

THE ORGANIC PLUS TRUST INC.

Program Manual©¹
2.0

Certified Grass-Fed Organic Livestock
2021

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OPT Certified Grass-Fed Organic Livestock Program™
Program Manual v2.0 2021

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I. Introduction

A. Purpose

The purpose of this Program Manual is to ensure the integrity of the OPT Certified Grass-Fed Organic Livestock Program by providing guidance for consistent administration and Application of the Program through on-farm audits and associated Certification processes.

B. Terms

The Organic Plus Trust Inc. (“OPT”) Certified Grass-Fed Organic Livestock Program© (hereinafter called “the OPT Grass-Fed Program”, “the Program”, or “this Program”) corresponds to, and supplements, the Certification requirements of the National Organic Program (“NOP”) for Livestock.² As used throughout this Program Manual, “Organic” means certified Organic under the NOP. To meet the requirements of this Program, each dairy, or Meat Livestock Production Operation (“Operation”) must be certified Organic by an NOP-Accredited Certifying Agent (“ACA”). Once ACAs are Accredited by OPT, they are referred to as “OPT Certifiers.” Only OPT Certifiers can Certify that Operations have met the requirements of the OPT Grass-Fed Program.

The Program Manual references two sets of Standards:

1. Standards for Dairy Animal Production and Dairy Product Handling Operations©, hereinafter referred to as “OPT Grass-Fed Dairy Standard”; and
2. Standards for Dairy Animal Production and Dairy Product Handling Operations©, hereinafter referred to as “OPT Grass-Fed Meat Standard.”

C. Definitions

The governing definitions for this Program are those appearing at 7 C.F.R. §205.2 and those in Appendix A of this Program Manual. When the word is denoted with an initial capital letter, it is defined in Appendix A. Unless specified otherwise, these definitions apply to each Application of the OPT Grass-Fed Program Standards and governance requirements imposed on or by OPT Certifiers.

² See e.g., 7 C.F.R. Part 205 “National Organic Program.”

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II. Governance Guidelines for Certification Services and Certificates of Compliance

A. Eligibility for Certification

Operations achieving Certification by OPT Certifiers under the OPT Grass-Fed Program shall be described as “OPT Grass-Fed Certified” (or “OPT GF-Certified”) or having received “OPT Grass-Fed Certification” throughout this Program Manual.

1. Operations

This OPT Grass-Fed Program is open to any Livestock Production or Livestock product Handling Operation, that is presently certified Organic by an ACA under the U.S. Department of Agriculture’s National Organic Program (“NOP”), or eligible to concurrently be Certified under the NOP and the OPT Grass-Fed Program.

2. Dairy Livestock

Eligible *dairy* Livestock are solely those animals present at the applicant Operation at the time of the initiation of the OPT Grass-Fed Program-required 90-day period of Transition to OPT Grass-Fed Certification.

3. Meat Livestock

Eligible *meat* Livestock are solely those animals born at or obtained from an OPT Grass-Fed Certified Operation, in accordance with Section III of The OPT Grass-Fed Program for meat animals.³

4. Dairy and Meat Products

Eligible dairy or meat Livestock products are solely those which derive from animals of an OPT Grass-Fed Certified Operation and which are Handled in accordance with Section XII of the OPT Grass-Fed Program.

B. Governance of the Transition Period and the Prohibition on Commingled Livestock

1. Dairy Animals

The OPT Certifier shall ensure each applicant Organic Dairy Livestock Production Operation is provided with Notice:

³ Note: The OPT Grass-Fed Organic Meat Standard does not permit Transition of meat animals.

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- a. Of the Transition requirements referred to at III(3) of The OPT Grass-Fed Dairy Standard prior to initiation of the Transition period, and the OPT Certifier shall ensure that its records demonstrate the Operation successfully completed the required Transition period; and
- b. That the OPT GF-Certified Operation may not operate an Organic-only dairy Livestock Production site in conjunction with, or at the same Production site, as an OPT GF-Certified Operation; and
- c. That Organic and OPT GF-Certified dairy Livestock or product shall not be commingled and must be physically separated and identified except that Organic Livestock may be placed at an OPT Grass-Fed-Certified Operation under the terms set forth in Section III(3) of the OPT Grass-Fed Dairy Standard; and
- d. That a Handler Processing Organic-only dairy products in conjunction with, or at the same Production Site as OPT GF-Certified dairy products be identified as a Split Operation and there must be a written Segregation policy describing how OPT GF-Certified products are segregated from Organic-only products.

2. Meat Animals

The OPT Certifier shall ensure each applicant Organic Meat Livestock Production Operation is provided with Notice that:

- a. The OPT Grass-Fed Organic Meat Standard does not permit Transition of meat animals.
- b. Meat animals must be born at or purchased from an OPT Grass-Fed meat or dairy Operation, provided that an OPT Grass-Fed Certified dairy animal must meet the requirements⁴ of and be maintained under the OPT Grass-Fed Meat Standard to be an eligible meat animal.
- c. Split Operations with both OPT Grass-Fed Certified and Organic-only meat animals must always maintain physical Segregation and/or identification of the two groups of animals and their products. The Operation must maintain a written Segregation policy describing how OPT GF-certified Livestock are segregated from Organic-only Livestock and/or products.

3. Split Operations

A “Split Operation” is farm, ranch or Processing facility that produces or Handles both OPT GF-Certified and Organic-only Livestock or both OPT GF-Certified and non-

⁴ Section III (A) and (B) of the OPT Grass-Fed Meat Standard.

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Organic Livestock. Livestock raised in any OPT Grass-Fed Certified Operation must be Segregated from Organic-only or non-Organic animals at all times.

a. Split Organic and OPT Grass-Fed Certified Operations

A Split designation for farms with OPT GF-Certified and Organic-only herds is limited to meat operations only. OPT GF-Certified Dairy Operations may not also maintain an Organic-only herd, except in special circumstances appearing at 3(b) of this section. OPT GF-Certified Meat Livestock and Organic-only Livestock must be separate and distinctly managed according to the respective programs under which they are certified, i.e., the OPT Grass-Fed Program and the NOP.

It is incumbent upon the OPT Certifier to determine if and how the Operation has excluded the animals or products under Organic Production at the Operation that are not compliant with the OPT Grass-Fed Program.

b. Special Considerations for Organic Heifer Boarding Facilities

In special circumstances limited to non-lactating heifers only, Organic Heifer Boarding Facilities may be eligible for the program as a Split Operation. The OPT GF-Certified Livestock and Organic-only Livestock must be separate and distinctly managed according to the respective programs under which they are certified, i.e., the OPT Grass-Fed Program and the NOP.

C. Certification Services Governance

Certification Services are delivered under this Program (1) in general accordance with the process set forth in NOP Guidance No. 2601 (Dec. 16, 2013) styled “The Certification Process,” and specifically (2) the Certification Services Agreement and this Program Manual.⁵

D. Application for Certification Services

An Application for Certification Services under The OPT Grass-Fed Program may be submitted to any OPT Certifier in a form and upon a procedure established in the applicable OPT Certification Service Materials or the OPT Ancillary Materials. An Application shall always bear a date and the signature of the Operation’s Responsible Person attesting to the accuracy of the information provided.

⁵ See e.g., [Appendix E Federalism Principles](#)

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E. Certificates of Compliance Issued by OPT Certifiers

1. General

Each Certificate of Compliance with the OPT Grass-Fed Program (“OPT Grass-Fed Certificate”) awarded by an OPT Certifier to an Operation shall be issued using the OPT GF Certificate generator of the OPT Web Portal. The OPT GF Certificate may be modified to contain marks of the OPT Certifier if such modification is accepted by OPT prior to use.

a. Special Considerations for Organic Heifer Boarding Facilities

In special circumstances limited to non-lactating heifers only, Organic Heifer Boarding Facilities may be eligible for the program as a Split Operation. The OPT GF-Certified Livestock and Organic-only Livestock must be separate and distinctly managed according to the respective programs under which they are certified, i.e., the OPT Grass-Fed Program and the NOP.

2. OPT Certification Term⁶

The OPT Grass-Fed Certification term shall be twelve calendar months. It is expected that Operations will maintain Continuous Certification.

a. Initial Certification

The first time an Operation is Certified under The OPT Grass-Fed Program, the Operation should apply for and receive an OPT Grass-Fed Inspection concurrent with the Operation’s Organic Inspection and Certification.

If the initial Application for Certification is submitted for Inspection on a timeline *not concurrent* with the Operation’s Organic Inspection, the Certifier shall:

- i. Perform an out-of-sync On-Site Inspection and issue a certificate starting at the date of Certification decision and expiring in twelve months; or
- ii. Request that the Program Manager conduct a desk audit of the Operation and provide to the Program Manager all necessary Certification materials in order to conduct the audit. The Program Manager will issue a certificate starting at the date of Certification decision and expiring in twelve months.

⁶ OPT notes the NOP Instruction No. 2603: “Certificates” (Sept. 3, 2013) is a general guide to reading certificates under the NOP, but the OPT GF Certificate of Compliance has a fixed expiration date, and the OPT Grass-Fed Program Materials expressly recognize procedures for extension that are not identical to those under the NOP.

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In either case, the Operation must apply to the Certifier for renewal within the following calendar year in order to harmonize the Certification Terms of the Organic and OPT Grass-Fed Programs.

b. Renewal of Certification

Renewal of an OPT GF-Certified Operation's Certification may be granted upon timely completion of the requirements set forth in the applicable OPT Grass-Fed Certification Service Materials, provided that renewal of Certification shall in all cases occur prior to the original date of expiration or by the date any applicable period of extension has elapsed.

A renewal Certificate of Compliance may be issued for the new Certification term upon the OPT Certifier's review and acceptance of an Operation's signed renewal Application materials.

A renewal Certificate of Compliance shall bear the date of renewal issuance and a new expiration date following the rules of Continuous Certification as defined in Appendix A. The expiration date shall be no more than twelve calendar months from the prior, un-extended certificate expiration date that appeared on the most recent Certificate of Compliance.

An On-Site Inspection must occur no more than twelve months from the time of the last On-Site Inspection and if it does not--and/or if the Operation does not successfully achieve Certification---the OPT Grass-Fed Certificate will be revoked.

An OPT Certifier must immediately report all Certification decisions, including denials and revocations, to the Program Manager in writing.

There is no restriction on how soon a renewal inspection may occur. A Certifier may choose to perform a renewal Inspection early in the Certification period in order to harmonize the OPT GF Certification Term with the Operation's Organic Certification Term.

If the Certifier fails to perform an Inspection for an Operation that applies for renewal before the expiration of the most recent Certificate of Compliance, the Program Manager shall be responsible for ensuring that Inspection and Certification occurs. The Program Manager will provide a copy of the certificate to the Operation's Organic Certifier.

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3. Extensions to Expiration Dates

In extenuating circumstances, OPT Certifiers may extend the period in which an OPT Grass-Fed Certificate of Compliance is valid:

- a. The date of expiration appearing on an OPT GF Certificate of Compliance may be reset for up to sixty days upon a determination by the OPT Certifier that the OPT GF-Certified Operation has demonstrated that Good Cause exists, or the OPT Certifier on its own determination finds that Good Cause exists, for resetting the date of expiration; and
- b. The new date of expiration entered under 4(a) may be reset for an additional thirty days, upon a determination by the OPT Certifier that Exceptional Circumstances exist, provided that in either case, the OPT Certifier timely alerts OPT of the reset date of expiration date; and
- c. In no event shall an OPT GF Certificate of Compliance be valid for more than fifteen consecutive months from the date of first issuance; and
- d. An expired OPT GF Certificate of Compliance is invalid, and all rights thereunder are extinguished.

F. No Appeal of Expired or Voluntarily Surrendered Certificates

A denial of a request for resetting the expiration date by extension may be appealed under Section XVI. However, an OPT Grass-Fed Certificate of Compliance rendered invalid by expiration or voluntary Certificate surrender is final and may not be appealed. The sole remedy for an expired or surrendered OPT GF Certification is to re-apply for OPT GF Certification.

G. Consequences of Expiration

If an OPT GF Certificate of Compliance is allowed to expire it is, on the next business day, invalid. Thereafter, products of that OPT GF-Certified Operation, including Livestock of a Production Operation or processed products of a Handler, may not be transacted bearing the Licensed Trademarks or other marketing designations suggesting Certification to this OPT Grass-Fed Program or compliance therewith *except* that:

1. products that have entered the stream of commerce prior to the next business day after expiration shall not automatically be considered invalidly labeled and absent circumstances posing irreparable harm to the OPT Grass-Fed Program or human, animal, or environmental well-being, no action by the OPT Certifier is required; and

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2. OPT may, in its sole discretion, make an irreparable harm determination on its own recognizance, or upon request from a materially affected party, including an OPT Certifier.

III. Governance of the Source and Identity of Livestock Requirements

A. Use of the Farm Herd List

The principle administrative tool for ensuring compliance with the OPT Grass-Fed Program's source and identity of Livestock requirements is accurate compilation and use of the Farm Herd List. OPT Certifiers shall ensure that each OPT GF-Certified Operation adds animals, following initial Certification, to its Farm Herd List solely with those *born at or purchased* from OPT GF-Certified Operations unless the exception appearing at Section III(B) of the OPT Grass-Fed Program Manual is applicable. If the exception is applicable, the subject animal may be the offspring of an animal that is Organic or the offspring of a dairy animal that at the time of birth is at an OPT GF-Certified Operation that is in Transition under the OPT Grass-Fed Program.

B. Governance of the “Commercially Unavailable” Exception

The “Commercially Unavailable” exception to the requirement that all animals must be born on or obtained from an OPT GF-Certified Organic Operation applies to both dairy and meat animals. An OPT Certifier should consider all the facts and circumstances in deciding whether animals with the Operation's Animal Attributes are available commercially, meaning reasonably obtainable in an amount of time and of the quality and quantity needed to fulfill the needs of the Livestock Production Operation. The OPT Certifier must confirm that the OPT GF-Certified Operation has reasonably avoided reliance upon this exception.

Reasonableness shall be assessed by initially considering the applicable factors set forth in NOP Guidance 5029 (March 4, 2013) (“Seeds, Annual Seedlings, Planting Stock in Organic Crop Production”) except, OPT GF-Certified Operations may properly consider the cost of an animal and its transportation cost separately when choosing the source of the replacement animals. Welfare implications of transportation of an animal is also a relevant factor. Such concerns must be reported to, and documented by, the OPT Certifier. Other factors may be advanced by an OPT GF-Certified Operation and considered by an OPT Certifier and in the event such factor is relied upon by the OPT Certifier in determining the applicability of the exception, the OPT Certifier shall document its reliance and explain its reasoning. Documented reliance on such additional factor(s) will be evaluated by OPT on a case-by-case basis.

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C. Appealability of Commercially Unavailable Determinations

OPT Certifier determinations that the Commercially Unavailable exception is inapplicable are appealable by the OPT GF-Certified Operation.

IV. Grazing Requirements

With regard to determining compliance with the grazing requirements for weaned animals older than six months, OPT Certifiers should use the same principles and practices as those set forth in the NOP Guidance No. 5017 (Series 5017-1 to 5017-7), “Dry Matter Intake Information for Access to Pasture” (2011).

If the NOP templates for determining DMI are used by the OPT Certifier, the templates should be adapted to reflect the specific grazing requirements of Section IV of the OPT Grass-Fed Program Standards. Each form or template developed by an OPT Certifier shall be submitted and accepted by OPT in accordance with the Certification Services Agreement.

V. Livestock Diet: Background and Allowed, Restricted and Prohibited Feedstuffs

A. Background

1. Application of Organic Principles under the OPT Grass-Fed Program

Section V of the OPT Grass-Fed Standards categorizes Feedstuffs as *allowed*, *restricted*, and *prohibited*. These terms are to be applied in a manner generally consistent with the NOP’s Application of the same terms. OPT Certifiers must verify that all Forage, Feed, and Feed Supplements are permissible in identity, content, and quantity under The OPT Grass-Fed Program, and shall use the same oversight mechanisms that are generally used to discharge the same duties under the NOP.

OPT Certifiers may rely upon:

- NOP Instruction No. 2615, “Organic System Plans, Organic System Plan Updates, and Notification of Changes” (Dec. 16, 2013)
- NOP Guidance No. 5025, “Commingling and Contamination Prevention in Organic Production and Handling” (July 22, 2011)
- NOP Instruction No. 2602, “Recordkeeping” (Jul. 22, 2011) at Section 5.2 (Livestock Recordkeeping).

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2. Restatement of Organic Principles

The centrality of the use of proper Feedstuffs to the OPT Grass-Fed Program bears some restating of NOP's Organic requirements. OPT GF-Certified Organic Producers must provide Livestock Feed pursuant to 7 C.F.R. §205.237, which states that agricultural ingredients included in the ingredients list for Livestock Feed products must be certified Organic. Pasture and range used for Feed and Forage must be also Organic. All Forages, Feed, and Feed Supplements must be listed in the Organic System Plan ("OSP"), as required at 7 C.F.R. §205.201(a)(2). Certifying agents must verify that all Forages, Feed ingredients, formulated Feed products, bulk Feed products, Feed Supplements, and Feed Additives fed to Organic Livestock comply with the USDA Organic regulations (7 C.F.R. §205.402(a)(1); §205.237). These NOP Practice Standards are binding under the OPT Grass-Fed Program.

3. Specific Provisions of the NOP Dairy Whole-Herd Transition Allowance.

Under the NOP, a unified group of dairy Livestock Transitioning to Organic all at the same time on a farm is exempt from the 100% Organic Feed requirement in that these Transitioning cows can be fed crops and Forage from land in its third and final year of Transition to Organic if that land is included in the farm's ACA-approved OSP. The crops and Forage fed must have been grown only on land free of prohibited substances for at least the 24 months prior to harvest/use of the Feed. **Under the OPT Grass-Fed Program, such crops and Forage may not contain Grain.** In other words, these "third-year Transitional" non-Grain crops and Forage may be consumed by dairy animals in an OPT Grass-Fed Certified dairy Operation up until the last 90 days of this third year of Transition to Organic, at which point only Organic crops and Forage that meets the OPT Grass-Fed Program requirements of this Section can be fed to cattle.

Note that once the dairy herd is converted to OPT Grass-Fed Certification, any future dairy Production animal entering the herd must have been maintained under continuous Organic management from at least the last third of gestation.

4. Use of a Written Supplement to the OSP and Detailed Records Review

The OSP is not only a collection of NOP Practice Standards but is also a predictive tool. Records need to be assessed against seasonal patterns and OPT Certifiers shall ensure that each OPT GF-Certified Operation's OSP specifically details sources, composition and amounts of allowed and restricted Feedstuffs in compliance with the OPT Grass-Fed Program. If the OPT Certifier does not require the OPT GF-Certified Operation to submit and rely upon a written plan, the OPT Certifier must provide a review of the grazing practices and Feed purchase and use records that is sufficient to substantiate a finding that ongoing and future compliance is reasonably certain.

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B. Grain Prohibition

This Program establishes additional requirements for Organic⁷ Dairy Livestock Production under which each Organic Operation enlarges the duration of the animal's grazing time to ensure its Feed comes solely from foraging, stored Forages and minor amounts of additional plant-based materials and nutrient vitamins and minerals. Unlike the federal NOP Practice Standards, the OPT Grass-Fed Dairy and Meat Standards *exclude* Grain and Grain-derived Feed and Feed products from the diets of Livestock.

C. Allowed Feedstuffs

Allowed Feedstuffs are listed in Section V (A) of the OPT Grass-Fed Dairy Standard or OPT Grass-Fed Meat Standard.

D. Allowed and Unrestricted Supplemental Feedstuffs

Supplemental Feedstuffs that are allowed by The OPT Grass-Fed Program without restriction are listed in Table 1 of this section. The materials in the table below that are non-agricultural and non-synthetic and permitted in Organic Production, and required to maintain animal, rumen, and nutritional health, are allowed under this Program, without limits and free choice by the animal fed, as notated.

⁷ As used throughout this Standard, "Organic" means certified Organic under the NOP.

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Table 1. ALLOWED & UNRESTRICTED GRAIN-FREE SUPPLEMENTAL FORAGES & FEEDSTUFFS

GRAIN-FREE/NON-GRAIN SUPPLEMENT
ENERGY
Bypass Fat
RUMEN HEALTH
Bypass Choline
Garlic
Herbs
Inulin
Kelp
Vinegar

E. Allowed but Restricted Feedstuffs

1. Allowed but Restricted Meaning

The Supplemental Feedstuffs that may be fed in limited amounts to dairy or meat animals Certified under The OPT Grass-Fed Program are cited in Table 2 of this section. The OPT Certifier's duty is to ensure the restrictions are observed by records and direct observation of the OPT GF-Certified Operation.

2. Assessing Compliance with the Restricted Feedstuffs Section of The OPT Grass-Fed Program

Restricted feedstuffs are different than *prohibited* feedstuffs because it is the feeding practice that determines whether the use of the feedstuff is permissible. This means either that the restriction is properly observed by the operator or the restriction's relaxation was properly determined. This is not as simple as finding *prohibited* feedstuffs during an inspection.

Under the OPT Grass-Fed Program, Allowed but Restricted Feedstuffs may be consumed at any time of the year provided the mandatory preconditions to deploying restricted Feedstuffs is satisfied. OPT Certifiers shall ensure that written plans, detailed records, and direct observations during inspection substantiate a finding that ongoing and that future compliance with the restrictions

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is reasonably certain. In particular, OPT Certifiers should make specific findings that:

- a. Each use of restricted Grain-free Feedstuffs, even if routine, is necessary to *support Livestock nutritional stability and rumen welfare*; and
 - b. The amount of Allowed but Restricted Feedstuffs was strictly limited to supplemental amounts for a combined maximum of 5 lb per day for cattle⁸; and
 - c. The binding restrictions on the allowed daily amount in Table 2 of this section are demonstrably observed.
3. The phrase “*to support nutritional stability and rumen welfare*” used in this section provides the OPT Certifier with discretion to address the aggregate impact of the daily use of restricted Feedstuffs. The purpose is to determine whether the restricted Feedstuff frequency harms the Livestock or circumvents the purpose of the restrictions. Sometimes it is difficult to assess whether a restricted practice masks substandard management practices regarding OPT Grass-Fed Program requirements, e.g., best Pasture management practices. Overuse of restricted Feedstuffs could be a material predictor of such deficiencies. However, at present OPT does not impose any aggregate use limitation. Thus, it is entirely permissible to routinely use the restricted Feedstuffs but not overuse them. The touchstone of the OPT Grass-Fed Certification assessment is whether the OPT Certifier believes the authorization is being abused.

⁸ Maximum allowed per day for other types of ruminant animals (e.g., goats, sheep) are to be set by the OPT Grass-Fed Program.

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Table 2. ALLOWED BUT RESTRICTED SUPPLEMENTAL GRAIN-FREE FEEDSTUFFS*

GRAIN-FREE SUPPLEMENT	SUPPLEMENT DRY MATTER PERCENT	MAXIMUM ⁹ ALLOWED PER DAY ON DRY MATTER BASIS (lb)	STARCH %DM	ENERGY M CAL/lb
ENERGY				
Carrots, Pulp	92%	5	5.74	0.77
Citrus, Pulp	92%	5	1.5	0.84
Sugar Cane Dry Sugar	100%	4	0.5	0.98
Sugar Cane Molasses	88%	4	0.5	0.88
Sugar Beets, Pulp	92%	5	0.5	0.73
Sugar Beets, Whole	20%	5	2.5	0.79
STORED FORAGE				
Alfalfa Pellets ¹⁰	92%	6 lb or $\leq 0.5\%$ of the animal's body weight	2.0	0.58
Cubed or Pelleted Forage		6 lb or $\leq 0.5\%$ of the animal's body weight		
Forage Grown in Fodder Sprout Systems		$\leq 1.75\%$ of the animal's body weight and ≤ 20 lb; roots must be removed; may not be fed during the Grazing Season		
NON-SYNTHETIC				
Silicon Dioxide	n/a	For Dairy Animals Only	n/a	n/a
Yeast	n/a	For Dairy Animals Only	n/a	n/a
VITAMINS & MINERALS¹¹				
Vitamin Supplements & Additives	n/a	Amount included in maximum combined total	n/a	n/a
Mineral Supplements & Additives	n/a	Amount included in maximum combined total	n/a	n/a

*With the maximum combined total of all Allowed but Restricted Feedstuffs fed in a day not surpassing 5 lb per day for cattle. Maximums for other types of ruminant animals (e.g., goats, sheep) are to be set by the OPT Grass-Fed Program.

⁹ Energy Supplement intake values were calculated using approximately 0.5 percent body weight of a 1200 lb ruminant animal.

¹⁰ Crude protein for alfalfa Pellets is assumed at 18 to 22 percent.

¹¹ See restrictions on Grain Carriers in Section V(E).

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F. Assessing Compliance with the OPT Restrictions on Use of Supplements

1. Adapting the NOP Approach

The OPT Grass-Fed Program treats Feed Supplements, Feed additives, and vitamins or mineral products in the same manner as the NOP *except*, under this program such products are intended to be as free of Grain Carriers as is possible. NOP Guidance No. 5030, “Evaluating Allowed Ingredients and Sources of Vitamins and Minerals for Organic Livestock Feed” (March 4, 2013) (“Supplement Guidance”) sets forth the basic legal framework for assessing Livestock Feed Supplements and vitamin and mineral products.

2. Identifying the Contents of Supplements Prior to Inspection

To facilitate the Application of this framework, OPT Certifiers should require all Feed Supplements, additives, vitamin, or mineral product Supplements¹² to be listed in the OPT GF-Certified Operation’s Application or a supplemented OSP before the On-Site Inspection is performed.

3. Application of *De Minimis* Definition to Grain Carriers in Livestock Supplement and Vitamin Products

Organic and non-Organic Livestock Supplements, vitamin, and mineral mixes (“Feed Supplement products”), whether available commercially over the counter or custom-blended, that contain Grain or Grain-derived Carriers in excess of *De Minimis* amounts are prohibited.

OPT Certifiers shall adhere to one of the two following decision-making protocols to determine if the supplement product is allowed:

a. Protocol One

- i. Obtain a copy of the Supplement product label, or custom mix ticket, and submit a copy to OPT; and
- ii. If the Supplement product label or mix ticket discloses the percentage of Grain or Grain-derived Carrier(s), the OPT Certifier must verify that the Operation’s OSP does not require the Supplement product to be fed in an amount that would result in consumption of more than 8 ounces of disallowed Grain or Grain-derived Carrier(s) in a twenty-four-hour period by any animal.

¹² The prohibition on “excluded methods” would prohibit use of Grain-based Carriers even at *De Minimis* levels if composed of or derived from genetically engineered Grain.

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b. Protocol Two

- i. Obtain a copy of the Supplement product label, or custom mix ticket, and submit a copy to OPT; and
- ii. If the Supplement product label or mix ticket fails to disclose the percentage of Grain or Grain-derived Carrier(s), the OPT Certifier shall presume it contains 50% Grain Carrier and verify that the Operation's OSP does not require the Supplement product be fed in an amount that would result in consumption of more than 8 ounces of disallowed Grain or Grain-derived Carrier(s) in a twenty-four-hour period by any animal.

Under either protocol above, the OPT Certifier shall also confirm that the Operation's use of the Supplement product containing Grain or Grain-derived Carriers is not intended to circumvent the prohibition on the use of Grain in the Certified animal's diet.

G. Confirming Discontinuance of the Temporary Grain Allowance for Livestock Under Six Months of Age

The temporary Grain allowance exception to the OPT Grass-Fed Standards Livestock Diet Composition for animals under six months of age was discontinued effective December 31, 2020. For any renewing Operations that had previously utilized this exception, OPT Certifiers must obtain a written statement from each new applicant Operation stating the manner and extent of its use of Grain in the diet of Livestock under six months of age, confirm that the practice was be Non-Routine, and confirm that this management practice was terminated on or before December 31, 2020.

H. Restrictions on Implementing the Temporary Health and Welfare Exception

In accordance with the OPT focus on animal well-being, an OPT GF-Certified Operation, upon a documented finding of compromised animal health or welfare, may temporarily disregard the daily restrictions on the amount of non-Grain Supplemental Feedstuffs. A "documented" finding of substandard health deemed remediable by altering the identity of a Feed ration is one that is:

1. Made upon a record maintained or produced by a licensed veterinarian; or
2. A determination made by a Responsible Person at the OPT GF-Certified Operation, that is supported by documented indicia of substandard health (e.g., abnormal growth pattern or declining body score, unusual decline in milk Production, and abnormal maternal instincts, etc.) and that is verified by the OPT Certifier at the time of inspection or submission of the documentation by other means.

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3. OPT Certifiers shall implement this subsection in accordance with the practices described in NOP Instruction No. 2615, “Organic System Plans, Organic System Plan Updates, and Notification of Changes” (Dec. 16, 2013) and NOP Instruction No. 2602, “Recordkeeping” (Jul. 22, 2011). Adapting the principles of these documents to the OPT Grass-Fed Program should ensure that the authorization to disregard the daily restrictions on restricted Feed sources is not abused or being used to mask a more systemic failure of management practices.

I. Implementing the OPT Grass-Fed Program Feed Prohibitions, Assessing the Need for Animal Disqualifications

1. Consistent with NOP

Prohibited Feedstuffs or feeding practices shall be assessed in the same manner and in accordance with the oversight mechanisms currently used by ACAs in assessing whether disallowed Feedstuffs are used on Organic Livestock Operations. The principal method of oversight is the annual On-Site Inspection. However, OPT Certifiers should stress to responsible parties at OPT GF-Certified Operations that they have a duty to disclose the occurrence of prohibited Feedstuff consumption.

2. Intentional Violations

Intentional feeding of prohibited Feedstuffs or Feed Supplements, or intentional failure to comply with grazing requirements, shall result in disqualification of each affected animal. Such intentional actions shall normally result in decertification proceedings.

3. Inadvertent Violations

Inadvertent feeding of prohibited Feedstuffs or Feed Supplements, or inadvertent failure to comply with grazing requirements through operator oversight or negligence, may result in disqualification of each affected animal. Such negligent or inadvertent actions may result in decertification proceedings.

4. Proof and Specific Findings

OPT Certifiers are directed to determine the extent of the departure from the Program’s requirements and make a specific finding thereon, specifically including a determination of intentional or negligent Noncompliance. Proof sufficient to demonstrate grounds for disqualification or decertification may come from records of the OPT GF-Certified Operation, the absence of required records, or other clear and convincing evidence in possession of the OPT Certifier. The finding, and the grounds upon which it is based, must be entered into the Certification record of the OPT GF-Certified Operation.

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5. Mandatory and Permissive Disqualification of Animals and Animal Products

If the OPT Certifier finds *intentional* Noncompliance, disqualification of animals and animal products is mandatory and de-Certification proceedings shall be initiated. If the OPT Certifier finds *unintentional* Noncompliance, disqualification of animals and animal products is mandatory and de-Certification proceedings are discretionary and may be initiated. If the OPT Certifier finds the unintentional Noncompliance to be no more than *De Minimis*, neither disqualification of animals or animal products is mandatory and de-Certification proceedings are not required. The impact on the OPT GF-Certified Operation's Certification shall be determined separately by the OPT Certifier.

6. An OPT Certifier should not consult with the Program Manager when considering whether to disqualify animals or animal products or decertify an OPT GF-Certified Operation to ensure any appeal of the decision to the Program Manager is untainted and free of pre-decisional bias.

J. Variances from Program Standards

1. OPT Certifiers may recognize Variances from Organic requirements that are issued by the NOP or other federally authorized entities and that apply to an OPT GF-Certified Operation. Such Variances may relieve parties from duties or responsibilities arising under the OPT Grass-Fed Program if the Variance in question addresses OPT-related duties and such duties are directly impacted by the issued Variance.
2. Only the OPT may determine and issue a Variance for the OPT Grass-Fed Program that does not directly and unavoidably arise from NOP action, or a subsidiary governmental entities' action that NOP accepts or recognizes.
3. Types of Variance Petitions
 - a. Variances for Individual OPT GF-Certified Operations

OPT-issued Variances may be granted by OPT upon submission of a Petition from an affected person in a form and upon a procedure that is set forth in Section XVII of this Program Manual.

- b. OPT Certifier Variance Requests

OPT Certifiers may submit Petitions seeking a Variance that would authorize it to apply the Variance to any Operation it certifies. In this circumstance the OPT Certifier shall demonstrate that the conditions underpinning the Variance request

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are sufficiently applicable to all the Operations to which it intends to apply the Variance and that such an authorization will serve The OPT Grass-Fed Program's best interests by conserving administrative resources.

The key determination that an OPT Certifier must make prior to applying the general Variance to a specific Operation will be confirmation to the OPT that the mandatory preconditions for the Application of the Variance to a specific Operation are met.

The OPT Certifier must submit a list of the Operations to which it believes the general Variance would apply and the required confirmation that the requisite facts were found by the OPT Certifier. The OPT Certifier shall update an existing list each time a new Operation is added.

VI. Exclusion of Milk or Meat from Disqualified Livestock

To ensure Livestock products from disqualified animals (or the animals themselves) do not enter the stream of commerce bearing the Licensed Trademarks or other indicia of OPT compliance, the following listed actions should be taken. OPT Certifiers may decide measures in addition to, or in alignment with, the following actions to ensure the integrity of the meat and milk supply:

A. Disqualified Dairy Animals Must be Removed from the OPT GF-Certified Operation

The OPT GF-Certified Operation is required to notify its OPT Certifier of any occurrence of ingestion of non-compliant Feed. The OPT Certifier must determine if the animal(s) ingesting the non-compliant Feed is disqualified, and if the answer is yes, then the OPT Certifier must provide a written Notice of Disqualification identifying the specific animal(s) to the Certified Operation. That Certified Operation has up to 21 days to remove a dairy animal from the Operation following receipt of the Notice of Disqualification, and this animal must be segregated during this term.

B. The Milk of Disqualified Dairy Animals Must be Segregated

During the 21-day period following disqualification and before removal of the animal, any milk obtained from the disqualified animal shall be segregated from milk from compliant animals and,

1. An animal-specific, milk-Segregation log shall be maintained that identifies the disqualified animal and records the amount of milk obtained and the manner by which its Segregation is ensured; and

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2. The milk-Segregation log and a signed statement verifying the removal of the disqualified animal(s) and identifying the recipient of the animals shall be supplied to the OPT Certifier not less than 10 days after the dairy animal has been removed from the OPT GF-Certified Operation.

C. Disqualified Meat Animals May Remain on Site if a Split-Operation Exists

A disqualified meat animal under the OPT Grass-Fed Program need not be removed from the site, provided that:

1. The Producer operates a Split Operation, and the animal was removed from the OPT Grass-Fed Certified Operation; and
2. The OPT Certifier determines the records clearly account for this outcome and demonstrate the animal did not thereafter enter the stream of commerce bearing a Licensed Trademark or other marketing indications of compliance with the OPT Grass-Fed Program.

VII. Livestock Welfare

A. Dairy Animals

1. Lactating Dairy Cattle
 - a. FARM Animal Care Program

The OPT Grass-Fed Program's requirement for a third-party animal welfare program is met for lactating dairy animals by participation in the welfare assessments conducted under the Farmers Assuring Responsible Management ("FARM") Animal Care Program for milk-producing dairy cows. FARM uses on-farm second-party evaluations and a system for third-party verification of those evaluations. The contours of the existing program are more fully set forth in FARM's Animal Care Version 4.0 available at <http://www.nationaldairyfarm.com/animal-care#Standardsapp>.

Acceptable proof of "FARM Certification" consists of:

- i. A copy of a current (issued within the past 3 years) FARM Animal Care Evaluation; and

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- ii. A current copy of the signed Pledge of Participation and a statement that the Operation is timely implementing any “FARM Continuous Improvement Plan” developed by the Operation with its second-party evaluator.

If an OPT GF-Certified Operation is considered out of compliance with the requirements of the FARM Program (i.e., dissatisfactory implementation of a mandatory “FARM Corrective Action Plan”), it should receive a Notice of Noncompliance from its OPT Certifier, and if uncorrected, that Operation is ineligible for Certification under The OPT Grass-Fed Organic Livestock Program.

2. Exemption for Replacement Heifers

OPT recognizes the need for Certified Grass-Fed Organic replacement animals to supply OPT GF-Certified dairy farms. Thus, because FARM evaluates only lactating cows, the OPT Grass-Fed Program Manager has granted to OPT GF-Certified heifer boarding facilities a temporary exemption from FARM requirements until such time that there is third-party welfare assessment program approved by OPT that evaluates non-lactating dairy cattle.

B. Meat Animals and Other Ruminants

An appropriate third-party welfare assessment for meat animals (still under review by the Program Manager) will be required for meat animals that are OPT Grass-Fed Certified.

VIII. Livestock Healthcare

A. No Specific Additional Practices

At present, there are no OPT-specific healthcare practices (as that term is construed by the NOP) that differ from those imposed on Livestock Operations under the NOP Organic standards except, Feedstuff identity, quantity and availability requirements may vary depending on assessments of rumen health and nutritional stability at OPT Grass-Fed Certified Operations.

B. No Prohibition on OPT Action in the Event of NOP Inaction

The absence of a specific difference between the NOP and the OPT Grass-Fed Program does not in all cases mean the outcome of review of a healthcare practice will be identical. Nor does it mean that NOP acceptance of a practice or OPT Certifier decision necessarily and in all cases means OPT acceptance of the same practice or decision. As noted in the Federalism Principles Section in this Program Manual, the OPT may act in the absence of

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action by the NOP on matters and questions arising under apparently identical standards. *See:* Appendix E, Section II.

C. No Denial of Healthcare

The requirement that Livestock never be denied necessary healthcare for the purpose of maintaining an animal's programmatic status under the NOP, is identical under the OPT Grass-Fed Program: under the OPT Grass-Fed Program healthcare may not be denied preserving OPT status or eligibility.

1. The same assessment and oversight mechanisms used by the OPT Certifier and accepted by the NOP to discharge the duty duties under the NOP are sufficient here.

IX. Livestock Living Conditions

A. No Specific Additional Practices

At present, other than increased grazing requirements, there are no OPT-specific Livestock living condition requirements (as that term is construed by the NOP) that specifically differ from those required by the NOP Organic Livestock standards, except that bedding provided to OPT GF-Certified Livestock cannot contain Grain. The same oversight mechanisms that are used by the OPT Certifier to discharge the same duties under the NOP are appropriate, and findings of compliance for Certification under the NOP are sufficient to demonstrate compliance with The OPT Grass-Fed Program.

B. No Prohibition on OPT Action in the Event of NOP Inaction

The absence of a specific difference between the NOP and The OPT Grass-Fed Program does not in all cases mean the outcome of review of a living condition or related practice will be identical. Nor does it mean that NOP acceptance of a practice or OPT Certifier decision necessarily and in all cases means OPT acceptance of the same practice or decision. As noted in the Federalism Principles Section in this Program Manual, the OPT may act in the absence of action by the NOP on matters and questions arising under apparently identical Standards. *See:* Appendix E, Section II.

X. Pasture Management Plan

A. Written Pasture Management Plan

The OPT Certifier shall require each applicant Operation to submit a written Pasture management plan and shall assess the correlate OPT Grass-Fed Dairy/Meat Standards that ensure its efficacy at the time of inspection. Taken together, these written materials, their corresponding records and their verification by direct observation should demonstrate that

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the Pasture management practices assure the available vegetative cover on an annual basis is sufficient to allow the Operation to meet the grazing requirements of the OPT Grass-Fed Program.

OPT Certifiers should generally rely on the *NOP Handbook: Guidance and Instructions for Accredited Certifying Agents and Certified Operations*, and within it:

- “Guide for Organic Livestock Producers” (April 16, 2015)
- “CAP-138 Resource Inventory Supplement - Livestock Production” (April 16, 2015).

All forms and templates or written guidance provided to OPT GF-Certified Operations shall be submitted to the Program Manager for review and approval.

XI. Recordkeeping

A. No Specific Additional Practices

Although the OPT Grass-Fed Program imposes additional grazing requirements and specific limitations on the identity, quantity and frequency of Feedstuffs, Supplements, Feed Additives and vitamin products, and specific practices regarding disposition of non-compliant animals and milk, and Split Operations, the purpose, form, and substance of recordkeeping is identical to that required for Organic Certification under the NOP.

B. Reliance on NOP Guidance

OPT Certifiers should generally follow NOP Guidance No. 2602, “Recordkeeping” (Jul. 22, 2011). Thus, the same recordkeeping practices that are accepted by OPT Certifier to discharge the same duties under the NOP are appropriate, and findings of compliance for Organic Certification under the NOP, provided any additional records required by The OPT Grass-Fed Program are maintained, are sufficient.

C. No Prohibition on OPT Action in the Event of NOP Inaction

The absence of a specific difference between the NOP and The OPT Grass-Fed Program does not in all cases mean the outcome of review of a recordkeeping practice will be identical. Nor does it mean that NOP acceptance of a practice or OPT Certifier decision necessarily and in all cases means OPT acceptance of the same practice or decision. As noted in the Federalism Principles Section in this Program Manual, the OPT may act in the absence of action by the NOP on matters and questions arising under apparently identical Standards. See: Appendix E, Section II.

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D. Operation Reports

OPT Certifiers should note that OPT may require an Operation Report be filed for any or all OPT GF-Certified Operations.

XII. Handling of Products from OPT Grass-Fed-Certified Operations

OPT GF-Certified Handlers are required to maintain the integrity of products comprised of milk or meat from OPT GF-Certified Operations. OPT Certifiers should use the following guidelines.

A. Supplementation of Organic Handling Plan with OPT-Specific Practice Standards

At present, Organic Handlers that also Handle milk or meat under the OPT Grass-Fed Program shall be found in compliance by OPT Certifiers, provided each OPT GF-Certified Operation's Organic Handling Plan ("OHP") is supplemented with specific practice standards governing the Handling of products comprised of agricultural ingredients from OPT GF-Certified Operations.

B. Applicable NOP Provisions

The OPT-specific Handling practices are not intended to be novel. Section 7 C.F.R. §205.201 requires that the OSP describe the management practices and physical barriers employed to prevent commingling of Organic and nonorganic products on an Organic or a Split Operation. Protective practices to prevent Organic products from contacting prohibited substances that could compromise the integrity of the Organic products are required under 7 C.F.R. §205.272. The same practices regarding receipt, storage, Segregation, contact with non-compliant materials and commingling that govern Organic Operations are sufficient to demonstrate compliance with The OPT Grass-Fed Program, provided they are separately identified as OPT-compliant practice standards. *See:*

- NOP Guidance No. 5025, "Guidance Commingling and Contamination Prevention in Organic Production and Handling" (July 22, 2011); and
- NOP Guidance No. 11-9, "Calculating the Percentage of Organically Produced Ingredients" (Jan. 31, 2011).

C. OPT Grass-Fed Program-Specific Handling Standards Plan in the Future

OPT will develop more specific Standards for Handlers of meat products. After the OPT Grass-Fed Program-specific Handling Standards are vetted and promulgated, each OPT Certifier shall require these Standards be complied with by measures described in the applicant Operation's supplemented OHP.

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D. No Prohibition on OPT Action in the Event of NOP Inaction

The absence of a specific difference between the NOP and the OPT Grass-Fed Program does not in all cases mean the outcome of review of a Handling practice will be identical. Nor does it mean that NOP acceptance of a practice or OPT Certifier decision necessarily and in all cases means OPT acceptance of the same practice or decision. As noted in the Federalism Principles Section in this Program Manual, the OPT may act in the absence of action by the NOP on matters and questions arising under apparently identical Standards. *See:* Appendix E, Section II.

XIII. Composition and Labeling of Products from OPT Grass-Fed Certified Operations

The OPT Certified Grass-Fed Organic Livestock Program authorizes the use of its Program Seal on qualified products by a Licensing Agreement executed between the OPT and the OPT GF-Certified Operation. In addition, OPT GF-Certified Operations may refer to the use of OPT GF-Certified ingredients or contents directly on a product's packaging or label.

A. OPT Certifier Review and Approval of Labeling Claims

OPT-Accredited Certifiers are authorized to conduct initial label reviews and make final determinations regarding whether a consumer-facing product label or packaging and marketing claims made there on are compliant with the OPT Grass-Fed Organic Program. The purpose of review is to ensure that each reference to the OPT Grass-Fed Program to consumers is accurate, truthful, and non-deceptive and comports with the goals and mission of the OPT to a reasonable certainty. OPT Certifiers may submit labels to the Program Manager for consideration and decision as warranted.

Each label/packaging submission to an OPT Certifier shall be sent electronically to the Program Manager with a statement of the final action by the submitting OPT Certifier. Absent a timely submission to the Program Manager, the authorization granted by any OPT Certifiers shall not be considered authorized by the OPT and may be declared invalid and be reversed by the Program Manager.

B. Types of OPT GF-Certified Products and Their Labeling Provisions

1. Single-Ingredient Products

Single ingredient products composed of dairy or meat produced by, or derived from animals that are a part of OPT GF-Certified Operations and Handled by OPT GF-Certified Operations shall be labeled either "OPT Grass-Fed Organic Dairy Certified by [OPT Certifier]" or "OPT Grass-Fed Organic Meat Certified by [OPT Certifier]." "Certified Grass-Fed Organic Dairy [product]" or "Certified Grass-Fed Organic

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Meat [product]” and all other direct call out on packaging/labeling with the OPT seal must be reviewed by OPT prior to acceptance by an OPT Certifier.

2. Multi-Ingredient Products

Multi-ingredient products containing Livestock ingredients from OPT GF-Certified Operations shall be Handled exclusively by OPT GF-Certified Operations that process and should be labeled in accordance with the labeling content classification system used in the NOP. The placement of the above referenced labeling language shall be applied analogously to the use of the word “Organic” under the NOP. *See 7 C.F.R. §§301-305.* The phrases “OPT Grass-Fed Certified” or “OPT Certified Grass-Fed Organic” should generally be used like the word “Organic” under the NOP regulations. They appear as modifiers of the OPT Grass-Fed Certified Operation’s name or the product’s compliant ingredients.

3. Bulk and Direct-Sale Products

All products from OPT GF-Certified Operations, whether single or multi-ingredient that are marketed in bulk or bulk packaging shall:

- a. Be produced *and* Handled in accordance with the OPT Grass-Fed Organic Dairy or Meat Standards and Program Manual; and
- b. Bear the phrase “OPT Grass-Fed Organic Dairy Certified by [OPT Certifier]” or “OPT Grass-Fed Organic Meat Certified by [OPT Certifier].”

C. Percentage Labeling Claims


1. Use of 100% Term

- a. The term “100%” may not be used except in accordance with the NOP regulations.
- b. Moreover, the term “100%” should not be used:
 - i. On packaging or labeling of an OPT Grass-Fed Certified product in the same phrase with the word “Organic” (or it would risk violating the binding federal Organic product classifications and that have been expressly adopted by the OPT).
 - ii. In the same phrase with the term “Certification” or “Certified” except to indicate the product’s ingredients are sourced solely from OPT GF-

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Certified Production Operations (e.g., “100% Certified Grass-Fed Organic Farms”); and

iii. To suggest the OPT Grass-Fed Program verifies an animal is “100% Grass-fed.” Thus, “100% Certified Grass-Fed Organic Farms” is acceptable, but “100% Certified Grass-Fed Organic Cows” is not acceptable.

c. Romance copies on the packaging or labels that suggests that OPT Certification verifies a 100% Grass diet is not acceptable 

2. “Certified Grass-Fed Organic” Multi-Ingredient Products

If a multi-ingredient product is composed of 95%-99% OPT Grass-Fed Program-compliant ingredients it may be labeled “**Certified Grass-Fed Organic** [ingredient described]” *provided*, the remaining content of the product must comply with Organic requirements and in no case shall it contain an ingredient *in a form Certified* to the OPT Grass-Fed Program and in the *same form but not Certified* to the OPT Grass-Fed Program

3. “Made with Certified Grass-Fed Organic Ingredients”

If a multi-ingredient product is composed of 70%-94% OPT Grass-Fed Program-compliant ingredients it may be labeled “Contains Certified Grass-Fed Organic [ingredient described]” or “**Made With Certified Grass-Fed Organic** [ingredient described],” *provided*, the remaining content of the product must comply with Organic requirements and in no case shall it contain an ingredient *in a form Certified* to The OPT Grass-Fed Program and in the *same form but not Certified* to The OPT Grass-Fed Program.

D. Further Clarification

Additional clarification and product composition and labeling requirements and Standards will be forthcoming as the OPT Grass-Fed Program evolves. An OPT Certifier may also contact the Program Manager for additional guidance.

XIV. Use of the OPT Licensed Trademarks

The requirements and governing principles for the use of the OPT Licensed Trademarks are set forth in a separate licensing agreement between the sellers of consumer-facing products and the OPT. OPT Certifiers do not enter into licensing agreements on behalf of OPT.

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A. Required Licensing Agreement between Certified Operations and OPT

The OPT Certified Grass-Fed Organic Seal (“the Seal”) and claim may be used only on consumer-facing products by sellers that have entered into a licensing agreement with OPT and pay their licensing fee to OPT. All products from OPT Grass-Fed Certified Operations shall bear the Seal pursuant to that licensing agreement.

B. Exception to Use of OPT Licensed Trademarks

If an OPT Grass-Fed Certified Production Operation markets and sells single or multi-ingredient products directly to consumers, the contents of which are produced and obtained solely from animals at its own Operation(s), and receives less than twenty thousand dollars (\$20,000) a year in gross sales revenue from such sales, such Operation may use the OPT Seal without a licensing agreement with OPT and without paying a fee provided that,

1. The OPT Certifier of the Operation seeking the waiver annually verifies to a reasonable certainty to the OPT that the Seal is not used on non-compliant products and that the Operation is in compliance with this gross-sales exception based on an examination of sales figures.

C. Licensing Fee

An OPT Seal licensing fee is applicable solely to Certified Handlers that place the OPT Certified Grass-Fed Organic Seal on consumer-facing packaging. The fee is assessed by and remitted directly to OPT as authorized under the licensing agreement.

D. OPT Certifier Role in Enforcement

1. OPT Certifiers must:
 - a. Notify each OPT GF-Certified Operation that it may use the OPT Certified Grass-Fed Organic Seal (“OPT Seal”) solely after entering into a licensing agreement directly with OPT;
 - b. Report to the Program Manager-those OPT GF-Certified Operations that intend to use the OPT Seal;
 - c. Report to the Program Manager any misuse of the OPT Seal that is observed during the Certification term; and
 - d. Provide a list of OPT GF-Certified Handling/Processing Operations to the Program Manager and routinely update their status.

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2. The Program Manager may suspend or revoke any Seal licensing agreement but shall do so directly with the counterparty and without intervention of the accredited OPT Certifier. Such suspension will not immediately affect the OPT Grass-Fed Organic Certification of the Operation.

E. No Other Grass-Fed Certificates Accepted

“Grass-fed Organic” certificates issued by Northeast Organic Farmers Association of New York (“NOFA-NY”), Pennsylvania Certified Organic (“PCO”) and Vermont Organic Farmers (“VOF”) that bore anniversary or expiration dates prior to December 31, 2019 were accepted by OPT in 2019. These certificates were recognized until March 15, 2020, and no other programs have been granted acceptance or equivalency by the OPT Grass-Fed Organic Program.

XV. Complaints from Applicants, OPT Grass-Fed Certified Operations, and Third Parties

A. General

Each OPT Certifier may maintain its existing process for disposition of complaints it receives from applicants, OPT GF-Certified Operations and third parties regarding an OPT GF-Certified Operation or the OPT Certifier itself. The following procedures should be, at a minimum, observed.

B. Complaints Regarding OPT Certifiers and OPT Grass-Fed Certified Operations

Any person may submit a complaint to an OPT Certifier or the Program Manager alleging an OPT GF-Certified Operation or an OPT Certifier has failed to or has negligently discharged a required duty, provided that the person alleges he or she is materially and adversely affected by the actions complained of. A person may include a legal entity that is not an individual.

1. An unsigned, or anonymous complaint should generally not be accepted unless sufficient indication of its merit is apparent on the face of the complaint.
2. An OPT Certifier may choose to forward a complaint filed against the OPT Certifier to the Program Manager but need not do so. If the OPT Certifier chooses not to forward the complaint, it shall provide Notice to the complainant that the complainant may appeal the final action taken by the OPT Certifier to the Program Manager.

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C. Complaints Regarding Misuse of Licensed Trademarks or Misrepresentation of Products

Any person may submit a complaint to an OPT Certifier or the Program Manager alleging a person or entity is misusing the OPT Certified Grass-Fed Organic Seal or misrepresenting OPT GF-Certified products in the marketplace. A complainant does not need to allege he or she is materially and adversely affected by the actions complained of. An unsigned, or anonymous complaint will generally not be accepted unless sufficient indicia of its merit appear on the face of the complaint. The following procedure should be observed.

1. All complaints *received* from third parties, in whatever form, should be submitted or forwarded to the Program Manager.
2. All complaints *initiated* by OPT Certifiers or OPT GF-Certified Operations shall be submitted to the Program Manager in writing, be signed by the complainant and state facts alleging the misconduct with sufficient particularity to permit a meaningful investigation as well as a meaningful response by the target of the complaint.
3. All complaints will be assessed on a case-by-case basis unless the allegation involves a factual nexus that is shared by multiple OPT Certifiers or OPT GF-Certified Operations.
4. The Program Manager will acknowledge receipt, investigate, and seek any rebuttal information from affected parties that is reasonably available. Appropriate action will be taken, in writing, upon development and review of the fullest record possible.

D. Confidentiality

The Program Manager shall treat each complaint received as Confidential Information unless a failure to publicly disclose or act would immediately endanger human or animal health and wellbeing or threaten immediate and irreparable economic harm on an uninvolved third party. Confidentiality may not be appropriate on other grounds and shall be assessed on a case-by-case basis.

E. Cooperation of OPT Certifiers and OPT Grass-Fed Certified Operations

OPT Certifiers and OPT Grass-Fed Certified Operations are required to cooperate with the Program Manager regarding any investigation. A failure to meaningfully cooperate may result in adverse consequences to the OPT Accreditation or OPT GF Certification, as appropriate.

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F. Notice of Non-Compliance to OPT Grass-Fed Certified Operations

OPT Certifiers should follow any NOP-acceptable process for the assessment and disposition of Noncompliances at applicant Operations. The OPT Certifier has the discretion to determine whether a Noncompliance may be helpfully characterized as “major” or “minor” provided that, in no case shall the plain meaning of specific language in the OPT Standards or unambiguous guidance in the Program Manual be disregarded.

XVI. Appeals of Certification Decisions

A. Each OPT Certifier may maintain its existing process for disposition of appeals of Adverse Actions it takes with regard to applicants or OPT Grass-Fed Certified Operations. The following procedures should be, at a minimum, observed.

B. Appeals of Adverse Actions taken by OPT Certifiers under the OPT Grass-Fed Program shall be submitted in writing to the OPT Certifier having taken the challenged action. The appeal may be shared with the Program Manager at the discretion of the OPT Certifier.

1. The OPT Certifier shall thereafter timely render a decision on the appeal in writing, a copy of which shall be submitted to the Program Manager; and
2. If the appealing party is dissatisfied with the outcome, it may submit an appeal of the decision to the Program Manager and shall serve a copy of the appeal on the OPT Certifier who shall thereafter forward to the Program Manager any portions of the OPT GF Certification and appeal record necessary to the proper disposition of the complaint; and
3. If the OPT Certifier shares the substance of the appeal with the Program Manager before disposition, it shall waive any claim hereunder that the Program Manager may not hear the appeal.

C. Appeals of adverse OPT Accreditation decisions taken by the Program Manager shall be directly submitted, in writing, to the Program Manager.

D. Examples of Adverse Actions that may be appealed include:

1. Proposed suspension of OPT Grass-Fed Certification or Accreditation;
2. Proposed revocation of OPT Grass-Fed Certification or Accreditation;
3. Denial of OPT Grass-Fed Certification or Accreditation;

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4. Combined OPT Grass-Fed Program Notice of Noncompliance and proposed suspension or revocation;
5. Cease and desist Notice;

6. Denial of reinstatement; and

7. Failure to properly discharge a complaint lodged against the OPT Certifier.

This list is not exhaustive and is subject to change.

XVII. Petitions

A. Variance

Any OPT Grass-Fed Certified Operation, or any OPT Certifier may Petition the Program Manager to grant a Variance from any OPT Grass-Fed Program provision on facts specific to that party or as it is generally applied to each OPT GF-Certified Operation affected by the Standard to which the Variance request is directed. The Program Manager shall prepare a summary of the request for submission to the OPT Certified Grass-Fed Organic Livestock Program Steering Committee for review and decision. Variance requests require submission of clear and convincing evidence of the need for the Variance. Petitioners for Variance should consider the procedures and grounds set forth in NOP Guidance No. 2606 (Nov. 20, 2015) for assistance. The Petition shall be lodged with the Program Manager directly via email or mail.

B. Program Amendment

Any OPT Grass-Fed Certified Operation, or any OPT Certifier may Petition the OPT to amend any Standard in its program or add or delete any Standard. Petitions to amend in the foregoing manner shall include facts generally applicable to every OPT GF-Certified Operation under the program and state with specificity the proposed alternative and the consequences of any failure to act. The Program Manager shall prepare a summary of the request for submission to the Steering Committee for review and decision.

C. Submission

Petitions for an OPT Grass-Fed Program Variance or Standards amendment shall be lodged with the Program Manager directly via email, mail or the Web Portal and shall state with sufficient particularity the grounds for granting the Variance or for amending the Standards. Each Petitioner shall include the following statement.

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“To my best knowledge and belief:

- *This Petition includes all information and views upon which the Petition relies; and*
- *This Petition includes representative data and/or information known to the Petitioner which are unfavorable to the Petition; and*
- *I have taken reasonable steps to ensure that any representative data and/or information which are unfavorable to the Petition were disclosed to me.*
- *If I received or expect to receive payments, including cash and other forms of consideration, to file this information or its contents, I received or expect to receive those payments from the following persons or organizations: [Name].*
- *I verify that the foregoing is true and correct as of the date of the submission of this Petition.”*

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Appendix A

DEFINITIONS

The terms and their definitions below either appear at 7 C.F.R. §205.2 (as denoted by “(NOP)”) or are terms and definitions derived by the OPT Certified Grass-Fed Organic Livestock Program (“Grass-Fed Program”). The list of NOP definitions is not exhaustive but rather a handful of terms that are most often used by The GF Program. The NOP definitions in 7 C.F.R. §205.2 apply to each Application of the OPT Grass-Fed Program Standards and governance requirements imposed on or by OPT Certifiers, unless specified otherwise herein.

1. **Accredited Certifying Agent (“ACA”).** An entity that is accredited by the USDA National Organic Program.¹³
2. **Accreditation.** A determination made by OPT that an ACA is eligible, competent, and presently capable of performing Certification Services under the terms and conditions of the OPT Certified Grass-Fed Organic Livestock Program Materials, and the OPT Ancillary Materials, and may in some instances refer to the ACA’s status with the NOP.
3. **Adverse Action.** A Noncompliance decision that adversely affects [Organic] Certification, Accreditation, or a person subject to the [NOP], including a proposed suspension or revocation; a denial of Certification, Accreditation, or reinstatement; a cease-and-desist Notice; or a civil penalty.¹⁴ (NOP)
4. **Application.** A document submitted to an OPT Certifier by an Operation that contains information regarding the applicant Operation that initiates the process for determining OPT GF Certification and is sufficient for an OPT Certifier to conclude the Operation is eligible under the OPT GF Program.
5. **Boot Stage.** Part of the flowering phase of plant growth, defined as the time when the seed head emerges from the sheath of the flag leaf.
6. **Brassicacae.** A genus of plants in the mustard family (*Brassicaceae*). The members of the genus are informally known as cruciferous vegetables, cabbages, or mustard plants.
7. **Browse.** A leaf and twig growth of shrubs, woody vines, trees, cacti, and other non-herbaceous vegetation available for animal consumption.

¹³ <https://www.ams.usda.gov/services/organic-certification/certifying-agents>

¹⁴ This is a pending NOP definition.

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8. **Carrier.** An edible material to which ingredients are added to facilitate uniform incorporation of the latter into Feeds. The active particles are absorbed, impregnated, or coated into or onto the edible material in such a way as to physically carry the active ingredient.¹⁵
9. **Certificate of Compliance.** A document developed by OPT that identifies an OPT GF-Certified Operation and that may contain marks of the OPT Certifier, if approved by OPT.
10. **Certification.** An annual determination by an OPT Certifier that an eligible Operation is in present compliance with the requirements appearing in the OPT Grass-Fed Program Materials and applicable OPT Ancillary Materials for dairy or meat Livestock and is reasonably certain to remain in compliance during the twelve-month period designated on the OPT GF Certificate of Compliance.
11. **Certifier Update Memorandum.** The document issued by the Program Manager to formalize decisions made by the Steering Committee with regard to changes to the OPT Grass-Fed Program Manual or Standards.
12. **Certification Service Materials.** The Applications, forms, templates, checklists, inspection documents, electronic data generating and storing methods, used in providing Certification Services, that are produced by an OPT Certifier and approved for use by OPT.
13. **Certification Services.** The activities conducted by the OPT Certifier to render a Certification.
14. **Commercially Unavailable.** A Grass-Fed Organic dairy animal is Commercially Unavailable for purchase whenever an Operation Certified to this Standard demonstrates to the OPT Certifier that it cannot timely obtain an animal with the Operation's Animal Attributes. OPT GF-Certified Operations may properly consider the cost of an animal and its transportation cost separately when choosing the source of the replacement animals. The welfare implications of transportation of animal are a separate factor that may be also considered.
15. **Confidential Information.** All information acquired by the OPT Certifier or Program Manager in the performance of Accreditation or delivery of Certification Services that is required by the NOP to be maintained as confidential, excluding information that is required to be disclosed to NOP.
16. **Continuous Certification.** No lapse in Certification once the Operation has entered the Program. Ex. A certificate is issued effective May 5, 2021 and expires May 4, 2022. The renewal certificate for the subsequent Certification period should begin May 5, 2022 and expire May 4, 2023.

¹⁵ AAFCO 2012 Official Publication; definition referenced by NOP.

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17. **Dairy Livestock Production Operation.** An OPT GF-Certified Operation with a milking parlor where at least one lactating animal is milked.
18. **De Minimis.** An amount or action that is below the threshold of programmatic concern.
19. **Dry Matter Intake.** Total pounds of all Feed, devoid of all moisture, consumed by a class of animals over a given period of time. (NOP) ¹⁶
20. **Exceptional Circumstances.** Those circumstances that generally constitute force majeure, such as including but not limited to, acts of God, compliance with law, storm, flood, terrorism, earthquake, war, rebellion, revolution or strike or any other event, happening or occurrence beyond the reasonable control of the affected party.
21. **Farm Herd List.** A list of all ruminant animals at the OPT GF-Certified Operation that is routinely updated.
22. **Feed.** Edible materials which are consumed by Livestock for their nutritional value. Feed may be concentrates (Grains) or roughages (hay, silage, fodder). The term, “Feed,” encompasses all agricultural commodities, including Pasture ingested by Livestock for nutritional purposes. (NOP)
23. **Feed Additive.** A substance added to Feed in micro quantities to fulfill a specific nutritional need (i.e., essential nutrients in the form of amino acids, vitamins, and minerals). (NOP)
24. **Feed Supplement.** A combination of Feed nutrients added to Livestock Feed to improve the nutrient balance or performance of the total ration and intended to be: (1) Diluted with other Feeds when fed to Livestock; (2) Offered free choice with other parts of the ration if separately available; or (3) Further diluted and mixed to produce a complete Feed. (NOP)
25. **Feedstuffs.** Any of the constituent nutrients of an animal ration.
26. **Forage.** Vegetative material in a fresh, dried, or ensiled state (Pasture, hay, or silage), which is fed to Livestock. (NOP)
27. **Forage Cubes or Pellets.** Desiccated and compressed Forages.
28. **Forbs.** Flowering plants that are not Grasses or sedges. Some examples include clovers, alfalfa, and milkweed.

¹⁶ All definitions derived from 7 C.F.R. §205.2 are denoted by “(NOP).”

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29. **Good Cause.** A good faith attempt to complete a required action in a timely manner failed, enlargement of time is appropriate to serve fundamental fairness and such enlargement will not substantially impair the interests of the OPT Certified Grass-Fed Organic Livestock Program.
30. **Grain.** A seed or fruit of a Cereal Grass.
31. **Grass(es).** Graminoids, monocotyledonous plants with narrow leaves growing from the base.
32. **Grazing Season.** The period of time when Pasture is available for grazing, due to natural precipitation or irrigation. Grazing Season dates may vary because of mid-summer heat/humidity, significant precipitation events, floods, hurricanes, droughts, or winter weather events. Grazing Season may be extended by the grazing of residual Forage as agreed in the Operation's Organic System Plan. Due to weather, season, or climate, the Grazing Season may or may not be continuous. (NOP) *Under the OPT Certified Grass-Fed Organic Livestock Program, the Grazing Season may range from 150 days to 365 days per year but is not less than 150 days per year.*
33. **Handler.** Any person engaged in the business of Handling agricultural products, including Producers who Handle crops or Livestock of their own Production, except such term shall not include final retailers of agricultural products that do not process agricultural products. (NOP)¹⁷
34. **Handle or Handling.** To sell, process, or package agricultural products, except such term shall not include the sale, transportation, or delivery of crops or Livestock by the Producer thereof to a Handler. (NOP)¹⁸
35. **Legumes.** Plants of the pea or pulse family, many of which are recognized for their ability to fix atmospheric nitrogen in the soil.
36. **Licensed Trademarks.** The name(s), logo(s) and service mark(s) owned and used by OPT that are referred to in Section XIV of the OPT Grass-Fed Program Manual.

¹⁷NOP may soon replace with: “Any person engaged in the business of Handling agricultural products.”

¹⁸ NOP may soon replace with: “To sell, process, or package agricultural products, including but not limited to trading, facilitating sale or trade, brokering, repackaging, labeling, combining, containerizing, storing, receiving, or loading.”

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37. **Livestock.** Any cattle, sheep, goats, swine, poultry, or equine animals used for food or in the Production of food, fiber, Feed, or other agricultural-based consumer products; wild or domesticated game; or other non-plant life, except such term shall not include aquatic animals to produce food, fiber, Feed, or other agricultural-based consumer products. (NOP)
38. **Livestock Diet.** Feed grown or developed for the consumption of livestock
39. **Meat Livestock Production Operation.** An Operation that raises OPT Grass-Fed Certified Livestock under the requirements of the Certified Grass-Fed Organic Meat Standard.
40. **Noncompliance.** Any action or inaction or lack of records that demonstrates that an Operation is not in compliance with the OPT Grass-Fed Program.
41. **Non-Routine.** Actions performed in managing a Livestock Operation that are not conducted on a regular basis or in a fixed order.
42. **Notice of Disqualification.** The way in which an OPT Grass-Fed Certified Operation receives the decision by an OPT Certifier that the Operation is not eligible to sell, represent, or label its dairy or meat Livestock products as Certified under the OPT Grass-Fed Program.
43. **NOP Accreditation.** A determination made by the Secretary of Agriculture that authorizes a private, foreign, or State entity to conduct Certification activities as an ACA under the NOP Organic Regulations. (NOP)
44. **NOP Practice Standard.** The guidelines and requirements through which a Production or Handling Operation implements a required component of its Production or Handling OSP. A Practice Standard includes a series of allowed and prohibited actions, materials, and conditions to establish a minimum level performance for planning, conducting, and maintaining a function, such as Livestock health care or facility pest management, essential to an Organic Operation. (NOP)
45. **Notice.** Information sufficient to ensure the party receiving it has actual knowledge of a requirement or duty.
46. **On-Site Inspection.** A visit to an Operation by an authorized and qualified inspector commissioned by an OPT Certifier as part of the initial or renewed Certification process or in cases of suspected or actual Noncompliance that OPT requires an OPT Certifier to conduct.
47. **Operation.** A Producer engaging in Organic Production or an Organic Handler operating a Handling Operation as defined in 7 C.F.R. §205.2. and that seeks Certification under the OPT Grass-Fed Program.

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48. **Operation Report.** Information relating to a single Organic Operation that includes but is not limited to Applications, inspection reports, Certification checklists, reviewer or review committee scoresheets, non-conformances, remediative actions and other data typically used or deemed necessary to substantiate an ACA's Organic Certification decision in accordance with the standards applicable to such decisions under 7 C.F.R. Part 205.
49. **Operation's Animal Attributes.** A list of attributes of the animals at the Operation that are set forth in the Application and may include but is not limited to, breed, age, health, replacement transport time, body score, disease/illness profile, source location, and history.
50. **OPT Ancillary Materials.** All materials or methods developed or used by OPT to accredit an ACA to administratively manage the OPT Grass-Fed Program, including the OPT GF Certificate of Compliance, and any related Applications, forms, checklists, and data submission templates prepared by OPT that assist OPT Certifier in performing Certification Services including those materials to designate and authorize the use and cessation of use of OPT's Licensed Trademarks.
51. **OPT Grass-Fed Certified Operation.** A Producer engaging in Organic Production or a Handler operating a Handling Operation as defined in 7 C.F.R. §205.2. that has received OPT Grass-Fed Certification and is presently in good standing.
52. **OPT Certifier.** An ACA that has received Accreditation from OPT and is authorized to conduct Certification Services on OPT's behalf.
53. **OPT GF Program.** Short for OPT Certified Grass-Fed Organic Livestock Program, including the current OPT Grass-Fed Dairy or Meat Standards.
54. **OPT Grass-Fed Program Manual.** A periodically released document that guides parties in implementing, applying, and complying with the current requirements of the OPT GF Program.
55. **OPT Grass-Fed Program Materials.** The current Livestock Production and Handling Standards and OPT Grass-Fed Program Manual together.
56. **OPT's Intellectual Property.** All intellectual and industrial property rights associated with or comprised in the OPT Grass-Fed Program Materials and Ancillary Materials as defined herein, including but not limited to all written works, training materials, manuals, instructions, protocols, designs, illustrations, photographs, inventions, trade secrets, ideas, know-how, concepts, methods, and data gathering and assessment techniques.
57. **Organic.** Meaning the same as that set forth in 7 C.F.R. §205.2.

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58. **Organic System Plan (“OSP”).** A plan of management of an Organic Production or Handling Operation that has been agreed to by the Producer or Handler and the ACA and that includes written plans concerning all aspects of agricultural Production or Handling described in the [NOP Organic Regulations]. (NOP)
59. **Overgrazing.** Failure to move or rotate animals in harmony with forage growth, causing damage to Grassland and soil.
60. **Pasture.** Land used for Livestock grazing that is managed to provide Feed value and maintain or improve soil, water, and vegetative resources. (NOP)
61. **Petition.** A written request to amend the OPT GF Organic standards, Program Manual or Variances that is submitted materially by any OPT GF Certified Operation in accordance with the Program Manual.
62. **Production.** The business of growing or producing food, fiber, Feed, and other agricultural-based consumer products.
63. **Processing.** Cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, extracting, slaughtering, cutting, fermenting, distilling, eviscerating, preserving, dehydrating, freezing, chilling, or otherwise manufacturing and includes the packaging, canning, jarring, or otherwise enclosing food in a container. (NOP)
64. **Producer.** A person who engages in the business of growing or producing food, fiber, Feed, and other agricultural-based consumer products. (NOP)
65. **Program Manager.** An independent, contracted professional entity that develops and implements the current OPT Certified Grass-Fed Organic Livestock Program Materials and Ancillary Materials.
66. **Replacement Heifer.** A heifer that has been selected to be bred and placed in the milk herd.
67. **Responsible Person.** The individual that controls, manages, or directs the operation’s management practices.
68. **Segregation.** Physical and/or individually identifiable separation of OPT GF-certified animals or products.
69. **Small Grains/Cereal.** Cultivated plant that produces seeds that come from Grasses such as wheat, millet, rice, barley, oats, rye, triticale, flax, and sorghum.
70. **Split Operation.** An Operation that produces or handles both OPT Grass-Fed Certified and Organic-only agricultural products.

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71. **Supplemental Feedstuff.** Nutrients provided in Feedstuff form that optimize energy, nutrition, and health of an OPT Grass-Fed Certified animal.
72. **Transition.** A 90-day period of time during which an applicant dairy Operation complies with the OPT Grass-Fed Program but has not yet received OPT GF Certification; this term may be applied to a particular animal as well as to the Operation.
73. **Variance.** An OPT decision to relax the Application of an OPT Grass-Fed Program requirement or temporarily except an Operation from a particular requirement.
74. **Web Portal.** The webpages on the OPT website through which OPT Certifiers can submit documentation to the Program Manager and issue Certificates online.

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Appendix B

REFERENCES

NOP Handbook: Guidance and Instructions for Accredited Certifying Agents and Certified Operations, *Section I*, “Guide for Organic Livestock Producers” (April 16, 2015); *Section I*, “CAP-138 Resource Inventory Supplement - Livestock Production” (April 16, 2015)

NOP Guidance No. 2602: “Recordkeeping” (Jul. 22, 2011)

NOP Guidance No. 2615: “Organic System Plans, Organic System Plan Updates, and Notification of Changes” (Dec. 16, 2013)

NOP Guidance No. 5025: “Guidance Commingling and Contamination Prevention in Organic Production and Handling” (July 22, 2011)

NOP Guidance No. 5030: “Evaluating Allowed Ingredients and Sources of Vitamins and Minerals for Organic Livestock Feed” (March 4, 2013)

NOP Guidance No. 5031: “Certification Requirements for Handling Unpackaged Organic Products” (Jan. 22, 2014)

NOP Instruction No. 2603: “Certificates” (Sept. 3, 2013)

NOP Guidance No. 5017 (Series 5017-1 to 5017-7): “DMI Information for Access to Pasture” provides detailed information regarding Pasture access and management.

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Appendix C

OPT ACCREDITATION PROGRAM BACKGROUND¹⁹

I. A Public “Benefit” Company that Extends Organic’s Reach

- A. The Organic Plus Trust Inc., (“OPT”) is organized as a “public benefit” company. OPT’s charter dedicates it to the public benefit of improvement in human, farm animal, and environmental health by enlarging upon existing federal Organic Production and Handling Standards and verification tools to meet business and consumer preferences.
- B. Existing federal Organic Certification standards and NOP Accreditation performance requirements are the OPT’s conformance baseline. OPT’s principal activity is the cooperative development of Production and Handling Standards and supply chain oversight mechanisms that extend, expand, and bolster the existing requirements for Organic Operations and ACAs.
- C. Funding for the OPT’s work is expected to primarily derive from small administrative fees and a licensing program for the use of its Licensed Trademarks.
- D. OPT’s work is managed by EarthClaims LLC (the “Program Manager”). The Program Manager is not directly affiliated with an ACA and is not an OPT-Accredited Certification body (“OPT Certifier”).

II. The OPT Standards Modules

- A. Starting with federal Organic requirements allows OPT to develop its own Standards in a highly targeted, consumer sensitive manner. These Standards are referred to as “modules” because they presently are designed to supplement existing Organic Certifications.
- B. OPT modules are published under a Creative Commons copyright license for no fee.²⁰ The OPT Grass-Fed Program Manual© may be used under the Creative Commons copyright.
- C. The Program Manual will be updated periodically, with the most recent version located in the “Documents” section of the OPT website and in the Program Manager’s Web Portal.

²⁰ The License is referred to as the “Attribution-Noncommercial-No Derivatives 4.0 International” and can be viewed at www.creativecommons.org/licenses/

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- D. OPT develops its Standards by an open and inclusive process that involves diverse opinions. OPT conducts ongoing review of each module's Standards by stakeholder Subcommittees and receives input directly by a case-by-case Petition process under which any materially affected person may Petition for a change in existing OPT modules.
- E. A module-specific Steering Committee oversees Standards development and maintenance.

VI. The OPT Module: “The OPT Certified Grass-Fed Organic Livestock Program™”

- A. The absence of a consistent national Production standard for “Grass-fed” Livestock product marketing claims and the lack of full supply chain verification programs led to the development of the “OPT Certified Grass-Fed Organic Livestock Program™” (hereinafter “The OPT Grass-Fed Program”).
- B. The development of the Production, Handling and Accreditation Standards lasted approximately two years and included many stakeholders in the “Grass-fed” Livestock movement including two ACAs: The Northeast Organic Farming Association of New York (“NOFA-NY”) and Pennsylvania Certified Organic (“PCO”).
- C. To market products under the OPT Certified Grass-Fed Organic Livestock Program™, the involved Production and Handling OPT Grass-Fed Certified Operations must be both certified Organic under NOP and Certified to a specific OPT Standard.
- D. The OPT Certified Grass-Fed Organic Livestock Program™ module is in a style and format that tracks NOP regulations.
- E. The Program Manager will conduct OPT Accreditation assessments of ACAs and support the OPT Certified Grass-Fed Organic Livestock Program Steering Committee in its management of the ongoing Production, Handling, and Accreditation Standards development processes. *See below.*

IV. The OPT Accreditation Program

- A. OPT Grass-Fed Certification Services are provided solely by ACAs that have received a module specific to Accreditation by OPT. OPT is not a certifying body and conducts no Certifications.
- B. All federal requirements applicable to—Accreditation, inspection and Organic Certification through ACAs will be maintained and be fully operative in the OPT Grass-Fed Certification process, including all ethical responsibilities.

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- C. An OPT module-specific OPT GF Certificate of Accreditation will be provided to ACAs that are accredited by OPT. An OPT Grass-Fed Certificate of Compliance will be used for each OPT GF-Certified Operation to ensure consistent identification of compliant products throughout the supply chain.

V. The OPT Accreditation Program

- A. Only ACAs are eligible to seek Accreditation to provide Certification Services for the OPT Certified Grass-Fed Organic Livestock Program™.
- B. The OPT Accreditation Program does not replicate the cost and effort of a federal certifying agent Accreditation by NOP: it builds on it. Existing NOP Accreditation regulations and policies are incorporated into the OPT Certification Services Agreement.
- C. The initial assessment, ongoing oversight, and reassessment of an OPT Certifier are described below.

1. Application for Accreditation

To determine the eligibility of an ACA for OPT Accreditation, OPT requires submission of an Application that includes:

- a. Proof of Accreditation as a federal Organic certifying agent (ACA) under the NOP;
- b. Designation of the scope of OPT Accreditation sought (Producer or Handler);
- c. Copy of any Grass-fed practice standards for Producers or Handlers currently in use or anticipated for use under the OPT Grass-Fed Program; and
- d. The ACA's Certification services policy manual or program manual.

2. Required OPT Grass-Fed Program Training

OPT Certifiers are expected to be able to fully implement the latest published edition of the OPT Grass-Fed Program Manual and Dairy and Meat Standards. OPT expects applicant ACAs to participate in any OPT-offered online training webinars. The training has three purposes. First, it seeks to familiarize OPT Certifiers with the module's unique requirements that extend certain Organic practices or restrict the use of certain accepted materials or practices. Second, it is an opportunity to discuss the underlying program Standards and the general terms of service. Third, it is a

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forum for other questions ACAs might have regarding the OPT and its Certified Grass-Fed Organic Livestock Program™.

3. Possible Site Visit and Additional Information

If, after the training is completed, and all requested documents are in the Program Manager's possession, and before the Certification Services Agreement is executed, any additional information is needed or in the rare case where a site visit is deemed necessary, the applicant shall be notified in writing. Such a visit would be conducted at the applicant's expense.

4. OPT Accreditation Decision and Duration of OPT Accreditation

- a. If the Program Manager finds, on the basis of the Application that the applicant does not meet the eligibility requirements, the applicant shall be advised in writing.
- b. Upon submission of the required information and completion of the required training, a Certification Services Agreement shall be provided and thereafter executed between the parties. OPT Accreditation is complete after execution of the Certification Services Agreement. The initial term of OPT Accreditation shall be for the duration of one year.

5. Certificate of OPT Accreditation

Each OPT-accredited entity will receive an OPT GF Certificate of Accreditation bearing the scope of the Accreditation and an expiration date indicating the duration of one year. The OPT GF Certificate of Accreditation is sent by OPT electronically to the OPT Certifier once all Accreditation requirements have been met.

6. Appeal

An adverse decision regarding OPT Accreditation, other than eligibility, may be appealed on the terms set forth in Section ADD # of this Program Manual.

7. Ongoing Oversight and Renewal

The Program Manager will from time to time seek information from OPT Certifiers and prior to expiration of the Certification Services Agreement, OPT will set forth a renewal process for OPT Accreditation.

OPT Certifiers are expected to be able to fully implement the latest published edition of the OPT Grass-Fed Program Manual and Dairy and Meat Standards

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8. Certification Services Agreement

- a. Each accredited OPT Certifier will execute a Certification Services Agreement with OPT prior to undertaking to provide Certification Services. The Agreement sets forth contractual obligations of each party and works in conjunction with the OPT Grass-Fed Program Materials, the OPT Ancillary Materials and the OPT Certification Service Materials.
- b. The Certification Services Agreement shall be terminated when there is a cessation of business activity as an ACA. Otherwise, the OPT Certifier may cease performing Certification Services in accordance with the Agreement.

9. Forms, Documents, and Certificate Issuance Mechanism

a. OPT Certified Grass-Fed Organic Livestock Program™ Web Portal

The OPT Grass-Fed Program Web Portal is intended to be the source of all OPT GF Program-generated documents and repository of all documents submitted to the Program Manager.

b. Certification Services Materials

Each OPT Certifier may develop and use its own Certification Services Materials as defined in Appendix A. They must be submitted to and approved by the Program Manager. Materials that are not covered by this definition do not need pre-approval. However, in no case should marketing materials of any sort misrepresent the OPT GF Program or the OPT Certifier's relationship to it. The OPT Grass-Fed Organic Seal may to be used for marketing purposes by an OPT Certifier (see below).

c. OPT Grass-Fed Organic Certificates of Compliance

OPT Grass-Fed Organic Certificates of Compliance are issued solely through the OPT Grass-Fed Program Web Portal or, if the system is down, the Program Manager shall issue a Certificate. Each Certificate will be uniquely numbered by the Certificate generator in the Portal. All documents supporting issuance of the Certificate must be uploaded by the OPT Certifier into the Portal. If the Web Portal is undergoing maintenance, the sole method of generation for Certificates of Compliance is by direct electronic submission of the Certification packet documents (Operation Application, Inspection Report, and Review Summary/Report) to the Program Manger. OPT Certifiers do not need to receive OPT approval before accessing the Web Portal to issue a Certificate.

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The aim of the Certificate generator is ease of use and to harmonize the representation of the OPT GF Program in the marketplace. Each Certificate issued contains mandatory language and reference to the OPT GF Program.

10. OPT Accreditation Fee, Program Fees and Licensing (Seal-Usage) Fees

The following types of fees must be remitted to OPT:

- a. A \$1,000 fee paid by the OPT Certifier for the annual OPT Accreditation service and Program training for the current calendar year.
- b. An administrative fee of \$150.00 that each OPT-Accredited Certifier must remit to OPT for each Production Operation or Handling/Processing Operation that is OPT Grass-Fed Certified.
- c. An OPT Grass-Fed Organic Seal licensing fee applicable solely to OPT GF-Certified Handlers that place the Seal on consumer-facing packaging. This fee is assessed by and remitted directly to OPT via a licensing agreement OPT has with each Seal user.

11. Certification Fees for Service

Each OPT Certifier may set its own, non-discriminatory, fees for offering OPT modules to its clients.

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Appendix D

GOVERNANCE OF THE OPT GRASS-FED DAIRY & MEAT STANDARDS DEVELOPMENT

I. OPT Certified Grass-Fed Organic Livestock Program™ Steering Committee

OPT has convened a three-person Steering Committee to oversee the ongoing work on the OPT Grass-Fed Program Materials. The Steering Committee is presently composed of an OPT Certifier stakeholder and two stakeholder Handlers. The number of members and composition of the Steering Committee are subject to change. Subcommittee members serve for a renewable term of one year.

II. Subcommittees of the Steering Committee

The Steering Committee regularly convenes three Subcommittees:

1. Production Standards - This Subcommittee receives and considers submissions made to the Program Manager concerning desired changes to the OPT Grass-Fed Dairy and Meat Standards that relate to Production (e.g., approval of Supplementary Feedstuffs).
2. Handling Standards - This Subcommittee receives and considers submissions made to the Program Manager concerning desired changes to the OPT Grass-Fed Dairy and Meat Standards that relate to Handling.
3. Program Matters - This Subcommittee receives and considers submissions made to the Program Manager concerning desired changes to OPT Grass-Fed Program policies and procedures.

III. Meeting Processes

A. Roberts Rules and Guidelines

The Steering Committee shall act in general accordance with Roberts Rules and the principles set forth below, as may be developed or revised from time to time.

B. Meeting Sites and Frequency

The Steering Committee will meet bimonthly either in person or virtually. It is acceptable for Steering Committee business, including voting on motions, to be conducted by teleconference, videoconference, and email.

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IV. Supermajority

A 2/3 supermajority of a quorum of the Steering Committee is required to adopt a new Standard or an amendment to existing Standard by the Steering Committee, regardless of the size of the Steering Committee.

V. No Conflicts

In no case shall an OPT Grass-Fed Program Standard be adopted that is in direct conflict with a corresponding federal Organic requirement. The federal NOP Organic standards are the baseline standards for the OPT Grass-Fed Program.

VI. Antitrust Policy

The OPT Grass-Fed Program shall be developed in accordance with applicable antitrust and competition laws and meetings amongst competitors to develop such Standards are to be conducted in accordance therewith.

VII. Petitions

The Steering Committee will accept Petitions from any materially affected person for referral to its Subcommittees.

VIII. Resolving Substantive and Technical Issues with the OPT Grass-Fed Program Manual and Standards

- A. Any OPT Certifier may bring substantive or technical matters to the attention of the Program Manager at any time of the year. Substantive issues typically involve ambiguous or incomplete Standards and are resolved through a consultation with the Steering Committee.

Each issue resolved by the Steering Committee will be written up by the Program Manager in the form of a standard “Accredited Certifier Update Memorandum,” which is dated, numbered, and logged, and available to OPT Certifiers via the Web Portal. Any substantive change will be incorporated into the annual update of the OPT Grass-Fed Program Manual and the Standards.

- B. Technical issues (e.g., typos, misspellings, missing words, formatting, and grammatical errors) are facially erroneous and immediately correctable.

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IX. The Subcommittees

The Subcommittees shall be open to all materially affected persons or parties with regard to the subject or activity with the Subcommittee's purview

A. Participation or Petition

Any person with a direct and material interest has a right to participate in a Subcommittee's work by: (a) expressing a position and its basis, (b) having that position considered, and (c) having the right to appeal final outcomes. The following constitute the minimum acceptable due process requirements for the development of Standards.

B. Openness

Participation in Subcommittee work shall be open to all persons who are directly and materially affected by the activity in question. There shall be no undue financial barriers to participation. Voting membership on a Standards Subcommittee shall not be conditioned upon membership in any organization, nor unreasonably restricted on the basis of technical qualifications or other such requirements.

C. Lack of Dominance

The Subcommittee Standards development process shall not be dominated by any single interest category, individual or organization. Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.

D. Balance

Subcommittees seek a balance of interests. Participants from diverse interest categories shall be sought with the objective of achieving balance.

E. Coordination and Harmonization

Good faith efforts shall be made to resolve potential conflicts between and among Subcommittee recommendations regarding existing Standards that operate in the same market space.

F. Notification of Standards Development

Notification of Subcommittee activity shall be announced in suitable media as appropriate to demonstrate an opportunity for participation by all directly and materially affected persons.

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G. Consideration of Views and Objections

Prompt consideration shall be given to the written views and objections of all Subcommittee participants.

H. Vote

Each Subcommittee participant has a single vote. A simple majority of participating Subcommittee members are required to advance a Subcommittee recommendation to the Steering Committee.

I. Appeals

There are no appeals of final decisions of the Steering Committee. However, a Petition to correct or amend the any change the OPT Grass-Fed Program may be submitted.

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Appendix E

OPT CERTIFICATION SERVICES BACKGROUND

I. Certification First Principles

The following first principles govern the delivery of OPT Grass-Fed Certification Services and issuance of Certification to a compliant Operation under the OPT Certified Grass-Fed Organic Livestock Program™.

- A. The OPT Grass-Fed Program is underpinned by the NOP and incorporates to the extent reasonably possible the existing federal regulations and federal guidance governing ACAs and Organic Operations.
- B. Certification Services are delivered under the Certification Services Agreement that incorporates the OPT Grass-Fed Program Materials, the applicable OPT Ancillary Materials, and the applicable OPT Certification Service Materials, and strives for general accordance with NOP Guidance No. 2601, “The Certification Process” (Dec. 16, 2013) and NOP Guidance No. 2005, “National Organic Program Accreditation Assessment Checklist” (Oct. 29, 2015), as applicable.
- C. OPT Certifiers may develop their own OPT Certification Service Materials sufficient to ensure each OPT GF-Certified Operation has written NOP Practice Standards²¹ reflecting elements necessary to ensure compliance with the OPT Grass-Fed Program, which may be contained in an Organic System Plan (“OSP”).
- D. Pending an Applicant’s selection of an ACA for combined Organic and Grass-Fed Certification, the OPT Program Manager is authorized to conduct desk audits of existing Certified Organic Operations for Certification to the OPT Grass-Fed Organic Livestock Program.
- E. The OPT Grass-Fed Program should be construed and applied to maximize the use of grazing in each animal’s diet, minimize Grain and Grain-derived materials, and maximize animal well-being.
- F. OPT Accreditation seeks to ensure the OPT Grass-Fed Program is correctly construed and ensures consumers that products bearing the OPT Licensed Trademarks meet a consistent standard of identity.
- G. OPT Certifiers shall construe and apply the OPT Grass-Fed Program Materials to accomplish fundamental fairness to Producers, Handlers, and consumers of OPT Grass-

²¹ See 7 C.F.R. §205.2 (“Practice Standards”).

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Fed Certified products and to ensure animal well-being. Fundamental fairness is achieved when decisions under the OPT Grass-Fed Program are made (1) in good faith; (2) with the care that an ordinarily prudent person in a like position would exercise under similar circumstances; and (3) in a manner reasonably believed to be in the best interests of the public benefit goals of the OPT and the OPT Grass-Fed Program.

- H. Certification is a conclusion of present compliance and a determination that future compliance is reasonably certain.
- I. Technological and programmatic innovation in Certification Services and OPT Certification Service Materials is encouraged.

II. Federalism Principles

- A. An OPT Grass-Fed Program provision shall be construed and applied to comport with the plain meaning of guidance documents, regulations, or Certification and enforcement decisions issued by or on behalf of the NOP and to avoid conflicts therewith.
- B. OPT Certifiers shall exercise discretion in a manner that accords with its duties under, and reflects appropriate deference to the plain meaning of, guidance documents, regulations, and Certification and enforcement decisions of the NOP.
- C. OPT Certifiers or the OPT may act to discharge OPT-related duties regarding the requirements or interests appearing in the OPT Grass-Fed Program or OPT Ancillary Materials, where NOP action or inaction has left a such interest demonstrably unvindicated, including situations where the OPT and the NOP appear to impose identical requirements.

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Appendix F

FREQUENTLY ASKED QUESTIONS

1. How does my organization become an OPT Certifier?

Only an Accredited Certifying Agent (“ACA”) in good standing with the National Organic Program (NOP) can apply.

Applicants need to submit the following documents to become accredited as an OPT Certifier by the OPT Grass-Fed Program.

- Copies of any existing Grass-fed standards the applicant ACA may be using or implementing.
- Copies of any practice standards or standard operating procedures (SOPs) that the applicant ACA has developed for implementation of the OPT Grass-Fed Program. Note that if the applicant ACA has developed templates or guidance documents for its clients, the OPT Grass-Fed Program Manager needs to review and approve them.
- Electronic copy of the applicant ACA’s Certification Services Program Manual (the document that informs the OPT Grass-Fed Certified Operation about how the ACA exercises its discretion and ensures compliance, and the procedures observed to ensure fairness). The Manual must include a section on how the ACA deals with complaints or appeals of adverse outcomes.

Note: There is no need for the applicant ACA to submit to OPT its entire submission for Accreditation under the NOP. Parts of the submission may become relevant as the OPT Grass-Fed Program is implemented and may be required at a later time.

2. How does my organization begin offering services as an OPT-Certifier?

- Successfully complete the OPT Certified Grass-Fed Organic Livestock Program™ training online, which is designed to ensure competence with the Standards of the OPT Grass-Fed Program.
- Execute a Certification Services Agreement with OPT prior to undertaking to provide Certification Services. The Agreement sets forth contractual obligations of each party and works in conjunction with the OPT Grass-Fed Program Materials, the OPT Ancillary Materials and the OPT Certification Service Materials.

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3. Are OPT Certifiers charged an administrative fee by The OPT Grass-Fed Program?

Each accredited OPT Certifier must remit to OPT an administration fee of \$150.00 per Production Operation Certified and for each Handling Operation Certified. Note: The administration fee payment made by the OPT Certifier to OPT is based on the number of OPT Grass-Fed Certifications issued and not the number of On-Site Inspections conducted.

4. How often are OPT Certifier administrative fees due?

OPT Certifiers should submit payments to OPT monthly, sending a list of Operations that were OPT Grass-Fed Certified during the previous month and along with the applicable payment amount to OPT.

5. How do we make OPT Certifier administrative fee payments to the OPT?

There are two means of remitting payments to OPT:

- Check made out to Organic Plus Trust Inc., and mailed to 107 S. West Street, Alexandria, Virginia 22314; or
- Electronic payment to HSBC Organic Plus Trust Inc., account #783036299, ACH routing #055003492.