

# Certification Procedures Manual

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Contents

Inspection..... 4

Purpose of the certification program ..... 5

Grower and processor meetings..... 5

Categories of certification..... 5

Enforcement ..... 6

Procedures for certifying Kootenay Mountain Grown operations ..... 7

The decision making process ..... 8

Withdrawal of application ..... 9

Acknowledgment of certification..... 9

Denial of certification..... 9

Continuation of certification..... 10

Product adjustment ..... 10

Procedures for enforcement of Kootenay Mountain Grown standards ..... 11

Noncompliance procedures for certified operations ..... 11

Continued monitoring of marked products ..... 12

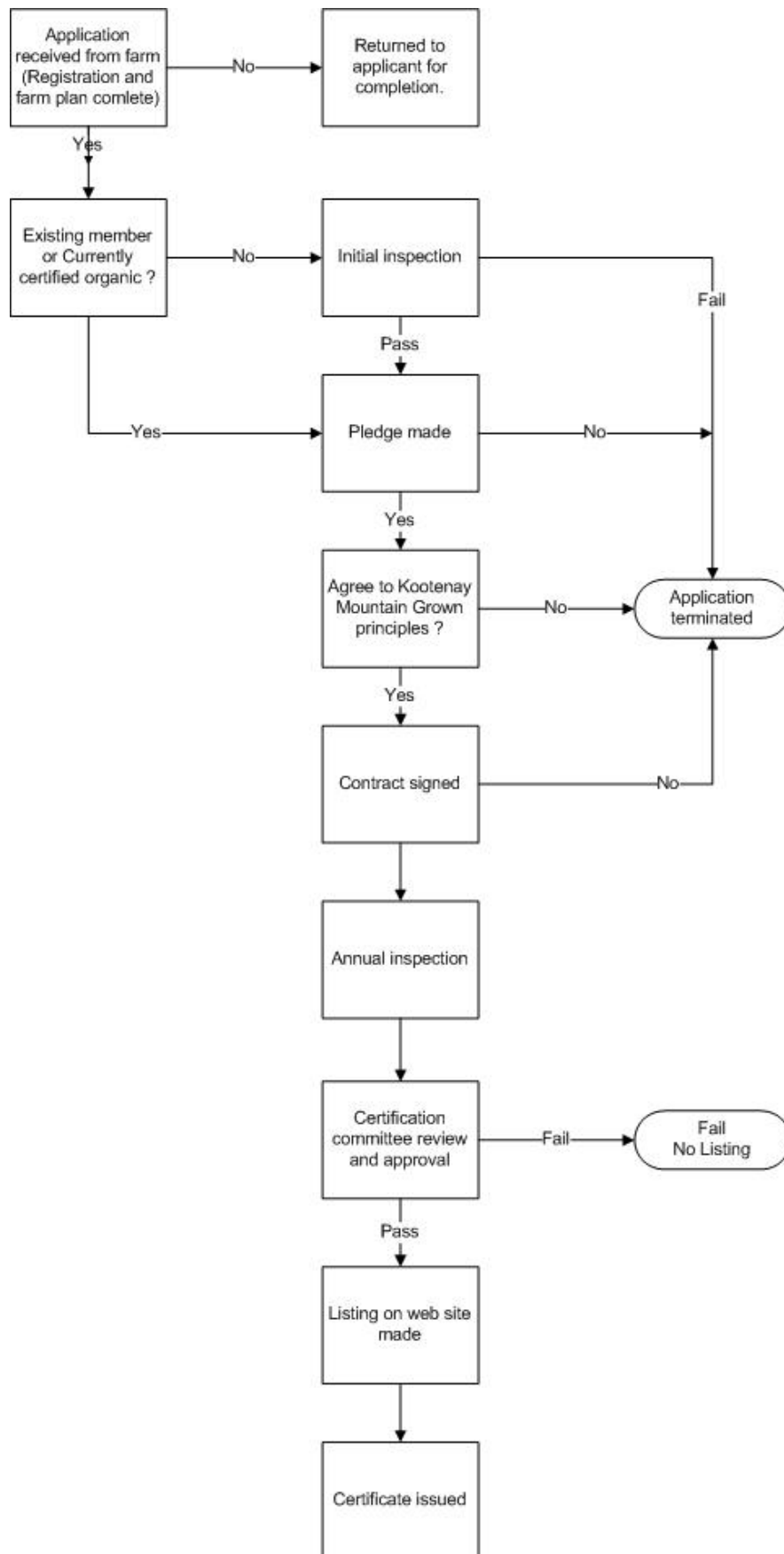
Residue testing of organic agricultural products ..... 12

Releasing information ..... 13

Procedures relating to the mediation process ..... 13

Appeals to the Dispute Resolution committee ..... 14

Appeals to the Kootenay Local Agricultural Society board of directors ..... 14



## Inspection

The inspection system will be farmer to farmer or processor to processor based.

This means that produce farmers will inspect produce farmers, livestock farmers will inspect livestock farmers and processors will inspect processors.

It will be a fundamental requirement of the program, that all farmers and processors take part in this process and failure to do so will result in expulsion from the Kootenay Local Agriculture Society and the Kootenay Mountain Grown program.

Proposed operation:

1. The farm inspection dates are set in January, and all members are notified of the dates at that time.
2. Three dates are set for example
  - 1<sup>st</sup> date 15<sup>th</sup> June – farmers group 1 inspects farmers group 2.
  - 2<sup>nd</sup> date 22<sup>nd</sup> June – farmers group 2 inspects group 1.
  - 3<sup>rd</sup> date 30<sup>th</sup> June – makeup date for those who missed date 1 or 2 due to illness or some other non avoidable circumstance.
3. All inspection reports are returned to the administrator within 1 week of the inspection.
4. The inspection reports are passed to the Certifying committee for judgement.
5. Notification is made to the farms / processors within 3 weeks, so that appeals may be handled whilst still within the growing season.

*Note: Dates are examples only.*

It should be noted that:

- No farmer or processor will be allowed to certify the farmer or processor that certified him i.e. mutual certification will not be allowed.
- An attempt will be made to have farmers or processors in each region inspect in the same region.
- Personal animosity and conflict of interest will be taken into account when allocating farmers / processors to their inspection targets. It is up to the individual members to declare any conflicts of interest and to update them, using the forms provided. (We shouldn't have to guess.)
- No expenses will be allowed or charged for the inspections on the basis that over time, distances, costs and time will average out.

## Purpose of the certification program

The purpose of Kootenay Mountain Grown certification is to ensure that the agreed upon principles of Kootenay Mountain Grown and the standards and management systems are being practiced not only by growers, but also by all the people who handle and process Kootenay Mountain Grown food on its journey to the final consumer. To accomplish this, Kootenay Local Agricultural Society provides a system which combines strict production standards, third party inspections and legally binding contracts in the form of a signed pledge which protect the producers and buyers of Kootenay Mountain Grown products

Kootenay Mountain Grown certification verifies that operations have implemented Kootenay Mountain Grown production principles and standards.

Kootenay Mountain Grown certification is not a final product guarantee regarding absence of residual environmental contaminants

### Administration of the program

1. **Office:** The Kootenay Local Agricultural Society office is located at 1911 Irving Road, Tarrys, Castlegar and is open Monday through Friday, from 9 am to 5 pm Pacific Time.
2. **Kootenay Local Agricultural Society Personnel:** The daily work of Kootenay Local Agricultural Society certification is handled by the administrator.

Another important aspect of the Kootenay Local Agricultural Society Program is its committees. These bodies are made up of people who volunteer their time and expertise to help with policy development and review. The groups serving the Kootenay Mountain Grown Program are listed below:

1. **Certification Committee:** Meets several times a year to provide guidance and make recommendations concerning Kootenay Mountain Grown standards as well as Kootenay Local Agricultural Society procedures and policies. The certification committee's main function is to review each inspection report to confirm that the applicant has passed their inspection and is suitable for inclusion in the Kootenay Mountain Grown program.
2. **Dispute Resolution Committee** This body meets as necessary. The function of this committee is to handle complaints against members and to resolve any disputes that may arise as to suitability of a producer or processor for inclusion in the Kootenay Mountain Grown program, and to take charge and settle any disputes between members.

The certification program is a self-sustaining program within Kootenay Local Agricultural Society. The Kootenay Local Agricultural Society Board of Directors, in conjunction with the staff and members, sets the fees paid by applicants requesting certification to ensure that all expenses of the program are paid in full during each fiscal year. The budget for the certification program is available from the Kootenay Local Agricultural Society office.

## Grower and processor meetings

Kootenay Local Agricultural Society invites its certified operators to Grower and processor Meetings. These meetings provide an opportunity for operators to network, learn about the certification program, and suggest changes needed in the certification program. To encourage maximum participation, Kootenay Local Agricultural Society holds operator meetings in multiple locations each year. These meetings are held in conjunction with board meetings to ensure that there is a full flow of information throughout the society.

## Categories of certification

Certification is available for individual operations, production partnerships, and cooperatives or grower groups.

An individual operation is a sole proprietorship, corporation, partnership or similarly defined single company. A single certification may cover activities at multiple sites under the direct management of the applicant company

A production partnership involves a collaborative effort among two or more independent companies marketing their products in common. A single production partnership certification may cover diverse activities at diverse

sites. A primary liaison responsible for organizing application form(s), annual renewal information, and inspection arrangements must be identified. Each partner receives a complete annual inspection by Kootenay Local Agricultural Society

A cooperative or grower group involves a centrally managed association of local growers producing similar crops using similar practices and marketing their products in common

A single cooperative may cover numerous individual member farmers. Management must establish and maintain an internal control system including access to and education regarding Kootenay Mountain Grown standards. Management must also annually conduct a thorough standards compliance evaluation of each member and farm. Kootenay Local Agricultural Society inspects 100% of member farms prior to initial certification and a minimum of 20% of farms annually thereafter

Kootenay Local Agricultural Society provides certification services for nine classes of operations:

## CROP PRODUCTION

**Class T:** Transitional. Covers previously uncertified farm operations until they meet the qualifications for “Class C.”

**Class C:** Kootenay Mountain Grown. Covers farms producing agricultural and horticultural crops

**Class CW:** Kootenay Mountain Grown Wild-Crop Harvest. Covers the sustainable harvest of wild crops growing in a designated area that has been free of prohibited materials for at least 3 years

## LIVESTOCK PRODUCTION

**Class CLP:** Kootenay Mountain Grown Livestock and Poultry. Covers farms producing animal products such as meat, eggs and milk

**Class CA:** Kootenay Mountain Grown Apiculture. Covers production, packing and processing of bee products

## HANDLING OPERATIONS

**Class CP:** Kootenay Mountain Grown Food Processing. Covers the production of processed Kootenay Mountain Grown foods by processors and co-packers

**Class CH:** Kootenay Mountain Grown Handlers. Covers businesses participating in the distribution chain for Kootenay Mountain Grown foods such as packers, brokers, wholesalers and distributors

**Class CM:** Kootenay Mountain Grown Marketer. Covers the formulation and marketing of Kootenay Mountain Grown products which are processed or co-packed at other facilities

**Class CR:** Kootenay Mountain Grown Retail Stores and Restaurants. Covers retail stores and restaurants which sell Kootenay Mountain Grown products to the consumer, either as fresh produce, packaged goods, or ready-to-eat meals.

## Enforcement

The Kootenay Local Agricultural Society Program enjoys a positive reputation because it has created and maintained high standards which safeguard both the food production and food delivery systems

*However, no rules or laws can strengthen the program more than the commitment of the members and operators of the Kootenay Local Agricultural Society/ Kootenay Mountain Grown certified businesses to follow the production standards with care and honesty*

Kootenay Local Agricultural Society investigates all written reports of violation of its standards.

## Procedures for certifying Kootenay Mountain Grown operations

### Requesting a certification packet

First time applicants should contact the Kootenay Local Agricultural Society office to request a certification packet for the type of certification needed for their enterprise(s). The cost of the certification packet for farm and livestock operations is \$40.00 and the cost of the certification packet for processing/handling operations is \$30.00. These fees cover the reproduction and mailing costs.

The certification packet includes the following documents: · *Kootenay Local Agricultural Society Procedures Manual* (this document), · *Kootenay Local Agricultural Society Fee Schedule* · *The Kootenay Local Agricultural Society Directory* · *The Transition Document* (only included in farm/livestock packet) · The appropriate application form(s)

All of the above documents and the application forms are available free of charge as PDF files located on the “Publications” page of the Kootenay Local Agricultural Society web site ([www.klasociety.org](http://www.klasociety.org) )

Certified operations will receive updated fee schedules, updates to standards and procedures, and annual certification renewal forms

### Submitting the certification application

Begin assessing the Kootenay Mountain Grown status of your operation by reading the *Kootenay Mountain Grown standards* and *Kootenay Local Agricultural Society Procedures Manual*, application forms, and other materials and comparing your records and practices to the certification requirements

Then fill out the application forms completely. The application form represents an operation’s Kootenay Mountain Grown production/handling system plan. Provide as much detail as possible when completing the application. Be sure to keep a copy of the application for your records

Completed applications must be submitted with payment. Please refer to the *Kootenay Local Agricultural Society Fee Schedule* for information regarding certification fees

Kootenay Local Agricultural Society will accept all production and handling applications that fall within the scope of its certification program to the extent of its administrative capacity to do so without regard to size or membership in any association or group, race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status

### Initial review of the application

Once your application and payment has arrived at the Kootenay Local Agricultural Society office, the administrator reviews it for completeness and compliance or ability to comply with the Kootenay Mountain Grown Standards. Kootenay Local Agricultural Society will communicate the findings of the application review to applicants in a reasonable amount of time. Applications must be completed in full and reviewed before an inspection can be scheduled. An additional fee will be charged for any application which must be returned for completion. The additional fee is \$25. This fee covers the additional administrative work.

### The on-site inspection

**a) Scheduled Inspections** Kootenay Local Agricultural Society may conduct an initial on-site inspection of each production unit, facility, and site that produces or handles Kootenay Mountain Grown products and that is included in an operation for which certification is requested. An on-site inspection will be conducted annually irrespective of their having been an initial inspection for each certified operation for the purpose of determining whether the certification of the operation should continue.

All annual inspections will take place on the first and second weekend in May.

All scheduled inspections must be conducted when an authorized representative of the operation who is knowledgeable about the operation is present and at a time when land, facilities and activities that demonstrate compliance or capacity to comply can be observed. Inspectors must be granted complete access to the production

and/or handling operation, including non-certified production areas, structures, and documentation associated with non Kootenay Mountain Grown production. Kootenay Local Agricultural Society uses the following procedure for conducting on-site inspections:

1. Kootenay Local Agricultural Society assigns an inspector whose experience matches the operation's activities and assigns a date for the inspection.
2. The inspector reviews the operation's application form and any carried forward notes from the previous year.
3. The inspector travels to the operation to conduct the inspection documenting:
  - a) The operation's compliance or capability to comply with the standards and applicable requirements
  - b) The accuracy of information provided in the application describing the Kootenay Mountain Grown production/handling system plan and the practices used or to be used by the operator
  - c) That prohibited substances have not been and are not being applied within Kootenay Mountain Grown operations. Collection and testing of soil, water, waste, seeds, plant or animal tissue and processed product may be undertaken at Kootenay Local Agricultural discretion. There shall be no charge to Kootenay Local Agricultural Society or the inspector for samples collected
- 4) The inspector will typically observe production records, production fields and facilities, equipment, materials and property perimeters
- 5) The inspector conducts an exit interview with the authorized representative of the operation to confirm the accuracy and completeness of observations and information gathered during the inspection. The inspector will also address the need for any additional information as well as any issues of concern or noncompliance.

**b) Objecting to the use of a Particular Inspector** If a certification applicant or certified operator objects to the assignment of a particular inspector to evaluate their operation, the applicant may submit their objections, in writing, to the chairman of the Certification committee. The Certification committee may reassign the inspection at their sole discretion.

**c) Additional Inspections** Kootenay Local Agricultural Society may conduct additional inspections of new applicants and/or certified operations to determine compliance with the standards. Additional inspections may be announced or unannounced at the discretion of Kootenay Local Agricultural.

Certified operations are subject to unannounced inspections. No additional fees are assessed for unannounced inspections. At least 5% of certified operations receive an unannounced inspection each year. Kootenay Local Agricultural Society chooses the operations to receive unannounced inspections using the following criteria: · Random choice by the Certification committee, · Split operations—production/handling of both Kootenay Mountain Grown and non-Kootenay Mountain Grown products, · Soil residue tests indicating a likelihood of contamination through uptake of pesticide residues, · Production of crops which are known to concentrate soil pesticide residues, · Operations with requirements for the correction of minor non compliances identified as conditions of continuing certification.

Additional inspections will be carried out by one board member or one board member and one other certified producer or processor.

**d) The Inspector's Report** Each inspection culminates in an inspection report. The report summarizes the operation's Kootenay Mountain Grown production/handling system and practices and evaluates them for compliance with Kootenay Mountain Grown standards. Each report includes a list of all points of noncompliance found by the inspector

## The decision making process

**a) The Staff's Role** Upon receipt of all necessary documentation, Kootenay Local Agricultural Society staff creates a summary of the operation based on a review of the application and/or annual update, inspection report, test

results and any additional applicable information. This review process will determine if the Kootenay Mountain Grown system plan and all procedures and activities of the Kootenay Mountain Grown operation are in compliance with the standards and principles and that the applicant is able to conduct operations in accordance with the plan. The staff summary concludes with a recommendation concerning granting or continuing certification of the operation

**b) The Certification Committee's Role** The Certification Committee (CC) reviews the Kootenay Local Agricultural Society staff's summary of each operation. The CC decision may identify points of noncompliance including a timeframe within which the applicant must describe corrective actions. The decision may require the applicant to notify Kootenay Local Agricultural Society, in writing, of plans for corrective/preventive actions and the timeframe(s) within which these actions will be made prior to granting certification. If the proposed corrective action is sufficient to qualify for certification, then the certification process continues

**c) Minor Non-compliances with the Standards** In order to encourage producers in achieving full compliance with Kootenay Mountain Grown standards, the Certification Committee may direct staff to grant or continue certification when there are minor non-compliances of the standards

Non-compliances of the standards are considered "minor" only if they do not: · Compromise health or safety of workers, · Compromise the Kootenay Mountain Grown integrity of the product · Result in contamination of product, or · Involve intentional violation of Kootenay Mountain Grown standards

When sending the Operator Contract to an operation that has been granted certification with minor non-compliances, the staff also includes a letter identifying the requirement for correction of minor non-compliances within a specified time period (not to exceed one year) as a condition of certification

## Withdrawal of application

An applicant may withdraw his/her application at any time. An applicant who withdraws his/her application shall be liable for the costs of services provided up to the time of withdrawal of its application. Please refer to the *Kootenay Local Agricultural Society Fee Schedule* for details

An applicant that voluntarily withdrew his/her application prior to the issuance of noncompliance will not be issued a notice of noncompliance. Similarly, an applicant that voluntarily withdrew his/her application prior to the issuance of a notice of certification denial will not be issued a notice of certification denial

The operator certification contract and trademark use agreement

After reviews and paperwork are completed, the operation receives the "Operator Certification Contract and Trademark Use Agreement." This document summarizes the terms and conditions of Kootenay Mountain Grown certification with Kootenay Local Agricultural Society. The Operator must sign and return the "Operator Certification Contract and Trademark Use Agreement" to the Kootenay Local Agricultural Society office prior to receipt of the "Kootenay Mountain Grown" certificate

## Acknowledgment of certification

Upon Kootenay Local Agricultural Society's receipt of the signed Operator Contract, the operation is sent an "Kootenay Mountain Grown" certificate. Certification continues in effect until surrendered by the Kootenay Mountain Grown operation or until suspended or revoked by Kootenay Local Agricultural Society. All certified operations, as well as the type of products they produce, are listed in the Kootenay Local Agricultural Society Directory which is published yearly. The list of certified operations is also available on the Kootenay Local Agricultural Society web site ([www.klasociety.org](http://www.klasociety.org) or [www.kootenaymountaingrown.org](http://www.kootenaymountaingrown.org))

## Denial of certification

**a) Notification** When Kootenay Local Agricultural Society has reason to believe, based on information specified in the application form and/or the inspection report, that an applicant for certification is not able to comply or is not in compliance with the Kootenay Mountain Grown standards or principles, the Kootenay Local Agricultural Society will provide a written notification of noncompliance to the applicant. When correction of a noncompliance is not

possible, a notification of non-compliance and a notification of denial of certification may be combined in one notification

The notification of non-compliance shall provide: · A description of each non-compliance; · The facts upon which the notification of non-compliance is based; · The date by which the applicant must rebut or correct each non-compliance and submit supporting documentation of each such correction when correction is possible

**b) Upon receipt of such notification of non-compliance, the applicant may:** · Correct non-compliances and submit a description of the corrective actions taken with supporting documentation to the Kootenay Local Agricultural Society; · Submit written information to Kootenay Local Agricultural Society to rebut the noncompliance described in the notification of non-compliance.

**c) After issuance of a notification of noncompliance, Kootenay Local Agricultural Society will:** · Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal, conduct an on-site inspection if necessary, and (1) When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue the applicant an approval of certification; or (2) When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, issue the applicant a written notice of denial of certification

**d) A notice of denial of certification will state the reason(s) for denial and the applicant's right to:** · Reapply for certification with Kootenay Local Agricultural; · Request mediation pursuant to section D. Procedures Relating to the Mediation Process or, if applicable, pursuant to a State Kootenay Mountain Grown program; or · File an appeal of the denial of certification (see section "E. Procedures Relating to the Appeals Process")

**e) Re-applying for certification** An applicant for certification who has received a written notification of non-compliance or a written notice of denial of certification may apply for certification again at any time.

**f) Acceptance of applications containing previous notifications of noncompliance or denial:** When Kootenay Local Agricultural Society receives a new application for certification, which includes a notification of noncompliance or a notice of denial of certification, Kootenay Local Agricultural Society will treat the application as a new application and begin a new application process as established in these certification procedures

**g) Denial following wilful false statements or misrepresentation** If Kootenay Local Agricultural Society has reason to believe that an applicant for certification has wilfully made a false statement or otherwise purposefully misrepresented the applicant's operation or its compliance with the certification standards, Kootenay Local Agricultural Society may deny certification without first issuing a notification of noncompliance

## Continuation of certification

To maintain and continue certification, a certified operation must annually pay the membership fee and certification fees and submit certification renewal information on the Kootenay Mountain Grown production and/or handling system plan

Information included on the annual renewal form submitted to Kootenay Local Agricultural Society must include: · An update on any changes in the operator's farm/business name, principal responsible person, contact person, and contact information including address and phone number

· An update on the Kootenay Mountain Grown production and/or handling plan which provides information, supported by documentation, describing any deviations from, changes or modifications to, or other amendments made to the previous year's plan; · Any additions or deletions to the previous year's plan intended to be undertaken in the coming year; · An update on the correction of minor non-compliances previously identified by Kootenay Local Agricultural Society as requiring correction for continued certification; · Other information as deemed necessary by Kootenay Local Agricultural Society to determine compliance with Kootenay Mountain Grown standards

## Product adjustment

When a certified operator begins a new venture and wants to add items to those listed on the current certificate, the operator must contact the certification office to request a product adjustment form. The operator completes

the product adjustment form and submits the information to the Kootenay Local Agricultural Society office. Kootenay Local Agricultural Society first determines the extent of the changes to the current production system needed to produce the new product (i.e. new fields/facilities, equipment, agricultural/processing inputs). If the changes to the system are minimal and are clearly within Kootenay Mountain Grown standards, Kootenay Local Agricultural Society issues an amended certificate to the operator. If the changes are extensive or are not sufficiently described, Kootenay Local Agricultural Society may require an inspection of the new production and/or handling system before adding the product to the certificate

## **Procedures for enforcement of Kootenay Mountain Grown standards**

Kootenay Local Agricultural Society monitors continued compliance of certified operations. After an applicant operation has been inspected and assessed for compliance with the Kootenay Mountain Grown standards, it is either approved for certification or denied due to non-compliance. If it is approved, the applicant receives an “Kootenay Mountain Grown” certificate. Certified operations submit annual updates to their Kootenay Mountain Grown system plan, are inspected annually, and are subject to unannounced inspections.

## **Noncompliance procedures for certified operations**

**a) Notification** When an inspection, review, or investigation of a certified operation by Kootenay Local Agricultural Society reveals any noncompliance with Kootenay Mountain Grown standards, a written notification of noncompliance will be sent to the certified operation. The notification will provide: · A description of each noncompliance · the facts upon which the notification of noncompliance is based · When correction of the noncompliance is possible, the date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction

**b) Resolution** When a certified operation demonstrates that each noncompliance has been adequately addressed, Kootenay Local Agricultural Society will send the certified operation written notification that the non-compliance is resolved

**c) Proposed suspension or revocation** When rebuttal is unsuccessful or correction of the non-compliance is not completed within the prescribed time period, Kootenay Local Agricultural Society will send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.

When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation will state: · The reasons for the proposed suspension or revocation · The proposed effective date of suspension or revocation · The effect of a suspension or revocation on future eligibility for certification · The right to request mediation or to file an appeal as described in this *Kootenay Local Agricultural Society Procedures Manual*

**d) Wilful Violations of the Standards** If Kootenay Local Agricultural Society has reason to believe that a certified operation has wilfully violated the standards, then Kootenay Local Agricultural Society will send the certified operation a notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance

**e) Suspension or Revocation** If the certified operation fails to confirm correction of the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, then Kootenay Local Agricultural Society will send the certified operation a written notification of suspension or revocation. Kootenay Local Agricultural Society will not send a notification of suspension or revocation to a certified operation that has filed an appeal while final resolution is pending

**f) Eligibility** A certified operation whose certification has been suspended may at any time, unless otherwise stated in the notification of suspension, for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with Kootenay Mountain Grown standards.

A certified operation or a person responsibly connected with an operation whose certification has been revoked will be ineligible to receive certification for a period of 5 years following the date of such revocation.

### Kootenay local agricultural society's response to allegations of violations of its standards

**a) Investigating Alleged Violations of Standards** Kootenay Local Agricultural Society may receive information or complaints about suspected violations of its standards from consumers, inspectors, farmers, distributors, brokers, government officials, or any other interested party. Details about the suspected problem must be submitted in writing before Kootenay Local Agricultural Society will begin a formal investigation. Following evaluation, the informant is provided a courtesy letter confirming resolution.

**b) Confirming Whether or not the Alleged Violation has Occurred** · If the suspected violation cannot be corroborated, Kootenay Local Agricultural Society drops the matter

· If Kootenay Local Agricultural Society finds adequate evidence that violation has occurred, then Kootenay Local Agricultural Society will notify the certified operation of the noncompliance using the "Noncompliance Procedures for Certified Operations"

### Continued monitoring of marked products

Kootenay Local Agricultural Society will periodically survey wholesale and retail arenas to evaluate Kootenay Local Agricultural Society marked products for conformance with labelling provisions established in the Kootenay Local Agricultural Society Operator Certification Contract and Trademark Use Agreement.

### Residue testing of organic agricultural products

All agricultural products that are sold, labelled or represented as "100 percent Kootenay Mountain Grown," "Kootenay Mountain Grown," or "made with Kootenay Mountain Grown (specified Kootenay Mountain Grown ingredient or food group(s))" must be made accessible by certified Kootenay Mountain Grown production and handling operations for examination by Kootenay Local Agricultural Society.

Kootenay Local Agricultural Society may require preharvest or postharvest testing of any agricultural input used or agricultural product to be sold, labeled, or represented as "100 percent Kootenay Mountain Grown," "Kootenay Mountain Grown," or "made with Kootenay Mountain Grown (specified ingredients or food group(s))" when there is reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using genetically engineered organisms. Such tests must be conducted by the Kootenay Local Agricultural Society's own expense

### Reporting and investigating residue test results

If test results indicate a specific agricultural product contains pesticide residues or environmental contaminants that exceed the Provincial or Federal regulatory tolerances, Kootenay Local Agricultural Society will promptly report such data to the Federal or Provincial health agency whose regulatory tolerance or action level has been exceeded

**a) Exclusion from Kootenay Mountain Grown sale** When residue testing detects prohibited substances at levels above the tolerance level, or the actual action level, the agricultural product must not be sold, labelled or represented as Kootenay Mountain Grown. Kootenay Local Agricultural Society may conduct an investigation of the certified operation to determine the cause of the prohibited substance's presence.

### Procedures regarding confidential information

All records sent to Kootenay Local Agricultural Society are maintained in secure files. Only the Kootenay Local Agricultural Society Chairman or appropriate certification committee staff or the administrator have access to these files.

Kootenay Local Agricultural Society requires that certification workers who have access to confidential information sign a "Confidentiality/Non-disclosure Agreement" which prohibits them from releasing confidential information

(except as described below). This applies to all staff of the certification program, inspectors, and committee members including the Board of Directors

Confidential information includes, but is not limited to discoveries, ideas, designs, drawings, specifications, techniques, models, data, and documentation of programs, processes, know-how, customer lists, marketing plans, and financial and technical information.

## Releasing information

**a) Public Information** Kootenay Local Agricultural Society may release the following information to the public without written permission from certified operations:

- Certification certificates issued during the current and three preceding calendar years;
- A list of certified operators, including the name and address of operations, type(s) of operations, products produced, and the effective dates of certification, during the current and three preceding calendar years;
- The results of laboratory analyses for residues of pesticides and other prohibited materials conducted during the current and three preceding calendar years

If more information is needed, Kootenay Local Agricultural Society usually refers the inquiry to the published standards and directly to the certified operation. Kootenay Local Agricultural Society will release additional information only with the written permission of the certified operation

Kootenay Local Agricultural Society reserves the right to release information on individual operations as required by local, Provincial, or Federal law.

**b) Requests for Research Data** The certification staff may provide researchers with summaries or statistics based on Kootenay Local Agricultural Society files, but may not release confidential information concerning individual operations without explicit permission to do so from the certified operation

## Procedures relating to the mediation process

### Requesting mediation

Any dispute with respect to denial of certification or proposed suspension or revocation may be mediated at the request of the applicant for certification or certified operation

The request must be submitted in writing to the Dispute Resolution committee at the Kootenay Local Agricultural Society. Dispute Resolution committee may accept or reject requests for mediation

**a) Rejection of mediation by Kootenay Local Agricultural Society** If Kootenay Local Agricultural Society rejects the request for mediation, Kootenay Local Agricultural Society will provide written notification to the applicant for certification or certified operation. The written notification will advise the applicant for certification or certified operation of the right to request an appeal, as described in section E, Procedures Relating to the Appeals Process, within 30 days of the date of the written notification of rejection of the request for mediation

**b) Acceptance of mediation by Kootenay Local Agricultural Society** If Kootenay Local Agricultural Society accepts the request for mediation, such mediation will be conducted by a qualified mediator mutually agreed upon by the parties to the mediation.

The parties to the mediation will have no more than 30 days to reach an agreement following a mediation session. If mediation is unsuccessful, the applicant for certification or certified operation will have 30 days from termination of mediation to request an appeal

### Agreement

Any agreement reached during or as a result of the mediation process must be in compliance with Kootenay Mountain Grown standards and procedures.

### Procedures relating to the appeals process

All appeals shall be reviewed, heard, and decided by persons not involved with the decision being appealed

**1. Appeals under the Kootenay Mountain Grown program:** Under the Kootenay Mountain Grown, appeals of CC decisions to deny, suspend or revoke must be made to the Dispute Resolution committee.

**a) Sustaining and Denying appeals** If the Dispute Resolution committee sustains a certification applicant's or certified operation's appeal of an Kootenay Local Agricultural Society decision, the applicant will be issued Kootenay Mountain Grown certification, or a certified operation will continue its certification, as applicable to the operation

If the Dispute Resolution committee denies an appeal, a formal administrative proceeding will be initiated by the full board of directors to deny, suspend, or revoke the certification.

**b) Filing period** An appeal of a non-compliance decision must be filed within the time period provided in the letter of notification or within 30 days from receipt of the notification, whichever occurs later. The appeal will be considered "filed" on the date received by the Kootenay Local Agricultural Society. A decision to deny, suspend, or revoke certification will become final and un-appealable unless the decision is appealed in a timely manner

**c) Where and what to file** Appeals to the Kootenay Local Agricultural Society must be filed in writing and addressed to Administrator at the Kootenay Local Agricultural Society office.

Appeals to the Kootenay Mountain Grown program must be filed in writing to the address and person identified in the letter of notification. All appeals must include a copy of the adverse decision and a statement of the appellant's reasons for believing that the decision was not proper or made in accordance with applicable program regulations, policies, or procedures

## Appeals to the Dispute Resolution committee

Any operation participating in the Kootenay Mountain Grown certification program, may request that the Dispute Resolution committee reconsider a decision made by the Certification Committee (CC). The appeal must be made no later than 30 days after the CC's decision. The appeal must be submitted to the certification office by certified letter and must contain: · Relevant background information on the case, · Kootenay Local Agricultural Society's actions and rulings on the case, · Reasons to change Kootenay Local Agricultural Society's position, · Evidence to support the appellant's assertions and · A suggested resolution to the problem

Appellants are strongly encouraged to submit complete information when making an appeal. Submission of new information after the initial appeal may delay scheduling of the adjudication meeting. In order to prevent spurious appeals and to help offset the cost of adjudication proceedings, the appellant must submit a fee of \$100 with the appeal.

## Appeals to the Kootenay Local Agricultural Society board of directors

An operator may appeal the decision of the Dispute Resolution committee to the Board of Kootenay Local Agricultural Society within 30 days of the Dispute Resolution committee's ruling. The Board must use the same format as the Dispute Resolution committee for notification of meeting, meeting procedures, notification of the decision, and recording the procedures.

Procedures applicable to the Dispute Resolution process

The Kootenay Local Agricultural Society Dispute Resolution process is designed to provide any operation participating in an Kootenay Mountain Grown certification program with the opportunity to have a decision made by the Certification Committee reconsidered when the operator believes the decision was not made in accordance with the applicable standards and/or procedures. The adjudication process encourages detailed discussions of the case and endeavours to reach a decision at the conclusion of the process that is both equitable and clearly defensible.

**1. Authority of the Dispute Resolution committee** The charge of the Dispute Resolution committee is to hear and decide on appeals concerning an operation's certification. As the Certification Committee may be thought of as the "legislative" branch of the certification program, the Dispute Resolution committee is the "judicial" branch

**2. Composition and selection of the dispute Resolution committee** The board of directors of the Kootenay Local Agricultural Society appoints at least four people (2 of which must be directors) to membership on the Dispute Resolution Committee. The members of the Dispute Resolution Committee must have a broad knowledge of the Kootenay Mountain Grown program and principles and be well versed in the standards and procedures used by Kootenay Local Agricultural Society. Dispute Resolution Committee members must be members of Kootenay Local Agricultural Society. However, in order to assure separation of the decision-making process and appeal of these decisions, there must be no overlap in the membership of the Dispute Resolution Committee and the Certification Committee

Members with a conflict of interest in a particular case must temporarily step aside allowing an alternate member to take their place during the deliberations on that case

**3. Length of terms:** Half the Dispute Resolution Committee members are appointed for term of one year and the other half for two years, coincident with the calendar year. The number of terms is unlimited.

**4. Responsibilities of committee members:** Members must be able to respond quickly to meeting announcements since the work of the Dispute Resolution Committee is often extremely time sensitive

All Dispute Resolution Committee members and alternate members must sign a Confidentiality/Non-disclosure Agreement regarding all cases brought before the committee

**5. Decision making procedures:** The steps of the adjudication process are summarized in the diagram below:

#### **Summary of the adjudication process**

**a) Initiating an Adjudication Procedure** Adjudication proceedings may be initiated by a certification applicant's or a certified operator's appeal of a ruling related to her/his certification. Refer to Section E, Procedures Relating to the Appeals Process, of this manual for detailed information on submitting an appeal

**b) Notification of the Adjudication Meeting** The Dispute Resolution Committee asks the administrator to prepare a package containing the pertinent documents. This must include: 1) The CC decision sheet 2) A copy of the appellant's Kootenay Mountain Grown management plan & update; 3) A copy of any relevant inspection report(s); 4) Any other components of the operator's file which the Dispute Resolution Committee considers to be pertinent to the appeal; 5) The appeal submitted by the appellant Initiating the Dispute Resolution process.

The administrator then provides the information to all parties involved in the proceeding including: 1) The members of the Dispute Resolution Committee; 2) The chairman of the Dispute Resolution Committee chairs the meeting; 3) The Appellant or their representative; and 4) Other people who may be asked to attend at the discretion of the Dispute Resolution Committee or the appellant such as inspector(s), a representative of the CC, or other certification staff.

Dispute Resolution Committee sets a time and place for the adjudication proceeding and this information is provided in the packet sent to all affected parties. The Dispute Resolution Committee will choose a time which is convenient for the appellant unless they have chosen to represent their case solely through the written materials they have submitted

If it is very difficult for the affected parties to meet in person, the Dispute Resolution Committee may schedule a phone meeting

**c) Meeting Procedures** Presentation of new information that was not submitted prior to the Dispute Resolution Committee meeting will be considered. However, presentation of new information may require rescheduling the meeting to allow all concerned parties to review the additional information

A quorum of three voting members is needed to conduct a meeting. Decisions of the Dispute Resolution Committee are made by a vote showing agreement of a simple majority of the committee members in attendance

**d) Notification of the Decision:** At the conclusion of the meeting, the Certification Director sends written notification of the decision of the Dispute Resolution Committee to the operator. If the operator was not present at the meeting, the Dispute Resolution Committee also notifies the operator about the results of the meeting by phone as soon as possible

Any revocation of certification, including that resulting from an Dispute Resolution Committee ruling, are printed in *the Voice of the Mountain newsletter and posted to the Kootenay Local Agricultural Society / Kootenay Mountain Grown web site.*

**e) Recording the Proceedings:** Kootenay Local Agricultural Society retains records of all Dispute Resolution Committee proceedings for 3 years. This includes all pertinent materials used in the process, the minutes of the Dispute Resolution Committee meeting, and a record of the committee's decision. The decision reached during the appeals process is public record, but the records of the proceedings are considered confidential in order to protect the proprietary information discussed during the proceedings.