



# 2024 GAPC Hemp Certification Compliance Guide

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VERSION 3.0

UPDATED: 12.11.2023

## Documentation of Revisions

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### Version 1.0 approved November 2021

### Version 2.0 approved November 2022

- Added a reference to the new Primary and Associate Grower Change Policy.
- Changes were made to reflect the approved changes by the Board of Directors to the GAPC Certification Program Standards and Appeals Process. A full description of these changes can be found in the 2023 GAPC Hemp Certification Standards document and the Appeals Process document, both found at [www.gapconnections.com](http://www.gapconnections.com).
- **The following questions were added or edited to reflect the approved changes by the Board of Directors to the GAPC Certification Program Standards** (*when language was added or changed in an existing question it will show in italics*):
  - Do you provide all your workers *with a copy* of their individual wage statement for each pay period?
  - Does the FLC or H-2ALC drive any workers?
  - If the FLC or H-2ALC is driving workers, are they authorized to drive on their Certificate of Registration?
  - If the Farm Labor Contractor/H-2ALC drives workers, do you have a copy of their driver's license and doctor's certificate?
  - Is there documentation verifying that workers received instruction on general farm safety and safe operation of farm equipment and machinery, *and first aid*?
- **The following questions were edited to add further clarification or specificity of what is being asked** (*when language was added or changed in an existing question it will show in italics*):
  - Was a soil test that includes heavy metals (at minimum, for arsenic, cadmium, mercury, and lead), pH, required CPA residues, and soil nutrient profile conducted on each hemp field no more than three years old before the time of transplanting? *Grower will need to show soil test results for verification.*
  - Are trays used in the production of seedlings cleaned or sanitized using appropriate methods *such as washing, steaming, bleaching, or use of commercial tray cleaner*?
  - Are CPAs stored in designated, enclosed, weather protected, lockable area with appropriate warning signs *that (1) signify "Danger", "Pesticide Storage", or "Keep Out" at a minimum, (2) can withstand normal wear and tear and (3) if exposed to outdoor conditions, be able to withstand weather*?
  - Are CPA containers *disposed of by triple-rinsing and punching or removing lid and either recycling through programs or sites designated for CPA container recycling OR disposing of them in appropriate landfill*? Prohibited disposal procedures include, but are not limited to, open dumping, burning, water dumping, and ocean dumping.
  - Does the FLC or H-2ALC that is transporting workers *have insurance (auto and workers' comp) on all the vehicles used to transport workers*?
  - Do you have a written emergency plan for your workers in case of medical emergencies, fires, or weather events *that includes, at minimum, a list of important numbers for emergency services and the location of a safe shelter on the farm or an evacuation plan that leads workers to a safe location in case of weather events*?
- **The following questions were added or edited to collect further information to verify the practices used on the operation** (*when language was added or changed in an existing question it will show in italics*):
  - Does the frequency of pay match the frequency stated in the employment terms and conditions?
  - Are there withholdings, for any amount of money, from wages besides taxes, social security, or employer-provided insurance?
  - Are there withholdings, for any amount of money, from wages for anything else besides legal wage deductions such as taxes, social security, *or those listed in the Terms and Conditions (i.e., illegal deductions)*?
  - Is housing maintained to comply with all federal and state safety and health standards?
  - For workers working in hot weather, are precautions and measures in place to prevent heat stress? What precautions are taken?

**Version 3.0 approved November 2023**

- **The following questions were added or edited to reflect the approved changes by the Board of Directors to the GAPC Certification Program Standards** *(when language was added or changed in an existing question it will show in italics)*:
  - *Do you maintain a copy of individual wage statements for each worker for each pay period?*
  - *Do you maintain a copy of individual wage statements for each worker that is provided by the FLC/H-2ALC for each pay period?*
  - *Is there documentation verifying that all workers received instruction on heat stress within the last year including the farm worker's name, signature, and signature date?*
  - *Is there documentation verifying that all workers received instruction on general farm safety and safe operation of farm equipment and machinery, and first aid within the last year including the farm worker's name, signature, and signature date?*
  - *Is there documentation verifying that all workers received instruction on use of PPE (Personal Protective Equipment) within the last year including the farm worker's name, signature, and signature date?*
  - *Is there documentation verifying that all workers received instruction on emergency response procedures within the last year including the farm worker's name, signature, and signature date?*
  - *Is there documentation verifying that all workers received instruction on recognition of REI within the last year including the farm worker's name, signature, and signature date?*
  - *Is there documentation verifying that all workers received instruction on storage, handling, application, and disposal of hemp within the last year including the farm worker's name, signature, and signature date?*
  - *Is there documentation verifying that all workers received instruction on required worker protection standard training within the last year including the farm worker's name, signature, and signature date?*
  - *Is there documentation verifying that all workers received instruction hygiene and sanitation measures within the last year including the farm worker's name, signature, and signature date?*
  - *Is there documentation verifying that all workers received instruction on cultivation within the last year including the farm worker's name, signature, and signature date?*
  - *Is there documentation verifying that all workers received instruction on harvesting within the last year including the farm worker's name, signature, and signature date?*
  - *Is there documentation verifying that all workers received instruction on NHRM Prevention within the last year including the farm worker's name, signature, and signature date?*
  - *Is there documentation verifying that all workers received instruction on market preparation within the last year including the farm worker's name, signature, and signature date?*
- **The following questions were added or edited to align with updated OSHA regulations:**
  - If operation has 100 or more workers, was the previous year's OSHA Form 300 submitted by March 2 through the Injury Tracking Application?
  - If operation has 100 or more workers, was the previous year's OSHA Form 301 submitted by March 2 through the Injury Tracking Application?

## Purpose of the GAPC Hemp Certification Compliance Guide

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This document contains the detail listing of GAP Connections (GAPC) Hemp Certification Standards, Certification questions, verification methods used during monitoring activities<sup>1</sup> to verify responses to questions, and remediation processes if necessary. This document may change annually, and it is the participant's responsibility to review all content in preparation for GAPC Certification<sup>2</sup>. Growers and monitoring entities should use this document in conjunction with the GAPC Hemp Certification Application's Terms and Conditions to better understand and review the GAPC Certification Program standards, requirements, and policies.

Purpose of the document:

- To provide growers and monitoring entities with a description of the GAPC Hemp Certification Program requirements that directly affect growers and farmworkers;
- To help Certification Applicants to prepare for their Certification Monitoring Activities (i.e. Certification Audit);
- To describe the GAPC Certification Program requirements to those in the supply chain handling product from GAPC Certified Growers that wish to make a claim about the GAPC Certification status of their suppliers;
- To provide transparency to outside stakeholders to build credibility within the GAPC Certification Program.

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<sup>1</sup> Monitoring visits include any and all activities by GAPC used to verify participant is following the GAPC Certification Standards, including but not limited to, audits, remediation or follow-up visits, or on-farm investigations pertaining to concerns reported through the Worker Concern Helpline.

<sup>2</sup> Compliance with the GAPC Certification Standards or remediation plan does not mean that you are in compliance with all applicable laws, rules and regulations.

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## About GAP Connections

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GAP Connections (GAPC) develops, maintains, and provides leadership for agricultural standards and practices. We seek to promote production that is competitive, sustainable, fair, compliant, and responsive to changing industry conditions and stakeholder needs.

GAP Connections Certification Standards do not replace or supersede contract requirements between growers and purchasing companies but instead offer the industry a set of guiding principles that identify and promote best practices for on-farm production and post-production processes which produce a quality crop while protecting, sustaining, or enhancing the environment with regard to soil, water, air, animal and plant life as well as protecting and ensuring the rights of farm laborers.

Growers can learn more about the GAPC Certification Program by contacting GAP Connections at 865.622.4606 or by visiting [www.gapconnections.com](http://www.gapconnections.com).

## About the GAPC Certification Program

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The GAP Connections Grower Certification Program is a voluntary program to help domestic hemp growers be recognized for their excellence in the areas of Crop, Environment, and Labor practices. This document outlines requirements and measurable standards associated with the voluntary GAP Connections Certification Program. Growers can follow GAP Connections Certification Standards and choose not to participate in the GAP Connections Certification Program.

### Mission

Distinguish those growers within the hemp industry that commit to the adoption of agricultural standards and practices which produce a quality crop while protecting, sustaining or enhancing the environment, ensure the safety and rights of farm laborers.

### Objective

The objective of GAPC Certification Program is to measure compliance with GAPC Certification Standards by reviewing objective evidence and records of those GAPC Grower Members who have applied and been approved to participate in the Certification Program. The GAPC Certification Monitoring uses the following criteria: GAPC Certification Standards, required records within these standards, state, local and regulatory laws and requirements in which location the monitoring is being performed and where the hemp is being grown.

### Scope

Each GAPC Hemp Certification is certifying one grower per hemp license per operation. Individuals who grow hemp (*Cannabis Sativa L.*) for hemp fiber, raw and dried biomass for direct sale or further processing, and/or the constituents and extracts for food, dietary supplements, personal care products, pet supplements are eligible for GAPC Hemp Certification.

GAPC Certification Standards and Monitoring Activities apply to:

- GAPC Grower Member's records and locations, including their offices, fields, barns, greenhouses, chemical storage locations and anywhere the integrity and quality of the product being grown is affected;

- All farmworkers that provide any services in hemp on the operation seeking Certification regardless of whether they are directly hired by the grower or indirectly hired by other entities such as Farm Labor Contractors or other third-parties.

## Types of Certifications

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Growers may choose one of two types of GAP Connections Certification to achieve:

- GAP Connections United States (U.S.) Certification
- GAP Connections International Certification

To be certified, a grower must adhere to the GAP Connections Certification Standards set forth for each Certification.

## Certification Standards

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Within each of the types of GAP Connections Certifications, Certification Standards are defined as Critical or Additional.

- **Critical Standards** - are aligned to current legal requirements or otherwise deemed necessary for the quality of the crop, or protection of the environment or workers. Compliance with Certification Standards does not guarantee compliance with Federal, State, or local law.
- **Additional Standards** – are aligned to best practices in the industry.



**Table A: U.S. GAPC Certification vs. International GAPC Certification**

	U.S. Certification		International Certification	
<b>Terms and Conditions of Employment</b>	Less 500 man-days of hired labor in any of the calendar quarters of last year: <b>Exempt</b>  More than 500 man-days of hired labor in any of the calendar quarters of last year and migrant or seasonal workers hired: <b>Provided in writing to all hired workers in the worker’s preferred language.</b>	Aligned with U.S. Law	Provided to all hired workers in writing in the worker’s preferred language	Above U.S. Law
<b>Immediate Family<sup>3</sup></b>	Comply with Federal and State Law	Aligned with U.S. Law	<ul style="list-style-type: none"> <li>Immediate family members 15 years of age or younger may only be assigned light, nonhazardous work only if does not interfere with compulsory school.</li> <li>Immediate family members ages 16 – 17 cannot be assigned any DOL hazardous tasks or other restricted tasks.</li> <li>Ensure that a responsible adult is always present and supervising the child’s work, and that you follow regulations on the number of hours a child is permitted to work. Furthermore, children are not permitted to work at night.</li> </ul>	Above U.S. Law
<b>Hired Labor<sup>4</sup> Minimum Age</b>	Growers must not employ or obtain services from any person who is younger than 16 years of age with this exception: <ul style="list-style-type: none"> <li>Youth is excused from compulsory school attendance by applicable law, and</li> <li>Youth is involved in accredited learning programs if the work tasks relate directly to the learning experiences of the program and follow federal and state law</li> </ul>	Above U.S. Law	Growers must not employ or obtain services from any person who is younger than 16 years of age.	Above U.S. Law
<b>Hired Labor<sup>4</sup> Tasks for Minors</b>	No hired worker under 18 may be assigned DOL hazardous tasks.	Above U.S. Law	No hired worker under 18 may be assigned DOL hazardous tasks and other restricted tasks.	Above U.S. Law
<b>FLC Hired Labor Minimum Age</b>	Verify workers are 16 years of age or older by reviewing the worker’s I-9 form.	Above U.S. Law	Verify workers are 18 years of age or older by reviewing the worker’s I-9 form.	Above U.S. Law
<b>FLC Hired Labor Tasks for Minors</b>	No hired worker under 18 may be assigned DOL hazardous tasks.	Above U.S. Law	No hired workers hired by a FLC under 18 are allowed to work on operation.	Above U.S. Law

<sup>3</sup> Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of the owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.

<sup>4</sup> Hired workers include all hired persons not classified as immediate family farm labor.

## Monitoring Activities

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The objective of GAPC Certification Program is to measure compliance with GAPC Certification Standards by reviewing objective evidence and records of those GAPC Grower Members who have applied and been approved to participate in the GAPC Certification Program. The GAPC Certification monitoring activity occurs annually in the form of an Audit.

## Associated Growers

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- Associated Growers are approved at time of application.
- Additional Associated Growers can only be added on applications for a Certification Audit.
- Removals of Associated Growers are allowed but they cannot be re-added unless completing an application for a Certification Audit.
- Changes to the listed Primary Grower or Associated Growers should follow the Primary and Associate Grower Policy found at [www.gapconnections.com](http://www.gapconnections.com).
- Associated Growers are reverified at time of monitoring activity. Associated Growers must maintain compliance with the GAPC Criteria for Associated Growers.
- Documents from the Entity Determination Documentation List used at time of application to seek approval of Associated Growers can be asked to be reviewed by auditor at time of monitoring activity. **Growers, to whom this applies, should have copies at the operation at the time of monitoring activity. Documents are a part of the growers' Certification profile and are shared with companies with whom grower has a data release with.** (See Entity Determination Documentation List).

## GAPC Criteria for Associated Growers

- The Associated Grower must currently be a GAPC Grower Member.
- The Associated Grower must be a family member of the Primary Grower or in a legal, verified business entity (see Entity Determination Documentation List below). Family is defined as spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, sisters, aunts, uncles, nieces, nephews, cousins, grandparents, and grandchildren (In-laws are included).
- The Associated Grower’s name must be listed on a 578(s).
- The Associated Grower must share the same labor force, whether family or hired, with you. Specifically, the same labor force must work in all fields and be hired and paid by the same person or entity for all work. If the labor is paid from separate accounts, the individuals or entities cannot be an Associated Grower.
- All the decisions about management of fields farmed by the GAPC Grower Member and Associated Grower must be made jointly, i.e. there are not designated fields for each individual in which that grower makes separate management decisions. There are one set of records detailing the management of the crop and labor force that will be verified at the monitoring activity.
- The Associated Grower must be involved in the day-to-day management of the hemp crop. This includes making management decisions about how the crop is grown and managing labor which works in the crop. If the individual is only providing financial support for the operation and hemp crop, they are not considered an Associated Grower.

## Entity Determination Documentation List

Type of Entity	List of Acceptable Documents <sup>5</sup>	Type of Entity	List of Acceptable Documents <sup>5</sup>
<b>Corporation</b>	<ul style="list-style-type: none"> <li>• Shareholder Agreement (also known as a Stockholder Agreement in some states)</li> <li>• Stock Ledger Charter (Other states may refer to this document as a “Certificate of Incorporation” or “Articles of Incorporation”)</li> </ul>	<b>Limited Liability Company</b>	<ul style="list-style-type: none"> <li>• Operating Agreement (also known as a “Limited Liability Company Agreement” or “Company Agreement” in some states)</li> <li>• Articles of Organization with the Secretary of State. (Other states may refer to this document as a “Certificate of Organization” or a “Certificate of Formation”)</li> </ul>
<b>Limited Partnership</b>	<ul style="list-style-type: none"> <li>• Limited Partnership Agreement</li> <li>• Certificate of Limited Partnership (Other states may refer to this document as a “Certificate of Formation”)</li> </ul>	<b>General Partnership</b>	<ul style="list-style-type: none"> <li>• Partnership Agreement</li> <li>• Statement of Partnership Authority</li> </ul>

<sup>5</sup> Grower should submit one document from the list corresponding with the entity. However, GAPC staff and/or auditor can request others if document chosen does not provide sufficient verification.

## Attendance at Monitoring Activities

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The grower listed on the Certification Application must be present to sign the monitoring visit report for the Certification of the operation.).

## Worker Interviews

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When the auditor is on the farm and worker interviews are required or requested, the auditor will interview, at minimum, twenty percent (20%) of the grower's workforce, with a minimum of two worker interviews for those operations with more than one worker and a maximum of ten worker interviews for those operations with 50 or more workers, for the current season in which the GAPC Grower Member is seeking certification. Workers interviews must be representative of all labor sources used on the farm. More interviews can be conducted if deemed necessary by auditor to verify practices. If the grower uses a Farm Labor Contractor those workers must be present for interviews. Workers are to be selected randomly by the auditor. Worker interviews are to be conducted anonymously and grower must not be present for worker interviews.

## Monitoring Activity Code of Conduct

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- Growers must participate in monitoring activity with honesty and respond to questions thoroughly and truthfully. If documents provided are discovered to be intentionally fraudulent it could result in GAPC Certification being denied.
- Growers must not retaliate or intimidate workers, the auditor, Worker Concern Helpline staff, or GAPC staff. If the auditor reports that any such conduct occurs during the monitoring activities, the monitoring visit will be terminated, and can result in GAPC Certification being denied.
- Growers must cooperate with agents and employees of the selected audit firm and GAPC with respect and without intimidation during monitoring activities and any follow-up actions. Failure to cooperate with agents and employees of the audit firm or GAPC is grounds for denial of GAPC Certification.

**If a grower is found to be violating the Monitoring Activity Code of Conduct Certification could be denied or revoked.**

## Remediation

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In the event that your selected monitoring firm encounters circumstances on your operation that are not in compliance with GAPC Certification Standards, GAPC may, but is not required to, permit you to remediate and correct any noncompliance with GAPC standards so that you may qualify for GAPC Certification in the year of application. There is no obligation on the part of GAPC to permit remediation. If GAPC permits remediation, all required remediation must be completed within 30 days of the date the monitoring activity was submitted. Failure to timely remediate noncompliance with GAPC Certification Standards may result in denial of GAPC Certification for your operation. See the Remediation Processes for each GAPC Certification Standard in the tables below that contain the Standards.

The Review and Remediation Committee will meet as needed to review cases in which the non-compliance issue does not fall into a predefined remediation path. The Committee will review the monitoring Activity report and any other relevant information from the auditor, investigator, or GAPC staff and prescribe the course of remediation for the grower by a majority vote. The Committee will also meet as needed to review and approve denials of GAPC Certification by a

majority vote. The Review and Remediation Committee will be comprised of a GAPC staff organizer (generally the Compliance and Assessment Coordinator), two grower members and two company members. If the Committee chooses to they can bring in consultants such as an audit firm representative and/or a content expert depending on the issues that are in question for remediation.

## **Appeals Process**

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There may be situations in which GAPC Grower Members who participate in the GAPC Certification Program do not agree with the monitoring or investigative Activity findings. Thus, GAP Connections offers an appeal process for these growers. The appeals policy requires GAPC grower members to write a formal letter to GAP Connections identifying their complaint/appeal within 30 days from the date GAPC issues notice of Certification or denial of Certification. See Appendix F for complete details on the GAPC Appeals Process.

## **Helpful Tips for Growers Applying for GAPC Certification**

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- Review the 2024 GAPC Certification Compliance Guide in its entirety (found online at [www.gapconnections.com](http://www.gapconnections.com)).
- Have your records and documents all in one place and ready for review on the day the auditor arrives.
- If worker interviews are being conducted, ensure workers will be available and close by for worker interviews on the day the auditor arrives.
- GAPC staff are here to help! If you have questions call GAPC at 865.622.4606.

## Checklist for GAPC Certification

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- Apply for GAPC Certification and select your monitoring firm<sup>6</sup> **before April 15** and be approved by GAPC.
- Follow all GAPC Membership and GAPC Certification Standards, policies, and procedures as listed in the GAPC Certification Application and the 2024 GAPC Certification Compliance Guide including:
  - Implement a Worker Concern process or other approved third-party concern process.
  - Attending annual GAPC Training before June 30 of current year (ALL Grower ID's listed on the application must attend training by deadline).
  - Complete the self-assessment
- Maintain all records and documentation required within the GAPC Certification Standards. (See Appendix G: Required Record Checklist).
- Complete your Certification Monitoring Visit **before October 1** of current year.
- Submit payment to selected monitoring firm for the monitoring visit. GAPC Certification will not be granted until the chosen monitoring firm has confirmed payment.
- Complete worker interviews if non-immediate family farm labor is hired on the farming operation.
- Achieve the minimum score required:

<b>Audit</b>	<ul style="list-style-type: none"><li>• 100% of Critical standard points</li><li>• 75% of Additional standard points * (High: 5 points, Medium: 2 points, Low: 1 point)</li></ul>
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- If remediation is needed to achieve a passing Certification score, it must be completed within 30 days of the date the Certification Monitoring Activity report was submitted. Grower Member will receive a copy of the report indicating what needs remediation by mail or email after the Certification Monitoring Activity.

## Record Retention

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Grower(s) shall keep records, electronically or in hard copy, for at least five (5) years after obtained, or longer if required by the authority having jurisdiction. Refer to the authority having jurisdiction for any additional record retention requirements.

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<sup>6</sup> A list of approved monitoring firms is included in this Guide in the section titled 2024 Approved Monitoring Firms for GAPC Certification or at [www.gapconnections.com](http://www.gapconnections.com) when logged in (Grower Dashboard under Certification).

## 2024 Approved Monitoring Firms for GAPC Certification

### ARCHE Advisors

ARCHE Advisors brings many decades of combined experience in corporate social responsibility and sustainability audit services. ARCHE Advisors has been your audit firm of choice for the previous 8 seasons (2016-2024), and we look forward to working with you again in 2024.



Working hours are from Monday to Friday, 8:00 am to 7:00 pm (CT).

Questions or Concerns Contact Tracy Ford: Phone and Text 561.319.4705 | Email: [tracy@archeadvisors.com](mailto:tracy@archeadvisors.com)

Activity	All expenses included in pricing	Combination pricing (with GAPC Hemp Audit)
Tobacco Certification Audit with worker interviews	\$750	\$1250
Tobacco Certification Audit without worker interviews	\$700	\$1200
Tobacco Certification Site Visit with worker interviews	\$700	\$1200
Tobacco Certification Site Visit without worker interviews	\$650	\$1150
Hemp Certification Audit with worker interviews	\$750 (states with tobacco visits) \$1200 (states without tobacco visits)	NA
Hemp Certification Audit without worker interviews	\$700 (states with tobacco visits) \$1150 (states without tobacco visits)	NA
Remediation through Record Review (no on-farm visit)	\$70	NA
Remediation through an on-farm visit	\$700 - \$950 (dependent on travel)	NA
<p><i>\$50 Discount provided to groups of 3 or more audits within geographic area. An extra \$100 will be added for any grower who chooses firm after April 30, 2024. A 3% processing fee will be assessed for credit card payments.</i></p>		

## QCS- Quality Certification Services



QCS has been an industry leader in providing organic, food safety, and ethical certifications since 1989. QCS has experience in both agriculture and tobacco auditing. QCS can conduct organic, food safety and GAP Connections Certification visits and offers individual or combined pricing.

QCS auditors are responsible for coordinating specific dates and times for the monitoring visits and making sure every client assigned to them has at least a two-week notice. Administrative staff members are necessary to field any questions about GAP Connections Certification, supply information and resources to potential clients, and to ensure a seamless transition of the application from the time the documents are received to the issuance of the GAPC Certificate.

**Contact John DiZazzo by Phone and Text: 352.283.9956 | Email: [john@qcsinfo.org](mailto:john@qcsinfo.org) | Hours of Operation: Monday – Friday, 9am – 5pm EST**

Activity	All expenses included in pricing	Combined Discount (Organic + GAPC)
Certification Audit with worker interviews (Tobacco or Hemp)	\$800	\$600
Certification Audit without worker interviews (Tobacco or Hemp)	\$750	\$600
Tobacco Certification Site Visit with worker interviews	\$800	\$650
Tobacco Certification Site Visit without worker interviews	\$700	\$550
Labor Exempt Audit or Site Visit (Only immediate family or vocational labor)	\$625	\$550
Remediation through Record Review (no on-farm visit)	\$50 per ½ hour	\$50 per ½ hour
Remediation through an on-farm visit	\$800	\$800

*Group discounts available for new clients in close proximity, savings of \$20+. IF too few farms in your area sign up, you will be contacted ASAP with the option of paying an additional \$40-\$120 in travel costs or switch monitoring firms. If a client cancels in less than 5 days' notice client will incur a \$150 cancellation fee. Payments made any later than the date of inspection will automatically incur an additional 5% fee to cover billing department processing fees.*



## Understanding the Compliance Guide Tables

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- **Standard Category:** Critical Standards are required by law or deemed necessary by the industry. Additional Standards adhere to good agricultural practices.
- **Standard:** The GAPC Certification Standard.
- **Grower Question:** The question that will be asked during the Certification Monitoring Activity (audit).
- **Tab # in Records, Page #:** Indicates the tab in the GAPC Records where the template or document can be found that will be requested to verify the question. Page number indicates the page number behind the tab where the template can be found that will be required to verify the question.
- **Verification Methods:** The methods used to verify standards or remediation of standards. (See verification methods table)
- **Remediation Processes:** The processes used to remediate, i.e. fix, practices that did not meet Certification standards. (See remediation processes table)
- **Non-remediation Consequences:** The consequences when a grower chooses not to remediate practices to comply with standards by the given deadline. (See non-compliance consequence table)

## Verification Methods

	Abbreviation	Process
Record Review	RR	When the auditor is on the farm, they will verify records or documents through the record review process. The auditors are trained on what documents to look for as well as what type of documentation is acceptable for the purposes of the certification program
Picture	P	In addition to other verification methods a picture may also be required for verification. Auditors will also take a picture of the document, poster, or facility to be stored in the questionnaire.
Grower Interview	GI	When the auditor is on the farm, they will verify practices by asking the grower about the practice and having the grower verbally verify the response.
Visual Inspection	VI	When the auditor is on the farm, they will verify grower responses regarding barns, equipment, safety, etc. by visually inspecting these items. The auditors are trained on what to look for on the farm. If the auditor does not see the item, follow up questions may be asked.
Worker Interview	WI	When the auditor is on the farm and worker interviews are required or requested, the auditor will interview, at minimum, twenty percent (20%) of the grower's workforce, with a minimum of two worker interviews for those operations with more than one worker and a maximum of ten worker interviews for those operations with 50 or more workers, for the current season in which the GAPC Grower Member is seeking certification. Workers interviews must be representative of all labor sources used on the farm. More interviews can be conducted if deemed necessary by auditor to verify practices. If the grower uses a Farm Labor Contractor those workers must be present for interviews. Workers are to be selected randomly by the auditor. Worker interviews are to be conducted anonymously and grower must not be present for worker interviews.

## Remediation Processes<sup>7</sup>

	Abbreviation	Process	Time to Complete
Record Review	RR	If record review is required for remediation, the grower must collect all missing records and organize the information using the GAPC record templates or the grower's own record keeping method. Once all missing records have been prepared and organized, the grower can send them to the designated remediator with audit firm. Successful remediation is at the auditor's discretion.	30 days from the date the monitoring report was submitted
Record Review with Corrective Action Plan (CAP)	RR CAP	In addition to the record review, a corrective action plan may also be required. This indicates that the grower must submit, in addition to the appropriate documentation, a report/document that indicates why the grower did not follow the GAPC standard and how the issue will be corrected in the future. A template CAP can be found online at <a href="http://www.gapconnections.com">www.gapconnections.com</a> .	30 days from the date the monitoring report was submitted
Record Review with Picture	RRP	If record review with picture is required for remediation, the grower must take a picture of the remediated item or items. Once all pictures have been prepared and organized, the grower can send them to the designated remediator. Successful remediation is at the auditor's discretion.	30 days from the date the monitoring report was submitted
Not Remediable	NR	There will be some issues on the farm that are simply not remediable, such as rotating crops, or planting disease resistant varieties. Non-Remediable issues are opportunities for improvement the following year. Critical NR practices will result in the grower not being Certified.	NA
Visual Inspection	VI	If a Visual Inspection is required, the goal should be to find a long-term solution to the issue as opposed to a temporary fix. The grower should make all necessary changes or fixes that require an auditor to revisit their farm. Then the grower can contact the auditor who visited their farm to schedule a follow-up visit. In some cases, the Visual Inspection for remediation may include Worker Interviews.	30 days from the date the monitoring report was submitted
Visual Inspection with CAP	VI CAP	In addition to the Visual Inspection, a Corrective Action Plan may also be required. This indicates that the grower must submit, in addition to the follow-up visit, a report that indicates why the grower did not follow the GAPC standard, a timeline of how the issue was fixed, and what the solution was. Worker Interviews may also be included if necessary.	30 days from the date the monitoring report was submitted

<sup>7</sup> In the event that your selected auditing firm encounters circumstances on your operation that are not in compliance with GAPC Certification Standards, GAPC may, but is not required to, permit you to remediate and correct any noncompliance with GAPC standards so that you may qualify for GAPC Certification in the year of application. There is no obligation on the part of GAPC to permit remediation. If GAPC permits remediation, all required remediation must be completed within 30 days of the date the monitoring visit was submitted. Failure to timely remediate noncompliance with GAPC Certification Standards may result in denial of GAPC Certification for your operation.

## Non-compliance Consequence

	Abbreviation	Process
Not Certified	NC	Grower is <b>Not Certified</b> as they are not in compliance with a “Critical” standard.
Not Certified Depending on Score	NC*	Grower is <b>Not Certified</b> if compliance with this Additional standard is needed to reach minimum required Additional Certification score.
Not Certified and Potential Reportable	NCR	Grower is <b>Not Certified</b> . GAPC also reasonably believes this practice constitutes a serious violation of the law, or a severe infraction that endangers the health, safety, or rights of workers and may be reported to authorities and/or contracting companies. <sup>8</sup>

<sup>8</sup> In the event that GAPC, through any means, in its sole discretion, determines that an operation is engaged in serious violations of laws designed to protect workers, GAPC reserves the right to report the GAPC Grower Member’s operation to the proper governmental authorities and revoke the GAPC Grower Member’s GAPC Certification. Conduct that may potentially result in a report to outside authorities is detailed in GAPC Certification Compliance Guide (indicated with a “NCR”). In addition to conduct identified in GAPC Certification Compliance Guide, any actions that pose an immediate risk of serious injury or death, forced labor, or human trafficking may be reported to the appropriate governmental authorities.

## General Certification Standards

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
<b>SELF-ASSESSMENT</b>						
Critical A, SV	Complete the GAPC Annual Self-assessment prior to monitoring activity.	Was the self-assessment completed prior to the monitoring activity (self-assessment percentage complete must be 100%)?		RR	RR	NC
<b>GROWER TRAINING</b>						
Critical A, SV	Grower and all Associated Growers must attend Annual GAP Training by June 30 of each year.	Did grower and all their Associated Growers complete training by June 30?		RR	NR	NC
<b>578 Crop Report</b>						
Critical	Obtain an FSA Form 578 crop report(s) for the current year detailing all hemp acreage from all counties.	Does the grower have an FSA Form 578 Crop report(s) for the current year detailing all hemp acreage from all counties?		RR; P	RR	NC
Critical	Acreage reported on current year FSA Form 578 crop report(s) must match acreage reported at time of monitoring activity.	Does the FSA Form 578 crop report(s) for the current year match exactly the acreage reported by grower during monitoring activity?		RR; P	RR	NC
Critical	Maps of all growing parcels must be kept on file.	Does the grower have maps of all grower parcels available for review?		RR; P	RR	NC
<b>REGULATIONS AND HEMP LICENSING</b>						
Critical	Growers must demonstrate to the certification body how they stay informed of the legal requirements that apply to their operations, and how they follow such requirements on an ongoing basis.	Does the grower stay informed of the legal requirements that apply to their operations?		GI; RR	RR	NC
Critical	Growers must keep on file a record of any violations of applicable laws and corrective actions for which they have been cited by relevant authorities.	Does the grower have records of any violations of applicable laws and corrective actions if applicable?		GI; RR	RR	NC

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical	<p>Prior to planting, obtain and maintain a valid, non-expired hemp license, registration and/or agreement with the state, tribal government or USDA according to local, state, and federal laws that includes: name of person or corporation to whom the license or authorization is to be issued; address of the farm or place including county and township or legal description; number of acres (must match or be less than acres listed on 578); global positioning system coordinates; intended purpose of hemp;</p>	<p>Did the grower prior to planting, obtain and maintain a valid non-expired hemp license, registration and/or agreement with state, tribal government or USDA according to local, state, and federal laws that includes:</p> <ul style="list-style-type: none"> <li>• Name of person or corporation to whom the license or authorization is to be issued</li> <li>• address of the farm or place including county and township or legal description</li> <li>• number of acres (must match or be less than acres listed on 578)</li> <li>• global positioning system coordinates</li> <li>• intended purpose of hemp, e.g., food, dietary supplements, fiber production, etc.</li> </ul>		RR	RR	NC
Critical	<p><b>PLANT BREEDERS ONLY:</b> Prior to planting, obtain and maintain a valid, non-expired hemp license, registration and/or agreement with the state, tribal government, or USDA according to local, state, and federal laws that includes: the variety of hemp that may be cultivated and any conditions that are necessary to minimize security, public health or safety hazards related to the licensed or authorized activities and specify if the hemp is for food or non-food purposes.</p>	<p>Did the grower prior to planting, obtain, and maintain a valid non-expired hemp license, registration and/or agreement with state, tribal government or USDA according to local, state, and federal laws that includes:</p> <ul style="list-style-type: none"> <li>• the variety of hemp that may be cultivated and any conditions that are necessary to minimize security, public health or safety hazards related to the licensed or authorized activities</li> <li>• specification if hemp is for food or non-food purposes</li> </ul>		RR	RR	NC

## HOW YOU GROW MATTERS: Crop and Environment Certification Standards

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
<b>Nutrient Management</b>						
Critical	Sample soil where hemp is grown every three years. Soil tests should include tests for heavy metals (at minimum, for arsenic, cadmium, mercury, and lead), pH, Crop Protection Agent (CPA) residues (see required list of CPAs for testing in Appendix G) , and soil nutrient profile.	Was a soil test that includes heavy metals (at minimum, for arsenic, cadmium, mercury, and lead), pH, required CPA residues, and soil nutrient profile conducted on each hemp field no more than three years before the time of transplanting? Grower will need to show soil test results for verification.		RR; P	RR	NC*
Critical	Laboratories conducting soil analysis must be accredited to ISO 17025	Does the grower have verification showing that laboratory conducting soil analysis is accredited to ISO 17025?		RR	RR	NC
Additional High	Sample soil where hemp is grown every year. Soil tests should include tests for heavy metals (at minimum, for arsenic, cadmium, mercury, and lead), pH, Crop Protection Agent (CPA) residues (see required list of CPAs for testing in Appendix G), and soil nutrient profile.	Was a soil test that includes heavy metals (at minimum, for arsenic, cadmium, mercury, and lead), pH, required CPA residues, and soil nutrient profile conducted on each hemp field before the time of transplanting? Grower will need to show soil test results for verification.		RR; P	RR	
Critical	Have a soil management plan that determines fertilizer applications according to soil sample results.	Does the grower have a soil management plan that determines fertilizer application are made according to soil sample results?		RR	RR	NC
Critical	Keep records of all nutrient applications- greenhouse, transplant water, and field (soil and foliar), which includes date of fertilizer application, application timing (pre-plant, side-dressing, transplanting, or foliar), type of fertilizer applied (N-P-K), and rate of application. This includes lime applications.	Are fertilizer/lime/manure applications records for greenhouses and field/tracts maintained at the farm? This includes date of fertilizer application, application timing (pre-plant, side-dressing, transplanting, or foliar), type of fertilizer applied (N-P-K), and rate of application.	1,	RR	RR	NC*

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical	If using animal manure or litter for fertilizer, have it tested for nutrient content and heavy metals to determine appropriate rates.	Do you use animal manure or litter for fertilizer on your hemp? a) If you use animal manure or litter for fertilizer on your hemp do you have documentation that indicates it has been tested for nutrient content and heavy metals?	1,	RR; P	RR CAP	NC*
Critical	If required in your watershed, comply with nutrient management regulations as applicable.	Do you comply with the nutrient management regulations in your state/watershed?		RR	RR	NC
<b>INTEGRATED PEST MANAGEMENT</b>						
Additional Medium	Have a documented scouting program for pests and record the scouting information by field/tract following GAP standards. Records should include the following: <ul style="list-style-type: none"> <li>• Date of scouting</li> <li>• Pests observed</li> <li>• Percent of plants affected/infested</li> <li>• Crop protection agent applications made by field and date</li> <li>• Conduct a follow-up of your pest control practices to determine the effectiveness of the action taken</li> </ul>	Do you have a documented scouting and monitoring program for your hemp production?  Is there a documented scouting program that includes, at minimum, the following? a) Field scouting dates; b) Pests identified during scouting; c) Fields/tracts where pests were identified; d) Level of infestation of pests identified; e) Corrective actions taken by field and date; f) Follow-up on pest control practices to determine the effectiveness of actions taken	2,	RR	RR	NC*
Additional Medium	Using the documented scouting program, scout hemp crop weekly.	Do you scout your hemp crop weekly using the documented scouting program?	2,	RR	RR	NC*
Additional Medium	Use appropriate methods such as washing, steaming, bleaching, or use of commercial tray cleaner to clean or sanitize transplant trays in the production of seedlings.	Are trays used in the production of seedlings cleaned or sanitized using appropriate methods such as washing, steaming, bleaching, or use of commercial tray cleaner?  What method of cleaning or sanitizing do you use for transplant trays?		GI	NR	NC*



Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical	All CPA applications, restricted or non-restricted, should be completed or supervised by a licensed CPA applicator. This includes organic growers using only non-restricted CPAs.	Does a licensed CPA applicator apply or supervise all CPA usage (restricted and non-restricted)? Grower must have copy of current CPA license at time of audit. If grower uses a third-party to apply CPAs on your operation you must have a copy of their CPA license at time of audit.	2,	RR	RR	NC
Critical	Use only CPAs that have been approved by the EPA for use on hemp (labeled). Always refer to your grower contract; some buyers may prohibit use of CPA's which are labeled for hemp.	Do you only use labeled CPAs on your farm for hemp production?	2,	RR	NR	NC
Critical	Keep field/tract records of all CPA applications, including in the greenhouse, transplant water, and field. This includes: CPA common name, Active ingredient, Application Date, Application Method, Rate, Name of Applicator, Field name and location, EPA Number, REI, and Pest targeted or reason for application	Does CPA application documentation include, at minimum, the following? a) Date of application; b) Entity performing application; c) Reason for application; d) Product brand name and common name/active ingredient; e) EPA#; f) Restricted Entry Interval (REI) by field/tract; g) Rate applied; h) Identification or field treated and size of treated area; i) Method of CPA application; j) pest targeted;	2,	RR	RR	NC
Critical	Maintain CPA application records for the previous five growing seasons as well as the current season.	Are CPA application records available for the previous five growing seasons as well as the current season?		RR	RR	NC*
Additional High	Maintain calibration records for current year.	Are records of sprayer calibration for the current season being maintained?	2,	RR	RR	NC*
<b>CROP AND OPERATION MANAGEMENT</b>						
Critical	Direct the day-to-day activities involved in producing the hemp sold under your name or the name of the farming operation.	Do you direct the day-to-day activities involved in producing the hemp sold under your name or the name of the farming operation?		GI	NR	NC

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Keep the purchase receipts for hemp seeds and/or plants that includes source, variety, and amount	Does the grower have purchase receipts for hemp seeds and/or plant that includes source, variety, and amount?		RR	RR	NC
Critical	Whether you produce or purchase your hemp plants, keep records of transplant/greenhouse seeding dates, varieties, seed origination, and seed lot numbers by field/tract, dates of transplanting by field/tract	<p>Do you produce or purchase your hemp plants?</p> <p>What percentage of your hemp plants do you produce?</p> <p>Is the following documentation maintained for crop management maintained at the farm?  a) Seed lot numbers and varieties maintained at the farm; b) Dates of seeding for transplants. c) country of origin, d) dates of transplanting</p>	3,	GI; RR	RR	NC
Additional High	Keep records of plant and row spacing and plant population maintained by field or tract.	Is the following documentation maintained for crop management maintained at the farm? b) Row width and plant spacing for the current season; c) Plant population in field	3,	RR	RR	NC*
Critical	All equipment involved in production, harvesting, and transportation of hemp must be properly cleaned so as to avoid contamination of the crop by unintended materials.	Is there documentation maintained to show that all equipment involved in production, harvesting, and transportation of hemp is properly cleaned to avoid contamination of the crop by unintended materials?		RR	RR	NC
Critical	Keep copies of analysis done on seed on file such as results from crop improvement programs or seed provider.	Does the grower have copies of analysis done on seed on file?		RR	RR	

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Follow all federal and state laws related to the transport, import, and/or export of hemp seed and hemp plants for planting.	Do you follow all federal and state laws related to the transportation, import, and export of hemp seed and hemp plants for planting?		GI		NC
Critical	If you import and/or export seed, hemp biomass, or any derivatives ensure that a copy of the import and/or export permit and any declarations as required by the operator's legal jurisdictional authority(s) is maintained on the farming operation.	Does the grower have a copy of the import and/or export permit available for review?		RR	RR	NC
Critical	EXPORT ONLY: Apply for a permit to export hemp plants, hemp seed, viable grain, raw hemp (non-seed), raw hemp materials or derivatives as may be necessary per the authority having jurisdiction and/or receiving country may be required to	Did you apply for a permit to export hemp plants, hemp seed, viable grain, raw hemp (non-seed), raw hemp materials or derivatives?		GI;RR	RR	NC
Critical	Keep hemp types strictly separated from each other during seeding, drying, and market preparation.	If multiple hemp types are grown on the farm, are they kept strictly separated at all levels of production?		VI	NR	NC
<b>SAMPLING HEMP FOR ANALYSIS</b>						
Critical	During sampling, the grower or an authorized representative shall be present at the grower site.	Was the grower or an authorized representative present during sampling?		GI	RR CAP	NC
Critical	Grower should have a documented procedure for pre-harvest sampling.	Does the grower have a documented procedure for pre-harvest sampling?		RR	RR	NC
Critical	Grower should maintain jurisdiction sampling and testing requirements on operation for review.	Are jurisdiction sampling and testing requirements maintained on the operation for review?		RR	RR	NC

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Grower should provide the number of testing results given jurisdiction standards on adequate number of samples and proper locations.	Does the grower have testing results that meet jurisdiction standards on adequate number of samples and proper locations?		RR	RR	NC
Critical	Grower must have a pre-harvest analysis result that attests to the THC levels being 0.3% or less on a dry weight basis.	Does the grower have a pre-harvest analysis result that attest to the THC levels being 0.3% or less on a dry weight basis?		RR	RR	NC
Critical	Growers shall refer to the authority having jurisdiction regarding the disposal of non-compliant material.	Does the grower follow/refer to the authority having jurisdiction regarding the disposal on non-compliant material?		GI		NC
<b>HARVEST AND STRUCTURE MANAGEMENT</b>						
Critical	Maintain records of the type and number of production structures	Are the following records maintained for harvest and structure management? Type and number of production structures	4,	RR	RR	NC*
Additional Medium	Keep records of harvesting dates by field/ tract or production structure	Is the following documentation maintained for crop management maintained at the farm? Dates of harvesting for the current season <sup>9</sup>	4,	RR	RR	NC*
Additional Medium	Maintain documentation on the drying structure or barn used for hemp from each field, /tract or production structure tract for traceability purposes.	Are records maintained documenting the drying structure or barn used for hemp from each field/tract or production structure for traceability purposes? <sup>12</sup>	4,	RR	RR	NC*

<sup>9</sup> If grower does not have records for current season, they can supply records for last year. New growers can show a template and discuss plans for how these records will be kept.

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Record the date that hemp was placed in the drying structure and date it was removed.	Are the following records maintained for harvest and structure management? Date hemp was placed in the drying structure and the date it was removed from drying structure <sup>12</sup>	4,	RR	RR	NC
Critical	Have a documented program that allows for labeling and traceability of hemp from seed to farm sale or delivery.	Does grower have a documented program that allows for labeling and traceability of hemp from seed to farm sale or delivery. (i.e. bale ID system, etc.)?		RR	RR	NC
Critical	Have a documented safety program for drying structures that includes inspection of tier rails and support beams for soundness, inspection of general barn soundness, removal of stored machinery, lumber and other items from barn floors that could enhance injury in falls. Ladders or steps should be installed and maintained to reach tiers.	Is there a documented drying structure safety program, including inspection dates, hazards identified, and actions taken to reduce hazards?	4,	RR	RR	NC
<b>NON-HEMP RELATED MATERIALS (NHRM)</b>						
Critical	Clean harvested hemp to remove any NHRM.	What practices does the grower have in place to ensure that harvested hemp is clean and no NHRM is present?		GI, VI		
Additional Medium	Have designated break areas away from market prep area.	Does grower have designated areas for their workers to take a break that are away from the market preparation areas?		VI	RRP	NC*
Additional High	Have at least one trash can in the market prep area. If market prep area is not currently in use, the trash cans that will be used to be visible.	Is there at least one trash can present in facilities/market preparation areas?		VI	RRP	NC*
Additional Medium	Do not have tools with plastic handles in market prep area.	Do the tools and equipment in market preparation areas have metal or wooden handles?		VI	RRP	NC*

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Additional Medium	Do not use brooms with synthetic bristles in market preparation area.	Do brooms used in market prep area have synthetic bristles?		VI	RRP	NC*
Additional High	Regularly inspect market prep area and remove NHRM and other potential sources of taint that could contaminate the hemp, keeping records of weekly inspection dates when in use. If market prep area is not currently in use, a documented inspection program including an inspection checklist and log of dates needs to be available from previous year or plan for current year.	Does grower have records kept of inspection of market prep area for NHRM while in use? <sup>10</sup>  Does grower inspect market preparation facilities for NHRM weekly when in use? <sup>11</sup>	5,	GI; RR	RR	NC*
Additional Low	Have a dedicated market prep and baling area with concrete, wood, or asphalt floor.	Does grower have a dedicated market prep area with a concrete, wood, or asphalt floor?		VI	NR	NC*
<b>POST HARVEST PROCESSING, STORAGE, AND TRANSPORTATION</b>						
Critical	Keep records of cleaning, cutting, grinding, packing, and storage by field/tract and drying structure (i.e. activity, date, individual doing task).	Does the grower keep records of cleaning, cutting, grinding, packing, and storage by field/tract and drying structure that includes activity, date, and individual performing task?	4	RR	RR CAP	NC

<sup>10</sup> If grower does not have records for current season, they can supply records for last year. New growers can show a template and discuss plans for how these records will be kept.

<sup>11</sup> If grower does not have records for current season, they can supply records for last year. New growers can show a template and discuss plans for how these records will be kept.

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical	<p>Any water used during harvesting, post-harvest handling, or storage of hemp not from a public source must be tested for E. coli using the EPA Method 1603: Escherichia coli (E. coli) in Water by Membrane Filtration Using Modified membrane-Thermotolerant Escherichia coli Agar (Modified mTEC) which includes the following equivalent testing methods:</p> <ul style="list-style-type: none"> <li>• TECTA EC/TC medium and instrument</li> <li>• Modified Colitag, ATP D05-0035</li> <li>• IDEXX Colilert test kit</li> <li>• IDEXX Colilert-18 test kit</li> <li>• IDEXX Colisure test kit</li> <li>• E*Colite Bag or Vial test</li> <li>• ReadyCult Coliforms 100</li> </ul>	<p>Does all water used during harvesting, post-harvest handling, or storage of hemp not from a public source meet testing requirements?</p>		RR	RRP	NC
Critical	<p>Maintain a clean, dry hemp storage area, with no treated wood in contact with hemp, no storage of CPAs, petroleum products, paint, stains, fertilizers, or Styrofoam trays in storage area or other sources of taint that could contaminate the hemp in storage area.</p>	<p>If hemp is currently being stored, do storage facilities appear generally clean with no NHRM observed?</p> <p>Are hemp handling and storage areas free of liquid storage (CPAs, petroleum products, paint etc.) and preservative treated wood?</p>		VI	RRP	NC
Additional Medium	<p>Have an enclosed storage area with doors and windows that can be secured, if windows present. Doors and windows can be closed.</p>	<p>Can doors and windows be secured on hemp storage facilities?</p>		VI	VI	NC*
Additional High	<p>Store baled hemp may be stored on concrete floor, untreated wood floor, trailers, wagons, or truck beds.</p>	<p>Is baled hemp stored on a concrete floor, untreated wood (floor or pallet), trailers, wagons, or truck beds?</p>		VI; GI	VI or VIP	NC*
Critical	<p>Ensure that livestock are excluded from drying and storage structures.</p>	<p>Are livestock excluded from drying and storage structures? If livestock are used to transport hemp into the drying or storage structures the manure must be cleaned out immediately when hemp is finished being unloaded.</p>		VI	NR	NC

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Monitor for mold risk by maintaining frequent check for heat and moisture content	Are frequent checks for heat and moisture content performed to monitor for mold risk?		GI		NC
Critical	Storage of hemp shall be properly inventoried and labeled at each stage of processing and at all times to prevent adulteration, contamination, and unintended comingling.	While stored is hemp properly inventoried and labeled at each stage of processing at all times to prevent adulteration, contamination, and unintended comingling?		GI, VI	RR CAP	NC
Critical	Hemp label must include at a minimum: Variety, Field/Growing Location, Lot number and/or Harvest date, Grower Name	Do the hemp labels include at minimum, the following? a) Variety; b) field/growing location; c) lot number/harvest date; d) grower name		RR	RR	NC
Critical	Store packaging and labels in conditions to prevent them from being adversely affected.	Are packaging and labels stored in a manner to prevent damage?		VI	VI CAP	NC
Critical	Packaging materials must not be coated with or otherwise contain any materials (e.g. fungicides, mold inhibitors, etc.) that may contaminate hemp.	Are packaging materials free from and fungicides, mold inhibitors, and any other material that may contaminate the hemp?		GI, VI	VI	NC
Critical	Storage of hemp shall be under appropriate conditions of temperature, humidity, and light so that the identity, purity, strength, and composition of the components and hemp are not affected.	While stored is hemp kept under appropriate conditions of temperature, humidity, and light so that the identity, purity, strength, and composition of the components and hemp are not affected?		GI;VI	VI CAP	NC
Critical	Transport hemp under conditions to protect the hemp against contamination, deterioration, and adulteration, including the assurance of clean and uncontaminated transportation vehicles.	Does the grower transport hemp under conditions to protect hemp against contamination, deterioration, and adulteration, and do they have records showing that transportation vehicles have been cleaned?		GI;VI;RR	RR CAP	NC



Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Any transported hemp material should be accompanied by the state or federal registration upon which the hemp was grown, a 3rd party COA stating the cannabinoid content, and a manifest stating sender contact information, type of products with a description of packaging/quantities and receiving party contact information.	Is all transported hemp accompanied by state or federal registration upon which the hemp was grown, a 3 <sup>rd</sup> party COA stating cannabinoid content, and a manifest stating sender contact information, type of products with description, and receiving part contact information?		GI;RR	RR CAP	NC
Critical	Keep records of all amounts sold by variety (included on Bill of Lading or label) and amounts disposed.	Are records available for review for all amounts sold by variety (included on Bill of Lading or label) and amounts disposed?		RR	RR CAP	NC
<b>CROP PROTECTION AGENT (CPA) MANAGEMENT</b>						
Critical	Maintain SDS sheets for all CPAs used in hemp production.	Are SDS (Safety Data Sheets, formerly known as MSDS) for CPAs maintained at the farm?		RR	RR	NC
Critical	Maintain copies of labels for all CPAs currently being used in hemp production either on the container in storage, or in farm files. Does not include CPAs that are no longer in use and are not on the farm.	Copy of labels of CPAs applied, either on container in storage or in farm files? Does not include CPAs that are no longer in use.		RR	RR	NC
Critical	Have a designated, enclosed, dry (weather protected) and lockable CPA storage area with proper signage. Signage should signify "Danger", "Pesticide Storage", or "Keep Out" at a minimum, be able to withstand normal wear and tear and if exposed to outdoor conditions, be able to withstand weather. If no storage a grower must show receipts from a custom applicator or organic certification.	Are CPAs stored in designated, enclosed, weather protected, lockable area with appropriate warning signs that (1) signify "Danger", "Pesticide Storage", or "Keep Out" at a minimum, (2) can withstand normal wear and tear and (3) if exposed to outdoor conditions, be able to withstand weather?		VI; P	RRP	NC

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Ensure that CPAs are stored in original manufacturer's containers with labels attached or on file in CPA storage room. If there is no storage area a grower must show CPA purchase receipts, receipts from a custom applicator, or organic certification.	Are CPAs stored in original manufacturer's containers with labels attached or on file in CPA storage room? If there is no storage area a grower must show receipts from a custom applicator or organic certification.		VI; RR	RRP: RR	NC
Additional Medium	CPA storage with impermeable floor. This includes tubs, bins, or containers used to hold CPAs made of impermeable material.	Does CPA storage have an impermeable floor?		VI	NR	NC*
Additional Medium	CPA storage designed to retain runoff from spills and leakages. This includes tubs, bins, or containers used to hold CPAs made of impermeable material that can hold more than the volume of CPA being stored.	Is CPA storage designed to retain runoff from leaks and spills?		VI	NR	NC*
Additional Low	Maintain a current inventory of CPA stocks in storage updated monthly if changes occurred within the month.	Is there a current inventory of all CPAs stored on the farm updated monthly (if changes occurred within the month)?	6,	RR	RR	NC*
Additional Medium	Mix or transfer CPAs in containment areas away from runoff channels.	Do you mix or transfer CPAs in containment areas away from runoff channels?		VI	RR CAP	NC*
Critical	Dispose of empty CPA containers by triple-rinsing and punching or removing lid <u>AND</u> either recycling through programs or sites designated for CPA container recycling OR disposing of them in appropriate landfill. CPA containers cannot be burned.	Are CPA containers disposed of by triple-rinsing and punching or removing lid and either recycling through programs or sites designated for CPA container recycling OR disposing of them in appropriate landfill? Prohibited disposal procedures include, but are not limited to, open dumping, burning, water dumping, and ocean dumping.		VI	NR	NC
Additional Low	Have a designated, fenced or otherwise lockable storage area for empty CPA containers that have not been tripled rinsed and punched pending disposal.	Is there a designated fenced or otherwise lockable storage area for empty CPA containers that have not been tripled rinsed and punched pending disposal?		VI; P	RRP	NC*

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Additional Low	Properly dispose of non-hazardous waste products (i.e., move wastepaper, cardboard, plastic (other than CPA chemicals) to a trash receptacle or recycle container. Burning non-hazardous waste is not acceptable.	How do you dispose of non-hazardous waste used in hemp production (wastepaper, cardboard, plastic other than CPA containers)? Acceptable practices include recycling and landfill. Prohibited practices would include burning and keeping on the farm (i.e., on-farm trash pit, dumping site, etc.)		VI	RRP	NC*
Critical	Properly segregate, store, recycle, or dispose of hazardous waste including but not limited to residual CPAs, fuel, oil, grease, paint, and batteries.	How do you dispose of hazardous waste used in hemp production (including but not limited to residual CPAs, fuel, oil, grease, paint, and batteries)? Acceptable practices include recycling or a documented program that collects the hazardous waste from the farm or has a drop-off location(s). Grower should be prepared with documentation on program for audit.		VI	NR	NC
Additional Medium	Ensure that greenhouse float water is properly and legally disposed of such as natural evaporation or used in transplant water.	If farm has a greenhouse used for transplant production, is transplant float water properly disposed of by allowing it to evaporate or, if all CPAs used are labeled for field use, applying it to hemp fields?		GI	RR CAP	NC*
<b>SOIL AND WATER MANAGEMENT</b>						
Critical	Keep records of dates and amounts of irrigation water and maintain records of rainfall amounts during the growing season.	If applicable are the following records per field/tract maintained at the farm? a) Rainfall received; b) irrigation amounts	6,	RR	RR	NC*
Additional Low	If you use irrigation, then use proper irrigation management methods, which include: a) Maintain equipment and piping to prevent leakage; b) Maintain runoff water.	Do you properly manage your irrigation system, which includes maintaining equipment and piping to prevent leakage?  Do you properly manage your irrigation system, which includes minimizing runoff water?		VI; GI	VI: RR CAP	NC*
Critical	As required by law, maintain a conservation management plan approved by the soil and water conservation district for fields that are considered highly erodible land.	If field/tract is considered HEL (Highly Erodible Land), is there a conservation plan approved by the soil and water conservation district?		RR	RR	NC

Standard Category	Standard	Grower Question	Tab # in Records, Page #	Verification	Remediation Processes	Non-Compliance Consequence
Additional High	Use vegetated buffers between field and streams or lakes (minimum buffer distance is 33 feet).	Are there buffer zones present between hemp fields and streams, lakes, and other natural bodies of water?		VI	RR CAP	NC*
Additional Low	Maintain field borders/buffer strips along lower edges of fields and beside field ditches and drainage ways (minimum buffer distance is 33 feet).	Are vegetated field borders/buffer strips used along lower edges of fields and beside field ditches and drainage ways?		VI	RR CAP	NC*

## HOW YOU WORK MATTERS: Labor Certification Standards

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**Labor Types Referenced Below: The “Labor Type” column will indicate what type of labor the GAPC Certification Standard applies to.**

**All:** This includes all labor working in hemp on your farming operation including all hired labor, all immediate family farm labor, and all labor that may be involved in an apprenticeship/vocational program.

**All Hired Direct:** This includes all workers hired directly by grower or with the assistance of a personal attorney, approved H-2A agent, or approved H-2A agricultural association (i.e. NCGA, AWMA, VAGA, National Ag Consultants, and KY Farmers Aid). Does not include immediate family farm labor.<sup>12</sup>

**All Hired Indirect:** This includes all workers that are not hired directly by grower or with the assistance of a personal attorney, approved H-2A agent, or approved H-2A agricultural association. Grower solicits a third-party such as a FLC or H-2ALC to hire workers to work on grower’s operation.

**H-2A Direct:** This includes all H-2A workers hired directly by grower or with the assistance of a personal attorney, approved H-2A agent, or approved H-2A agricultural association (i.e. NCGA, AWMA, VAGA, National Ag Consultants, and KY Farmers Aid).

**H-2A Indirect:** This includes all H-2A workers that are not hired directly by grower or with the assistance of a personal attorney, approved H-2A agent, or approved H-2A agricultural association. Grower solicits a third-party such as a FLC or H-2ALC to hire workers to work on grower’s operation.

**Apprenticeship/Vocational (A/V):** Workers that are involved in a vocational or apprenticeship program sanctioned by the Board of Education in the state. Documentation verifying the vocation or apprenticeship program will be required.

**Immediate Family (Immed. Family):** Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of the owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.

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<sup>12</sup> Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of the owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
<b>Recruiting, Hiring and Termination</b>							
Critical	Qualified employees who grow, manufacture, package, or label hemp shall be qualified to do so, and those responsible for quality control or performing any quality control operations must have the education, training, or experience to perform the assigned functions. Supervisors shall be qualified by education, training, or experience to supervise.		Are employees qualified to grow manufacture, package, or label hemp, to perform quality control, and supervisors qualified to supervise other employees if applicable?		GI	RR CAP	NC
Additional High	Maintain documentation of the number of permanent, local, seasonal, migrant, H2A, and immediate and non-immediate family workers.	All	Are records maintained that document the number of permanent, local, seasonal, migrant, H-2A, and immediate and non-immediate family workers?	7,	RR	RR	NC*
Critical	If there are H-2A workers on the farm obtain and keep a copy(s) of the ETA 790(s) and 790A(s) for all H-2A workers which must include the number of workers, location of employment, name of employer, number of housing units, housing location, and H-2A case number.	H-2A Direct	Do you have a copy of the ETA 790(s) and ETA 790A(s) for all workers that includes the number of workers, location of employment, name of employer, number of housing units, housing location, and H-2A case number?		RR	RR	NC
Critical	If there are H-2A workers on the farm the grower's name the name of the entity which the individual is a part of (member or employee), must be listed on all of the: <ul style="list-style-type: none"> <li>• ETA 790(s) and ETA 790A(s)</li> <li>• ETA 9142A(s) ( if requested)</li> </ul>	H-2A Direct	Is the name of the grower or the name of the entity which the individual is a part of listed on all of the ETA 790(s) and ETA 790A(s) ?  If the ETA 9142A is requested, the grower or the name of the entity which the individual is a part of must be listed on all the ETA 790(S) and ETA 790A(s)?		RR	NR	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Growers should not employ unauthorized H-2A workers or allow H-2A workers under their employment to work on an unauthorized farm location. H-2A workers are only authorized to work for the employers and at the locations listed on their H-2A contract, the ETA 790 and the ETA 9142A. Grower's operation must be listed on the ETA paperwork.	H-2A Direct	<p>Are all H-2A workers on this farm authorized to work on the farm?</p> <p>Have you knowingly allowed the H-2A workers on your farm to work on an unauthorized farm location?</p>		RR	NR	NC
Critical	Complete and maintain a Form I-9 for each worker. Once the work commitment has terminated, grower keeps the Form I-9 for either three years after the date of hire, or one year after the date the work commitment is terminated, whichever is longer. Form I-9 is not required for immediate family <sup>13</sup> farm labor.	All Hired Direct	Do you have a completed I-9 form for each worker on your farm?		RR	Incomplete: RR None: NR	NC

<sup>13</sup> Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of the owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical US ONLY	If you hire more than 500 man-days of hired labor in any of calendar quarters of last year, at the time of <u>hire of seasonal workers</u> (excludes immediate family <sup>14</sup> farm labor) and at the time of <u>recruitment of migrant workers</u> the following must be <u>provided in writing</u> in the worker's preferred language, to include: place of work (with specifics, such as the name and address of the Company or the association), pay rates (including piece rates) to be paid, crops and kinds of activities for which the worker may be assigned, period of work commitment, transportation, housing, and any other worker benefits to be provided, if any, and any costs to be charged for each, and whether state workers' compensation or state unemployment insurance is provided.	All Hired Direct  A/V Exempt	<b>If there were more than 500 man-days of hired labor in any of the calendar quarters of last year migrant and/or seasonal workers are hired: Are workers provided a written statement that describes, at minimum, the following terms and conditions of employment?</b> <ul style="list-style-type: none"> <li>• Place of employment (name and address of employer)</li> <li>• Wage rates (including piece rates)</li> <li>• Crops and kinds of activities for which worker will be employed</li> <li>• Period of employment</li> <li>• Transportation, housing and other benefits to be provided, and costs charged for these benefits, if any</li> <li>• Whether state workers' compensation or state unemployment insurance is provided</li> </ul>	7,	RR; P; WI	RR; CAP	NC

<sup>14</sup> Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters or the owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.



Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical International ONLY	At the time of recruitment and at the time of hire, provide <u>all hired workers</u> (excludes immediate family <sup>15</sup> farm labor) a written disclosure describing the terms and conditions of their work commitment written in the worker's preferred language, to include: place of work (with specifics, such as the name and address of the Company or the association), pay rates (including piece rates) to be paid, crops and kinds of activities for which the worker may be assigned, period of work commitment, transportation, housing, and any other worker benefits to be provided, if any, and any costs to be charged for each, and whether state workers' compensation or state unemployment insurance is provided.	All Hired Direct	Are hired workers provided a written statement that describes, at minimum, the following terms and conditions of employment? <ul style="list-style-type: none"> <li>• Place of employment (name and address of employer)</li> <li>• Wage rates (including piece rates)</li> <li>• Crops and kinds of activities for which worker will be employed</li> <li>• Period of employment</li> <li>• Transportation, housing and other benefits to be provided, and costs charged for these benefits, if any</li> <li>• Whether state workers' compensation or state unemployment insurance is provided</li> </ul>	7,	RR; P; WI	RR; CAP	NC
Additional High	Maintain records concerning any worker who was terminated, the reason for such termination, and report to the proper authorities (important for H-2A). Termination records are not required for immediate family farm labor.	All Hired Direct A/V Exempt	Are records maintained for any termination, showing the worker's name, the reason for termination with appropriate documentation?	7,	RR	RR	NC*

<sup>15</sup> Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of the owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
<b>Immediate Family Working on the Farm</b>							
Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of the owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker per the US DOL definition.							
Critical US ONLY	<p>Comply with all federal and state child labor laws pertaining to immediate family labor.</p> <p>Immediate family members 15 years of age or younger may only be assigned light, nonhazardous work only if does not interfere with compulsory school.</p>	Immed. Family	Are you in compliance with federal and state child labor laws related to family?		GI	NR	NC
Critical International ONLY	Immediate family members 15 years of age or younger may only be assigned light, nonhazardous work only if does not interfere with compulsory school.	Immed. Family	<p>Are immediate family members 15 years of age or younger only assigned light work that does not interfere with compulsory school?</p> <p>Are immediate family members 15 years of age or younger who work on the farm prohibited from performing hazardous work, as identified by the Secretary of Labor?</p>		GI	NR	NC
Critical International ONLY	Immediate family members ages 16 – 17 cannot be assigned any DOL hazardous tasks (Appendix B) or other restricted tasks (Appendix C).	Immed. Family	<p>For family members ages 16-17, are DOL hazardous tasks restricted?</p> <p>For family members ages 16-17, are other hazardous tasks restricted?</p>		GI	RR CAP	NC
Critical International ONLY	Ensure that a responsible adult is always present and supervising the child’s work, and that you follow regulations on the number of hours a child is permitted to work. Furthermore, children are not permitted to work at night.	Immed. Family	<p>Do you ensure that a responsible adult is always present to supervise work by a family minor (any immediate family member under 18)?</p> <p>Do you have minors (any immediate family member under 18) who work at night?</p>		GI	RR CAP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
<b>Hired Workers<sup>16</sup></b>							
Critical US ONLY	The grower must obtain the written consent of a youth worker's (under 18) parent or legal guardian prior to work commitment commencing.	All Hired Direct	Do you maintain written consent from parents, for any youth worker(s) (i.e., under 18)?		RR	RR	NC
Critical US Only	Growers must not employ or obtain services from any person who is younger than 16 years of age. Exceptions for utilizing a person under 16 years of age include the following: Youth excused from compulsory school attendance by applicable law, <u>and</u> youth involved in accredited learning programs can be assigned work tasks as long as the tasks relate directly to the learning experiences of the program and are in compliance with law.	All Hired Direct	Do you hire anyone under the age of 16 to work in your hemp operation?		GI; WI	NR	NC
Critical US Only	Youth labor that is excused from compulsory school attendance by applicable law, <u>and</u> youth involved in accredited learning programs (apprenticeships or vocational programs) must have verification documentation.	A/V	Do you have documentation of compulsory school completion and enrollment in apprenticeship/vocational program for the workers under the age of 16 that work on your hemp operation?		RR	RR	NC
Critical International Certification	Growers must not employ or obtain services from any person who is younger than 16 years of age.	All Hired Direct	Do you hire anyone under the age of 16 to work on your hemp operation?		GI; WI	NR	NC

<sup>16</sup> Hired workers include all hired persons not classified as immediate family farm labor.

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical A, SV	No hired worker under 18 may be assigned DOL hazardous tasks (Appendix B).	All Hired Direct	Are hired workers under 18 restricted from DOL hazardous tasks?		GI; WI	RR CAP	NC
Critical International ONLY A, SV	No hired worker under 18 may be assigned Other Restricted Tasks (Appendix C).	All Hired Direct	Are hired workers under 18 restricted from other restricted tasks?		GI; WI	RR CAP	NC
Additional High	If minors are employed on the farm, records that include, at minimum: Name in full, place where the minor lives while employed, permanent address, date of birth.	All Hired Direct	If minors are employed on the farm, do you maintain records that include, at minimum: 1) name in full; 2) place where the minor lives while employed; 3) permanent address (if different from current residence); 4) date of birth	7,	RR	RR	NC*
<b>Wage, Benefits and Working Hours</b>							
Critical	Ensure that the pay of all workers (including for temporary, piece rates, seasonal, and migrant workers) meet, at a minimum, national and state minimum wage requirements or adverse effect wage if H2A workers. Workers are exempt if they are involved in a vocational or apprenticeship program sanctioned by the Board of Education in the state. Documentation verifying the vocation or apprenticeship program will be required.	All Hired Direct  A/V Exempt	Do you pay all your hired workers at a rate equal to the prevailing minimum wage (state or federal) or higher?		RR; WI	NR	NCR
Critical	Ensure that workers are paid either daily, weekly, or bi-weekly and according to their employment terms and conditions.	All Hired Direct  A/V Exempt	How often do you pay your workers? [Daily, Weekly, Bi-weekly, Monthly, Other (specify)]  Does the frequency of pay match the frequency stated in the employment terms and conditions?		RR; WI	VI CAP	NCR

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	<p>Maintain a copy and provide workers with a copy of their individual written wage statements that remain in their possession for each pay period that include (wage statements are not required for immediate family<sup>17</sup> farm labor): Worker's full name; Worker's address (seasonal or permanent); Worker's social security number (last 4-digits is acceptable); Employer's name; Employer's address; Employer's identification number (entire number); Total pay period earnings; Number of hours worked; Basis on which wages are paid (piece rate if paid on a piecework basis); Number piecework units earned, if applicable; Specific sums withheld, and the purpose of each sum withheld; Net pay.</p> <p>NOTE: If subject to MSPA, H2A or FSLA, a more detailed statement may be required. Note: This Standard is above U.S. law requirements.</p>	<p>All Hired Direct A/V Exempt</p>	<p>Do you maintain a copy of individual wage statements for each worker for each pay period?</p> <p>Do you provide all your workers with a copy of their individual wage statement for each pay period?</p>		RR; WI	<p>Incomplete: RR- Grower must provide two weeks worth of wage statements that include all items outlined in standard for remediation None: NR (If no wage statements are available for review)</p>	NC
Critical	<p>Compensation must include all time under the grower's direction and control once worker initiates any work activity including short breaks (15 minutes or less) and time used to conduct training. This does not include transportation from housing to field to start and from the field to housing when work is complete.</p>	<p>All Hired Direct All Hired Indirect A/V Exempt</p>			WI	RR; VI CAP	NC

<sup>17</sup> Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	All over contract work hours are voluntary and paid in accordance with applicable laws related to wage and working hour requirements.	All Hired Direct All Hired Indirect A/V Exempt			WI	RR; VI CAP	NC
Critical	All deductions must be in accordance with applicable law.	All Hired Direct All Hired Indirect A/V Exempt	Are there withholdings, for any amount of money, from wages besides taxes, social security, or employer-provided insurance?  Do you withhold any amount of money from wages for anything else besides legal wage deductions such as taxes, social security, or those listed in the Terms and Conditions (i.e., illegal deductions)??		RR; WI	RR; VI CAP	NC
Critical	Workers must not be subject to any illegal wage withholdings, such as deposits or deductions, for the purpose of recruitment or retention.	All Hired Direct All Hired Indirect A/V Exempt	Are there withholdings, for any amount of money, from wages for anything else besides legal wage deductions such as taxes, social security, or those listed in the Terms and Conditions (i.e., illegal deductions)?		RR; WI	RR; VI CAP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
<b>LABOR POSTERS</b>							
Critical	Post all legally required labor standards posters where they will be visible to all workers, in a language common to the workers, which sets forth the rights and protections of the workers. Including but not limited to: Notice of Migrant and Seasonal Agricultural Workers Protection Act (MSPA).	All Hired Direct  All Hired Indirect	Are employment posters posted in a clearly visible location at the farm? Notice of Migrant and Seasonal Agricultural Worker Protection Act (MSPA)  If farm hires migrant or seasonal labor (excluding immediate family <sup>18</sup> farm labor) poster should be posted.		VI; P	RRP	NC
Critical	Post all legally required labor standards posters where they will be visible to all workers, in a language common to the workers, which sets forth the rights and protections of the workers. Including but not limited to: Notice of Employee rights under the Fair Labor Standards Act.	All Hired Direct  All Hired Indirect	Are employment posters posted in a clearly visible location at the farm? Notice of Employee Rights under the Fair Labor Standards Act  If farm hires ANY non-immediate family farm labor, poster should be posted.		VI; P	RRP	NC
Critical	Post all legally required labor standards posters where they will be visible to all workers, in a language common to the workers, which sets forth the rights and protections of the workers. Including but not limited to: Employee Rights under the H-2A Program.	H-2A Direct  H-2A Indirect	Are employment posters posted in a clearly visible location at the farm? Employee Rights under the H-2A Program  If farm uses H-2A then notice of employee rights must be poster.		VI; P	RRP	NC

<sup>18</sup> Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of the owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Post all legally required labor standards posters where they will be visible to all workers, in a language common to the workers, which sets forth the rights and protections of the workers. Including but not limited to: OSHA Occupational Safety and Health Poster.	All Hired Direct  All Hired Indirect	Are employment posters posted in a clearly visible location at the farm? OSHA Occupational Safety and Health Poster  If farm hired 11 or more workers on any given day during the previous 12 months OSHA poster is required.		VI; P	RRP	NC
<b>Farm Labor Contractors/H-2ALCs (Indirect Hired Labor)</b>							
Critical US ONLY	The grower must obtain the written consent of any youth worker's (under 18) parent or legal guardian prior to work commitment commencing provided by the FLC/H-2ALC.	All Hired Indirect	Do you maintain written consent from parents, for any youth worker(s) provided by the FLC/H-2ALC (i.e. under 18)?		RR	RR	NC
Critical US ONLY	Ensure all workers provided by the FLC/H-2ALC are 16 years of age or older.	All Hired Indirect	Are all workers sourced through an FLC/H-2ALC or third-party above the age of 16?		RR; WI	NR	NC
Critical US ONLY	Verify workers provided by the FLC/H-2ALC are 16 years of age or older by reviewing the worker's I-9 form.	All Hired Indirect	Do you maintain complete I-9 forms for workers provided by the FLC/H-2ALC or third-party?		RR; WI	Incomplete: RR None: NR	NC
Critical International ONLY	Ensure all workers provided by the FLC/H-2ALC are 18 years of age or older.	All Hired Indirect	Are all workers sourced through an FLC/H-2ALC or third-party above the age of 18?		RR; WI	NR	NC



Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical International ONLY	Verify workers by the FLC/H-2ALC are 18 years of age or older by reviewing the worker's I-9 form.	All Hired Indirect	Do you maintain complete I-9 forms for workers provided by the FLC/H-2ACL or third-party?		RR; WI	Incomplete: RR None: NR	NC
Critical	Ensure no worker under 18 provided by the FLC/H-2ALC is assigned DOL hazardous tasks (Appendix B).	All Hired Indirect	Are all workers hired through an FLC/H-2ALC under the age of 18 restricted from DOL hazardous tasks?		GI; WI	RR CAP	NC
Critical International ONLY	Ensure no worker under 18 provided by the FLC/H-2ALC is assigned other restricted tasks (Appendix C).	All Hired Indirect	Are all workers hired through an FLC/H-2ALC under the age of 18 restricted from other restricted tasks?		GI; WI	RR CAP	NC
Additional High A	If minors (under 18), provided by the FLC/H-2ALC, work on the farm records that include, at minimum must be maintained: Name in full, place where the minor lives while employed, permanent address, date of birth.	All Hired Indirect	If minors, provided by the FLC/H-2ALC, work on the farm, do you maintain records that include, at minimum: 1) name in full; 2) place where the minor lives while employed; 3) permanent address (if different from current residence); 4) date of birth	7,	RR	RR	NC*
Critical	If a grower chooses to work with an individual defined as a FLC or H-2ALC by current U.S. laws they must be currently registered with the U.S. DOL and have a valid and non-expired Certificate of Registration.	All Hired Indirect	Is the individual you work with defined as a FLC or H-2ALC by current U.S. laws registered with the U.S. DOL and have a valid, non-expired Certificate of Registration?		RR	NR	NC
Critical	Obtain and keep a copy of the FLC/H-2ALC's valid and non-expired Certificate of Registration.	All Hired Indirect	Do you have a copy of the FLC's/H-2ALC's Certificate of Registration with DOL?		RR	RRP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	If there are H-2A workers on the farm through a H-2ALC, obtain and keep a copy of all of the ETA 790(s) and 790A(s) for all H-2ALC workers that work on your farm which must include the number of workers, location of employment, name of employer, number of housing units, housing location, and H-2A case number.	H-2A Indirect	Do you have a copy of all of the ETA 790(s) and ETA 790A(s) for all H-2ALC workers that work on your farm that includes the number of workers, location of employment, name of employer, number of housing units, housing location, and H-2A case number?		RR	RR	NC
Critical	If there are H-2A workers on the farm through a H-2ALC, the H-2ALC's name must be listed on all of the: <ul style="list-style-type: none"> <li>• ETA 790(s) and 790A(s)</li> <li>• ETA 9142A(s)(if requested)</li> <li>• Grower's operation must be listed on work order.</li> </ul>	H-2A Indirect	Is the name of the H-2ALC listed on all of the ETA 790(s) and 790A(s)?  If the ETA 9142A(s) is requested, is the H-2ALC's name listed?  Is the grower's operation listed on the work order?		RR	NR	NC
Critical	Growers should not employ unauthorized H-2A workers. H-2A workers are only authorized to work for the employers and at the locations listed on their H-2A contract, the ETA 790(s) and 790A(s) and the ETA 9142A(s).	H-2A Indirect	Are all H-2A workers on this farm hired through a H-2ALC authorized to work on the farm?		RR	NR	NC
Critical	If there are H-2A workers on the farm through a H-2ALC, there must be a contract between the grower and the H-2ALC. The contract is required by U.S. DOL when the H-2ALC requests H-2A workers.	H-2A Indirect	Does the grower have a contract between them and the H-2ALC?		RR	NR	NC
Critical	If there are H-2A workers on the farm through a H-2ALC, a copy of the contract between the grower and the FLC must be provided. The contract is required U.S. DOL when the H-2ALC requests H-2A workers.	H-2A Indirect	Does the grower have a copy of the contract between them and the H-2ALC?		RR; P	RRP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	If there are H-2A workers on the farm through a H-2ALC, the H-2ALC must have a surety bond that covers liability incurred during the term of the worker contract period listed on the H-2A application and must remain in effect for a period of at least 2 years from the expiration date of the labor certification.	H-2A Indirect	Does the H-2ALC have a surety bond that covers liability incurred during the term of the worker contract period listed on the H-2A application and must remain in effect for a period of at least 2 years from the expiration date of the labor certification?		RR	NR	NC
Critical	If there are H-2A workers on the farm through a H-2ALC, the grower must have proof of a surety bond that covers liability incurred during the term of the worker contract period listed on the H-2A application and must remain in effect for a period of at least 2 years from the expiration date of the labor certification.	H-2A Indirect	Do you have proof of a surety bond that covers liability incurred during the term of the worker contract period listed on the H-2A application and must remain in effect for a period of at least 2 years from the expiration date of the labor certification?		RR; P	RRP	NC
Critical	If the FLC or H-2ALC is housing workers, they should be authorized to house on their Certificate of Registration.	All Hired Indirect	Does the FLC or H-2ALC house workers?  If the FLC or H-2ALC is housing workers are they authorized to house on their Certificate of Registration?		RR	NR	NC
Critical	Obtain and keep a copy of the housing inspection if FLC or H-2ALC is authorized to house.  The FLC/H-2ALC must maintain the housing facility(s) to comply with all federal and state safety and health standards <sup>19</sup> , including up-to-date	All Hired Indirect	If the FLC or H-2ALC is authorized to house and provides housing for workers, do you have a copy of the housing inspection(s)?  What is the date of the housing inspection?  Is housing maintained to comply with all federal and state safety and health standards?		RR; P	RRP	NC

<sup>19</sup> Housing must be maintained during occupancy to meet the appropriate OSHA, ETA standards, and/or local and state-specific rules for employer-provided housing and/or migrant housing.

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
	certification from DOL or other appropriate governmental agencies.						
Critical	If the FLC or H-2ALC is transporting workers, they should be authorized to transport on their Certificate of Registration.	All Hired Indirect	If the FLC or H-2ALC is transporting workers are they authorized to transport on their Certificate of Registration?		RR	NR	NC
Critical	If FLC or H-2ALC is transporting workers, they must be insured.	All Hired Indirect	Does the FLC or H-2ALC that is transporting workers have insurance (auto and workers' comp) on all the vehicles used to transport workers?		RR	NR	NC
Critical	Obtain and keep a copy of insurance for each vehicle if FLC or H-2ALC is authorized to transport.	All Hired Indirect	If the Farm Labor Contractor/H-2ALC transports workers, do you have: <ul style="list-style-type: none"> <li>a copy of their insurance (auto and workers comp)</li> <li>driver's license for all drivers</li> <li>doctor's certificate for all drivers</li> </ul>		RR	RR	NC
Critical A, SV	If the FLC or H-2ALC is driving workers, they should be authorized to drive on their Certificate of Registration.	All Hired Indirect	Does the FLC or H-2ALC drive any workers?  If the FLC or H-2ALC is driving workers, are they authorized to drive on their Certificate of Registration?		RR	RR	NC
Critical A, SV	Obtain and keep a copy of the FLC's or H-2ALC's driver's license and doctor's certificate if FLC or H-2ALC is authorized to drive.	All Hired Indirect	If the Farm Labor Contractor/H-2ALC drives workers, do you have a copy of their: <ul style="list-style-type: none"> <li>driver's license</li> <li>doctor's certificate</li> </ul>		RR	RR	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Obtain and keep copy of the terms and conditions of their work commitment written in the worker's preferred language, to include: place of work (with specifics, such as the name and address of the Company or the association), pay rates (including piece rates) to be paid, crops and kinds of activities for which the worker may be assigned, period of work commitment, transportation, housing, and any other worker benefits to be provided, if any, and any costs to be charged for each, and whether state workers' compensation or state unemployment insurance is provided.	All Hired Indirect	Do you have copies of the terms and conditions of their work commitment written in the worker's preferred language, to include: place of work (with specifics, such as the name and address of the Company or the association), pay rates (including piece rates) to be paid, crops and kinds of activities for which the worker may be assigned, period of work commitment, transportation, housing, and any other worker benefits to be provided, if any, and any costs to be charged for each, and whether state workers' compensation or state unemployment insurance is provided?	7,	RR; P; WI	RR; CAP	NC
Critical	Ensure that the pay of all workers provided by the FLC/H-2ALC meet, at a minimum, national and state minimum wage requirements or adverse effect wage if H2A workers by either paying workers directly rather than through FLC/H-2ALC or ensure the FLC/H-2ALC provides wage statements to workers as legally required and grower obtains and keeps copies.	All Hired Indirect	Do the workers provided by the FLC/H-2ALC working on your farm receive pay at a rate equal to the prevailing minimum wage (state or federal) or higher?		RR; WI	NR	NCR

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	<p>Maintain a copy of and ensure that all workers provided by the FLC/H-2ALC are provided a copy of their individual written wage statements for each pay period that include: Worker's full name; Worker's address (seasonal or permanent); Worker's social security number (last 4-digits is acceptable); Employer's name; Employer's address; Employer's identification number (entire number); Total pay period earnings; Number of hours worked; Basis on which wages are paid (piece rate if paid on a piecework basis); Number piecework units earned, if applicable; Specific sums withheld, and the purpose of each sum withheld; Net pay.</p> <p>NOTE: If subject to MSPA, H2A or FSLA, a more detailed statement may be required.</p>	All Hired Indirect	<p>Do you maintain a copy of individual wage statements for each worker that is provided by the FLC/H-2ALC for each pay period?</p> <p>Do the workers provided by the FLC/H-2ALC working on your farm receive a copy of their individual wage statement for each pay period?</p>		RR; WI	<p>Incomplete: RR- Grower must provide two weeks' worth of wage statements that include all items outlined in standard for remediation</p> <p>None: NR (If no wage statements are available for review)</p>	NC
<b>Forced Labor and Human Trafficking</b>							
Critical	Workers shall be allowed to terminate their commitment at any time, without the threat of intimidation, coercion, blacklisting, or any other type of discrimination or retaliation. If H-2A workers are employed, growers should follow all legal requirements if an H-2A	All Hired Direct  All Hired Indirect	Are workers free to terminate/ leave their employment at any time without fear of retaliation?		GI; WI	NR	NCR

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
	worker terminates their employment commitment. <sup>20</sup>						
Critical	Growers are prohibited from employing compulsory or prison labor.	All Hired Direct All Hired Indirect	Do you employ any form of compulsory labor or prison labor that is not voluntary and paid wages?		GI; WI	NR	NCR
Critical	All work must be voluntary and shall not be carried out under threat or duress. Growers must not recruit, transport, or receive workers using threats, force, coercion, abduction, fraud, or deceit or abuse of their power or the vulnerability of workers.	All Hired Direct All Hired Indirect	Do you use any form of forced or compulsory labor under bond, debt, or threat?		GI; WI	NR	NCR
Critical	Workers shall not be charged any fees for their recruitment or transport to their place of work, by the grower.	All Hired Direct All Hired Indirect	Do you charge workers any fees to be transported to your operation or to be employed?		GI; WI	VI CAP	NCR

<sup>20</sup> H-2A workers must only work for the employer listed on the contract and at the location(s) stated on the contract. Employers of H-2A workers must notify USCIS within 2 workdays if any of the following occur: (1) No show: The H-2A worker fails to report to work within 5 workdays of the latter of the employment start date on the H-2A petition, or the start date established by the employer; (2) Abscondment: The H-2A worker leaves without notice and fails to report for work for 5 consecutive workdays without the consent of the employer; (3) Termination: The H-2A worker is terminated before completing of the H-2A labor or services for which he or she was hired; or (4) Early Completion: The H-2A worker finishes the labor or services for which he or she was hired more than 30 days earlier than the date specified in the H-2A petition.

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Growers are prohibited from retaining workers' personal identity documents, visas, money, valuables, paychecks, debit or credit cards, or return tickets. Growers may provide, upon request, workers with safe place to store these items, but these items must be accessible to the workers upon request.	All Hired Direct All Hired Indirect	Does grower return or make readily available government issued documentation to workers upon verification of employment eligibility?		GI; WI	VI CAP	NCR
Critical	There shall be no restrictions on workers' freedom of movement, and workers shall be permitted to enter and exit their place of work. <sup>21</sup>	All Hired Direct All Hired Indirect	Are workers allowed to enter and exit their place of work freely and without restrictions?		GI; WI	VI CAP	NCR
<b>Worker Rights and Responsibilities and Worker Concern Process</b>							
Critical	A Worker Rights and Responsibilities poster must be posted in their native language where workers can access and read it on or near the job site.	All Hired Direct All Hired Indirect	Is there a Worker Rights and Responsibilities Poster posted where workers can access and read it on or near the job site?		VI; P	VI; P	NC

<sup>21</sup> H-2A workers must only work for the employer listed on the contract and at the location(s) stated on the contract. Employers of H-2A workers must notify USCIS within 2 workdays if any of the following occur: (1) No show: The H-2A worker fails to report to work within 5 workdays of the latter of the employment start date on the H-2A petition, or the start date established by the employer; (2) Abscondment: The H-2A worker leaves without notice and fails to report for work for 5 consecutive workdays without the consent of the employer; (3) Termination: The H-2A worker is terminated before completing of the H-2A labor or services for which he or she was hired; or (4) Early Completion: The H-2A worker finishes the labor or services for which he or she was hired more than 30 days earlier than the date specified in the H-2A petition.



Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	The most current GAPC worker concern helpline poster or other approved third-party worker concern phone number must be posted in their native language where workers can access and read it on or near the job site.	All Hired Direct  All Hired Indirect	<p>Did you post the most current Worker Concern Helpline poster and share the information with your workers? Grower must show worker concern documentation with signature of workers.</p> <p>If you use North Carolina Growers Association (NCGA) to source H-2A workers for your farm you may use the NCGA grievance mechanism to fulfill the requirement of a documented worker concern process and you do not have to post the GAPC Worker Concern Helpline poster. You must provide the following:</p> <ul style="list-style-type: none"> <li>• Documentation that describes the procedures and policies used</li> <li>• Documentation on how this is shared with your workers (found in the signed Acknowledgement of Receipt from NCGA)</li> <li>• Visual evidence of it being displayed or shared on a daily basis with the workers (i.e. poster, sign, wallet card, etc.)</li> </ul>	8, 1-3	VI; RR; WI; P	VI; RRP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	<p><b>Grower must implement a worker concern process. This is a documented program that is discussed AND given to or posted for all workers. The policy must be written in a language common to the workers and set forth the terms of the available worker concern process to include statements stating the following:</b></p> <ul style="list-style-type: none"> <li>• The grower is committed to providing a safe working environment for all workers and satisfy all legal rights of workers while they are on their farm.</li> <li>• A method is available for workers to notify the Grower, orally and in-writing of any concern related to the terms and conditions of work.</li> <li>• The Grower will investigate concerns brought forth by workers and provide notice to the workers, if known, of how the concern will be or was addressed. At the request of the workers, an informal meeting between the grower and workers will be held to address the concern.</li> <li>• If a worker raises a concern with grower and is not satisfied with the resolution or handling of the issue, they are encouraged to call an alternative helpline to voice and address the concern.</li> <li>• The Grower, any of his/her employees or agents will not retaliate against workers for using the worker concern process.</li> </ul>	<p>All Hired Direct</p> <p>All Hired Indirect</p>	<p><b>Do you provide an efficient grievance mechanism for your workers, such as regular meetings, complaint box or worker concern helpline so they can request changes or improvements in working or living conditions?</b></p>		VI; RR; WI	VI	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
<b>Freedom of Association</b>							
Critical	Respect the legal rights of workers to, or not to, associate, organize, and bargain collectively.	All Hired Direct All Hired Indirect	Do you allow workers freedom of association with organized groups?		GI; WI	VI CAP	NC
Critical	Do not interfere in union activities.	All Hired Direct All Hired Indirect	Do you allow reasonable access during non-work hours to your workers from organized groups?		GI; WI	VI CAP	NC
Critical	Do not discriminate nor retaliate against workers for such activities.	All Hired Direct All Hired Indirect	Do you discriminate against workers who associate with organized groups?		GI; WI	VI CAP	NC
<b>Harassment and Discrimination</b>							
Critical	All workers must be treated with dignity and respect and not be threatened with or subjected to verbal, physical, sexual or mental harassment or abuse, coercion, or corporal punishment during employment or recruitment.	All Hired Direct All Hired Indirect	Do you verbally, physically, or sexually abuse workers?		GI; WI	NR	NCR

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Workers must not be subject to discrimination based on race, color, age, gender, sexual orientation, gender identity and expression, ethnicity or national origin, disability, pregnancy, religion, political affiliation, union membership, veteran status, or marital status.	All Hired Direct All Hired Indirect	Do you discriminate when hiring workers based on race, color, age, gender, sexual orientation, gender identity and expression, ethnicity or national origin, disability, pregnancy, religion, political affiliation, union membership, veteran status, or marital status?		GI; WI	NR	NC
Additional High	Have a documented Anti-Discrimination Policy.	All Hired Direct All Hired Indirect	Do you have an Anti-Discrimination Policy?	8,	RR	RR	NC*
<b>SANITATION</b>							
Critical	Growers must provide workers access to the following as required: <ul style="list-style-type: none"> <li>Cool, potable water available during work hours</li> <li>Clean and sanitary bathroom facilities during work hours</li> <li>Hand washing facilities with soap at close proximity to bathrooms</li> </ul>	All Hired Direct All Hired Indirect	Are workers provided safe drinking water during work hours?  Are workers provided clean and sanitary bathroom facilities during work hours?  Are workers provided hand washing facilities with soap at close proximity at all times?		VI; WI	VI CAP	NCR

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Grower operations with eleven (11) or more workers, employed during the past twelve months, at any one time, engaged in hand-labor operations must provide clean and sanitary bathroom facilities during work hours and hand washing facilities with soap at close proximity within a quarter-mile walking distance from worker's place of work in the field. Toilet and handwashing facilities are not required within a quarter mile for workers who perform field work for a period of three (3) hours or less (including transportation time to and from the field) during the day.	All Hired Direct  All Hired Indirect	If grower operations have eleven (11) or more workers, employed during the past twelve months, at any one time, engaged in hand-labor operations: Do they provide clean and sanitary bathroom facilities at close proximity within a quarter-mile walking distance from worker's place of work in the field during work hours? Grower must provide proof of purchase, rental or cleaning/servicing services. If a receipt cannot be produced for facilities owned by grower the field sanitation log can be used.  If grower operations have eleven (11) or more workers, employed during the past twelve months, at any one time, engaged in hand-labor operations: Do they provide hand washing facilities with soap at close proximity within a quarter-mile walking distance from worker's place of work in the field? Grower must provide proof of purchase, rental or cleaning/servicing services. If a receipt cannot be produced for facilities owned by grower the field sanitation log can be used.	9,5	VI; RR; WI	VI CAP	NCR
Critical	Contamination prevention and hygienic measures shall be taken to exclude from any operations any person who might be a source of contamination. Such measures shall include the following: <ul style="list-style-type: none"> <li>Instructing employees to notify their supervisor if there is a possibility that they have an illness, infection, open lesion, or any other abnormal source of</li> </ul>		Does the operation have contamination prevention and hygienic measures in place that include the following? : <ul style="list-style-type: none"> <li>Employees must notify their supervisor if there is a possibility that they have an illness, infection, open lesion, or any other abnormal source of contamination for potential removal from operations.</li> </ul>		GI;VI	VI CAP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
	<p>contamination for potential removal from operations.</p> <ul style="list-style-type: none"> <li>Wearing outer garments in a manner that protects against the contamination of hemp.</li> <li>Maintaining adequate personal cleanliness.</li> <li>Washing hands thoroughly, and sanitizing if necessary, in a hand washing facility.</li> <li>Remove or cover all unsecured jewelry and other objects that could fall into components, hemp, equipment, or packaging.</li> <li>Using gloves when appropriate.</li> <li>Wearing, where appropriate, hair nets, caps, beard covers, shoes, PPE, etc.</li> </ul>		<ul style="list-style-type: none"> <li>Outer garments must be worn in a manner that protects against contamination of hemp.</li> <li>Adequate personal cleanliness must be maintained.</li> <li>Hands must be washed thoroughly and sanitized if necessary in a hand washing facility</li> <li>All unsecured jewelry and other objects that could fall into components, hemp, equipment, or packing must be removed or covered</li> <li>Gloves must be used when appropriate</li> <li>Hair nets, caps, beard covers, shoe covers, PPE, etc. must be worn where appropriate</li> </ul>				
Critical	Growers must offer workers rest breaks during the day, including lunch, without compromising their ability to earn wages.	<p>All Hired Direct</p> <p>All Hired Indirect</p>	Do you provide workers with breaks during the day, including lunch, without compromising their ability to earn wages?		GI; WI	VI CAP	NCR
<b>HOUSING AND TRANSPORTATION</b>							
Critical	If the grower provides housing directly to seasonal workers, the grower must: Maintain the housing facility(s) to comply with all federal and state safety and health	<p>All Hired Direct</p> <p>All Hired Indirect</p>	<p>If housing is provided to seasonal workers, is there up-to-date safety inspection certification from a government agency posted?</p> <p>What is the date of the housing inspection?</p> <p>Is housing maintained to comply with all federal and state safety and health standards?</p>		RR; P	RR	NCR

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
	standards <sup>22</sup> , including up-to-date certification from DOL or other appropriate governmental agencies.						
Additional High	If the grower provides housing directly to seasonal workers, the grower must: Inspect housing prior to occupancy and at mid-season, using the OSHA Housing Safety and Health Checklist Provided in Agricultural Labor Management Guide.	All Hired Direct  All Hired Indirect	Do you have a copy of the OSHA Housing Safety and Health Checklist?  Do you inspect the housing on a regular basis or at least at mid-season using the OSHA Checklist?		RR	RR	NC

<sup>22</sup> Housing must be maintained during occupancy to meet the appropriate OSHA, ETA standards, and/or local and state-specific rules for employer-provided housing and/or migrant housing.

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	If the grower provides housing directly to seasonal workers, the grower must: Post or present to each worker, in their native language a statement of the terms and conditions of occupancy which must include: name and address and contact information of the individual in charge of the housing, emergency contact information, physical address and mailing address of the housing facility, who may live at the housing facility, charges to be made for housing, meals to be provided and any associated costs for them, charges for utilities, any other charges or conditions of occupancy.	All Hired Direct  All Hired Indirect	If housing is provided to migrant workers, is there a posted and filed statement at the farm that includes, at minimum, the following terms and conditions of occupancy? <ul style="list-style-type: none"> <li>• Name and address of individual in charge of housing and owner of the housing, if different</li> <li>• Phone number of the person in charge of the housing</li> <li>• Mailing address and phone number where persons living in the housing facility may be reached</li> <li>• Names of occupants of the housing facility</li> <li>• Housing, utility and other charges, if any</li> <li>• Meals to be provided and costs charged</li> <li>• Any other conditions of occupancy</li> </ul>	9,	RR; VI; P	RR; VI	NC
Critical A, SV, DR	If transportation is provided, growers must ensure that vehicles meet legally required safety standards and that drivers are properly licensed and insured. Vehicles must be inspected when required by law, and person supplying the transportation must maintain inspection records.	All Hired Direct  All Hired Indirect	Do you provide a transport vehicle for the workers' use?  Are drivers properly insured and licensed?  Is the transport vehicle inspected to ensure it is safe?  Do you have inspection records for the transport vehicle?  Do the vehicles used to transport workers appear in good condition (i.e. safe to drive)?	9,	RR	RR	NC



Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
<b>Farm Safety</b>							
Growers should provide a safe and healthy workplace by complying with the standards below and all applicable safety, health and environmental laws and regulations. Growers must:							
Critical	<p>Maintain records of all work-related accidents and illnesses serious enough to interfere with the workers' ability to perform their job and/or otherwise required by occupational safety and health laws. Records of all work-related accidents must be maintained at the worksite for at least five years.</p> <p>Note that GAPC requires previous and current year information. Please review the questions for more details.</p>	All	<p>a) Do you have OSHA's Form 300A (Summary of Work-Related Injuries and Illnesses) <u>from previous year</u> ending December 31? <i>Completed even if "0" injuries or illnesses occurred.</i></p> <p>b) If operation had a recordable injury or illness <u>this year</u>, is the OSHA's Form 301 (Injury and Illness Incident Report) completed? (within seven (7) days after you are notified of a recordable injury or illness, you must complete the OSHA Form 301)</p> <p>c) Do you have OSHA's Form 300 (Log of Work-Related Injuries and Illnesses) <u>for the current year</u> including: Year, Establishment name, City, and State. Form 300 includes information on each work-related injury and illness reported on OSHA Form 301.</p>	10,	RR	RR	NC
Critical	From February through April, growers must post a summary of the injuries and illnesses recorded the previous year (OSHA Form 300 A)	All	d) Was the <u>previous year's</u> 300A summary posted from February through April?		GI	RR CAP	NC
Critical	Operations with 20-249 workers must submit injury and illness summary data to OSHA electronically through the Injury Tracking Application by March 2	All	<p>e) If operation has 20-249 workers, was the <u>previous year's</u> OSHA Form 300A submitted by March 2 through the Injury Tracking Application?</p> <p>f) If operation has 100 or more workers, was the <u>previous year's</u> OSHA Form 300 submitted by March 2 through the Injury Tracking</p>		GI	RR CAP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
			Application?  g) If operation has 100 or more workers, was the <u>previous year's</u> OSHA Form 301 submitted by March 2 through the Injury Tracking Application?				
Critical	Review accident records periodically for guidance on avoiding future injuries.	All	Are accident and injury records periodically reviewed to avoid future injuries?		GI	RR CAP	NC
Critical	Follow Occupational Safety and Health Administration (OSHA) guidelines with respect to addressing heat stress risks.	All	Do you follow Occupational Safety and Health Administration (OSHA) guidelines with respect to addressing heat stress risks?  For workers working in hot weather, are precautions and measures in place to prevent heat stress?  What precautions are taken?		GI; WI	RRP; RR CAP	NC
Critical	Identify risks on the farm such as those involved in operating machinery/equipment, adverse weather conditions, CPA applications, etc. and train workers on how to avoid and protect themselves from such risks.	All	Do you identify risks involved with operating machinery or equipment, bad weather conditions, CPAs, etc. and train workers on how to avoid and protect themselves from such risks?		GI	GI	NC
Critical	Follow the legal requirements that restrict workers from entering an area where CPAs have been used, and as legally required, post signs designating re-entry times for specific fields after CPA application.	All	Do you prevent workers from entering a field sprayed with CPAs before the REI has passed?		GI; VI; WI	RRP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Have a dedicated emergency contact person for all workers.	All	Do you have a dedicated emergency contact person for all of your workers?  Who is the dedicated emergency contact person?		GI; RR	RR	NC
Critical	Provide access to Emergency Medical Services (EMS).	All	Do you provide your workers with access to emergency medical services (EMS)?	10,	GI; RR; WI	RRP	NC
Critical	Provide workers with an emergency plan for medical emergencies, fires, or weather events that includes, at minimum a, list of important numbers for emergency services <u>and</u> the location of a safe shelter on the farm or an evacuation plan that leads workers to a safe location in case of weather events.	All	Do you have a written emergency plan for your workers in case of medical emergencies, fires, or weather events that includes, at minimum a, list of important numbers for emergency services <u>and</u> the location of a safe shelter on the farm or an evacuation plan that leads workers to a safe location in case of weather events?	10,	RR; WI	RR	NC
Additional High	Have a staff member (or grower) certified in First Aid/CPR/AED training.	All	Do you have anyone on your farm that is certified in First Aid/CPR/AED training?		RR	RR	NC*
<b>Training</b>							
Grower documents annual training to all farm workers including the farm worker's name, signature, and signature date (i.e. training date) on the hazards and risks associated with CPAs, safe working practices, emergency response, and health surveillance including:							
Critical	Heat Stress	All	Is there documentation verifying that all workers received instruction on heat stress within the last year including the farm worker's name, signature, and signature date?	10,	RR; WI	RR CAP	NC
Critical	Farm Safety, including Farm Equipment Safety and First Aid	All	Is there documentation verifying that all workers received instruction on general farm safety and safe operation of farm equipment and machinery, and first aid within the last year including the farm worker's name, signature, and signature date?	10,	RR; WI	RR CAP	NC
Critical A, SV	CPA Safety and Personal Protective Equipment (PPE)	All	Is there documentation verifying that all workers received instruction on use of PPE (Personal Protective Equipment) within the last	10,	RR; WI	RR CAP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
			year including the farm worker's name, signature, and signature date?				
Critical	Emergency response procedures	All	Is there documentation verifying that all workers received instruction on emergency response procedures within the last year including the farm worker's name, signature, and signature date?	10,	RR; WI	RR CAP	NC
Critical	Recognition of REI	All	Is there documentation verifying that all workers received instruction on recognition of REI within the last year including the farm worker's name, signature, and signature date?	10,	RR; WI	RR CAP	NC
Critical	Storage, handling, application, and disposal of CPAs	All	Is there documentation verifying that all workers received instruction on storage, handling, application, and disposal of hemp CPAs including the worker's name, signature, and signature date?	10,	RR; WI	RR CAP	NC
Critical	Grower follows all requirements of state and national regulations and training requirements related to worker protection and CPA use to include compliance with the OSHA and 26 CFR 1910 (general) and 1928 (agriculture)	All	Is there documentation verifying that all workers received instruction on required worker protection standard training within the last year including the farm worker's name, signature, and signature date?	10,	RR; WI	RR CAP	NC
<b>Grower documents annual training to all farm workers the farm worker's name, signature, and signature date (i.e. training date) on crop management and integrity including:</b>							
Critical	Hygiene and Sanitation measures	All	Is there documentation verifying that all workers received instruction hygiene and sanitation measures including the farm worker's name, signature, and signature date?	10	RR; WI	RR CAP	NC
Critical	Cultivating	All	Is there documentation verifying that all workers received instruction on cultivation including the farm worker's name, signature, and signature date?	10	RR; WI	RR CAP	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Harvesting	All	Is there documentation verifying that all workers received instruction on harvesting including the farm worker's name, signature, and signature date?	10	RR; WI	RR CAP	NC
Critical	NHRM Prevention	All	Is there documentation verifying that all workers received instruction on NHRM Prevention including the farm worker's name, signature, and signature date?	10, 18	RR; WI	RR CAP	NC
Critical	Market preparation (i.e baling packaging, and labeling)	All	Is there documentation verifying that all workers received instruction on market preparation including the farm worker's name, signature, and signature date?	10	RR; WI	RR CAP	NC

\*Records shall be maintained of all training provided to all workers for the performance of all assigned functions for five (5) years, or longer if required by the authority having jurisdiction.

#### Safety Equipment

Personal protective equipment (PPE) will be evaluated based on tasks performed by workers. PPE should be available to all those workers performing tasks that require PPE.

Critical	Use label required PPE by applicators/handlers/early entry workers	All	Is CPA label required personal protective equipment (PPE) use required for applicators, handlers, and early entry workers?		VI; WI	VI	NC
Critical	Chemical resistant gloves for anyone handling or applying CPAs	All	Do workers have access to the following equipment? Chemical resistant gloves for anyone handling or applying CPAs		VI; WI	VI	NC
Critical	Chemical resistant aprons for anyone mixing or loading CPAs	All	Do workers have access to the following equipment? Chemical resistant aprons for anyone mixing or loading CPAs		VI; WI	VI	NC
Critical	Chemical resistant footwear for anyone mixing or loading CPAs	All	Do workers have access to the following equipment? Chemical resistant footwear for anyone mixing or loading CPAs		VI; WI	VI	NC

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Critical	Safety glasses for workers applying or handling CPAs or performing jobs which can create flying objects that damage eyes such as grinding, sawing, driving nails, etc.	All	Do workers have access to the following equipment? Safety glasses for workers applying or handling CPAs or performing jobs which can create flying objects that damage eyes such as grinding, sawing, driving nails, etc.		VI; WI	VI	NC
Critical	Hearing protection equipment for workers operating machinery or power tools	All	Do workers have access to the following equipment? Hearing protection equipment for workers operating machinery or power tools		VI; WI	VI	NC
Critical	Dust masks for workers handling cured hemp or operating machinery or power tools under dusty conditions	All	Do workers have access to the following equipment? Dust masks for workers handling cured hemp or operating machinery or power tools under dusty conditions		VI; WI	VI	NC
Additional High	Have adequately maintained farm vehicles, machinery and tools with the originally installed guards, shields or other protections as per manual/guidance provided by manufacturer or dealer of equipment.	All	Does hemp production equipment have guards or shields where originally installed?		VI	VI	NC*
Additional High	Have adequate first aid equipment for the number of their workers for the grower's hemp production operation.	All	Is a first aid kit present and available at the edge of the field or in the field whenever workers are working in that field?  Is a first aid kit available within the facility or in a vehicle within 200 feet of the facility in the case of drying structures, greenhouses, market preparation areas, machinery sheds, etc. whenever workers are performing work tasks there?  Is a first aid kit available in vehicles used to transport workers on the farm?		VI; WI	VI	NC*

Standard Category	Standard	Labor Type	Grower Question	Tab # in Records	Verification	Remediation Processes	Non-Compliance Consequence
Additional High	Have fire extinguishers available within two hundred feet of curing barns when workers are present.	All	Are fire extinguishers present in the following areas when workers are present? (can be in vehicles) a) Near barns (within 200 feet); b) Near market preparation facilities (within 200 feet)		VI; WI	VI	NC*

## Appendix A: Farm Labor Contractor Checklist (FLC and H-2ALC)

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- Worker interviews will be conducted (monitoring Activity must be conducted on-farm)
- Minimum age for workers hired by FLC or H-2ALC:
  - 16 for U.S. Certification (no worker under 18 can be assigned DOL hazardous tasks)
  - 18 for International Certification
- Verify Terms and Conditions of Employment with the FLC and by speaking to workers
- Understand field sanitation requirements and who will be responsible for needed items such as potable drinking water, single-use cups, toilets and handwashing facilities with soap and single-use towels
- Discuss and decide who (Grower or FLC) will provide training for workers.

- If H-2ALC verify the following with the H-2ALC, within the Terms and Conditions of Employment, and by speaking to workers:
  - Housing is provided at no cost to H-2A workers and to worker in corresponding employment who are not reasonably able to return to their residence within the same day.
  - Three meals are provided to each covered worker with three meals per day, at no more than the DOL specified cost, or furnished free and convenient cooking and kitchen facilities where workers can prepare their own meals.
  - All transportation is provided including inbound and outbound as well as daily transportation at no cost.

**Ask for the following from all FLC's or H-2ALC's hired by your operation that performs hemp work on your operation:**

- Valid and non-expired Certificate of Registration with proper authorizations:
  - If housing, ensure they are authorized to house
  - If transporting, ensure they are authorized to transport
  - If driving, ensure they are authorized to drive workers
- Housing inspections for all housing provided to indirectly hired workers (this will include all housing listed on H-2A ETA documents)
- Proof of insurance if FLC is authorized to transport
- Terms and Conditions written in the worker's preferred language
- I-9's
- Wage Statements
  
- If H-2ALC:
  - ETA 790 and ETA 9142A
  - Contract between grower and FLC that FLC's provides when requesting H-2A workers
  - Proof of a surety bond that covers liability incurred during the term of the worker contract period listed on the H-2A application and must remain in effect for a period of at least 2 years from the expiration date of the labor certification



## Appendix B: DOL Hazardous Tasks related to Hemp Production (US and International Certification)<sup>23</sup>

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- Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor;
- Operating or working with a corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, mobile pea viner, feed grinder, crop dryer, forage blower, auger conveyor, unloading mechanism of a non-gravity-type self-unloading wagon or trailer, power post-hole digger, power post driver, or non-walking-type rotary tiller;
- Operating or working with a trencher or earthmoving equipment, fork lift, potato combine, or power driven circular, band or chain saw;
- Working in a yard, pen, or stall occupied by a bull, boar, or stud horse maintained for breeding purposes; a sow with suckling pigs; or a cow with a newborn calf (with umbilical cord present);
- Felling, buckling, skidding, loading, or unloading timber with a butt diameter or more than 6 inches;
- Working from a ladder or scaffold at a height of over 20 feet;
- Driving a bus, truck or automobile to transport passengers, or riding on a tractor as a passenger or helper;
- Working inside: a fruit, forage, or grain storage designed to retain an oxygen-deficient or toxic atmosphere; an upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position; a manure pit; or a horizontal silo while operating a tractor for packing purposes;
- Handling or applying toxic agricultural chemical identified by the words "danger," "poison," or "warning" or skull and crossbones on the label;
- Handling or using explosives; and
- Transporting, transferring, or applying anhydrous ammonia.

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<sup>23</sup> Source: <https://www.dol.gov/whd/regs/compliance/whdfs40.pdf>

## **Appendix C: Other Restricted Tasks (International Only, for youth under 18 years of age)**

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- Harvesting, topping, suckering hemp.
- Operating machinery with moving parts or moving vehicles.
- Use of tools requiring motion for cutting (e.g., machete) or shears.
- Handling and application of crop protection agents (CPA) or fertilizers.
- Lifting and handling heavy loads unless the load is less than 10% of the person's body mass.
- Working at heights greater than four feet without approved fall protection equipment.
- Work at night (30 minutes after sundown to 30 minutes before sunrise).
- Working in intense hot weather, humidity, or direct sunlight unless guidance on the GTS and Heat Stress Bulletin and precautions in the OSHA Heat Safety Tool and "Using the Heat Index: A Guide to Employees" are followed. Ready access to cool, potable water is required.
- Working long hours (more than 8 hours in a 24-hour period).

## Appendix D: Glossary of Terms

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**Agricultural Association:** any nonprofit or cooperative association of farmers, growers, or ranchers, incorporated or qualified under applicable State law, which recruits, solicits, hires, employs, furnishes, or transports any migrant or season agricultural worker (defined in MSPA)

**Agricultural Employer:** means any person who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker (defined in MSPA). The employer defines the terms of employment for employees and provide the agreed-upon terms such as the salary.

**Agricultural Employment:** employment in any service or activity included within the provisions of the FLSA and the handling, planting, drying, packing, packaging, processing, freezing or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state (defined in MSPA)

**Crop Protection Agent (CPA):** an agricultural chemical, a chemical used in agriculture, such as a pesticide or a fertilizer such as insecticides, herbicides, fungicides, or nematicides.

**Consultant:** professional engaged in the business of giving expert advice to people working in a specific field. Someone who has some level of expertise that a particular group of people find valuable, and people within that group are willing to pay the consultant to access their expertise.

**CPA Container:** an object that can be used to hold or transport a CPA, a chemical used in agriculture, such as a pesticide or a fertilizer such as insecticides, herbicides, fungicides, or nematicides.

**Employee/Worker:** A person who works for another in return for financial or other compensation. Fair Labor Standards Act (FLSA) defines an employee as distinguished from a person who is engaged in a business of his or her own, is one who, as a matter of economic reality, follows the usual path of an employee and is dependent on the business which he or she serves.

**Employer:** an individual or an organization in the government, private, nonprofit or business sector that hires and pays people for their work

**Family (for Associate Grower purposes):** an individual to whom a person is related to such as spouse, parent, child (including legally adopted children), sibling, cousin, great grandparent, grandparent, and great grandchildren.

**Fair Labor Standards Act (FLSA):** U.S. law that establishes minimum wage, overtime pay, recordkeeping, child labor standards affecting full-time and part-time workers in the private sector and in Federal, State and local governments.

**Farm Labor Contractor (FLC):** any person, other than an agricultural employer, an agricultural association, or an employee of an agricultural employer or agricultural association, who for any money or other valuable consideration paid or promised to be paid, performs any farm labor contracting activity (defined in MSPA).

**Farm Labor Contracting Activities: (F-R-E-S-H-T):**

- Furnishing
- Recruiting
- Employing
- Soliciting
- Hiring
- Transporting

**H-2A Agent:** Individual hired by grower to complete the necessary documents to recruit and hire H-2A workers. Grower is responsible for all phases of compliance.

**H-2A Labor Contractors (H2ALC):** person who meets the definition of an “employer” under the H2A Program and does not otherwise qualify as a fixed-site employer or an agricultural association (or an employee of a fixed-site employer or agricultural association) and who is engaged in one of the following activities in regards to any worker subject to the H2A regulations: recruiting, soliciting, hiring, employing, furnishing, housing or transporting.

Any person who is subject to MSPA as a FLC must register with DOL and be issued an FLC Certificate of Registration prior to engaging in any farm labor contracting activity.

In their H2A applications, H2ALC’s are required to be registered under MSPA are obligated to provide their respective MSPA FLC Certificate of Registration number and to identify the farm labor contracting activities they are authorized to perform

**H-2A Program:** The H-2A temporary agricultural program allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. Employment is of a seasonal nature where it is tied to a certain time of year by an event or pattern, such as a short annual growing cycle, and requires labor levels above what is necessary for ongoing operations. Employment is of a temporary nature when the employer's need to fill the position with a temporary worker will, except in extraordinary circumstances, last no longer than one year. ([Fact Sheet #26](#)<sup>24</sup>)

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<sup>24</sup> <https://www.dol.gov/agencies/whd/fact-sheets/26-H2A#:~:text=Fact%20Sheet%20%2326%3A%20Section%20H-2A%20of%20the%20Immigration,applications%20submitted%20on%20or%20after%20March%2015%2C%202010.>

The Department must determine that:

- There are not sufficient able, willing, and qualified U.S. workers available to perform the temporary and seasonal agricultural employment for which nonimmigrant foreign workers are being requested; and
- Employment of H-2A workers will not adversely affect the wages and working conditions of similarly employed U.S. workers. The statute and Departmental regulations provide worker protections and employer requirements concerning wages and working conditions. The [Department's Wage and Hour Division](#) has responsibility for enforcing provisions of worker contracts.

H2A workers and domestic workers in corresponding employment must be:

- paid special rates of pay that vary by locality
- provided housing and transportation from the housing to the job site if their employment requires them to be away from their residence overnight
- guaranteed an offer of employment for a total number of hours equal to at least 75% of the work period specified in the contract

**H-2A Worker:** Worker who is given a H-2A visa through the H-2A temporary agricultural program which allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. Employment is of a seasonal nature where it is tied to a certain time of year by an event or pattern, such as a short annual growing cycle, and requires labor levels above what is necessary for ongoing operations.

**Immediate Family:** Includes only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker..

**Local Worker:** workers engaged in agriculture who commute daily from their permanent residence

**Migrant Agricultural Worker:** an individual who is employed in agricultural employment of a seasonal or other temporary nature, and who is required to be absent overnight from his permanent place of residence (defined in MSPA). Migrant workers usually do not have the intention to stay permanently in the country or region in which they work. A migrant worker is defined in the International Labour Organization (ILO) as a person who migrates from one country to another (or who has migrated from one country to another) with a view to being employed other than on his own account, and includes any person regularly admitted as a migrant.

**Migrant and Seasonal Agricultural Worker Protection Act (MSPA)**: U.S. law that provides for the protection of migrant and seasonal agricultural workers and for the registration of contractors of migrant and seasonal agricultural labor ([Fact Sheet #49](#)<sup>25</sup>). MSPA requires FLC, agricultural employer, and agricultural association which recruits any migrant agricultural worker shall ascertain and disclose in writing to each such worker who is recruited for employment the following information at the time of the worker's recruitment:

- Place of employment
- Wage rates to be paid
- Crops and kinds of activities on which the workers maybe employed
- Period of employment
- Transportation, housing, and any other employee benefit to be provided, if any, and costs to be charged for each of them
- Existence of any strike or other concerted work stoppage, slowdown, or interruption of operations by employees at the place of employment
- Existence of any arrangements with any owner or agent of any establishment in the area of employment under which the FLC, agricultural employer or agricultural association is to receive a commission or any other benefit resulting from any sales by such establishment to the workers
- Whether State workers' compensation insurance is provided, and, if so, the name of the State workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of any injury or death, and the time period within which such notice must be given.

MSPA also requires:

- At the place of employment, post in a conspicuous place a poster provided setting forth the rights and protections afforded such workers under MSPA
- If housing is provided for any migrant agricultural worker, post in a conspicuous place or present to such worker a statement of the terms and conditions, if any of occupancy of such housing.
- Make, keep, and preserve records for three (3) years the following information:
  - Basis on which wages are paid
  - Number of piecework units earned, if paid on a piecework basis
  - Number of hours worked
  - Total pay period earnings
  - Specific sums withheld and the purpose of each sum withheld
  - Net pay
- Provide to each worker for each pay period, an itemized written statement of the information required

**Recruiter**: actively soliciting individuals qualified for a job, this is a farm labor contracting activity if the individual receives any money or other valuable consideration paid or promised to be paid for recruiting. The individual would need to be a licensed Farm Labor Contractor (FLC).

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<sup>25</sup> <https://www.dol.gov/agencies/whd/fact-sheets/49-mspa>

**Seasonal Worker:** an individual who is employed in agricultural employment of a seasonal or other temporary nature and is not required to be absent overnight from his permanent place or residence (defined in MSPA). Does not include (1) any migrant agricultural worker, (2) any immediate family member of an agricultural employer or a farm labor contractor; or (3) any temporary nonimmigrant alien who is authorized to work in agricultural employment in the US.

## Appendix E: Youth Employment (labor under the age of 18)

	U.S. Certification	International Certification
<p><b>Immediate Family</b></p> <p><i>(Immediate family members include only: (1) A spouse; (2) Children, stepchildren, and foster children; (3) Parents, stepparents, and foster parents; and (4) Brothers and sisters of the owner/operator. If the worker does not fall into one of the four categories listed here, then the worker is considered a hired worker.)</i></p>	<p>Comply with Federal and State Law</p> <p>Federal Law<sup>26</sup>: Youth of any age may work at any time in any job on a farm owned or operated by their parent or person standing in place of their parent.</p>	<ul style="list-style-type: none"> <li>• Immediate family members 15 years of age or younger may only be assigned light, nonhazardous work only if does not interfere with compulsory school.</li> <li>• Immediate family members ages 16 – 17 cannot be assigned any DOL hazardous tasks or other restricted tasks.</li> <li>• Ensure that a responsible adult is always present and supervising the child’s work, and that you follow regulations on the number of hours a child is permitted to work. Furthermore, children are not permitted to work at night.</li> </ul>
<p><b>Hired Labor Minimum Age</b></p>	<p>Growers must not employ or obtain services from any person who is younger than 16 years of age with this exception:</p> <ul style="list-style-type: none"> <li>• Youth is excused from compulsory school attendance by applicable law, and</li> <li>• youth is involved in accredited learning programs if the work tasks relate directly to the learning experiences of the program and follow federal and state law.</li> </ul>	<p>Growers must not employ or obtain services from any person who is younger than 16 years of age.</p>
<p><b>Hired Labor Tasks for Minors</b></p>	<p>No hired worker under 18 may be assigned DOL hazardous tasks.</p>	<p>No hired worker under 18 may be assigned DOL hazardous tasks and other restricted tasks.</p>
<p><b>FLC Hired Labor Minimum Age</b></p>	<p>Verify workers are 16 years of age or older by reviewing the worker’s I-9 form.</p>	<p>Verify workers are 18 years of age or older by reviewing the worker’s I-9 form.</p>
<p><b>FLC Hired Labor Tasks for Minors</b></p>	<p>No hired worker under 18 may be assigned DOL hazardous tasks.</p>	<p>No hired workers hired by a FLC under 18 are allowed to work on operation.</p>

<sup>26</sup> <https://www.youthrules.gov/know-the-limits/agriculture/index.htm>



## Appendix F: Appeals Process

### Introduction

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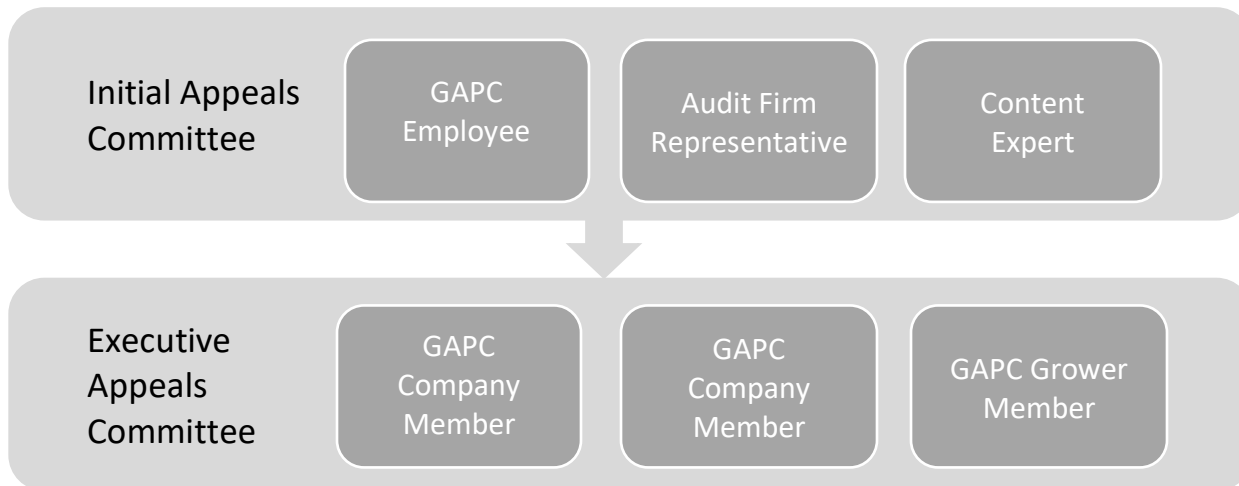
There may be situations in which GAPC Grower Members who participate in the GAPC Certification Program do not agree with the monitoring or investigative Activity findings. Thus, GAP Connections offers an appeals process for these growers. The appeals policy requires GAPC grower members to write a formal letter to GAP Connections identifying their complaint/appeal within 30 days from the date GAPC issues notice of Certification or denial of Certification. The following document outlines the appeals committee and the appeals process following the submission of the letter.

### Committee Structure:

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The appeals committee is comprised of two mutually exclusive sub committees. The first is the “Initial Appeals Committee” which is comprised of individuals who are not members of the GAP Connections Board. The Initial Appeals Committee consists of three members: (1) an employee of GAP Connections (GAPC employee will serve as mediator unless there is a tie. GAPC employee vote will break the tie); (2) an employee or contractor of an approved auditing firm (other than the auditor who conducted the audit or site visit); and (3) a content expert depending on the nature of the appeal (i.e., expert in hemp production, labor, etc.,).

The second sub-committee is referred to as the “Executive Appeals Committee”. The Executive Appeals Committee will have final say on any appeal. This Executive Appeals Committee will be an ad hoc committee of the GAP Connections Board of Directors. For any appeal, only three members of the board will serve on the Executive Appeals Committee and will be chosen based on specific hemp type issues that may arise. Two members of the committee will be Regular Company Members and one will be a GAPC Grower Member.



## Appeals Process

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The appeals process begins when the grower member submits an appeal with respect to his/her certification findings. The GAPC grower member must submit a formal written appeal, any supporting documentation, and an initial appeal fee of \$200<sup>27</sup> to GAP Connections within 30 days from the date GAPC issues notice of Certification or denial of Certification. If an appeal is being made due to a denial from failure to meet a remediation deadline an explanation of the extenuating circumstances that caused the failure to meet the deadline must be provided in the written appeal. The party responsible for the remaining costs of the appeal will be dependent upon the outcome of the appeal. The GAPC grower member will pay for any additional costs if the appeal is denied (i.e. legal, investigation/review of documentation, etc.). If the appeal is approved GAP Connections will refund the initial appeal fee and GAP Connections will be responsible for any remaining costs associated with the appeals process.

A GAPC Grower Member who appeals and has outstanding remediable items should, as a best practice, complete all remaining remediation required for GAPC Certification.

Upon receiving the formal written appeal, GAP Connections will inform the Initial Appeals Committee of the appeal and call for a meeting. Throughout the appeals process, all GAPC grower member information will be removed from any documentation that goes before the committee to keep the process anonymous unless the GAPC grower member chooses to disclose his/her identity and present his/her case to the Initial Appeals Committee.

The Initial Appeals Committee will review the appeal/complaint and any supporting documentation provided by the GAPC grower member. When necessary, the initial appeal committee may consult with an attorney. The responsibility of the Initial Appeals Committee will be to recommend a course of action based on the information provided by the GAPC grower member. The Initial Appeals Committee will attempt to produce a recommendation to the Executive Appeals Committee within 30 days of receiving the appeal.

Once the Initial Appeals Committee arrives at a recommendation, the Executive Appeals Committee will be notified. The Executive Appeals Committee will be provided the GAPC grower member's written appeal and supporting documents as well as the Initial Appeals Committee recommendation. Grower information will be removed so the grower in question remains anonymous. The Executive Appeals Committee will strive to render a final verdict on the appeal within 30 days of receiving the Initial Appeals Committee recommendation. GAP Connections will facilitate the meetings of the appeals committee and will provide the verdict to the GAPC grower member. Once the verdict has been rendered the remainder of the appeals cost will be paid based on the outcome.

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<sup>27</sup> The appeals fee will be a fixed fee paid by the grower to cover the costs of content experts and the auditor who are involved in the Initial Appeals Committee.