting of all product(s) listed by the supplier(s) associated with the contact.
- **Inability to resolve unresolved issue** – If a product is assigned Unresolved status and OMRI does not resolve the unresolved issue associated with the product within the limits as defined in §2.2.7, OMRI will initiate delisting of the product.

2.11.1 Contesting a Delisting Decision

Except for voluntary withdrawal or delisting due to a noncompliance notification from an appropriate regulatory body, all product delisting decisions are subject to rebuttal and appeal according to the policies described in §4.2. Suppliers are given 30 days to file a written rebuttal before a product delisting takes effect.

2.11.2 Final Delisting

If the supplier fails to rebut or appeal, or exhausts their rebuttal and appeal options without overturning the delisting decision, OMRI shall delist the product.

2.11.3 Public Notification

OMRI publishes periodic reports of all updates made to the

OMRI Products Lists. These updates reflect changes to product listings including product delistings.

2.11.4 Effects of Product Delisting on Other OMRI Listed Products

If an OMRI Listed product becomes delisted and that product is an ingredient in another OMRI Listed product or has been repackaged and marketed under a different product name that is also OMRI Listed (see §2.2.8), the repackaged product or the product containing the delisted product as an ingredient or both is affected as follows:

- If an OMRI Listed product is delisted for noncompliance with OMRI policies or standards, investigations are initiated for all OMRI Listed repackages of that product and for all OMRI Listed products that contain the original product as an ingredient. This may result in the delisting of any of these products.
- If an OMRI Listed product is delisted while under investigation for possible noncompliance with OMRI policies or standards, all OMRI Listed repackages of that product and all OMRI Listed products that contain that product as an ingredient are subject to investigation of the same possible noncompliance.
- If an OMRI Listed product is delisted due to failure to inform OMRI of a product reformulation, all OMRI Listed repackages of that product are subject to the product change provisions in §2.9.5, as are all OMRI Listed products that contain that product as an ingredient.
- If an OMRI Listed product is delisted under circumstances other than those already described in this section, the OMRI statuses of all OMRI Listed repackages of that product as well as all OMRI Listed products that contain the original product as an ingredient remain unchanged.
- Any time a product is delisted, products that were OMRI Listed as repackages of that product no longer qualify as repackaged products. Renewal fees and other renewal requirements are adjusted accordingly. At the next re-review (see §2.10), these products must provide all documentation required of any similar, non-repackaged product.
- Section §2.1.2.2 contains a special allowance for review of OMRI Listed products used as ingredients in products under review. When a product contained as an ingredient in an OMRI Listed product is delisted, this allowance no longer applies. OMRI Listed products that contain a delisted product as an ingredient must provide all information required for similar non-OMRI Listed ingredients at the next periodic re-review.

Any time a product is delisted, products that were OMRI Listed as repackages of that product no longer qualify as repackaged products.

Part 3: Fees

OMRI is a nonprofit organization. Fees are designed to be reasonable and affordable. OMRI collects fees for initial product review and renewal of product listing, and for various other services. All fees are subject to change upon 30 days' written notice to OMRI Listed suppliers. For a full explanation of OMRI fees, along with the current fee schedule, see the OMRI website.

3.1 Refund Policy

Except for applications that are out of scope (see §1.7) or beyond resolution (see §2.2.7), all fees are nonrefundable (including fees for products that forfeit or are withdrawn from review). Fees cannot be transferred to another product or company, and are subject to revision at any time by OMRI. OMRI returns surplus fees. See §3.3 for information regarding disputed fees.

3.2 Financial Hold Policy

If all required fees are not included with an application, OMRI notifies the applicant, provides a deadline for receiving payment, and holds the application pending full payment. OMRI does not begin work on a product review until all applicable fees have been received.

If, during the course of a product review or appeal, the applicant fails to pay a fee or other charge after paying the application fee, such as inspection or sampling costs, etc., OMRI terminates the review process unless all required fees and charges are paid by the deadline.

3.3 Financial Discrepancies

Financial disagreements between OMRI and OMRI Listed suppliers or applicants may turn out to be discrepancies in the financial records kept by either party. A financial discrepancy in a supplier's record is handled in written correspondence to the supplier or with a phone call. Discrepancies that cannot be resolved this way are handled as disputes.

Financial disputes regarding outstanding payments claimed to have been paid must be verified by a check number and a copy of both the front and back of the cancelled check (for payments made by check), a credit card statement (for payments made by credit card), or a bank receipt (for payments made by wire transfer). Upon receipt and verification of such documentation, OMRI records are corrected. If not verified and corrected in this way, the supplier is responsible for submitting payment for the full amount to OMRI within the stated time period. Outstanding payments that an applicant or an OMRI Listed supplier refuses to pay are handled according to the financial hold procedures described in §3.2.

Part 4: Complaints, Disputes and Appeals

4.1 Complaints and Disputes

OMRI handles all complaints and disputes in a timely manner as described below.

4.1.1 Definitions

OMRI categorizes complaints and disputes according to the following definitions:

- **Dispute** – A disagreement over the application of OMRI's policies and procedures (Quality System). Examples include dispute of the implementation of administrative services, such as billing.
- **Complaint** – An allegation of failure or insufficiency of OMRI's policies and procedures (Quality System) or improper conduct of personnel implementing the OMRI Quality System. Examples include complaints alleging noncompliance of OMRI Listed products or products under review, and complaints about the conduct of OMRI personnel.

4.1.2 Disputes

Disputes over OMRI listing decisions are managed according to the procedures for rebuttals and appeals described in §4.2. Financial disputes are managed according to the procedures described in §3.3.

4.1.3 Complaints

Complaints about OMRI's policies and standards and suggestions for amendments are addressed as described in §5. Complaints about OMRI personnel or how OMRI policies and standards have been administered, and third-party complaints alleging noncompliance of OMRI Listed products, must be submitted in writing and must:

- state that a formal complaint is being registered;
- contain a full explanation of the complaint including dates and names of those individuals, companies, and products involved, and the specific OMRI policies or standards alleged to have been compromised;
- include supporting evidence if available;
- state the outcome the complainant is seeking; and
- include the name, contact information, and signature of the complainant.

Complainants who complain orally are referred to this section of the *OMRI Policy Manual*©. Oral complaints may or may not be investigated at OMRI's discretion. Anonymous complaints are not considered unless they include documented evidence that is deemed by OMRI to be credible and compelling.

OMRI does not guarantee the anonymity of the complainant or other parties involved. However, at the request of the complainant, and at OMRI's discretion, OMRI will endeavor to keep the complaint (or a portion of it), or the identity of the complainant, or both, confidential.

4.1.3.1 Complaint Investigation

Complaint investigations may include:

- documentation requests;
- expert consultations;
- product sampling;
- site inspection;
- use of the Freedom of Information Act, or comparable statutes, to obtain information from government agencies in order to verify documentation submitted by the supplier of an OMRI Listed product; and
- contact with a third-party complainant, ingredient supplier, or customer of a supplier under investigation to gather information.

Once information gathering is concluded, the investigator reviews and compiles all information related to the complaint, creates a written recommendation regarding actions to be taken, and forwards this documentation to the selected review team.

4.1.3.2 Complaint Resolution

If the investigator determines that a complaint merits a full investigation, an investigation as described in §2.10.2 is performed in a timely manner. Once the investigation is complete, the investigator sends written notification of the plan or response to the complainant and the subject of the complaint. If the review team does not find sufficient information to substantiate the complaint, the investigator notifies the complainant in writing of this finding and gives the complainant seven days to respond with additional information supporting the complaint. If no new substantial information is received by OMRI during that time, the investigation is closed.

4.2 Decision Rebuttals and Appeals

Applicants and suppliers of OMRI Listed products have the right to rebut and appeal decisions by OMRI that affect the status of their products, except as set forth in §2.11.1. After exhausting all rebuttal options, applicants and suppliers have the right to file an appeal according to §4.2.2. Decisions that are subject to rebuttal and appeal fall into two general categories:

- procedural decisions based on OMRI policies and procedures; and
- OMRI status determination decisions based on OMRI standards.

4.2.1 Decision Rebuttal

4.2.1.1 Rebuttal Deadline

Rebuttal of an OMRI decision must be made in writing. OMRI suggests that rebuttals be sent via certified mail or emailed with a copy saved. The complete rebuttal, including the rebuttal fee, must be received by OMRI no later than 30 days after the date that notification of the disputed decision is sent by OMRI to the applicant or OMRI Listed supplier. Incomplete rebuttals and rebuttals received after the 30-day deadline will not be considered.

4.2.1.2 Rebuttal Fee

Rebuttal fees can be found on the OMRI website. Rebuttal fees are nonrefundable. Any additional costs incurred during the rebuttal process, including, but not limited to lab costs, are the responsibility of the rebutting party.

4.2.1.3 Rebuttal Content

A rebuttal of an OMRI decision must contain:

- the rebuttal fee;
- express acknowledgment of OMRI's ruling regarding the product;
- detailed reason(s) for the rebuttal, including any new information for consideration by OMRI; and
- a desired outcome (what is the rebutting party asking OMRI to do?)

4.2.1.4 Rebuttal Consideration

After initial screening to determine that the rebuttal is complete and the correct fee has been paid, rebuttals are considered by the same body that made the original decision. Rebuttals of procedural decisions made by OMRI staff are considered by a Review Program Technical Supervisor or the Review Program Technical Manager. The Review Program Technical Supervisor or Manager makes a determination on a decision rebuttal within 30 days after completion of the initial screening process.

Rebuttals of procedural and OMRI status determination decisions made by an OMRI Review Panel are considered by that same Review Panel at its next scheduled meeting following completion of the initial screening process. If a Review Panel meeting is not scheduled within 60 days, a special meeting is arranged so that all rebuttals of Review Panel decisions are heard within 60 days after completion of initial screening.

4.2.1.5 Product Status Pending Rebuttal Resolution

A product that was OMRI Listed at the time the decision being rebutted was made retains its OMRI Listed status during the rebuttal process. The review of a newly applying product is considered to be "Incomplete" and no OMRI status is assigned until the rebuttal is resolved. During the rebuttal process, informal communication between the rebutting party and OMRI decision makers is not allowed (see §§2.2.6, 2.11).

4.2.1.6 Notification of Rebuttal Results

OMRI seeks to notify rebutting parties of rebuttal results within one week after a decision is made. Notification is sent by email.

4.2.2 Decision Appeals

Applicants and suppliers of OMRI Listed products who are not satisfied with the results of a rebuttal decision may choose to file an appeal.

4.2.2.1 Appeal Deadline

Appeals of OMRI rebuttal decisions must be made in writing. OMRI suggests that appeals be sent via certified mail or emailed with a copy saved. The complete appeal, including the appeal fee, must be received by OMRI no later than 30 days after the date that notification of the rebuttal decision is sent by OMRI to the applicant or OMRI Listed supplier. Incomplete appeals and appeals received after the 30-day deadline will not be considered.

4.2.2.2 Appeal Fee

Appeal fees can be found on the OMRI website. Appeal fees are nonrefundable. Any additional costs incurred during the appeals process, including, but not limited to lab costs, are the responsibility of the appellant.

4.2.2.3 Appeal Content

Appeals of OMRI decisions must contain:

- the appeal fee;
- express acknowledgment of OMRI's action and ruling regarding the product;
- detailed reason(s) for the appeal including any new information for consideration by OMRI; and
- a desired outcome (what is the appellant asking OMRI to do?)

4.2.2.4 Appeal Consideration

Appeals are screened to determine that the appeal is complete and the correct fee has been paid. Appeals are considered by the OMRI Appeals Review Committee. The Appeals Review Committee is made up of members of the Executive Committee of the OMRI Board of Directors, the Executive Director, and a Manager or Director from the Review Program. Meetings of the Appeals Review Committee are scheduled as needed to ensure that all appeals to the committee are

Applicants and suppliers of OMRI Listed® products have the right to rebut and appeal decisions by OMRI that affect the status of their products, except as set forth in §2.11.1.

heard within 60 days after completion of initial screening.

4.2.2.5 Product Status Pending Appeal Resolution

A product that was OMRI Listed at the time a decision being appealed was made retains its OMRI Listed status during the appeal process. The review of a newly applying product is considered to be "Incomplete" until the appeal is resolved. During the appeal process, informal communication between the appellant and OMRI decision makers is not allowed (see §2.2.6 or §2.11).

4.2.2.6 Notification of Appeal Results

OMRI seeks to notify appellants of appeal results within one week after an appeal decision is made. Notification is sent by email. Appeal decisions are final.

4.3 Judicial Dispute Resolution

Any claim or dispute arising out of or relating to any supplier agreement, *OMRI Policy Manual* provision or *OMRI Standards Manual* provision, or any other claim or dispute by or between an applicant or a supplier and OMRI, shall be heard in the Circuit Court for the State of Oregon for Lane County before a judge. Except as set forth in §4.3.1 below, the substantive and procedural law of the state of Oregon shall apply to any such claim or dispute. **OMRI, its suppliers and applicants waive the right to a jury trial with respect to any such claim or dispute.** In any such proceeding, each party shall bear its own court costs and attorney fees.

4.3.1 Limitation Period and Standard of Judicial Review of Listing Decisions under Section 4.2.2.

4.3.1.1 Limitation Period

If a party has exhausted the rebuttal and appeal procedures under Section 4.2 and is aggrieved by appeal results under §4.2.2.4, the party may file for relief under the Uniform Declaratory Judgments Act, ORS 28.010, et seq., ("the Act") not later than 90 days after the date that notification of the appeal results is given (see §4.2.2.6) and must effect service of summons and complaint upon OMRI not later than thirty (30) days after the party's complaint is filed with the court.

4.3.1.2 Standard of Judicial Review of Listing Decision Appeals

If a claim described in §4.3.1.1 is filed under the Act within the allotted time frame, the following standard of review shall govern the court's consideration thereof:

- The claim must pertain to a matter that was at issue before the OMRI Appeals Review Committee ("the Committee").
- The court shall review the record before the Committee to determine if the Committee's decision is supported by substantial evidence in the record.
- The court shall determine whether the Committee's decision articulates a substantial reason connecting the facts in the record to Committee's decision.
- The court must defer to OMRI's interpretation of its *Policy Manual* and *Standards Manual* provisions if the interpretation is plausible.

Part 5: Amendments To Policy And Standards

5.1 Description of the OMRI Policy Manual

The *OMRI Policy Manual* is a public document outlining the foundations for decision making in OMRI's Review Program. The *OMRI Policy Manual* contains information that OMRI Listed suppliers, applicants and the general public need in order to understand the requirements and procedures for OMRI review. It serves in conjunction with the Supplier Agreement as the contract between OMRI and the companies and individuals who apply to have their products reviewed, as well as those whose products are already OMRI Listed.

5.2 Descriptions of the OMRI Standards Manuals

The OMRI *Standards Manual, OMRI Canada Standards Manual* and *OMRI Mexico Standards Manual* are public documents containing the standards and criteria used by OMRI to review and evaluate products intended for use in organic production, processing or handling. These manuals include the *OMRI Generic Materials List*© (NOP) and *Permitted Substance Categories*© (COR, LPO), respectively.

5.3 Updating the OMRI Policy Manual and OMRI Standards Manuals

OMRI standards are based on laws and regulations or other third-party standards. OMRI policies are designed to ensure effective application of OMRI standards during the review process.

OMRI publishes updated editions of the *OMRI Policy Manual* and *OMRI Standards Manuals* in accordance with §§5.5 and 5.6 of this *OMRI Policy Manual.* Each new published edition of these manuals may reflect:

- amendments to the relevant standards or regulations since publication of the last edition;
- changes required to maintain compliance with the applicable accreditation systems;
- results of any applicable court order issued since publication of the last edition;
- selected suggestions from OMRI personnel (including OMRI staff and contractors and members of the OMRI Board of Directors, Advisory Council and Review Panels);
- selected suggestions from stakeholders (including organic certifiers and others who subscribe to OMRI, suppliers of products listed by OMRI or under review, and all other interested parties);
- advances in science and technology; and
- clerical corrections and improvements.

5.4 Public Input to Revision of the Policy and Standards Manuals

OMRI encourages participation by all interested parties in the continuous improvement and development of OMRI policies and standards. The OMRI website includes a Comment Form, and OMRI invites users to offer their suggestions for improvements to the design and content of the OMRI manuals at any time by submitting a completed copy of the form. OMRI records each comment. Suggestions for revisions to OMRI standards or policies that conflict with federal laws or regulations, or are otherwise inconsistent with the applicable organic regulations, cannot be considered.

OMRI staff compiles a list of all significant proposed revisions for consideration by the OMRI Management Team. The Management Team will consider the proposed revisions and make recommendations to the OMRI Board of Directors.

On a time-available basis, and depending on the scope and significance of the revisions, OMRI may also send a notification to stakeholders and post a notice on the OMRI website giving at least a 10-day deadline for interested parties to submit comments on proposed manual revisions.

5.4.1 Requirements for Policy or Standards Revision Proposals and Comments

Proposals to revise OMRI manuals, and comments on such proposals should:

- **Identify the proposing or commenting party, including:**
  - name
  - email address
  - other contact information (telephone number, fax number, mailing address)
  - Date
- **Clearly state the proposed revision.** Comments should clearly identify the proposed revision at issue. OMRI suggests that proposals include the complete proposed text and reference the document, section, page and paragraph to be revised. OMRI requests that proposals to amend existing language in OMRI documents include OMRI's current text, and use ~~strikethrough~~ to reflect deletions and

underline to reflect additions.

- **Describe the purpose of and need for the proposed revision.** Revision proposals should provide a description of the purpose of the proposed revision, and a succinct summary of the argument(s) in support of the proposal. Proposals should also present any relevant history surrounding the issue and include any supporting documentation or applicable research.

5.5 Revision Approval

The Board of Directors is responsible for approving revisions to the *OMRI Policy Manual* and the *OMRI Standards Manuals.* The Board has also authorized a Technical Committee to approve changes to the *OMRI Standards Manuals* to coincide with an update to an applicable regulatory standard, policy or guidance, as well as other expedited revisions. The OMRI Management Team recommends proposed revisions to the OMRI Board of Directors or the Technical Committee or both. Depending on the scope and significance of revisions, the OMRI Management Team may solicit feedback prior to recommending revisions to the Board or the Technical Committee, including, when applicable, feedback from the OMRI Advisory Council, the OMRI Review Panels, OMRI's accreditor, or other appropriate stakeholders. Advice from the Advisory Council may be solicited when interpretation of the regulatory standards is necessary in the development of OMRI standards. The Board or Technical Committee then evaluates the proposed revisions and relevant feedback presented within the OMRI Management Team's recommendations, and may propose further editing, amendments or clarifications to the language submitted prior to approval. If any Technical Committee member votes against an expedited revision or requests that a proposed revision be submitted to the Board of Directors for a decision, the update may be either withdrawn by OMRI staff or submitted to the Board of Directors for a decision.

5.6 Implementation

Once the Board or Technical Committee approves the final manual revision, OMRI sets an implementation date that is not more than 90 days after the approval date. Upon their implementation, new policies apply immediately to OMRI Listed suppliers and applicants. Following Board approval of a revised manual, OMRI staff will research product records to identify listed products that could be affected by any policy or standards changes. All such products undergo limited re-reviews as described in §2.10.1.

Upon implementation of a new version of any of these manuals, electronic copies are distributed to all suppliers of currently OMRI Listed products, as well as to applicants with products under review. A notice is sent outlining all significant changes and instructing recipients to mark all older versions of the manuals as obsolete and either archive or destroy them.

Part 6: OMRI Glossary of Terms

Advisory Council, OMRI – Body of experts that recommends to the OMRI Board revisions to the *OMRI Standards Manuals* and the *OMRI Policy Manual* related to the organic standards, and that interprets standards for product review.

Allowed – The status of materials that may be used in organic production, processing or handling without restrictions.

Allowed with Restrictions – The status of materials that may be used in organic production, processing or handling only under specific conditions, with certain restrictions, or as otherwise annotated.

appeal – A process whereby a supplier or applicant can request that OMRI reconsider a rebuttal decision.

Appeals Review Committee, OMRI – A committee that considers appeals of decisions made by the Review Panels. The Appeals Review Committee is comprised of the Executive Committee of the Board of Directors, the Executive Director, and a Manager or Director from the Review Program.

applicant – Any party that submits an application for product review.

application – Forms, documents and fees required to evaluate a product.

application fee – All fees applicable to apply for product review. See website for fee definitions and fee schedule.

application materials – All forms and manuals needed to apply for product review.

Category, OMRI Use – See "Generic Materials List, OMRI."

certifier – An entity accredited or approved by the appropriate government authority as a certifying agent for the purposes of certifying production and handling operations as organic and issuing organic certificates.

COR – Canada Organic Regime; the system for organic agricultural products regulated by the government of Canada.

CFIA – Canadian Food Inspection Agency; the Canadian government agency responsible for monitoring and enforcement of the Canada Organic Regime regulations.

CFR – Code of Federal Regulations (United States).

chain of custody – Form or set of forms that document the collection and transfer of an ingredient or product.

delist – The action whereby a product is removed from an *OMRI Products List* and the OMRI Listed status and certificate are revoked.

distributor – A company or individual that markets a product produced by other companies or individuals. Distributors may or may not take physical possession of the product.

expedited revision – A straightforward update to any *OMRI Standards Manual* (including the *Generic Materials Categories* and *Permitted Substance Categories*) necessary to implement a regulatory update. Other straightforward updates to correct or clarify existing standards, or appropriately represent an applying product.

Findings of Fact (FOF), OMRI – A summary of the information needed to determine a given product's compliance with OMRI standards.

forfeit – Termination of the review process by OMRI prior to completion of OMRI's review.

formulation – Quantities and the sources of ingredients used to make a product.

Generic Materials List, OMRI – A published list of general categories of materials used in USDA organic crop production, food processing and livestock production.

GML – *OMRI Generic Materials List.*

GMO – Genetically Modified Organism.

incomplete – When an application in the review process either lacks information as required by the most current *OMRI Policy Manual* or is awaiting a final status decision.

ingredient – Component of a formulation or product. For the purpose of product review, OMRI considers a component to be any substance that is added in the creation of a formulation and remains in the final product, including: a) plant or animal material, or any substance produced by a metabolic process (e.g., manure or microbes); b) a mined mineral or any element, molecular species or chemical mixture that possesses a distinct identity (i.e., having a separate Chemical Abstracts Service (CAS) number, Codex International Numbering System (INS) number, FDA, or other legal or commonly accepted standard of identity); or c) any currently OMRI Listed product. See website for definition of an ingredient for fee purposes.

inspection – The on-site examination of the records, offices, storage or production facilities used for an OMRI Listed product or a product under review for the purpose of determining compliance with OMRI standards and policies.

inspector – A person who performs inspections on behalf of OMRI.

listed product – Commercial formulation that appears on the most current *OMRI Products List, OMRI Canada Products List* or *OMRI Mexico Products List*.

listed supplier – Company that appears on the most current *OMRI Products List, OMRI Canada Products List* and/or *OMRI Mexico Products List.*

LPO – Mexico Organic Products Law (Ley de productos orgánicos).

Management Team, OMRI – Internal management team, which may be comprised of the Executive Director (ED), Deputy Director (DD), Finance Manager, Review Program and Quality Director (RPQD), and Technical Director (TD).

manufacturer – Business that produces a product or ingredient from raw materials.

material – 1) Any generic input, fertilizer, pesticide, feed additive, health care product, ingredient, processing aid, or other substance used to produce or process agricultural products. 2) Substance.

multi-ingredient product – Any formulation that contains more than one ingredient.

National List – National List of Allowed and Prohibited Substances. USDA published list of synthetic materials allowed and natural materials prohibited in organic production, as well as nonorganic ingredients allowed in organic processing, under the provisions of the Organic Foods Production Act.

NOP – U.S. National Organic Program. The section of the USDA that regulates organic production, handling, processing and labeling.

OMRI Listed – See "listed product."

OMRI standards – The various criteria contained in the *OMRI Standards Manuals*.

organic certification – A process conducted by a certifier that verifies whether a production or handling operation complies with the relevant organic regulations.

organic system plan – A written plan of management for an organic operation that describes the practices and substances to be used.

product – Commercial formulation of material(s) sold for farming, livestock or processing.

product label – Document used to market a brand name material that identifies the name, ingredients, uses and other claims made.

product review – The process of evaluating a product for compliance with OMRI's standards. The review process begins when OMRI receives the appropriate fees and forms.

***Products List, OMRI* –** Directory of commercial products that OMRI has determined to be suitable for use in organic production, handling and processing, including company contact information. Published annually and updated regularly.

Prohibited – The status of materials that are found to be nonconforming with the relevant OMRI standards.

rebuttal – A process whereby a supplier can request that OMRI reconsider a product status decision.

renewal fee – Fee due annually for a given product and its supplier to continue to be listed with OMRI.

review – See "product review."

Review Panel, OMRI – Body of experts that is responsible for making product status decisions.

revoke – See "delist."

SADER – Mexican Secretariat of Agriculture and Rural Development (Secretaría de Agricultura y Desarrollo Rural)

scheme owner – NOP, COR or SENASICA; defined in ISO 17065 as a person or organization responsible for developing and maintaining a specific certification system related to specified products, to which the same specified requirements, specific rules and procedures apply.

SENASICA – Mexican National Service of Health, Food Safety and Quality (Servicio Nacional de Sanidad, Inocuidad y Calidad Agroalimentaria).

SIC – Standards Interpretation Committee, an advisory body made up of representatives of the organic sector that is organized by the Canadian Food Inspection Agency, and that assists with interpretation of the Canada Organic Regime standards.

site visit – In-person inspection by an OMRI representative of a supplier's or manufacturer's facility(ies) used in production, storage, shipping, handling or recordkeeping.

source documentation – Record of an ingredient's origin. Examples are invoices and bills of lading.

status – The designation given to a material or product indicating it is Allowed, Allowed with Restrictions or Prohibited by organic standards.

supplier – Basic producer, formulator, manufacturer or distributor of a product.

supporting documents – Information and data used to evaluate compliance of a product with organic standards.

surrender – See "withdrawn."

Technical Committee – Committee appointed by OMRI's Board of Directors and responsible for making decisions concerning expedited revisions.

Unresolved – Temporary OMRI product status assigned by a Review Panel when OMRI policies or standards are not sufficiently clear or complete to be able to assign a status of Allowed, Allowed with Restrictions or Prohibited.

USDA – United States Department of Agriculture.

withdrawn – Status of a product that has been removed from the OMRI review process by the applicant, resulting in the OMRI Listed status and certificate being surrendered.

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