

Organic Standards, Regulation and Certification

Pacific Organic Policy Toolkit
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Organic Standards Schemes in the Private Sector

The Soil Association in England published the first organic standards in 1967. Farmers were invited to register their farms with the Soil Association and sign a declaration that they would abide by these guidelines, a self-certification. During the 1970's organizations founded by organic farmers in different regions of the United States began to develop standards, and then they designed peer-reviewed certification wherein one farmer's compliance with the standards was verified by another farmer. Organic farmers governed associations, performed inspections and served on certification committees and granted use of the organization's certification mark to certified farmers. These schemes functioned mostly for direct sales and short value chains. Consumer trust was natural in direct and short chain transactions in these mostly local contexts, which today remain a valuable pillar of organic commerce. The self-regulating schemes also functioned to protect organic farmers from competition from other farmers whose practices did not qualify for making organic claims in the market. Over time organic markets grew and diversified, global corporations entered these markets, more organic food was mixed and transformed, and some of it travelled great distances through long value chains in the course of national and international trade. In response to this, commercially driven organic certification businesses entered the stage starting in the 1980's. But as the organic market matured and interstate and international organic commerce grew, the private systems were challenged to fully facilitate trade and prevent fraud, thus paving the way for governments to regulate organic standards and trade.

Government Regulation

The first legislation on organic farming was enacted in the United States in the 1970's when Oregon and California began to publicly codify organic standards. As trade increased across borders of European countries in the 1980's, some governments created legislation to regulate the sector. In Denmark at the request of the organic sector, legislation established both standards (also called technical regulations) and a certification program starting in 1987. France and Spain also established organic legislation. In 1991, in the context of European Union farm policy reform and with general consensus of the European organic sector, the European Union adopted Regulation EEC 2092/91 on organic farming, which established minimum requirements on organic labelling throughout the European Union. Japan, which had written voluntary organic guidelines in legislation in 1992, revised them and added an enforcement system in 2000. The first "enabling" legislation of the United States on organic agriculture and labelling was passed in 1990. But it was not until 2000, after a decade of intense interaction of the United States Department of Agriculture with the organic sector and consumer interests, that a regulation was published and then finally enacted in 2002. At the international level, in the Codex

Alimentarius Commission¹, discussions on organic guidelines started in 1992 and the first version of these guidelines for crop production, marketing and labelling were adopted in 1999, followed by elaborations on livestock and lists of permitted substances. Compelled by new import requirements in the major organic markets and the Codex Alimentarius organic guidelines, more countries developed organic legislation and regulation. By 2013 some 88 countries had codified organic standards in regulations although some of these have not yet developed a full program of standards and controls. Other countries with fully functioning regulations include Argentina, Australia (for export only), Brazil, Canada, Chile, China, Colombia, Costa Rica, India (for export only), Indonesia, Israel, Malaysia, New Zealand (for export only), Peru, Republic of Korea, Taiwan, Turkey and Ukraine. As of 2014 organic is the only label category among environmental and social standards schemes for agriculture that is pervasively regulated. Most others are governed by the private sector and civil society.

The reasons for governments to regulate the sector vary. Promulgation of regulations in countries with well-developed domestic markets (such as in North America, Europe, East Asia, and Brazil) aimed primarily to protect consumers and the industry and ensure orderly markets. European Governments, as reflected in the original 1990 EU Regulation, also saw organic regulation as a means of promoting an agricultural system that produces public goods such as pollution reduction and renewal of biodiversity. Many developing countries have developed regulations that primarily aim for recognition by the governments of major market countries, so that their exports can flow to these countries without the high transaction cost for their producers to fully comply with their standards and conformity assessment requirements. However, this strategy has so far lacked success, except for a few cases in which the European Union recognized some equivalent schemes such as in Argentina, Costa Rica and India.

Nature and Scope of Organic Regulations

Organic regulations vary in several dimensions. As already noted, some regulations consist only of the standards set in legal text, which provide for a common national understanding among producers and consumers about organic production. The range of agricultural production and processing addressed by standards is diverse. These standards always address basic crop and livestock production, processing and product labeling. They may also cover wild collection, specialty crop systems such as mushrooms and sprouts, apiculture and aquaculture, and wine and spirits processing. Some government organic standards also incorporate requirements for fair labor practices. All standards contain a list of input substances for organic agriculture. Generally these are formulated as those substances allowed. An exception is the USDA national organic regulation, which differentiates natural from synthetic substances and lists prohibited natural substances and allowed synthetic substances.

¹ An intergovernmental body that develops and maintains international food standards.

In addition to laying out the organic standards, a full regulation establishes a system of conformity assessment (certification and accreditation or other forms of oversight). This system usually accommodates private certifiers. In a few cases (such as Denmark, Finland, Laos) the role of inspection and certification is filled by the central government. Some national schemes provide for both local/regional government control bodies and private certification bodies to conduct certification (e.g. Spain, United States). Government competent authorities oversee the function of the certification and control bodies (government certifiers). In many cases the private certification bodies are required to also obtain accreditation from a national accreditation body according to the international certification standard, ISO 17065. A full regulation also addresses enforcement and may include provisions for surveillance, complaints procedures, and penalties for non-compliance. The majority of full regulations include provisions for Imports, which are most often permitted on the basis of compliance or an equivalence arrangement with another government. Most regulations cover products that can be either sold in the domestic market or exported under the government regulatory scheme. However, a few regulations, for example in India and Australia, are tailored exclusively for exported products.

Coexistence of Government Regulations and Private Organic Standards Schemes

Government organic standards and regulations have significant roots in the organic standards schemes that originated and persist in the private sector and civil society. While some government regulations have completely replaced private standards in their jurisdictions, others provide for co-existence. The most notable examples of the different approaches are the USDA National Organic Program regulation in the United States and the European Union regulation (currently in Regulation EC 834/2012). The USDA regulation prohibits the application of organic standards other than those in the regulation. The objective of this approach is to create a uniform consumer expectation for organic production and processing and to eliminate all standards-related impediments to commerce in organic products. The approach has achieved these goals. On the other hand, it has been critiqued as impeding innovation and further development of standards, which is often led by the private sector in the context of its proprietary standards and labels. In contrast, the EU regulation only specifies that EU standards must be met but does not prohibit the application of additional requirements under private standards and labeling schemes. Indeed several such schemes have existed in the EU since the advent of the regulation in 1990. With their additional requirements, these schemes pose additional complexity for traders both outside and inside the EU who wish to trade products that are sold under the label of the private schemes. These products are subject to additional reviews and higher transaction costs. The mix of regulatory and private organic standards schemes presents a complex landscape, which organic producers and traders must navigate to participate in value chains effectively.

International References and Resources on Organic Regulation and Trade

The main international references for the development of government regulations on organic agriculture and labeling are from the intergovernmental Codex

Alimentarius Commission (CAC) and the international non-governmental organization, IFOAM – Organics International (formerly the International Federation of Organic Agriculture Movements).

Codex Alimentarius Organic Guidelines

With the aim of facilitating trade and preventing misleading claims in the rapidly globalizing organic market, the Codex Alimentarius Commission (CAC) through its Committee on Food Labeling (CCFL) began in 1992 to develop guidelines related to organically produced food. The CCFL was assisted by an expert Organic Working Group, consisting of representatives of CAC member states and international non-governmental organizations with observer status in the CAC. In 1999 the CAC published the first Guidelines for the Production, Processing, Labeling and Marketing of Organically Produced Foods, also known as the Codex organic guidelines. Guidelines on organic livestock production were added in 2001. Since then, several revisions have been made to the organic guidelines, primarily to refine and expand the lists of substances allowed in organic production and processing. In addition to specifying organic production and processing requirements, the guidelines include basic measures for conformity assessment (inspection and certification) and general provisions on imports of organic food products. The guidelines are intended to serve as a reference for governments in developing regulations for organic food products and to promote and facilitate the international harmonization of organic regulations

IFOAM – Organics International

Since 1972 IFOAM – Organics International has occupied a position as the only international umbrella organization for organic agriculture. It is constituted by a worldwide membership of some 800 organizations from more than 100 countries, which are engaged in organic agriculture and its support. IFOAM - Organics International actively participates in international agricultural and environmental negotiations with the United Nations and multilateral institutions to further the interests of the organic agricultural movement worldwide, and has observer status or is otherwise accredited by the Codex Alimentarius Commission Food and Agriculture Organization of the United Nations (FAO), International Organization for Standardization (ISO), United Nations Conference on Trade and Development (UNCTAD), United Nations General Assembly, and several other intergovernmental institutions:

The IFOAM Organic Guarantee System is designed to a) facilitate the development of organic standards and third-party certification worldwide and to b) provide an international guarantee of these standards and organic certification. The Guarantee System began with the development and publication of the IFOAM Basic Standards (IBS). This was followed by the development of an international Accreditation Program for organic certification bodies, which is based on a normative set of IFOAM Requirements for Accreditation of Organic Certification Bodies. The IFOAM Basic Standards (IBS), first published in 1980, historically served as an international framework for standards-setting organizations to develop their organic standards,

while also taking into account local conditions. India, the Philippines and other governments used IBS as a basis for their standards for organic production and processing. The IBS includes principles, recommendations and requirements for standards. IBS appendices feature lists of allowed substances in organic systems and evaluation criteria for listing such substances.

IFOAM – Organics International publishes two other norms that are based on the IBS and available for use by governments. The IFOAM Standard is a model standard with sufficient detail to use for organic certification and to incorporate in regulations. Another norm, based on IBS, reflects a shift in emphasis from developing standards to determining equivalence² among the hundreds of existing private and government standards. Common Objectives and Requirements for Organic Standards (COROS) functions as an international tool to assess the quality and equivalence of organic standards and regulations. It was developed in 2012 by IFOAM – Organics International in partnership with FAO and UNCTAD. Based on this norm, IFOAM publishes the IFOAM Family of Standards, which have been assessed as equivalent to COROS. The vision is that the Family of Standards will contain all organic standards and regulations equivalent to the COROS. Instead of assessing each standard against each other, the Family of Standards can be used as a tool to simplify equivalence assessment procedures for multiple organic standards while ensuring a high level of integrity and transparency. Several governments use the Family of Standards for approval of imported organic products. The Family of Standards also functions as a baseline for IFOAM Accreditation. To facilitate recognition of conformity assessment, IFOAM – Organics International has another tool, the International Requirements for Organic Certification Bodies (IROCB), which it also developed in partnership with FAO and UNCTAD. Policy guidance and a regulation template are also available to governments for developing regulations.

Trade Implications of Organic Regulations

By virtue of their legal authority and effect on trade, government regulations have had large impacts in the organic sector. Although international standards and guidelines have enabled convergence of organic standards and conformity assessment worldwide, minor variances can be major barriers to trade of organic products. The plethora of standards schemes in the private and especially the public sector raise transaction costs³ for trade and often prevent producers and traders from accessing markets that are governed by foreign standards schemes. A producer seeking to sell products that end up in multiple value chains reaching multiple countries can be required to obtain multiple certifications to various government and/or private standards schemes applicable in the target markets. Likewise, organic certification bodies may need to obtain multiple accreditations if they certify products destined for global trade, raising transaction costs. This

² A determination that certain standards and technical requirements of one country achieve the regulatory objectives of another country. Equivalence determinations and agreements facilitate trade and reduce trade barriers.

³ The cost of participating in a market.

constitutes a major obstacle for continuous and rapid development of the organic sector, and especially limits opportunities for small producers in developing countries to sell their products into value chains involving international trade.

Harmonization and Equivalence

Cooperation on Solutions for Barriers to Organic Trade

Sharing concern over the problems outlined above, FAO, IFOAM – Organics International and UNCTAD decided to join forces to search for solutions. The three organizations have complementary areas of competence, which are all central to addressing the problem: IFOAM in organic agriculture, UNCTAD in trade and development and FAO in agriculture, rural development and food quality, including the normative work of the Codex Alimentarius Commission. Collectively, the partners organized The International Task Force on Harmonization and Equivalence (ITF) in 2002. The Task Force defined its main objective as facilitating international trade of organic products and access of developing countries to international markets. Specifically, the ITF focused on opportunities for harmonization, recognition, equivalence and other forms of cooperation within and between government and private organic standards schemes. Ultimately, the ITF produced a set of recommendations and two tools to foster equivalence and recognition for organic standards and conformity assessment schemes, respectively the Common Objectives and Requirements for Organic Standards (CORO) and International Requirements for Organic Certification Bodies (IROCB) which are currently held and promoted by IFOAM - Organics International. In another phase of cooperation from 2008-2012, called the Global Organic Market Access (GOMA) project, the partners disseminated the tools and policy advice. ITF and GOMA heightened understanding of the problem and awareness of potential solutions, especially those based on equivalence and recognition.

Mechanisms for facilitating trade of organic products through equivalence

All countries with significant imports of organic products regulate and control them, including Brazil, Canada, China, all European Union members and EFTA states,⁴ Japan, Republic of Korea, Taiwan, and the United States.⁵ In some countries such as Brazil and China, imports are authorized solely on the basis of compliance with the regulations of the importing country. Most regulating countries facilitate imports under provisions for either compliance or equivalence provisions, with the highest volume of imports attributed to equivalence. Equivalence is based on recognition that the rules of another country, even if different, fulfill the objectives of one's own rules.

Unilateral Equivalence Determinations

⁴ The European Free Trade Association (EFTA) is a common market consisting of four European countries that operates in parallel with – and is linked to – the European Union (EU). EFTA members are Iceland, Lichtenstein, Norway and Switzerland.

⁵ Australia and New Zealand control imports through consumer protection laws rather than specific organic regulations.

The EU and Switzerland have unilaterally recognized certain (and the same) third countries as having equivalent technical regulations and control systems, and list these countries and the terms of the recognition in their respective regulations.⁶ Several other regulating countries have unilaterally declared equivalence of other countries' organic regulations. For example, Taiwan unilaterally recognizes Australia, Japan, New Zealand, and the United States. However unilateral approaches to equivalence are being replaced by bilateral arrangements.

Bilateral Equivalence Arrangements

Bilateral equivalence agreements are largely political agreements that depend on the will and political negotiations of the governments, but are also based on technical assessments. In the organic sector, these agreements (or arrangements as most of them are called) recognize equivalence of technical regulations and the related control systems. The European Union and Switzerland were the first to establish bilateral equivalence in 2002 as part of a general agricultural trade agreement (treaty) on agricultural products. Since then, other relationships have been formalized via the exchange of letters, and they have a different status than treaty agreements, which are subject to ratification processes. It was not until 2009, that another equivalence arrangement was established, that between Canada and the United States, which was virtually concurrent with the implementation of the Canadian Organic Regime. This arrangement was bolstered by a high degree of political will due to the large volume of trade between the two countries and significant trade barriers that would have arisen for both trading partners in absence of a mutual recognition arrangement. The Canada-United States arrangement gave impetus to other arrangements.⁷

⁶ These countries are Argentina, Australia, Costa Rica, India, Israel, Japan⁶, New Zealand, and Tunisia.

⁷ Currently, the following bilateral arrangements have been fully implemented:

- European Union-Switzerland (2002)
- Canada-United States (2009)
- Canada – European Union (2011)
- European Union – United States (2012)
- Switzerland-Canada (2012)
- Japan-United States (2013)
- Japan-Switzerland (2013)
- Canada-Costa Rica (2013)
- Korea-United States (2014)
- Canada-Japan (2015)
- Korea-European Union (2015)
- Switzerland-United States (2015)
- European Union- Chile (2016)



Certification

Certification is a system by which the conformity of products to applicable standards is determined and confirmed. This confirmation can be done by:

- First party Supplier
- Second party Customer
- Third party Independent body

“Certification” in the context of Organic Agriculture is normally used to refer to third-party certification. General principles for certification programs are developed in the ISO Standard 17065. Products, processes, and services can be certified. In recent years, certification of Quality Systems (as in certification according to ISO 9001 and GMP (Good Manufacturing Practices) has been very popular. Each type of certification must develop verification procedures relevant for what is certified, and for the “risks” involved in non-compliance. Product testing as one example can be very relevant for product certification. For products where safety concerns are high it can be interesting to test each single product while for others a certification of the production process as such is sufficient. For quality systems certification, certification is based on competency, documentation and procedures

Certification of Organic Agriculture

Organic agriculture is a production system, and organic products are products originating from such a system. Certification of Organic Agriculture is primarily certification of a process (the organic production method). Furthermore, in order to be interesting on the market, the certification must encompass the handling of products originating from such a production system. The “organic” quality of the product cannot be verified through product testing as in most other product-related certification systems. Testing can however be used to determine, in some cases, that a product is not produced according to the standard (substantial residues of a certain pesticide etc.). Principles and criteria for organic certification programs were developed earlier and published as IFOAM Accreditation Criteria by IFOAM in 1992, together with the IFOAM Basic Standards as part of the IFOAM Norms. The IFOAM Criteria, as it was known, was the only international norm for organic certification until 2009, when the International Requirements for Organic certification Bodies (IROCB) was published by the International Task Force for Harmonization and Equivalence (2003-2008).

However, most organic regulations reference ISO 17065 / EN45011 and add some additional organic system requirements. Certification bodies, seeking to certify to regulatory requirements must follow and comply with the respective accreditation and/or registration requirements. Certification bodies operating several different organic certification programs for markets in different countries and/or private schemes) must implement them according to their respective certification and standard requirements, unless allowed to do otherwise by the respective regulatory authorities (for example if there is an equivalence arrangement between authorities).

What is certified?

Normally, certification of organic production is a “three step” approach with certification of:

1. Producers: The producer and the fields and facilities used in the production.
2. Production system: The organic production method and processing methods. This includes the documentation and precautionary measures taken for keeping the integrity of the production system.
3. Products: The products finally labeled with the mark (logo, symbol) of the certification program.

Elements of an organic certification system

An organic certification system normally has the following elements:

Standards and technical requirements

A standard as a technical term is used when referring to requirements when compliance to them is not mandatory, e.g. private standards. Technical requirements refer to mandatory requirements usually related to regulations. For the purpose of this section the term standard is used to mean both. Standards should be clearly formulated and communicated to all participants of the certification system as well as available for interested parties. Private standards must also comply with existing regulation both in the country of production and in the country where the product is marketed. Standards normally reflect the conditions as when they are set. Hence they normally change accordingly.

Contracts and legal framework

All producers within a certification system are bound by written agreement with clear conditions, and consequences in case of violation. The certification system is handled by a legally registered body with ownership of its certification label or mark.

Inspection

The inspection normally covers:

- Agricultural production
- Transactions
- Storage, Processing
- Labelling and certificates

Certification, approval and handling of violations

Organic agriculture is a production system. The certification of producers and production is, in many cases, complicated and cannot be reduced to simple checklist procedures. This makes the element of decision making, in certification, critical. Certifiers have procedures for handling of non-compliances (also called non-conformity) and an appeals process.



A note to developing countries

Current international standards (IFOAM and Codex) are primarily influenced by the practices and ideologies of organic agriculture in the industrialized world, especially in Europe. This is even more the case with the EU regulation, which can cause problems for emerging organic production in developing countries or other countries with different conditions. This does not only concern production methods, also inspection and certification methods, where European concepts often impose a high service cost with respect to organic production in developing countries.

Participatory Guarantee Systems

Introduction

Alternatives to third party certification, which are more affordable and accessible to small holders, have been gaining ground and recognition, especially due to the work IFOAM – Organic International. Participatory Guarantee Systems (PGS) are a good example an effective way to develop local organic markets, particularly adapted to small-scale farming. Although there are some exceptions, PGS are not generally used for production and products that are exported.

“Participatory Guarantee Systems (PGS) are locally focused quality assurance systems. They certify producers based on active participation of stakeholders and are built on a foundation of trust, social networks and knowledge exchange.” (IFOAM definition, 2008). There are many PGS serving farmers and consumers around the world. Although details of methodology and process vary, key elements and features across countries and continents are consistent. The life-blood of these initiatives lies in the fact that they are created by the very farmers and consumers that they serve. As such, they are adopted and specific to the individual communities, geographies, politics and markets of their origin. PGS subscribe to the same ideals that guided yesterday’s pioneering organic farmers. PGS require a fundamentally ecological approach to agriculture that uses no synthetic chemical pesticides, fertilizers or GMO’s, and further sustains farmers and workers in a cradle of long-term economic sustainability and social justice.

PGS share a common goal with change to third-party certification systems in providing a credible guarantee for consumers seeking organic produce. The difference is in approach. As the name suggests, direct participation of farmers and even consumers in the certification process is not only encouraged but may be required. Such involvement is entirely realistic in the context of the small farms and local, direct markets that PGS are most likely to serve. Active participation on the part of the stakeholders results in greater empowerment but also greater responsibility. This requires PGS to place a high priority on knowledge and capacity building –not only for producers but for consumers as well. This direct involvement allows PGS programs to be less onerous in terms of paperwork and record-keeping requirements – an important element, since PGS seek to be absolutely inclusive in bringing small farmers into an organic system of production. In stark contrast to third party certification programs that start with the idea that farmers must prove they are in compliance to be certified, PGS use an integrity-based approach that starts

with a foundation of trust. It builds from there with transparency and openness, maintained in an environment that minimizes hierarchies and administrative levels.

Key elements

Shared vision: A fundamental strength of PGS lies in the conscious shared vision that farmers and consumers have in the core principles guiding the program. While PGS initiatives may vary in the level of actual participation, they thrive because of the active awareness of why, how, and not least of all WHO is being served.

Participation: PGS are based on a methodology presupposing intense involvement by those interested in the production and consumption of these products. Principles and rules for organic production are conceived and applied with the contribution of all stakeholders – producers, consultants and consumers. The credibility of the production quality is a consequence of participation.

Transparency: All stakeholders, including farmers, must be aware of exactly how the guarantee mechanism generally works, the process and how decisions are made. This does not mean that every detail is known by everyone but rather a basic understanding of how the system functions. People should be aware about the criteria of how decision on certification is made, especially the reason why some farms cannot be certified. This implies that there must be some written documents available about the PGS and the documents are made available to all interested parties. Privacy and commercially sensitive information of producers gathered during the operation of PGS must be treated with confidentiality. But such confidentiality should not be used to compromise the transparency principle. This may seem in conflict with transparency but a line must be drawn between privacy and commercially sensitive information, on the one hand, and access to information for the purpose of transparency.

Trust: The advocates of PGS hold to the idea that farmers can be trusted and the organic certification system should be an expression of this trust. It should reflect a community's capacity to demonstrate this trust through the application of their different social and cultural control mechanisms, providing the necessary oversight to ensure the organic integrity of their organic farmers. Thus, a variety of culturally specific (local) quantitative and qualitative mechanisms for demonstrating and measuring organic integrity are recognized and celebrated. These are integral to the certification process.

Learning process: The intent of most PGS has been to provide more than a certificate, also aiming to provide the tools and mechanisms for supporting sustainable community and organic development where the livelihoods and status of farmers can be enhanced. It is important that the process of certification contributes to the construction of knowledge nets that are built by all the actors involved in the production and consumption of the organic product. The effective involvement of farmers, consultants and consumers on the elaboration and verification of the principles and rules not only leads to the generation of credibility of the organic



product, but also to a permanent process of learning which develops capacities in the communities involved.

Horizontality: Horizontality means sharing of power. The verification of the organic quality of a product or process is not concentrated in the hands of few. All involved on the process of participatory certification have the same level of responsibility and capacity to establish the organic quality of a product or process.

Key features of a PGS

- Norms conceived by the stakeholders through a democratic and participatory process, but always in accordance with the commonly understood sense of what constitutes an organic product. The norms should stimulate creativity, which is a characteristic of organic farmers, instead of inhibiting it.
- Grassroots Organization: certification should be perceived as a result of a social dynamic, based on an active organization of all stakeholders.
- Suitable to smallholder agriculture: because the participatory nature and horizontal structure of the initiative allows for more appropriate and less costly mechanisms of certification, and actually highlights, celebrates and encourages consumers to seek out smallholders.
- Principles and values that enhance the livelihoods: at the basis of the initiative is the will to promote the well being of farming families and promote Organic Agriculture.
- Documented management systems and procedures: paperwork is still required of farmers – there will be ways in which they are expected to demonstrate their organic commitment and integrity and these ways must be documented by the PGS.
- Mechanisms to verify farmer's compliance: various mechanisms can be used to verify compliance to the established norms, such as regular Peer Reviews, which also stimulate participation, organization, and which allow a learning process for all the stakeholders.
- Mechanisms for supporting farmers: these refer to tools that allow improvement of organic production and empowerment for certified organic farmers, including trainings, visits by field advisors, newsletters, farm visits, web sites, etc.
- Farmer's pledges: it is essential that farmers have the opportunity to state their understanding, agreement and commitment with the established norms.
- Seals or labels: providing evidence of organic status.
- Clear and previously defined consequences for non-compliance: farmers must be aware of how cases of non-compliance with standards will be dealt with, and the actions are ideally recorded in a data base or made public in so

