

PCO has the right to refuse service for expedited requests if we do not have the administrative capacity to do so. In these cases, PCO will communicate if we are unable to meet your request of expedited service. Expedited Services are not available with reinstatement applications.

- **Expedited Product Review:** Rush review does not guarantee approval. PCO staff will review each product requested for review within five (5) business days. This fee is charged per product. A product review includes new products including labels and revisions to existing products including labels. Non-expedited product review requests are typically reviewed by PCO staff within ten (10) business days.
- **Expedited Export Certificate:** Rush review does not guarantee approval. PCO staff will review your export certificate request within two (2) business days. This fee is charged per export certificate request. This includes EU COIs, Korea NAQS, Japan TM-11, Transaction Certificates, etc. Any product reviews needed for export certificate approval will also be charged an expedited product review fee. Non-expedited export certificate requests are typically reviewed by PCO staff within ten (10) business days.
- **Late / No Response Fee:** To manage the administrative costs associated with missed deadlines, PCO will charge a late or no response fee for each occurrence where a request is not addressed by the specified deadline. This fee applies to various scenarios, including but not limited to the failure to submit the Annual Update on time, non-payment of fees resulting in a Noncompliance, and not responding to Adverse Action or Compliance requests. The fee also covers any other instances where a response to a deadline-driven request is not provided. Clients are encouraged to adhere to all deadlines to avoid these additional charges.
- **PCO Hourly Rate:** Where possible, PCO strives to list all of our standard fees within this fee schedule; however, there may be rare situations in which we need to apply an hourly rate for our services. Examples include, but are not limited to, reviewing a new client's organic system plan prior to the client submitting an application, transcribing paper documents to electronic format, bulk mail requests, and requesting PCO staff attendance at events.
- **Reinstatement Fee:** A reinstatement request often demands the dedication of considerable staff hours. Therefore, those operations who have been suspended from USDA NOP and are in need of reinstatement to the National Organic Program are assessed a Reinstatement Fee which covers staff time that is not considered part of a normal certification request. This fee is in addition to all other certification and inspection fees. Expedited Services are not available with reinstatement applications.
- **Administrative Oversight Surcharge:** Operations that require additional administrative capacity, monitoring, or oversight in the context of violations of PCO's code of conduct or other administrative related process may be charged an initial oversight surcharge and annual charges based on the additional monitoring and administrative requirements. Additional hourly rates may apply.

D. Adverse Action and Compliance

- **Complaint, Investigation and Adverse Action Fees:** Applicants and clients are responsible for reimbursing PCO for all costs incurred by PCO as a result of adverse actions, investigations, and/or legal issues involving the applicant or client. Adverse actions may include but are not limited to: sanctions, adverse actions, complaints, appeals, mediation, litigation, or enforcement actions. When PCO performs an investigation, which may or may not include inspection(s), the applicant or client **may** be responsible for the associated costs of the investigation. The costs that the applicant or client must reimburse include, but are not limited to: the PCO or contractor costs of conducting mediation, investigations, conducting additional inspections, attorney consultation, conducting discovery, responding to subpoenas or other discovery requests, and review of investigation related evidence, inspection reports, and meetings. Costs are billed at the PCO hourly rate above. The associated costs are billed monthly, or when PCO discloses or closes an investigation, or when a proposed adverse action(s) is issued.

A Mediation Fee (see below) is also assessed to cover the cost of arranging and facilitating mediation. If PCO prevails in a mediation, dispute, proceeding, or other contested action against the applicant, certified operation or client, the applicant, certified operation or client is responsible for paying all costs incurred by PCO, including PCO reasonable attorneys' fees, expenses and costs.

- **Compliance Oversight Surcharge:** Operations that require additional administrative capacity, monitoring, inspections, or oversight in the context of a settlement agreement or other compliance related process may be charged an initial oversight surcharge and annual charges based on the complexity and duration of the additional monitoring and administrative requirements. These charges facilitate costs associated with scheduling, management and oversight of ongoing settlement agreement or other compliance efforts such as ongoing reporting, increased communication and coordination, additional inspections, or testing oversight. Annual cost will be decided based on the complexity and nature of the issues, frequency of required monitoring and numbers of additional monitoring inspections required. PCO may increase or decrease the fee tier in cases of need or extenuating circumstances.

Pennsylvania Certified Organic (PCO)

pco@paorganic.org • www.paorganic.org • 106 School Street, Ste 201 • Spring Mills, PA 16875 • 814.422.0251 • fax 814.422.0255

- **Mediation Fees** If a client has progressed toward the proposed suspension, proposed revocation, or denial of their certificate, a mediation is formally offered to the client. If the client would like to participate in the mediation process to work towards resolution of the adverse action, they will be obligated to pay a mediation fee. There are two levels of mediations and corresponding charges.
 1. Informal: with a PCO staff representative
 - i. *non-technical* mediation is a short mediation, often by phone or email, for smaller first time administrative offenses, such as non-payment of fees or failure to submit the annual update.
 - ii. *technical* mediation is required for all other types of adverse actions and for repeat notices of the same issue.
 2. *Formal* mediation is formal mediation with a third party mediator, which must be mutually agreed upon. All costs for these are assumed by the applicant/client.

If PCO prevails in a mediation, dispute, proceeding, or other contested action against the applicant, certified operation or client, the applicant, certified operation or client is responsible for paying all costs incurred by PCO, including PCO reasonable attorneys' fees, expenses and costs.

Refund Policy: Currently certified operations wishing to surrender their certification may be eligible for a partial refund. Refunds for certified operations are based on fees paid in the current calendar year and due date of annual update paperwork. Only Organic Certification Program fees (section A) may be eligible for a partial refund. All Inspection fees (section B) and Administrative fees (section C) are non-refundable.

Scenario:	Client / Applicant Refund:
Surrender of Certification before March 1	50% of Organic Certification Program fees (section A)
Surrender of Certification after March 1	No refund
Withdraw of Application	No refund
Certification is Denied, Suspended, or Revoked	No refund
PCO unable to fulfill expedited request	PCO will apply payment to future invoices.

Non-Payment of Invoices: If an operation has an invoice that becomes greater than 60 days past due and has not arranged or is not abiding to a payment plan, the operation will be issued a noncompliance. If the Non-Compliance is not resolved, a Notice of Proposed Suspension would be issued. If you are issued a Notice of Proposed Suspension for non-payment of fees, you may not correct the issue by simply paying the past due balance. Additional paperwork and information will be required in order to avoid suspension of your certification (e.g. Mediation Request Form to PCO or Appeal to NOP). PCO reserves the right to turn over uncollected fees to a third-party collection agency in the event of non-payment. The operation is responsible for any collection agency fees.

Cost Estimate: Using the information provided in this fee schedule, the below table can be used to create an estimate for your operation each year as required by regulation §205.642.:

Fee Type:	Amount:
Application Fee (New Applicant Only)	\$
Basic Certification Fee - Renewing Client	\$
Affiliated Livestock Operation - Renewing Client	\$
Sales Assessment (if previously or currently certified)	\$
Program Fee(s) if applicable (e.g. scope type, export, etc.)	\$
Inspection Fee (based on averages for similar operations)	\$
Administrative Fee(s) if applicable (i.e. postal fee, reinstatement, etc.)	\$
Total	\$

Organic Certification Cost Share Program: Certified clients are eligible for reimbursement of up to 75% of certification fees per each scope. For example: If certified for crops and dairy, each of which is considered a category (or scope) you would qualify for up to 75% reimbursement for each scope, not to exceed \$750 per category, per year. Contact your local FSA office or participating state agency to apply for the Organic Certification Cost Share Program.

Pennsylvania Certified Organic (PCO)