

# THE CERTIFIED NATURAL, INTERNATIONAL™ CERTIFICATION LIST OF ALLOWED AND PROHIBITED SUBSTANCES

## **405.100 Evaluation criteria for allowed and prohibited substances, methods and ingredients**

a) The following criteria will be utilized in the evaluation of substances or ingredients for natural production and handling: Synthetic and non-synthetic substances considered for inclusion on, or deletion from, the list of allowed or prohibited substances will be evaluated by the Certified Natural, International TM Advisory Board.

b) In addition, any synthetic substance used as a processing aid or adjuvant will be evaluated against and must meet the following criteria:

- 1) The substance cannot be produced from a natural source and there are no natural substitutes;
- 2) The substances manufacture, use and disposal do not have adverse effects on the environment and are done in a manner compatible with natural handling;
- 3) The nutritional quality of the food is maintained when the substance is used and the substance has no adverse effect on human health;
- 4) The substances use is not as a preservative or to improve taste, texture or color except where required by law;
- 5) The substance is essential for the handling or processing of naturally produced agricultural products;
- 6) The substance does not leave behind measurable residue.

(c)-(z) Reserved

## **405.101 Substances allowed for use in natural crop production.**

In accordance with restrictions specified in this section, the following substances may be used in certified natural crop production:

- a) As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems:
  - 1) Hydrogen Peroxide
  - 2) Soap-based algicide/demisters
- b) As herbicides, weed barriers, as applicable.
  - 1) Soap-based herbicides
  - 2) Newspaper (without colored ink or glossy pages) mulch
- c) As animal repellants/control
  - 1) Soaps
  - 2) Sulfur Dioxide – underground smoke bombs only
- d) As insecticides (including acaricides or mite control)
  - 1) Fatty acid potassium salt (soft soap)
  - 2) Lime sulfur (calcium polysulphide)
  - 3) Pheromones (as attractant in traps and dispensers and no contact with soil or plants)
  - 4) Plant oils
- e) As slug or snail bait
  - 1) None
- f) As plant disease control
  - 1) Lime Sulfur
  - 2) Elemental Sulfur
  - 3) Hydrogen Peroxide
  - 4) Lecithin
- g) As soil amendments
  - 1) Dehydrated, freeze-dried, ground, or straight seaweed
  - 2) Fish Meal
  - 3) Compost
  - 4) Vermicompost (dejecta of worms)
  - 5) Guano
  - 6) Sodium Chloride (mined only)

7) Sawdust, wood chips and bark (from non-treated felled trees)

(h)-(z) Reserved

**405.102 Non-synthetic substances prohibited from use**

The following substances may not be used in natural production:

- a) Ash from manure burning
- b) Arsenic
- c) Lead salts
- d) Sodium fluoaluminat (mined)
- e) Strychinine
- f) Tobacco dust (nicotine sulfat)
- g) Potassium chloride
- h) Sodium nitrate
- (i)-(z) Reserved

**405.103 Non-agricultural substances allowed as ingredients in or on processed products labeled as "made with Certified Natural ingredients"**

The following non-agricultural substances may be used as ingredients in or on processed products labeled as "made with Certified Natural (specified on label) ingredients"

- a) Acids
  - 1) Citric
  - 2) Lactic
- b) Bentonite
- c) Calcium carbonate
- d) Calcium chloride
- e) Non-synthetic colors
- f) Dairy cultures
- g) Enzymes derived from edible plants or fungi
- h) Non-synthetic flavors
- i) Kaolin
- j) Magnesium sulfate – non-synthetic sources only
- k) Nitrogen – oil free grade only
- l) Oxygen – oil free grade only
- m) Perlite – for use as aid in food processing only
- n) Sodium bicarbonate
- o) Sodium carbonate
- p) Non-synthetic waxes:
  - 1) Carnauba
  - 2) Wood resin
- q) Non-synthetic yeast:
  - 1) Bakers
  - 2) Brewers
  - 3) Nutritional
  - 4) Smoked (non-synthetic source only)
  - 5) Autolysate

**405.104 Amending the Certified Natural, International TM Certification List**

Any person may petition for a substance to be included in or removed from the Certified Natural, International TM Certification List by requesting a Petition Form from Certified Natural, International TM. Once petition is completed please forward to the following address:

Program Manager  
Certified Natural, International TM  
PO Box 848  
Chippewa Falls, WI 54729

# CERTIFIED NATURAL, INTERNATIONAL™

## CERTIFICATION STANDARDS

### TABLE OF CONTENTS

#### **Subpart A- Applicability**

- 400.100 What may be certified
- 400.101 Use of the term “Certified Natural”
- 400.102 Record keeping by certified persons
- 400.103 Allowed and prohibited substances - Agriculture

#### **Subpart B- Certified Natural production and handling requirements**

- 400.200 General Requirements
- 400.201 Natural production and handling plan
- 400.202 Land requirements
- 400.203 Soil fertility and crop nutrient management practice standard
- 400.204 Seeds and planting stock practice standard
- 400.205 Crop rotation practice standard
- 400.206 Crop, pest, and disease management practice standard
- 400.207 Wild-crop harvesting practice standard
- 400.270 Natural handling requirements
- 400.271 Facility pest management practice standard
- 400.272 Commingling and contact with prohibited substance practice standard
- 400.290 Temporary variances

#### **Subpart C- Labels, labeling, and market information**

- 400.300 Use of the term “Certified Natural”
- 400.301 Product composition
- 400.302 Calculating the percentage of naturally produced ingredients
- 400.303 Packaged products labeled “Certified 100 percent Natural”
- 400.304 Packaged products labeled “made with Certified Natural ingredients”
- 400.305 (Reserved)
- 400.306 Labeling of non-retail containers used for only shipping or storage of raw or processed agricultural products labeled as “Certified 100 percent Natural” or “made with Certified Natural (specified ingredients or food groups)”
- 400.307 Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as “Certified 100 percent natural”
- 400.308 Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as “made with Certified Natural ingredients (specified ingredients or food groups)”

#### **Subpart D- Certification**

- 400.400 General requirements for certification
- 400.401 Application for certification
- 400.402 Review of application
- 400.403 On-site inspections
- 400.404 Granting certification
- 400.405 Denial of certification
- 400.406 Continuation of certification

#### **Subpart E – Compliance**

- 400.500 General compliance standards
- 400.501 Investigation of certified operations
- 400.502 Non-compliance procedure for certified operations
- 400.503 Mediation

#### **Subpart F – Inspection and Testing, Reporting and Exclusion from sale**

- 400.600 Inspection and testing of agricultural product to be sold or labeled “Certified Natural”
- 400.601 Exclusion from natural sale
- 400.602 Emergency pest or disease treatment

**Subpart G – Adverse Action Appeal Process**

400.700 General appeal standards

400.701 Appeals

# **CERTIFICATION STANDARDS**

## **AGRICULTURE**

### **Subpart A - Applicability**

#### **§400.100 What can be certified.**

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

#### **§400.101 Use of the term, "Certified Natural."**

Any agricultural product that is sold, labeled, or represented as "Certified 100 percent Natural," or "made with Certified Natural (specified ingredients or food groups)" under the Certified Natural, International <sup>TM</sup> program must be:

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

#### **§400.102 Recordkeeping by certified operations.**

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

b) Such records must:

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

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

#### **§400.103 Allowed and prohibited substances, methods, and ingredients in Certified Natural, International <sup>TM</sup> production and handling.**

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

- a) Synthetic substances and non-natural ingredients, except as approved by the Certified Natural, International<sup>TM</sup> Advisory Board
- b) Non-agricultural substances used in or on processed products, except as otherwise provided herein
- c) Ionizing radiation, as described in Food and Drug Administration regulation, 21 CFR 179.26; and
- d) Sewage sludge.

#### **§§400.104-400.199 [Reserved]**

### **Subpart B - Certified Natural, International <sup>TM</sup> Production and Handling Requirements**

#### **§400.200 General requirements.**

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

#### **§400.201 Certified Natural, International <sup>TM</sup> production and handling system plan.**

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

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

**§400.202 Land requirements.**

Any field or farm parcel from which harvested crops are intended to be sold, labeled, or represented as "Certified Natural," must:

- a) Have been managed in accordance with the provisions herein
- b) Have had no prohibited substances applied to it for a period of 3 years immediately preceding harvest of the crop; and
- c) Have distinct, defined boundaries and buffer zones such as runoff diversions to prevent the unintended application of a prohibited substance to the crop or contact with a prohibited substance applied to adjoining land that is not under natural management.

**§400.203 Soil fertility and crop nutrient management practice standard. (Wild crops exempted – see §400.207)**

- a) The producer must select and implement tillage and cultivation practices that maintain or improve the physical, chemical, and biological condition of soil and minimize soil erosion.
- b) The producer must manage crop nutrients and soil fertility through rotations, cover crops, and the application of plant and animal materials.
- c) The producer must manage plant and animal materials to maintain or improve soil matter content in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances. Animal and plant materials include:

- 1) Raw animal manure, which must be composted unless it is:
  - i) Applied to land used for a crop not intended for human consumption;
  - ii) Incorporated into the soil not less than 120 days prior to the harvest of a product whose edible portion has direct contact with the soil surface or soil particles; or
  - iii) Incorporated into the soil not less than 90 days prior to the harvest of a product whose edible portion does not have direct contact with the soil surface or soil particles;
- 2) Composted plant and animal materials produced through a process that
  - i) established an initial C:N ratio of between 25:1 and 40:1; and
  - ii) maintained a temperature of between 131° F and 170° F for 3 days using an in-vessel or static aerated pile system; or
  - iii) maintained a temperature of between 131° F and 170° F for 15 days using a windrow composting system, during which period, the materials must be turned a minimum of five times.

- 3) Uncomposted plant materials.

d) A producer may manage crop nutrients and soil fertility to maintain or improve soil matter content in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances by applying:

- 1) A crop nutrient or soil amendment included on the Certified Natural, International™ List of substances allowed for use in natural crop production;
- 2) A mined substance of low solubility;
- 3) Ash obtained from the burning of a plant or animal material, except as prohibited in 400.102 provided that the material burned has not been treated or combined with a

prohibited substance or the ash is not included on the Certified Natural, International™ List of non-synthetic substances prohibited for use in natural crop production; and  
5) A plant or animal material that has been chemically altered by a manufacturing process.

e) The producer must not use:

- 1) Any fertilizer or composted plant and animal material that contains a synthetic substance not approved by the Certified Natural, International™ Advisory Board;
- 2) Sewage sludge
- 3) Burning as a means of disposal for crop residues produced on the operation: except that burning may be used to suppress the spread of disease or to stimulate seed germination.

**§400.204 Seeds and planting stock practice standard.**

a) The producer must use naturally grown seeds, annual seedlings, and planting stock except that:

- 1) Untreated seeds and planting stock may be used to produce a natural crop when an equivalent naturally produced variety is not commercially available except that naturally produced seed must be used for the production of edible sprouts;
- 2) Non-certified produced seeds and planting stock that have been treated with a substance included on the Certified Natural, International™ Advisory Board list of substances allowed for use in natural crop production may be used to produce a natural crop when an equivalent naturally produced or untreated variety is not commercially available;
- 3) Non-certified produced annual seedlings may be used to produce a natural crop when a temporary variance has been granted by the certifying agent.
- 4) Non-certified produced planting stock to be used to produce a perennial crop may be sold, labeled, or represented as naturally produced only after the planting stock has been maintained under a system of natural management for a period of no less than 1 year; and
- 5) Seeds, annual seedlings, and planting stock treated with prohibited substances may be used to produce a natural crop when the application of the materials is a requirement of Federal or State phytosanitary regulations. (Foreign Federal authorities and other properly recognized bodies as appropriate with the written approval of the certifying agent.)

**§400.205 Crop rotation practice standard.**

The producer must implement a crop rotation including but not limited to sod, cover crops, green manure crops, and catch crops that provide the following functions that are applicable to the operation:

- a) Maintain or improve soil natural matter content;
- b) Provide for pest management in annual and perennial crops;
- c) Manage deficient or excess plant nutrients; and
- d) Provide erosion control.

**§400.206 Crop pest, weed, and disease management practice standard.**

a) The producer must use management practices to prevent crop pests, weeds, and diseases including but not limited to:

- 1) Crop rotation and soil and crop nutrient management practices as provided herein
- 2) Sanitation measures to remove disease vectors, weed seeds, and habitat for pest organisms; and
- 3) Cultural practices that enhance crop health, including selection of plant species and varieties with regard to suitability to site-specific conditions and resistance to prevalent pests, weeds, and diseases.
- 4) As approved by the certifying agent.

b) Pest problems may be controlled through mechanical or physical methods including but not limited to:

- 1) Augmentation 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.
- 4) As approved by the certifying agent.

c) Weed problems may be controlled through:

- 1) Mulching with fully biodegradable materials;
- 2) Mowing;

- 3) Livestock grazing;
- 4) Hand weeding and mechanical cultivation;
- 5) Flame, heat, or electrical means
- 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 crop pests, weeds, and diseases, a biological or botanical substance or a substance included on the Certified Natural, International™ Advisory Board List of Substances allowed for use in natural crop production may be applied to prevent, suppress, or control pests, weeds, or diseases provided that the conditions for using the substance are documented in the Certified Natural, International™ system plan.
- f) The producer must not use lumber treated with arsenate or other prohibited materials for new installations or replacement purposes in contact with soil.

**§400.207 Wild-crop harvesting practice standard.**

- a) A wild crop that is intended to be sold, labeled, or represented as Certified Natural must be harvested from a designated area that has had no prohibited substance as set forth herein, applied to it for a period of 3 years immediately preceding the harvest of the wild crop.
- b) A wild crop must be harvested in a manner that ensures that such harvesting or gathering will not be destructive to the environment and will sustain the growth and production of the wild crop.

**§§400.208 - 400.269 [Reserved]**

**§400.270 Certified Natural, International™ handling requirements.**

- a) Mechanical or biological methods, including but not limited to cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, distilling, extracting, cutting, fermenting, preserving, dehydrating, freezing, chilling, or otherwise manufacturing, and the packaging, canning, jarring, or otherwise enclosing food in a container may be used to process a naturally produced agricultural product for the purpose of retarding spoilage or otherwise preparing the agricultural product for market.
- b) Non-agricultural substances allowed herein and non-certified produced agricultural products allowed under herein may be used:
  - 1) In or on a processed agricultural product intended to be sold, labeled, or represented as "Certified Natural," if not commercially available in natural form with approval of the certifying agent and the Certified Natural, International™ Advisory Board.
  - 2) In or on a processed agricultural product intended to be sold, labeled, or represented as "made with Certified Natural (specified ingredients or food groups)" with approval of the certifying agent and approval of the Certified Natural, International™ Advisory Board.
- c) The handler of a natural handling operation must not use in or on agricultural products intended to be sold, labeled, or represented as "Certified 100 percent Natural," or "made with Certified Natural (specified ingredients or food groups)," or in or on any ingredients labeled as Certified Natural:
  - 1) Practices prohibited under §400.103
  - 2) A volatile synthetic solvent or other synthetic processing aid

**§400.271 Facility pest management practice standard.**

- a) The producer or handler of a natural facility must use management practices to prevent pests, including but not limited to:
  - 1) Removal of pest habitat, food sources, and breeding areas;
  - 2) Prevention of access to handling facilities; and
  - 3) Management of environmental factors, such as temperature, light, humidity, atmosphere, and air circulation, to prevent pest reproduction.
- b) Pests may be controlled through:
  - 1) Mechanical or physical controls including but not limited to traps, light, or sound; or
  - 2) Lures and repellents using non-synthetic substances.
- c) If the practices provided for in paragraphs (a) and (b) of this section are not effective to prevent or control pests, a synthetic substance approved by Certified Natural, International™ may be applied.



d) If the practices provided for in paragraphs (a), (b), and (c) of this section are not effective to prevent or control facility pests, a synthetic substance may be applied, *provided that* the handler and certifying agent agree on the substance, method of application, and measures to be taken to prevent contact of the naturally produced products or ingredients with the substance used.

e) The handler of a natural handling operation who applies a non-synthetic or synthetic substance to prevent or control pests must update the operation's Certified Natural handling plan to reflect the use of such substances and methods of application. The updated Certified Natural plan must include a list of all measures taken to prevent contact of the naturally produced products or ingredients with the substance used.

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

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

a) The handler of a natural handling operation must implement measures necessary to prevent the commingling of naturally produced products and protect natural products from contact with prohibited substances.

b) The following are prohibited for use in the handling of any naturally produced agricultural product or ingredient labeled in accordance with subpart C of this part:

1) Packaging materials, and storage containers, or bins that contain a synthetic fungicide, preservative, or fumigant;

2) The use or reuse of any bag or container that has been in contact with any substance in such a manner as to compromise the natural integrity of any naturally produced product or ingredient placed in those containers, unless such reusable bag or container has been thoroughly cleaned and poses no risk of contact of the naturally produced product or ingredient with the substance used.

c) All containers must comply with the requirements of packaging CFR's.

**§§400.273 - 400.289 [Reserved]**

**§400.290 Temporary variances.**

a) Temporary variances from the requirements in §§400.203 through 400.207 and 400.270 through 400.272 may be established for the following reasons:

1) Natural disasters declared by the USDA;

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 ingredients used in Certified Natural production or handling.

c) The certifying agent must notify each production or handling operation it certifies to which the temporary variance applies.

d) Temporary variances will not be granted for any practice, material, or procedure prohibited under §400.104.

**§§400.291-400.299 [Reserved]**

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

**§400.300 Use of the term "Certified Natural."**

a) The term, "Certified Natural" may only be used on labels and in labeling of raw or processed agricultural products, including ingredients, that have been produced and handled in accordance with the regulations in this part. The term, "Certified Natural" may not be used in a product name to modify a non-naturally produced ingredient in the product.

b) Products for export, produced and certified to foreign national natural standards or foreign contract buyer requirements, may be labeled in accordance with the labeling requirements of the receiving country or contract buyer

c) Livestock feeds produced in accordance with the requirements of this part must be labeled in accordance with the requirements of §400.305.

d) Approved for specific application by letter form the Certifying Agent.

**§400.301 Product composition.**

a) Products sold, labeled, or represented as "Certified 100 percent Natural." A raw or processed agricultural product sold, labeled, or represented as "Certified 100 percent Natural"

must contain (by weight or fluid volume, excluding water) 100 percent Certified Naturally produced ingredients.

b) Products sold, labeled, or represented as "made with Certified Natural (specified ingredients or food groups)." Multi-ingredient agricultural product sold, labeled, or represented as "made with Certified Natural (specified ingredients or food groups)" must contain (by weight or fluid volume, excluding water) at least 95 percent Certified Naturally produced ingredients which are produced and handled pursuant to requirements in subpart B of this part. No ingredients may be produced using prohibited practices specified in paragraphs (1), (2), and (3) of §400.301(e). If labeled as containing certified naturally produced ingredients or food groups, such product must be labeled pursuant to § 400.304.

c) All products labeled as "Certified 100 percent Natural" and all ingredients identified as "Certified Natural" in the ingredient statement of any product must not:

- 1) Be produced using excluded methods, pursuant to § 400.104;
- 2) Be produced using sewage sludge, pursuant to § 400.104;
- 3) Be processed using ionizing radiation, pursuant to § 400.104;
- 4) Be processed using processing aids not approved by the Certified Natural, International™ Advisory Board
- 5) Contain sulfites, nitrates, or nitrites added during the production or handling process except that wine containing added sulfites may be labeled "made with Certified Naturally grown grapes";

#### **§ 400.302 Calculating the percentage of Certified Naturally produced ingredients.**

a) The percentage of all Certified Naturally produced ingredients in an agricultural product sold, labeled, or represented as "Certified 100 percent Natural" or "made with Certified Natural (specified ingredients or food groups)," must be calculated by:

- 1) Dividing the total net weight (excluding water) of combined Certified Natural ingredients at formulation by the total weight (excluding water) of the finished product.
- 2) Dividing the fluid volume of all natural ingredients (excluding water) by the fluid volume of the finished product (excluding water) if the product and ingredients are liquid. If the liquid product is identified on the principal display panel or information panel as being reconstituted from concentrates, the calculation should be made on the basis of single-strength concentrations of the ingredients and finished product.
- 3) For products containing naturally produced ingredients in both solid and liquid form, dividing the combined weight of the solid ingredients and the weight of the liquid ingredients (excluding water) by the total weight (excluding water) of the finished product.

b) The percentage of all naturally produced ingredients in an agricultural product must be rounded down to the nearest whole number.

c) The percentage must be determined by the handler who affixes the label on the consumer package and verified by the certifying agent of the handler. The handler may use information provided by the certified operation in determining the percentage.

d) An end item to be used as an ingredient for further processing may not be identified as natural without the specific approval of the certifying agent.

#### **§400.303 Packaged products labeled "Certified 100 percent Natural"**

a) Agricultural products in packages described in §400.301(a) may display, on the principal display panel, information panel, and any other panel of the package and on any labeling or market information concerning the product, the following:

- 1) The term, "Certified 100 percent Natural" to modify the name of the product;
- 2) The term, "Certified Natural," to identify the natural ingredients in multi-ingredient products labeled "Certified 100 percent Natural";
- 3) The seal, logo, or other identifying mark of Certified Natural, International™ which certified the production or handling operation producing the finished product: provided that the handler producing the finished product maintain records, pursuant to this part, verifying Certified Natural, International™ certification of the operations producing such ingredients, and:

b) Agricultural products in packages described in §400.301(a) must:

- 1) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "ingredients certified natural by Certified Natural, International™," or similar phrase identifying the name of the certifying company that certified the handler of the finished product and the business

address, Internet address, or telephone number of Certified Natural, International ™ included in such label.

**§400.304 Packaged products labeled "made with Certified Natural (specified ingredients or food groups)."**

- a) Agricultural products in packages described in §400.301(b) may display on the principal display panel, information panel, and any other panel and on any labeling or market information concerning the product:
- 1) The statement:
    - i) That all naturally produced ingredients in the product are listed; and
    - ii) Which appears in letters that do not exceed one-half the size of the largest type size on the panel and which appears in its entirety in the same type size, style, and color without highlighting.
  - 2) The percentage of natural ingredients in the product. The size of the percentage statement must not exceed one-half the size of the largest type size on the panel on which the statement is displayed and must appear in its entirety in the same type size, style, and color without highlighting.
  - 3) The seal, logo, or other identifying mark of Certified Natural, International ™.
- b) Agricultural products in packages described in § 400.301(b) must:
- 1) In the ingredient statement, identify each Certified Natural ingredient with the word, "Certified Natural," or with an asterisk or other reference mark which is defined below the ingredient statement to indicate the ingredient is naturally produced. Water included as an ingredient cannot be identified as naturally produced.
  - 2) On the information panel, below the information identifying the handler or distributor of the product and preceded by the statement, "ingredients certified natural by Certified Natural, International ™," or similar phrase identifying the name of the certifying company that certified the handler of the finished product and the business address, Internet address, or telephone number of Certified Natural, International ™ included in such label.

**§400.305 Reserved**

**§400.306 Labeling of non-retail containers used for only shipping or storage of raw or processed agricultural products labeled as "Certified 100 percent Natural" or "made with Certified Natural (specified ingredients or food groups)."**

- a) Non-retail containers used only to ship or store raw or processed agricultural product labeled as containing natural ingredients may display the following terms or marks:
- 1) The name and contact information of Certified Natural, International ™
  - 2) Identification of the product as naturally grown;
  - 3) Special handling instructions needed to maintain the natural integrity of the product;
  - 4) The seal, logo, or other identifying mark of Certified Natural, International ™.
- b) Non-retail containers used to ship or store raw or processed agricultural product labeled as containing naturally grown ingredients must display the production lot number of the product if applicable.
- c) Shipping containers of domestically produced product labeled as Certified Natural intended for export to international markets may be labeled in accordance with any shipping container labeling requirements of the foreign country of destination or the container labeling specifications of a foreign contract buyer provided that the shipping containers and shipping documents accompanying such Certified Natural products are clearly marked "For Export Only" and provided that proof of such container marking and export must be maintained by the handler in accordance with recordkeeping requirements.

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

- a) Agricultural products in other than packaged form may use the term, "Certified 100 percent Natural" to modify the name of the product in retail display, labeling, and display containers provided that the term "Certified Natural" is used to identify the naturally grown or manufactured ingredients listed in the ingredient statement.
- b) If the product is prepared in a certified facility, the retail display, labeling, and display containers may use:
- 1) The seal, logo, or other identifying mark of Certified Natural, International ™

**§400.308 Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as "made with Certified Natural (specified ingredients or food groups)."**

a) Agricultural products in other than packaged form containing between 95 and 99 percent naturally produced ingredients may use the phrase, "made with Certified Natural (specified ingredients or food groups)," to modify the name of the product in retail display, labeling, and display containers.

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

b) If prepared in a certified facility, such agricultural products labeled as "made with Certified Natural (specified ingredients or food groups)" in retail displays, display containers, and market information may display Certified Natural, International <sup>TM</sup> seal, logo, or other identifying mark.

**§§400.309-400.399 [Reserved]**

**Subpart D - Certification**

**§400.400 General requirements for certification.**

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

- a) Comply with applicable Certified Natural, International <sup>TM</sup> production and handling regulations of this part;
- b) Establish, implement, and update annually a natural production or handling system plan that is submitted to, International as provided for in §400.200;
- c) Permit on-site inspections with complete access to the production or handling operation, including non-certified production and handling areas, structures, and offices by the certifying agent as provided for in §400.403;
- d) Maintain all records applicable to the natural operation for not less than three (3) years beyond their creation and allow authorized representatives and the certifying agent access to such records during normal business hours for review and copying to determine compliance with the regulations in this part, as provided for in §400.103;
- e) Submit the applicable fees charged by Certified Natural, International <sup>TM</sup>; and
- f) Immediately notify the certifying agent concerning any:
  - 1) Application, including drift, of a prohibited substance to any field, production unit, site, facility, or product that is part of an operation; and
  - 2) Change in a certified operation or any portion of a certified operation that may affect its compliance with the regulations in this part.

**§400.401 Application for Certification.**

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

- a) A Certified Natural production or handling system plan, as required in §400.200;
- b) The name of the person completing the application; the applicant's business name, address, and telephone number; and, when the applicant is a corporation, the name, address, and telephone number of the person authorized to act on the applicant's behalf;
- c) The name(s) of any organic certifying agent(s) to which application has previously been made; the year(s) of application; the outcome of the application(s) submission, including, when available, a copy of any notification of non-compliance or denial of certification issued to the applicant for certification; and a description of the actions taken by the applicant to correct the non-compliances noted in the notification of non-compliance, including evidence of such correction; and
- d) Other information necessary to determine compliance with the regulations in this part.

**§400.402 Review of application.**

- a) Upon acceptance of an application for certification, Certified Natural, International <sup>TM</sup> must:
  - 1) Review the application to ensure completeness pursuant to §400.401;
  - 2) Determine by a review of the application materials whether the applicant appears to comply or may be able to comply with the applicable requirements of subpart B of this part;
  - 3) Verify that an applicant who previously applied to another certifying agent and received a notification of non-compliance or denial of certification, pursuant to

§400.405, has submitted documentation to support the correction of any non-compliances identified in the notification of non-compliance or denial of certification, as required in §400.405; and

4) Schedule an on-site inspection of the operation to determine whether the applicant qualifies for certification if the review of application materials reveals that the production or handling operation may be in compliance with the applicable requirements of subpart B of this part.

b) The certifying agent shall within a reasonable time:

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

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

#### **§400.403 On-site inspections.**

a) On-site inspections.

1) The certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles natural products and that is included in an operation for which certification is requested. An on-site inspection shall be conducted annually thereafter for each certified operation that produces or handles natural products for the purpose of determining whether to approve the request for certification or whether the certification of the operation should continue.

b) Scheduling.

1) The initial on-site inspection must be conducted within a reasonable time following a determination that the applicant appears to comply or may be able to comply with the requirements of subpart B of this part except that the initial inspection may be delayed for up to 6 months to comply with the requirement that the inspection be conducted when the land, facilities, and activities that demonstrate compliance or capacity to comply can be observed.

2) All on-site inspections must be conducted when an authorized representative of the operation who is knowledgeable about the operation is present and at a time when land, facilities, and activities that demonstrate the operation's compliance with or capability to comply with the applicable provisions of subpart B of this part can be observed, except that this requirement does not apply to unannounced on-site inspections.

c) Verification of information. The on-site inspection of an operation must verify:

- 1) The operation's compliance or capability to comply with the regulations in this part;
- 2) That the information, including the Certified Natural production or handling system plan, provided in accordance with §400.200, accurately reflects the practices used or to be used by the applicant for certification or by the certified operation;
- 3) That prohibited substances have not been and are not being applied to the operation through means which, at the discretion of the certifying agent, may include the collection and testing of soil, water, waste, seeds, plant tissue, and plant, animal, and processed products samples. The applicant is not liable for the sampling costs.

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

e) Documents to the inspected operation.

1) At the time of the inspection, the inspector shall provide the operation's authorized representative with a receipt for any samples taken by the inspector. There shall be no charge to the inspector for the samples taken.

- 2) A copy of the on-site inspection report and any test results will be sent to the inspected operation by the certifying agent.

**§400.404 Granting certification.**

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

**§400.405 Denial of certification.**

- a) When the certifying agent has reason to believe, based on a review of the information specified in §400.402 or §400.404, that an applicant for certification is not able to comply or is not in compliance with the requirements of this part, the certifying agent must provide a written notification of non-compliance to the applicant. When correction of a non-compliance is not possible, a notification of non-compliance and a notification of denial of certification may be combined in one notification. The notification of non-compliance shall provide:
  - 1) A description of each non-compliance;
  - 2) The facts upon which the notification of non-compliance is based; and
  - 3) The date by which the applicant must rebut or correct each non-compliance and submit supporting documentation of each such correction when correction is possible.
- b) Upon receipt of such notification of non-compliance, the applicant may:
  - 1) Correct non-compliance's and submit a description of the corrective actions taken with supporting documentation to the certifying agent;
  - 2) Correct non-compliance's and submit a new application to another certifying agent provided that the applicant must include a complete application, the notification of non-compliance received from the first certifying agent, and a description of the corrective actions taken with supporting documentation; or
  - 3) Submit written information to the issuing certifying agent to rebut the non-compliance described in the notification of non-compliance.
- c) After issuance of a notification of non-compliance, the certifying agent must:
  - 1) Evaluate the applicant's corrective actions taken and supporting documentation submitted or the written rebuttal, conduct an on-site inspection if necessary, and
    - i) When the corrective action or rebuttal is sufficient for the applicant to qualify for certification, issue the applicant an approval of certification pursuant to §400.404; or
    - ii) When the corrective action or rebuttal is not sufficient for the applicant to qualify for certification, issue the applicant a written notice of denial of certification.
  - 2) Issue a written notice of denial of certification to an applicant who fails to respond to the notification of non-compliance.
  - 3) Provide notice of approval or denial to the certification board, pursuant to 400.404.
- d) A notice of denial of certification must state the reason(s) for denial and the applicant's right to:

- 1) Reapply for certification pursuant to §§400.401 and 400.405;
  - 2) Request mediation pursuant to §400.503
  - 3) File an appeal of the denial of certification pursuant to §400.700
- e) An applicant for certification who has received a written notification of non-compliance or a written notice of denial of certification may apply for certification again at any time.
- f) The certifying agent who receives a new application for certification, which includes a notification of non-compliance or a notice of denial of certification, must treat the application as a new application and begin a new application process pursuant to §400.402.
- g) Notwithstanding paragraph (a) of this section, if the certifying agent has reason to believe that an applicant for certification has willfully made a false statement or otherwise purposefully misrepresented the applicant's operation or its compliance with the certification requirements pursuant to this part, the certifying agent may deny certification pursuant to paragraph (c)(1)(ii) of this section without first issuing a notification of non-compliance.

**§400.406 Continuation of certification.**

- a) To continue certification, a certified operation must annually pay the certification fees and submit the following information, as applicable, to the certifying agent:
- 1) An updated Certified Natural production or handling system plan which includes:
    - i) A summary statement, supported by documentation, detailing any deviations from, changes to, modifications to, or other amendments made to the previous year's Certified Natural system plan during the previous year; and
    - ii) Any additions or deletions to the previous year's Certified Natural system plan, intended to be undertaken in the coming year, detailed pursuant to §400.200;
  - 2) Any additions to or deletions from the information required pursuant to §400.401(b);
  - 3) An update on the correction of minor non-compliances previously identified by the certifying agent as requiring correction for continued certification; and
  - 4) Other information as deemed necessary by the certifying agent to determine compliance with the regulations in this part.
- b) Following the receipt of the information specified in paragraph (a) of this section, the certifying agent shall, within a reasonable time, arrange and conduct an on-site inspection of the certified operation pursuant to §400.403 except that when it is impossible for the certifying agent to conduct the annual on-site inspection following receipt of the certified operation's annual update of information, the certifying agent may allow continuation of certification and issue an updated certificate of Certified Natural operation on the basis of the information submitted and the most recent on-site inspection conducted during the previous 12 months provided that the annual on-site inspection, required pursuant to §400.403, is conducted within the first 6 months following the certified operation's scheduled date of annual update.
- c) If the certifying agent has reason to believe, based on the on-site inspection and a review of the information specified in §400.404, that a certified operation is not complying with the requirements of the Act and the regulations in this part, the certifying agent shall provide a written notification of non-compliance to the operation in accordance with §400.405.
- d) If the certifying agent determines that the certified operation is complying with these requirements and the regulations in this part and that any of the information specified on the certificate of Certified Natural operation has changed, the certifying agent must issue an updated certificate of Certified Natural operation pursuant to §400.404(b).

**§§400.407-400.499 [Reserved]**

**Subpart E - Compliance**

**§400.500 General compliance standards.**

- a) The Certified Natural, International <sup>TM</sup> Advisory Board may inspect and review certified production and handling operations and certifying agents for compliance with the regulations in this part.
- b) The Certified Natural, International <sup>TM</sup> Advisory Board may initiate suspension or revocation proceedings against a certified operation:
- 1) When the Certified Natural, International <sup>TM</sup> Advisory Board has reason to believe that a certified operation has violated or is not in compliance with the regulations in this part; or

- 2) When the certifying agent fails to take appropriate action to enforce the requirements in this part.
- c) Each notification of non-compliance, rejection of mediation, non-compliance resolution, proposed suspension or revocation, and suspension or revocation issued and each response to such notification must be sent to the recipient's place of business via a delivery service which provides dated return receipts.

**§400.501 Investigation of certified operations.**

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

**§400.502 Non-compliance procedure for certified operations.**

- a) Notification. When an inspection, review, or investigation of a certified operation by the certifying agent reveals any non-compliance with the regulations in this part, a written notification of non-compliance shall be sent to the certified operation. Such notification shall provide:
  - 1) A description of each non-compliance;
  - 2) The facts upon which the notification of non-compliance is based; and
  - 3) The date by which the certified operation must rebut or correct each non-compliance and submit supporting documentation of each such correction when correction is possible.
- b) Resolution:
  - 1) When a certified operation demonstrates that each non-compliance has been resolved, the certifying agent shall send the certified operation a written notification of non-compliance resolution.
- c) Proposed suspension or revocation:
  - 1) When rebuttal is unsuccessful or correction of the non-compliance is not completed within the prescribed time period, the certifying agent shall send the certified operation a written notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the non-compliance. When correction of a non-compliance is not possible, the notification of non-compliance and the proposed suspension or revocation of certification may be combined in one notification. The notification of proposed suspension or revocation of certification shall state:
    - i) The reasons for the proposed suspension or revocation;
    - ii) The proposed effective date of such suspension or revocation;
    - iii) The impact of a suspension or revocation on future eligibility for certification; and
    - iv) The right to request mediation pursuant to §400.503 or to file an appeal pursuant to §400.700.
- d) Willful violations:
  - 1) Notwithstanding paragraph (a) of this section, if the certifying agent has reason to believe that a certified operation has willfully violated the regulations in this part, the certifying agent shall send the certified operation a notification of proposed suspension or revocation of certification of the entire operation or a portion of the operation, as applicable to the non-compliance.
- e) Suspension or revocation.
  - 1) If the certified operation fails to correct the non-compliance, to resolve the issue through rebuttal or mediation, or to file an appeal of the proposed suspension or revocation of certification, the certifying agent shall send the certified operation a written notification of suspension or revocation.
  - 2) The certifying agent must not send a notification of suspension or revocation to a certified operation that has requested mediation pursuant to §400.503 or filed an appeal pursuant to §400.700, while final resolution of either is pending.
- f) Eligibility.
  - 1) A certified operation whose certification has been suspended under this section may at any time, unless otherwise stated in the notification of suspension, submit a request to the Certified Natural, International™ Advisory Board for reinstatement of its certification. The request must be accompanied by evidence demonstrating correction



of each non-compliance and corrective actions taken to comply with and remain in compliance with the regulations in this part.

2) A certified operation or a person responsibly connected with an operation whose certification has been revoked will be ineligible to receive certification for a period of 5 years following the date of such revocation, except that the Certified Natural, International <sup>TM</sup> Advisory Board may, when in the best interest of the certification program, reduce or eliminate the period of ineligibility.

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

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

#### **§400.503 Mediation.**

Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant for certification or certified operation and with acceptance by the certifying agent. Mediation shall be requested in writing to the applicable certifying agent. If the certifying agent rejects the request for mediation, the certifying agent shall provide written notification to the applicant for certification or certified operation. The written notification shall advise the applicant for certification or certified operation of the right to request an appeal, pursuant to §400.700, within 30 days of the date of the written notification of rejection of the request for mediation. If mediation is accepted by the certifying agent, such mediation shall be conducted by a qualified mediator mutually agreed upon by the parties to the mediation. The parties to the mediation shall have no more than 30 days to reach an agreement following a mediation session. If mediation is unsuccessful, the applicant for certification or certified operation shall have 30 days from termination of mediation to appeal the certifying agent's decision pursuant to §400.700. Any agreement reached during or as a result of the mediation process shall be in compliance with these regulations. The Certified Natural, International <sup>TM</sup> Advisory Board may review any mediated agreement for conformity to these regulations and may reject any agreement or provision not in conformance with these regulations.

#### **§400.504-400.599 [Reserved]**

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

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

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

b) The certifying agent may require pre-harvest or post-harvest testing of any agricultural input used or agricultural product to be sold, labeled, or represented as "Certified 100 percent Natural" or "made with Certified Natural (specified ingredients or food groups)" 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 certifying agent's own expense.

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

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

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

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

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

When residue testing detects prohibited substances at levels that are greater than 5 percent of the Environmental Protection Agency's tolerance for the specific residue detected or unavoidable residual environmental contamination, the agricultural product must not be sold, labeled, or represented as naturally produced. The Certified Natural, International™ Advisory Board or the certifying agent may conduct an investigation of the certified operation to determine the cause of the prohibited substance.

**§400.602 Emergency pest or disease treatment.**

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

- a) Any harvested crop 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 naturally produced.

**§§400.603-400.699 [Reserved]**

**Subpart G - Adverse Action Appeal Process**

**§400.700 General appeal standards**

- a) Persons subject to the regulations herein who believe they are adversely affected by a non-compliance decision of the Certified Natural, International™ Advisory Board may appeal such decision to the High Sierra Group Review Board.
- b) Persons subject to the regulations herein who believe that they are adversely affected by a non-compliance decision of the certifying agent may initiate handling of the appeal pursuant to appeal procedures approved by §400.503
- c) Persons subject to the regulations herein who believe that they are adversely affected by a non-compliance decision of the certifying agent may appeal such decision to the Certified Natural, International™ Advisory Board.
- d) All written communications between parties involved in appeal proceedings must be sent to the recipient's place of business by a delivery service that provides dated return receipts.
- e) All appeals shall be reviewed, heard, and decided by persons not involved with the decision being appealed.

**§400.701 Appeals.**

- a) Certification appeals. An applicant for certification may appeal the certifying agent's notice of denial of certification, and a certified operation may appeal the certifying agent's notification of proposed suspension or revocation of certification to the Certified Natural, International™ Advisory Board.
- b) Filing period. An appeal of a non-compliance decision must be filed within the time period provided in the letter of notification or within 30 days from receipt of the notification, whichever occurs later. The appeal will be considered "filed" on the date received by the Certified Natural, International™ Advisory Board. A decision to deny, suspend, or revoke certification or accreditation will become final and non-appealable unless the decision is appealed in a timely manner.
- c) Where and what to file.
  - 1) Appeals to the Program Manager must be filed in writing and addressed to Program Administrator, Certified Natural, International™, PO Box 848, Chippewa Falls, WI 54729.
  - 2) All appeals must include a copy of the adverse decision and a statement of the appellant's reasons for believing that the decision was not proper or made in accordance with applicable program regulations, policies, or procedures.

**§§400.702-400.999 [Reserved]**