



# **EARTH TAG**

## **ECO-CARE POTTED PLANT STANDARD**

**EDITION: ET – ECOPLANT.STD – 08**



## **PREFACE**

Earth Tag Eco-care Potted Plant Standards was established at Oct 2010 due to the importance of enhances the environmental awareness among the commodities. Earth Tag symbolize human and nature are closely related, thus there is a need for us to preserve and care for the earth to build a beautiful home.

It is a system that appeared to assist end consumer to verify those Eco-care grower to produce eco-friendly and non-toxic potted plants. This standard is verified the whole process which covered from daily practice of production, labeling and distribution to waste disposal.

Earth Tag Authorized Team is a private certified body where they will audit the Eco-care plant grower. The team member not only will audit the grower, also ready to assist the grower in technical aspect as well as provided the verified and accurate information to the growers. They are well trained, experienced, and passion in their work towards producing safe, eco-friendly and nontoxic potted plants.

There are essential criteria to fulfill the Earth Tag Eco-care Potted Plant standard such as book keeping, eco-care production and handling plan. Besides that, Earth Tag Label become the Earth Tag Eco-care Potted Plant Standard Logo and it is only allowed to issue and used by the certified Earth Tag Eco-care Potted Plant grower. The Earth Tag logo is highly controlled item and only issue to grower who compliance to yearly audit and only will be given based on planting quantity.

Earth Tag Eco-care Potted Plant Standard, Earth Tag Authorized Team and Earth Tag Label become the guarantee private certification reference and certified body in the country. This is because they able to provide detail and comprehensive standards,

guidance and confident logo to end consumer to recognize as a trust worthy brand of private certified body and products. Now, end consumer in this country can have confident that the potted plant with Earth Tag Logo is safe, eco-friendly and non-toxic product.

KEAN BENG LEE INDUSTRIES (M) SDN. BHD.  
1384, Atas Lot 841, MK-1, Jalan Tasek,  
14120 Simpang Ampat,  
Seberang Perai Selatan,  
Penang, Malaysia.  
Tel: 604-587 2287  
Fax: 604-588 2998  
Email: bis@kblind.com.my

**CONTENT**

<b>Part</b>	<b>Title</b>	<b>Page</b>
1.0	Definition	4
2.0	Applicability	7
2.1	Items to be Certified	7
2.2	Use of Eco-care Term	7
2.3	Record Keeping	8
2.4	Allowed and Prohibited Substances and Methods I in Eco-care Production and Handling	8
3.0	Eco-care Production and Handling Requirements	8
3.1	General	8
3.2	Eco-care Production and Handling System Plan	8
3.3	Nursery Requirements	9
3.4	Growing Media Fertility and Potted plant Nutrient Management Practice Standard	9
3.5	Seeds and Planting Stock Practice Standard	10
3.6	Potted plant Rotation Practice Standard	10
3.7	Potted plant Pest, Weed, and Disease Management Practice Standard	10
3.8	Wild-ornamental plant Harvesting Practice Standard	11
3.9	Facility Pest Management Practice Standard	11
3.10	Temporary Variances	11
4.0	Labels, Labeling, and Market Information	12
4.1	Use of The Term, "Eco-care"	12
4.2	Product Composition	12
4.3	Earth Tag Label	12
4.4	Labeling of Nonretail Containers Used for Only Shipping or Storage of Eco-care plant Labeled as " Earth Tag Eco-care Potted Plant"	12
4.5	Eco-care Plant in Other than Eco-care Nursery at The Point of Retail Sale That Are Sold or Labeled as " Earth Tag Eco-care Potted Plant"	13
4.6	Eco-care Plants Produced On an Exempt or Excluded Operation	13

5.0	Certification	13
5.1	General Requirement for Certification	13
5.2	Application for the Certification	14
5.3	Review of Application	14
5.4	On-Site Inspection	14
5.5	Granting Certification	15
5.6	Denial of Certification	15
5.7	Continuation of Certification	16
<b>Part 6.0 – 6.3 Administrative</b>		
6.0	Administrative	16
6.1	Evaluation Criteria for Allowed and Prohibited Substances, Methods, and Ingredients	16
6.2	Synthetic Substances Allowed for Use in Eco-care Potted plant Production	16
6.3	Non-Synthetic Substances Prohibited for Use in Eco-care Potted plant Production	19
<b>Part 6.4 – 6.8 Compliance</b>		
6.4	General	19
6.5	Investigation of Certified Operations	19
6.6	Noncompliance Procedure for Certified Operations	19
6.7	Mediation	20
6.8	Noncompliance Procedure for Certifying Agents	21
<b>Part 6.9 – 6.11 Inspection and Testing, Reporting, and Exclusion from Sale</b>		
6.9	Inspection and Testing of Agricultural Product to be Sold or Labeled "Organic."	22
6.10	Exclusion from Organic Sale	22
6.11	Emergency Pest or Disease Treatment	22
<b>Part 6.12 – 6.13 Adverse Action Appeal Process</b>		
6.12	General	22
6.13	Appeals	22
7.0	References	23



## **1.0 Definitions**

- (a) Accreditation: A determination made by the Secretary that authorizes by Earth Tag Management Representative to conduct certification activities as a certifying agent under this part.
- (b) Administrator: The Administrator for the Earth Tag Management Representative or the Earth Tag Authorized Team’s representative to whom authority has been delegated to act in the stead of the Administrator.
- (c) Agricultural inputs: All substances or materials used in the production or handling of Eco-care Potted plants.
- (d) Annual seedling: A plant grown from seed that will complete its life cycle or products a harvestable yield within the same potted plant year or season in which it was planted.
- (e) Area of operation: The types of operations: Potted plants production or handling, or any combination thereof that a certifying agent may be accredited to certify under this part.
- (f) Big plant: Any big size plant which require pot size 392mm and above. Mostly for landscaping purposes.
- (g) Biodegradable: Subject to biological decomposition into simpler biochemical or chemical components.
- (h) Biosolids: A sewage sludge that is refer as treated human waste.
- (i) Segregation zone: A clearly defined and identifiable boundary area bordering an Eco-care production site that is established to limit application of, or contact with, prohibited substances from an adjacent area.
- (j) Certification or certified: The procedure by which the certification body gives written assurance that a clearly identified production and handling processes have been methodically assessed, such that adequate confidence is provided that specified products conform to specified requirements.
- (k) Certified operation: A Potted plant production or handling operation, or portion of such operation that is certified by Earth Tag Authorized Team as utilizing a system of Eco-care production or handling as described by the Act and the regulations in this part.
- (l) Certifying agent: A Earth Tag Authorized Team who is trained for the purpose of certifying a production or handling operation as a certified production or handling operation.
- (m) Chemical Fertilizer: Any inorganic material (a material which is composed of minerals, or made from minerals; not animal or vegetable in origin) of wholly or partially synthetic origin that is added to the soil to sustain plant growth.
- (n) Commingling: Physical contact between Eco-care produced and non-Eco-care produced potted plants during production, processing, transportation, storage or handling.
- (o) Compost: The product of a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the growing media.
- (p) Control: Any methods that reduces or limits damage by populations of pests, weeds, or diseases to levels that do not significantly reduce productivity.
- (q) Conversion period: The time between the start of the Eco-care management and the certification of potted plants as Earth Tag Eco-care Potted Plant.
- (r) Eco-care: A labelling term that refers to a potted plant produced in accordance



- with the Act and the regulations in this part.
- (s) Eco-care production: A production system that is managed in accordance with the Act and regulations in this part to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.
  - (t) Eco-care Plants: Any potted plants that are included ornamental flower, indoor plant and herb marketed in the country for either as decorative purposes or human consumption (potted herb only).
  - (u) Eco-care seed and plant material: Seed and planting material that is produced under certified Eco-care management.
  - (v) Fertilizer: A single or blended substance containing one or more recognized plant nutrient(s) which is used primarily for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth.
  - (w) Field: An area of land identified as a discrete unit within a production operation.
  - (x) Genetic engineering: Genetic engineering is a set of techniques from molecular biology (such as recombinant DNA) by which the genetic material of plants, animals, micro-organisms, cells and other biological units may be altered in ways or with result that could not be obtained by methods of natural mating and reproduction of natural recombination. Techniques of genetic modification include, but are not limited to: recombination DNA, cell fusion, micro and macro injection, encapsulation, gene deletion and doubling. Genetically engineered organisms do not include organisms resulting from techniques such as conjugation, transduction and natural hybridization.
  - (y) Genetically Modified Organism (GMO) : A plant, animal, or microbe that is transformed by genetic engineering.
  - (z) Governmental entity: Any domestic government, tribal government, or foreign governmental subdivision providing certification services.
  - (aa) Growing media: Material in which potted plants & flowers are grown.
  - (bb) Grower: Any person engaged in the business of handling potted plants of their own production, except such term shall not include final retailers of potted plants that do not grow their own products.
  - (cc) Hanging plant: A plant that grows downwards or hangs, often from a hanging pot or a high surface.
  - (dd) Immediate family: The spouse, minor children, or blood relatives who reside in the immediate household of a certifying agent or an employee, inspector, contractor, or other personnel of the certifying agent.
  - (ee) Information panel: That part of the label of a packaged product that is immediately contiguous to and to the right of the principal display panel as observed by an individual facing the principal display panel, unless another section of the label is designated as the information panel because of package size or other package attributes (e.g., irregular shape with one usable surface).
  - (ff) Ingredient: Any substance used in the production of a potted plant that is still present in the final commercial product.
  - (gg) Inspector: Any person retained or used by a certifying agent to conduct inspections of certification applicants or certified production or handling operations.



- (hh) Inspection: The act of examining and evaluating the production or handling operation of an applicant for certification or certified operation to determine compliance with the Act and the regulations in this part.
- (ii) Label: A display of written, printed, or graphic material on the immediate container of an potted plant or any such material affixed to any potted plant or affixed to a bulk container containing an potted plant, except for package liners or a display of written, printed, or graphic material which contains only information about the weight of the product.
- (jj) Labelling: All written, printed, or graphic material accompanying a potted plant at any time or written, printed, or graphic material about the agricultural product displayed at retail stores about the product.
- (kk) Manure: Faeces, urine, other excrement, and bedding produced by livestock that has not been composted.
- (ll) Mulch: Any non-synthetic material, such as wood chips, leaves, or straw, or any newspaper or plastic that serves to suppress weed growth, moderate growing media temperature, or conserve growing media moisture.
- (mm) Noncompliance: The failure or refusal to comply: the failure or refusal to conform and adapt one's actions to a rule or to necessity.
- (nn) Nursery unit: The total area of land under the control of one nursery or collective of nursery, and including all the nursery activities or enterprises.
- (oo) Organic matter: The remains, residues, or waste products of any organism.
- (pp) Organic compound fertilizer: Any manufactured fertilizer contained 2 or more plant essential nutrients that includes animal and plant by-products such as manure, fish and bone meal. The organic matter content shall be more than 35% and total of NPK shall not be more than 25%.
- (qq) Potted plant: Indoor plant, flower and ornamental herb intended to be marketed as a potted plant or used in the field to manage nutrients and growing media fertility.
- (rr) Potted plant rotation: The practice of relocation the potted plants grown on a different green house in a planned pattern or sequence in successive growing stages so that potted plants of the same species or family are not grown repeatedly at the same green house.
- (ss) Operator: An individual or business enterprise, responsible for ensuring that products meet the certification requirements.
- (tt) Practice standard: The guidelines and requirements through which a production or handling operation implements a required component of its production or handling Eco-care system plan. A practice standard includes a series of allowed and prohibited actions, materials, and conditions to establish a minimum level performance for planning, conducting, and maintaining a function, such as facility pest management, essential to an Eco-care operation.
- (uu) Parallel production: Any production where the same unit is growing or handling the same products in both a certified Eco-care system and a non-certified or non-Eco-care system. A situation with "Eco-care" production of the same product is also parallel production. Parallel production is a special instance of partial production.
- (vv) Partial conversation or split production: Where only part of nursery or unit is certified as Eco-care. The remainder of



- the property may be (a) non-Eco-care, (b) in conversion or (c) Eco-care but not certified.
- (ww) Permitted substance: A substance that appears in part 6 of this standard which the substances is allowed for use in Eco-care production or handling.
  - (xx) Private entity: Any domestic or foreign non-governmental for-profit or not-for-profit organization providing certification services.
  - (yy) Grower: A person who engages in the business of growing or producing potted plant.
  - (zz) Prohibited substance: A substance the use of which in any aspect of Eco-care production or handling is prohibited or not provided for in the Act or the regulations of this standard.
  - (aaa) Planting Stock: Any plant or plant tissue other than annual seedlings but including rhizomes shoots, leaf or stem cuttings, roots, or tubers, used in plant production or propagation.
  - (bbb) Records: Any information in written, visual, or electronic form that documents the activities undertaken by a grower, handler, or certifying agent to comply with the Act and regulations in this standard.
  - (ccc) Secretary: The Secretary of Earth Tag Eco-care Standard or a representative to whom authority has been delegated to act in the Secretary's stead.
  - (ddd) Sewage sludge: A solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes but is not limited to: domestic seepages; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge.
  - (eee) Split operation: An operation that produces or handles both Eco-care and non Eco-care Potted plants.
  - (fff) Growing media and water quality: Observable indicators of the physical, chemical, or biological condition of growing media and water, including the presence of environmental contaminants.
  - (ggg) Synthetic Manufactured by chemical and industrial processes: May include products not found in nature, or simulation of products from natural sources (but not extracted from natural raw materials)
  - (hhh) Transplant: A seedling which has been removed from its original place of production, transported, and replanted.
  - (iii) Wild Potted plant: Any plant or portion of a plant that is collected or harvested from a site that is not maintained under cultivation or other agricultural management.

## **2.0 Applicability**

### **2.1 Items to be Certified**

Operation or specified portion of a production that produces or handles potted plants, or other agricultural products that are intended to be sold, labeled, or represented as “ Earth Tag Eco-care Potted Plant” must be certified according to the provisions of subpart 4 of this part and must meet all other applicable requirements of this part.

### **2.2 Use of Eco-care Term**

Any potted plant that are sold, labeled or represented as “Earth Tag Eco-care Potted Plant” must be produce and handle fully in accordance with the Earth Tag Eco-care Potted Plant Standard requirement.



### **2.3 Record Keeping**

All certified operation must maintain records concerning the production of potted plants that are intended to be sold, labeled a “Earth Tag Eco-care Potted Plant”. All records must:-

- (a) Be adapted to the particular business that the certified operation is conducting;
- (b) Fully disclose the details of all activities and transactions of the certified operation in sufficient details as to readily understood and audited;
- (c) Be maintained for minimum of 2 years beyond their creation;
- (d) Be sufficient to demonstrate compliance with the Act and regulation in this part.

### **2.4 Allowed and Prohibited Substances and Methods in Eco-care Production and Handling**

To be sold or labeled as “Earth Tag Eco-care Potted Plant” the product must be produced and handled without the use of:

- (a) Substances that not approved by Earth Tag Management Representative.
- (b) Synthetic substances as per listed in 6.2;
- (c) Non-synthetic substances prohibited as per listed in 6.3;
- (d) Sewage sludge describe in Standard Malaysian Organic Scheme (SOM), MS 1529:2001 and Environmental Quality Act 1974: Environmental Quality (Sewage) Regulation 2009.

### **3.0 Eco-care Production and Handling Requirements**

#### **3.1 General**

The grower of a production shall have clear segregation from Eco-care planting zone through non Eco-care practice in the nursery.

The certification of potted plant as “Earth Tag Eco-care Potted Plant” is involved with facility site inspection and annual audit which shall both meet fully compliance by Earth Tag Authorized Team with approval by Earth Tag Management Representative.

The certification is only certified to location addressed in the application form, whenever if, the grower has more than one location to produce Eco-care plants under single application, then the grower must stated all the location (address) in the application form. If the grower expending the Eco-care production to another new location (not certified yet), then the grower must notify or written to Earth Tag Authorized Team and approved by Earth Tag Management Representative. Then, the next audit must cover the new location by Earth Tag Authorized Team.

The materials used by grower for “Earth Tag Eco-care Potted Plant” shall meet the requirement in the Earth Tag Specification Master Log and approved by Earth Tag Management Representative.

The fulfillment of material specification that allowed using in Earth Tag Eco-care Potted Plant. The material not approved by Earth Tag Management Representative is categorized as prohibited substance or material.

The grower of a production must comply with the applicable provisions of this subpart. The production practices implemented must maintain or improve the eco-friendliness toward natural resources of the operation.

### **3.2 Eco-care Production and Handling System Plan**

- (a) The grower of a production or handling operation intending to sell, label, or represent potted plant as “ Earth Tag Eco-care Potted Plant” must develop an Eco-care production or handling system plan.

This Eco-care production or handling system plan must be agreed by the grower and also by Earth Tag Authorized Team with final approval of Earth Tag Management Representative.





For Eco-care production, an Eco-care system plan must meet the requirements set in this section. An Eco-care production or handling system plan must include:

- (1) A description of practices and procedures including the frequency to be performed and maintained,
  - (2) A description of the monitoring practices and procedures including the frequency to be performed and maintained. This is to verify that the plan is effectively implemented;
  - (3) A description of the recordkeeping system implemented to comply with the requirements established in 2.3 Recordkeeping.
  - (4) A description of the management practices and physical barriers to be established to prevent commingling of Eco-care and non Eco-care products. Split operation is required to prevent contact of Eco-care production and handling operations, and also to prevent products with prohibited substances.
  - (5) Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.
- (b) A grower may substitute a plan prepared to meet the requirements of another Federal, State, or local government regulatory program for the Eco-care system plan. In a condition that the submitted plan meets all the requirements of this subpart.

### **3.3 Nursery Requirements**

Any nursery parcel from which potted plant are intended to be sold, labeled, or represented as “Earth Tag Eco-care Potted Plant”, must:

- (a) Prove the nursery has legal rights with all necessary regulatory approvals.
- (b) Have been managed in accordance with the provisions of 3.4 (Growing media fertility and potted plant nutrient management practice standard) through

3.7 (Potted plant pest, weed, and disease management practice standard);

- (c) Have had no prohibited substances applied to the potted plant immediate after the application submitted.
- (d) Have distinct, defined boundaries and effective segregation zones. This is to prevent the unintended application of a prohibited substance to the potted plant or prohibited substance applied to adjoining land that is not under Eco-care management.
- (e) Have clear separation of the equipment and tools used for Earth Tag plant and non-Earth Tag plant.

### **3.4 Growing Media Fertility and Potted Plant Nutrient Management Practice Standard**

- (a) The grower is encouraged to manage plant residue in order to recycle or turned into useful compost to maintain or improve growing media organic matter content. The compost composition is allowed to have both plant and animal residues. Raw animal manure and plant residue must be composted to use as plant nutrient amendment. The way it is managed must not contribute to contamination of potted plants, growing media, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances.
- (b) A grower may not use of material that is not approved by Earth Tag Management Representative and including the list at 6.3 Non-synthetic substances prohibited for use in Eco-care Potted plant production, but not limited to:

- (1) Sewage sludge (biosolids) as describe in Environmental Quality Act 1974: Environmental Quality (Sewage) Regulation 2009.
- (2) Burning as a means of disposal for potted plant residues produced on the operation as describe in Environmental Quality Act 1974 [Act 127] (P.U. (A) 460/2003 Environmental Quality (Declared Activities) (Open Burning) Order 2003); Except that, burning may



be used to suppress the spread of disease or to stimulate seed germination as allowed in Plant Quarantine Act 1976 [Act 167].

### **3.5 Seeds and Planting Stock Practice Standard**

(a) The grower is encouraged to use good quality grown seeds, annual seedlings, and planting stock. The good quality seeds are categories:

- (1) Purity and trueness to type—Good seeds should not contain seed of other crops or weeds and should be the correct cultivar. For best results, seeds must meet minimum germination standards. The germination percentage must be shown on the package.
- (2) Packages and storage—Seeds sold in packages should show the crop, cultivar, germination percentage, and chemical seed treatments, if any. Seeds should be kept dry and cool to insure good germination at planting. Laminated foil packets insure dry storage. Paper packets are best kept in tightly closed cans or jars until seeds are planted.
- (3) Hybrid seeds — Many seeds are hybrids. Hybrid seed often costs more than seed of non-hybrid cultivars. However, hybrids usually have increased vigor, better uniformity, larger yields and sometimes specific disease resistance or other unique cultural characteristics.
- (4) Saving your own seed — Some experienced gardeners save their own seed. This practice requires the gardener to know the proper techniques for selecting, producing, handling, and storing the seed. Seed from hybrid plants should never be kept. Likewise, it may be unwise to keep seed from plants that are easily cross-pollinated.

(b) Commercial seeds treated with prohibited substances may be used to produce an Eco-care potted plant. But, the seeds and planting stock must not be treated with prohibited substances after during the growing stages once after sowing;

(c) Transplantation of planting stock or seedling which is treated with prohibited substances need to be managed using Earth Tag Eco-care production system for at least three (3) months before it can be labeled as Earth Tag Eco-care plant.

(d) Seedlings must not treat with prohibited substances except the synthetic plant grow regulators (PGRs) may be used if the natural produce is not available.

(e) The imported seedling from oversea must meet the requirement of Malaysian Phytosanitary Certification Assurance (MPCA) Scheme or International Standards for Phytosanitary Measures by Food and Agriculture Organization of the United Nations (FAO) to prevent possibility of invasion of pest and disease to become domain in the country.

### **3.6 Potted Plant Rotation Practice Standard**

The grower is encouraged to practice potted plant rotation by relocation the same species (different growing stages) plant to different location. But, the potted plant rotation is not limited to the practices above. However, the potted plant rotation must able to provide the following functions that are applicable to the operation:

- (a) Provide for pest management in annual and perennial potted plants;
- (b) Reduce motion through movement of moving the plant between greenhouses; which encourage varies species with similar growing stage inside each green house to smooth plant shipping delivery.

### **3.7 Potted plant Pest, Weed, and Disease Management Practice Standard**

(a) The grower must use management practices to prevent potted plant pests, weeds, and diseases including as below but not limited to:

- (1) Potted plant rotation and growing media and potted plant nutrient management practices, as provided for in 3.4 and 3.6.



- (2) Sanitation measures to remove disease vectors, weed seeds, and habitat for pest organisms; and
- (3) Cultural practices that enhance potted plant health, including selection of plant species and varieties with regard to suitability to site-specific conditions and resistance to prevalent pests, weeds, and diseases.
- (b) Pest problems may be controlled through mechanical or physical methods including as below but not limited to:
  - (1) Expansion or introduction of predators or parasites of the pest species;
  - (2) Development of habitat for natural enemies of pests;
  - (3) Non-synthetic controls such as lures, traps, and repellents.
- (c) Weed problems may be controlled through:
  - (1) Mulching with fully biodegradable materials;
  - (2) Mowing;
  - (3) Hand weeding and mechanical cultivation;
  - (4) Flame, heat, or electrical means; or
  - (5) Plastic or other synthetic mulches.
- (d) Disease problems may be controlled through:
  - (1) Management practices which suppress the spread of disease organisms; or
  - (2) Application of non-synthetic biological, botanical, or mineral inputs.
- (e) When the practices provided for in paragraphs (a) through (d) of this section are insufficient to prevent or control potted plant pests, weeds, and diseases, a biological or botanical substance, or substance included on 6.2 Synthetic substances allowed for use in Eco-care potted plant production may be applied. Provided that application of each allowed synthetic substance shall be recorded and documented.

**3.8 Wild Ornamental Plant Harvesting Practice Standard**

- (a) Under the International Trade in Endangered Species Act 2008 [Act 686] and National Forestry Act 1984; a wild

ornamental plant must not intended to be sold, labeled, or represented as “Earth Tag Eco-care Potted Plant”.

**3.9 Facility Pest Management Practice Standard**

- (a) The grower of an Eco-care facility must use management practices to prevent pests, including but not limited to:
  - (1) Practice 6S to removal of pest habitat, food sources, and breeding areas; and
  - (2) Management of environmental factors, such as temperature, light, humidity, atmosphere, and air circulation, to prevent pest reproduction.

**3.10 Temporary Variances**

- (a) Temporary variances from the requirements in 3.4 through 3.8 may be established by the Administrator for the following reasons:
  - (1) Natural disasters declared by the Secretary;
  - (2) Damage caused by drought, wind, flood, excessive moisture, hail, tornado, earthquake, fire, or other business interruption; and
  - (3) Practices used for the purpose of conducting research or trials of techniques, varieties, or ingredient used in Eco-care production.
- (b) An Earth Tag Authorized Team or Earth Tag Management Representative may recommend in writing to the Administrator that a temporary variance from a standard set forth in part 3 of this standard for Eco-care production be established: Provided, That, such variance is based on one or more of the reasons listed in paragraph (a) of this section.
- (c) The Administrator will provide written notification to Earth Tag Authorized Team upon establishment of a temporary variance applicable to the certifying agent's certified production and specify the period of time it shall remain in effect, subject to extension as the Administrator deems necessary.



- (d) An Earth Tag Authorized Team, upon notification from the Administrator of the establishment of a temporary variance, must notify each production it certifies to which the temporary variance applies.
- (e) Temporary variances will not be granted for any practice, material, or procedure prohibited under part 2.4.

#### **4.0 Labels, Labeling, and Market Information**

##### **4.1 Use of the Term, "Eco-care"**

- (a) The term, "Eco-care," may only be used on labels and in labeling of potted plants that have been produced in accordance with the regulations in this part.
- (b) Potted plants for export, produced and certified to foreign national Eco-care standards or foreign contract buyer requirements, may be labeled in accordance with the Eco-care labeling requirements of the receiving country or contract buyer: Provided that, the shipping containers and shipping documents meet the labeling requirements specified in 4.1.
- (c) Potted plants produced in a foreign country and exported for sale in the Malaysia must be certified pursuant to part 5 of this standard and labeled pursuant to part 4 of this standard.

##### **4.2 Product Composition**

- (a) The Eco-care plants' composition must be eco-friendly, non-toxic and safe for human. Whenever, the Eco-care plants sold or labeled, it must pursuant to 4.3.
- (b) Eco-care plant composition material are, but not limited to:
  - (1) Plastic pot fulfilled RoHs (Restriction of Hazardous Substances) and Oxo-biodegradable requirement; this criterion is an exemption for any hanging plants and big plants due to the needs to maintain the appearance and safety measures.
  - (2) Oxo-biodegradable requirement will be an exemption for tray, plastic bag or other packaging material if no suitable

material available, under approval by Earth Tag Management Representative.

- (3) Plant nutrient amendment through meaning of composting process or chemical fertilizer is allowed. It's not limited to plant nutrient that approved by Earth Tag Management Representative and synthetic substances allowed for use in Eco-care potted plant production at 6.2.
- (4) Growing media is encouraged to incorporate with beneficial microbe to encourage and enhance plant growth and protection from diseases.

##### **4.3 Earth Tag Label**

- (a) Eco-care certified plant is identified by Earth Tag label.
- (b) All Eco-care potted plants with Earth Tag label can only be placed within segregation area.
- (c) Earth Tag label symbolize human and nature are closely related; it's representing Eco-care plants' cultivation are eco-friendly, non-toxic and safe for human. The running number (Figure 1) is an identity of traceability to each certified Eco-care grower.



Figure 1: Earth Tag Label

##### **4.4 Labeling of Nonretail Containers Used for Only Shipping or Storage of Eco-care plant Labeled as "Earth Tag Eco-care Potted Plant"**

- (a) Non-retail containers used only to ship or store Eco-care plant labeled as Earth Tag Eco-care Potted Plant may display the following terms or marks:
  - (1) The name and contact information of the certifying agent which certified the grower which assembled the final product;
  - (2) Identification of the product as Earth Tag Eco-care Potted Plant;



- (3) Special handling instructions needed to maintain the Eco-care integrity of the product;
  - (4) The Earth Tag seal;
  - (5) The seal, logo, or other identifying mark of the certifying agent that certified the Eco-care production that produced or handled the finished product.
- (b) Nonretail containers used to ship or store Earth Tag Eco-care Potted Plant labeled as containing Eco-care plant must display the production lot number of the product if applicable.
- (c) Shipping containers of domestically produced product labeled as Eco-care intended for export to international markets may be labeled in accordance with any shipping container labeling requirements of the foreign country of destination or the container labeling specifications of a foreign contract buyer: Provided, That, the shipping containers and shipping documents accompanying such Eco-care products are clearly marked "For Export Only" and: Provided further, That, proof of such container marking and export must be maintained by the handler in accordance with recordkeeping requirements

**4.5 Eco-care Plant in Other than Eco-care Nursery at The Point of Retail Sale That Are Sold or Labeled as "Earth Tag Eco-care Potted Plant"**

- (a) Eco-care plants in other than Eco-care nursery may use the term " Earth Tag Eco-care Potted Plant" as applicable, to modify the name of the product in retail display, labeling and display containers.
- (b) If the Eco-care plant is placed in a certified facility, the retail display, labeling, and display containers may use:
  - (1) The Earth Tag seal; and
  - (2) The seal, logo, or other identifying mark of the certifying agent that certified the Eco-care plant: Provided, such seals or marks are not individually displayed more prominently than the Earth Tag seal.

**4.6 Eco-care Plants Produced On an Exempt or Excluded Operation**

- (a) An exempted or excluded operation mean the activity of the buyer or retail owner reused the container to replant; this exempt or excluded operation must not:
  - (1) Display the Earth Tag seal or any certifying agent's seal or other identifying mark which represents the exempt or excluded operation as a certified Eco-care operation, or
  - (2) Be represented as a certified Eco-care plant to any buyer.

**5.0 Certification**

**5.1 General Requirement for Certification**

A person who wishes to receive or maintain Eco-care certification must:

- (a) Comply with the Act and applicable Eco-care production.
- (b) Establish, implement and update an Eco-care production or handling system plan annually and submitted to Earth Tag Authorized Team as provided for in 3.2.
- (c) Allow on-site inspections on the production or handling operation, which include non-certified production and handing areas, structures and offices by the certifying agent as provided in 5.4.
- (d) Maintain all records that are applicable to the Eco-care operation for not less than three years.
- (e) Submit the applicable fees.
- (f) Immediately notify the certifying agent when:
  - (1) Applicants have applied any prohibited substance at certified field, production unit, site, facility, or product that is part of an operation.
  - (2) There are changes in a certified operation that may affect its compliance with the Earth Tag Eco-care Potted Plant Standard.



## **5.2 Application for the Certification**

The applicant must submit an application for the certification to a certifying agent. The application must include:

- (a) An Eco-care production or handling system plan as required in 3.2.
- (b) Applicant's name, business name, addresses and telephone number.
- (c) The name(s) of any certifying agent(s) and year(s) of application that previously made.
- (d) Applicant need to provide a copy of noncompliance or denial of certification issued to the applicant for certification, and a description of the actions taken by the applicant to correct the noncompliance.
- (e) Other information necessary to determine compliance with the Act and the regulations.

## **5.3 Review of Application**

When the certifying agent accepts an application for certification, the certifying agent must:

- (a) Review the application to ensure the applicant complete the form pursuant to 5.2.
- (b) Application materials will determine whether the applicant appears to comply with the applicable requirement.
- (c) Verify applicant who previously applied to another certifying agent has submitted documentation to support the correction of any noncompliance that identified in the notification of noncompliance pursuant to 5.4.
- (d) Schedule an on-site inspection of the operation within one month to determine the applicant's qualifies for the certification.

After the inspection, the certifying agent must:

- (a) Review the application materials received.
- (b) Provide the applicant with a copy of the on-site inspection report, as approved by the certifying agent.
- (c) The applicant may withdraw its application at any time. An applicant who withdraws

its application shall be liable for the costs of services.

## **5.4 On-Site Inspection**

On Site Inspection:

- (a) Must conduct an initial on-site inspection of each production unit, facility, and site that produce or handles Eco-care plant.
- (b) Conducted annually.
- (c) Additional inspection may be announced or unannounced.

Scheduling:

- (a) The initial on-site inspection must be conducted within one month or may be delayed up to six months with the conditions.
- (b) On-site inspection must be conducted when an authorized representative of the operation is present.

Verification of information:

- (a) The operation must comply with the Act and the regulation.
- (b) The information which includes the Eco-care production or handling system plan provided in accordance with 5.2, 5.7 and 3.2.

Exit interview:

- (a) The inspector must conduct an exit interview with an authorized representative of the operation who is knowledgeable about the inspected operation to confirm the accuracy and completeness of inspection observations and information gathered during the on-site inspection. The inspector must also address the need for any additional information as well as any issues of concern.

Documents to the inspected operation:

- (a) A copy of the on-site inspection report.



### 5.5 Granting Certification

After completion of the initial on-site inspection, certifying agent must review on-site inspection report, the results of any analyses conducted, and any additional information supplied by the applicant within one month. If the Eco-care system plan and all the procedures and activities of the applicant's operation are compliance with the requirements, the agent shall grant certification.

The certifying agent must issue a certificate of Eco-care operation which includes:

- (a) Name and address of the certified operation.
- (b) Effective date of certification.
- (c) Variety of Eco-care plants produced by the certified operation.
- (d) Name, address and telephone number of the certifying agent.

Once certified, a production or handling operation's Eco-care certification continues in effect until surrendered by the Eco-care operation or suspended or revoked by the certifying agent or the Administrator.

### 5.6 Denial of Certification

The certifying agent has reason to believe that the applicant is not in compliance with the requirements for certification based on 5.3 or 5.5 then the certification agent must provide a written notification of noncompliance to the applicant.

The notification of noncompliance shall include:

- (a) A description of each noncompliance.
- (b) The fact upon which the notification of noncompliance is based.
- (c) The date of the applicant to correct each noncompliance.
- (d) Submit supporting document for each corrective action is done.

When the applicant receives notification of noncompliance, applicant may:

- (a) Correct the noncompliance and submit support documentation of a description of the corrective actions taken to the certifying agent.
- (b) Submit written information to the certifying agent to oppose the noncompliance.

After certifying agent receives the notification of noncompliance from applicant, certifying agent must:

- (a) Evaluate the corrective actions taken and supporting documentation submitted by the applicant.
- (b) If necessary conduct another on-site inspection to clarify the corrective actions.
- (c) When the corrective action is sufficient for the applicant to qualify for certification, the certifying agent can issue an approval of certification pursuant to 5.5.
- (d) When the corrective action is not sufficient for the applicant to qualify for certification, certifying agent need to issue a written notice of denial of certification.
- (e) Issue a written notice of denial of certification to applicant who fails to respond to the notification of noncompliance.
- (f) Provide a notice of approval or denial to the administrator pursuant to 5.1

A notice of denial of certification must state the reasons for denial and the applicant's has the right to:

- (a) Reapply for certification pursuant to 5.2 and 5.6.
- (b) Request mediation pursuant to 6.9.
- (c) File an appeal of the denial of certification pursuant to 6.15.

An applicant who has received a written notice of denial of certification may apply for certification again at any time with any certifying agent in accordance with 5.2 and 5.6. Applicant need to include a copy of the notification of noncompliance or notice of denial and a description of the actions taken.



A certifying agent must treat the application as new application and begin new application process pursuant to 5.3, when received an applicant with the notification of noncompliance or a notice of denial of certification.

Certifying agent may deny certification when the applicant made a false statement.

### **5.7 Continuation of Certification**

(a) In order to continue certification, a certified operation must annually pay the certification fees and submit the following information to the certifying agent:

(1) An updated Eco-care production or handling system plan which includes:

- (i) A summary statement, supported by documentation, detailing of any deviations from, changes to, modifications to, or other amendments made to the previous year's Eco-care system during the previous year.
- (ii) Any additions or deletions to the previous year's Eco-care system plan, plan to be undertaken in the coming year, detailed pursuant to 3.1.

(2) An update on the correction of minor noncompliance that previously identified by certifying agent.

(3) Other information as deemed necessary by the certifying agent.

(b) The certifying agent shall arrange a reasonable time and conduct on-site inspection.

(c) If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in 5.5, that a certified operation is not complying with the requirement of the Act and the regulations in this part, the certifying agent shall provide a written notification of noncompliance to the operation accordance with 6.8.

(d) If the certifying agent determines that the certified operation is complying with the

Act and regulation in this part and any of the information specified on the certificate of Eco-care operation has changed, the certifying agent must issue an updated certificate of Eco-care operation pursuant to 5.5.

## **6.0 Administrative**

### **Part 6.1 – 6.3 Lists of Allowed and Prohibited Substances**

#### **6.1 Evaluation Criteria for Allowed and Prohibited Substances, Methods, and Ingredients**

The following criteria will be utilized in the evaluation of substances or ingredients for the Eco-care production and handling sections:

(a) Synthetic and non-synthetic substances considered for inclusion on or deletion from the List of allowed and prohibited substances as refer to USDA National Organic Program Standards.

(b) In addition to the criteria set forth in the Act, any synthetic substance used as a processing aid or adjuvant will be evaluated against the following criteria:

(1) The substance cannot be produced from a natural source and there are no Eco-care substitutes;

(2) The substance's manufacture, use, and disposal do not have adverse effects on the environment and are done in a manner compatible with Eco-care handling;

(3) The nutritional quality of the herb is maintained when the substance is used, and the substance, itself, or its breakdown products do not have an adverse effect on human health as defined by applicable Federal regulations;

#### **6.2 Synthetic Substances Allowed for Use in Eco-care Potted plant Production**

In accordance with restrictions specified in this section, the following synthetic substances may be used in Eco-care potted plant production: Provided that, use of such substances do not contribute to





contamination of potted plants, growing media, or water. Substances allowed by this section, except disinfectants and sanitizers in paragraph (a) and those substances in paragraphs (c), (j), (k), and (l) of this section, may only be used when the provisions set forth 3.7 (a) through (d) prove insufficient to prevent or control the target pest.

(a) As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems.

(1) Alcohols.

(i) Ethanol.

(ii) Isopropanol.

(2) Chlorine materials— *Except*, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.

(i) Calcium hypochlorite.

(ii) Chlorine dioxide.

(iii) Sodium hypochlorite.

(3) Copper sulfate—for use as an algicide in aquatic rice systems, is limited to one application per field during any 24-month period. Application rates are limited to those which do not increase baseline growing media test values for copper over a timeframe agreed upon by the grower and accredited certifying agent.

(4) Hydrogen peroxide.

(5) Ozone gas—for use as an irrigation system cleaner only.

(6) Peracetic acid—for use in disinfecting equipment, seed, and asexually propagated planting material.

(7) Soap-based algicide/demosers.

(8) Sodium carbonate peroxyhydrate (CAS #–15630–89–4)—Federal law restricts the use of this substance in food potted plant production to approved food uses identified on the product label.

(b) As herbicides, weed barriers, as applicable.

(1) Herbicides, soap-based—for use in nursery steady maintenance (roadways, ditches, right of ways, building perimeters) and potted plants.

(2) Mulches.

(i) Newspaper or other recycled paper, without glossy or colored inks

(ii) Plastic mulch and covers (petroleum-based other than polyvinyl chloride (PVC)).

(c) As compost feedstocks—Newspapers or other recycled paper, without glossy or colored inks.

(d) As animal repellents—Soaps, ammonium—for use as a large animal repellent only, no contact with growing media or edible portion of potted plant.

(e) As insecticides (including acaricides or mite control).

(1) Ammonium carbonate—for use as bait in insect traps only, no direct contact with potted plant or growing media.

(2) Aqueous potassium silicate (CAS #–1312–76–1)—the silica, used in the manufacture of potassium silicate, must be sourced from naturally occurring sand.

(3) Boric acid—structural pest control, no direct contact with Eco-care potted plants.

(4) Copper sulfate—for use as tadpole shrimp control in aquatic rice production, is limited to one application per field during any 24-month period. Application rates are limited to levels which do not increase baseline growing media test values for copper over a timeframe agreed upon by the grower and accredited certifying agent.

(5) Elemental sulfur.

(6) Lime sulfur—including calcium polysulfide.

(7) Oils, horticultural—narrow range oils as dormant, suffocating, and summer oils.

(8) Soaps, insecticidal.

(9) Sticky traps/barriers.

(10) Sucrose octanoate esters (CAS #s—42922–74–7; 58064–47–4)—in accordance with approved labeling.

(f) As insect management. Pheromones.

(g) As rodenticides.



- (1) Sulfur dioxide—underground rodent control only (smoke bombs).
  - (2) Vitamin D<sub>3</sub>.
- (h) As slug or snail bait. Ferric phosphate (CAS # 10045–86–0).
- (i) As plant disease control.
- (1) Aqueous potassium silicate (CAS #–1312–76–1)—the silica, used in the manufacture of potassium silicate, must be sourced from naturally occurring sand.
  - (2) Bordeaux mixture.
  - (3) Burgundy mixture.
  - (4) Carbon dioxide and nitrogen gas
  - (5) Casein – allowed is not from animal origin.
  - (6) Coppers, fixed—copper hydroxide, copper oxide, copper oxychloride. Copper-based materials must be used in a manner that minimizes accumulation in the growing media and shall not be used as herbicides.
  - (7) Copper sulfate—Substance must be used in a manner that minimizes accumulation of copper in the growing media.
  - (8) Ethyl alcohol
  - (9) Extract from Chlorella – allowed.
  - (10) Extract from mushroom (shiitake fungus) – allowed.
  - (11) Fermented product from *Aspergillus* – allowed.
  - (12) Gelatine – allowed if not from animal origin.
  - (13) Herbal and biodynamics preparations.
  - (14) Hemeopathic and Ayurvedic preparations.
  - (15) Hydrated lime.
  - (16) Hydrogen peroxide.
  - (17) Lecithin – allowed if not from animal origin.
  - (18) Lime sulfur.
  - (19) Microorganisms (bacteria, viruses, fungi) e.g. *Bacillus thuringiensis*, Granulosis virus – only approved microorganisms are allowed. Imported microorganisms must be approved by authority.
  - (20) Natural acids (e.g. vinegar) – allowed.
  - (21) Natural plant preparations, excluding tobacco – allowed.
  - (22) Oils, horticultural, narrow range oils as dormant, suffocating, and summer oils.
  - (23) Paraffin oils.
  - (24) Peracetic acid—for use to control fire blight bacteria.
  - (25) Pheromone preparations.
  - (26) Plant oils – allowed.
  - (27) Preparations on basis of pyrethrins extracted from *Chrysanthemum cinerariaefolium*, containing possibly a synergist.
  - (28) Preparations on the basis of metaldehyde containing a repellent to higher animal species and as far as applied in traps.
  - (29) Preparation of Neem (Azadirachtin) from *Azadirachta indica*
  - (30) Preparations from *Quassia amara*
  - (31) Preparations of Rotenone from *Derris elliptica*, *Lonchocarpus*, *Thephrosia spp.*
  - (32) Preparations from *Ryania speciosa*
  - (33) Potassium bicarbonate.
  - (34) Potassium permanganate.
  - (35) Potassium soap (soft soap).
  - (36) Propolis
  - (37) Seaweed, seaweed meal, seaweed extracts, sea salt and salty water - Allowed if not fortified with synthetic additives
  - (38) Elemental sulfur.
  - (39) Silicates.
  - (40) Sodium bicarbonate
  - (41) Sterilized insect males.
  - (42) Streptomycin, for fire blight control in apples and pears only.
  - (43) Tetracycline, for fire blight control only and for use only until October 21, 2012.
- (j) As floating agents in postharvest handling.
- (1) Lignin sulfonate.
  - (2) Sodium silicate—for tree fruit and fiber processing.
- (k) Seed preparations. Hydrogen chloride (CAS # 7647–01–0)—for delinting cotton seed for planting.



### 6.3 Non-synthetic substances prohibited for use in Eco-care potted plant production

The following non-synthetic substances may not be used in Eco-care potted plant production:

- (a) Arsenic.
- (b) Calcium chloride, brine process is natural and prohibited for use except as a foliar spray to treat a physiological disorder associated with calcium uptake.
- (c) Lead salts.
- (d) Potassium chloride—unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the growing media.
- (e) Sodium fluoaluminate (mined).
- (f) Sodium nitrate—unless use is restricted to no more than 20% of the potted plant's total nitrogen requirement; use in spirulina production is unrestricted until October 21, 2005.
- (g) Strychnine.
- (h) Tobacco dust (nicotine sulfate).

## Part 6.4 – 6.8 Compliance

### 6.4 General

- (a) The Earth Tag Management Representative, on behalf of the Secretary, may inspect and review certified production and handling operations and accredited certifying agents for compliance with the Act or regulations in this part.
- (b) The Earth Tag Management Representative may initiate suspension or revocation proceedings against a certified operation:
  - (1) When the Earth Tag Management Representative has reason to believe that a certified operation has violated or is not in compliance with the Act or regulations in this part; or
  - (2) When a certifying agent fails to take appropriate action to enforce the Act or regulations in this part.
- (c) The Earth Tag Management Representative may initiate suspension or revocation of a certifying agent's accreditation if the certifying agent fails to

meet, conduct, or maintain accreditation requirements pursuant to the Act or this part.

- (d) Each notification of noncompliance, rejection of mediation, noncompliance resolution, proposed suspension or revocation, and suspension or revocation issued pursuant to 6.8, 6.9 and 6.10 and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.

### 6.5 Investigation of Certified Operations

- (a) A certifying agent may investigate complaints of noncompliance with the Act or regulations of this part concerning production and handling operations certified as Eco-care by the certifying agent. A certifying agent must notify the Administrator of all compliance proceedings and actions taken pursuant to this part.
- (b) The Administrator may investigate complaints of noncompliance with the Act or regulations in this part concerning Eco-care production or handling operations operating in the State.

### 6.6 Noncompliance Procedure for Certified Operations

- (a) *Notification.* When an inspection, review, or investigation of a certified operation by a certifying agent reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certified operation. Such notification shall provide:
  - (1) A description of each noncompliance;
  - (2) The facts upon which the notification of noncompliance is based; and
  - (3) The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.
- (b) *Resolution.* When a certified operation demonstrates that each noncompliance has been resolved, the certifying agent, as



applicable, shall send the certified operation a written notification of noncompliance resolution.

(c) *Proposed suspension or revocation.* When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the certifying agent shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state:

- (1) The reasons for the proposed suspension or revocation;
- (2) The proposed effective date of such suspension or revocation;
- (3) The impact of a suspension or revocation on future eligibility for certification; and
- (4) The right to request mediation or to file an appeal.

(d) *Willful violations.* Notwithstanding paragraph (a) of this section, if a certifying agent has reason to believe that a certified operation has willfully violated the Act or regulations in this part, the certifying agent shall send the certified operation a notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.

(e) *Suspension or revocation.*

- (1) If the certified operation fails to correct the noncompliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, the certifying agent shall send the certified operation a written notification of suspension or revocation.
- (2) A certifying agent or Administration must not send a notification of

suspension or revocation to a certified operation that has requested mediation or filed an appeal, while final resolution of either is pending.

(f) *Eligibility.*

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

(2) A certified operation or a person responsibly connected with an operation whose certification has been revoked will be ineligible to receive certification for a period of 3 years following the date of such revocation, *Except*, That, the Secretary may, when in the best interest of the certification program, reduce or eliminate the period of ineligibility.

## **6.7 Mediation**

Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent. If the certifying agent rejects the request for mediation, the certifying agent shall provide written notification to the applicant for certification or certified operation. The written notification shall advise the applicant for certification or certified operation of the right to request an appeal, pursuant to 6.13, within 30 days of the date of the written notification of rejection of the request for mediation. If mediation is accepted by the certifying agent, such mediation shall be conducted by a



qualified mediator mutually agreed upon by the parties to the mediation.

The parties to the mediation shall have no more than 30 days to reach an agreement following a mediation session. If mediation is unsuccessful, the applicant for certification or certified operation shall have 30 days from termination of mediation to appeal the certifying agent's decision pursuant to 6.13. Any agreement reached during or as a result of the mediation process shall be in compliance with the Act and the regulations in this part. The Secretary and or the Administrator may review any mediated agreement for conformity to the Act and the regulations in this part and may reject any agreement or provision not in conformance with the Act or the regulations in this part.

### 6.8 Noncompliance Procedure for Certifying Agents

(a) *Notification.* When an inspection, review, or investigation of an accredited certifying agent by the Earth Tag Management Representative reveals any noncompliance with the Act or regulations in this part, a written notification of noncompliance shall be sent to the certifying agent. Such notification shall provide:

- (1) A description of each noncompliance;
- (2) The facts upon which the notification of noncompliance is based; and
- (3) The date by which the certifying agent must rebut or correct each noncompliance and submit supporting documentation of each correction when correction is possible.

(b) *Resolution.* When the certifying agent demonstrates that each noncompliance has been resolved, the Earth Tag Management Representative shall send the certifying agent a written notification of noncompliance resolution.

(c) *Proposed suspension or revocation.* When rebuttal is unsuccessful or correction of the noncompliance is not completed within the prescribed time period, the Earth Tag Management Representative

shall send a written notification of proposed suspension or revocation of accreditation to the certifying agent. The notification of proposed suspension or revocation shall state whether the certifying agent's accreditation or specified areas of accreditation are to be suspended or revoked. When correction of a noncompliance is not possible, the notification of noncompliance and the proposed suspension or revocation may be combined in one notification. The notification of proposed suspension or revocation of accreditation shall state:

- (1) The reasons for the proposed suspension or revocation;
- (2) The proposed effective date of the suspension or revocation;
- (3) The impact of a suspension or revocation on future eligibility for accreditation; and
- (4) The right to file an appeal pursuant to 6.15.

(d) *Willful violations.* Notwithstanding paragraph (a) of this section, if the Earth Tag Management Representative has reason to believe that a certifying agent has willfully violated the Act or regulations in this part, the Earth Tag Management Representative shall send a written notification of proposed suspension or revocation of accreditation to the certifying agent.

(e) *Suspension or revocation.* When the accredited certifying agent fails to file an appeal of the proposed suspension or revocation of accreditation, the Earth Tag Management Representative shall send a written notice of suspension or revocation of accreditation to the certifying agent.

(f) *Cessation of certification activities.* A certifying agent whose accreditation is suspended or revoked must:

- (1) Cease all certification activities in each area of accreditation and in each State for which its accreditation is suspended or revoked.
- (2) Transfer to the Secretary and make available to the Secretary and or the Administrator all records concerning its



certification activities that were suspended or revoked.

**(g) Eligibility.**

- (1) A certifying agent whose accreditation is suspended by the Secretary under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Secretary for reinstatement of its accreditation. The request must be accompanied by evidence demonstrating correction of each noncompliance and corrective actions taken to comply with and remain in compliance with the Act and the regulations in this part.
- (2) A certifying agent whose accreditation is revoked by the Secretary shall be ineligible to be accredited as a certifying agent under the Act and the regulations in this part for a period of not less than 3 years following the date of such revocation.

**Part 6.9 – 6.11 Inspections and Testing, Reporting, and Exclusion from Sale**

**6.9 Inspection and Testing of Agricultural Product to be Sold or Labeled “Eco-care.”**

- (a) All potted plants that are to be sold, labeled, or represented as “Earth Tag Eco-care Potted Plant” must be made accessible by certified Eco-care production or handling operations for examination by the Administrator, or the certifying agent.
- (b) The Administrator, or the certifying agent may require testing of any agricultural input used or agricultural product to be sold, labeled, or represented “ Earth Tag Eco-care Potted Plant” when there is reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using excluded methods. Such tests must be conducted by the certifying agent at the applicant’s own expense.

**6.10 Exclusion from Eco-care Sale**

When labeled potted plant is found out that not using bio-degradable pot, the Eco-care plants must not be sold, labeled, or

represented as Earth Tag Eco-care Potted Plant.

**6.11 Emergency Pest or Disease Treatment**

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

- (a) Any harvested potted plant or plant part to be harvested that has contact with a prohibited substance applied as the result of a Federal or State emergency pest or disease treatment program cannot be sold, labeled, or represented as Earth Tag Eco-care Potted Plant.

**Part 6.12 – 6.13 Adverse Action Appeal Process**

**6.12 General**

- (a) Persons subject to the Act who believe that they are adversely affected by a noncompliance decision of a certifying agent may appeal such decision to the Administrator.
- (b) All written communications between parties involved in appeal proceedings must be sent to the recipient's place of business by a delivery service which provides dated return receipts.
- (c) All appeals shall be reviewed, heard, and decided by persons not involved with the decision being appealed.

**6.13 Appeals**

- (a) *Certification appeals.* An applicant for certification may appeal a certifying agent's notice of denial of certification, and a certified operation may appeal a certifying agent's notification of proposed suspension or revocation of certification to the Administrator,
  - (1) If the Administrator sustains a certification applicant's or certified operation's appeal of a certifying agent's decision, the applicant will be



issued Eco-care certification, or a certified operation will continue its certification, as applicable to the operation. The act of sustaining the appeal shall not be an adverse action subject to appeal by the affected certifying agent.

- (2) If the Administrator denies an appeal, a formal administrative proceeding will be initiated to deny, suspend, or revoke the certification.

(b) *Filing period.* An appeal of a noncompliance decision must be filed within the time period provided in the letter of notification or within 30 days from receipt of the notification, whichever occurs later. The appeal will be considered “filed” on the date received by the Administrator. A decision to deny, suspends, or revoke certification or accreditation will become final and non appeal able unless the decision is appealed in a timely manner.

(c) *Where and what to file.*

- (1) Appeals to the Administrator must be filed in writing and addressed to: Administrator, Earth Tag Eco-care Potted Plant Standard, 1384, Atas Lot 841, MK-1, Jalan Tasek, 14120 Simpang Ampat, Seberang Perai Selatan, Penang, Malaysia.
- (2) Appeals must be filed in writing to the address and person identified in the letter of notification.
- (3) All appeals must include a copy of the adverse decision and a statement of the appellant's reasons for believing that the decision was not proper or made in accordance with applicable program regulations, policies, or procedures.

## **7.0 References**

- (a) Earth Tag Organic Standards;
- (b) Earth Tag Specification Master Log;
- (c) R307 – General Requirement: Accreditation of ISO/IEC Guide 65 Product Certification Bodies;
- (d) Starting Seeds Indoors, Purdue University Cooperative Extension Service;
- (e) USDA National Organic Program Standards (7 CFR Part 205);
- (f) User Manual European Eco-label Growing Media, 2006.