

# CERTIFIED NATURAL, INTERNATIONAL

## Standards Specific to All Natural Household Cleaners

### 805.100 Prohibited Substances

All substances listed are prohibited under Certified Natural, International's certification for all natural household cleaners. This list may be adjusted and all ingredients in a cleaning product will be open to determination of inclusion by the certifying agent or the Certified Natural, International Board of Advisors:

1. Alkanol amines
  - a. Momoethanolamine
  - b. Diethanolamine
  - c. Triethanolamine
2. Alkyl aryl sodium sulfonates
  - a. Linear alkyl benzene sulfonates
  - b. Linear alkyl sodium sulfonates
  - c. Anionic surfactants
3. Alkyl phenoxy polyethoxy ethanols
  - a. Nonyl p henoxo ethoxylate
  - b. Nonyl phenol
4. Ammonia
5. Amyl acetate
6. Aromatic hydrocarbons
7. Artificial fragrances
8. Artificial colors
9. Benzalkonium chloride
10. Benzene
11. Butoxethanol
12. Butyl cellosolve
13. Butyl oxitol
14. Caustic soda
15. Chlorine
  - a. Hypochlorite
  - b. Sodium hypochlorite
  - c. Sodium dichloroisocyanurate
  - d. Hydrogen chloride
  - e. Hydrochloric acid
16. Chlorophene
17. Cocamide DEA
  - a. Cocamide diethanolamine
  - b. Fatty acid diethanolamines
  - c. Fatty acid diethanol-amides
18. Cocamide diethanolamine
19. Crystalline silica
20. Diammonium EDTA
21. Diethanolamines
  - a. Triethanolamine
  - b. Monoethanolamine
22. Dioxane
  - a. Diethylene dioxide
  - b. Diethylene ether
  - c. Diethylene oxide
23. EDTA – Ethylene-diamino-tetra-acetate
24. Ethyl cellosolve
25. Ethylene glycol
  - a. Ethylene dehydrate
  - b. Ethylene alcohol
26. Ethylene glycol monobutylether
27. Formaldehyde

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28. Synthetic Germicides
29. Glycol ethers
30. Kerosene
31. Methanol
  - a. Methyl alcohol
32. Mineral acids
33. Mineral spirits
34. Morpholine
35. Muratic acid
36. Naphthas
37. Napthalene
38. Nitrioltriacetic acid
39. Nonyl-phenol
40. Nonyl phenoxy ethoxylate
41. NTA – Nitrioltriacetic acid
42. O-benzyl-p-chlorophenol
  - a. 4-chloro-a-phenyl o-cresol
43. Optical brighteners
44. Organic solvents
45. p-Dichlorobenzene
46. Paradichlorobenzene
47. Perchloroethylene
48. Petroleum waxes or distillates
49. Phosphates
50. Phosphoric acid
  - a. Mataphosphoric acid
  - b. Orthophosphoric acid
51. Polycarboxylates
52. Polyethylene glycol
53. Propylene glycol
54. Quaternium 15
55. Sodium dichloroisocyanurate
56. Sodium hydroxide
57. Stoddard solvent
58. Surfactants
  - a. Sodium lauryl sulfate
  - b. Sodium laureth sulfate
59. Tetrapotassium / Tetrasodium pyrophosphate
60. Trichloroethane
  - a. Methyltrichloromethane
  - b. Methyl chloroform
  - c. Chloroethane
61. Xylene sulfonate

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## Standards

### All Natural Household Cleaners

#### Subpart A - Applicability

##### §800.100 Who can be certified.

- a) Any operation that adheres to all standards set forth herein.

##### §800.101 Use of the term, "Certified Natural."

Any product that is sold, labeled, or represented as "Certified 100 percent Natural," or "made with Certified Natural ingredients" under the Certified Natural, International program must be:

- a) Produced in accordance with the requirements specified herein and
- b) Handled in accordance with the requirements specified herein
- c) Cannot be used in conjunction with any organic label, logo or claim.

##### §800.102 Recordkeeping by certified operations.

- a) A certified operation must maintain records concerning the production, harvesting, and handling of products that are intended to be sold, labeled, or represented as "Certified 100 percent Natural," or "made with Certified Natural ingredients."

- b) Such records must:

- 1) Be adapted to the particular business that the certified operation is conducting;
- 2) Fully disclose all activities and transactions of the certified operation in sufficient detail as to be readily understood and audited;
- 3) Be maintained for not less than three (3) years beyond their creation; and
- 4) Be sufficient to demonstrate compliance with the regulations in this part.

- c) The certified operation must make such records available for inspection and copying during normal business hours by authorized representatives of Certified Natural, International and the certifying agent.

##### §800.103 General prohibited substances, methods, and ingredients in Certified Natural, International production and handling.

To be sold or labeled as "Certified 100 percent Natural," or "made with Certified Natural ingredients," the product must be produced and handled without the use of:

- a) Synthetic substances and non-natural ingredients, except as approved by Certified Natural, International
- b) Non- substances used in or on processed products, except as otherwise provided herein – see the Certified Natural List for specific items not allowed.
- c) Ionizing radiation, as described in Food and Drug Administration regulation, 21 CFR 179.26; and
- d) Sewage sludge.

##### §§800.104-800.199 [Reserved]

#### Subpart B - Certified Natural, International Production and Handling Requirements

##### §800.200 General requirements.

The producer or handler of a production or handling operation intending to sell, label, or represent products as "Certified 100 percent Natural or "made with Certified Natural ingredients" must comply with the applicable provisions of this subpart. Production practices implemented in accordance with this subpart must maintain or improve the natural resources of the operation, including soil and water quality.

##### §800.201 Certified Natural, International production and handling system plan.

- a) The producer or handler of a production or handling operation intending to sell, label, or represent products as "Certified 100 percent Natural" or "made with Certified Natural ingredients" must develop a Natural production or handling system plan that is agreed to by the producer or handler and the certifying agent. A Natural system plan must meet the requirements set forth in this section for Certified Natural, International production or handling. A Certified Natural, International production or handling system plan must include:

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- 1) A description of practices and procedures to be performed and maintained, including the frequency with which they will be performed;
- 2) A list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable;
- 3) A description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented;
- 4) A description of the recordkeeping system implemented
- 5) A description of the management practices and physical barriers established to prevent commingling of naturally produced and non-naturally produced products on a split operation and to prevent contact of natural production and handling operations and products with prohibited substances; and
- 6) Additional information deemed necessary by the certifying agent to evaluate compliance with the requirements herein.

## **§§800.202 - 800.269 [Reserved]**

### **§800.270 Certified Natural, International handling requirements.**

- a) Mechanical or biological methods, including but not limited to cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, distilling, extracting, cutting, fermenting, preserving, dehydrating, freezing, chilling, or otherwise manufacturing, and the packaging, canning, jarring, or otherwise enclosing in a container may be used to process a naturally produced product for the purpose of retarding spoilage or otherwise preparing the product for market.
- b) Non- substances may be used:
  - 1) In or on a processed product intended to be sold, labeled, or represented as "Certified Natural," if not commercially available in natural form with approval of the certifying agent and the Certified Natural, International Advisory Board.
  - 2) In or on a processed product intended to be sold, labeled, or represented as "made with Certified Natural ingredients" with approval of the certifying agent and approval of the Certified Natural, International Advisory Board.
- c) The handler of a natural handling operation must not use in or on products intended to be sold, labeled, or represented as "Certified 100 percent Natural," or "made with Certified Natural ingredients," or in or on any ingredients labeled as Certified Natural:
  - 1) Practices prohibited herein
  - 2) A volatile synthetic solvent or other synthetic processing aid

### **§800.271 Facility pest management practice standard.**

- a) The producer or handler of a natural facility must use management practices to prevent pests, including but not limited to:
  - 1) Removal of pest habitat, food sources, and breeding areas;
  - 2) Prevention of access to handling facilities; and
  - 3) Management of environmental factors, such as temperature, light, humidity, atmosphere, and air circulation, to prevent pest reproduction.
- b) Pests may be controlled through:
  - 1) Mechanical or physical controls including but not limited to traps, light, or sound; or
  - 2) Lures and repellents using non-synthetic substances.
- c) If the practices provided for in paragraphs (a) and (b) of this section are not effective to prevent or control pests, a synthetic substance approved in writing by Certified Natural, International may be applied.
- d) If the practices provided for in paragraphs (a), (b), and (c) of this section are not effective to prevent or control facility pests, a synthetic substance may be applied, *provided that* the handler and certifying agent agree on the substance, method of application, and measures to be taken to prevent contact of the naturally produced products or ingredients with the substance used.
- e) The handler of a natural handling operation who applies a non-synthetic or synthetic substance to prevent or control pests must update the operation's Certified Natural

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handling plan to reflect the use of such substances and methods of application. The updated Certified Natural plan must include a list of all measures taken to prevent contact of the naturally produced products or ingredients with the substance used.

f) Notwithstanding the practices provided for in paragraphs (a), (b), (c), and (d) of this section, a handler may otherwise use substances to prevent or control pests as required by Federal, State, or local laws and regulations provided that measures are taken to prevent contact of the naturally produced products or ingredients with the substance used.

## **§800.272 Commingling and contact with prohibited substance prevention practice standard.**

- a) The handler of a natural handling operation must implement measures necessary to prevent the commingling of naturally produced products and protect natural products from contact with prohibited substances.
- b) The following are prohibited for use in the handling of any naturally produced product or ingredient labeled in accordance with subpart C of this part:
  - 1) Packaging materials, and storage containers, or bins that contain a synthetic fungicide, preservative, or fumigant;
  - 2) The use or reuse of any bag or container that has been in contact with any substance in such a manner as to compromise the natural integrity of any naturally produced product or ingredient placed in those containers, unless such reusable bag or container has been thoroughly cleaned and poses no risk of contact of the naturally produced product or ingredient with the substance used.

## **§§800.273 - 800.299 [Reserved]**

## **Subpart C - Labels, Labeling, and Market Information**

### **§800.300 Use of the term "Certified Natural."**

- a) The term, "Certified Natural" may only be used on labels and in labeling of raw or processed products, including ingredients, that have been produced and handled in accordance with the regulations in this part. The term, "Certified Natural" may not be used in a product name to modify a non-naturally produced ingredient in the product.
- b) Products for export, produced and certified to foreign national natural standards or foreign contract buyer requirements, may be labeled in accordance with the labeling requirements of the receiving country or contract buyer

### **§800.301 Product composition.**

- a) A raw or processed product sold, labeled, or represented as "Certified 100 percent Natural" must contain (by weight or fluid volume, excluding water) 100 percent Certified Naturally produced ingredients.
- b) Products sold, labeled, or represented as "made with Certified Natural ingredients." Multi-ingredient product sold, labeled, or represented as "made with Certified Natural ingredients" must contain (by weight or fluid volume, excluding water) at least 70 percent Certified Naturally produced ingredients which are produced and handled pursuant to requirements in subpart B of this part. No ingredients may be produced using prohibited practices. If labeled as containing certified naturally produced ingredients, such product must be labeled pursuant to § 800.304.
- c) All products labeled as "Certified 100 percent Natural" and all ingredients identified as "Certified Natural" in the ingredient statement of any product must not:
  - 1) Be produced using excluded methods, pursuant to § 800.104;
  - 2) Be produced using sewage sludge, pursuant to § 800.104;
  - 3) Be processed using ionizing radiation, pursuant to § 800.104;
  - 4) Be processed using processing aids not approved by Certified Natural, International.
  - 5) Contain sulfites, nitrates, or nitrites added during the production or handling process except that wine containing added sulfites may be labeled "made with Certified Naturally grown grapes";

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## § 800.302 Calculating the percentage of Certified Naturally produced ingredients.

- a) The percentage of all Certified Naturally produced ingredients in an product sold, labeled, or represented as "Certified 100 percent Natural" or "made with Certified Natural ingredients," must be calculated by:
  - 1) Dividing the total net weight (excluding water) of combined Certified Natural ingredients at formulation by the total weight (excluding water) of the finished product.
  - 2) Dividing the fluid volume of all natural ingredients (excluding water) by the fluid volume of the finished product (excluding water) if the product and ingredients are liquid. If the liquid product is identified on the principal display panel or information panel as being reconstituted from concentrates, the calculation should be made on the basis of single-strength concentrations of the ingredients and finished product.
  - 3) For products containing naturally produced ingredients in both solid and liquid form, dividing the combined weight of the solid ingredients and the weight of the liquid ingredients (excluding water) by the total weight (excluding water) of the finished product.
- b) The percentage of all naturally produced ingredients in an product must be rounded down to the nearest whole number.
- c) The percentage must be determined by the handler who affixes the label on the consumer package and verified by the certifying agent of the handler. The handler may use information provided by the certified operation in determining the percentage.

## §800.303 Packaged products labeled "Certified 100 percent Natural"

- a) Products in packages described in §800.301(a) shall display, on the principal display panel, information panel, or any other panel of the package and on any labeling or market information concerning the product, the following:
  - 1) The term, "Certified 100 percent Natural" to modify the name of the product;
  - 2) The term, "Certified Natural," to identify the natural ingredients in multi-ingredient products labeled "Certified 100 percent Natural";
  - 3) The seal, logo, or other identifying mark of Certified Natural, International which certified the production or handling operation producing the finished product: provided that the handler producing the finished product maintain records, pursuant to this part, verifying Certified Natural, International certification of the operations producing such ingredients, and:
- b) products in packages described in §800.301(a) must:
  - 1) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "ingredients certified natural by Certified Natural, International," or similar phrase identifying the name of the certifying company that certified the handler of the finished product and the business address, Internet address, or telephone number of Certified Natural, International.

## §800.304 Packaged products labeled "made with Certified Natural ingredients."

- a) Products in packages described in §800.301(b) shall display on the principal display panel, information panel, or any other panel and on any labeling or market information concerning the product:
  - 1) The statement:
    - i) That all naturally produced ingredients in the product are listed; and
    - ii) List appears in letters that do not exceed one-half the size of the largest type size on the panel and which appears in its entirety in the same type size, style, and color without highlighting.
  - 2) The percentage of natural ingredients in the product. The size of the percentage statement must not exceed one-half the size of the largest type size on the panel on which the statement is displayed and must appear in its entirety in the same type size, style, and color without highlighting.
  - 3) The seal, logo, or other identifying mark of Certified Natural, International.

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- b) Products in packages described in § 800.301(b) must:
- 1) In the ingredient statement, identify each Certified Natural ingredient with the word, "Certified Natural," or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is naturally produced. Water included as an ingredient cannot be identified as naturally produced.
  - 2) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "ingredients certified natural by Certified Natural, International," or similar phrase identifying the name of the certifying company that certified the handler of the finished product and the business address, Internet address, or telephone number of Certified Natural, International included in such label.

## **§800.305 Labeling of non-retail containers used for only shipping or storage of raw or processed products labeled as "Certified 100 percent Natural" or "made with Certified Natural ingredients."**

a) Non-retail containers used only to ship or store raw or processed product labeled as containing natural ingredients shall display the following terms or marks:

- 1) The name and contact information of Certified Natural, International
- 2) Identification of the product as certified natural;
- 3) Special handling instructions needed to maintain the natural integrity of the product;
- 4) The seal, logo, or other identifying mark of Certified Natural, International.

b) Non-retail containers used to ship or store raw or processed product labeled as containing certified natural ingredients must display the production lot number of the product if applicable.

c) Shipping containers of domestically produced product labeled as Certified Natural intended for export to international markets may be labeled in accordance with any shipping container labeling requirements of the foreign country of destination or the container labeling specifications of a foreign contract buyer provided that the shipping containers and shipping documents accompanying such Certified Natural products are clearly marked "For Export Only" and provided that proof of such container marking and export must be maintained by the handler in accordance with recordkeeping requirements.

## **§800.306 Products in other than packaged form at the point of retail sale that are sold, labeled, or represented as "Certified 100 percent Natural"**

a) products in other than packaged form may use the term, "Certified 100 percent Natural" to modify the name of the product in retail display, labeling, and display containers provided that the term "Certified Natural" is used to identify the naturally grown or manufactured ingredients listed in the ingredient statement.

b) If the product is prepared in a certified facility, the retail display, labeling, and display containers may use:

- 1) The seal, logo, or other identifying mark of Certified Natural, International

## **§800.307 Products in other than packaged form at the point of retail sale that are sold, labeled, or represented as "made with Certified Natural ingredients."**

a) Products in other than packaged form containing between 70 and 99 percent naturally produced ingredients may use the phrase, "made with Certified Natural ingredients," to modify the name of the product in retail display, labeling, and display containers.

- 1) In any such display of the product's ingredient statement, the natural ingredients are identified as "Certified Natural."

b) If prepared in a certified facility, such products labeled as "made with Certified Natural ingredients" in retail displays, display containers, and market information may display Certified Natural, International seal, logo, or other identifying mark.

## **§§800.308-800.399 [Reserved]**

### **Subpart D - Certification**

#### **§800.400 General requirements for certification.**

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A person seeking to receive or maintain Certified Natural, International certification under the regulations in this part must:

- a) Comply with applicable Certified Natural, International production and handling regulations of this part;
- b) Establish, implement, and update annually a natural production or handling system plan that is submitted to, International as provided for in §800.200;
- c) Permit on-site inspections with complete access to the production or handling operation, including non-certified production and handling areas, structures, and offices by the certifying agent as provided for in §800.403;
- d) Maintain all records applicable to the natural operation for not less than three (3) years beyond their creation and allow authorized representatives and the certifying agent access to such records during normal business hours for review and copying to determine compliance with the regulations in this part, as provided for in §800.102;
- e) Submit the applicable fees charged by Certified Natural, International; and
- f) Immediately notify the certifying agent concerning any:
  - 1) Application, including drift, of a prohibited substance to any field, production unit, site, facility, or product that is part of an operation; and
  - 2) Change in a certified operation or any portion of a certified operation that may affect its compliance with the regulations in this part.

## **§800.401 Application for Certification.**

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

- a) A Certified Natural production or handling system plan, as required in §800.200;
- b) The name of the person completing the application; the applicant's business name, address, and telephone number; and, when the applicant is a corporation, the name, address, and telephone number of the person authorized to act on the applicant's behalf;
- c) The name(s) of any organic certifying agent(s) to which application has previously been made; the year(s) of application; the outcome of the application(s) submission, including, when available, a copy of any notification of non-compliance or denial of certification issued to the applicant for certification; and a description of the actions taken by the applicant to correct the non-compliances noted in the notification of non-compliance, including evidence of such correction; and
- d) Other information necessary to determine compliance with the regulations in this part.

## **§800.402 Review of application.**

a) Upon acceptance of an application for certification, Certified Natural, International must:

- 1) Review the application to ensure completeness pursuant to §800.401;
- 2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart B of this part;
- 3) Verify that an applicant who previously applied to another certifying agent and received a notification of non-compliance or denial of certification, pursuant to §800.405, has submitted documentation to support the correction of any non-compliances identified in the notification of non-compliance or denial of certification, as required in §800.405; and
- 4) Schedule an on-site inspection of the operation to determine whether the applicant qualifies for certification if the review of application materials reveals that the production or handling operation may be in compliance with the applicable requirements of subpart B of this part.

b) The certifying agent shall within a reasonable time:

- 1) Review the application materials received and communicate its findings to the applicant;
- 2) Provide the applicant with a copy of the on-site inspection report, as approved by the certifying agent, for any on-site inspection performed; and

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- 3) Provide the applicant with a copy of the test results for any samples taken by an inspector.
- c) The applicant may withdraw its application at any time. An applicant who withdraws its application shall be liable for all costs of services provided up to the time of withdrawal of its application. An applicant that voluntarily withdrew its application prior to the issuance of a notice of non-compliance will not be issued a notice of non-compliance. Similarly, an applicant that voluntarily withdrew its application prior to the issuance of a notice of certification denial will not be issued a notice of certification denial.

## **§800.403 On-site inspections.**

- a) On-site inspections.
  - 1) The certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles natural products and that is included in an operation for which certification is requested. An on-site inspection shall be conducted annually thereafter for each certified operation that produces or handles natural products for the purpose of determining whether to approve the request for certification or whether the certification of the operation should continue.
- b) Scheduling.
  - 1) The initial on-site inspection must be conducted within a reasonable time following a determination that the applicant appears to comply or may be able to comply with the requirements of subpart B of this part except that the initial inspection may be delayed for up to 6 months to comply with the requirement that the inspection be conducted when the land, facilities, and activities that demonstrate compliance or capacity to comply can be observed.
  - 2) All on-site 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 the operation's compliance with or capability to comply with the applicable provisions of subpart B of this part can be observed, except that this requirement does not apply to unannounced on-site inspections.
- c) Verification of information. The on-site inspection of an operation must verify:
  - 1) The operation's compliance or capability to comply with the regulations in this part;
  - 2) That the information, including the Certified Natural production or handling system plan, provided in accordance with §800.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation;
  - 3) That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of the certifying agent, may include the collection and testing of soil, water, waste, seeds, plant tissue, and plant, animal, and processed products samples. The applicant is not liable for the sampling costs.
- d) Exit interview. The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern.
- e) Documents to the inspected operation.
  - 1) At the time of the inspection, the inspector shall provide the operation's authorized representative with a receipt for any samples taken by the inspector. There shall be no charge to the inspector for the samples taken.
  - 2) A copy of the on-site inspection report and any test results will be sent to the inspected operation by the certifying agent.

## **§800.404 Granting certification.**

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- a) Within a reasonable time after completion of the initial on-site inspection, the certifying agent must review the on-site inspection report, the results of any analyses for substances conducted, and any additional information requested from or supplied by the applicant. If the certifying agent determines that the Certified Natural system plan and all procedures and activities of the applicant's operation are in compliance with the requirements of this part and that the applicant is able to conduct operations in accordance with the plan, the agent shall grant certification. The certification may include requirements for the correction of minor non-compliances within a specified time period as a condition of continued certification.
- b) The certifying agent must issue a certificate of Certified Natural, International operation which specifies the:
- 1) Name and address of the certified operation;
  - 2) Effective date of certification;
  - 3) Categories of Certified Natural, International operation
  - 4) Name, address, and telephone number of the certifying agent.
  - 5) Provide the Certified Natural, International Advisory Board notice of certification at the following address: Program Manager, Certified Natural, International, PO Box 848, Chippewa Falls, WI 54729.
- c) Once certified, a production or handling operation's Certified Natural certification continues in effect until surrendered by the Certified Natural operation or suspended or revoked by the certifying agent.

## **§800.405 Denial of certification.**

- a) When the certifying agent has reason to believe, based on a review of the information specified in §800.402 or §800.404, that an applicant for certification is not able to comply or is not in compliance with the requirements of this part, the certifying agent must provide a written notification of non-compliance to the applicant. When correction of a non-compliance 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:
- 1) A description of each non-compliance;
  - 2) The facts upon which the notification of non-compliance is based; and
  - 3) 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:
- 1) Correct non-compliance's and submit a description of the corrective actions taken with supporting documentation to the certifying agent;
  - 2) Correct non-compliance's and submit a new application to certifying agent provided that the applicant must include a complete application, the notification of non-compliance received from the first certifying agent, and a description of the corrective actions taken with supporting documentation; or
  - 3) Submit written information to the issuing certifying agent to rebut the non-compliance described in the notification of non-compliance.
- c) After issuance of a notification of non-compliance, the certifying agent must:
- 1) Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal, conduct an on-site inspection if necessary, and
    - i) When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue the applicant an approval of certification pursuant to §800.404; or
    - ii) 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.
  - 2) Issue a written notice of denial of certification to an applicant who fails to respond to the notification of non-compliance.

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- 3) Provide notice of approval or denial to the certification board, pursuant to 800.404.
- d) A notice of denial of certification must state the reason(s) for denial and the applicant's right to:
  - 1) Reapply for certification pursuant to §§800.401 and 800.405;
  - 2) Request mediation pursuant to §800.503
  - 3) File an appeal of the denial of certification pursuant to §800.700
- e) 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) The certifying agent who receives a new application for certification, which includes a notification of non-compliance or a notice of denial of certification, must treat the application as a new application and begin a new application process pursuant to §800.402.
- g) Notwithstanding paragraph (a) of this section, if the certifying agent has reason to believe that an applicant for certification has willfully made a false statement or otherwise purposefully misrepresented the applicant's operation or its compliance with the certification requirements pursuant to this part, the certifying agent may deny certification pursuant to paragraph (c)(1)(ii) of this section without first issuing a notification of non-compliance.

## **§800.406 Continuation of certification.**

- a) To continue certification, a certified operation must annually pay the certification fees and submit the following information, as applicable, to the certifying agent:
  - 1) An updated Certified Natural production or handling system plan which includes:
    - i) A summary statement, supported by documentation, detailing any deviations from, changes to, modifications to, or other amendments made to the previous year's Certified Natural system plan during the previous year; and
    - ii) Any additions or deletions to the previous year's Certified Natural system plan, intended to be undertaken in the coming year, detailed pursuant to §800.200;
  - 2) Any additions to or deletions from the information required pursuant to §800.401(b);
  - 3) An update on the correction of minor non-compliances previously identified by the certifying agent as requiring correction for continued certification; and
  - 4) Other information as deemed necessary by the certifying agent to determine compliance with the regulations in this part.
- b) Following the receipt of the information specified in paragraph (a) of this section, the certifying agent shall, within a reasonable time, arrange and conduct an on-site inspection of the certified operation pursuant to §800.403 except that when it is impossible for the certifying agent to conduct the annual on-site inspection following receipt of the certified operation's annual update of information, the certifying agent may allow continuation of certification and issue an updated certificate of Certified Natural operation on the basis of the information submitted and the most recent on-site inspection conducted during the previous 12 months provided that the annual on-site inspection, required pursuant to §800.403, is conducted within the first 6 months following the certified operation's scheduled date of annual update.
- c) If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in §800.404, that a certified operation is not complying with the requirements and the regulations in this part, the certifying agent shall provide a written notification of non-compliance to the operation in accordance with §800.405.
- d) If the certifying agent determines that the certified operation is complying with these requirements and the regulations in this part and that any of the information specified on the certificate of Certified Natural operation has changed, the certifying agent must issue an updated certificate of Certified Natural operation pursuant to §800.404(b).

## **§§800.407-800.499 [Reserved]**

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## Subpart E - Compliance

### §800.500 General compliance standards.

- a) The Certified Natural, International Advisory Board may inspect and review certified production and handling operations and certifying agents for compliance with the regulations in this part.
- b) The Certified Natural, International Advisory Board may initiate suspension or revocation proceedings against a certified operation:
  - 1) When the Certified Natural, International Advisory Board has reason to believe that a certified operation has violated or is not in compliance with the regulations in this part; or
  - 2) When the certifying agent fails to take appropriate action to enforce the requirements in this part.
- c) Each notification of non-compliance, rejection of mediation, non-compliance resolution, proposed suspension or revocation, and suspension or revocation issued and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.

### §800.501 Investigation of certified operations.

- a) The certifying agent may investigate complaints of non-compliance with the regulations of this part concerning production and handling operations certified as Certified Natural by the certifying agent. The certifying agent must notify the Certified Natural, International Advisory Board of all compliance actions taken pursuant to this part.

### §800.502 Non-compliance procedure for certified operations.

- a) Notification. When an inspection, review, or investigation of a certified operation by the certifying agent reveals any non-compliance with the regulations in this part, a written notification of non-compliance shall be sent to the certified operation. Such notification shall provide:
  - 1) A description of each non-compliance;
  - 2) The facts upon which the notification of non-compliance is based; and
  - 3) The date by which the certified operation must rebut or correct each non-compliance and submit supporting documentation of each such correction when correction is possible.
- b) Resolution:
  - 1) When a certified operation demonstrates that each non-compliance has been resolved, the certifying agent shall send the certified operation a written notification of non-compliance resolution.
- c) Proposed suspension or revocation:
  - 1) When rebuttal is unsuccessful or correction of the non-compliance is not completed within the prescribed time period, the certifying agent shall 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 non-compliance. When correction of a non-compliance is not possible, the notification of non-compliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state:
    - i) The reasons for the proposed suspension or revocation;
    - ii) The proposed effective date of such suspension or revocation;
    - iii) The impact of a suspension or revocation on future eligibility for certification; and
    - iv) The right to request mediation pursuant to §800.503 or to file an appeal pursuant to §800.700.
- d) Willful violations:
  - 1) Notwithstanding paragraph (a) of this section, if the certifying agent has reason to believe that a certified operation has willfully violated the regulations in this part, the certifying agent shall send the certified operation a notification of

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proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the non-compliance.

e) Suspension or revocation.

1) If the certified operation fails to correct the non-compliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, the certifying agent shall send the certified operation a written notification of suspension or revocation.

2) The certifying agent must not send a notification of suspension or revocation to a certified operation that has requested mediation pursuant to §800.503 or filed an appeal pursuant to §800.700, while final resolution of either is pending.

f) Eligibility.

1) A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Certified Natural, International Advisory Board for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction of each non-compliance and corrective actions taken to comply with and remain in compliance with the regulations in this part.

2) 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, except that the Certified Natural, International Advisory Board may, when in the best interest of the certification program, reduce or eliminate the period of ineligibility.

g) Violations. In addition to suspension or revocation, any certified operation that:

1) Makes a false statement under the regulations herein to the certifying agent shall be subject to the provisions of section 1001 of title 18, United States Code.

## **§800.503 Mediation.**

Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent. If the certifying agent rejects the request for mediation, the certifying agent shall provide written notification to the applicant for certification or certified operation. The written notification shall advise the applicant for certification or certified operation of the right to request an appeal, pursuant to §800.700, within 30 days of the date of the written notification of rejection of the request for mediation. If mediation is accepted by the certifying agent, such mediation shall be conducted by a qualified mediator mutually agreed upon by the parties to the mediation. The parties to the mediation shall 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 shall have 30 days from termination of mediation to appeal the certifying agent's decision pursuant to §800.700. Any agreement reached during or as a result of the mediation process shall be in compliance with these regulations. The Certified Natural, International Advisory Board may review any mediated agreement for conformity to these regulations and may reject any agreement or provision not in conformance with these regulations.

## **§800.504-800.599 [Reserved]**

## **Subpart F - Inspection and Testing, Reporting, and Exclusion from Sale**

### **§800.600 Inspection and testing of product to be sold or labeled " Certified Natural."**

a) All products that are to be sold, labeled, or represented as "Certified 100 percent Natural" or "made with Certified Natural ingredients" must be made accessible by certified production or handling operations for examination by the certifying agent.

b) The certifying agent may require testing of any input used or product to be sold, labeled, or represented as "Certified 100 percent Natural" or "made with Certified Natural ingredients" when there is reason to believe that the input or product has come into contact with a prohibited substance or has been produced using excluded methods. Such tests must be conducted by the certifying agent at the certifying agent's own expense.

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c) The test sample collection pursuant to paragraph (b) of this section must be performed by an inspector representing the Certified Natural, International Advisory Board or certifying agent. Sample integrity must be maintained throughout the chain of custody, and testing must be performed in an accredited laboratory. Chemical analysis must be made in accordance with the methods described in the most current edition of the applicable validated methodology determining the presence of contaminants in products.

d) Results of all analyses and tests performed under this section:

1) Will be available for public access, unless the testing is part of an ongoing compliance investigation.

e) If test results indicate a specific product contains pesticide residues or environmental contaminants that exceed the Food and Drug Administration's or the Environmental Protection Agency's regulatory tolerances, the certifying agent must promptly report such data to the Federal health agency whose regulatory tolerance or action level has been exceeded.

## **§800.601 Exclusion from Certified Natural sale.**

When testing detects prohibited substances at levels that are greater than the Environmental Protection Agency's tolerance for the specific residue detected or unavoidable residual environmental contamination, the product must not be sold, labeled, or represented as naturally produced. The Certified Natural, International Advisory Board or the certifying agent may conduct an investigation of the certified operation to determine the cause of the prohibited substance.

## **§800.602 Emergency pest or disease treatment.**

When a prohibited substance is applied to a certified operation due to a Federal or State emergency pest or disease treatment program and the certified operation otherwise meets the requirements of this part, the certification status of the operation shall not be affected as a result of the application of the prohibited substance provided that:

a) Any ingredient or product that has contact with a prohibited substance applied as the result of a Federal or State emergency pest or disease treatment program cannot be sold, labeled, or represented as naturally produced.

## **§§800.603-800.699 [Reserved]**

## **Subpart G - Adverse Action Appeal Process**

### **§800.700 General appeal standards**

a) Persons subject to the regulations herein who believe they are adversely affected by a non-compliance decision of the certifying agent may appeal such decision to the Certified Natural, International Advisory Board.

b) Persons subject to the regulations herein who believe that they are adversely affected by a non-compliance decision of the certifying agent may initiate handling of the appeal pursuant to appeal procedures approved herein.

c) Persons subject to the regulations herein who believe that they are adversely affected by a non-compliance decision of the certifying agent may appeal such decision to the Certified Natural, International Advisory Board.

d) All written communications between parties involved in appeal proceedings must be sent to the recipient's place of business by a delivery service that provides dated return receipts.

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

### **§800.701 Appeals.**

a) Certification appeals. An applicant for certification may appeal the certifying agent's notice of denial of certification, and a certified operation may appeal the certifying agent's notification of proposed suspension or revocation of certification to the Certified Natural, International Advisory Board.

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 Certified Natural, International Advisory Board. A decision to deny,

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suspend, or revoke certification or accreditation will become final and non-appealable unless the decision is appealed in a timely manner.

c) Where and what to file.

1) Appeals to the Program Manager must be filed in writing and addressed to Program Administrator, Certified Natural, International, PO Box 848, Chippewa Falls, WI 54729.

2) 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.

**§§800.702-800.999 [Reserved]**