

[Extracted Copy of ZENITH Guidance & Working Instruction]

Instruction-Responsibilities of Certified Operations Changing Certifying Agents

- Certification and certificates issued to certified operations are not transferrable to new owners in cases of mergers, acquisitions, or other transfers of ownership of the certified operation. When there is a change in ownership of a certified operation, the certified operation must apply for and receive new certification from a certifying agent prior to selling, labeling, or representing products as organic.
- When a certified operation wishes to change from their existing certifying agent to a new certifying agent (ZENITH), the certified operation must complete an application and submit a complete organic Management plan (OMP) to the new certifying agent.
- Prior to granting certification, ZENITH must conduct a compliance review of the certified operation's OMP and a full on-site inspection to verify compliance with the NOP, EU, COR (as applicable) organic regulations.
- When changing certifying agents, the certified operation must either maintain the prior certification according to the organic regulations or surrender their prior certification in writing. Certified operations that are changing certifying agents and intend to continue to produce or sell products as organic must maintain their current certification until they have been granted certification by the new certifying agent (ZENITH).
- If a ZENITH certified operation applies for certification with a new certifying agent but does not maintain or surrender its prior certification, then the operation may be issued a notice of noncompliance or proposed suspension or revocation, also known as an adverse action notice, by its previous certifying agent (ZENITH). In such a case, the certified operation is still bound by the notice of noncompliance or proposed adverse actions of the prior certifying agent. Similarly when operation opt ZENITH as new certifier, then after receipt of NOP certificate, operator will be asked to surrender certificate with their previous Certifier. Previous certifier will be notified of same. In case operation surrender it certificate with previous certifier before applying to ZENITH or surrender before receiving certificate from ZENITH, no production/product will be granted or approved for certification. Produce obtained after certification decision will be eligible.
- If the ZENITH issues a notice of suspension or revocation for any noncompliance to the USDA organic regulations, the certified operation must immediately cease the sale, labeling, and representation of products as organic.
- For NOP: Reinstatement of suspended operations is granted by the USDA pursuant to §205.662(f)(1).
- Revoked operations are ineligible to receive certification for a period of 5 years pursuant to §205.662(f)(2). Certified operations that do not maintain current organic certification status may be issued a notice of noncompliance or proposed suspension or revocation in pursuant to §205.660 and 205.662.
- The new control body (ZENITH) shall request the control file (within 30 days timeline) concerned from the previous control body. The previous control body (here control body refers to ZENITH, in case operator switching to other control body) shall, within 30 days, provide to the new control body the control file.

Additional COR Programme requirement:

- The operator, including those who intend to become part of a grower group, shall notify ZENITH of their intent to change the CB and shall request a "letter of good standing" (appendix G) to be sent to the new CB (receiving), confirming that all nonconformities (NCs) and any contract conditions (for example, outstanding fees) have been addressed. The ZENITH shall send this letter directly to the new CB. If necessary, the New CB can directly request additional information to the ZENITH.
- The operator shall stop using their certificate issued from the ZENITH after the new certification process is complete and the operator has received the new certificate.
- Operator shall not use up existing supplies of labels which identify their previous CB on products they produce from the moment the operator receives the new certificate. New labels identifying the new CB must be used at once.
- Operator may sell certified prepackaged products labelled with the name of the previous CB as long as these products were packaged before the CB change and an inventory list was provided to both CBs.

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Requirements of Sending CB (COR programme):

- ZENITH shall, upon request by the operator, send a letter of good standing to the new CB (receiving) confirming that all NCs and any contract conditions (for example, outstanding fees) have been addressed by the operator. A letter of good standing shall only be issued when an operator is in the process of changing CB and, when all NCs have been addressed by the operator.
- ZENITH shall continue to monitor the operator's compliance with COR requirements and shall ensure that the operator resolves any outstanding NCs before the new certificate is issued by the new (receiving) CB.
- ZENITH shall notify the operator that it terminates the certification agreement with the operator and will no longer monitor the compliance of this operator once the new CB confirms that a new certificate has been issued to the operator.
- Upon receiving confirmation from the new CB that a new certificate has been issued to the operator, the ZENITH shall require the operator to immediately stop the use of any labels or advertising which identify the ZENITH on the operator's products.
- ZENITH shall allow the operator to retain a copy of the current certificate only when the operator can demonstrate that previously certified products are still in inventory.
- ZENITH shall report the cancellation in a monthly report to the CFIA as a "cancellation due to a CB change".

Requirements on the receiving (new) CB (COR programme):

- Receiving CB shall require the operator to submit an application for certification as a new applicant, complete an application form prescribed by the new CB (receiving) and follow the application requirements as per C.2.1 of the COR Operating Manual.
- Receiving CB shall request information on the name of the applicant's current (sending) CB.
- Receiving CB shall review the information provided by the sending CB including the letter of good standing.
- Receiving CB shall schedule and conduct an on-site inspection of the operator's facility as per C.2.3 of the COR operating manual prior to making a certification decision.
- Receiving CB shall issue a new certificate only after the certification process is complete and the applicant has been determined to be in compliance with all the COR requirements. The initial date on the new certificate shall be the date on which the receiving CB issued the certificate.
- Receiving CB shall inform the sending CB within 5 working days that the receiving CB has issued a new certificate to the operator.

For voluntary changes of certifying agents:

Certified operations that change certifying agents voluntarily and have labels which identify their prior certifying agent on products they produce or handle, may not use up existing supplies of labels. New labels must be used immediately identifying the new certifying agent. Operator need to submit reconciliation or summary of existing labels in inventory with its disposition method. This will be verified during inspection

- **COR Requirement:** Operator may sell certified prepackaged products labelled with the name of the previous CB as long as these products were packaged before the CB change and an inventory list was provided to both CBs.

For certified operations who change certifying agents due to loss of a certifying agent's accreditation:

- Operations certified by a certifying agent that goes out of business or loses its accreditation for any reason must apply for certification with another certifying agent within 60 days of the date of surrender, suspension, or revocation of accreditation of their certifying agent.
- If a certified operation does not find a new certifying agent within 60 days, the USDA may initiate proposed adverse actions for failure to maintain certification under the USDA organic regulations.
- Certified operations that change certifying agents will be treated as new applicants. Certificate will not grant ongoing certification on the basis of prior inspections or decisions by the prior certifying agent.

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*Note: In case of ZENITH (loss of accreditation): ZENITH will ensure to notify all applicants/ operators about loss of accreditation immediately (not more than 72 Hours), and request to transfer their file to another accredited certifier within 60 days of loss of business. ZENITH will help operations for smooth transference.

Conversely, If ZENITH receives application from operations have control file under certifier lost accreditation, timely acceptance of application will be ensured (within 60 days), treated as new applicant and conclude certification based on ZENITH audit and certification decision. Previous certifier (lost accreditation) inspection or decision will not be accounted.

Procedure To change accredited certifying agents, certified organic operations must:

- Submit an application for certification
- Submit a complete OSP for the scope(s) of certification requested.
- Pay fees according to the fee schedule
- (For NOP) Maintain their current certification, including submitting annual updates, allowing timely inspections, and paying all required fees to the current certifying agent. In order to produce or sell products as organic, operations must maintain their current certification until the certification process for the new certifying agent is complete, and a new certificate has been issued.
- Send their prior certificate and a written notice of certification surrender to their prior certifying agent, if the operation is voluntarily changing certifying agents. Operations should surrender their organic certifications only after the new certification process is complete.
- Send their prior certificate and a written notice of certification surrender to the USDA, if the operation is changing certifying agents due to a certifying agent's cessation of certification services or loss of accreditation. Operations should surrender their organic certifications only after the new certification process is complete.
- To receive applications from operations currently or previously certified by another accredited certifying agent, the new certifying agent (i.e. ZENITH), then following must be followed:
- ZENITH will require the applicant to submit a complete application and OSP as a new applicant for certification.
- ZENITH will request information regarding current certification status (Inspection report , Decision report , Certificate), including any import restriction imposed on any product in past 3 years, any outstanding notices of noncompliance, proposed adverse actions, or adverse actions, Complaints, Sanctions imposed (if any). Certification will not proceed until outstanding noncompliance, proposed adverse actions and adverse actions are resolved. If an operation is suspended, then eligibility for reinstatement must have been issued from the USDA. **(For NOP)**
- ZENITH will request information regarding current certification status (Inspection report , Decision report , Certificate along with letter of Outstanding from CB), including any import restriction imposed on any product in past 3 years, any outstanding notices of noncompliance, proposed adverse actions, or adverse actions , Complaints, Sanctions imposed (if any). Certification will not proceed until outstanding noncompliance, proposed adverse actions and adverse actions are resolved. If an operation is suspended, then eligibility for reinstatement must have been issued from the USDA. **(For COR)**
- **In case of EU , below mention information will be requested :**
 - ✓ The status and validity of certification, including cases of scope reduction, suspension and withdrawal as referred to International Organization for Standardization (ISO) standard ISO/IEC 17065
 - ✓ reports of inspection carried out in the preceding 3 years;
 - ✓ the list of non-compliances and the measures put in place to address them, and the fact that all

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- non-compliances were addressed;
- ✓ derogations granted or requests for derogation being processed by the previous control authority or control body;
- ✓ any import restriction imposed on any product in past 3 years
- ✓ information relating to any ongoing dispute relevant for the certification of the operators or groups of operators.
- ✓ Complaints, INTC's , Sanctions imposed (if any)

(EU requirement : In case Previous CB does not transmit the information as required by ZENITH or in case of doubts concerning the information transmitted , ZENITH will not issue certificate until the elimination of doubts , by means of verification)

- ZENITH will notify the applicant of their obligation to maintain their current certification throughout the new certification process in order to sell, label or represent products as organic during the process of changing to the new certifying agent.
- ZENITH will conduct a complete review of the application and OSP for compliance with the organic regulations.
- ZENITH will schedule and conduct an on-site inspection pursuant to § 205.403. An inspection is required prior to the issuance of a new certificate.
- ZENITH will issue a new certificate only after the applicant is determined to be in compliance with the USDA organic regulations.
- ZENITH will prohibit the new client from using labels which do not correctly identify the certifying agent of the finished product beyond the tolerances allowed.